

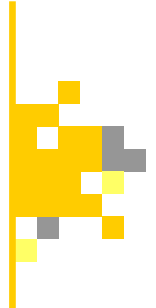
ENSAIOS

Carla Froenerⁱ

Luciana Leite Limaⁱⁱ

Participatory councils as spaces of governance of urban policies

Conselhos participativos como espaços de
governança de políticas urbanas



ABSTRACT:


This article aims to investigate the possible relationships between the course of urban policy development in Brazil and the implementation of a new model of governance of urban policy based on the performance of participatory councils. The research technique chosen was indirect documentation, which includes documentary and bibliographic research. The documentary research focused on official and legal documents. The bibliographic sources included academic research in the areas of urban policy, governance, and participatory councils. As a partial result, we were able to identify the diffusion of the governance model of public policy in Brazil in the form of participatory councils. However, the inclusion of urban policy in this scenario is challenging, as the path to its implementation is tortuous. The creation of a national system of councils for urban policies, with a dedicated fund could be an interesting alternative to improve governance in this area.


RESUMO:

O presente artigo possui como objetivo investigar as possíveis relações entre a trajetória do desenvolvimento de políticas urbanas no Brasil e a concretização de um novo modelo de governança de políticas urbanas, baseada na atuação dos conselhos participativos. A técnica de pesquisa escolhida foi a documentação indireta que envolve a realização de pesquisas documentais e bibliográficas. A pesquisa documental concentrou-se em documentos oficiais e jurídicos. As fontes bibliográficas incluíram pesquisas acadêmicas realizadas nas áreas de políticas urbanas, governança e conselhos participativos. Como conclusões parciais, verificou-se a difusão do modelo de governança de políticas públicas no Brasil, na forma dos conselhos participativos. No entanto, a inserção da política urbana neste cenário é desafiadora, devido a trajetória tortuosa que esta política enfrenta na sua implementação. A criação de um sistema nacional de conselhos de políticas urbanas, dotado de um fundo específico, pode ser uma alternativa interessante para incrementar a governança na área.

Keywords: Urban policy; Governance; Public policy councils; Urban policy councils

Palavras-chave: Política urbana; Governança; Conselhos de políticas públicas; Conselhos de políticas urbanas

ⁱ Ph.D. candidate in Public Policy, Universidade Federal do Rio Grande do Sul, Porto Alegre, RS, Brasil.
carlafroener@gmail.com,  <https://orcid.org/0000-0001-8010-3330>

ⁱⁱ Ph.D. in Social Sciences from State University of Campinas, Professor, Universidade Federal do Rio Grande do Sul, Porto Alegre, RS, Brasil.
lucianaleitelima@gmail.com,  <https://orcid.org/0000-0002-8761-4114>

INTRODUCTION

In the last 50 years, Brazil has experienced an intense growth process of urban centers. In the 1970s, 56% of the Brazilian population lived in cities, while today this figure is 86%, corresponding to 186 million people (World Bank, 2022). This rapid growth has contributed to an increase in various urban problems such as access to housing, mobility, sanitation, and public facilities, requiring public policies to address them. However, in a society characterized by deep socioeconomic inequalities and under pressure from reactionary and rent-seeking sectors, implementing urban policies becomes a daunting task.

The re-democratization of Brazil in the 1980s led to profound changes in the administration of public policy, which was no longer shaped exclusively by the state, but was co-created by society. As a result, participatory councils emerged, whose goal was to manage public policy through the interaction of different actors, such as the government, social movements, and economic sectors. In parallel, the legal system introduced after 1988 created a social and democratic orientation in the development of the country's new urban policy. From these two processes emerged a new perspective for the governance of urban policy in Brazil in the form of urban policy councils. The creation of the Ministry of Cities (“Ministério das

Cidades”) and the Council of Cities (“Conselho das Cidades”) represented the intention to build a new urban policy based on democratic practices. However, the implementation of this project encountered a series of obstacles that culminated in the lethargy and dissolution of these institutions. Therefore, it is important to examine the possible impact of the unpredictable course of urban reform in Brazil on the consolidation of new spaces for the governance of public policies.

