

RPI

Revista Brasileira de
Políticas Públicas e Internacionais

ISSN 2525 - 5584
VOL. 8 / Nº 1 / 2023

UF Editora
UFPB





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The Brazilian Journal of Public and International Policies would like to express their appreciation and deep gratitude to colleagues who served as peer reviewers in the first issue of 2023, as listed below.

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¹ The authors are solely responsible for the translation and editing of papers published in the Brazilian Journal of Public and International Policies (RPPI) in a foreign language.

EDITORIAL

DOI: 10.22478/ufpb.2525-5584.2023v8n1.66651

The Brazilian Journal of Public and International Policies – RPPI is pleased to present our first 2023 issue. We would like to thank everyone who made this issue possible, area editors, editorial assistants, reviewers, and authors of each of the articles that follow.

Our expectation for this new phase that starts in 2023, especially after the arrival of a government concerned with science, is the recovery of connections with the scientific universe promoted by journals. In this context, we begin to see lights that can signal more investments for, at least, support for journals in the universe of national and international indexes. It's usual and necessary facts in the context of the journal's performance and which has gone through years of neglect and disinvestment.

This number is organized with six articles that underwent review processes in the first and second rounds. This is a novelty in the context of the RPPI, which has sought over the last few months to streamline the process of receiving opinions and sending them by the authors of their reviews. With this, the reviewers were able to receive the revised articles in a short period of time; this facilitated the second round of assessments and verification of the revisions made. We believe that this back-and-forth process is critical to the quality of final and published articles.

This issue brings a diversity of national and international themes and authors. In addition, and reinforcing the character of this Journal, the issue also features content related to public policies and international relations. For example, the first and second articles deal with paradiplomacy from a Berlin case study and tourism from international rules.

More related to public policies, the issue also presents analyzes on transparency in municipal legislatures, the political articulation of employers' associations, digital inclusion policies and the role of federal universities in micro and small business policies.

We hope that these articles will be useful to the scientific community, and we continue in our effort to spread the word.

Anderson Rafael Nascimento
Editor-in-Chief of the Brazilian Journal of Public and International Policies

“Berlin is Poor, but Sexy”: Applying Paradiplomacy in the Berliner International Projection

Leonardo Mercher¹ 
Alexsandro Eugenio Pereira² 

DOI: [[10.22478/ufpb.2525-5584.2023v8n1.63280](https://doi.org/10.22478/ufpb.2525-5584.2023v8n1.63280)]

Received in: 08/06/2022

Approved in: 10/03/2023

Abstract: Given the advance of research on paradiplomacy as public policy, this paper seeks to investigate the model of strategic image projection from Berlin after its reunification, from 1990. Berlin is chosen because the city illustrates a paradiplomacy that remains with few changes in thirty years, even in political party alternation scenario. To identify which values and strategies and which social sectors would be present in the city's internationalization action, the paradiplomacy analysis model (APD) is used, which guides data collection in five dimensions of explanatory variables: the dimension of management policy; the institutional; the market; the international; and the epistemic. The main results obtained are: I) a consensus of managers to redefine the projected image of Berlin, from a city of conflicts and social problems to a contemporary city of financial opportunities; II) create urban devices that support this new image, such as the international airport and the changes in Potsdamer Platz and Alexanderplatz; III) replicate its good practices from international networks of cities and higher education.

Keywords: Paradiplomacy; Culture; Public Policy; Berlin

Resumo: Diante do avanço dos estudos sobre paradiplomacia enquanto política pública, o presente artigo busca investigar o caso de Berlim, na Alemanha, ao adotar uma política de projeção internacional como parte de sua ressignificação local e nacional após a reunificação alemã em 1990. Berlim é escolhida por ilustrar uma paradiplomacia cultural que se mantém com poucas alterações em trinta anos, mesmo tendo alternância partidária. Com o intuito de identificar quais valores e práticas estariam presentes na ação internacional da cidade, utiliza-se o modelo de análise de paradiplomacia que orienta na coleta dos dados em cinco dimensões de variáveis explicativas: a dimensão da política de gestão; a institucional; a de mercado; a internacional; e a epistêmica. Os principais resultados obtidos apontam para: I) um consenso dos gestores em redefinir a imagem projetada berlinense, de uma cidade de conflitos e problemas sociais para uma cidade contemporânea e de oportunidades financeiras; II) criar aparelhos urbanos que sustentem

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essa nova imagem, como o aeroporto internacional e as reformulações em Potsdamer Platz e Alexanderplatz; III) replicar suas boas práticas em políticas públicas a partir de redes internacionais de cidades e da internacionalização do ensino superior.

Palavras-chave: Paradiplomacia; Cultura; Política Pública; Berlim

1. Introduction

In 2003, Berlin’s Mayor Klaus Wowereit said ‘Berlin is poor, but sexy’ (*The Guardian*, 2014). The phrase used to illustrate the high demand from new foreign investors in Berlin, even though the unemployment rate was high. Compared to other European cities, like Paris, Milan or even Amsterdam, Berlin should deal with its own complex image as part of World’s political recent memories. Having in its past the Two Great Wars and more recently the end of Cold War, Berlin decided to invest in a new international projection strategy, more neoliberal. After the German reunification, in the 1990s, Berlin’s new international strategy defined on goals of an opened image to markets, which could help its local development, by foreign investments.

The new international projection, during the three Berlin’s local governments (1990-2020), based on public policies like the paradiplomacy institutionalization, urban reforms and official speeches to improve the new image around the world. In this paper the term ‘paradiplomacy’ (meaning parallel diplomacy in face to national diplomacies) is the same time a public policy and a foreign policy taken by local/subnational governments (Mercher e Pereira, 2018). As a city strategy to international projection, the institutionalization of paradiplomacy is a rational plan to materialize some values, interests and actions into the international role to achieve, in some way, the local development. As a term, ‘paradiplomacy’ could appear in different forms and synonyms, like ‘subnational foreign policy’, but we decided to keep ‘paradiplomacy’ as the usual term more known in Brazil (Junqueira, 2017).

In this moment, we could ask: Why to analyze Berlin’s paradiplomacy case? Well, Berlin is one of the three Stat-Cities in Germany (Hamburg and Bremen are the others), as a State-City, Berlin has multiples levels of identification and political actions (it is a city, a State and the national capital). Even though a city is a local government, usually with no responsibilities over armed forces, Berlin has both State Policy Force and a Federative Department to deal with other German governments and European Union’s dynamics. On this way, the paradiplomacy case of Berlin is somewhere between a city and a State in International Relations researches. Berlin has a greater deal of autonomy

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than other cities and that is why we should understand its paradiplomacy and how it could expand the current studies in International Relations.

Another relevant point to research the Berlin’s paradiplomacy case is because of its role, as a model to many other cities around the world, as we can see in many actions and references in international organizations and international networks of cities (Eurocities, UCLG etc.). In one way, we could say that Berlin could improve its good practices (public policies) worldwide by its international projection through these international institutions, sharing values and its own ways to do public policies. It is also important to remember when Bonn left the position of national capital (1948-1990), sending departments and national public services to Berlin. At that moment, Berliners needed to resignify the City identity and they choose, among other practices, to assume the seduction to the international/neoliberal financial markets by the current neoliberal paradiplomacy (Sánchez, 2001; Sassen and Roost, 2001).

There are many researches of Berlin as na stage of international dynamics, like Berlin Wall by Zavaleta Hernández and Sandra Kanety (2020). Otherwise, researches on Berlin’s paradiplomacy are usually about specific actions, like sister cities by Nurwulan Rizkiya Anjani (2021). If we try to find some data on European paradiplomacy, we will end up at University of Antwerp, reading researches by Professor David Criekemans (2006), who started paradiplomacy analysis in the 1990s. Besides all the situations and points we presented on this paper about Berlin case, there is a huge challenge to find out references about Berlin’s public policies in the international level.

While we need to describe the case of Berlin’s paradiplomacy, we also should point the main goal in this research: to apply Pradiplomacy Analysis Model (Mercher and Pereira, 2018) to be able to identify which dimension explains better the formulations and results of the strategy chosen by the three Mayors to project Berlin’s image to the international stage. We apply the Paradiplomacy Analysis Model (APD) by Mercher e Pereira (2018) to get data, but also, we apply the theoretical perceptions of international markets and the cities roles in international relations by Fernanda Sánchez (2001). Understanding paradiplomacy as a public policy, we collect data of five analysis dimensions (political management, institutional, market, epistemic and international) by local visits in Berlin, interviews, and analysis of documents, news and academic papers. To present the development of our research, we divided this paper in two more sections:

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methodology and the result analysis. At the end, there are our last considerations about Berlin case and how APD model helped us to understand its current paradiplomacy.

2. Paradiplomacy and APD methodology

When we study public policy at the local level, we face actions aimed at improving the quality of life of citizens, as well as maintaining a certain financial health of the responsible institutions. Urbanism and transport, social security, market and finance, education and culture are some of the main themes of public policy that gain their own departments linked to management (departments) and legislative production (commissions). In recent years, the international theme has also gained its own departments in several cities around the world, as can be seen by the strengthening of international networks of cities, such as the Network of Local Governments for Sustainability (ICLEI, 1990) and United Cities and Local Governments (UCGL, 2021).

However, why would cities have a department of international relations if it would normally be up to national States to have international personality? In the middle of the 20th century, with the advance of globalization (Sassen, 1991), cities became richer and ceased to be just stages of international political decisions to become decision-making agents of international relations. The creation or resignification of international networks of cities stopped dealing only with local issues and began to pressure national

governments and their international organizations to listen to what cities had to contribute. Regional integration and facing international challenges presented at the local level, such as global warming and transnational pandemics, also demanded action plans from cities and other subnational governments in the domestic and international levels. This recent historical process resulted in the institutionalization of international relations by creating new local departments and improving strategic actions plans by many cities around the world.

When a city starts to have a strategic plan of international action, with a technical body and a formalized institutional structure (department), we can observe paradiplomacy – the parallel diplomacy in faces to the national/central government. Paradiplomacy, therefore, is not any international action carried out by a city, managers or their institutions, but needs an institutionalized strategic plan (Salomón, 2011). This means that not all local-international actions are paradiplomacy. Maybe the presence of international relations departments in a city could be a good sign that paradiplomacy is present in the city. However, it is necessary to investigate if the department is more than a ceremonial

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staff. A paradiplomacy department must have political objectives in international relations, as much as a specialized technical staff and all of them ruled by a political strategy in dialogue with the City goals, represented by its Mayors and society needs.

Moreover, what would paradiplomacy be in the context of international projection? Paradiplomacy, as a projection tool, would be the strategic choice of a city to gain international visibility from artistic, sports, tourist, urbanistic actions, managers' speeches and other actions to achieve previously goals, which defined by its society/Mayors (Mercher, 2020). Usually, paradiplomacy and international projection strategy are ways to get local development or political empowerment in multiple levels (local/national and international). Cities, such as Barcelona, Coimbra, Milwaukee, Paris, Rio de Janeiro and Salamanca, strategically invest in their international visibility (Ibid.) from new urban landmarks, large events of cultural experience or higher education structure to show up in the international stage and get the right attention defined previously by its local level.

As Kavaratzis argues (2004), many cities create visual identities and international popular recognition brands to strengthen segments, like tourism. Saskia Sassen also researched cities, which reinvent themselves (urban structure) to project themselves and meet the consumption demand from the international entertainment market (Sassen and Roost, 2001). Studies by Fernanda Sánchez (2001) also observed some roles of cities surrendered by international markets in their internationalization/paradiplomacy strategies, such as in tourism and real estate markets. From these literatures, we could agree that international projection, as part of paradiplomacy is a subarea of Public Policy and International Relations studies. Otherwise, we could say this kind of paradiplomacy (projecting a strategic image to international markets) is especially presents in cities that hold some capital resource (financial, cultural, political, etc.) to deal with others in international relations.

In order to identify and understand the paradiplomatic strategy adopted by Berlin, we will use the paradiplomacy analysis model (APD). Present in Brazilian International Relations literature, and applied in other cases, such as the City of Rio de Janeiro (Mercher and Pereira, 2018), the use of the APD model (Chart 1) is the way we chosen to investigate the execution of the public policy of internationalization/paradiplomacy in Berlin. Based on governmental, social and market dimensions we believe the APD model can explain or, at least, contribute to the description of the strategic type adopted in the

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last thirty years. While we investigate the case of Berlin, we also replicate and test the efficiency of APD method to identify decisive variables in the case of international projection as part of paradiplomacy studies. We emphasize that this research focuses on the execution stage data, eventually reaching some data on the elaboration and results of public policy by Mayors and society.

Chart 01: Simplified Model of Paradiplomacy Analysis (APD)

| Dimensions: | Political Management | Institutional | Market | International | Epistemic |
|---|---|---|--|--|--|
| Recurrent explanatory variables: | Mayors/managers' profiles; Party-political spectrum | Specialized departments or staff; Institutional autonomy (financial); Profile of technical managers/staff | Market share and commercial dynamics; Role in the international city markets | Roles and demands of international agents; Presence in international networks and institutions | Presence of think tanks in the values and strategies of local paradiplomacy ; Local Epistemic Role and reviews |

Source: Authors, based on Mercher and Pereira, 2018.

The APD model helps us to collect data and test variables – previously dispersed in the literature. As a method to get and organize data, APD can indicate which dimension has a greater or lesser explanatory degree on the specific case of paradiplomacy in focus. More than that, APD is also a tool to notice the main values embedded in execution of this multilevel public policy. APD researches can be both quantitative and qualitative; employing different methods for each type of variable, we decide to investigate. There are several methods indicated by APD model, each one to support a specific variable investigation. From prosopography and network studies, to compare profiles of managers to interviews and document analysis, to identify the presence of epistemic and market groups are some examples of methods that we can use to collect data in the five dimensions presented by the investigative APD model. In a more explanatory way, summarizing the five dimensions of APD we have:

- Political Management dimension (I) we collected data from the mayors' profiles and party relations throughout the period, such as political/ideological ruptures and continuities. We can find the main personal information on personal websites, institutional websites (town halls and others) and social dictionaries;
- Institutional dimension (II) we identified whether there is a specific department to take care of the city's international relations/paradiplomacy, its financial autonomy (if it is linked to the mayor's office or if it has its own resources), as

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well as the profile of its institutional managers/staff (how specialized they are in the subject);

- Market dimension (III) we investigated whether there is formal participation in the management of paradiplomacy by companies and private representations (such as local commercial and industrial associations) and whether the city is part of 'international city markets', such as real estate, tourism, good practices, etc.;
- International dimension (IV) we analyzed the presence, funding or demand of agents and international organizations in the city's local/international politics, as well as the city's participation in international organizations, such as in networks of cities and their areas of interest recorded in minutes and other documents;
- Epistemic dimension (V) we investigated whether there are relationships between the city hall and its department/managers with groups of knowledge (think tanks), sources of values on good practices of paradiplomacy (whom managers follow/advise to) and criticism from society (professors and specialists) to the paradiplomacy/public policies adopted by the City.

There is not a fixed order of analysis for each dimension, but paradiplomacy studies usually begin by observing political management and international relations departments (institutional dimension). Identifying the profile of managers (mayors), their speeches and the political party spectrum, for example, help us to see in which level the political dimension could explain if there is a greater or lesser presence of personalism or economic ideologies in the adopted paradiplomacy. As well as analyzing the epistemic dimension, we can identify whether universities and knowledge groups (think tanks) act directly or indirectly on the strategic values present in the city's paradiplomacy, such as the cases of Jordi Borja's neoliberalism orientation in Barcelona and Rio de Janeiro cases (Vainer, 2001).

For the present research using the APD model, we collected the following data: biographical and party spectral profile of the mayors of Berlin; the main actions of the mayors with the internationalization of the city; identification of the structure and technical staff of government institutions involved in the execution of paradiplomacy; the presence of agreements and links between these specialized institutions and private agents and epistemic communities (universities and think tanks); type of values and interests between local and international levels of role; participation of the City in international agendas; and responses from local society, such as public support and opposition about

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the international projection of Berlin and its local prices and consequences. We got data mainly from official websites and from on-site visits, as well as interviews with academics residing in Berlin. Now that we presented APD model and our main research goals, we go on applying it in the case of Berlin.

3. APD application in the case of Berlin (1990-2020)

Institutionally, Berlin divides its foreign relations into two areas of activity (Berlin Chancellery, 2021): European and continental/regional integration; and non-European dynamics and interactions. In its paradiplomacy, Berlin needs to deal with its local development (maintaining its autonomy) by external gains. Berlin also deals with the national image (as national capital), as the same time the City deals with regional integration processes (participating in the EU), with processes external to Europe of its interest and with international and transnational challenges that permeate its territory (migrations, gentrification, terrorism, etc.). All this in the midst of its own quest to redefine its image after the reunification in 1990. In this context, paradiplomacy ends up assuming multilevel agendas of responsibilities and actions.

Even though there is this complexity of levels of actions and interests, Berlin's general paradiplomacy has remained constant over the last thirty years, with few changes – except for changes in preference from bilateral relations (1990s) to multilateral ones (2000s) in international relations. In order to simplify the comprehension of the main events that we identified throughout the present data collection, such as interviews and on-site visits, we built a brief chronological line (KINZER, 1991; DW, 2008; Introducing Berlin, 2020; Reuters, 2019):

- 1989, beginning of the fall of the Berlin Wall, extending to the following year and reconnecting the western and eastern sides until its reunification (1990);
- 1991, the decision is made on a further transfer of the national public administration, previously present in the City of Bonn;
- 1993, Transparency International is created and headquartered in Berlin to combat corruption and global political crimes, in the same year the City's Heritage recovered Berlin Cathedral, culminating, in 1999, with the restructuring of Potsdamer Platz (central region) and the new image of contemporary Berlin;
- 1999, amid the construction of new embassies, Israeli Embassy is attacked and the US pressures Berlin for greater security to build its embassy in the City, demanding public policies to address international terrorism;

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- 2000, the international financial system begins to make its presence felt in the City with the inauguration of new mirrored buildings, such as the Bahntower, and initiating the gentrification processes through rising rents and basic consumption;
- 2001, since the reunification, the Christian Democratic Union Party leaves government and power and takes over the Social-Democratic Party, remaining until today in Berlin;
- 2006, the final of the FIFA World Cup (soccer) takes place in Berlin, an example of the use of major events as part of the international visibility strategy;
- 2011, on October 15, a popular demonstration against the deregulation of the financial market and other social injustices takes place in the City, in line with other demonstrations around the world (New York, Frankfurt, etc.);
- 2014, Berlin adheres to the movement against the death penalty (Cities for Life) and promotes exchanges and various events to strengthen relations with China, Los Angeles and Latin America;
- 2016, protests against gentrification follow at the streets of Berlin;
- 2019, protests against financial speculation, real estate financial monopoly and general stoppage against injustices to public and private transport professionals lead to the Legislative debate of mediation measures between the local and the international;
- 2020, Berlin approves ceiling for rent values and fight against real estate monopoly by financial agencies. Inauguration of the Berlin-Brandenburg international airport, a key part of the city's internationalization strategy, designed in the 1990s.

In this brief line history, it is possible to identify that, since the reunification, there have been overlaps of identities (local, national and EU bloc), interests of local and international markets and contrasted between the internationalization of a Berlin. The city is one of the main political centers of the European Union, while the “population resists gentrification” (Reuters, 2019) linked to “international city markets” (Sánchez 2001). About gentrification, a current term in the case of Berlin, we can summarize the definitions of Eugênia Dória Viana Cerqueira in the case of Paris (2014, p. 433-434) as a social and urban mutations in a short period that result in urban, political and social tensions, as in the case of commercial gentrification, when companies and the market become more expensive and change habits and access of the local population to the goods,

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memory and identities of the affected place. In other words, when the market's interest in a particular region, it makes life more expensive and expels original people from their neighborhoods and everyday life.

We can say that gentrification in Berlin is due to the rapid opening that occurs after the German unification and absorption of the neoliberal management model by the City. The managers' consensus in maintaining a projected image redefinition as a contemporary city and of financial opportunities was also observed. In addition, the creation of urban devices, such as the Berlin-Brandenburg International Airport and the reformulations of Potsdamer Platz and Alexanderplatz with the participation of local governments, materialize the strategy of this new international visibility. That said, let us go to the data collected in use of APD model in Berlin, from 1990 to 2020.

We decided to start with the **political management dimension**. Let us take the reunification as a landmark of the New Berlin, and since 1991, we will have only three mayors in charge: Eberhard Diepgen (1991-2001, Christian Democratic Union); Klaus Wowereit (2001-2014, Social Democratic Party); and Michael Müller (2014-2021, Social Democratic Party). Within the German political ideological spectrum, the Christian Democratic Union (UDC), the same party as Chancellor Angela Merkel (2005-2021), is considered center-right (Hornsteiner, 2014; Detterbeck, 2014), while the Social Democratic Party (SPD) is considered center-left (Ditto) and affiliated with the Socialist International, both being the two largest parties on the German national stage.

Regarding the political orientation in the City of Berlin, Diepgen (UDC) was responsible for restructuring the new image of the reunified City, removing symbols taken as belonging to the former socialist regime or the division of the city (Berlin Wall, statues of Lenin, etc.) and encourage the creation of new symbols of unification across the city, such as the recovery of the Brandenburg Gate, the planning of the new international airport in Berlin (demanded in 1991, with works starting in 2006 and inaugurated in 2020) and the Potsdamer Platz that marks the new Berlin's image with its bold office buildings. However, even though he assumed neoliberal strategic plans for the City, even in the UDC government, we can understand them as moderate in the face of other great experiences, such as Barcelona and Rio de Janeiro (Sánchez, 2001; Vainer, 2001; Mercher and Pereira, 2018).

It is necessary to understand that during the Cold War little changed in the architecture of the city, since a good part of the investments from West Germany went to

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Bonn and from the USSR to maintain the occupation. Berlin also comes out of the Cold War losing the position of financial capital of Germany to Frankfurt, but its actions to regain economic importance came in a neoliberal agenda that brought with it internationalization strategies along with the global financial market. However, this openness to international financial capital, which would enable the aforementioned urban transformations in the City, wore down the Berlin population, which began to elect the SPD in the majority since 2001, with some of the former politicians and residents of the socialist side gaining greater prominence.

Wowereit and Müller did not completely break with their predecessor's neoliberal internationalization strategic plans. They were still looking for a modern city and to reinforce it as an important stage for German and European policies, the last two mayors began to manage increasingly growing social demands, resistant to the consequences of internationalization. We emphasize here that the legislative and executive branches of

Berlin did not directly relate resistance to the City's paradiplomacy, but the consequences that the population associates with the lack of regulation. Strikes and protests against the financialization of services, mainly housing and transport sectors, have been constant in the German Capital since the 2010s. The two last mayors tended to separate the dialogue fronts: foreign agents remain with the usual paradiplomatic strategy; and the demand from local society is up to the legislature to create regulations and mediate the process of growth and gentrification.

Regarding the analysis of the profile of the three mayors, seeking to identify personal involvement with international issues that explain their strategies, we collected the following data from the pages of the mayors at the Berlin Chancellery (Berlin.de):

- Eberhard Diepgen was born in Berlin (11/13/1941), studied law at the Free University of Berlin, was mayor of West Berlin (1984-89), and while mayor of present-day Berlin was in opposition to the change of administrative institutions in Bonn to Berlin (Kinzer, 1991) and dealt with US mistrust and security demands in building US Embassy in the City (Cohen, 1999). It was also during his government, in 1991, that Berlin joined the Metropolis Network, then the largest international network of cities and today linked to United Cities and Local Governments-UCGL. However, it is worth noting that most partner city treaties with Berlin took place during his government, while participation in networks increased after the end of his term, from the 2000s onwards. After City Hall, he

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took up a position as a lawyer at the firm Thümmel, Schütze & Partner and member of the Konrad Adenauer Foundation (Berlin.de, 2023a);

- Klaus Wowereit was born in West Berlin (10/01/1953), he also studied law at the Free University of Berlin, and before taking over as mayor he was a civilian member of the interior cabinet of the Senate and municipal councilor. As mayor (2001-14) he worked to balance Berlin's international projection as a global city while also dealing with the advance of international markets for the city, declaring in 2003 that 'Berlin is poor but sexy' (The Guardian, 2014), given the high demand from investors and residents even with high unemployment. He was also nicknamed the ‘symbol of freedom’ by The New York Times (Lander, 2006) for being openly homoaffective and defending guidelines for social integration (Islamic immigration) and conscious and sustainable development. After the mayoralty, he devoted himself to consultancy and to gender activism and non-discrimination in politics (Berlin.de, 2023b);
- Michael Müller was born in West Berlin (09/12/1964), studied Administration and Business, opening his own business. He began his political career as a member of the PDS in 1981, being elected councilor of Berlin in 1996. He is the current mayor of Berlin (2014-21), assuming a commitment to improving the quality of life in the capital, especially in expanding the real estate offer, in expansion of working class rights and resistance to the unregulated expansion of international city markets. His government was marked by popular pressure against the rising cost of living in the city and other challenges of its internationalization (Berlin.de, 2023c).

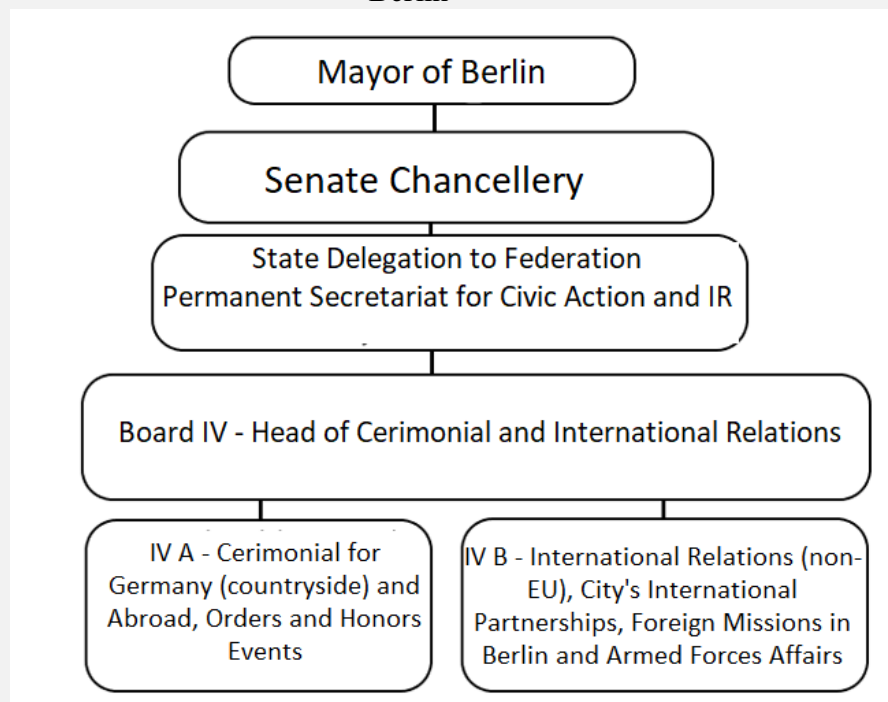
The analysis of the three Mayors’ profiles does not demonstrate a relevant personal relationship with international agendas, only being seen in the formal agendas of international strategies of the chancellors (IR departments in Berlin). However, data from this dimension show us that the current neoliberal strategy began with Diepgen and the other mayors maintained paradiplomacy without major interference. This leads us to seek in other dimensions the explanations of this type of paradiplomacy adopted by Berlin in the last thirty years.

In the **institutional dimension**, it is possible to see the materialization of the functioning of the City's paradiplomacy and its main concerns/work fronts. For institutionalist readings, this dimension would already be enough to describe the City's

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paradiplomacy. However, the aim here is to identify institutional consolidation, autonomy and technical capacity to manage paradiplomacy. Therefore, the existence of an international department, it is possible to see that international relations is a relevant theme for the management of Berlin, occupying its own space in the institutional structure of the city hall (Figure 1) in spaces segmented by technical content. The City has the Berlin Chancellery of International Relations (Chancellery, 2021) which presents its five official guidelines: i) political representation and national diplomatic activities; ii) cooperation and participation in international networks of cities; iii) support for tourism and business, especially industrial tourism; iv) cultural agenda activities; and v) climate protection and sustainable technological development.

Figure 01: Institutional organization chart of international management in Berlin



Source: Authors, based on Berlin's Chancellery, 2021.

Structurally, we call here the Berlin Chancellery of International Relations the sum of the City's international relations management instances, having its base in Department IV B, as it is the most specialized body for relations outside Germany and the European Union. It is worth mentioning that Berlin uses terms such as Senate, State and others that may confuse the reader who is not familiar with the Berliner political structure, but, in short, all Chancellery institutions presented here are subordinate to the Mayor of Berlin. Regarding the thematic activities of the Chancellery, we have a strong

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presence in issues of regional integration of the European Union (EU), commercial/industrial for export, environmental and scientific/higher education.

Berlin's international relations dealt with a specialized manner by the third, fourth and fifth echelons of the local public administration. In these thirty years, we have seen a good degree of training and professional performance linked to international relations and economic and social development of the Chancellery's managers and professionals. As an example, in recent years Barbara Berninger (Department IV B) was responsible for the City's paradiplomacy from 2007 until the end of this research. Barbara Berninger is also the Regional Secretary for Europe in the Metropolis organization (world organization of cities subordinated to United Cities and Local Governments - UCLG), reinforcing strategies for transferring public policies and sustainable development in the international participation of the City in international networks (Andrews, 2015). Her perception is that smart cities are, first, internationally united cities, while making their citizens more included and aware of the city itself (IPR Praha, 2015).

The investigation of previous managers always maintains some degree of professional involvement or previous training in international relations, maintaining the specialized character of the technical staff ahead of the institutional paradiplomacy of the City. In addition to Berninger, we have Regine Kayser (Department IV A, Ceremonial and Protocol), both reporting to Andreas Zimmer (Head of Directorate IV), in turn reporting to Sawsan Chebli and Marc Quedenbaum (Federal, Civic and IR Relations) who respond directly to Christian Gaebler (Senate Chancellery/Permanent Secretary of Media) and the Mayor (currently Michael Müller). In all, 15 professionals report to Sawsan Chebli to take care of the City's Interactional Relations (Chancellery, 2021). Unlike other cities in the world, such as Brazil, the change of mayors has little effect on the positions of some of these professionals, remaining long periods in the Chancellery management, as Berninger herself.

The Chancellery highlights international networks as a fundamental strategy for internationalization. As already mentioned, the city's main topics of interest are international business, transfer of public policies, urbanism, and sustainable development and strengthening of democracy. Its participation in 14 networks reflects these interests: Baltic Metropolises (BaltMet, which strengthens the economic competitive capacity of the Balkan region); C40 (worldwide network dealing with climate change); Climate Alliance (global climate protection); ECCAR (European network against racism); Eurocities

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(management of European urban challenges and opportunities); Fast-Track Cities (combating AIDS); Global Compact (sustainable development); ICORN (treatment of refugees); Mayors for Peace (decreasing nuclear weapons); Metropolis/UCGL (largest network of cities in the world); OWHC (heritage preservation); Rainbow Cities Network (fighting gender discrimination); Solidarity Cities (treatment of refugees); UCUE (European Capitals Network).