The general objective of this article is to examine the possible relationships between the course of urban policy development in Brazil and the realization of a new model of governance of urban policy based on the performance of participatory councils. Specific objectives include the study of the evolution of urban policy in the Brazilian context, the emergence of a new model of governance of public policy, the institutionalization of participatory councils in Brazil, and the challenges and opportunities of urban policy councils. The research technique chosen was indirect documentation (MARCONI; LAKATOS, 2003, p. 174), in which documentary and bibliographic research is conducted to build arguments and conclusions. The documentary research focused on official and legal documents related to the topic of the work, such as the Brazilian Federal Constitution of 1988, the Estatuto da Cidade (“City Statute” - Federal Law No. 10.257/2001) and other federal laws and

regulations with implications for urban policy and public policy in general. Bibliographic sources include academic research papers in the areas of urban policy, governance, and participatory councils.

The article is divided into three parts. The first part presents the evolution of urban policies in Brazil, showing the tortuous path that this public policy has taken throughout history. The second part analyzes the construction of the contemporary concept of governance and the experience of participatory councils in Brazil to characterize these structures as governance spaces. The third part attempts to connect the two main themes by discussing the scope and challenges of urban policy councils in Brazil.

THE TORTUOUS PATH OF URBAN POLICIES IN BRAZIL

The history of urban development in Brazil has been marked by elitist thinking, dominant economic interests, and weak popular engagement. In the late nineteenth century, the government began to shape Brazilian urban space through esthetic beautification, an idea inspired by European cities. At the beginning of the twentieth century, sanitary measures were adopted to exclude the poor population, who lived in collective housing, under the pretext of preventing contagious diseases (VILLAÇA, 1999, p. 192-199).

Beginning in 1930, population growth and

industrialization raised concerns about chaotic urban sprawl. There was a need to plan and develop urban infrastructure. As a result, larger cities such as São Paulo, Rio de Janeiro, and Porto Alegre commissioned urban plans from famous engineers and architects trained abroad. These plans, prepared by technocrats outside the public administration, were praised for their supposed scientific and rational basis. However, the complexity of these projects and the financial hurdles made them very difficult to implement. Later, a new model was tried, in the form of simplified and general plans prepared by civil servants. Again, the lack of concrete measures hindered implementation. In practice, neither type of urban plan was applied, and the few public policies in this area served the sole purpose of benefiting the upper class (VILLAÇA, 1999, p. 204).

In the 1960s, inspired by the construction of Brasília, the first discussions about a national policy for urban development emerged. During the government of João Goulart, an urban reform focused on housing was discussed in dialog with social movements (SAULE JÚNIOR; UZZO, 2010, p. 259; BASSUL, 2010, p. 73-74). After the 1964 coup d'état, this process was interrupted and urban reform projects with a strong economic and private content were implemented, benefiting the construction industry. The new municipal plans were disconnected from local reality, far from the needs

of the population and the budgetary capacities of the cities, and served only to attract federal investment (ROLNIK, 2009, p. 33; PEREIRA, 2018, p. 77).

During the military regime, social movements fighting for the restoration of democracy advocated urban reform policies. Their struggles concerned access to urban services, the democratic management of the city through social participation, and the social function of property (CARTY; COSTA, 2014, p. 06; GRAZIA, 2013, p. 54; CAFRUNE, 2016, p. 186-187; SAULE JÚNIOR; UZZO, 2010, p. 259-261; BASSUL, 2010, p. 76).

The 1988 Brazilian Federal Constitution devotes a separate chapter to urban policy. Municipalities were designated as the main actors of this policy (Article 30, VIII and Article 182) (BRASIL, 1988; CAFRUNE, 2016, p. 187). This measure can be interpreted in two ways: either bringing urban policy closer to local realities or guaranteeing the power of conservative local elites and neutralizing nationwide social movements to prevent progressive urban reform (PEREIRA, 2018, p. 80). The federal government was assigned the task of instituting general guidelines for urban development (Article 21, XX) (BRASIL, 1988).

According to the Brazilian Federal Constitution, the urban policy pursued by the municipal government aims at the full development of the social functions of the city and ensures the welfare of its inhabitants (Article 182). The master plan

(“plano diretor”) approved by the municipal legislature, which is mandatory for cities with more than 20 thousand inhabitants, is the main instrument of this policy (Article 182, § 1) (BRASIL, 1988; SAULE JÚNIOR; UZZO, 2010, p. 262).