Direct partnerships with cities, on the other hand, create a more complex situation because, as a City-State, Berlin has both partnerships with cities and its neighborhoods/districts also have autonomy to develop partnerships with other cities. Formally, Berlin has links with 17 cities. Following chronological order, the signed treaties begin in 1967, with Los Angeles, and continue in the 1980s with Paris, Madrid, Istanbul, in the 1990s with Warsaw, Moscow, Budapest, Brussels, Jakarta, Tashquente, Mexico, Beijing, Tokyo, Buenos Aires, Prague and the 2000s with Vinduque and London. The Chancellery itself recognizes that the large number of partner cities prevents the same intensities of actions from being given in all, reinforcing that, since the 2000s, the City gives preference to actions and exchanges of experiences (policy transfer) through institutional means of the international networks. This information is important because it shows a change in the city's international strategy: from greater bilateral weight in the 1990s to multilateral in the 2000s.

To finalize the institutional data, it is worth mentioning the partnerships with other local institutions that are presented by Berlin Chancellery in the international strategic field: departments of the Senate of Berlin; the Berlin Partner, a kind of program for corporate and business internationalization in the city; German Foreign Offices and, consequently, other consulates and embassies; Goethe Institute, with cultural diplomacy; and DAAD which deals with educational and scientific exchange in the internationalization of German universities and teaching and research institutes. In addition, the Chancellery has a virtual news page that may be of interest on world events and in relation to the City. Market and Education stand out in these partnerships and reflect the strategic vision of local development in paradiplomacy: developing local industry and gaining international scientific and cultural relevance through higher education.

Going then to investigate the **market dimension**, we started collecting general information, where approximately three and a half million people live in the City, behind

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areas such as Paris, Madrid, Barcelona and Milan within the European Union (Eurocities, 2021). Its economy has a large service base of approximately 86%, followed to a lesser extent by industry and other activities (Berlin.de, 2021). This scenario occurs due to the growing presence of representations, administrative branches and headquarters of German and foreign companies in the city, in addition to tourism, higher education and national and local public services. Economic growth, according to the official website of the City (Berlin.de, 2021), is around 2% to 3% per year, as well as the decrease in unemployment in recent years. It is worth remembering that high unemployment rates, compared to other German cities, has always been one of the biggest challenges for the City after unification, as mentioned by Mayor Wowereit, in 2003.

When we analyze the market dimension, we seek to observe at least two segments according to the APD model: market participation in the strategic management of the city's internationalization; and the relationship with international city markets (Sánchez, 2001). The first is possible to observe in the Berlin Partner, a business internationalization program that has the support of the Chancellery of International Relations of the City. The second is necessary to identify which of the city markets are present and how these interfere in the paradiplomacy and internationalization of the city.

Within the services sector, the large international companies headquartered in Berlin that we can highlight as relevant to paradiplomacy are: Bombardier Transportation, Deutsch Bahn and Berliner Verkehrsbetriebe (traffic and logistics), Charité, Pfizer and Vivantes (health), Siemens and Deutsch Telekom (technology and communication) and Coca-Cola (food). Many other companies are present, such as food franchises and financial services, as well as hotel chains and app services, such as Uber and Booking.com. However, only the first ones cited were identified (Berlin Partner, 2021) in joint actions with the Chancellery or the government of Berlin.

There is a caveat that referring to services by virtual applications, such as Airbnb, generated several social movements against or in search of regulation by demand of local population with the legislature. As already mentioned, one of the most sensitive points of the City's internationalization is the increase in the cost of living, especially housing. Berlin demonstrates awareness of the consequences of internationalization, present in texts and speeches by public managers and social movements.

From the international markets of cities, pointed out by Fernand Sánchez (2001) – market for companies with local interests; real estate market; consumer market; tourism

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market; market for good public policy practices; and the consulting market – we observe growth in real estate and financial speculation and impacts from the growth of tourism and entertainment, which generates the resistance and protests already mentioned in Berlin by organized civil society. Neighborhoods such as Mitte (downtown) and Prenzlauer Berg increase their gentrification due to the presence of large companies and their well-paid employees or the demand from tourism and the international real estate market.

Newspaper headlines about this housing crisis and cost of living gained strength from the mid-2000s, in statements such as “Berlin continues to attract more investment and its international reputation attracts more and more wealthy people to new luxurious apartments, cheaper than in New York, London or Paris” (DW, 2008). As for the market for good practices in public policies, Berlin would be part of the cities that seek to export models and not so much to receive them. The Chancellery itself and Barbara Berninger advocate the use of the Berlin policy transfer database multilaterally, while seeking to encourage innovations, startups and other local experiences from the City for future sharing in city networks.

Thus, in the market dimension, we identify the joint presence between companies and markets and the Berlin IR Chancellery working together, as per Berlin Partner Program. Since the 1990s, companies and foreign investments have heated up the international markets of cities pointed out by Sánchez (2001), which materially resulted in the protests in the 2010s. The reformulation of urban areas to meet the needs of these investors, such as administrative buildings in the center and a new, larger and more modern airport, marked the local public policies of adaptation to the international market demand which, in turn, becomes the result of the intentional projection policy of the local government of an image to be consumed internationally. We could say that the strategy was successful in its primary objectives, but now it has to deal with the social impacts.

Faced with this political, institutional and market scenario, we conducted interviews, in May 2019, with academics in Berlin about the internationalization of the city's image and their perceptions of cultural paradiplomacy. We follow assumptions shared by researchers such as Fraser and Gondim (2004), in which, through qualitative interviews, we seek to record individual experiences as valid analysis data to compose the larger piece of analysis. In the **epistemic dimension**, knowing how the epistemic community sees internationalization and whether it participates in city planning is

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important. In general, the universities have active participation with the Chancellery's institutional channels and have research centers on crosscutting themes. However, in general, the academic perception is critical of the consequences of internationalization and point to market regulation processes and a decrease in gentrification. At the same time, they gain from the internationalization of their student and teaching staff in this image projection with government support for the scientific sector.

Chart 02: Interviews conducted in Berlin by the authors in 2019

| | | | | |
|---------------------|--|---|---|--|
| Interviewed: | Sergio Costa | Renata Morales Díaz | Monique Momberg | Barbara Berninger |
| Institution | Professor Free University of Berlin | Researcher Free University of Berlin | Researcher Humboldt University | Head of IV B Department (IR of Berlim) |
| Relevance | Social Research | Cultural Research | Berlin (Social and Urban) Research | Berlin Paradiplomacy Staff |
| Perception | Indication of new interviewees and research centers on Berlin | Favorable to the City opening / internationalization and criticism of xenophobia and market practices towards foreigners | Criticism of gentrification and inflation in Berlin as a result of the unregulated international trade liberalization | Official discourse reproduction (on- site) Favorable to Berlin opening / internationalization |
| Date | April, 2019 | April, 2019 | May, 2019 | May, 2019 |

Source: Authors, 2022.

The interviews (Chart 2) were carried out in person in Berlin in 2019, with the audio being recorded by cell phone. The interviews began with Sérgio Costa, professor at the Department of Latin American and European Studies at the Free University of Berlin. From this first interview, indications and contacts of the research group from the local universities were obtained. Therefore, we went to these groups. At the Free University of Berlin, researcher Renata Morales Díaz was nominated, both for her regional cultural studies at the University and for being a resident foreigner, bringing an immersion perspective from the outside. At the Humboldt University, we interviewed Monique Momberg about her researches on how foreign companies operate in Berlin and interfere in the social dynamics of the City. Finally, we interviewed the representative of paradiplomacy in Berlin, Barbara Beringer, with the aim of crossing academic and institutional assessments. All qualitative interviews were free, but always inserting three

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themes in the questions: I) political and social perception of Berlin in recent years; II) international dynamics are perceived in the city; and III) assessment of the points raised by the interviewee during the interview.

In interviews with Monique Momberg, a researcher on cities, technologies and the market at Humboldt University, she informs us “the international market puts pressure on the local population, especially the most vulnerable in terms of rising living costs and gentrification”. For the researcher, “banks and financial agencies buy apartments and rent them at high prices, putting students and local residents in difficult situations”. At the Free University of Berlin, researcher Renata Morales Díaz informs that “openness is important [to the City], but a good part of Berlin's citizens did not like the advance of unplanned tourism, especially the young and uncommitted tourism that Berlin has been attracting in recent years”. This critical perception of tourism has gained legislative support in recent years. Despite the reported growth, hosting applications such as Airbnb, which make youth tourism cheaper and easier, have been subject to fiscal restrictions in recent years by the City. Several service applications began to be regulated to reduce the offer of very cheap accommodation, leading these applications to be limited, almost always, to existing formal hotels such as SMARTments (hotel), which seeks to occupy the space for renting prohibited rooms in residential buildings to from the availability of rooms in traditional hotels at more affordable prices.

Morales also points to the works on the international airport (Brandenburg Berlin), designed in the 1990s in the first phase of the internationalization of the city's image, but which "for a long time were stopped and investigated for misuse of public money", being inaugurated only in 2020. Many professors and students participate in the manifests against gentrification and social problems arising from the growth of the market and the financialization of services in the City during the last years. In addition, the demand inflation that exists in the growing City deteriorates labor relations, leading to strikes and protests in several other sectors in recent years.

Research groups at the two universities discuss these challenges. In addition to surveys, the groups encourage the participation of their members in activism, such as against rising rents and gentrification, by advertising these events in emails. It can be said that the epistemic dimension of these two universities also integrates the social dimension in action on the internationalization policy agendas and their consequences.

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In addition, what about the joint actions of the Chancellery with the epistemic communities? According to Beringer: “Science and teaching are seen as tools for the internationalization of the City and that is why they have always been present in incentives and partnerships”. We really can see on-site the Chancellery working in partnership with universities and local research centers (the same groups we visited and interviewed Momberg, for example). Especially in recent years, this presence has occurred to encourage startups and innovation management to feed transfer banks from international networks such as Metropolis. The smart city concept is currently pursued by Berlin, which encourages good practice projects. Examples mentioned by Beringer in the interview were Real Map and Startup Map Berlin. The Real Map project (Real Map), a type of interactive map on accessibility that is powered by users, such as Wikipedia, created by young technicians and disseminated by the Chancellery at international events (IPR Praha, 2015) and at low cost. Another initiative is the Startup Map Berlin, a map that contains startups and innovation centers in the City. The project was an initiative of Berlin Government in conjunction with other institutions and local and international programs, such as 73 universities, schools and educational institutes and, of course, with Berlin Partner Program, bringing together public-private initiatives for internationalization (Start Up.Berlin, 2021).

Thus, in the epistemic dimension, there is a mutual interest in internationalizing university research in the category of good practices, while at the same time there is a critical position by academics on the results of internationalization serving the international market. It is not seen so much epistemic contributions of “how to execute paradiplomacy”, but of dealing with its innovation opportunities and social consequences.

Finally, in the **international dimension**, the international networks of cities and the European Union level are reflected, as already mentioned. The networks become the objective of internationalization and are subordinated to the institutional dimension that manages the City's practices. We did not identify loans or grants from international organizations outside the European Union in volumes that could reduce the political and institutional management autonomy of the City over its internationalization and local management. In summary, we observe that Berlin's presence in the networks revolves around environmental agendas, such as climate change and new urban technologies for sustainable development, and technology transfer and management models, as already mentioned here about technological startups.

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International systemic changes, such as the end of the Cold War bipolarity and the rise of neoliberalism, had consequences in the City, from its reunification, through the economic opening and problematic absorption of residents on the socialist side. The perception that Berlin remains economically divided, with higher unemployment on the eastern side (Gramlich, 2019). Another international, or even transnational, challenge is the refugees and immigrants who arrive in the city and promote changes in international management, such as the participation in anti-racism and refugee support networks mentioned earlier in the institutional dimension.

Therefore, the international dimension would explain more the context of the strategy of its paradiplomacy than would bring international agents imposing a model. Unlike developing cities that absorb loans from the World Bank, Berlin is a city that offers good practices to be adopted by the world, taking with it the export of technologies, professionals and knowledge (know-how). The very incentive for the internationalization of universities by the German government and Berlin may also explain the dissemination of values to other places. If, on the one hand, the projected and consumed image obtains more responses in view of the market dimension that reflects the choices of political managers and the Chancellery in recent years, on the other hand, the dissemination and dissemination of good practices is consolidating along with the paradiplomacy strategy of the City since the 2000s, with the change from bilateral relations to multilateral international networks.

4. Final considerations

The APD model application answered some previous questions at the beginning of this research as Berlin's international public management strategy was projected in a specific type of international visibility in which paradiplomacy becomes an institutional support for managers' discourses to the international markets. We noticed some values presented in this case to improve the international projection and perception, like the image of a modern city demanding urban transformations; international investment as one of the main contributions to local development; and, even with social challenges, the possibility of growth for its market partners. It was also possible to identify a consensus of managers (mayors and staff) to redefine and maintain this projected image of Berlin over the last thirty years, creating urban devices that support this new image, such as the international airport and the reformulations in Potsdamer Platz and Alexanderplatz. In addition, from the 2000s, Berlin stopped seeking bilateral partnerships cities and invested

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in multilateral actions, spreading its good practices (public policies) and scientific innovation through international cities networks, expanding Berlin's fronts of international projection and political influence.

But this projection of a modern Berlin and financial opportunity has not only brought benefits. Gentrification in neighborhoods such as Mitte and Prenzlauer Berg, as well as demand-driven inflation and the financialization and virtualization of services, has brought many protesters and strikes, such as academics at the streets fighting for new public policies against the international cities markets in recent years. While the Mayors and its Chancellery deal with the projection of growth and public works to readjust the city to the projected image, it is up to the Legislative (Senate of Berlin) to mediate the pressures of these conflicts of social and international interests. The international real estate and tourism markets are currently the ones that suffer most from debates and new legislative regulations. The market for good practices, on the other hand, continues its path by international cities networks. It would be possible to consider the hypothesis that: the more the projected image of Berlin is associated with the image of a smart, modern and sustainable city, the greater the chances of being consumed by other cities in banks of good practices – and having to deal with international markets challenges, like gentrification.

The APD model also made it possible to identify that market was the driving force behind the strategy adopted in the Diepgen government in the 1990s, and so it remained throughout the Wowereit and Müller governments. The interest of the political and institutional management dimensions in meeting the market dimension explains not only the reformulation of public spaces, but also the origin of the current social challenges. Programs such as Berlin Partner and the value in the Chancellery of supporting the industrial development of the City in international business are some of the channels of approximation with market agents in the last thirty years. APD model not only allowed us to make a descriptive analysis of Berlin paradiplomacy, but also to identify which dimensions most explained its nature in an international projection strategy.

Finally, regarding the APD model, it is possible to notice an ability to observe the completely multilevel dynamics in the paradiplomacy of Berlin. However, the model needs to refine the analysis of processes deeper the dimensions. This means that APD works to analyze the situation, to see the whole, but as we go deeper into each dimension, it is necessary to master different techniques. These techniques, such as interviews,

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prosopography and network studies, indicated in the APD demands from researchers a good knowledge of methods. It is up to the researcher to assess the nature and accessibility of data for each dimension and how these will be collected scientifically, so that replicability can be carried out in future research. In other words, APD manages explained the City of Berlin strategy of internationalization and paves the way for future deeper analyzes in each of the five dimensions, such as market dimension which answered many of the beginning questions during this research.

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Accessible tourism in the light of international law and the challenges of the Brazilian reality

O turismo acessível à luz do Direito Internacional e os desafios da realidade brasileira

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DOI: [10.22478/ufpb.2525-5584.2023v8n1.62650]

Recebido em: 27/03/2022

Aprovado em: 23/09/2022

Abstract: The rights of people with disabilities are a concern of international law through international organizations' treaties and recommendations. Among the concerns is accessible tourism, as it is an activity related to the full development of human beings. Thus, the present work presented the main international norms and recommendations related to the theme, having highlighted the work of the World Tourism Organization and the UN Committee on the Rights of Persons with Disabilities. He also discussed the existing challenges in the Brazilian reality related to the implementation of accessible tourism, since Brazil, in addition to being signatories to the treaties, received recommendations on the subject. In order to achieve these objectives, a bibliographic review was made about the United Nations Convention on the Rights of Persons with Disabilities, as well as the role of the World Tourism Organization on the subject. In addition, considerations were also made about accessibility in Brazilian tourism, using specialized publications as a parameter. It was concluded that, despite positive initiatives, there are many challenges, since the tourism sector in Brazil involves several services and activities provided by the public and private sectors. In any case, the Brazilian State must act so that international standards and recommendations are observed.

Keywords: Accessible tourism; World Tourism Organization; Brazil.

Resumo: Os direitos das pessoas com deficiência são uma preocupação do Direito Internacional através de tratados e recomendações das Organizações Internacionais. Dentre as preocupações encontra-se o turismo acessível, pois trata-se de atividade relacionada ao pleno desenvolvimento do ser humano. Assim, o presente trabalho apresentou as principais normas e recomendações internacionais relacionados ao tema, tendo destacado a atuação da Organização Mundial do Turismo e do Comitê da ONU

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sobre os Direitos das Pessoas com Deficiência. Também discutiu os desafios existentes na realidade brasileira relacionados à implementação do turismo acessível, já que o Brasil além de ser signatário do tratado recebeu recomendações a respeito do tema. A fim de atingir tais objetivos, foi feita revisão bibliográfica acerca da Convenção das Nações Unidas Sobre os Direitos das Pessoas com Deficiência, bem como do papel da Organização Mundial do Turismo sobre a temática. Ademais, também foram feitas considerações acerca da acessibilidade no turismo brasileiro, tendo como parâmetro publicações especializadas. Concluiu-se que, apesar de iniciativas positivas, existem muitos desafios, pois o setor de turismo no Brasil envolve diversos serviços e atividades prestados pelos setores público e privado. De qualquer forma, o Estado brasileiro deve atuar para que as normas e recomendações internacionais sejam observadas.

Palavras-chave: Turismo acessível; Organização Mundial do Turismo; Brasil.

1. Introduction

According to data from the World Health Organization for 2011 released by the United Nations website (2020), it is estimated that 1 billion people, that is, one in every seven people in the world, live with some kind of disability and 80% of them live in developing countries like Brazil. Whether in the national territory or in the world, the lack of statistics on this portion of the population contributes to its invisibility and lack of targeted public policies.

International Law has contributed to making people with disabilities more visible through the creation of human rights treaties and through the work of International Organizations. In September 2015, the member countries of the United Nations decided on the so-called “Sustainable Development Goals”, goals to be met by the year 2030. Of the 17 goals defined, SDG 10 is fully dedicated to reducing inequalities and of the 10 goals established in this objective, one directly mentions the promotion of the inclusion of people with disabilities: By 2030, empower and promote the social, economic, and political inclusion of all, regardless of age, gender, disability, race, ethnicity, origin, religion, economic or other status.

This means that countries, civil society, and the private sector must reaffirm the need to empower vulnerable groups, such as people with disabilities. The signatories of the 2030 Agenda have committed to providing inclusive education for people with disabilities, ensuring equal access to all levels of education, achieving full employment, promoting access to safe transport systems, and providing universal access. to public and inclusive spaces.

People with disabilities should also have access to tourism, an important sector of the economy and fundamental for the development of human beings, as it opens up the possibility of contact with other realities, peoples and cultures. However, accessible tourism has been little studied, especially the role of International Law in the protection and effectiveness of access to tourism by people with disabilities. The challenges of accessible tourism in Brazil also deserve greater attention, as the country is included in the international legal order as part of human rights treaties and International Organizations working on the subject.

This article aims to contribute to studies on the subject. The objective is to present how International Law addresses the issue of accessible tourism through human rights treaties and International Organizations, as well as what are the challenges in the Brazilian reality. The idea is to discuss whether and how international regulations on the matter have been absorbed by Brazilian agents involved in the tourism sector. This is a matter of relevance for two reasons, namely, the issue is related to the full inclusion of people with disabilities and non-compliance with international standards and recommendations can lead to international accountability of the Brazilian State.

Therefore, initially, the international norms and recommendations on the matter within the scope of the United Nations Organization will be presented, as well as the recommendations made to the Brazilian State. Subsequently, the recommendations made by the World Tourism Organization will be presented. Finally, the Brazilian reality regarding accessible tourism will be presented, in addition to positive initiatives and considerations on the challenges related to the implementation of accessible tourism.

2. United Nations convention on the rights of persons with disabilities and recommendations made to the Brazilian state regarding accessible tourism.

In the 1970s, the UN General Assembly issued two resolutions on people with disabilities, specifically the Declaration on the Rights of Persons with Mental Disabilities (1971) and the Declaration on the Rights of Persons with Disabilities (1975). Subsequently, 1987 was declared the International Year of Persons with Disabilities. The positive repercussion led experts gathered in Sweden to suggest the elaboration of a Convention regarding the rights of people with disabilities. The idea was not accepted at that time, but the UN prepared other documents, such as the “Uniform Standards on Equal

Opportunities for Persons with Disabilities” of 1993 and the Salamanca Declaration of 1994, explain Vittorati and Hernandez (2014).

In September 2001, Mexico presented a proposal for implementing the Convention during the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance. The proposal encountered resistance from developed countries, and representative organizations began to propagate the idea, in order to seek support for its implementation at the UN. In December 2001, UN Resolution No. 56/168 created a Committee dedicated to drafting the convention. The Committee held eight sessions between 2002 and 2006 to draft the text of the treaty, and the process had the participation of civil society, with Brazil playing a fundamental role in this process (Vittorati & Hernandez, 2014).

The performance of the leaders of the movement in Brazil, as well as the Brazilian delegation under the 'supervision' of these leaders, was therefore decisive for the approval of a text closer to the reality and needs of people with disabilities around the world. In addition, this participation at an international level has opened up a new space for the fight for human rights for people with disabilities, which is now effectively and formally waged beyond Brazil's borders. With the approval of the Convention and its entry into force in the country, the struggle to implement its norms has a new path and tool for political pressure: transnational activism. The constant search for consensus during the elaboration of the Convention put representatives of the movement of people with disabilities all over the world in direct contact, enabling the exchange of information, principles, and values, contact with other realities and cultures, opening the way for training of transnational networks fighting for the same goals around the world. (Vittorati & Hernandez, 2014, p. 252).

According to the Convention, persons with disabilities are those who have “long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on equal terms with other people”. (UNITED NATIONS, 2007). The edition of the UN Convention ratifies a paradigm shift in disability, namely the adoption of a social model based on human rights, leaving aside the so-called medical model.

This one interpreted the disability as a defect to be treated or cured and the other one understands the person with disability as a holder of rights. Thus, one must demand “that society treats those who are different in order to ensure material equality, eliminating barriers to their full inclusion.” (Ramos, 2017, p. 237). Furthermore, it can be said that the UN Convention understands disability as an evolving concept (Mazzuoli,

2018). The change in the model of disability, as observed by Blanes Sala (2011), is closely linked to the evolution of the concept of disability present in the International Classifications of the World Health Organization (WHO).

The social model of disability based on human rights proposes a fairer and more adequate conceptualization of people with disabilities, recognizing them as holders of inherent rights and human dignity, demanding an active role from the State, society, and people with disabilities themselves. deficiency. The State is responsible for the necessary regulation, for the promotion and awareness of the needs of people with disabilities recognized as rights, and, together with society, it must act in the cultural change towards full inclusion, welcoming everyone. Persons with disabilities, in turn, must assume the leading role in their lives as subjects of human rights. (Lopes, 2009, p. 167).

Another important aspect introduced by the UN Convention was the use of the expression person with disability. In Brazilian legislation, explain Vittorati and Hernandez (2014), the expressions “exceptional”, “people with disabilities” and “disabled” were used, the latter being used by the Federal Constitution of 1988 before the ratification of the UN Convention. The expression “persons with disabilities” at the time of the promulgation of the Federal Constitution of 1988 was considered innovative for inserting the person as a central element, but it carries an impropriety, since the disability is part of the individual, that is, disability does not behave, assert Vittorati and Hernandez (2014, p. 253).

Although it seems of little importance, the change in the expression used to name individuals who have some type of disability directly influences the way they are seen and treated by society. Pejorative terms carry an axiological charge that perpetuates attitudes of exclusion and even intolerance against people with disabilities, in addition to motivating inappropriate public policies, based on attitudes of mere assistance and charity.

The United Nations Convention on the Rights of Persons with Disabilities presents the following general principles: a) respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and the independence of persons; b) non-discrimination; c) full and effective participation and inclusion in society; d) respect for difference and acceptance of people with disabilities as part of human diversity and humanity; e) equality of opportunities; f) accessibility; g) equality between men and women; h) respect for the development of the capacities of children with disabilities and for the right of children with disabilities to preserve their identity.

According to Article 4, the ratification of the Convention by any State means that it must ensure and promote the full exercise of the rights provided for therein without any type of discrimination and, in these circumstances, the States undertake: a) to adopt legislative, administrative and any other measures necessary for the realization of the rights recognized in the Convention; b) adopt all necessary measures, including legislative ones, to modify or repeal laws, regulations, customs and practices in force, which constitute discrimination against persons with disabilities; c) take into account, in all programs and policies, the protection and promotion of the human rights of persons with disabilities, as well as take all appropriate measures to eliminate discrimination based on disability, by any person, organization or company private, among others.

The State has the obligation to check any norm or act of domestic law to see if it complies with the CRPD and, if it does not, it has the obligation to modify or repeal those non-compliant norms or acts in favor of the primacy of the CRPD. It means that the State must take the necessary and appropriate measures to adapt the internal rules according to the CRPD, whatever the origin or nature of the measures, to aim at the full effectiveness of the CRPD and in order to proceed with its implementation. Consequently, the conventional norm assigns an obligation of the State as a whole, on a non-exhaustive basis, the political and administrative authorities, including the courts, are obliged to fulfill the conventional obligations, to the extent of their competences. Or rather, it implies that everyone contributes to the State's international responsibility to prevent and take into account conventional norms. (SOUSA, 2013, p. 202).

The UN Convention constitutes a catalog of civil, political, economic, social and cultural rights. Among the rights are the right to life, the right to equality before the law, the right of access to justice, the right to freedom of movement, the right to a nationality, the right to privacy, the right to freedom of expression, the right to education, the right to health, right to habilitation and rehabilitation, right to work and employment. The participation of people with disabilities in cultural life, in turn, is also a concern of the UN Convention:

Art. 30.1. States Parties recognize the right of persons with disabilities to participate in cultural life on an equal basis with others and shall take all appropriate measures to enable persons with disabilities to:

- a) Have access to cultural goods in accessible formats;
- b) Have access to television programs, cinema, theater and other cultural activities, in accessible formats; and
- c) To have access to places that offer services or cultural events, such as theatres, museums, cinemas, libraries and tourist services, as well as, as much as possible, to have access to monuments and places of national cultural importance. (United Nations, 2007)

In this context, in order to guarantee the right to participation in the cultural life of persons with disabilities, States should take various measures to ensure access to venues for sporting, recreational and tourist events and that persons with disabilities have access to services provided by persons or entities involved in the organization of recreational, tourist, sports and leisure activities.

The international monitoring of the Convention is the responsibility of the so-called Committee on the Rights of Persons with Disabilities, composed of eighteen experts elected by the States Parties for a term of four years, reelection being allowed only once. Pursuant to Articles 35 and 36 of the Convention, the States Parties must submit an initial report to the Committee, within two years after the entry into force of the treaty, informing the measures adopted to comply with the obligations arising from the Convention and notifying the progress achieved. Thereafter, States must submit reports at least every four years or when the Committee so requests.

The Committee upon receipt of reports and may request additional information. At the end of this stage, the Committee makes the relevant suggestions and recommendations to the State. The reports are made available to the Convention States and they must facilitate access to the reports and recommendations made by the Committee to the public in their countries, including for the purpose of suggestions.

Brazil forwarded its initial report (the only one so far) to the Committee in May 2012 (Brasil, 2012). In the report with more than seventy pages, the Brazilian State dealt with accessibility in terms of tourism in just one paragraph, having stated that since the edition of the “National Tourism Plan 2007-2010” it has prioritized social inclusion and stated that people with disabilities are incorporated into tourism through tourist activities that promote equal opportunities, equity, solidarity and the exercise of citizenship. Furthermore, the Brazilian State informed the Committee that the Ministry of Tourism had adopted measures to support and encourage the participation of persons with disabilities in tourist activities, such as the publication of the guide “Tourism and Accessibility”.

Also highlighted the “Accessible City Project is Human Rights” developed by the federal government in 2010 with the participation of the municipalities of Campinas, Fortaleza, Goiânia, Joinville, Rio de Janeiro and Uberlândia, cities with accessibility

measures and which have established partnerships with the Department of Human Rights of the Presidency of the Republic in order to strengthen and expand accessibility policies.

In September 2015, the UN Committee presented several recommendations to the Brazilian State on the most varied themes arising from the Convention. With regard to tourism, he recommended that Brazil make it fully accessible. In addition, it determined that Brazil should present the next report by September 1, 2022, which should point out the measures adopted to comply with the recommendations made (United Nations, 2015).

Shortly before the presentation of the recommendations to the Brazilian State, Law 13.146/2015 (Brazilian Law for the Inclusion of Persons with Disabilities) was enacted. Article 42 provides that persons with disabilities have the right to culture, sport, tourism and leisure on an equal basis with other people, being guaranteed access to cultural goods in an accessible format, television programs, cinema, theater and other cultural and sports activities in an accessible format, as well as monuments and places of cultural importance and spaces that offer services or cultural and sports events. Furthermore, hotels, inns, and the like, according to Article 45, must be built in accordance with the principles of universal design, in addition to guaranteeing accessibility for people with disabilities.

As can be seen, the United Nations, through the Committee of the Convention on the Rights of Persons with Disabilities, has been concerned with the accessibility of persons with disabilities to tourism, and has even made recommendations to the Brazilian State. This, in turn, enacted a specific law aimed at protecting the rights of people with disabilities, containing devices related to accessible tourism. Another important international source on tourism and accessibility is the World Tourism Organization.

3. Accessibility from the perspective of The World Tourism Organization

The World Tourism Organization is the result of the transformation of the International Union of Official Tourism Organizations (UIOOT). The Statute of the World Tourism Organization was approved during the Extraordinary General Assembly of the UIOOT held in Mexico City in September 1970 and entered into force in January 1975. The World Tourism Organization has as its objective the promotion and development of tourism with aimed at promoting “economic expansion, international understanding, peace, prosperity, as well as for universal respect for and observance of fundamental human rights and freedoms, without distinction as to race, sex, language or religion.” (World Tourism Organization, 1970). As explained by Alberto Pereira dos

Santos, Danielle Brant and Rosa Maria Brant (2017, p. 334, our translation), the organization became, as of 2003, a specialized agency of the UN “whose mission is to promote sustainable, responsible and universally accessible as a promoter of inclusive development.” Thus, as can be seen, the promotion of tourism associated with respect for human rights has been a concern of the Organization since its creation in the 1970s.

The States of the World Tourism Organization are divided into three categories, namely, full members, associate members and affiliated members. Associate member status is accessible to all sovereign States and those countries that are effective members of the UIOOT, on the date of adoption of the UNWTO Statutes, and have the right to become full members, without the need to vote, by means of a formal declaration by which they adopt the Statutes of the Organization and accept the obligations inherent to membership. Furthermore, other countries may become effective members with the approval of the General Assembly through 2/3 of the effective and present members.

The category of associate members is reserved for territories or groups of territories that do not assume responsibility for their international relations (Article 6 of the WTO Statute). On the other hand, the status of affiliated members is reserved for international, intergovernmental and non-governmental organizations concerned with tourism issues, as well as commercial and association organizations whose purposes are related to the objectives of the World Tourism Organization (Article 7 of the UNWTO Statute).