Under the Constitution, the individual right to property must be exercised in accordance with the collective interest, which includes the planning and ordering of the city. This opens room for restrictions on this right, such as setting limits on the type of businesses, the size of buildings, and population density. Flexibility in these limits can mandate compensatory measures, such as the construction of community facilities or the widening of a public road by a private actor (COSTA *et al*, 2020, p. 54).

In the 1980s and 1990s, two agendas of urban planning collided in Brazil: democratic activism and urban entrepreneurship. The former aims to guide urban policies with broad popular participation, including the creation of master plans and the social control of these policies through the participation of urban policy councils. From this perspective, the city belongs to the citizens, who are predominantly a poor population that should be heard and participate in the management of this collective good. They are aware that this political function cannot be performed only by planners and technical advisors of the public service (SANTOS, 2012, p. 115; VALLA, 1998, p. 08).

In contrast to democratic activism is the agenda of urban entrepreneurship, which aims to implement policies solely from a market perspective. This way of thinking coincides with the adoption of the neoliberal experience in Brazil, which advocates privatization and deregulation of socio-economic dynamics. This model is based on business management concepts and techniques and creates competition among cities to attract investment and new businesses (VAINER, 2002, p. 75-76; TIMMERS; SOBARZO, 2013, p. 16-18; MARICATO, 2015, p. 16).

The corporate sector maintains links with the political and bureaucratic structures responsible for urban policy to ensure the allocation of city areas for their markets and to protect the profitability of their investments. Such networks of influence are also linked to parliamentary mandates and political parties, as construction companies are major donors to electoral campaigns (ROLNIK, 2009, p. 38). In this context, the city is no longer thought of by the citizens and for the citizens, but revolves around the interests of capital and large corporations (ARANTES, 2002, p. 16-17; 30). As a result of these dynamics of the 1990s, social, economic, and spatial contradictions have intensified in Brazil's large cities (SANTOS JUNIOR, 2007, p. 295).

The continuation of the progressive agenda of the 1988 Constitution regarding urban reform

met with great resistance from conservative circles, which claimed that the legal provisions were not self-applicable and required a federal law on the subject. In parallel, they lobbied the National Congress (the federal legislative body) to prevent the passage of the law (GRAZIA, 2013, p. 59). Finally, in 2001, the Estatuto da Cidade ("City Statute") (Federal Law No. 10.257/2001) was passed (BRASIL, 2001). One of the main points of the law is the guarantee of social participation in urban policies (CARVALHO FILHO, 2009, p. 23-24). In this scenario, the urban master plan must provide for the participation of the population and associations of different economic and social segments in its preparation, implementation and management (Article 40, § 4, I of the Estatuto da Cidade) (BRASIL, 2001; INSTITUTO PÓLIS, 2002, p. 40-41).

The Estatuto da Cidade allows for the establishment of several mechanisms to implement city policies, such as granting tax incentives, expropriation of private property in the public interest, and administrative restrictions on the use of property. Federal law states that it is incumbent upon municipalities to require a prior neighborhood impact study ("estudo prévio de impacto de vizinhança – EIV") for urbanization expansion and new business development (Article 36 of the Estatuto da Cidade). The EIV must demonstrate the negative impact on the quality of life of the local population (Article 37 of the Estatuto da Cidade).

A more recent milestone in the history of urban policy in Brazil is the creation of the Ministry of Cities (“Ministério das Cidades”) in 2003, during the first Lula administration. The ministry was tasked with drafting new federal norms for urban policy, promoting local planning, participation, and social control of urban policy, coordinating the transfer of federal resources to municipalities, and training civil servants (BRUNO, 2020, p. 80). During its operation, the agency was responsible for progress in some sectoral policies¹. However, it had great difficulty in editing a national urban development policy. The main reason for its gradual lethargy is the change in the ideological profile of the ministry after 2005, from the leadership of the political left (PT) to the administration by politicians from PP, PDS and PSDB (BRUNO, 2020, p. 87).

In the Bolsonaro administration (2019-2022), the Ministry of Cities was abolished and its functions were integrated into the Ministry of Regional Development (“Ministério do Desenvolvimento Regional”). One of the actions of this government was the approval of the Economic Freedom Law (Federal Law No. 13.874/2019), which, under the pretext of giving more dynamism to the economy and de-bureaucratizing the public service, introduced mechanisms that limit the power of municipalities to require prior EIVs and compensatory measures for projects that affect the urban environment (STEIGLEDER; PIC-

CININI, 2021; NIEBUHR, 2019; IBDU, 2019). In 2023, the Ministry of Cities was recreated in the third Lula administration.

Almost a century after the beginning of the urbanization process, it is possible to observe progress and setbacks in urban policies in Brazil. On the one hand, urban reform attempts were driven by self-interested elites who favored the improvement of their housing and transportation spaces, which brought profits to the real estate sector (VILLAÇA, 1999, p. 199-221). On the other hand, a significant portion of the population, perceiving low wages, was excluded from urban policies and pushed to distant regions lacking urban planning and basic infrastructure (MARICATO, 2015, p. 13; GRAZIA, 2013, p. 55). Villaça (1999, pp. 199-221) argues that urban policies in Brazil historically became an element of rhetoric, disconnected from the needs of the population and beyond popular control and contestation (VILLAÇA, 1999, p. 199-221). To date, Brazil has not succeeded in designing an urban policy of national scope.

The weaknesses of the structure of the Brazilian Federation and its municipalities seem to contribute to the emergence of this scenario. Although currently more than 90% of municipalities with more than 20 thousand inhabitants have master plans, the documents are often incompatible with local needs and requirements, of low quality, and lack territorial planning (COSTA et al, 2020, p.

41; LIMA NETO; KRAUSE; BALBIM, 2014; PEREIRA, 2018, p. 83).

Many municipalities are governed by conservative political coalitions that are closed to popular participation and have deficient administrative structures (SANTOS JUNIOR, 2007, p. 303-304). Brazilian municipalities have limited capacity to generate revenue, making them extremely dependent on state and federal transfers. This situation is exacerbated by the heterogeneous conditions of Brazil's different regions, many of which are unable to advance in socioeconomic development. On average, 66% of the resources available to Brazilian municipalities come from other spheres of the government. This dependence is even greater in smaller localities, reaching 88% in municipalities with up to 10 thousand inhabitants and 82% in municipalities with up to 50 thousand inhabitants (which represent 90% of all municipalities). Only municipalities with more than 250 thousand inhabitants (about 154 municipalities) are able to collect more than the national average in transfers (SOUZA; GRIN, 2021, p. 112; BREMAEKER, 2017).

Given the financial vulnerability of municipalities, the transfer of greater resources for urban policy is voluntary and discretionary, based on patronage relationships between political actors and party structures. The lack of funding sources encourages competition among cities and the search

for private capital (COSTA et al, 2020, p. 39; FNRU, 2020, p. 12; ROLNIK, 2009, p. 45).

While the evolution of urban policies in Brazil has been marked by advances and setbacks throughout history, the paradigms of public policy management in the Brazilian context have also gradually changed, culminating in the experience of participatory councils. Since this governance model is directly related to the shaping of urban policy in contemporary Brazil, the next chapter will examine in depth the elements and dynamics of these new institutions, including their main characteristics, classifications, and actors involved.

FROM HIERARCHY TO PARTICIPATION: GOVERNANCE AND COUNCILS IN BRAZIL

In the first half of the 20th century, the idea that a technocratic and independent public administration needed to be built prevailed all over the world. These bureaucracies sought a hierarchical system based on division of labor and the construction of a body of qualified and impersonal officials (HARGUINDÉGUY, 2007, p. 386; SCHROETER, 2007, p. 57). The goal was to create fortresses of impartial knowledge capable of containing the excesses of party politics and providing intelligent answers to solving social problems (BEVIR, 2012, p. 65).

The second half of the 20th century saw

the emergence of critical studies of bureaucratic structures, which were described as expensive, inefficient, and self-serving (BEVIR, 2012, p. 66; WALDO, 2017). The crisis of the 1970s and the implementation of neoliberal experiments based on deregulation of the economy, liberalization of trade and industry, and privatization of the public sector introduced not only a new economic model, but also new ways of governing (STEGER; ROY, 2010, p. 09). As a result, the New Public Management (NPM) movement emerged, whose principles include the application of management techniques from the corporate world and the privatization of public services to supposedly make these organizations more efficient (OSBORNE; GAEBLER, 1992; BEVIR, 2007, p. 369).