The World Tourism Organization has as organs the General Assembly, the Executive Council and the Secretariat. The General Assembly is the highest body of the entity, it is composed of representatives of the effective members and must meet every two years or when circumstances so require. The body is competent to examine any matter and formulate recommendations on any matter within the competence of the World Tourism Organization. The Executive Board, in turn, is made up of effective members elected by the General Assembly, whose mandate is four years and must meet at least twice a year. Finally, the Secretariat is composed of the General Secretary appointed by the General Assembly, following the recommendation of the Executive Board, through two-thirds of the votes of the effective members present. The Secretary General's main attribution is to execute the directives of the General Assembly and the Executive Council of the UNWTO.

Regarding funding, Rui Aurélio de Lacerda Badaró (2003) explains that the organization is funded through annual contributions from Member States, associate members and affiliates. In addition, the organization also has direct resources from the UN for the creation of projects in collaboration with UNESCO.

Therefore, UNWTO has been working towards the development of tourism worldwide, through various commitments and actions agreed between it and the member states. It is important to emphasize that this organization is related to two other important world organizations, namely: Unesco, aiming at a balanced tourism in harmony with the policies of preservation of the historical and cultural heritage at world level; and as a specialized agency of the United Nations, it is charged with promoting responsible, sustainable and accessible tourism for all. (Fontes, 2016, p. 33)

The creation of the World Tourism Organization is closely linked with the emergence of the so-called International Tourism Law, “an area of International Law that consists of the formulation of principles and rules that regulate the relations of the subjects of international law in the sphere of tourism” (Surayyo , 2020, p. 11, our translation). Among the rules formulated within the scope of International Tourism Law, those relating to accessibility for people with disabilities stand out, including being one of the focuses of the World Tourism Organization.

In 1980, the Manila Declaration on World Tourism was published, and the right to tourism “implies society with the duty to provide its citizens with the best practical, effective and non-discriminatory access to this type of activity.” (World Tourism Organization, 1980). Thus, at the beginning of the 1980s, the UNWTO emphasizes the importance of non-discrimination in terms of tourism.

In 1999, the so-called “World Code of Ethics for Tourism” was created within the framework of the UNWTO, emphasizing the importance of tourism development combined with respect for human rights, particularly the rights of vulnerable groups, such as people with disabilities. In addition, the document states that, when recognizing the right to tourism, family tourism, tourism for the elderly and people with disabilities will be encouraged (World Tourism Organization, 1980).

One of the objectives of the Code was to summarize various documents, codes and declarations (Declaration of Manila, Declaration of Tourism Rights, Tourism Code) of the same nature or with a similar objective, adopted by UNWTO over the years. The objective was also: a) to have a document that was improved by new considerations arising from the evolution of society; b) establish a single frame of reference for world tourism agents on the verge of a new century and a new millennium.

On several occasions, the Code expressly mentions the right of all people to practice tourism. Furthermore, Articles 2 and 7 make explicit reference to the rights of persons with disabilities and the need for all stakeholders to facilitate their travel and tourist movements. The full text of the Global Code of Ethics for Tourism appears in Annex 2, where the articles mentioned can be found. These articles highlight the equality of all people, the need to promote the rights of people with any type of disability and the elimination of obstacles that limit the practice of tourism, described as one of the best possible expressions of sustainable growth. (World Tourism Organization, 2015, p. 8, our translation)

In 2013, the organization's General Assembly issued resolution A/RES/637(XX) with the “Recommendations on Accessible Tourism for All”, updating the recommendations made in 2005. The UNWTO document emphasizes that tourism is a of activities used by countries to encourage their development, but the lack of accessibility by people with disabilities is a problem of various dimensions, as it involves access to information, means of transport, participation in cultural and sports events, among others.

According to the UNWTO, the creation of the United Nations Convention on the Rights of Persons with Disabilities led to a greater emphasis on the obligations of the tourism sector in order to guarantee accessibility for people with disabilities. In this context, states the UNWTO Resolution, the UN Convention States must guide the public and private sectors in order to make tourism accessible. Accessible tourism does not only mean ensuring access for people with disabilities, but also involves creating enabling environments (World Tourism Organization, 2013).

The Resolution understands the term person with a disability as any individual prevented from full and effective participation on equal terms with other people in travel, accommodation and tourism services due to the existence of barriers. The definition encompasses people with long-term physical, mental, intellectual or sensory impairments, as well as people with temporary disabilities can be included in this group, emphasizes the Resolution.

The World Tourism Organization presents a series of recommendations divided into the following axes: a) management of tourist destinations; b) information and publicity regarding tourism; c) urban and architectural environments; d) modes of transport and stations; e) accommodation, food services and events; f) cultural activities (museums, theaters, cinemas and others); g) other tourist activities and events. These

recommendations aim to ensure accessibility for people with disabilities in terms of tourism in urban and rural areas.

Regarding the first axis, the World Tourism Organization recommends the adoption of strategies related to accessible tourism by the managing entities of tourist destinations. In this context, he explains that the concept of an accessible tourist destination is related to the availability of accessible facilities, infrastructure and transport aimed at creating a stimulating and easily accessible environment (World Tourism Organization, 2013).

With regard to the second axis, the World Tourism Organization recommends the adoption of a series of measures, such as: a) the inclusion of information on accessible services and facilities in tourism promotional material, which should indicate, if possible, how contact the establishments through accessible means; b) the provision by tourist destinations of lists of all support services for people with disabilities; c) the inclusion in the booking systems of information on the level of accessibility of the facilities and the systems themselves must be accessible for persons with disabilities; d) consumer protection entities must receive and resolve all complaints related to the lack of accessibility of advertised services and facilities.

The third axis is related to accessibility in urban and architectural environments. The World Tourism Organization makes recommendations regarding parking areas, communications, signage, horizontal and vertical displacement, sanitary facilities and prices. The recommended measures include the existence of an area reserved for people with disabilities in parking lots with ample spaces between spaces, organization of telephones and other public communication systems that allow use by people with disabilities, adoption of tickets and tickets with language accessible, accessible services and facilities must bear easy-to-understand symbols, elevators must have sufficient space for wheelchairs, provision of accessible public restrooms, and the additional costs required to provide accessible services and facilities will not mean an increase in rates for customers with deficiency.

The fourth axis presents recommendations regarding means of transport and stations. According to the World Tourism Organization, passenger transport vehicles (private vehicles, buses, taxis, trains, etc.) must provide safe and adequate transportation for people with disabilities and the information must be in an accessible format. Persons with disabilities must have easy access to transport services and stations, which must be

equipped with ramps or lifts. In addition, wheelchairs must be stored during the trip in a suitable place and delivered intact upon arrival at the destination.

Recommendations were also made under the fifth axis regarding accommodation, food services and events. Hotels must have a reasonable number of fully accessible rooms, rooms must be equipped with an adequate alarm for deaf people, an adequate number of bars and restaurants must have accessible facilities, and the facilities in buildings used for holding congresses and events must be equipped with special seats, areas reserved for wheelchair users, as well as special headphones.

The World Tourism Organization has also made recommendations related to cultural activities. In the context of the fifth thematic axis, it was asserted that the entities responsible for carrying out cultural activities in tourist destinations must adopt the relevant measures to guarantee that people with disabilities have access to material and cultural activities in accessible formats and can participate, develop and utilize your creative, artistic and intellectual potential. The measures must be adopted in theaters, cinemas, museums and other buildings of tourist interest.

Finally, the World Tourism Organization recommended the adoption of measures aimed at ensuring the participation of people with disabilities in recreational and sports activities. Measures include, for example, making the beaches of tourist destinations accessible through access ramps, adapted changing rooms and offering chairs and crutches for people to bathe in the sea with the help of a professional team. In addition, sports facilities must be equipped to accommodate tourists with physical disabilities and provide information through sound and visual systems, as well as through other communication services for blind and deaf people.

Brazil is part of the World Tourism Organization and therefore must also follow its recommendations in terms of accessibility. However, accessible tourism in Brazil presents challenges in its implementation and enforcement, despite some positive experiences, as will be shown below.

4. Methodology and results

4.1. Methodology

In order to exemplify the scenario of accessibility in tourism and confirm or refute the defined hypotheses, two qualitative exploratory researches were carried out with secondary data: i) survey of secondary data from the news category on the *Hôtelier News* portal to verify accessibility adaptations implemented by means of accommodation; ii)

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collection of secondary data from the news category on the Hôtelier News portal to verify national destinations that carried out accessibility actions.

The tourism sector has three major specialized news channels, namely Panrotas, Mercado & Eventos and Hôtelier News. Once the relevance of verifying the practice of accessibility in accommodation facilities was identified, the Hôtelier News channel was defined as a data source, as its editorial area is specialized in accommodation facilities. The choice for this same channel to collect data on accessible national destinations was made for convenience. Although the editorial focuses on accommodation, in a brief comparison of the availability of information with the keyword “accessibility”, it was found that of the three news channels in the tourism sector, Hôtelier News provided the largest number of articles on accessibility in destinations.

Thus, exploratory research was prepared as follows:

| Research i | Research ii |
|--|--|
| Definition of the topic: adaptation of accommodation facilities to Article 3 of Law No. 13,146/2015 | Definition of the theme: national destinations that carry out accessibility actions |
| Source definition: Portal Hotelier News | Source definition: Portal Hotêlier News |
| Keywords: accessibility, hotels, adaptation | Keywords: accessibility, destinations, adaptation |
| Categorization: by year, by action, by location | Categorization: by year, by action, by location |
| Time frame: 2010 - 2020 | Time frame: 2010 - 2020 |

After completing the exploratory research on the Hôtelier News portal, the validation of the data collected from the bibliographic review of the “Study of the Profile of Tourists - People with Disabilities” published in 2013 by the Ministry of Tourism and on the website of the NGO Turismo Adapted was carried out.

5. The practice of accessible tourism in Brazil - Results and discussion

According to the last census carried out by the Brazilian Institute of Geography and Statistics (2010), Brazil has 46 million people with some difficulty in skills such as seeing, hearing, walking, climbing steps or mental/intellectual disabilities. Although these people represent about 24% of the country's population, society is not adapted for them, although the Law has existed for five years, and its 3rd article is entirely dedicated to the mandatory adequacy of urban furniture, transport and communication.

As previously presented, in 2012 Brazil forwarded its initial report to the UN Committee on the Rights of Persons with Disabilities outlining the measures adopted to comply with the obligations of the United Nations Convention on the Rights of Persons with Disabilities. In this document, with regard to actions in the tourism sector, the

“National Tourism Plan 2007-2010” was pointed out as the most relevant initiative, highlighting the launch in 2010 of the “Accessible Tourism Guide”.

The “Accessible Tourism Guide” evolved into the “Accessible Tourism Program” as part of the accessibility policy of the Ministry of Tourism (MTUR) in the period 2012-2014. Since then, MTUR has been working on the issue of accessible tourism within the scope of social tourism, in an integrated manner with other departments of the federal government. According to the Accessible Tourism Program website (Ministério do Turismo, 2020), this is a set of actions aimed at promoting social inclusion and access for people with disabilities or reduced mobility to tourist activities. The program is aimed at public and private managers, tourism professionals, enterprises, tourist destinations and tourists themselves, whose expected results range from training actions, dissemination of studies and research for structuring accessible destinations and tourist products, as well as insertion of people with disabilities in the tourism job market.

Among the actions carried out by the “Accessible Tourism Program” the following stand out: a) “Study of the tourist profile - people with disabilities” carried out in 2013; b) four volumes of the “Cartilha Turismo Acessível”, with the themes “Introduction to an inclusion trip”, “Mapping and Planning - Accessibility in tourist destinations”, “Good service in accessible tourism” with disclosure of existing subsidies for adapting establishments and; “Well to serve in adapted adventure tourism”. It is also worth mentioning the evolution of the “Accessible Tourism Guide”, available in the form of an online portal and mobile application, being fully collaborative for tourists to evaluate and consult the accessibility of tourist spots, accommodation, restaurants, parks and other attractions.

It is important to recall that in 2015 Brazil received several suggestions from the UN Committee and, in the field of tourism, recommended that the sector become fully accessible. Two years earlier, Resolution 280 of the National Civil Aviation Agency (Brasil, 2013) was published, referring to the necessary procedures in relation to the accessibility of passengers with special needs for air transport in national territory. This Resolution establishes that all air service professionals must adopt measures aimed at guaranteeing the physical and moral integrity of passengers in need of special assistance (PNAE), offering an 80% discount on the amount charged for excess baggage of essential items, in addition to the charge of up to 20% for each additional seat required by the PNAE and its companion, among others.

In consulting the portal of the three airlines operating in the national territory Gol, Azul and LATAM, it was possible to observe that the first two provide all the necessary guidelines for a PNAE to acquire their respective services, whether it be the purchase of air tickets, support and dispatch of Baggage. This was not observed on the LATAM portal, as despite having a dedicated section on the subject, it only directs its customers to the Customer Service Center via telephone.

Shortly before the presentation of the UN recommendations to the Brazilian government, Law 13.146/2015 was enacted, whose article 45 is dedicated to the adaptation of accommodation facilities for guests with disabilities, such as the construction of accessible routes and the allocation of 10% of the bedrooms to receive guests with disabilities. In addition, all establishments should comply with the requirements by January 2018. Although it is common knowledge that there are numerous hotels, inns and resorts without proper adaptation, the research carried out with secondary data on the Hôtelier News portal identified some of the actions carried out in the hotel industry in this regard.

Using the keywords accessibility, hotels and adaptation in the time frame of 2010-2010, 27 articles were found and of these 7 presented relevant information for this research, as can be seen below:

Table 01: Adaptation actions to Article 45 of Law 13,146/2015 in the Brazilian hotel industry

| Year | Action | Location | Result |
|-------------|--|--------------------|---|
| 2016 | Fohb and AccorHotels promote training for people with special needs | São Paulo | A total of 30 employees from hotel chains associated with FOHB were trained. |
| 2017 | Renaissance São Paulo is the 1st hotel in the city to receive the seal of accessibility from the City Hall | São Paulo | Seal of Accessibility of the CPA - Permanent Commission for Accessibility, body of the Municipal Secretariat for Persons with Disabilities. |
| 2018 | Hotel Intercity Pátio Pinda (SP) receives Accessibility Seal | Pindamonhangaba/SP | Adaptation of the hotel's complete infrastructure. |
| 2018 | Lagos de Jurema Termas Resort installed aid devices for people with physical | Iretama/PR | Installation of assistance devices for people with physical disabilities in some areas of the hotel |

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| | | | |
|------|--|-----------------|--|
| | disabilities in some areas of the hotel | | |
| 2019 | La Torre Resort trains new group of employees in Libras course | Porto Seguro/BA | Formation of a new group of 15 employees in the Basic Libras Course. |
| 2019 | Intercity Ibirapuera opens rooms adapted for people with physical disabilities | São Paulo/SP | Intercity Ibirapuera renovated 11 rooms to adapt them to guests with physical disabilities |
| 2019 | La Torre Resort opens beach structure for guests and external public | Porto Seguro/BA | Adaptation of the Beach Club to accessibility requirements, with ramps, amphibious chairs and adapted bathrooms. |

Source: Portal Hôteliier News (2020)

The lack of commitment on the part of the private sector to comply with the necessary adaptations exposes the lack of knowledge about the market potential that they fail to explore, as will be seen later on. However, research carried out in 2015 by the Open Doors Organization (2015), a non-profit initiative based in Chicago (USA), shows that adults with a disability spent around 17 billion dollars on travel that same year. Although there are no statistics on the Brazilian reality, since the tourism control bodies in Brazil do not make this distinction, it is important to remember that the country has 46 million people with disabilities with the right to be well received in cities and establishments when are traveling, that is, it is not a privilege.

Finally, it is important to emphasize that since 2007 the “National Tourism Plan” includes accessibility as a way of strengthening and expanding tourism. In its last edition for 2018-2022, this commitment was ratified, proposing the intensification of actions for the implementation and adaptation of tourist equipment and support to destinations. In addition, there is guidance so that public resources from the Union, States or municipality are directed to this end, as well as there is guidance to encourage private initiative in the same sense.

In 2013, the “Study of the Profile of Tourists - People with Disabilities” was carried out as an integral part of the “Accessible Tourism Program” (Ministério do Turismo, 2013). This qualitative research, available for consultation on the Ministry of Tourism website, shows the perception of travelers with disabilities in relation to cities. Among the results, it was found that cities are not prepared to receive this public, and

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aspects vary from sidewalks with holes and irregularities to inadequate lighting, a situation that demonstrates urban hostility towards those who need special attention. The study has a propositional character and presents the necessary measures to reverse the scenario, namely: 1. improve access to equipment and tourist attractions; 2. improve the condition and maintenance of sidewalks; 3. sound the traffic lights; 4. Raise awareness among the population so that it understands and does not ignore the function of the tactile floor; 5. tourist attractions and commerce must have qualified guides/interpreters; 6. make the places more illuminated, also considering customers with low vision; 7. improve the quality of access works that must meet safety requirements; 8. Make parks accessible as a whole.

The study in question also brings the evaluation of the best and worst cities in terms of accessibility and among these, which are the most hospitable and hostile, as can be seen below:

Table 02: Evaluation of tourist cities from the perspective of travelers with disabilities

| City | Accessibility | Welcoming perception |
|----------------|---------------|----------------------|
| Recife | Excellent | Hospitable |
| São Paulo | Excellent | Hospitable |
| Curitiba | Excellent | Hostile |
| Rio de Janeiro | Excellent | Hostile |
| Socorro | Excellent | Not highlighted |
| Fortaleza | Median | Hostile |
| Belo Horizonte | Median | Not highlighted |
| Natal | Median | Not highlighted |
| Porto Alegre | Median | Not highlighted |
| Salvador | Median | Not highlighted |
| Brasília | Bad | Not highlighted |
| Goiânia | Bad | Not highlighted |
| Manaus | Bad | Not highlighted |
| Pantanal | Bad | Not highlighted |

Source: Ministério do Turismo (2013)

In search of more information about the accessibility of Brazilian destinations, a new survey was carried out with secondary data on the *Hôtelier News* news portal, where it was possible to verify updates on the adequacy of tourist equipment for tourists with disabilities. It is important to highlight that in the time frame of 2010-2020 and using the keywords accessibility, destinations and adaptation, 31 articles were found, of which the repetitions of the agenda were eliminated, eight of them were identified as relevant for this research, as follows:

Table 03: Accessibility of tourist destinations

| Year | Action | Location | Result |
|------|--|------------------------------------|--|
| 2013 | Accessibility Route of the Historic Center of Salvador | Salvador/BA | 1-) Enlargement of the sidewalk on one side of the street 2-) Construction of crossings based on cyclopean concrete covered in characteristic stone 3-) Leveling the footbridge in Largo de São Francisco 4-) Construction of an escarpment (ramp through the stairs) at Fundação Casa de Jorge Amado |
| 2014 | Accessible Tourism Program – Pernambuco Without Barriers | Pernambuco | Availability of a 30-meter-long sea access mat, six amphibious chairs, three swimming pools for children's leisure, a court for sitting volleyball, a physiotherapy and nursing tent, in addition to assisted bathing |
| 2014 | Fernando de Noronha conducts training on accessibility | Fernando de Noronha/PE | More than 30 tourist establishments, including inns, receptive companies, trained bars and restaurants |
| 2014 | Accessibility Booklet | Pernambuco | 5 thousand copies made available for equipment and tourist attractions on the needs of people with disabilities. |
| 2014 | Turismo de Pernambuco holds a series of training sessions focused on accessibility | Recife e Jaboatão de Guararapes/PE | Training of 23 restaurants on serving people with disabilities |
| 2015 | Beach without Barriers | Tamandaré e Porto de Galinhas/PE | Availability of a 45-meter-long sea access mat, two amphibious chairs, a swimming pool for children's leisure, sea bathing with the help of qualified professionals, walks with adapted rafts, sea bathing and diving accompanied by qualified professionals |

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| | | | |
|------|--------------------------|------------------------|--|
| 2016 | Accessible Beach Project | Fortaleza e Caucaia/CE | Enable the disabled, elderly and people with reduced mobility access to the sea. More than 5,400 services performed |
| 2016 | Accessible Beach Project | Guarujá/SP | Users are accompanied by facilitators, professionals trained by the State, for a sea bath that lasts about 30 minutes. |

Source: Portal Hôteliar News (2020)

As can be seen, the State of Pernambuco, through the “Pernambuco without barriers” program, has implemented different actions in its tourist cities in the last six years. Salvador has been trying to adapt the capital's tourist equipment for seven years for all travelers with disabilities, and it is important to highlight that it is a city with different historical sites, making the challenge more complex. Fortaleza, in turn, with the project “Praia Acessível”, which has been in existence for three years, has already provided more than 5,400 services.

Finally, it is important to highlight the evaluation of Ricardo Shimosakai, owner of the NGO Turismo Adaptado, a service provider for all companies in the tourism sector that seek to adapt their services, in addition to giving lectures on the subject. In May of this year, Ricardo published a series of texts evaluating his trips to six accessible destinations, including São Paulo, Rio de Janeiro, Manaus, Salvador and Curitiba (Portal Turismo Adaptado, 2019). All with positive and positive evaluations for accessible tourism, which confirms the evolution of these destinations in welcoming and receiving tourists with disabilities.

In any case, although the role of the Ministry of Tourism in providing information on accessible tourism is recognized, its relevance in Brazil is incipient. Ricardo Albino is a journalist and uses a wheelchair and in an interview for Revista Movimenta (2017) reports that the more he travels, the more tourism professionals realize that people with disabilities are consumers. However, he still hears that it is expensive to adapt the services and that the demand does not compensate for such expenses. Ricardo Shimosakai, in turn, in a statement for the same magazine, explains that the demand from travelers with disabilities is increasing, but they are looking for more destinations abroad, because here they are not adequately served.

In this context, the “Study of the Profile of Tourists - People with Disabilities” (Ministério do Turismo, 2013) highlights the three important dimensions in providing an

ideal service for a tourist with a disability, namely: 1. Knowing the specificities of each disability (limitations and potentialities); 2. know all the rights of people with disabilities and duties towards them; 3. have personal characteristics and essential skills, such as being considerate, patient, helpful, taking initiative, being polite, kind, cordial, etc.;

Combining these three dimensions in the Brazilian tourist service chain is a challenge, because for tourists with disabilities there is almost always the feeling of being served by professionals who are not very prepared and/or sensitive. This study highlighted, for example, situations of communication failures between travel agent and operator, operator/inbound agency which, for the most part, does not have adapted transport and qualified guides for this public, and airlines.

Accessibility in terms of tourism in Brazil is certainly a challenge for two main reasons. Initially, tourism encompasses various activities and services such as transportation, accommodation, cultural and gastronomic establishments. These activities and services, in turn, involve the public and private sectors. Furthermore, tourism within the public sector involves all federative entities. Museums, for example, are important establishments for tourist destinations, some managed by the private sector and others by the public sector.

Thus, the performance of the Brazilian State can be analyzed through two aspects. If the public sector is responsible for the activity, international standards and recommendations must be observed in the formulation and implementation of public policies aimed at tourism. On the other hand, in the case of activities carried out by the private sector, the State has a supervisory role, that is, it must ensure that the same norms and recommendations are observed by private agents in the tourism sector. Incidentally, this double stance of the State is expressly provided for in Article 4 of the UN Convention on the Rights of Persons with Disabilities.

6. Final considerations

Making people with disabilities visible is one of the goals of international law. The United Nations, especially since the 1970s, has edited norms regarding the rights of people with disabilities, with emphasis on the Convention on the Rights of People with Disabilities. This treaty required States to adopt various measures in order to guarantee the full exercise of the rights of persons with disabilities and determined that States should adopt measures aimed at ensuring compliance with international standards by organizations and private entities.

Among the various rights provided for in the UN Convention is the right to participate in cultural life. The participation of people with disabilities in cultural life includes access to tourism. Tourism, in addition to being an important sector of the world economy, also enables the development of human beings by allowing contact with other peoples and cultures. Therefore, the full development of people with disabilities is related to their access to tourism. The concern with accessible tourism was also present in the recommendations made to the Brazilian State by the UN Committee and in the recommendations made by the World Tourism Organization.

Brazil, as a signatory to the UN Convention and a member of International Organizations, must comply with the rules and recommendations on the subject. However, despite the existence of positive experiences in terms of accessible tourism, the Brazilian reality presents challenges. The tourism sector, as explained earlier, involves various activities and services provided by the public and private sectors. For this reason, the Brazilian State must act even more incisively, whether through direct action through public policies based on international norms and recommendations or through its supervisory function in relation to the private sector.

The Ministry of Tourism must assume its role in this matter. The initiatives pointed out in the work are still timid. The portfolio must act as an effective promoter of accessible tourism. The tourism sector, in turn, must understand the importance of including people with disabilities, as they are part of society, as well as potential consumers. In addition, the inclusion of people with disabilities in the tourism sector could be an important factor in the recovery of the sector, which was so affected by the Covid-19 pandemic. With this change in perception on the part of the tourism sector, it will be possible to include people with disabilities and to grow the activity itself.

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Analysis of the compliance of the transparency Website Portals of the City Councils of the Municipalities with More than 10 thousand inhabitants of Rio Grande do Sul

Análise das conformidades dos Portais de Transparência das Câmaras de Vereadores dos Municípios com mais de 10 mil habitantes do Rio Grande Do Sul

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DOI: [[10.22478/ufpb.2525-5584.2023v8n1.61338/](https://doi.org/10.22478/ufpb.2525-5584.2023v8n1.61338/)]

Recebido em: 05/11/2021
Approved in: 07/02/2023

Abstract: The general objective of the present study was to demonstrate the degree of compliance of the institutional websites of the bodies of the Legislative powers of the municipalities of Rio Grande do Sul with more than 10 thousand inhabitants, with the Federal Law 12.527/2011. The research comprised the time range of analysis from 2013 to 2018, with a sample of 167 municipalities. The article was classified as a descriptive, observational research, with a qualitative approach, with data collected from the TCE RS website. Transparency levels were rated as “very high”, “high”, “fair”, “low” and “very low”, based on a rating scale. It was possible to conclude that after the enactment of law 12.527 / 11, the city councils of city councilors in the cities of the state of Rio Grande do Sul with more than 10,000 inhabitants, in general, have been evolving positively with regard to compliance with the law on access to information. It is also concluded that of the total sample, 13.7% of the federated entities are classified as municipalities with high or very high level of compliance with the transparency law, the remaining 86.3% are classified as legislative in municipalities of reasonable, low or very low level of LAI compliance. Likewise, it is concluded that the municipality with the most transparent Legislative Branch in the sample studied is Bento Gonçalves and the Legislative Branch that has the lowest level of transparency is the city of Planalto.

Keywords: Transparency; Town hall; Control.

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Resumo: O objetivo geral do presente estudo é demonstrar o grau de conformidade, dos sites institucionais dos órgãos dos poderes legislativos dos municípios do Rio Grande do Sul com mais de 10 mil habitantes, com a Lei Federal 12.527/2011. A pesquisa compreendeu a faixa temporal de análise de 2013 a 2018, com uma amostra de 167 municípios. O artigo classificou-se como uma pesquisa descritiva, observacional, de abordagem qualitativa tendo os dados coletados junto ao site do TCE RS. Os níveis de transparência foram classificados em “muito alto”, “alto”, “razoável”, “baixo” e “muito baixo”, baseados em uma escala de classificação. Foi possível concluir que após a promulgação da Lei 12.527/11, as câmaras municipais de vereadores dos municípios do estado do Rio Grande do Sul com mais de 10.000 habitantes, em geral, vêm evoluindo no que se refere ao cumprimento da Lei de Acesso à Informação. Também se conclui que do total da amostra, 13,7% dos entes federados classificam-se como municípios de alto ou muito alto nível de cumprimento da Lei de transparência, os 86,3% restantes, classificam-se como legislativos de municípios de nível razoável, baixo ou muito baixo de cumprimento da Lei de Acesso à Informação. Da mesma forma, conclui-se que o município com o Poder Legislativo mais transparente da amostra estuda é Bento Gonçalves e o Poder Legislativo que possui o menor nível de transparência é o da cidade de Planalto.

Palavras-chave: Transparência; Câmara Municipal; Controle.

1. Introduction

Historically, democracy, as a form of government, is minimally based on the participation of citizens in the public sphere. According to Silva (2019), transparency in the management of public resources is a necessary condition, even if it is not sufficient, for society to be informed of the actions of government officials.

Platt Neto et al. (2007, p.75) points out that “in Brazil, transparency is considered a principle of responsible fiscal management that derives from the constitutional principle of advertising”. For Cruz et al. (2012), when it comes to public resources, the transparency of information regarding these resources, with a view to curbing corruption practices, should represent all public actions developed by public managers, allowing citizens access, as well as understanding about what they do as an accountability of the power of representation that was conferred on these public managers.

Information under the custody of the State is, as a rule, public, and access to it should be restricted only in specific cases. This means that the information produced, stored, organized, and managed by the State on behalf of society is a public good (CGU, 2018). The right to information gains a considerable emphasis with the promulgation of Law 12.527, on November 18, 2011 (Brazil, 2011), which provides for the procedures to

be observed by the Union, States, Federal District and Municipalities, in order to guarantee access to information provided for in our Federal Constitution.

Consequently, the demand for information has increased by citizens who have realized that in this way it is possible to follow the actions practiced by government officials. Such interest has been triggered together with the demand for efficient and transparent public administration. Society wants to know what is being done, how revenues are being spent, and how it is addressing ways to improve public interests that directly and indirectly affect the lives of all (Newbold, 2015).

When public information is provided to society “the State allows a scrutiny of the premises adopted for the elaboration and implementation of the Public Policy analyzed at that time, something unthinkable in societies in which information asymmetry is the rule, and not the exception, as is intended in Brazilian society” (Grumman, 2012, p.99). From the moment the citizen has knowledge of the information, he will have more security to elect his representatives.

In this context, the disclosure of acts practiced by public managers is mandatory in order to provide transparency to the Brazilian State, which is an essential requirement for democracy. According to Tobias (2012) without information, citizens cannot fully exercise political participation or protect their rights. He also points out that as access is established as a rule, this represents a regulatory framework for transparency in Brazil.

In this sense, the approval of Federal Law 12.527/2011 regulates the right to free access to information, solidifying the democratic regime of law in the country, expanding citizen participation, and strengthening the instruments of control of Public Management. Therefore, it is up to the public administrator to inform, with transparency, how he has applied the resources and what their purpose is. This information should be provided by the Legislative Power, representative of the people, which is assisted by the Courts of Auditors executing the activities of external management control in order to guarantee the quality of the information disclosed by municipal managers (Brazil, 1988).

All this reform in the right of access to information has become a challenge for Brazilian public administration. Thus, it is important to study the municipalities within the same reality, so that a more homogeneous analysis can be carried out and more practical results obtained (Sanchez, Aceituno; Dominguez, 2012).

Between July and November 2018, the Federal Comptroller General's Office carried out an evaluation: Brazil Transparent Scale that evaluates the degree of

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compliance with the provisions of the Access to Information Law. All States, Capitals and Municipalities with more than 50 thousand inhabitants were evaluated and Rio Grande do Sul was ranked 6th in the ranking (CGU, 2018).

The study conducted by Andrade (2014) that investigated the transparency of the Municipal Councils of the largest Brazilian municipalities in the light of the Access to Information Law, revealed that most of them partially meet the indicators of instruments of transparency of Public Information, and of 120 website portals analyzed only 5,26% configure high capacity for transparency of public information.

Silva (2017) when studying the level of active and passive transparency of the Executive Power of the State of Pernambuco concludes that there is still a need on the part of the Executive Power bodies of the State of Pernambuco to disclose the information required by the Access to Information Law, with regard to active transparency, as well as compliance with the deadlines required by the same Law, when referring to passive transparency.

Since the obligation of transparency regulated by Brazilian legislation, several works have dedicated themselves to using the text of the Law as an analytical category to map transparency in Brazilian municipalities. The work of Gama (2015), for example, analyzes the website portals of the municipalities of the State of Pará divided by mesoregions based on the Fiscal Responsibility Law, the Transparency Law and Access to Information Law, in addition to guidelines of “good practices” considering the context of broadband internet technological infrastructures deployed in the interior of the Amazon.

Another work that was based on Brazilian laws, was the research of Jacques et al. (2013) who analyzed the transparency website portals in the municipalities of Rio Grande do Sul with more than one hundred thousand inhabitants, in order to map the level of transparency of these cities. The authors concluded that only the municipalities of Porto Alegre, Canoas, Novo Hamburgo and Passo Fundo obtained more than 70% of the score in the index and only Santa Maria, Pelotas and Caxias do Sul obtained a little more than half of the score.

Practically all the works listed above have in common the concern with public participation and transparency. In this sense, this research cannot be considered new in the literature since there is a series of works on transparency. Therefore, it aims to present a proposal that contemplates studies on public sector areas in the Legislative Powers,

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advancing in relation to the others, since there are no studies on meeting the obligations determined by the Access to Information Law in this sphere, and in municipalities only in the State of Rio Grande do Sul.

Almost all national studies have as sample municipalities over 50.000 inhabitants and cover Executive Power bodies at the Federal level or report to a specific body of education or health for example, so it is focused on the Legislative Power of municipalities with more than 10 thousand inhabitants of the State of Rio Grande do Sul. On the other hand, the study will not cover municipalities with less than 10.000 inhabitants due to the fact that Law 12.527/11 has particularities regarding the mandatory disclosure of some information of municipalities with fewer inhabitants, which would compromise the result of the research. Another reason arises from the concern to highlight the importance of municipal legislative powers in the Brazilian political-administrative organization and likewise the scarcity of studies in this area, although the Access to Information Law is from 2011 and has been strongly demanded by the Courts of Auditors.

This research can serve as an analysis tool for other research, as the results present the possibility of subsidizing the entities of the federation with information and suggestions aimed at improving the transparency of information and meeting the interests of citizens, who are increasingly seeking information regarding public revenues and expenditures, basic factors for meeting the interests of the community. Likewise, it can also be a shortcut to improving the management and transparency of information in any public area.

Given the above, and the relevance given to government transparency, legitimacy and control of public spending, it is considered important to study the compliance of the information disclosed within the Municipal Councils of municipalities with more than 10 thousand inhabitants of the State of Rio Grande do Sul in the light of the Access to Information Law, bringing as a problem the following question: Are the Municipal Councils of municipalities of Rio Grande do Sul with more than 10 thousand inhabitants in accordance with the provisions of the Access to Information Law regarding the disclosure of mandatory information?

In the search for answers, the general objective of this study seeks to evaluate the compliance of the information disclosed by the Municipal Council of the municipalities of Rio Grande do Sul with more than 10 thousand inhabitants, according to the mandatory precepts recommended by the access to Information Law (Federal Law 12,527/2011).

2. Theoretical Referential

2.1 Control of Public Administration.

The State and Municipal Courts of Auditors are responsible for the supervision of municipal and state public management, in order to meet the expectations of society so that it can exercise social control. Social control has gradually increased over public accounts and along with it has also increased the search of public managers to promote greater transparency of revenues and expenditures, in order to preserve access to information (TCE, 2017).

The Federal Constitution (Brazil, 1988) provides that the oversight will be exercised by the Legislative Power through external control, and by the internal control systems of the Executive Power being exercised with the help of the Courts of Auditors. The constitutional text adds that external control will be exercised with the help of the Courts of Auditors. Decree Law n° 200/67 art. 6° established control as one of the fundamental principles of public administration and determined that control of the activities of the Federal Administration be exercised at all levels and in all bodies.

According to Castro (2011), the word control has its origin in latin and designated the relationship of taxpayers with the tax collector. The term can mean domination/hierarchy, direction/command, limitation/prohibition, surveillance, verification, registration, and historically has always been linked to finance.

For Meirelles (2006) control is the faculty of surveillance, correction and guidance that a Power, Organization or Authority exercises over the conduct of the other. For Bonatto (2007) control represents a set of legal and administrative mechanisms through which the power of supervision is exercised.

The institutional controls of public entities in democratic societies constitute a means of effecting accountability and political accountability of the governor, which the literature calls accountability (Arantes, 2010). These managers then have the duty to legally carry out this control as well as to be accountable to the society in addition to carrying out a good management of the financial resources entrusted to them. One of the ways to hold society accountable is to open up, to make public information that is under the guard of the State, that would be called: transparency.

2.2 Public Transparency.

Over the years and the need to build a true democracy, society has demanded ways of access to transparent information and the promotion of democratic participation of the population in public acts and policies. Transparency in public management is increasingly demanded by the population with direct relation to improving the quality of the expenditure of resources earned by society. It aims to curb missteps by public managers, having been adopted in several countries as an instrument for validating democracy and inducing mechanisms for public managers to act responsibly (CGU, 2018).

Defenders of democracy agree that a transparent State is one in which State agents must be guided by the principles of honesty and publicity, must be subject to clear rules, laws established in advance and open to public scrutiny, allowing greater control of government actions (Hood, 2006).

The so-called public resources, financial, human or of another nature, must be reverted to the implementation of public policies that meet the needs of citizens. This is in accordance with the provisions of Article 37 of the Federal Constitution of the Republic of 1988, emphasizing that the Public Administration must meet the following principles: legality, impersonality, morality, publicity and efficiency (Rausch; Soares, 2010).

In short, information must be available at any time, and a transparent government is not limited to providing information related to its management. This is because it is also the role of a transparent government to make available management information prior to its own, so that interested parties have the possibility of drawing a parallel that allows them to follow the evolution of the public machine (Santos, 2017).

A mechanism of public transparency is the Fiscal Responsibility Law nº 101/200 which represented a historic milestone for the country's public finances by establishing a set of standards (and sanctions) aimed at promoting responsibility in fiscal management, the balance of public accounts and public transparency. According to Melo (2019) regarding this last aspect, the Fiscal Responsibility Law has become a great influence on the Access to Information Law by emphasizing the wide dissemination (mainly in electronic form) of public administration documents (complete and simplified) containing: plans, budgets and Budget Guidelines Laws (LDO); rendering of accounts and respective prior opinion; and budget execution and fiscal management reports.

2.2.1 Main laws that contributed to the elaboration of Access to Information Law.

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Brazil has legislation that establishes a set of devices that regulate mandatory aspects regarding the disclosure of information by public agencies. In this context, the supervision of resources is provided, initially, in the Federal Constitution itself (Brazil, 1988) and then, the instrumentation of this process, took place from the accounting perspective, from Law 4320/64 that emerged as a standardization of the preparation and control of budgets and balance sheets of the Union, States, Municipalities and Federal District. (Silva, 2014).

In addition, Brazil also created the Fiscal Responsibility Law, complementary Law 101/2000, which highlights in its Article 56°, as attributions to the Courts of Auditors, the duty to receive accountability from the Executive Power, and in Article 48, includes accountability as one of the instruments of transparency in public management.

According to Melo (2019), this law consolidated, at first, the need to comply with what was already provided for in the Federal Constitution, which was accountability to society, public administration bodies, as well as the obligation to observe the principle of publicity and the others.

In 2009, the Fiscal Responsibility Law was added by the “Transparency Law” (Complementary Law nº 131, of May 27, 2009), which established the detailed (and real-time) availability of information on the PA's budget and financial executions, which was achieved with the creation of electronic transparency websites or “transparency website portals” (Brazil, 2009). This last law and the others mentioned above constitute the main Brazilian legislation that contributed to the elaboration of the Access to Information Law.

The Federal Constitution (Brazil,1988) in Article 5, XXXII, defines the right of citizens to have access to information from public agencies. The Fiscal Responsibility Law, on the other hand, came to charge accountability more effectively and highlight the importance of transparency in fiscal management by government officials.

In November 2011, Law 12.527 (Brazil, 2011) was promulgated, which aims to bring the relationship between the public manager and the citizen closer, concreting Brazilian democracy. Its main pillar is the optimization of government activities having been edited with the intention of defining greater density at the principle of transparency.

According to Melo (2019), Law nº 12.527/2011 and LC nº 131/2009 complement each other and both require that public information be made available electronically. With the exception of municipalities with less than 10 thousand inhabitants, and only with

regard to the requirements contained in the Access to Information Law, all entities must use the internet to comply with these standards.

The regulation of access to information in Brazil, through the Access to Information Law, represents the reaffirmation of the practice of transparency as a key component to the credibility and effectiveness of State actions before civil society (Melo, 2019).

Guaranteeing all citizens access to public information is the main objective of the Access to Information Law. The law establishes the obligation for public bodies and entities to disclose, regardless of request, information of general or collective interest, guaranteeing the confidentiality provided for in the legal text. Likewise, it obliges all public bodies to create a citizen information service that establishes the provision of data free of charge.

In short, there are several benefits introduced by the new rule that, as noted, will affect the whole society, delaying in time until a new conception of State and popular sovereignty is created through the transmutation of the legal text into routine practice in public actions. Scholtes (2012) points out that the transparency of public administration acts is related to sociopolitical elements, planning rules, budget execution, organizational capacity, quantitative and robustness of information that must have synchronous accessibility and absence of cognitive barriers to ordinary citizens.

3. Methodological Procedures

The study was developed based on the three stages of the research process suggested by Hair (2009) which are: formulation, execution, and analysis. The first phase characterized the definition of the problem and objectives, presentation of the justification and theoretical framework. The execution phase covered the research method, target population, definition of sample to be investigated and collection procedures. The third and final stage included the analysis and discussion of the results in order to meet the determined objectives and the final conclusions.

The study was carried out during the period of 2019 and 2020, comprising analysis data from the years 2013 to 2018, using the qualitative approach, because, even using numerical data and indicators, the research approach is predominantly qualitative. The method was classified as observational and as for the levels of research, as descriptive

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research because its primary objective was to describe the characteristics of a given population.

The sample selection, which served for the analysis of the present study, was based on a population of 497 municipalities that constitute the State of Rio Grande do Sul. The population configuration was obtained by consulting the 2018 Demographic Census of the Brazilian Institute of Geography and Statistics (IBGE).

Considering this population, the study is limited only to the Legislative Powers of the Federated States of Rio Grande do Sul with more than 10 thousand inhabitants, which makes a total sample of 167 municipalities. The study covers only the Legislative Powers of the State due to the lack of research in these specific bodies and the elementary functions that this power exercises before society.

With regard to bibliographic research, sources of information were used, such as: monographs, dissertations, national and international articles, newspapers, publications, legislation, documents available on the internet such as: theses, dissertations, portals of journals such as Capes, Google Scholar and reference books on the subject, aiming to support the research developed.

Quantitative data were collected on the website of the Court of Auditors of the State of Rio Grande do Sul using the items formulated based on the determinations contained in the Access to information Law, provided by the TCE Rs. These items are listed in Table 01.

An evaluation of the information released by the Legislative Powers of the municipalities of Rio Grande do Sul was carried out based on the 2018 data collected on the website of the Court of Auditors of the aforementioned state. Similarly, for the evolutionary analysis of the publication of reports, data from the years 2017, 2016, 2015, 2014 and 2013 were also collected on the TCE RS website, totaling a period of 06 years of study.

Table 01: List of the 16 items and their sub-items analyzed according to the Access to Information Law provided by the TCE RS

| Item | Yes | No |
|--|-----|----|
| 1 Request for information via the internet | | |
| 2 Report for Information Request | | |

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| | | |
|--|--|--|
| 3 Expense record | | |
| 4 Information about tenders and their notices and results | | |
| 5 Information on concluded contracts | | |
| 6 Administration of Public Property - Real Estate | | |
| 7 Administration of Public Property - Vehicles | | |
| 8 Human Resources | | |
| 9 Daily rate | | |
| 10 Most Frequently Asked Questions and Answers | | |
| 11 Research tools | | |
| 12 Communication channel with the citizen | | |
| 13 Measures to ensure care for users with special needs | | |
| 14 Local normative instrument regulating the Access to Information Law | | |
| 15 Collective Interest Activity Service | | |
| 16 Act appraising the mayor's accounts and the content of the judgment | | |
| 17 Financial statements | | |

Source: TCE.

As a way to better analyze the results and classify the legislative powers of each municipality according to the level of compliance with the legislation, the form of summation of the percentages of the six years was adopted (2013, 2014, 2015, 2016, 2017 and 2018) and the subsequent classification of these into framing bands.

For this work, the percentages of compliance with the Access to Information Law were added year by year between the period 2013 to 2018, making a total that was used to perform the classification scale of compliance level of Law 12.527/11. This sum is represented in Equation 1.

Equation 01: Compliance index Access to Information Law

$$ICLAI: \sum \text{ of the percentages obtained in each year of the survey}$$

Source: the author.

Where \sum is equal to the sum of the percentages of compliance with the Access to Information Law in each year of the survey by the City Councils. ICLAI is the index of compliance with the Access to information Law.

For the construction of this classification, the Likert scale was used as a basis, which consists of taking a construct and developing a set of statements related to its definition. This scale originally proposed by him makes it clear that it focused on the use of five points.

Regarding the classification by COREDE, this is a forum for discussion and decision about policies and actions aimed at regional development. They were created by Law n° 10.283 of October 17, 1994 and regulated by Decree n° 35.764 of December 1994, with the objectives of promoting harmonious and sustainable regional development; the integration of resources and government actions in the region; improving the quality of life of the population; the equitable distribution of wealth produced; stimulating the permanence of man in his region and the preservation and recovery of the environment.

The COREDE RS is separated into 9 distinct functional regions: functional region 1 covering the COREDE Center-south, Metropolitano Delta do Jacuí, Paranhana Encosta da Serra, Vale do Caí and Vale do Rio dos Sinos; functional region 2 covering the COREDE Vale do Rio Pardo and Vale do Taquari; functional region 3 covering the COREDE Campos de Cima da Serra, Hortênsias and Serra; functional region 4 covering the COREDE Litoral; functional region 5 covering the COREDE South; functional region 6 covering the COREDE Campanha and Fronteira Oeste; functional region 7 covering the COREDE Celeiro, Fronteira Noroeste, Missões and Noroeste Colonial; functional region 8 covering the COREDE Alto Jacuí, Central, Jacuí Centro and Vale do Jaguari and functional region 9 covering the COREDE Alto da Serra do Botucaraí, Médio Alto Uruguai, Northeast, North, Produção and Rio da Várzea.

4. Analysis and discussion of results

This section presents the results and analysis of empirical research that to clearly answer the objectives was divided into four parts. The data were analyzed in order to present a diagnosis of the compliance of the information published by the Legislative Powers according to Law 12.527/11 (Access to Information Law) of municipalities with more than 10 thousand inhabitants of Rio Grande do Sul.

4.1 General analysis of municipalities in accordance with Law 12.527/11. This topic presents the general placement position after the sum of percentages of annual compliance of each municipality studied, allowing a clear visualization and classification

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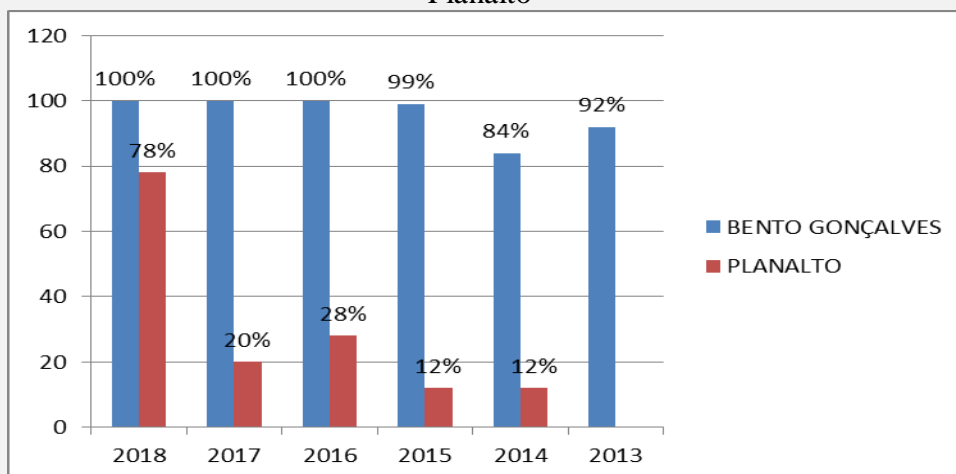
from the municipality that most complies with the law under study, to the one that most disagrees with it. The relation to the levels of transparency restricted to legal requirements illustrates the situation of the municipalities surveyed in terms of the effectiveness of the Access to Information Law, that is, to what extent the transparency legislation is met and respected by the Municipal Councils of cities in Rio Grande do Sul with more than 10.000 inhabitants.

Initially, the annual analysis of the Legislative Powers of the six years that make up the sample was carried out, having collected the percentage values of compliance with the Access to Information Law in each year of study. In view of the results of the sum of these data and the general classification of this degree of compliance with Law 12.527/11.

The results indicate that the Legislative Power of the city of Bento Gonçalves in Serra Gaúcha, is the one that most complies with the precepts of Law 12.527/11, being considered the most transparent of the studied sample. On the other hand, it should observe the Legislative Powers of the municipalities that least comply with the provisions of Law 12.527/11. These municipalities are classified in the lowest positions of the study demonstrating that they have a very low level of compliance with the legislation. According to the classification found, Planalto occupies the last position being the municipality that has the legislative power that least complies with what is determined by the Access to Information Law.

By drawing a comparison between the city that is in the first place of the law enforcement ranking and the city that is in the last position, it is possible to verify their differences as shown in Graph 1.

Graph 01: Comparison between the extremes of the municipalities of Bento and Planalto



Source: Survey data.

It should be noted that the city of Planalto, even though it remained with unsatisfactory results regarding compliance with Law 12.527/11 during the period studied, presents an evident evolution between the years 2017 and 2018, going from a percentage of compliance with the law of 20% to almost 80% respectively.

On the other hand, when observing the evolution of the disclosure of information prescribed by Law by the Legislative Power of Bento Gonçalves, it is possible to see that this municipality has excellent rates since the beginning of the obligation to comply with the Law, having had only a small decrease in 2014, however, the following year it reestablished its high level of disclosure of information.

These results make it clear that there is a need on the part of these bodies that were considered less transparent, to reinvent themselves when it comes to the transparency of the acts and facts of their management. However, it is understood that society also needs to exercise its supervisory role in this process, in order to demand a higher level of transparency from them. The process of seeking transparency cannot be exclusive to some bodies within the public apparatus, but part of a government policy that aspires to all interested parties.

4.2 Analysis of the degree of compliance and classification of municipalities regarding compliance with Law 12.527/11.

This separation was based on what had been adopted by previous studies such as the study by Silva (2017) that analyzed the levels of transparency of the executive bodies of the State of Pernambuco and proposes the classification of municipalities in “very high” level of compliance with Law 12.527/11, “high” level, “reasonable”, “low” and “very low”, as shown in Table2.

Table 02: Classification of the level of compliance with the Law 12.527/11

| Level of compliance | Classification | Number of municipalities | Percentage |
|---------------------|----------------|--------------------------|------------|
| From 600 to 501 | Very high | 14 | 8,4 |
| From 500 to 401 | High | 75 | 44,9 |
| From 400 to 301 | Reasonable | 55 | 33 |
| From 300 to 201 | Low | 18 | 10,7 |
| From 200 to 0 | Very low | 5 | 3 |

Source: the author.

Through the analysis of the classification scale of the sample under study, it became evident that only 14 municipalities are classified in the score considered as “very

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high”, 75 municipalities are classified in the level considered as “high”, 55 municipalities appear in the position of classification level considered as “reasonable”, 18 cities as “low” and 5 as municipalities that are classified in the level considered as “very low” transparency.

This result indicates that, of the total sample, only 8,40%, that is, less than 10% of the municipalities comply with most of the items required by Law 12.527/2011. It can be said that it is a somewhat low index since the law has been in force for almost ten years and that the Courts of Auditors have been charging heavily for compliance with its determinations.

Moving on to the immediately subsequent classification that it is the “high level” class of disclosure of information required by Law 12.527 / 11, it should be noted that in relation to the previous classification, there is a relatively greater number of municipalities that are classified as having a “high” level of compliance with the Access to Information Law. When making this analysis it is noticed that of the total sample worked, 44,9% of the municipalities belong to this level of compliance with the Law, that is, of the 167 municipalities in the sample, 75 are classified as having a high level of compliance with the Access to Information Law in the researched period, being the range level that concentrates the largest number of municipalities.

Therefore, these results allow us to affirm that the majority of the sample achieves a “high” level of compliance with the Transparency Law by meeting a large number of legal requirements. However, there is still a long way to go in order to achieve high levels of transparency on the part of all municipalities, bodies and powers.

Following are the municipalities classified within the scoring range called the “reasonable” level of compliance with the Access to Information Law. This range accounts for an amount of 55 cities making up a percentage of 32,9% of the sum of the study target sample.

The situational diagnosis of the municipal councils reflects that these 55 cities fail to comply with several items determined by Law, which leads them to this classification, which demonstrates the absence of the culture of feeding a lot of data and the public inability to give effectiveness to transparency, so important for building a fairer society.

Subsequently, the municipalities have been classified as “low” level of disclosure of mandatory information making a total of 18 municipalities or 10,77% with a small number of items required by current legislation. Even with the passage of years of

mandatory observance of the law and the demand by society for more transparency of public acts, these bodies have not yet adapted to this obligation, falling far short of the requirements of the law.

As a final classification, the municipalities that fall into the so-called “very low” level of compliance with Law 12.527/11 are the five municipalities with the Legislative Powers that are worst classified in the survey. To this classification belongs 3,0% of the total sample analyzed in the study. This result is worrying, since it is expected, over the years, that public entities have a greater mastery of their attributions and responsibilities, in addition to knowledge and effective compliance with what is recommended by the legislation on access to information, which should thus make their activities more transparent, in order to legitimize themselves before society.

4.3 Classification of the level of transparency by functional regions of the COREDEs.

Table 3 shows the average level of transparency in 2018 according to the 28 COREDEs that make up the 9 functional regions of Rio Grande do Sul. It is possible to observe that COREDE Celeiro is the one that has the highest average transparency in the year 2018, being 100%. On the other side of the table, we have the COREDE Alto da Serra do Botucaraí, which has the lowest compliance rate with the Access to Information Law, being a total of only 70,25%, evidencing a distance between the extreme values of the table of approximately 30%.

Table 03: Transparency level by COREDEs

| COREDE | Average trans. 2018 | COREDE | Average trans. 2018 |
|-----------------------------|---------------------|--------------------|---------------------|
| Altos da Serra do Botucaraí | 70,25 | Vale do Rio Pardo | 95,70 |
| Delta do Jacuí | 79,87 | Hortênsias | 96,50 |
| Campanha | 84,33 | North | 96,50 |
| South | 87,33 | Litoral | 96,66 |
| Western Border | 88,12 | Rio da Várzea | 97,00 |
| Campos de Cima da Serra | 89,00 | Northeast | 97,50 |
| Médio Alto Uruguay | 89,33 | Colonial Northwest | 97,50 |
| Jacuí Centro | 90,50 | Sierra | 97,91 |
| Paranhana | 91,80 | Production | 98,66 |
| South Central | 93,12 | Central | 99,00 |
| Vale do Taquari | 94,20 | Vale do Cai | 99,00 |
| Vale do Rio Jaguarí | 95,00 | Alto Jacuí | 99,40 |

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| | | | |
|--------------------|-------|-----------------------|--------|
| Northwest Frontier | 95,25 | Vale do Rio dos Sinos | 99,41 |
| Missões | 95,50 | Celeiro | 100,00 |

Source: Survey data.

Within this variation between the COREDE with the highest level of compliance with the Access to Information Law and the one with the lowest level of compliance with the legislation, it can be noted that the transparency averages revolve around values close to 93,40% representing a general index very close to 100%, that is, this shows that the COREDEs of Rio Grande do Sul are complying with most of the items determined by the Access to Information Law that are published.

As for the level of transparency of each of the 9 functional regions in 2018, as well as the minimum and maximum percentage of transparency of each of them, it was evidenced that the region with the lowest percentage of minimum transparency values is functional region 1 followed by region 6 and later by region 9, which respectively have 36%, 37% and 39% compliance with the Access to Information Law.

Table 4 shows the level of transparency of each of the 9 functional regions in 2018 as well as the minimum and maximum percentage of transparency of each of them. First, it is possible to observe that the region with the lowest percentage of minimum transparency values is functional region 1 followed by region 6 and later by region 9, which respectively have 36%, 37% and 39% compliance with the Access to Information Law. These figures represent the general average of the region and demonstrated a very low rate of compliance with the law in 2018, that is, nine years after its enactment. It is necessary that the municipalities that make up these regions work to considerably improve with regard to ensuring the fundamental right of access to information to citizens, since Law 12.527/11 says that it is the duty of public bodies and entities to promote, regardless of demand or request, the disclosure of information of their competence that is of collective or general interest.

Table 04: Level of transparency by functional region of the COREDEs

| Functional Region | Average | Standard Deviation | Minimum | Maximum |
|--------------------------|----------------|---------------------------|----------------|----------------|
| Nine | 98,00 | 15,34 | 39,00 | 100 |
| Eight | 97,90 | 4,33 | 83,00 | 100 |
| Seven | 86,88 | 5,76 | 81,00 | 100 |
| Six | 87,09 | 21,59 | 37,00 | 100 |
| Five | 87,80 | 13,97 | 54,00 | 100 |
| Four | 92,70 | 14,30 | 54,00 | 100 |
| Three | 96,55 | 7,14 | 78,00 | 100 |

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| | | | | |
|-----|-------|-------|-------|-----|
| Two | 95,00 | 9,17 | 54,00 | 100 |
| One | 92,50 | 15,86 | 36,00 | 100 |

Source: Survey data.

On the other hand, the region with the highest minimum percentage is region 8, which has 83% of compliance with the Law in 2018, demonstrating slightly better rates, however, it still does not reach full compliance with current legislation. Consequently, these same regions, that is, functional region 1, 6 and 9 also have the highest standard deviation between the maximum and minimum value of compliance with the legislation under study, as well as functional region 7 has the lowest standard deviation between these extremes demonstrating greater variation between higher and lower transparency values in these regions.

On the other hand, among the nine functional regions of the COREDEs it is possible to observe that functional region 9 composed of the COREDE Alto da Serra do Botucaraí, Médio Alto Uruguay, Northeast, North, Produção and Rio da Várzea, has the highest average of evidence of Law 12.527/11 having reached the mark of 98% in 2018. Then we have the functional region 8 which has an average compliance with the legislation of 97,90%, the functional region 3 with 96,55% and the functional region 2 with 95,00%. Next we have functional regions 4 with 92,70% and functional region 1 with 92,5% compliance with the Access to Information Law in 2018. Regions 6 and 5 with 87,09% and 87,80%, respectively, come soon after and as the functional region of COREDEs RS that has the lowest average compliance with the Transparency Law in 2018 is functional region 7 which complies with 86,88% of the Law.

The analysis of the data of this research refers to the perception of the fact that the level of transparency in the Municipal Councils of municipalities with more than 10,000 inhabitants of the State of Rio Grande do Sul, for the most part, has been gradually growing since the enactment of Law 12.527/11. However, even after almost 10 years of the legislation having entered into force, there are still many public bodies of the various spheres that comply with a very small portion of the law.

Thus, Barbosa (2017) corroborates in his study that, in Brazil, there is still a low level of evidence of information by public agencies and municipalities. This happens even after the creation of laws such as the Fiscal Responsibility Law and the Access to Information Law, contradicting what these legal instruments advocate.

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However, compliance with the legal formalities provided for in national legislation by federal entities, whether at the federal, state or municipal level, does not mean or ensure the effective public transparency desired by society (Raupp, 2011). According to Meinheim (2015), Director of General Accounting of the State of Santa Catarina, this effective transparency will only occur through the use of a language closer to the citizen, either by the availability of tools, or technological advances, which try to provide a new experience to citizens in the research of public data.

For Pegoraro (2019), the degree of transparency of Public Administration is related to organizational capacity, intelligibility, influence and political credibility, maturity, efficiency, robustness of sociopolitical elements, organizational capacity improving the effectiveness and trust of interested parties.

Jahns (2015) states that the way managers demonstrate their willingness to allow citizens to monitor their performance in relation to public accounts, positively affects the citizen's view of the government, creating a link of trust that helps in rational and consistent decision-making. Likewise experiencing the era of the Information Society, a time when public organizations need to be able to incorporate the effectiveness of information sharing in their daily actions, so that this practice becomes routine and not a sporadic act even in less organized and structured organizational structures.

In this sense, Gama (2016) suggests that information from all spheres of government institutions should be organized in such a way as to highlight their data in an instinctive, intelligible, agile and independent manner. The Access to Information Law itself establishes that any and all public management information is subject to publication to the society, unless it is legally restricted such as: information that contains a degree of secret or top-secret secrecy, presented by the itself; personal information that affects the privacy and proven life of people; or information that is protected by other specific legislation in force in Brazil.

However, as noted in the results of the research, it is possible to affirm that the council chambers of municipalities with more than 10.000 inhabitants in the State of Rio Grande do Sul are far below what the law on access to information determines and also what society requires of public officials. In order for this to be improved in such a way that the Access to Information Law is actually complied with in full, some actions need to be carried out.

In the practice of information flow, social actors are allowed to have the power to intervene in social organization, intensifying democracy, slowing down corruption and thus effective social control. According to Riquinho (2015), the notion of democracy, despite different connotations, is centered on the participation of the citizen, in this sense popular sovereignty should be a great guide for the one who administers it since, the protagonist action of the citizen only becomes possible from the moment he finds the necessary information for this.

5. Final remarks

Initially it is essential to highlight that the contemporary public administration has gone through a moment of great transformations driven by several factors such as the demands made by external control bodies, legal impositions and also by the change in behavior of citizens who have proven more interested and aware of their rights. This fact has made people more demanding in relation to the quality and use of public resources, strengthening the balance between the interests of the population and the State through the consolidation of the culture of transparency.

Transparency appears as one of the main mechanisms driving effectiveness and efficiency in public management and its implementation generates an organizational utility for public administration, as it requires the public entity to self-organize, keeping historical data, keeping its information up to date and generating reports that may assist in its management. In addition, the more information that is routinely and spontaneously disclosed, the lower the number of requests that will need to be analyzed by the agency.

In summary, the present research showed that after the promulgation of Law 12.527/11, from 2012, the year of the beginning of the observance of the data, until 2018, the Municipal Councils of the municipalities of the State of Rio Grande do Sul with more than 10.000 inhabitants, in general, has been evolving positively, although slowly, with regard to compliance with the Access to Information Law, gradually giving more transparency to public acts as determined by the aforementioned legislation.

The present study made it possible to conclude that of the 167 municipalities studied over the six-year period 2018, 2017, 2016, 2015, 2014 and 2013 the municipality with the Legislative Power that has the highest level of transparency of the sample studied is Bento Gonçalves and the Legislative Power that has the lowest level of transparency is the city of Planalto. Still conclusively, the study shows that only 13,7% of these Federated entities are classified as municipalities with a high or very high level of compliance with

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the Transparency Law, the remaining 86,3% are classified as legislative municipalities with a reasonable, low or very low level of compliance with the access to Information Law.