By the end of the 1980s, the neoliberal experiments had already suffered some setback, mainly due to the worsening of socioeconomic inequalities in the world. The results of the implementation of the NPM were modest and had little impact on operating costs (BEVIR, 2007, p. 370). A new reform movement emerged that aimed to reconcile the expansion of capital with moderate welfare policies. One of its tools is the establishment of public-private partnerships (STEGER; ROY, 2010, p. 51; 156). At this point, the idea of governance is developed, a concept that aims to bring together the proponents of reforms based on the primacy of the market and the advocates of the

figure of the state as an important actor for development (SCHMITTER, 2018, p. 03-05).

From a governance perspective, society is composed of different actors (public and/or private) that are pluralistic and deal with a variety of problems and conflicts, making decisions through negotiation and cooperation. These different actors usually pursue opposing goals, but are not in a position to impose a dominant solution on the others. This interaction is horizontal and occurs over time in repeated and predictable ways. As a result, they learn each other's preferences, exchange favors, gain experience with successive agreements, and develop a commitment to the governance process itself. The proposal is to build trust and mutual accommodation between groups that represent permanent divisions in the social arena (RHODES, 2000, p. 346; SCHAAP, 2007, p. 532; BEVIR, 2012, p. 19; SCHMITTER, 2018, p. 06).

From this perspective, government is not seen as a monolithic, hierarchical and centralized entity, but is based on formal and informal cooperative structures between the state, the market and civil society. There is a consolidation of co-production and co-management processes between the state and other actors in the social, economic and political spheres, expanding active participation and joint action to create public spaces for society's participation and control (SCHICK, 2003, p. 94-95; HEIDEMANN; KISSLER,

2006, p. 482-483; WILSON, 2000, p. 54; RONCONI, 2011, p. 22). Despite the new cooperative arrangements and the increasing importance of the private sector, the state remains a significant center of power (BEVIR, 2012, p. 20-23; PIERRE; PETERS, 2000, p. 12). Citizen participation in government is no longer limited to electing representatives, but includes engagement in all political processes (WILSON, 2000, p. 59). Participation is the result of the achievement of social segments that seek new forms of interaction and exercise of citizenship rights in institutional spaces and, therefore, demand a shared management of public policies (RONCONI, 2011, p. 22). Public organizations provide spaces to engage different actors, such as citizens, social movements, and private companies, and integrate them into the democratic process (BEVIR, 2007, p. 371; DENTERS, 2011, p. 313). With the emergence of consultation and co-decision tools, new arenas of interaction (formal and informal) between actors are emerging (GRIN; ABRUCIO, 2019, pp. 23; 26; DENTERS; ROSE, 2005, p. 261; DENTERS, 2011, p. 326; CASULA, 2017, p. 1222).

One arena that has gained importance in the governance of public policies in contemporary Brazil is participatory councils, as they allow interaction between representatives of different segments of civil society and the government. They are characterized as public spaces with a delibera-

tive nature, where the state and civil society are represented in a pluralistic and equal manner, and whose role is to formulate and control the implementation of sectoral public policies (TATAGIBA, 2002, p. 54). They are present at different levels of the Brazilian Federation (Union, States, Federal District and Municipalities). Like other organs of public administration, their establishment, functions, and the limits of their activities are regulated by laws (ABERS; KECK, 2008, p. 100; MOREIRA, 1999, p. 95).

The unleashing of the process of redemocratization of the country in the late 1970s, which contributed to the renewal of the urban policy model, was also responsible for the introduction of participatory councils in the contemporary Brazilian reality. At that time, several social movements emerged in Brazil, seeking autonomy to defend their agendas and contribute to the redemocratization of the country (PAOLI, 2002, p. 575; AVRITZER, 2002, p. 575). As these movements consolidated and matured, they sought to influence the architecture of the new institutions. The goal was to promote the possibility of direct participation in the shaping of public policy and to create an arena that was different from the traditional bureaucratic and legislative instances, which were strongly controlled by the dynamics of the old elitist, authoritarian, and patronage politics (ABERS; KECK, 2008, p. 101-102). Social move-

ments in the field of health policy were pioneers in defending the expansion of social participation in public policy through the institutionalization of councils with equal participation of government and civil society (CÔRTEZ, 2005, p. 152-153; AROUCA, 2003; ABERS; KECK, 2008, p. 102).