Likewise, it is concluded that the functional region considered the most transparent of the COREDE RS is functional region 9 which covers the COREDE Alto da Serra do Botucaraí, Medio Alto Uruguay, Northeast, North, Produção and Rio da Várzea. The functional region of COREDE, considered the least transparent, is functional region 7. Among the COREDE, COREDE Celeiro is the one with the highest average transparency in 2018, this being 100%. On the other hand, we have the COREDE Alto da Serra do Botucaraí, which has the lowest compliance rate with the Access to Information Law, being a total of only 70,25%.

Therefore, the process of transparency has been proving slow, but, little by little, the culture of occasional or sporadic transparency of what is public is broken, accentuating, and making community participation increasingly intense and constant, allowing citizens the opportunity for greater control to improve the services provided to society. In this way, democracy is strengthened, and all citizens have the chance to demand the correct use of public resources in order to be converted into public policies that bring social well-being and quality of life to the population.

However, there is still a lot of room for improvement so that all "gaucho" citizens have access to portals of excellence, with reliable, updated, understandable and easily accessible information, so that finally society can go through a process of transformation. The research has some limitations such as the subjective character, due to the fact that it is based on the interpretation and vision of the researcher regarding the analyzed data. Similar data could lead to different analyses and conclusions if studied by different researchers. Another limitation is the fact that during the research period the data for the year 2019 were not found, which would allow a more up-to-date view of the study.

The subject of public transparency or Access to Information Law is a topic that can be widely studied with various biases to be worked on or followed. As a suggestion for future work, it is possible to research on the factors that influence the degree of transparency of the municipalities in order to expand the study proposed by this dissertation. As well as finding out the reasons why some municipalities fail to comply with some provisions of the law by lowering their levels of transparency in certain periods.

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It can also be suggested as a theme for future studies, to analyze the degree of transparency of the disclosure of information from other public agencies such as health, education, traffic, institutes, state executive bodies or municipalities, drawing comparisons between agencies of the same sphere with similar characteristics.

Finally, another suggestion is to study compliance with the Access to Information Law of tender processes, signed contracts, among others that may be confronted with what was disclosed in the Official gazette, seeking to know if what the agencies are disclosing in the transparency portal corresponds, in fact, to its execution, or if there is omission of information. It is also necessary to study what are the impacts that are caused in society after the publication of information, seeking to know, for example, how society uses the available information and what factors lead them to seek public information.

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Development, political articulation and institutional relationship: diagnosis of the performance of the National Confederation of Store Managers System (CNDL)

Desenvolvimento, articulação política e relacionamento institucional: diagnóstico de atuação do Sistema da Confederação Nacional de Dirigentes Lojistas (CNDL)

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DOI: [10.22478/ufpb.2525-5584.2023v8n1.61228]

Recebido em: 27/03/2022
Aprovado em: 21/11/2022

Abstract: The present diagnosis of institutional action aimed to understand what the elements are present in the triad: local development, articulation and institutional relationship considering the strengthening of the CNDL system and its representativeness in the retail sector. Thus, the theoretical framework of the respective research considered the categories local development, political articulation and institutional relationship based on the theoretical propositions of: Albuquerque (2004), Castro and Oliveira (2014), Borges (2007), Andrade and Ferreira (2016), Dias and Matos (2012), among others. The descriptive and exploratory study was carried out with the Shopkeepers Chambers (CDLs) (n=140) and the Federations of Shopkeepers Chambers (FCDLs) (n=20), distributed in the five regions of the country: North, South, Midwest, Southeast and Northeast. In this perspective, the articulation and dialogue with the public power corresponds to a need of the sector, together with the local needs of the associates. Thus, it was found that such demands must be monitored aiming at clear communication and the generation of a favorable business environment. However, the work carried out is not

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a manual or checklist, but an instrument for management and for composing guidelines and guidelines for new actions to be implemented in the CNDL system.

Keywords: local development; public policy; institutional and governmental relationship; institutional diagnosis.

Resumo: O presente diagnóstico de atuação institucional objetivou compreender quais são os elementos presentes na tríade: desenvolvimento local, articulação e relacionamento institucional considerando o fortalecimento do sistema CNDL e a sua representatividade no setor lojista. Assim, o referencial teórico da respectiva pesquisa considerou as categorias desenvolvimento local, articulação política e relacionamento institucional assentadas nas proposições teóricas de: Albuquerque (2004), Castro e Oliveira (2014), Borges (2007), Andrade e Ferreira (2016), Dias e Matos (2012), dentre outros. O estudo do tipo descritivo e exploratório foi realizado com as Câmaras de Dirigentes Lojistas (CDLs) (n=140) e as Federações das Câmaras de Dirigentes Lojistas (FCDLs) (n=20), distribuídas nas cinco regiões do país: Norte, Sul, Centro-Oeste, Sudeste e Nordeste. Nessa perspectiva, a articulação e diálogo com o poder público corresponde a uma necessidade do setor, junto às necessidades locais dos associados. Assim, verificou-se que tais demandas devem ser acompanhadas objetivando uma comunicação clara e a geração de um ambiente favorável aos negócios. Não obstante, o trabalho realizado não se constitui como manual ou checklist, mas um instrumento à gestão e para composição de diretrizes e orientações para novas tomadas de ação a serem implementadas no sistema CNDL.

Palavras-chave: desenvolvimento local; política pública; relacionamento institucional e governamental; diagnóstico institucional.

1. Introduction

The institutional diagnosis is an important tool for outlining new actions to be taken in the organizational sphere. Thus, the central objective of this article seeks to demonstrate the understanding of which aspects are present in the triad: local development, political articulation and institutional relationship considering the strengthening of the National Confederation of Store Managers System (CNDL) and its representativeness in the retail sector in Brazil.

Nevertheless, the understanding of the collaborative network sedimented by means of the relations with the public power, with a view to local development (economic and social) with partnerships for the expansion of the business network and the relations with the Executive, Legislative, and Judiciary spheres is worthwhile. In this perspective, the realignment of goals in compliance with the articulations woven with the public power

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can add value to the segment, as well as the expansion of trade networks and local businesses to strengthen the retail sector.

Thus, the diagnosis of the CNDL System's institutional performance is inserted within the Public Policies 4.0 Program, in partnership with the Brazilian Service of Support to Micro and Small Enterprises (SEBRAE) National, being made operational in a technical and exempted way by the Institute of Evaluation, Management and Education (IAGEE), headquartered in Fortaleza, Ceará, with 160 entities that are members of the System through interviews conducted with the support of a form with closed questions followed by an evaluation scale and also open questions on the above mentioned themes. The collection was made by phone calls (n=140) and also via electronic form (n=20).

Regarding its methodological aspects, the diagnosis focused on the quantitative and qualitative approach, characterized as a descriptive and exploratory study carried out with the Chambers of Commerce Directors (CDLs) and the Federations of Chambers of Commerce Directors (FCDLs), distributed in the five regions of the country: North, South, Midwest, Southeast and Northeast.

The central objective of this article is to identify the improvements needed and to be implemented in the CNDL System, as well as to assist in the organization and reordering of existing sectorial policies and in the planning of new public policies in compliance with the dynamic and contextual needs of the sector, besides aiming at a better follow-up and articulation of these sectorial policies.

In this sense, the diagnosis of the CNDL System's institutional performance sought the following specific objectives summarized in this article: (1) identify the actions taken or promoted by entities (FCDLs and CDLs) with a view to promoting local and regional economic development; (2) map the actions promoted by entities (FCDLs and CDLs) focused on political articulation and institutional relationships; and (3) identify the actions, the results, the forms of control, the methodology, the indicators, that is, how entities organize their actions in these two axes of objectives.

Meanwhile, the permanent dialogue with the public power and partners aiming at the active discussion about the local needs of the associates and the practical implication of the entity in the generation of income, employment, as well as seeking the contribution to the local and social development of the region, must be articulated, intending the strengthening of the sector and the improvement of the business environment.

2. Theoretical framework

It is known that the elaboration, the articulation and the agenda of retail public policies are constituted as ongoing strategies to be adopted by the CNDL System. According to Lima (2020), this articulated vision condenses the development of strategies to meet local needs and the demands presented by the retail sector, corroborating Kerbauy (2004, p. 151), "the idea that through the institutionalization of action patterns and negotiation process in the context of organizations and procedures". In this perspective, the political processes and the nature of these actions have assertively influenced new awareness and action in different sectors and segments.

Thus, the following will present the concepts and theories adjacent to the triad: local development, articulation, and institutional relationship, as well as the diagnosis of institutional performance with a view to understanding and deepening the theory inherent to the main categories that provided the theoretical and methodological basis for the diagnosis of institutional performance in the NCDL System.

2.1. Local Development

In order to understand the relations between public policies, it is necessary to deepen the local and social development process. It is known that this process encompasses a sensitive analysis of reality.

The concept of local development arose in 1980 by means of initiatives initially visualized in Europe and Latin America. In this period, precisely in 1990, the State, as a regulatory agent, started the process of economic recovery, requiring a business model capable of condensing the nature of the development process, modifying, including, the plastering in the way of doing politics (Albuquerque, 2004). According to Castro and Oliveira (2014, p. 22), "elements related to the analysis of social relations, institutions, and environmental and territorial dynamics," that is, the understanding of subjects and also of organizations in the face of social and plural demands that permeate such realities.

In contemporary societies, it is up to the State to provide public policies that meet the desires of society. For state functions to be exercised legitimately, there must be planning and permanent interaction between government and society, so that they can be agreed upon (Castro & Oliveira, 2014, p. 23).

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For Lima (2020), local economic development should focus on the expansion and enforcement of citizenship rights through social mobilization. This development should act in the regulation of conflicts between the interests of social groups, responding to the demands and needs of the various social and economic sectors among which these groups are inserted. Nevertheless, in accordance with Borges (2007), local development provides for productive development; however, by understanding the productive nature of this bias, public policies can be created that can strengthen the work developed.

It is important to contextualize the concepts to which the term under discussion refers. The task is more complicated than it seems at first sight, since public policies and development processes have quite dynamic aspects, since, in its historical trajectory, each society recognizes problems and proposes solutions according to its capabilities (Castro & Oliveira, 2014, p. 22).

Also, in accordance with the authors, despite the difficulties and obstacles observed in the conception of development, the term "development" consists of the ability of a given region or place to act assertively in the demands presented, overcoming the obstacles that make it impossible to carry out its work and expanding the network of possibilities. From this perspective, the development process can be understood and approached in its dimensions, respecting the historical, local, and spatial diversity and specificity of each region and/or location (Castro & Oliveira, 2014).

From this perspective, local initiatives focus on the work carried out from the interaction of municipalities and the resources arising from these partnerships. In this context, the responsible team must therefore establish links for the development of work that involves intergovernmental initiative, and thus develop actions, projects and resolutions of local demands (Swingburn & Goga & Murph, 2006).

The importance and concern with the desired social results and impacts of a public policy are due, in one extreme, to the restrictions of public resources and, in the other, to legitimate questions, which help in the understanding as well as in useful and indispensable clarifications about the complex management problems involved in public administration (Reis & Silveira, 2022, p. 5).

Corroborating, according to Lima (2020), the improvements resulting from the process of local development should be effective aiming at the local commitment and the public power with agencies and governmental, political, social and business leaderships, with monitoring of the region's situation to achieve the effectiveness of actions. Thus, to

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achieve an organized and structured economic development by means of a planning oriented and articulated to the demands presented by the region, the changes in the sector and context of the reality experienced will certainly be amplified and improved.

The institutionalization of action patterns and the process of articulating the demands presented by the community and inserted in its material and social context will be able to assertively influence the decision-making processes and the generation of policies that favor local development (Kerbaui, 2004).

2.2. Political articulation and institutional relationship

The policy and the concrete materiality of its developments, in line with Castro and Oliveira (2014), express a variety of interests. Such interests condense the technical process of elaborating actions, planning and combinations of interests of groups.

Public policies will be understood here as the set of policies, programs and actions of the State, directly or through delegation, in order to face challenges and seize opportunities of collective interest. Such policies, programs, and actions are materialized in the supply of goods and services that meet the demands resulting from political disputes about what is or should be of interest (Castro & Oliveira, 2014, p. 23).

According to Fonseca (2013), public policies have become a frequent appeal during government and electoral speeches, in the political and social debate, at the University and also in the organizations present in society. For the author, the definition of public policies is still proposed in a shallow way, as the "government in action", but the nature of its formulation derives from a planning and project of broad social, human, informational, and logistical mobilization.

According to Macedo, Alcantara, Andrade, and Ferreira (2016), conceiving the field of public policies without considering the demands presented by sectors of society, as well as the particular and common interests, articulated to the dynamics of government and the market and the set of relationships impregnated through the intentions adjacent to their formulation, ends up impoverishing the respective terminology and its function.

For Dias and Matos (2012), public policies are necessary, given the levels of the state and the network of resources, which are limited to meet the demands. Thus, planning and organization allow the assertive and efficient use of resources with objectives and goals that must be clear, considering the reality and the interest of the groups involved.

The organization and systematization of these policies that are organized by the public power are also configured through mobilization, "through organized groups, in

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what is called Organized Civil Society (OCS), which includes (...) unions, business representation entities, neighborhood associations, employer associations, and NGOs in general" (Lopes, Amaral & Caldas, 2008, p. 7).

Dias and Matos (2012, p. 16) state that "one of the most important characteristics of public policies is that they constitute decisions and actions that are vested with the sovereign authority of public power." From this perspective, the authors ask us about who are the agents involved in this process of organizing and systematizing public policies and whose are the responsibility and power for decision-making. Thus, according to Kerbauy (2004), this rationalization of standards and action process in line with the context of organizations is strongly influenced by political standards.

2.3. Institutional diagnosis

Changes arising from scientific and technological progress have been observed, which have caused substantial changes in the form and planning carried out by organizations. Nevertheless, organizations seek to program dynamics that can pay attention to the transformations and incorporate them into their development process (Meneses & Zerbini, 2009).

From this perspective, the institutional diagnosis provides a deepening about the regulatory mechanisms of the functioning of organizations, so the theories and methodologies used should be able to translate the needs and demands experienced and observed in organizations. According to Berti (2001), any inadequacy or principle of internal or external imbalance to the institution should be carefully observed. For the author, the institutional diagnosis must, therefore, strategically focus on goals and rearrangements of the demands presented. To this end, understanding the organizational elements and the nature of the work (segment) provides the remodeling of the gaps and challenges observed in the organizational routines.

According to Cândido, Gauthier and Hermenegildo (1999), for the sedimentation of a diagnosis proposal or model, when the network and the generation of business are expanding and becoming stronger, gaps and problems related to the different agents and fields of power take shape, thus needing the realignment of the organization's common objectives and interests.

According to Lima et al. (2020), the diagnosis is a mirror of the reality experienced in the organization. Thus, the concrete situations experienced serve as a

photograph of this reality. For the authors, in medical language, the act and the action of diagnosing enable the appropriate knowledge and procedure to be aligned for the patient.

Thus, according to the author, the exercise of diagnosing is directly related to obtaining knowledge or disease through examinations and the symptoms presented, therefore, this process aims to generate "an immediate sequence that consists of prognosis, prescription and treatment, with eradication of any dysfunctions detected" (LIMA et al., 2020, p. 48).

3. Research methodology

The methodological strategy focuses on the methods and techniques adopted for the development of the diagnosis, thus situating the definition of the locus and nature of the action undertaken in the development of the research with the organization, contextualizing the procedures adopted for an efficient delineation of the collected findings.

3.1. Introduction to the CNDL System

The CNDL System was founded on October 21, 1960, from a collective effort to create a national-level entity, with the central objective of national representation of all segments related to trade and retail activities (CNDL, 2021).

From this perspective, the CNDL System seeks to expand its business network, consolidating itself as a space for integration and mediation with the public authorities, for the expansion of local development, in an attempt to strengthen and reach class representativeness with the sector.

3.2. Institutional diagnosis design

The diagnosis of institutional performance carried out in the CNDL System was conducted during the period from March 23, 2020, to June 11, 2021, and followed the following development strategy, as shown in Table 1.

Table 01: Design of the Institutional Diagnosis in the CNDL System

| Steps | | Detailed Activities |
|--------------|--|---|
| 1 | Diagnostic planning | Planning of the consultant's performance. |
| | | Planning of the interview methodology with a script of quantitative and qualitative questions, as well as the weekly evaluation model of the project. |
| | | Sending the detailed chronogram of the actions to be executed in this project. |
| 2 | Programming the form for telephone application | Proposal of a form for quantitative (closed questions with response anchors) and qualitative (open questions) application by telephone. |

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| | | |
|--|---|--|
| | | Definition of the sample for the application of the diagnosis: FCDLs (20 units); CDLs from the capital and other cities in a proportional way and segmented by region and number of members, totaling 160 units. |
| 3 | Data Collection | Pilot application in one FCDL and one CDL. |
| | | Sample application in 20 FCDLs. |
| | | Application to a sample of 140 CDLs. |
| 4 | Data processing | Data entry of quantitative diagnostic responses in Jamovi software. |
| | | Data entry of the qualitative diagnostic responses in the Atlas Ti software. |
| | | Tabulation of quantitative data from the diagnosis in Jamovi software. |
| | | Tabulation of qualitative diagnostic data in Atlas Ti software. |
| | | Quantitative data analysis in Jamovi software. |
| | | Analysis of qualitative data from the diagnosis in Atlas Ti software. |
| | | Integrated analysis of quantitative and qualitative data. |
| | | Presentation of diagnostic results. |
| | | Discussion of diagnostic results. |
| Validation of diagnostic results and discussion of diagnostic results. | | |
| 5 | Power Point presentation with the results | Preparation of a Power Point presentation with the results. |
| 6 | Report with the diagnostic results | Monthly evaluations of the quality of the diagnostic services. |
| | | Preparation of a final report of the diagnosis. |
| 7 | Diagnostic delivery and evaluation | Monthly evaluations of the quality of the diagnostic services. |
| | | Publication of the diagnosis in book/e-book and article. |

Source: From research (2021).

As part of the diagnosis design, a sample was established among the 2,000 entities (CDLs and FCDLs) that are members of the CNDL System throughout Brazil. The sample definition establishes the quantity of 200 entities to be consulted in the diagnosis, starting the scheduling with the components of the sample for data collection.

Due to the pandemic of the new coronavirus intensified in Brazil as of March 2020, and the conditions offered to the commerce and services sector during the pandemic period in our country, some entities chose not to participate in the respective diagnosis. Thus, the sample was reduced to 160 entities; however, of this total, the data from 140 were collected in the period from November 2020 to June 2021 via previously scheduled structured interviews, conducted by phone call with an average duration of 45 minutes with presidents, directors and/or executives of the entities that comprise the CNDL System; in a complementary manner, 20 forms with structured scripts were sent by the online platform of forms called Google Forms that had to be collected through this strategy.

According to Severino (2016, p. 134), structured interviews consist of directed questions that are established "with a certain internal articulation. It is closer to the

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questionnaire, although without the impersonality of these". Therefore, the respective data collection instrument, whether applied in the interviews or in the forms applied via Google Forms, was divided into three distinct blocks: Block A: Profile of the participating leaderships; Block B: Actions and results of promotion to economic and social development (local and regional); and Block C: Actions and results of political articulation and institutional relationship.

Block A was directed to questions related to the profile of the leadership participating in the diagnosis. Block B was about the retail leadership's knowledge regarding the economic, social and local development of the entities and the nature of the relations and public policies thought for the sector. And finally, the Block C sought to know the main interventions of managers and leaders of the retail segment and the institutional relationship of a political nature of the CDLs and FCDLs of the five regions of the country: North, South, Midwest, Northeast and Southeast.

The institutional diagnosis was based on quantitative and qualitative approaches. Severino (2016) asserts that the quantitative approach focuses on the materiality of the concrete, on the knowledge of phenomena through a functional relationship measured through the experimental-mathematical method. For this same author, knowledge cannot be considered solely by virtue of this understanding, thus lacking a breadth that allows it to be organized and systematic. Thus, the qualitative and quantitative approach refers, therefore, to "sets of methodologies, eventually involving several epistemological references" (Severino, 2016, p. 124). The qualitative approach should also be supported by foundations and concepts inherent and specific to its adopted methodology.

For the treatment of the data collected in the diagnosis, two tools were considered for the refinement of such information. Regarding the treatment of quantitative data arising from the data collection instrument and marked by means of the Likert scale (1993) of perception for mediation and support of the quantitative tool used based on descriptive statistics through the free and open access software called Jamovi. The central quantitative questions presented response anchors of the frequency type: (0) Don't know how to answer; (1) Never; (2) Rarely; (3) Occasionally; (4) Often; and (5) Always. These questions represent indicators with quantitative evaluations, but also complemented by qualitative records.

These records materialize the other fundamental approach in this diagnosis, that is, the qualitative part with the treatment of the hermeneutic units contained in the records

and in the transcripts arising from the subjective questions present in the structured interview form or in the Google Forms application sedimented for the analysis; thus, such qualitative-based analysis was anchored in the Atlas.ti7 software.

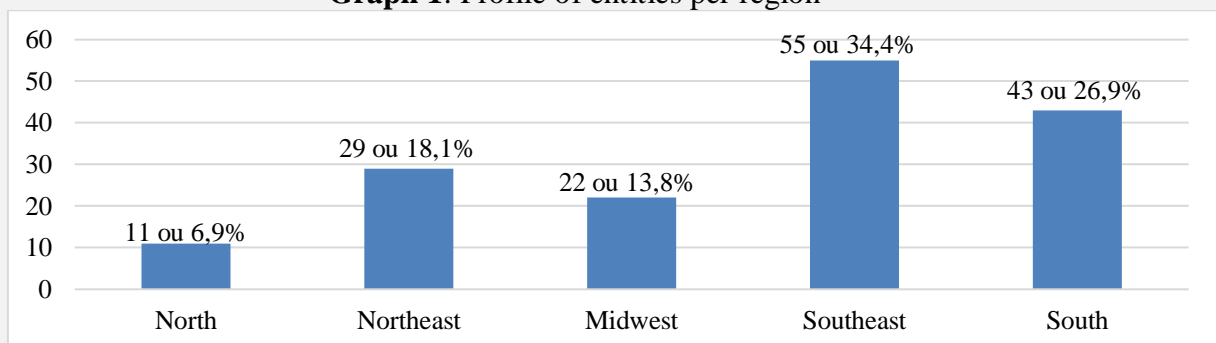
4. Analysis, results and discussion

This section will present the products resulting from the diagnosis of the institutional performance carried out in the CNDL System and the developments of the intervening work carried out, as well as the contributions of this work to political articulations, local and regional development in which the entities are immersed, and the negotiations for improvements to be made to the environment and business generation.

4.1. Profile of the leaders participating in the diagnosis

The respective subtopic aims to know the profile of the participating leaderships coming from the CNDL System (n=160), due to the division of FCDLs (n=20) and CDLs (n=140). Thus, according to graph 1, the profile of entities divided according to the region of the country was evidenced.

Graph 1: Profile of entities per region

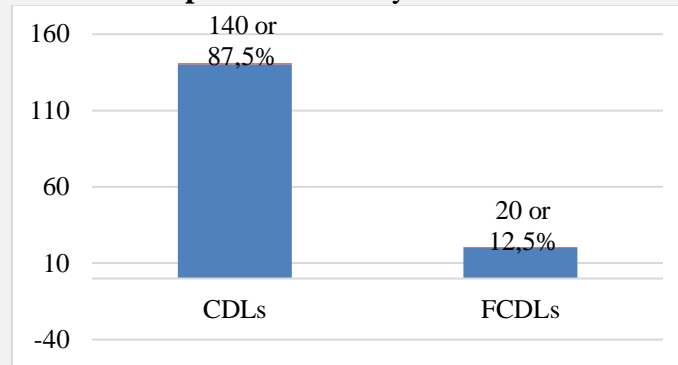


Source: From Research (2021).

According to graph 1, of the 160 entities in the sample composed of CDLs and FCDLs, the Southeast (n=55 or 34.4%) and South (n=43 or 26.9%) regions of the country had the highest participation rate. The Northeast (n=29 or 18.1%) and Center-West (n=22 or 13.8%) regions of the country showed significant participation, while the North region was the region with the lowest participation (n=11 or 6.9%) of representative entities.

The 160 member entities were asked about their profile in the CNDL System, according to graph 2.

Graph 02: CNDL System Entities

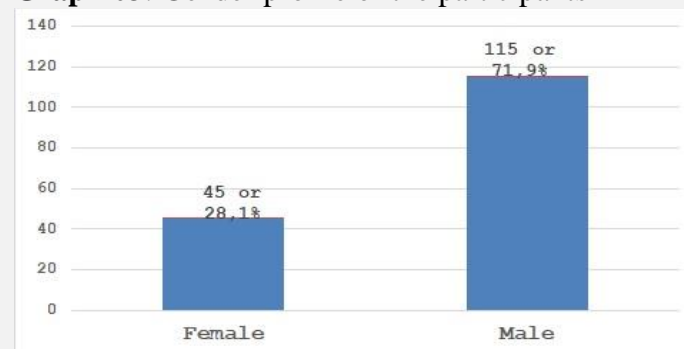


Source: From Research (2021).

According to graph 2, it was verified that CDLs (n=140 or 87.5%) figure in larger numbers due to the coverage of entities located in several regions (municipalities, districts and capital cities) throughout the country, while FCDLs (n=20 or 12.5%) are located in the country's capital cities. It is also noteworthy that the respective entities (FCDLs), in the condition of federations, had attributions within the state public power and articulation with the public power, which impacted their participation in the context of the new coronavirus pandemic, with developments on the retail sector. In this way, the federations were linked to the normatizations and debates with the public power.

The data pertinent to the gender of the leaderships participating in the diagnosis are presented, as shown in graph 3.

Graph 03: Gender profile of the participants



Source: From Research (2021).

Graph 3 shows that of the 160 participants in the study, 45 (28.1%) are female, while 115 (71.9%) are male. It was also observed, through data analysis, that most of the interviewees are in the age bracket of 46 years or older, with 103 (64.4%) of the sample.

After profiling the subjects participating in the diagnosis, we will present the main results of the diagnosis made in the CNDL System regarding the triad of basic

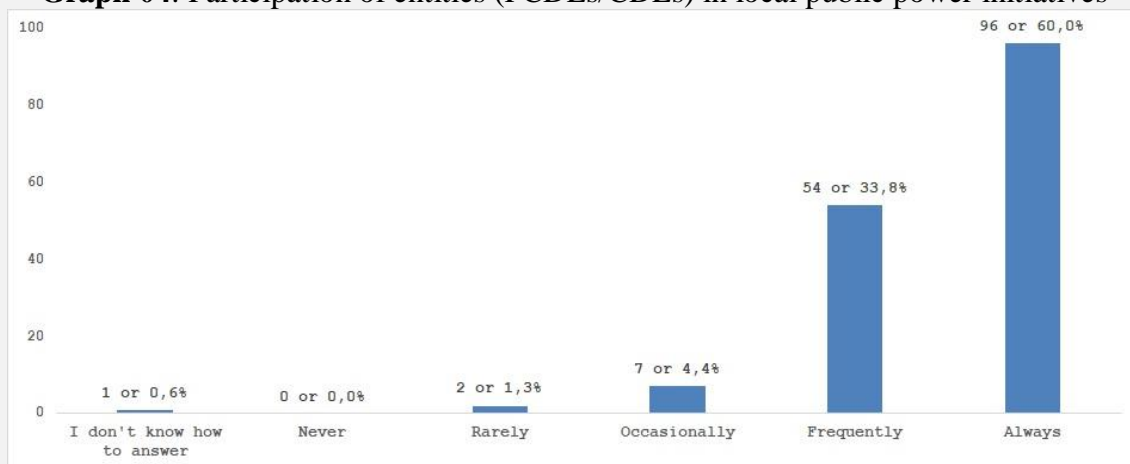
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categories used in this application: local development, political articulation, and institutional relationship.

4.2. Actions and results of the promotion of economic and social development (local and regional)

The following questions had the objective of knowing the correct evaluation of the retail leaderships about the actions carried out by CDLs and FCDLs aiming at promoting the local economic development of their city/state.

Graph 04: Participation of entities (FCDLs/CDLs) in local public power initiatives

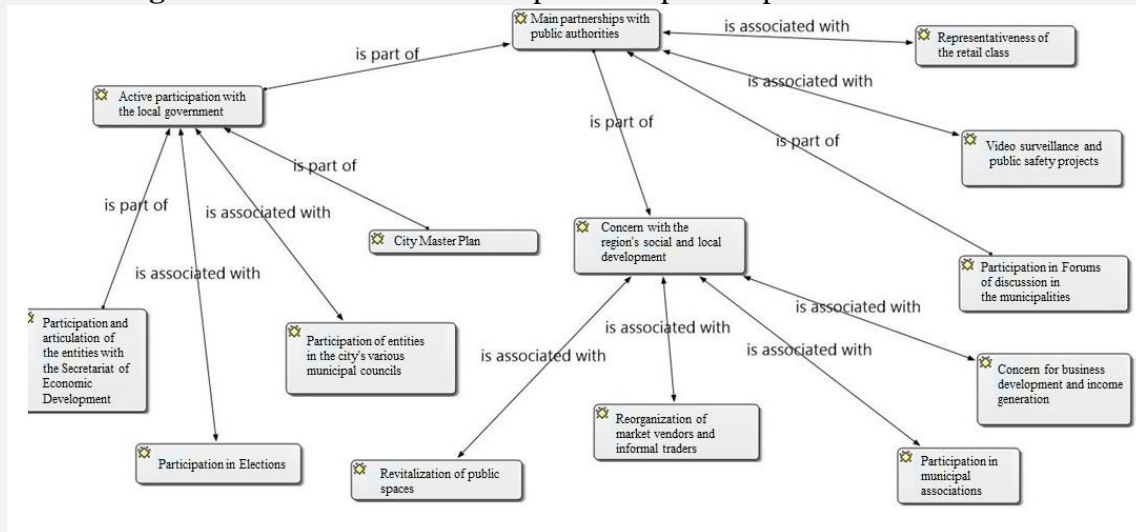


Source: From Research (2021).

According to graph 4, it was verified that, for 93.8% (n=150) of the participants, the entity (FCDLs/CDLs) participates "frequently" and "always" in the initiatives of the local public power, in agreements, partnerships, work groups, forums or councils, etc. Thus, FCDLs and CDLs actively participate in the initiatives of the local public power. Corroborating, Borges (2007) states that development must focus on the respect for social demands, therefore such changes must consider the dispersion, composition and availability of local and public agents.

The leaderships that integrate the CNDL System were asked about the main partnerships of the CDLs and FCDLs with the public power, as shown in figure 1.

Figure 01: CDLs/FCDLs' main partnerships with public authorities



Source: From Research (2021).

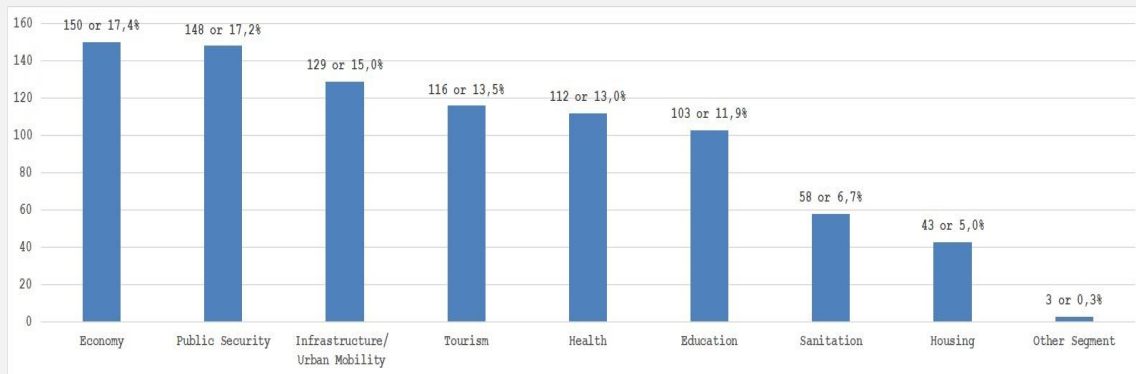
According to figure 1, the main partnerships highlighted by the leaders participating in the diagnosis are: (1) Active participation with the local government, with 57 (13.4%) indications; (2) Participation of the entities in the various municipal councils of the city, with 51 (12.0%) citations; (3) Concern with the social and local development of the region, with 42 (9.9%) citations; (4) Awareness and prevention protocols to the new coronavirus, with 42 (9.9%) citations; and (5) Concern with business development and income generation, with 37 (8.7%) citations, from a total of 426 records collected from 160 participants.

In this perspective, Borges (2007, p. 26) points out that "development must concern the people and their welfare, that is, the measures must include not only growth, but also its dispersion, composition and availability," that is, development must focus on the goals and demands of the agents inserted in the segment, seeking the expansion of the business network and the generation of partnerships.

The members of the CDLs/FCDLs entities were asked about the local public policy segments and their proximity to partnerships, as shown in graph 5.

Graph 05: Public policy and proximity segments for retail partnerships with public authorities

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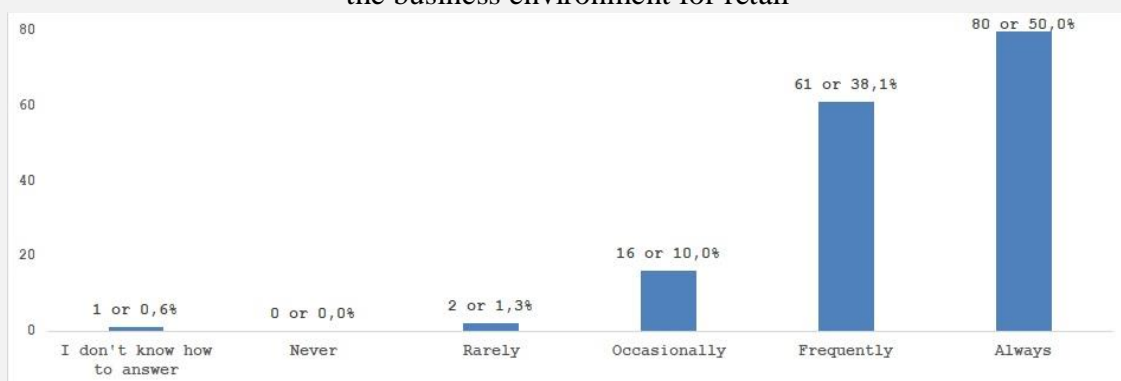


Source: From Research (2021).

According to graph 5, it was found that the segments of public policies with the greatest proximity to partnerships between retail and government were about the economic segment (17.4%, n=150), public safety (17.2%, n=148), infrastructure/urban mobility (15.0%, n=129), tourism (13.5%, n=116) and health (13.0%, n=112), which together totaled 655 indications. In other terms, these segments together represent 76.0% of the total 862 indications presented by the 160 participants in the institutional diagnosis.

Following, graph 6 highlights the initiatives that promote economic and social development with improvements in the living conditions of the local population and the business environment for retail, highlighting the initiatives of local protagonism, as well as the main segments of the economy with greater potential for partnerships with retail.

Graph 06: Initiatives of the FCDLs and CDL entities that promote economic and social development with improvements in the living conditions of the local population and in the business environment for retail



Source: From Research (2021).

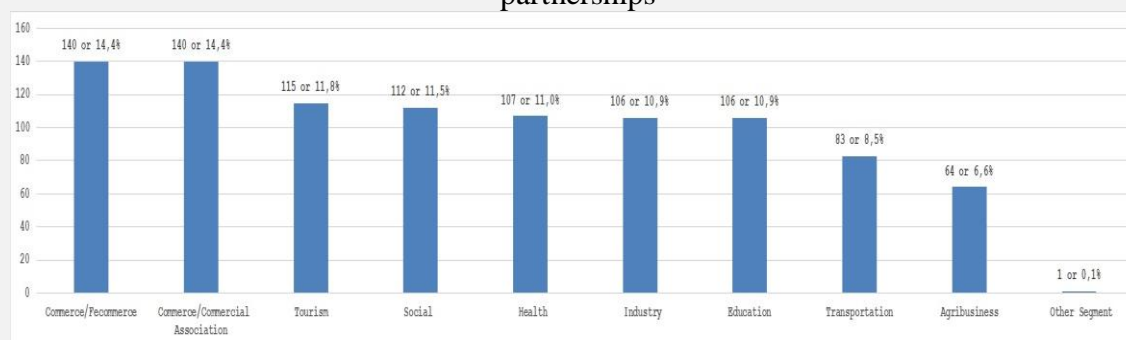
The results in Graph 6 indicate that, for 88.1% (n=141) of the participants, the entity (FCDLs/CDLs) takes initiatives "frequently" and "always" in the promotion of economic and social development, with improvements in the living conditions of the local population and the business environment for retail, with agreements, partnerships, work

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groups, creation of forums or councils, etc., with improvements in the living conditions of the local population and the business environment.

In this perspective, according to Martín (1999), the prism of individual and collective initiatives is an essential strategy for local development, because it provides a structured economic base, thus expanding the interactions and the municipal and regional social fabric. Regarding this diversity of initiatives, graph 7 demonstrates the main other segments in which the potentials for partnerships with the entity (FCDLs/CDLs) are more evident.

Graph 07: Other segments with greater proximity to the local retail market for partnerships



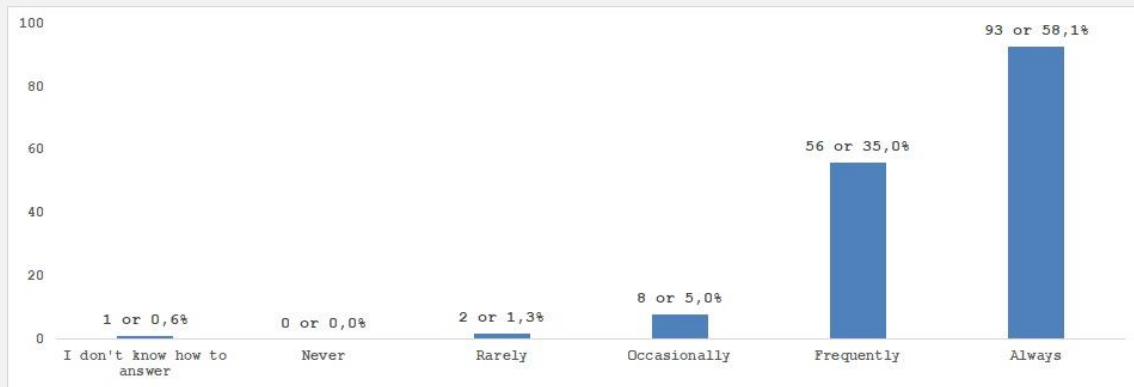
Source: From Research (2021).

Graph 7 points out the following segments with proximity to partnerships with the local retail sector presented by the main leaderships, namely: Commerce/Fecommerce, Commerce/Commercial Association, Tourism, Social and Health as the main ones of the total of nine explored segments that showed greater potential for partnerships with local retail, accumulating 614 indications, i.e., 63.0% of the total of 974 records presented by the 160 research participants. It was verified that the other segments Commerce/Fecommerce, Commerce/Commercial Association, Tourism, Social and Health obtained the largest share (63.0%) of the total indications by the research participants.

The main leaderships of the CNDL System were asked about the contributions of the entities for the improvement of the business environment of the local retail in detriment of the economic and social development of the state or region, according to graph 8.

Graph 08: The entity (FCDLs/CDLs) has contributed to the improvement of the local retail business environment in promoting the economic and social development of the state or region

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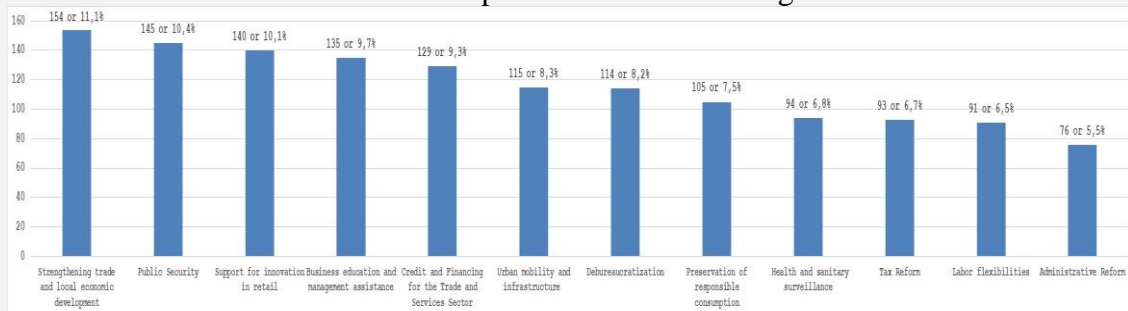


Source: From Research (2021).

The results in graph 8 indicate that, for 93.1% (n=149) of the participants, the entity (FCDLs/CDLs) has contributed "often" and "always" to the improvement of the local retail business environment in promoting the economic and social development of the state or region, with improvements in the living conditions of the local population and the business environment for retail with agreements, partnerships, work groups, creation of forums or councils, etc.

In graph 9, the main leaderships of the CNDL System were inquired about the themes that have most advanced in promoting the economic and social development of the state or region.

Graph 09: Issues that have made the most progress in promoting the economic and social development of the state or region



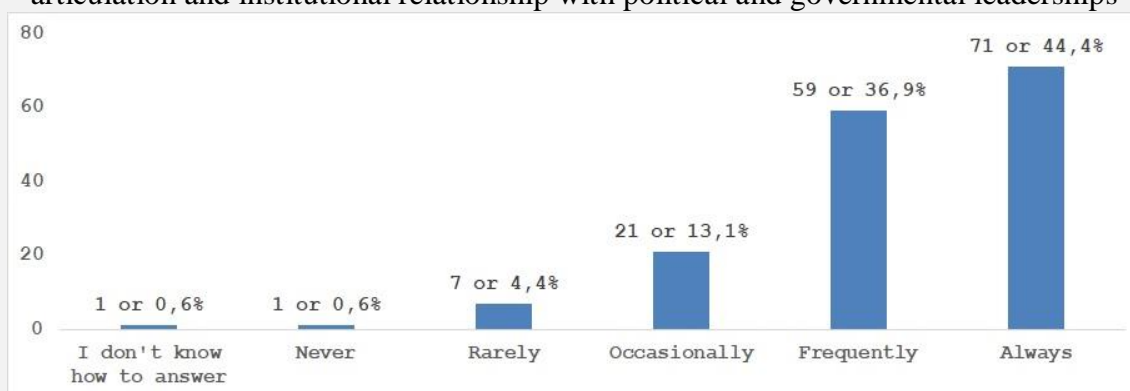
Source: From Research (2021).

According to the data obtained, it was found that the main themes listed by the leaders make mention of (1) Strengthening trade and local economic development; (2) Public safety; (3) Support for innovation in retail; (4) Business education and management assistance; (5) Credit and financing for the trade and services sector; (6) Urban mobility and infrastructure; and (7) Debureaucratization, which together added up to 932 records, representing 67% of the total of 1,391 records presented by the 160 participants in the survey.

4.3. Actions and results of political articulation and institutional relationship

This section aimed to know the perceptions of the retail leaderships and managers about the actions carried out by CDLs and FCDLs aiming at the political articulation and institutional relationship in their city/state. Thus, the leaderships of CDLs/FCDLs (n=160) were asked about the promotion of actions focused on political articulation and institutional relationship, and the data collected is summarized in graph 10.

Graph 10: The entity (FCDLs/CDLs) and the promotion of actions focused on political articulation and institutional relationship with political and governmental leaderships

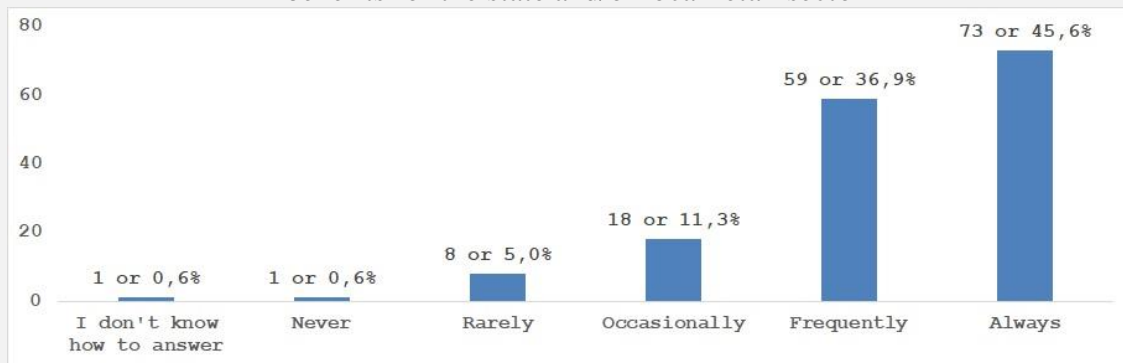


Source: From Research (2021).

From the data in graph 10, it was found that, for 81.3% (n=130) of the participants, the entity (FCDLs/CDLs) promotes actions focused on political articulation and institutional relationship "often" and "always" with political and governmental leaderships. In this perspective, the actions promoted by FCDLs and CDLs focused on political articulation and institutional relationship were positively evaluated by most of the research participants (81.3%), demonstrating the perception of the effort spent in these actions by the entities.

The main leaderships of the CNDL System were also questioned about the partnerships of the entities (FCDLs/CDLs), as well as about their political articulation and institutional relationship, according to graph 11.

Graph 11: The entity's (FCDLs/CDLs) partnerships with external partners and the benefits for the state and/or local retail sector



Source: From Research (2021).

The results of Graph 11 indicate that, for 82.5% (n=132) of the participants, the partnerships of the entity (FCDLs/CDLs) with external partners promote benefits "often" and "always" for the retail sector. It was found that the partnerships of the entity (FCDLs/CDLs) with external partners promote, for most participants of the survey (82.5%, n=132), benefits for the state and/or local retail sector, demonstrating that external partnerships, when well planned and executed, contribute to the mission of the entity.

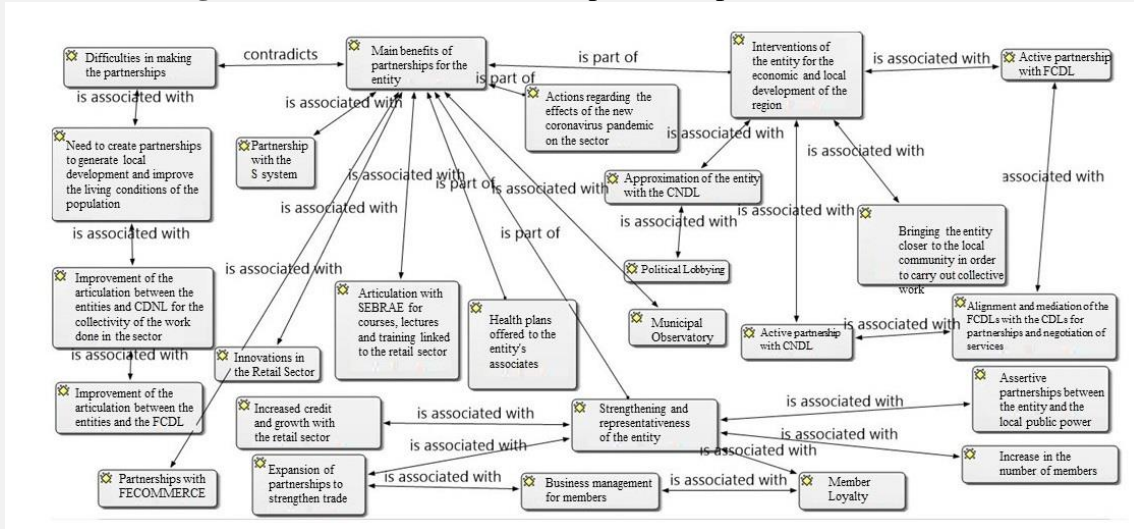
According to Martins and Caldas (2009, p. 208):

The ability to decide about this development is not understood as something exclusive to the State or the economic elites, and sees civil society as the main actor in this process of collective construction. This process creates a potential for the economic effect of these experiences to reach the political sphere and produce a cycle of growth that counters the logics of exclusion.

From this perspective, the development of partnerships presents conditions and initiatives for economic development and management autonomy. Thus, the articulation and political relationships are basic elements to increase the representativeness and strengthening of the retail sector.

The main leaderships of the CNDL System were inquired about the benefits of these interactions for the entities (FCDLs/CDLs), as shown in figure 2.

Figure 02: The main benefits of partnerships for CDLs/FCDLs

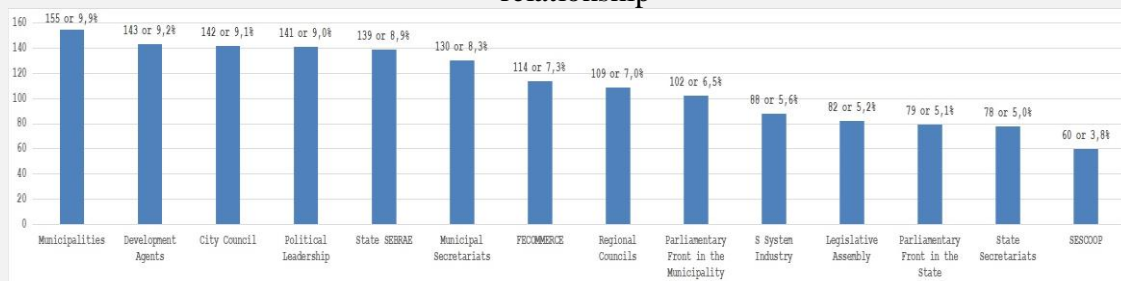


Source: From Research (2021).

According to the records generated in the software Atlas. ti7, it was observed that the main benefits of the partnerships for the entity (FCDLs/CDLs) make mention to: (1) Strengthening and representativeness of the entity, with 47 (14.7%) indications; (2) Interventions of the entity for the economic and local development of the region, with 34 (10.7%) citations; (3) Partnerships for the qualification of members through actions and programs, with 26 (8.2%) indications; (4) Assertive partnerships between the entity and the local government, with 25 (7.8%) indications; (5) Member loyalty, with 22 (6.9%) indications; and (6) Partnerships with credit agencies and banks for cost reduction and diversified portfolio of quality products, with 21 (6.6%) indications, from a total of 319 records collected from 160 participants.

The managers of FCDLs and CDLs were asked about the partners and the relationship policy adopted in these actions, as shown in graph 12.

Graph 12: Partners involved in the actions of political articulation and institutional relationship



Source: From Research (2021).

Thus, the main partners involved in the highlighted articulation actions were: (1) Municipal governments, with 155 (9.9%) indications; (2) Development agents, with 143

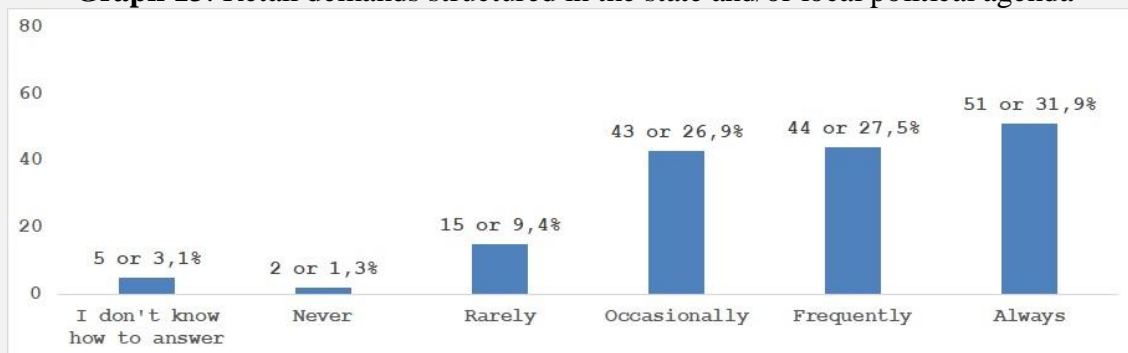
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(9.2%) indications; (3) City Council, with 142 (9.1%) indications; (4) Political leaderships, with 141 (9.0%) indications; (5) State Sebrae, with 139 (8.9%) indications; and (6) Municipal secretariats, with 130 (8.3%) indications, which totaled 850 records, representing 54.4% of the total of 1.562 records presented by the 160 research participants.

In this perspective, for Martins and Caldas (2009, p. 209), "the main criteria for selecting the experiences were their insertion in social networks and their economic results", which, therefore, cause the distribution and accumulation in the social and local fabric in which the organizations are inserted.

The managers and main leaderships of the CNDL System were asked about the sector's demands and whether they are structured in the state and/or local political agenda, and the data collected is summarized in graph 13.

Graph 13: Retail demands structured in the state and/or local political agenda



Source: From Research (2021).

According to the data in graph 13, it was observed that, for 59.4% (n=95) of the participants, retail demands are "often" and "always" structured in the state and/or local political agenda, demonstrating the importance of the correct elaboration of demands disseminated by the Public Policies 4.0 Program in its activities, applied by retail leaders.

5. Additional Considerations

It is worth mentioning, at first, the strategy of turning this institutional diagnosis into a practice of systematic application in the CNDL System, promoting the review and improvement of actions and projects that are fundamental for the evaluation, monitoring and management of the retail sector public policies in Brazil.

According to the institutional diagnosis made, it was verified the availability of FCDLs and CDLs in initiatives linked to the local public power, such as: agreements, partnerships and interest groups of the entities, as well as deliberative councils for

decision making and generation of public policies built based on the collective interest of the retail segment.

Regarding the actions and results of the promotion of economic and social development (local and regional), it is necessary to encourage the dissemination of the following initiatives of local protagonism for retail by CDLs/FCDLs, such as (1) Formative actions linked to professional training in the sector and sales force; (2) Actions and awareness campaigns regarding the new coronavirus; (3) Promotional campaigns for the generation of consumption and income; (4) Partnership with the local government; (5) Social actions and projects; (6) Incentive to trade through local consumption; (7) Actions and projects in the area of public safety; (8) Strengthening the relationship between trade and associates; and (9) Strengthening and representativeness of the entity, respecting the local peculiarities.

This way, we seek to disseminate and encourage, with the FCDLs and CDLs, the need for the entity to act, locally and regionally, in the promotion of economic and social development with improvements in the living conditions of the local population and the business environment for retail, with agreements, partnerships, work groups, creation of forums or councils and other forms adaptable to the local reality.

In this perspective, it is intended, therefore, to contribute with the local evaluation, by the FCDLs and CDLs, about the effective results in the continuous search for the improvement of the retail business environment, taking as goal parameters the following and main types of results to be sought: (1) Increase in sales and local development; (2) Value addition and ability to deliver results for the member; (3) Leadership formation in the sector focused on the development of local trade; (4) Strengthening and representativeness of the entity; (5) Economic and social development; (6) Availability of credit for the improvement in the environment and business generation; and (7) Reopening of trade due to the decrees of the new coronavirus pandemic.

According to the actions and results of the political articulation and the institutional relationship observed for the diagnosis of institutional performance undertaken in the CNDL System, it was verified that it is necessary to act through the availability of FCDLs and CDLs in the participation of local public power initiatives, involving agreements, partnerships, work groups, forums or councils, etc.

Thus, it is necessary to encourage the dissemination of the following partnerships of CDLs/FCDLs with the local government: (1) Active participation with

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the local government; (2) Participation of entities in the various municipal councils of the city; (3) Concern with the social and local development of the region; (4) Awareness and implementation of prevention protocols for the new coronavirus; and (5) Concern with the development of business and income generation, respecting the local peculiarities.

Thus, it is recommended that the CNDL System may encourage the FCDLs and CDLs to establish partnerships with the following segments considered to be closer to the public power: economic, public safety, infrastructure/urban mobility, tourism, and health.

The FCDLs and CDLs have potential to expand the promotion of economic and social development with improvements in the living conditions of the local population and the business environment for retail, with new initiatives of agreements, partnerships, work groups, creation of forums or councils, etc. Thus, the CNDL System should promote the execution of external partnerships with previous planning and follow-up of its execution, aiming at promoting benefits to the state (FCDLs) and/or local (CDLs) retail sector. It must also guide the FCDLs and CDLs in the accomplishment of external partnerships in a planned way and with follow-up of its execution, based on the search for the main benefits for the entity, such as: (1) Strengthening and representativeness of the entity; (2) Interventions of the entity for the economic and local development of the region; (3) Partnerships for the qualification of members through actions and programs; (4) Assertive partnerships between the entity and the local public power; (5) Loyalty of members; and (6) Partnerships with credit agencies and banks for cost reduction and diversified portfolio of quality products.

Thus, it is necessary to expand the partnerships of the entities with the local government and the diversity inherent in the segment for the alignment of the trade and retail sector. Along this line, it was observed the concern of the leaderships with the development of the region and the generation of business. Due to the pandemic of the new coronavirus, the leaderships participating in the institutional diagnosis mentioned the concern with the development of the business network and the difficulties faced by the sector during the pandemic. Thus, it was denoted that the articulation with the government and the development of an institutional relationship are urgent for the strengthening of the sector.

Another important element observed during the analyses made in the institutional diagnosis is related to the development of themes inserted in the context of public policies for the commerce and retail sector. In this perspective, it is necessary to

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strengthen the trade and local economic development through support for innovation, public safety and continuous training of leaderships related to the management assistance of these spaces, focusing on maintaining the members, the associationism and the representativeness of the retail segment.

In view of the referrals pointed out in the institutional diagnosis and located by means of the work done by the specialized team, the need to create plans to combat the pandemic of the new coronavirus and innovative processes for the sector's expansion and competitiveness was verified. The active participation in municipal and state development councils and the relationship between FCDLs and CDLs in government companies with specific training for purchasing and collective actions are also highlighted.

In this context, the institutional diagnosis made in the CNDL System provided a reordering of the work and of the interventions thought nationwide, therefore listening to the collaborative entities that integrate it constitutes an important element for an efficient planning of actions to be implemented from the sectorial perceived needs. Nevertheless, the work carried out is not merely a manual or checklist of the main challenges and gaps of the entities, but a guide of successful experiences related to management and a valuation instrument for the composition of new directions and actions to be taken in the future in the CNDL System.

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From Info-Exclusion Risk to Civic Participation: The Perception of Digital Citizenship among Poor People

Do Risco da Info-Exclusão à Participação Cívica: A Percepção da Cidadania Digital entre Pessoas Pobres

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DOI: [10.22478/ufpb.2525-5584.2023v8n1.64713]

Received in: 02/11/2022
Approved in: 15/04/2023

Abstract: In Brazil, even after 21 years of implementing digital inclusion policies, there are still few valid dimensions and indicators to develop statistical models to assess the effectiveness of these policies in terms of the exercise of citizenship, as a way of contributing to the reduction of infoexclusion in a global context of rising poverty levels in recent decades. The present study explores the meaning and the importance of citizenship for the poor through a questionnaire answered by 515 users from 84 telecenters in Belo Horizonte, Brazil. Using Principal Component Analysis (PCA), three dimensions with 31 indicators were obtained for citizenship and three dimensions with 33 indicators for digital citizenship. Assessed in the context of today's society, these dimensions proved to be complementary and inseparable for the effective exercise of citizenship. Thus, the results of this study contribute to the improvement of public policies for digital inclusion and prevention of poverty.

Keywords: Citizenship; digital citizenship; dimensions; indicators; principal component analysis.

Resumo: No Brasil, mesmo após 21 anos de implementação das políticas de inclusão digital, ainda há escassez de dimensões e indicadores válidos para construir modelos estatísticos que avaliem a eficácia destas políticas no que tange o exercício da cidadania, como forma de contribuir para a redução da infoexclusão num contexto global de aumento

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dos níveis de pobreza nas últimas décadas. O presente estudo explora o significado e a importância da cidadania para os pobres por meio de questionário respondido por 515 utilizadores de 84 telecentros em Belo Horizonte, Brasil. Utilizando-se Análise de Componentes Principais (ACP), obtiveram-se três dimensões para cidadania com 31 indicadores e três dimensões para cidadania digital com 33 indicadores. Avaliadas no contexto da sociedade atual, tais dimensões se mostraram complementares e indissociáveis para o efetivo exercício da cidadania. Assim, os resultados deste estudo contribuem para o aperfeiçoamento de políticas públicas de inclusão digital e combate à pobreza.

Palavras-chave: Cidadania; cidadania digital; dimensões; indicadores; análise de componentes principais.

1. Introduction

In the 20th century, during the so-called era of modernity, the idea that being a citizen is to be obedient and passive in the face of a rule of law dependent on the initiative of the State was embedded in us (eg., Massensini, 2011; Snyder, 2016). This concept, which relegates private and collective initiative to the background, subservient to state power, has ceased to prevail in the present era of post-modernity, in which new technologies prevail, and information and ease of communication gain a previously unknown importance. In this context, every citizen who has access and the ability to use emerging technologies can trigger collective and social actions with a simple click. The idea began to gain strength by dominating the media and social networks, acquiring more autonomy and stimulating social movements. Which brings us closer to the – utopian - idea that we can all really be 'equal'.

The network society is a reflection, consequence, or representation of social reality, meaning that being a citizen is no longer participating in obedience to the State, but according to the individual capacity to act in the elaboration of social rules, according to the experience and knowledge acquired. Therefore, this network society or information society enables the autonomous and active participation of any citizen who has access to it, the capacity and knowledge to access it and the opportunity for expression. Therefore, through Information and Communication Technologies (ICT), all individuals potentially have the same civil, social, and political rights, regardless of sex, race, social status, level of education, and political or religious choice, a situation that configures the concept of active citizenship, digital citizenship, or hyper-citizenship (e.g., Fernández-Prados, Lozano-Díaz, Ainz-Galende, (2021), Bustamante, 2010; Castells, 2003).

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Digital citizenship is a systemic conception of the network society, based on information, knowledge and citizen participation, in which inequalities, even between countries, reflect differences in the level of knowledge, opportunity, accessibility and use of ICT. This is associated with individual and social understanding (or awareness) of the functions and roles that each can play in the network society (e.g., Poker, 2009; Silva, 2013; Mendes, 2001).

The utopian dream of an egalitarian society, promised by the network society (e.g., Castell, 2003, Castell & Cardoso, 2005, Silveira, 2010), seems increasingly distant. Paradoxically, this is understood by the difficulty that remains in reducing poverty, promoting better living conditions, increasing job opportunities and social ascension. Those who are poor and do not have the possibility or ability to use ICTs, due to the relevance they have, are relegated to a second level, as if they were a stranger to the network society, losing the chance to participate in it, which, indirectly, has consequences in their social and professional sphere.

If sociologically every citizen must live in society and feel like a member of it by contributing to social norms and rules, how can a society, like the Brazilian one, with so many socioeconomic discrepancies and regional differences, guarantee equality of conditions in the context of the nation itself, so that all have equal rights to exercise citizenship? How can the Brazilian state ensure that there is no stratification of citizens by social class, without a clear definition of what citizenship and digital citizenship means, particularly for poor people?