The promulgation of the 1988 Federal Constitution and the enactment of new laws imbued with the new democratic spirit represented a milestone in the institutionalization and increase of citizen participation, opening new perspectives for the country (DAGNINO, 2004, p. 95). It should be noted that the Constitution established social participation and administrative decentralization in the formation of public policies as principles and guidelines. These characteristics are expressed in the constitutional text in relation to health and social assistance policies (TEXEIRA; SOUZA; LIMA, 2012, p. 10)².

As a result of the occupation of space by social movements and inspired by the constitutional initiative (ALBURQUERQUE, 2002, p. 06), several mechanisms of popular participation have been introduced at the three federative levels, including the creation of new councils composed of representatives of the government and civil society (TATAGIBA, 2002). In general, the participation of civil society in public policy structures aims to allow democratic debate in the areas of negotiation and deliberation of public policies, and to pro-

mote the inclusion of groups that were excluded from these discussions in the past (FNRU, 2020, p. 11). The consolidation of councils in the Brazilian context gives a differentiated character to the decision-making process, similar to direct democracy (GURGEL; JUSTEN, 2012, p. 359). The councils are seen as a means to make the formulation of public policy more inclusive and representative of broader social interests (ABERS; KECK, 2008, p. 103).

Despite the diversity of experiences, the literature offers some common features of the different Brazilian councils. Tatagiba (2002, p. 49) divides them into three groups of councils. “Program councils” are tied to specific government programs, incremental or economic goals, and emergency measures that are limited in scope. Examples include councils for rural development, school feeding, housing, employment, and food distribution (TATAGIBA, 2002, p. 49).

“Policy councils” are associated with policies that are traditionally structured and concretized in the form of a national system. This system is usually created by a federal law that establishes a federal or national council. The same law stimulates the creation of councils in other federative entities and instances of interaction to consolidate a system. Federal legislation also usually provides for some predefined functions. It is common to establish funds linked to the actions of these councils. Examples include the councils for health, so-

cial welfare, child and youth protection, elderly protection, and consumer protection³. One strategy to promote local institutionalization has been to make the transfer of federal funds conditional on the existence of municipal councils, which has led to a proliferation of these institutions at the municipal level (SANTOS JUNIOR; RIBEIRO; AZEVEDO, 2004).

“Thematic councils” are formed in the municipal sphere by local initiative without direct connection to a national system. Their origin lies in the inclusion of a specific topic in a local agenda, depending on the political and social profile of the municipality. Examples can be found in the areas of women's rights, culture, sports, transport, cultural heritage, tourism, and urban planning, among others (TATAGIBA, 2002, p. 49).

Participatory councils generally function as institutions with legal authority to formulate policies and monitor their implementation, contributing to the reform of the Brazilian state, the sharing of power, and the democratization of the administration (ABERS; KECK, 2008, p. 100). Tatagiba (2002, p. 91) points out that councils can have the function of inducing the State to act (deliberation), preventing the state from overstepping its boundaries (social control of the state or inspection), or formulating demands. Councils have formal authority over norms, plans, and sometimes budgets within their sphere of influence (ABERS; KECK,

2008, p. 100). These public spaces have the power to influence the process of policymaking by, for example, setting priorities and allocating resources (TATAGIBA, 2002, p. 57). The existence of these councils raises the expectation that the public administration will consult them in the elaboration of new policies in their area of activity. However, there is a tendency in Brazilian councils to devote their energy to monitoring the services provided by the state rather than to formulating public policies (TATAGIBA, 2002, p. 95).

Participation in councils in Brazil is through representatives, an activity traditionally considered prestigious, without entitlement to remuneration. It is possible to guarantee by law equal representation of government and civil society, as is the case in the councils for health, social welfare, and children and youth. The details of composition, the selection of representatives and their chairs, and the regularity of meetings vary according to the specifics of each council. The government is usually represented by civil servants (MOREIRA, 1999, p. 67). The representation of civil society is very diverse and is usually by members of social movements and economic sectors (TATAGIBA, 2002, p. 58; p. 61; 66; TEXEIRA; SOUZA; LIMA, 2012, p. 23).

The interests of the actors operating in this space are antagonistic. Participatory councils present themselves as mechanisms that allow differ-

ent actors to publicly express their positions and influence deliberations. Heterogeneity in the composition of councils, respect for differences, and the ability to reach agreements are important elements in increasing the effectiveness of councils and their democratizing potential (TATAGIBA, 2002, p. 54; 62-63).