In this sense, in order to understand the real need of these populations, a starting point was the consultation of previous works on the impact of ICT (e.g., Garrido, Hart, & Santana, 2012; Ribble, 2011; CGI.br, 2013; Haddad, Oliveira, & Cardoso, 2016). These are not sufficient to answer the complex questions that arose, such as, for example, fighting against digital exclusion, access to ICT for poor young people (who do not have opportunities), or help each one to feel like a member of society. Therefore, it was necessary to identify factors and indicators that reflect the reality of these poor communities so that the dimensions/factors/indicators of citizenship and digital citizenship could fundament the construction of instruments and statistical conceptual models. Knowing this reality, will enable the elaboration of public policies that contribute to the reduction of poverty and info-exclusion. So far, the scales found in the research available on the exercise of (digital) citizenship reflect, for the most part, research applied

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within universities among students or professors, or among publics with a high educational background that cover a high level of national or global contribution. For example, if some of these are used, e.g., contributing to the reduction of the greenhouse effect, participating in international councils and institutions for the improvement of life on the planet, among others), these scales will certainly not be part of those that will make up a scale of assessment of citizenship and digital citizenship for socially disadvantaged populations because, poor people are in need, in the first place, of housing, food, employment and access to basic sanitation and the internet.

To minimize the negative impacts of the information society, such as infoexclusion, international organizations (ONUbr, 2016) and governments have established digital inclusion guidelines and strategies, based on a new culture of law, not only the generic right to the Internet, but access to information as a public good (Sposati, 2015). Currently, places of public and free access to ICT (such as Telecenters, cybercafs or libraries), maintained by digital inclusion programs, open up new opportunities, of a social, economic and financial nature, in particular for poor or low-income populations (Sey et al., 2015).

“Public access venues typically aim to provide access for specific populations, including people of lower socioeconomic status, females, youth, older users, and rural residents — those too poor to afford private access, lacking technology literacy and skills, or excluded for some other reason” (Sey et al., 2015, p. 49).

Digital inclusion programs have the technological potential to promote social responses and provisions, in a territorial, integrated, and democratic way and, in this way, face social and digital exclusion in a social reconstruction process. exercise of citizenship, enabling greater employability, development of communities and ability to solve their problems, with participation and critical autonomy for political practices, and promotion of social inclusion In this context, the current research focusses on Telecenters, which allow access to ICT free of charge, favoring the participation of citizens and the surrounding community in the resolution of everyday, individual, and collective demands” (Jambeiro & Silva, 2015; Sey et al., 2015; Haddad, Oliveira & Cardoso, 2016).

Starting from the need to implement public policies for digital inclusion, whose final objective is the exercise of citizenship, spaces called Telecentros⁴ (Telecenters) were used as research objects, installed in areas of social vulnerability (favelas or communities) in the city of Belo Horizonte, Brazil. This choice specifically sought to reach the poor social

⁴ Telecenters are public access spaces located in poor communities, equipped with computers connected to broadband internet, for community use, free of charge.

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classes (families with family income of up to three minimum wages in Brazil – classes C, D and E) who are the public of these policies.

A questionnaire was applied to those who frequent these spaces at the location, seeking to answer several questions related to the information society, Telecenters and citizenship. In this article, only two of them will be addressed related to:

- a) Definition of the indicators that make up the understanding of citizenship;
- b) Definition of the indicators that make up the understanding of digital citizenship.

This article is part of a broader research (Haddad, 2019) whose central question is to verify how social programs for digital inclusion contribute to the exercise of digital citizenship, among citizens from poor social classes, in Belo Horizonte, Brazil.

2. Methodology

The present study is quantitative. We chose to use an online questionnaire and a 5-point Likert-type ordinal scale. For the composition of the items (indicators) of this questionnaire, we used the scales or indicators already published in the literature (Sey et al., 2015; Lisa & Kimberly, 2016; Choi, 2015), which were adapted to the reality of Telecenter users, either due to the dimension and range of action of the scales or due to the limited grammatical understanding of the users. In addition to this study, it should be noted that authors such as Rible (2011), Castells (2003), Garrido, Hart & Santana, Massensini (2011), Marshall (1967), among others, contributed theoretically to the construction of the applied questionnaire. However, their theoretical contributions do not reflect the reality of the participants in our study, justifying the need for specific indicators designed specifically for the case in question. In this way, we have, for example, the indicators: Combating digital exclusion, Access to ICT by poor young people (who do not have opportunities); Combat online various forms of exclusion (cultural, economic, territorial or ethnic), among others (Haddad & Oliveira, 2017).

As referenced in the introduction, in the context of Haddad (2019), the questionnaire was prepared with 14 questions and 357 items, 332 with Likert scale (1 to 5) and 25 open or multiple-choice questions; the obtained data was analysed using the Qualtrics software (Haddad, 2019). For this article, only the results of two are presented (cf. Table 01).

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| Question | Number of questions – with Likert | Number of questions – without Likert |
|---|--|---|
| For you, citizenship is: | 31 | 1 |
| For you, Digital Citizenship (on a virtual level) is: | 33 | 1 |
| Total | 64 | 2 |

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Table 01: Haddad's Inferential Study Questionnaire Questions (2019)

| For you, citizenship is: | | | | | |
|---|-----------------------|-----------------------|------------------------|-----------------------|-----------------------|
| Items | Totally disagree | Disagree | Not agree nor disagree | Agree | Totally agree |
| Help solve community problems | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Ensuring rights in society | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Achieve a goal in life | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Become aware of the reality in which you live | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To make yourself heard | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Guarantee the right to life | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Having equal rights (based on ideas, values and beliefs) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Equal obligations for all (based on ideas, values and beliefs) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Express yourself politically freely | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Participate in political/social movements | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Participate in local development | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Be able to participate in social, environmental, political issues, etc. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Be able to speak out and fight for your rights | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Concern about the collective or community (out of solidarity) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Respect freedom of opinion | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Respect the rights and duties of all people | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Respect everyone's space | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Know your role in a group | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Know how to listen and speak | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To be free (in society) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To be respected | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Having the right to work and income | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To have leisure | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To have freedom of thought and communication | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To have a house to live in | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To have (something) to eat | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Having a professional occupation recognized by law | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To take responsibility | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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| | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Having a recognized position in society | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Living collectively in harmony | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other: | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| For you, Digital Citizenship (on a virtual level) is: | | | | | |
|---|-----------------------|-----------------------|------------------------|-----------------------|-----------------------|
| Items | Totally disagree | Disagree | Not agree nor disagree | Agree | Totally agree |
| Helping everyone to feel like a member of society | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To fight online against any exclusion (cultural, economic, territorial or ethnic) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Invite others to participate in society | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Develop online government services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Teach people to search for information | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Exclude from society people who do not master the use of ICT | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Guarantee of the right to access the internet | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Fighting the digital divide | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Access to ICT for poor young people (who don't have opportunities) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The right to life in society with civil and political participation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The right to inform yourself online | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| How Users Behave on the Internet | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The online process of gaining (equal) rights | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The online process of liberation from a bad social and economic condition | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The use of services that bring public affairs closer to citizens | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Be able to participate in any online processes (resources, systems, etc.) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Being able to vote online | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Online process for solving problems (community, country or world) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Promoting access to digital worlds | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Resolve multiple issues online | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Knowing how to use ICT for social good purposes | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Feel like I can help solve any problem | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Feel connected to anyone, anywhere | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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| | | | | | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Have access to any process (resource, standard or system) online | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Mastery in the use of ICT | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Have a critical view when participating in online processes | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| An active way of acting that strengthens the exercise of citizenship | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| An online way to manifest and mobilize in the information society | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Using the internet for political participation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Using the internet for social and economic participation in society | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Use ICT responsibly | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Using ICT to make people aware of how to live in society | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other: | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Source: prepared by the authors themselves.

We chose to analyze the obtained data with the Principal Component Analysis (PCA) statistical technique, which allowed us to reduce a set of indicators (variables) that are correlated with each other into another set with a smaller number of variables that are not correlated with each other and designated by principal components. Furthermore, quality criteria such as eigenvalue, explained variance (above 50%) and Cronbach's alpha (e.g., Laureano & Botelho, 2017) were used. Based on this initial solution and based on the literature (e.g., Pestana & Gageiro, 2014), indicators that had low commonality (weight or factorial load less than 0.500) or were mixed (weight or factorial load above 0.500 in more than 0.500) were analyzed. of an indicator) and these were removed from the set of indicators for each PCA.

With the choice of the PCA technique, it was necessary to verify the quality of the correlations between the variables with the statistical procedures Kaiser-Meyer-Olkin measure of sampling adequacy (KMO) and Bartlett's test.

The participants consisted of poor people who frequent the Telecenters installed in socially vulnerable areas of Belo Horizonte, Brazil. The initial sample was greater than 700 subjects, which was defined as a stratified nonparametric random sample, as it did not present a normal distribution. Thus, people who attended the telecenters spontaneously answered the online questionnaires installed on the computers made available to users. Removing the incomplete questionnaires, a final sample of 515 users of 84 active Telecenters in Belo Horizonte was obtained, from social class C, D and E,

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aged between eight and 70 years, different levels of education, marital status, levels of knowledge in ICT and profession, including retirees and unemployed. Data processing was performed using the SPSS software.

3. Findings and Discussion

The final PCA of the entities citizenship and digital citizenship revealed a total of 6 factors/dimensions and 47 indicators with high quality of explained variance (above 50%). Cronbach's Alpha revealed a high degree of reliability between the variables and the items that encompass them, with strong correlation indices between them (KMO). Of the 64 initial indicators for the two entities, 17 were excluded from the final PCAs because they had low commonality (weight or factorial load less than 0.500) or were mixed (weight or factorial load above 0.500 in more than one indicator). Table 02 describes the factors and their quality criteria.

Table 02: Final PCA results

| Entities | KMO | Total Variance | Dimensions | Cronbach's Alpha (α) | Indicators | Excluded indicators | |
|----------|---------------------|----------------|------------|-------------------------------|------------|---------------------|---|
| 1 | Citizenship | 0,959 | 64,8% | Social rights | 0,929 | 7 | 8 |
| | | | | Civil rights | 0,906 | 5 | |
| | | | | Political rights | 0,930 | 11 | |
| 2 | Digital Citizenship | 0,962 | 59,5% | Social integration | 0,946 | 16 | 9 |
| | | | | Digital access | 0,792 | 4 | |
| | | | | Digital literacy | 0,801 | 4 | |

Source: prepared by the authors themselves.

Each of the factors related to the entities (citizenship and digital citizenship) was conceptualized based on the literature mobilized by the research. These factors are represented by a set of indicators considered significant by the study population. Therefore, it is not the purpose of this article to discuss whether such factors/indicators are innovative or already existing in the literature, nor to describe the relationship between the factors and their indicators with the theories of the authors that justify it. Its contribution is to demonstrate what these indicators represent and the degree of importance to these populations. The results are presented below.

3.1 PCA Citizenship

Three factors were extracted from this PCA:

The first factor obtained groups items that refer, on the one hand, to issues associated with Social Rights – namely: To have (something) to eat; To have a house to

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live in; To take responsibility; Having a professional occupation recognized by law; To have leisure; To be respected; and having the right to work and income.

The second associate items with Civil Rights, respectively: To have freedom of thought and communication; Respect everyone’s space; Living collectively in harmony; To be free (in society); Know how to listen and speak (e.g., Marshall, 1967), and the Civil Law component (e.g., Massensini, 2011; Caraça, 2007).

The third factor encompasses indicators that essentially refer to the possibility of political participation, intervention or manifestation, or to issues associated with the political sphere, that is, Political Rights (items: Be able to participate in social, environmental, political issues, etc.; Express yourself politically freely; Participate in political/social movements; Be able to speak out and fight for your rights; To make yourself heard; Concern about the collective or community (out of solidarity); Become aware of reality in which he lives; Having equal rights (based on ideas, values, and beliefs); and Equal obligations for all (based on ideas, values, and beliefs) (e.g., Marshal, 1967).

The indicators for each dimension are shown in Table 03.

Table 03: Factorial (optimized) solution of Citizenship dimensions

| Citizenship Indicators | Dimensions | | |
|---|---------------|--------------|------------------|
| | Social rights | Civil rights | Political rights |
| To have (something) to eat | 0,827 | | |
| To have a house to live in | 0,825 | | |
| To take responsibility | 0,788 | | |
| Having a professional occupation recognized by law | 0,760 | | |
| To have leisure | 0,758 | | |
| To be respected | 0,754 | | |
| Having the right to work and income | 0,750 | | |
| To have freedom of thought and communication | | 0,738 | |
| Respect everyone's space | | 0,716 | |
| Living collectively in harmony | | 0,694 | |
| To be free (in society) | | 0,672 | |
| Know how to listen and speak | | 0,664 | |
| Participate in local development | | | 0,822 |
| Be able to participate in social, environmental, political issues, etc. | | | 0,805 |
| Express yourself politically freely | | | 0,793 |
| Participate in political/social movements | | | 0,788 |
| Be able to speak out and fight for your rights | | | 0,737 |
| To make yourself heard | | | 0,716 |
| Concern about the collective or community (out of solidarity) | | | 0,697 |
| Become aware of the reality in which you live | | | 0,687 |
| Having equal rights (based on ideas, values and beliefs) | | | 0,583 |

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| Citizenship Indicators | Dimensions | | |
|---|---------------|--------------|------------------|
| | Social rights | Civil rights | Political rights |
| Equal obligations for all (based on ideas, values and beliefs) | | | 0,563 |
| Eigenvalue | 7,900 | | 7,000 |
| Explained variance (%) | 34,300 | | 30,500 |
| Cumulative variance (%) | 34,300 | | 64,800 |
| Cronbach's Alpha (α) | 0,929 | 0,906 | 0,930 |
| PCA Citizenship: Factorial solution, after varimax rotation, with Kaiser normalization, convergent in three iterations; KMO=0.959; Bartlett's sphericity test = 9868.789; significance = 0.00 | | | |

Source: prepared by the authors themselves.

3.2 PCA Digital Citizenship

Three factors were extracted from this PCA: social integration, digital access and digital literacy. These three factors represent the concept defined by Massensini (2011), Silveira (2010), and Snyder (2016), in addition to reflecting part of the nine elements as essential for the exercise of the digital city, as defined by Ribble (2011).

The first factor obtained groups together items that refer to the possibility of, using digital means, being better able to resolve various issues, act in society, mastery on the use of ICT, participate in problem solving, etc., that is, digital citizenship is somehow synonymous with social integration through the ability to act in digital media, i.e., in a more synthetic way, a form of social integration. Such items relate to the four elements defined by Ribble: digital etiquette, digital law, digital rights and responsibilities, and digital security (e.g., Massensini, 2011; Silveira, 2010; Snyder, 2016; Ribble, 2011).

The second encompasses indicators that, essentially, refer to the right of access to the digital medium. More than the right of access to information, ICT, the Internet, the right to inform yourself online, there is a need to fight against digital exclusion as indicated by the item with the most relevant factorial load (or loading). Therefore, what is highlighted here is the right to digital inclusion (or integration). Such a right was approved by the UN as an obligation of the States, and was, as evidenced, claimed by the users of the Telecenters. (e.g., ONUbr, 2016; Figueiredo, 2007).

The third, Digital Literacy, encompasses indicators associated with one of the elements defined by Ribble's, Digital Literacy, and with the process of combating info-exclusion exercised by the State, society, and people (e.g., Neves, 2007, Snyder ,2016).

The indicators of each dimension are presented in Table 04.

Table 04: Factorial solution (optimized) of the dimensions of Digital Citizenship

| Digital Citizenship | Dimensions |
|---------------------|------------|
|---------------------|------------|

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| Indicators | Social integration | Digital access | Digital literacy |
|---|--------------------|----------------|------------------|
| Resolve multiple issues online | 0,721 | | |
| Using the internet for social and economic participation in society | 0,700 | | |
| An online way to manifest and mobilize in the information society | 0,688 | | |
| Mastery in the use of ICT | 0,685 | | |
| Feel like I can help solve any problem | 0,673 | | |
| Knowing how to use ICT for social good purposes | 0,670 | | |
| Using ICT to make people aware of how to live in society | 0,667 | | |
| An active way of acting that strengthens the exercise of citizenship | 0,664 | | |
| Using the internet for political participation | 0,658 | | |
| Use ICT responsibly | 0,656 | | |
| Feel connected to anyone, anywhere | 0,645 | | |
| Have access to any process (resource, standard or system) online | 0,641 | | |
| Promoting access to digital worlds | 0,605 | | |
| Online process for solving problems (community, country or world) | 0,581 | | |
| Be able to participate in any online processes (resources, systems, etc.) | 0,544 | | |
| The online process of gaining (equal) rights | 0,519 | | |
| Fighting the digital divide | | 0,766 | |
| Access to ICT for poor young people (who don't have opportunities) | | 0,708 | |
| Guarantee of the right to access the internet | | 0,648 | |
| The right to inform yourself online | | 0,576 | |
| Helping everyone to feel like a member of society | | | 0,788 |
| Invite others to participate in society | | | 0,723 |
| To fight online against any exclusion (cultural, economic, territorial or ethnic) | | | 0,683 |
| Develop online government services | | | 0,642 |
| Eigenvalue | 7,497 | 3,850 | 3,535 |
| Explained variance (%) | 29,987 | 15,402 | 14,140 |
| Cumulative variance (%) | 29,987 | 45,389 | 59,529 |
| Cronbach's Alpha (α) | 0,946 | 0,792 | 0,801 |
| PCA Digital Citizenship: Factorial solution, after varimax rotation, with Kaiser normalization, convergent in six iterations; KMO=0.962; Bartlett's sphericity test=8007,513; significance=0.00 | | | |

Source: prepared by the authors themselves.

Thus, defining citizenship means incorporating the various transformations produced throughout human history, from ancient Greece, when it was limited to free individuals who enjoyed privileges, passing through to those who obeyed the norms established by the State until reaching citizenship in the 19th century. XXI, in which the citizen became the subject of rights, without distinction of gender, race, political or religious conviction and who expresses himself freely and with the right to control his body and his life (e.g., Diniz, 2014; Covre, 2001). Diniz (2014, p.10) adds that the construction of the concept of citizenship took place through the mobilization of: [...] people and organizations, in the search for the construction of an egalitarian and participative society. Today, more than ever, popular participation presents itself as one

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of the most visible demonstrations of the exercise of citizenship, being, at the same time, a guarantee for this exercise, enabling and ensuring other rights (Haddad, Oliveira & Alturas, 2022).

Therefore, being a citizen implies having the right to life, with freedom and equality before the law. It also implies participating in the destiny of society, knowing how to decide, giving constructive opinions, respecting the rights of others, having the right to education, work, fair wages, health, a peaceful old age (e.g., Diniz, 2014; Pinsky & Pinsky, 2005). From the perspective of participation in the destiny of society, citizenship can be passive, exercising rights already guaranteed in society, such as guaranteeing the right to life, or actively, promoting the right to life in society, with civil and political participation (e.g., Massensini, 2011; Silveira, 2010).

In the process of social development based on ICT, it is important to understand that, in the construction of the open State, the exercise of citizenship is necessarily consolidated by the use and access to information in a democratic way and by the fight against exclusion. These are matters in which the Law cannot fail to be involved, “since both the conquest of political, social and civil rights and the implementation of the citizen’s duties fundamentally depend on free access to information about such rights and duties” (Castells, 2003, p. 09).

Citizenship is the very right to life in the full sense. It is a right that needs to be built collectively, not only in terms of meeting basic needs, but encompassing access to all levels of existence, including the most comprehensive one, which is the role of man(s) in the Universe (e.g., Fernández-Prados, Lozano-Díaz, Ainz-Galende, (2021); Covre, 2001, p. 11).

4. Final Considerations

After all, what means and what is the importance of citizenship and digital citizenship for poor populations in Belo Horizonte, Brazil?

According to our findings, for people from lower social classes and who use digital inclusion spaces (Telecenters), citizenship is represented, in the first place, by indicators associated with social rights, such as having something to eat, housing (home), responsibility, formal professional occupation, leisure, and the right to work and income, which can be justified by the low socioeconomic status and unmet basic and survival needs to which this population is submitted. For this group of people, having leisure is

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also among the basic survival needs, as well as having a paid occupation recognized by the state and society so that they have dignity to live and can know their role in the group and in society. Once these basic needs have been overcome, then, and not least, are the needs to be free and respected, which are represented by indicators associated with civil rights, such as: freedom of thought and communication, respect for everyone's space, living collectively in harmony, be free (in society) and know how to listen and speak. Therefore, belonging to a social class with lower purchasing power does not mean that you don't want to participate in the construction of the society in which we live. On the contrary, this population wants to be heard, respected and considered. Reinforcing and giving coherence to the indicators associated with social and civil rights are the indicators correlated with political rights, such as: being able to participate in social, environmental, political issues, etc., manifesting oneself politically freely, participating in political/social movements, being able to speak out and fight for their rights, making themselves heard, among others. Thus, the exercise of citizenship for these social classes permeates the three basic rights: social, civil and political, demonstrating, once again, that it is essential to eradicate poverty so that other needs emerge, contributing to the full exercise of citizenship.

Digital citizenship, on the other hand, is, above all, synonymous of having the right and access to online information by citizens, so that they can effectively participate in all social spheres of the society in which they live. Exercising digital citizenship is fighting against digital exclusion and for access to ICT for poor young people who don't have opportunities, demonstrating a clear concern for the other by helping them to feel like members with participation in society. Thus, digital citizenship has a strong connection with political right, as an online way of expressing and mobilizing people in this information society.

Considering that it is not the objective of this article to correlate citizenship and digital citizenship statistically, it was up to us to interpret qualitatively that in order to exercise the explicit rights of citizenship (civil, political, and social) in the network society, it is necessary to exercise citizenship digital. Take, for example, the demand for the right to have a house as a social right related to citizenship. Currently, government programs aimed at producing social housing require future beneficiaries to register on online platforms and follow the registration approval process remotely. Another example is the right to a salary (to have income) as a component of citizenship. As is known, the

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search for jobs in online platforms are now common worldwide, while the offer of jobs in physical newspapers is practically non-existent. Another example, now relating the political right, would be “fighting for your rights, making yourself heard”. It is known that the organization of demonstrations and the signing of petitions are done mostly in online platforms. Many other examples could be given to justify that, to exercise citizenship and the rights associated with it, it is essential to exercise digital citizenship. That is, having access to the internet and not being excluded from the news, is a basic precept for the full exercise of citizenship.

The indicators emerged from this study are basic needs and are part of the exercise of citizenship and digital citizenship of the surveyed communities. Although they refer to the sphere of action of each individual and the needs of the communities and cultures in which they are inserted, they are perceived by the participants as concrete manifestations of the dimensions of citizenship and digital citizenship identified in this study.

In short, perceptions about digital citizenship reveal that, in today's increasingly digital society, access to social, civil and political rights established as dimensions of citizenship are inseparable from access to the internet. That is, promoting the full exercise of citizenship, meeting social needs, civil and political participation, presupposes combating info-exclusion in the society in which we live, reaffirming the concept of Wright (2008, p. 6) that defines the exercise of digital citizenship as “the ability to participate in online society”, as being the clearest definition of living in the modern, networked world.

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Federal Public Universities and the policy of different treatment to micro and small businesses in the State of Pernambuco

As Universidades Públicas Federais e a política de tratamento diferenciado às micro e pequenas empresas no Estado de Pernambuco

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DOI: [10.22478/ufpb.2525-5584.2023v8n1.63098]

Recebido em: 16/05/2022

Aprovado em: 25/02/2023

Abstract: This paper shows the behaviour of three federal universities of the state of Pernambuco with regard to the application of differentiated, favoured and preferential treatment to micro/small businesses, during the public procurement of goods, services and works. More specifically, this work identifies the origin of micro/small businesses; sets out the amount of value that was contracted by local micro/small businesses, as well as by those based outside the state of Pernambuco; calculates the number of financial resources that were obtained by bidding, both for suppliers characterized as micro/small businesses, as well as for companies of other sizes. This is a descriptive and documentary research. Data were collected from the administrative records stored on the Purchasing Portal of the Federal Government. Descriptive statistics was used as the main method for data analysis and processing. The results show that, in the three analysed universities, the prerogative granted to micro/small businesses has not yet been widely implemented. The total amount of approved purchases of the three universities was R\$ 249,6 million); however, only 25% was contracted by micro/small businesses, while 75% was contracted by companies of other sizes. Moreover, of the 1,118 micro/small businesses that were contracted, 818 (73%) were headquartered outside the state of Pernambuco and only 311 (27%) were headquartered in the state. These results instigate a research agenda on the implementation of public policies.

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Keywords: Government procurement; Micro companies; Small businesses; Public policy; Federal Universities.

Resumo: Este artigo mostra o comportamento de três universidades federais do Estado de Pernambuco na aplicação do tratamento diferenciado, favorecido e preferencial às MEs/EPPs (microempresas/empresas de pequeno porte) nas contratações públicas de bens, serviços e obras. Pesquisa descritiva quanto aos fins e documental quanto aos meios. Os dados foram coletados dos registros administrativos armazenados no Portal de Compras do Governo Federal. Utilizou-se a estatística descritiva como principal método de análise e tratamento dos dados. Os resultados mostram que, nas três universidades analisadas, a prerrogativa concedida às MEs/EPPs ainda não foi amplamente implantada. Do valor total de R\$ 249,6 milhões em compras homologadas pelas três universidades, 75% foram contratados de empresas de outros portes e apenas 25%, de MEs/EPPs; das 1.118 MEs/EPPs contratadas, 818 (73%) eram sediadas fora do Estado de Pernambuco e somente 311 (27%) eram sediadas no estado. Estes resultados instigam uma agenda de pesquisa sobre a implementação de políticas públicas.

Palavras-chave: Compras governamentais; Microempresas; Empresas de pequeno porte; Políticas públicas; Universidades Federais.

1. Introduction

In Brazil, the legislation has elected the bidding process as the means of undertaking public procurements. More precisely, the bidding process is an administrative procedure that allows the government and its entities to acquire products and services with equal opportunities among those wishing to contract with the public sector, reflecting the best choice from among the universe of suppliers. Bidding processes require the government and the bidding parties to adhere to the standards and conditions stipulated in the invitation for bids (bid notice). Nothing can be created or gets done unless it is provided for in the invitation for bids instrument. So, participation is open to any interested parties who, in the initial qualification phase, provably possess the minimum qualification requisites stipulated in the bid notice.

The types of bidding processes are usually defined in the light of the amount of the future contract and/or the complexity of the subject matter, with the exception of the live bidding system chosen on account of the goods or services to be procured. Thus, the modality to be used is determined according to the “value” of the bidding process (competitive selection, request for price quotes, invitation) or to the “subject matter” being tendered for (competitive selection, tender offer, auction and live bidding).

Government (or public) procurement has been a global economic highlight given the huge volume of resources involved therein, and Brazil is no exception.

The sums involved are huge and account for a significant portion of the Gross Domestic Product (GDP) of many Brazilian municipalities. According to the Brazilian Government Procurement Panel, in 2018 total public procurement was R\$ 61 billion, representing 135,479 procurement processes of which 41.7% were contracted with micro and small businesses identified here as MEs/EPPs (micro/small businesses).

The role of the MEs/EPPs in developing local economic potential since the Federal Constitution of 1988 has come in for a lot of attention and there has been emphasis on affording them priority inclusion in public procurement. But it was in 2006, under Supplementary Law 123 of December 14, 2006, that the differentiated and favoured treatment afforded to MEs/EPPs in regard to participation in public bidding processes became enshrined in Brazil. In this way, besides establishing the National ME/EPP Statute and creating new limits on gross revenues for qualification as an ME/EPP and Individual Micro Entrepreneur (MEI), section 47 of Supplementary Law 123 of December 2006, stipulates that:

In public procurements by direct and indirect government departments, autonomous entities, foundations and federal, state and municipal governments, differentiated and simplified treatment must be afforded to micro and small companies in order to promote the economic and social development within municipal and regional boundaries, enhancing the efficiency of public policies and encouraging technological innovation. (Supplementary Law 123, 2006).

However, this law created general and comprehensive rules and regulations, leaving it up to the federative entities to draw up specific rules to render it applicable. Thereafter, Supplementary Law 147 of August 7, 2014, modified the original wording to include a sole paragraph stipulating that in the absence of state or municipal legislation or specific regulations federal legislation applies.

However, several issues contained in that law still required regulation by the Executive Branch. That is why Decree 8.538 of October 6, 2015 regulated the granting of benefits as well as the mandatory items in the invitation for bids instruments and the obligations of the bidders which is fact made it possible to expand or at least facilitate the participation of MEs/EPPs in public procurements.

Supplementary Law 123 of December 14, 2006 also defines the size of the companies according to the following amounts: a) micro companies include businesses

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with gross invoicing of up to R\$ 360,000.00; b) in the case of small companies, gross revenues exceeding R\$ 360,000.00 and equal to or less than R\$ 4,800,000.00. Thus the gross invoicing criterion becomes the defining factor of the target audience of this policy.

Although laws and decrees are not construed as public policies, they are part of a legal framework, in this case in regard to MEs/EPPs, that have enabled governments to create public policies by applying differentiated and favourable treatment where participation in public bidding processes is concerned. This differentiated treatment is founded on a constitutional provision which, because it involves antitrust law, establishes favouritism for MEs/EPPs organized under Brazilian law and whose principal place of business and management are located here. Participation by MEs/EPPs in formulating, monitoring and evaluating this public policy is enshrined in the very law that institutes it. Nevertheless, it is also an approach to local development, generating and increasing government revenues that can revert in the improvement of public services and in social action programs.

Therefore, the objective of this paper is to analyse the differentiated treatment afforded to MEs/EPPs in public procurements of goods, services and works at the federal, state, district and municipal government level guaranteed under federal law. The *locus* of analysis is three federal universities located in the State of Pernambuco (PE), in Brazil's North-eastern Region: the Federal Rural University of Pernambuco (UFRPE), the Federal University of Pernambuco (UFPE) and the Vale de São Francisco Federal University (UNIVASF). The period of analysis was confined to 2018.

Thus, the objective of this article is to illustrate the behaviour of the UFRPE, UFPE and UNIVASF in applying the differentiated, favoured and preferential treatment afforded to MEs/EPPs in the public procurement of goods, services and works. More specifically, the objectives are: a) to identify the places of origin of the MEs/EPPs contracted; b) to define the amount contracted with local suppliers and suppliers based outside the state of PE; c) to calculate the volume of financial resources obtained by suppliers characterized as ME/EPP and by companies of other sizes per procurement modality.

This study meets the two fundamental elements of a public policy, as argued by Secchi (2010): public intentionality and response to a public problem. In other words, the reason for setting up a public policy is to deal with or solve a problem understood to be communally relevant. In other words, the financial resources of the federal public

universities enjoy legal support to be invested to the maximum in the region where the universities are based. This aspect represents the response to a public intentionality (Secchi, 2010) and if complied with, makes the UFRPE, UFPE and UNIVASF leading players in regional development by fostering job creation, income distribution and the creation of value essential for the economic and social development of the region.

Regarding the response to the public problem, as argued by Secchi (2010), one has to bear in mind that Pernambuco is a state with huge regional inequalities that require a variety of public policies in order to improve the conditions of the less developed regions, where the use of purchasing power is one of these strategies. The three universities operate throughout the entire State of Pernambuco and are also present in several states in the North-eastern Region through teaching, research and extension activities. So, the public problem is characterized by the inequalities in regional development; public policy means differentiated treatment in public procurement processes for MEs/EPPs in order to foster the participation of regional companies in procurement processes issued in the region itself.

It should be pointed out that in spite of the focus being on the three federal universities of the state of Pernambuco, the analysis presented herein can apply to other states, given the important role of the issue discussed for local development, with an overflow effect.

2. Public policies, implementation and evaluation

Public policies, according to Miguel (2018), are state actions implemented using programmes intended for specific sectors of society “under the mantle of the sovereign authority of the government.” (Rodrigues, 2010, p. 14). This requires “political players capable of pinpointing and analysing the social, economic and reality they live in, in addition to negotiating in a democratic manner with the different players involved in the process.” (Rodrigues, 2010, p. 25).

Melazzo (2010) synthesizes the concepts of various players when asserting that:

Public policies are sets of decisions and actions intended to solve political problems involving formal, informal and technical procedures that express the relationships of power and which are intended to resolve conflicts involving both the rights of social groups and segments, or how the space in which different concepts are disputed regarding the formulation and implementation of social rights, as well as their extension to other social groups. (Melazzo, 2010, p. 19).

According to the definition by Melazzo (2010), for a public policy to exist it must be intermediated by the government, in the case specifically demonstrated here, and it the federal universities' function to make it part of their operating agenda.

The implementation of public policies, according to Lotta (2019, p. 13), is “a part of the field of public policy analysis that seeks to look at the specific moment when the policies materialize or come into being.” In other words, it is the process of successive refinement and its translation into specific tasks and procedures intended to render the thinking behind the policy effective. Likewise, the purpose of evaluating and gathering information, therefore, is action-oriented, points out Thoenig (2000). Notwithstanding the extensive usefulness of the information provided by any kind of evaluation processes, this is a somewhat underutilized practice. For the purposes of this study, also worthy of note is the evaluation of public policies in which a program already implemented is analysed in regard to its actual impacts over a given period.

But, coming back to the question of implementation, as Hill and Hupe (2003) see it, if the study aims to explain in some way the difference between the objectives specified in the initial phase of a public policy and a product or end result, attention needs to be paid to the characteristics of the players required to interact and to the structured relations between them. Some players can be more essential for transforming policies than others, and this may require quite different methodological approaches depending on the nature of those relationships. However, “the problems of implementation arise especially from the difficulty in generating the necessary cooperation between the implementation players.” (Oliveira & Couto, 2019, p. 75), and in federal systems such as the universities, Oliveira and Couto (2019) suggest trying to reconcile the wish of the central leadership with that of the various implementation authorities that are always to be found within federations.

The public policy of the Brazilian Government that grants preference to micro and small companies was designed with public procurement as the main instrument. The important role of the State as a consumer of goods and services catalyses the potentiality of using this mechanism. And what is more, the special role of MEs/EPPs is emphasized as generators of an important number of jobs and of the economy as a whole (Karjalainen & Kempainen, 2008 as cited in Costa & Terra, 2019). Small businesses are also characterized as the “gateway” for those entering the jobs market for the first (the Brazilian Support Service for Micro and Small Businesses (SEBRAE, 2018).

The key benefits afforded by Supplementary Law 123 (2006) to MEs/EPPs are: a) the stipulation of a quota of up to 25% in contests for the acquisition of goods of a divisible nature (Section 48, subsection III); b) Priority in contracting locally- or regionally-based MEs/EPPs, up to the limit of 10% of the best valid price (Section 48, paragraph 3).

The benefits listed above point to the emphasis of the legislation on aspects involving benefits during the procurement process. In this process, it is the remit of the government to define the public policy, ensuring that MEs/EPPs receive differentiated and favourable treatment. It is now up to the universities and other public institutions to put the public policies defined into practice. For that reason, federal government functionalism is an essential element in the proper execution of the guidelines adopted by the government. However, the extent to which the universities have been engaged in the formulation and mobilized in the implementation of this policy is an aspect to be taken into account. Above all, there is a belief that the constitutional autonomy of universities, its effective application and the limits imposed on it must be factored into the analyses.

Cruz (2017) points out that the analyses of the data from the government's purchasing portal demonstrate that of the total value of the procurement by the Federal Government in 2017 approximately 56.04% was acquired via bidding waiver processes or non-requirement of bid tenders; of that total, only 1.82% was channelled to MEs/EPPs. Bidding waiver occurs when although competition is viable and, therefore, theoretically the procurement process is possible, the legislation allows a waiver in exceptional situations. Non-requirement of bidding processes occurs when the item has only one supplier or when the item is unique, or where a unique service or professional is involved. In these cases, a bidding process is out of the question as it will be impossible to compare the situations in order to obtain parameters that clearly show which situation is more favourable to the government, although section 25 of Law 8.666 of June 21, 1993 provides a list of examples. Nevertheless, each actual case must be examined, as there may be situations not covered in that section but which, given their characteristics, would result in the non-requirement of a bidding process.

According to Law 8.666 (1993), the bidding process is when: a) the acquisition of materials, equipment or the like can only be from an exclusive producer, company or sales representative, with brand preference prohibited (section 25, I); b) recognized

specialization characterized by a differentiated, atypical or unique service (section 25, II) of if the contractor possesses in-depth knowledge and/or involvement and is specialized in that specific area, holds above-average qualifications compared to the professionals in that industry; c) contracting of artistes of any sector on the grounds of the professional's recognition by specialized critics or public opinion.

Bearing in mind the disbursement and volume of resources and their importance in the country's economy, Costa and Terra (2019) stress that public procurement in Brazil goes beyond the cost-effectiveness of the process. As the authors see it, this procurement process must be analysed not only from the point of view of its legality and cost-effectiveness: one must verify, in addition to these principles, whether the proposal meets the strategic aim of improving government budget management in order to further the country's economic and social development.

3. Methodological precedures

This study is characterized as descriptive in its purposes, having presented information about specific situations of MEs/EPPs in PE in order to identify the possibility of them being actively engaged in the procurement processes of the UFRPE, UFPE and UNIVASF as beneficiaries of differentiated and preferential treatment.

In addition, it is a documental study about investigative methods, as it has drawn on formal information systems of the Brazilian federal government and procurement reports of the UFRPE, UFPE E UNIVASF as key data gathering sources.

The data were gathered from the administrative records stored on the purchasing portal of the Brazilian Government:

- a) The Integrated General Services Management System (SIASG).
- b) The Integrated Financial Administration System (SIAFI).
- c) The Unified Supplier Registration System (SICAF).

Data were also specifically collected from the UFRPE's own records by reading physical documents such as: Bidding Waiver Processes, Terms of Reference, Goods Specification Terms, Proceeds Allocation Documents and Bid Notices.

The main method for analysing and dealing with the data collected was descriptive statistics. The total resources contracted from MEs/EPPs by the UFRPE, UFPE and UNIVASF in fiscal year 2018 was quantified per procurement modality. Of this total, we identified and calculated the volume of resources contracted with MEs/EPPs

whose head offices are outside the State of PE and the resources contracted with MEs/EPPs with their head offices in the State.

4. Purchases by teaching institutions of Pernambuco attached to the Ministry of Education and the participation of MEs/EPPs

The Brazilian Government Procurement Panel indicated that both in purchases approved by federal institutions attached to Ministry of Education in Brazil at national level, and within the exclusive scope of the State of PE in fiscal year 2018, MEs/EPPs had a low share if compared to companies of other sizes (Table 01).

Table 01: Participation of micro/small businesses in procurements approved by institutions attached to the Ministry of Education

| National Coverage | Amount (R\$) | Percentage (%) |
|--|-------------------|----------------|
| All federal institutions attached to the Ministry of Education | 61.080.473.841,04 | 100,0 |
| Companies of other sizes (also including special companies) | 45.901.976.091,54 | 75,1 |
| MEs/EPPs | 15.178.497.749,50 | 24,8 |
| National Coverage | Amount (R\$) | Percentage (%) |
| Institutions headquartered exclusively in the State of PE | 349.845.419,60 | 100,0 |
| Companies of other sizes (also including special companies) | 219.896.398,45 | 63,0 |
| MEs/EPPs | 129.949.021,11 | 37,0 |

Source: 2018 Procurement Panel data. Prepared by the authors.

The total amounts shown in Table 01 include all bidding modalities in procurements legally available for contracting and their respective characteristics, including their exceptions, such as waivers and the non-requirement of bidding processes.

After discovering the volume of procurements, we investigated which bidding modalities were contracted in procurements approved by institutions attached to the Ministry of Education, as well as the volume contracted with MEs/EPPs and companies of other sizes in each modality (Table 02).

Table 02: Participation of micro/small businesses by procurement modality during 2018

| Procurement modality | MEs/EPPs (R\$) | (%) | Companies of Other Sizes (R\$) | (%) | Total (R\$) |
|----------------------|----------------|------|--------------------------------|------|----------------|
| Bidding Waivers | 7.210.355,64 | 11,0 | 60.054.152,04 | 89,0 | 67.264.507,68 |
| Live bidding | 111.973.969,53 | 49,0 | 118.415.703,17 | 51,0 | 230.389.672,70 |

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| | | | | | |
|--------------------------------|-----------------------|-------------|-----------------------|-------------|-----------------------|
| Price Submissions | 5.233.957,62 | 100,0 | - | - | 5.233.957,62 |
| Competitive selection | 3.483.938,43 | 10,0 | 32.631.645,07 | 90,0 | 36.115.583,50 |
| Bidding process | - | - | 260.000,00 | 100,0 | 260.000,00 |
| Non-requirement of bid tenders | 2.046.799,89 | 19,0 | 8.534.898,17 | 81,0 | 10.581.698,06 |
| Total | 129.949.021,11 | 37,0 | 219.896.398,45 | 63,0 | 349.845.419,56 |

Source: From “*O protagonismo da UFRPE, UFPE e UNIVASF no desenvolvimento regional por meio do incentivo ao tratamento diferenciado nas contratações das micro e pequenas companies*”, by A. S. Cavalcante, 2020, p. 49. Prepared by the authors.

In regard to the volume of resources procured from companies of other sizes, there is a particular type of bidding waiver in the case of companies contracted by government organizations where competitive selection is absolutely impossible, where the law provides for procurement by billing waiver (Table 2) as per section 24 of Law 8.666 (1993), with the exception of subsections I and II.

As an example, we have companies that operate public concessions. In the case of the state of PE, Companhia Pernambucana de Saneamento (COMPESA) and Companhia Energética de Pernambuco (CELPE), or several teaching and research support foundations, government banks, several telephone companies (in these two latter cases, provided only a given company operates in a given region), and other situations provided for in subsections III thru XXIV of section 24 of Law 8.666 (1993).

Of the total of R\$ 60 billion contracted with companies of other sizes via bidding waivers, as shown in Table 2, the following amounts were channelled to special companies and companies of other sizes:

- a) R\$ 51.6 billion contracted via bidding waivers with so-called special companies;
- b) R\$ 8.4 billion contracted with companies of other sizes.

While also analysing this procurement modality, it should be stressed that the legislation allows for waivers in special situations, but the procurement must be made preferably from MEs/EPPs, according to subsection IV of section 49 of Supplementary Law 123 (2006). Putting it another way, all procurements via bidding waivers according to the legislation may be feasible by adopting preferential procurement through the intermediary of MEs/EPPs headquartered in the State of PE.

Following on from this, the distribution of the amounts shows:

- a) R\$ 7.2 million (46%) contracted from MEs/EPPs;
- b) R\$ 8.4 million (54%) contracted from companies of other sizes.

Thus, by observing the legal recommendation for bidding waiver processes that must be contracted preferably from MEs/EPPs, we are arguing that the Government should abide by the legal requirements and take steps to achieve ME/EPP bidding waiver procurement rates of close to 100%. If these resources were channelled as provided for in the public policy, they could directly and indirectly foster the economic and social development of the region, increase tax levies and contribute to maintaining and creating jobs in the State of PE and, furthermore, protect the MEs/EPPs, that today account for 27% of the nation's GDP.

Returning to Table 2, the second modality of acquisition discussed here is live bidding. In the case of this modality the judgment criterion will always be the lowest price and the competition for the supply of ordinary goods and services takes place in a public session using written proposals and verbal bids submitted remotely and electronically. In 2018, the institutions attached to Ministry of Education headquartered in the State of PE engaged in fully electronic procurements amounting to R\$ 230 million. Of this amount, R\$ 111.9 million (49%) were approved for MEs/EPPs while R\$ 118.4 milhões (51%) was contracted with companies of other sizes.

In price submissions, a modality normally used in medium-sized contracts, Table 2 shows that all the procurements were contracted from MEs/EPPs out of the total of R\$ 5.2 million designated. Price submission is a procurement modality between properly registered interested parties or those that meet the conditions for registration within three days prior to the date when the proposals are received, with due regard for the necessary qualifications.

In the competitive selection modality, R\$ 3.4 million (10%) of the R\$ 36 million in procurements was contracted with MEs/EPPs. As a rule, the selection criteria of the various bidding modalities is economic. In regard to engineering services, Decree 9.412 (2018) stipulates that those exceeding R\$ 36 million must be contracted under the competitive selection modality. In this modality, the aim is to obtain the best technique or technique and price when specialized services are involved, at the discretion of the managing entity. This modality allows for regionalized procurement, including in cases where the bidding process allows for subcontracting of the services.

If we go back to Table 2, in the tender offer modality a total of R\$ 260,000 was contracted. This is a procurement modality between interested when choosing jobs that

require intellectual creation such as technical, scientific and architectural projects by instituting prizes or compensating the winners in accordance with the criteria contained in the bid notice. Therefore, it is a choice that is totally divorced from the competitive conditions required for the other modalities and given this prerogative, one cannot determine the size of the supplier to be contracted, which in this case justifies classifying this total procurement as being for companies of other sizes.

Lastly, Table 2 shows the non-requirement of bid tenders, a modality which in fiscal year 2018 contracted a total of R\$ 10.5 million. The study discovered that of this amount R\$ 8.5 million, (81%) was contracted from companies of other sizes, and R\$ 2 million (19%) from MEs/EPPs. The non-requirement of bid tenders exempts the Government from holding bidding procedures. This occurs when there is only one supplier of the item or when the item is unique or where a unique service or professional is involved.

The significant volume contracted from MEs/EPPs by institutions attached to the Ministry of Education has the potential to produce a positive impact on the development of the state of PE. Below we present the cases of the UFRPE, UFPE and UNIVASF federal universities.

5. Procurements by the UFRPE, UFPE and UNIVASF and the participation of MEs and EPPs

Table 03 shows the extent of the participation of MEs/EPPs in relation to companies of other sizes at each of the federal public universities.

Table 03: Approved procurements at the universities and the participation of micro/small businesses in 2018

| Universities | Amount (R\$) | Companies of Other Sizes | | MEs/EPPs | |
|--------------|-----------------------|--------------------------|-------------|----------------------|-------------|
| | | Amount (R\$) | (%) | Amount (R\$) | (%) |
| UFRPE | 56.867.279,99 | 46.144.675,38 | 81,0 | 10.722.604,61 | 19,0 |
| UFPE | 146.241.697,61 | 111.365.023,33 | 76,0 | 34.876.674,28 | 24,0 |
| UNIVASF | 46.522.725,09 | 28.945.755,05 | 62,0 | 17.576.970,04 | 38,0 |
| Total | 249.631.702,69 | 186.455.453,76 | 75,0 | 63.176.248,93 | 25,0 |

Source: From “O protagonismo da UFRPE, UFPE e UNIVASF no desenvolvimento regional por meio do incentivo ao tratamento diferenciado nas contratações das micro e pequenas companies”, by A. S. Cavalcante, 2020, p. 53. Prepared by the authors.

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It is worth recalling that Supplementary Law 123 (2006) is intended, among other things, to foster development and expand the role of small businesses in government procurement contracts. But of the total amount of R\$ 250 million in procurements approved by the three universities, 75% was contracted from companies of other sizes and only 25% from MEs/EPPs.

Table 04 shows which bidding modalities were contracted, as well as the volume contracted from MEs/EPPs and companies of other sizes in each modality and at each of the three universities.

Table 04: Participation of micro/small businesses in the procurements of the universities by procurement modality during 2018

| FEDERAL RURAL UNIVERSITY OF PERNAMBUCO – UFRPE | | | | | | |
|---|----------------------|-------------|--------------------------------|-------------|-----------------------|--------------|
| Procurement modality | MEs/EPPs (R\$) | (%) | Companies of Other Sizes (R\$) | (%) | Total (R\$) | (%) |
| Live bidding | 5.557.193,07 | 18,0 | 25.316.101,74 | 82,0 | 30.873.294,81 | 54,3 |
| Price Submissions | 3.925.618,87 | 100,0 | - | - | 3.925.618,87 | 6,9 |
| Bidding Waivers | 1.156.321,67 | 6,0 | 19.510.816,98 | 94,0 | 20.667.138,65 | 36,3 |
| Non-requirement of bid tender | 83.471,00 | 6,0 | 1.317.756,66 | 94,0 | 1.401.227,66 | 2,5 |
| Total | 10.722.604,61 | 19,0 | 46.144.675,38 | 81,0 | 56.867.279,99 | 100,0 |
| FEDERAL UNIVERSITY OF PERNAMBUCO – UFPE | | | | | | |
| Procurement modality | MEs/EPPs (R\$) | (%) | Companies of Other Sizes (R\$) | (%) | Total (R\$) | (%) |
| Live bidding | 28.096.516,81 | 31,0 | 61.745.959,65 | 69,0 | 89.842.476,46 | 61,4 |
| Price Submissions | 1.308.338,75 | 100,0 | - | - | 1.308.338,75 | 0,9 |
| Competitive selection | 3.483.938,43 | 10,0 | 30.737.688,15 | 90,0 | 34.221.626,58 | 23,4 |
| Bidding Waivers | 1.235.978,89 | 8,0 | 14.793.310,42 | 92,0 | 16.029.289,31 | 11,0 |
| Non-requirement of bid tender | 751.901,40 | 16,0 | 4.088.065,11 | 84,0 | 4.839.966,51 | 3,3 |
| Total | 34.876.674,28 | 24,0 | 111.365.023,33 | 76,0 | 146.241.697,61 | 100,0 |
| FEDERAL UNIVERSITY OF VALE DE SÃO FRANCISCO – UNIVASF | | | | | | |
| Procurement modality | MEs/EPPs (R\$) | (%) | Companies of Other Sizes (R\$) | (%) | Total (R\$) | (%) |
| Live bidding | 15.166.768,92 | 70,0 | 6.516.081,58 | 30,0 | 21.682.850,50 | 46,6 |
| Price Submissions | - | - | - | - | - | 0 |
| Competitive selection | - | - | 1.893.956,92 | 100,0 | 1.893.956,92 | 4,0 |
| Bidding Waivers | 2.386.175,12 | 10,0 | 20.342.004,67 | 90,0 | 22.728.179,79 | 48,9 |
| Non-requirement of bid tender | 24.026,00 | 11,0 | 193.711,88 | 89,0 | 217.737,88 | 0,5 |
| Total | 17.576.970,04 | 38,0 | 28.945.755,05 | 62,0 | 46.522.725,09 | 100,0 |

Source: research data. Prepared by the authors.

Although the degree of efficacy of these public policies of differentiated, favoured and simplified treatment for promoting small businesses as an instrument of national sustainability can be seen in the figures from institutions such as the Brazilian

Micro and Small Company Support Services (SEBRAE), the Brazilian Census Bureau (IBGE), and the Brazilian government itself, among others, the information obtained in this study and shown in Table 4 does not satisfy the legislation and requires the federal universities to take concrete action.

This trend was replicated when we analysed the participation of MEs/EPPs headquartered in PE compared with the participation of MEs/EPPs headquartered in the other states of Brazil in every procurement modality (Table 05). In other words, of the 1,118 MEs/EPPs contracted, 818 (73%) were headquartered outside the state of PE and 311 (27%) headquartered within the state of PE.

Table 05: Participation of micro/small businesses headquartered in PE and headquartered outside the state.

| University | MEs/EPPs Headquartered in PE | (%) | MEs/EPPs Headquartered outside PE | (%) | Total | (%) |
|--------------|------------------------------|-------------|-----------------------------------|-------------|--------------|--------------|
| UFRPE | 118 | 27,0 | 322 | 73,0 | 440 | 100,0 |
| UFPE | 174 | 35,0 | 324 | 65,0 | 498 | 100,0 |
| UNIVASF | 19 | 10,0 | 172 | 90,0 | 180 | 100,0 |
| Total | 311 | 27,0 | 818 | 73,0 | 1.118 | 100,0 |

Source: research data. Prepared by the authors.

Using this analysis, it is possible to indicate the volume that could have potentially been channelled to MEs/EPPs headquartered in the State of PE, if the preferential margin on hiring had been adopted.

Table 6 is further evidence of peculiar aspects concerning the participation of the MEs/EPPs headquartered in PE in the Live Procurement modality. And furthermore, it shows that there is room for adding value to the work of the management of the federal universities to optimize the use of the purchasing power of the states as a resource and as public policy, and to promote sustainable regional development.

Table 06: Participation of micro/small businesses headquartered in PE in the Live Procurement modality.

| University | MEs/EPPs Headquartered in PE (R\$) | (%) | MEs/EPPs Headquartered outside PE (R\$) | (%) | Total (R\$) |
|--------------|------------------------------------|-------------|---|-------------|----------------------|
| UFRPE | 1.525.282,85 | 27,0 | 4.031.910,22 | 73,0 | 5.557.193,07 |
| UFPE | 12.064.399,33 | 43,0 | 16.032.117,48 | 57,0 | 28.096.516,81 |
| UNIVASF | 8.258.213,53 | 54,0 | 6.908.555,39 | 46,0 | 15.166.768,92 |
| Total | 21.847.895,71 | 45,0 | 26.972.583,09 | 55,0 | 48.820.478,80 |

Source: Research data. Prepared by the authors.

Electronic live bidding has become the modality most used by the federal universities for procurement and hiring because of the accessibility of participation and the speed of the processes. Its utilization is greater by volume for which reason it has been used here as a sample to emphasize that differentiated treatment as a public policy still needs to be incorporated within the federal universities, involving different levels of responsibility. This involves in-depth alterations to the spaces and processes where policy is made, that is, where material choices are made as defined by Secchi (2010) when labelling public policies.

According to the 2019 estimate by the Brazilian Census Bureau (IBGE) (2020), Pernambuco is divided into 185 municipalities and has a population of around 9.49 million inhabitants (4.55% of the Brazilian population, the seventh-highest population among the Brazilian states). Pernambuco's most populous city is Recife, the capital, with 1,645,727 inhabitants. It is followed by Jaboatão dos Guararapes with 702,298, located in the metropolitan region. Most of the MEs/EPPs are to be found in these municipalities.

It is important to give a relative idea of what the resources of the IFES intended for procurement represent. For example, taking the case of UNIVASF, with R\$ 46 million in resources contracted, this can be compared to the GDP of the municipalities of the São Francisco mesoregion for the year 2017.

Table 07: Percentage of the amount contracted by UNIVASF relative to the GDP of the municipalities of the São Francisco Mesoregion (except Petrolina) – 2017

| Municipality | GDP (in millions of Reais) | (%) |
|--------------------------|----------------------------|------|
| Santa Maria da Boa Vista | 516,5 | 9,0 |
| Petrolândia | 1.078,4 | 4,3 |
| Cabrobó | 404,5 | 11,5 |
| Floresta | 412,8 | 11,2 |
| Tacaratu | 170,6 | 27,2 |
| Belém do São Francisco | 203,2 | 23,0 |

Source: From “*PIB a preços correntes: comparação entre os municípios de Pernambuco,*” Brazilian Census Bureau, 2020. Prepared by the authors.

Therefore, one can see that the resources contracted by UNIVASF, located in Petrolina and with spillover effects in the entire mesoregion, represent an average of 14.4% of the GDP of the municipalities located there, reaching 27.2% as in the case of Tacaratu.

It is important to mention that the volume ascertained for the universities represents the total actually contacted, not the institution's budget. The GDP of the

municipalities, in turn, represent the sum of all the goods and services produced in the municipal economies over a one-year period. This observation shows once again the importance of demonstrating in numerical terms the considerable participation of the universities in the economy and in fostering the region's socioeconomic development, provided the management embrace the public policy of differentiated treatment when contracting from MEs/EPPs.

The public policy that facilitates the promotion and fostering of simplified and privileged treatment to this segment of companies in government procurement contracts is now a reality, but the universities need to effectively embrace these policies within their management structure. But as Melazzo (2010) shows, a simple conceptualization is not enough for us to define public policy. In fact, as demonstrated in this section, more than a government action program public policy refers to or expresses the different dimensions of the processes involving the decision and intervention of the State in a given reality. As an activator and coordinator of networks and collaborative forms of management for the purpose of coproducing the public good, in this case under debate here, the State ceases to be the sole formulator and executor of public policies and begins sharing these responsibilities with the universities. Thus, it gives up its function as the sole provider of the public good to seek the participation of other players. In this way, beyond the question of semantics (which in itself constitutes a rich doorway to the discussion), Melazzo (2010) points out that this term also implies that as a course of deliberate action public policies involve preferences, choices and decisions that turn the discussion of them to the individual and collective mechanisms involving how they are formulated, from the planning phase to implementation and even in the results evaluation phase.

The principles of differentiated and favoured treatment for MEs/EPPs is not limited to a few written words that are broken down into laws, rather it represents the synthesis of the longing for the development and the economic, social and political progress of the Brazilian states. It is also not a genuinely Brazilian creation, as it has been manifested in many countries with a diversity of economic systems. It is to be hoped, therefore, that the differentiated and favoured treatment afforded to MEs/EPPs is properly understood and applied, and that the management of the universities and the other government entities acknowledge the relevance and the dynamism that makes them worth of this note. After all, MEs/EPPs should have degrees of legitimacy conferred on them by the political process so that they formulate and perform them.

Paradoxically, on the one hand there is talk about the potential of MEs/EPPs as engines of economic and social development (fostering job opportunities and tax levies); on the other hand, their participation is not encouraged, even when they are registered, certified and technically qualified to fully meet the characteristics of the item to be procured. While the importance of MEs/EPPs is in fact widely known, it is also a fact that their situation relative to procurements from companies of other sizes is an unfavourable one. The coexistence of these micro and small companies with mid-size and, especially, large companies is a highly dissuasive factor. In a contest of this nature, expenses are always incurred, and the smaller companies disappear simply because they are smaller. Creating a strong market highly capable of offering and supporting large, mid-size and small producers similarly requires equality of opportunity and access.

But what the study has shown is that freedom of competition continues to be the provision prevailing in regard to the opportunities for MEs/EPPs in relation to companies of other sizes. That is why it is necessary to reiterate the importance and recognize the existence of MEs/EPPs in the sense of their obtaining legitimacy by applying differentiated, favoured and preferential treatment. This scenario only serves to reemphasize that decision-making processes are complex and that studies about implementation must aim to understand “politics as they are” (Lotta, 2019, p. 20), and this presupposes taking an analytical approach to the phenomenon described herein and to extend the investigation to beyond the formal, the official and the normative.

Otherwise, the differentiated and favoured treatment afforded to MEs/EPPs will fall into the category of what Melazzo (2010) defined as a public policy characterized by “inaction”, or what Monteiro (1982) referred to as “a quasi-policy”, in other words, areas where one can see that governments are not present, whether because they do not acknowledge the relevance of the question or because they are technically, administratively or politically incapable of bringing it to the centre of their planning and management processes, to which we would add here, governance.

Governance, in the sense it is used here, refers to the capacity for action in implementing public policies. Governance in this sense implies expanding and enhancing the establishment of public policies that demand strengthening the universities’ ties to society and its representative institutions, as well as accountability mechanisms, in other words, accountability procedures, their effective implementation and the evaluation of

their results. That is, when the evaluation of a public policy must take into account the results and the consequences of that intervention.

We are taking into account here that the procurement process of the federal public universities is grounded in strict compliance with the legal procedure since it is governed by legislation that standardizes the entire process. In other words, government entities are legally bound, with the exception of several rare cases, to put forward a prior procedure for government contracts and procurement, known as bidding processes, put into effect using bid notices. The exceptions are bidding processes such as waivers and non-requirement of bidding processes, both of them also governed by rules and specificities defined in the Procurement Law. The legal grounds for the obligatoriness to procure can be found in section 37 of the Federal Constitution of 1988, regulated by Law 8.666 (1993).

The bid notice consists of a call for bids for the purpose of establishing the conditions required for bidders to participate, the development of the bidding process and future procurement. In fact, the various legal provisions involving a government procurement process produce their own rules that govern the roles of government employees, and nothing can be created or undertaken unless it has been provided for in the call for bids instrument.

As if the Brazilian procurement legislation were not enough, the universities are inspected by the Accounting Courts that verify compliance with the rules set out in the procurement agreements: the General Counsel to the Federal Government (AGU), the Federal Accounting Court (TCU), the Ministry of Transparency and the Office of the Federal Comptroller-General (CGU). Consequently, at the centre of government procurement processes lies the registration system for documenting every phase of the process so that the oversight and control entities can, in turn, verify these.

Therefore, in regard to its legal framework, differentiated, favoured and preferential treatment is mandatory, that is, the universities and all government bodies of the federative entities are obligated to afford this treatment to MEs/EPPs. However, the inclusion in the bid notices that this differentiated treatment be regionalized in favour of MEs/EPPs in the state of PE is a decision of the management bodies of the three federal universities operating in the state.

Where MEs/EPPs are concerned, participation in a call for bids is open to those who in the initial phase of qualification have the minimum qualification requisites required in the bid notice that characterize their technical and structural aspects, with the aim of any technical assistance and/or warranty requirements in the after-sales service. This preliminary qualification is conducted on the Unified Supplier Register System (SICAF) on the Brazilian government's purchasing portal. Moreover, the bid notice requires the submission of several certificates, for example, a Certificate of Technical Aptitude that qualifies bidders to provide given goods or services and, in addition, a draft of the contract to be signed containing every obligation of the contractor. During the contest, each proposal is checked and those not complying with the pre-established conditions in the bid notice are disqualified.

Actually, it is the public employees working in the Procurement and Bidding Sector and in the Office of the Vice Dean of Administration that organize a Bidding Commission and define an auctioneer who are in charge of government procurements by the Brazilian federal universities.

6. Final considerations

This is a paper intended for a specific case of a public policy made possible by government procurement. Thus, the overall objective was to demonstrate how a federal public university can (or cannot) contribute to regional development by effectively affording differentiated, favoured and preferential treatment to companies organized as MEs/EPPs in government procurements of goods, services and works.

We believe this intention has been achieved, since based on the 2018 period it has specifically dealt with the participation of MEs/EPPs in the procurements of the three federal universities of the state of Pernambuco: UFRPE, UFPE, and UNIVASF.

Although this paper reinforces the idea that a public policy is not just characterized as a technical process, it did not analyse the implementation of the differentiated, favoured and preferential treatment afforded to MEs/EPPs in government procurements, that is, how the decisions were actually arrived at through the practical involvement of the three universities. As a result, this limitation is now suggested for a new study.

Registration of everything that is done, and the resulting increase in formalities, are transforming government procurements into a bureaucracy focused on the formalization of procedures, with no attention to the results, an aspect that goes to the

heart of the evaluation of public policies. Perhaps these aspects partly explain the perspectives of studies into the implementation that have allocated attention to the role of the interest groups and players responsible for deciding on topics or different issues throughout public policies. From the results of this study it appears, at first site, that MEs/EPPs have been effective in their organization and influence in order to obtain favourable policies. However, the dynamic and complexity of the legal context of the universities in effectively affording differentiated, favoured and preferential treatment need to be taken into account and investigated.

Empirically, the complex nature of the legal framework of the procurement process can be seen as a key feature, primarily when the policies are formulated in the absence of the active participation of those whose cooperation is essential in the implementation phase.

Lastly, let the records show that although the study has focused on the three federal universities in Pernambuco state, it can serve as a parameter for pursuing other studies in other states, with the support of the methodology developed here.

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