The conflicts in the councils that arise from the diversity of interests are resolved through a dialogical process. The fact that it is a continuous space favors this aspect (TEXEIRA; SOUZA; LIMA, 2012, p. 15). Through the argumentative debate, the attempt of dialog between the different groups and the construction of agreements, the institution of the councils gains strength (TATAGIBA, 2002, p. 57; 62).

The activity of the councils may also encounter a number of obstacles that may affect the achievement of their objectives. Among the problems identified are the inadequate preparation and qualifications of council members to carry out their duties, communication breakdowns between the council member and the represented body, the absence of representatives from the popular classes, and the co-optation of the council by some groups such as the public administration and the business sector. There is a risk that the councils become ineffective entities that exist only because of a legal obligation, without social participation and limited to legitimize government decisions

(TATAGIBA, 2002, pp. 58-78; TEXEIRA; SOUZA; LIMA, 2012, p. 23).

After the detailed analysis of the dynamics of councils in Brazil, the next step is to determine how urban policies fit into this contemporary model of governance. In this scenario, it is necessary to examine the experience of urban policy councils at the federal and municipal levels.

URBAN POLICY COUNCILS

As can be observed, urban policy in Brazil was originally shaped by the perspective of a technocratic and supposedly rational public administration. Historically, urban plans in the different experiences were elaborated by technocrats and enforced by the authorities without the participation of civil society. The result was an urban policy that served only the interests of the elites.

One of the first experiences of establishing a permanent structure to discuss urban policy in the form of a council dates back to the military regime. Between 1979 and 1984, the National Council for Urban Development (“Conselho Nacional de Desenvolvimento Urbano”) was subordinate to the President. It functioned virtually as an inter-ministerial body with massive government participation. In addition to government representatives, there were three vacancies for members appointed by the President, whose term was two years

and could be renewed for the same period. The representative nature of these vacancies is not mentioned, and although there is no information about their incumbents, given the authoritarian regime, it is unlikely that they were filled by popular representation. This council was abolished with the process of re-democratization (FRANCISCONI, 2021, p. 08).

As described in the previous chapter, the 1988 Constitution ushered in a new political moment characterized by the democratization of institutions. By including social participation in its principles, it prepared the ground for experiences with public policy governance. However, while in some areas the constitutional text itself explicitly guarantees participation, this is not the case with urban policy, which is not mentioned in the chapter devoted to this topic. In the chapter on municipalities, brief reference is made to the obligation of representative associations to cooperate in municipal planning (Article 29, XII). The general nature of the norm limits its application in the context of urban policy.

Since the adoption of the Estatuto da Cidade in July 2001, new provisions have attempted to guarantee the formation of governance structures more clearly in urban policies. At that time, the concept of governance was already widespread, so it is plausible to associate it with some kind of influence. One of the guiding principles of

the Estatuto da Cidade is democratic management, which implies the participation of the population and associations in urban policies (Article 2, II, of the Estatuto da Cidade). Such democratic administration should be realized using collegiate bodies for urban policy at the national, state, and municipal levels (Article 43 of the Estatuto da Cidade)⁴. Although the word “council” is not explicitly mentioned, these “collegiate bodies” can be interpreted as corresponding to councils for urban policy or urban development. The Estatuto da Cidade does not mention the obligation of parity in the composition of these collegiate bodies, nor the creation of public funds for these policies, as is the case with other types of public policies.

In September 2001, the National Council for Urban Development (Provisional Measure No. 2220/2001) was recreated as a body within the structure of the Presidency, whose main task was to elaborate a national policy for urban development. The details and composition of the body were left to internal regulation. There is no information on whether the regulations were drafted or whether this council ever began its work. The transition from the Cardoso government to the Lula government and the new proposal that accompanied the creation of the Ministry of Cities may explain the lack of clarity about the functioning of this council.

In 2003, together with the Ministry of

Cities, the Council of Cities (Conselho das Cidades - ConCidades) was created by Federal Law No. 10,683/2003 (BRASIL, 2003). The proposal was similar to previous experiences in the sense that it was a collegiate body of deliberative and advisory nature whose mission was to propose guidelines for the formulation, implementation, monitoring and evaluation of a national urban development policy. However, the composition of the body was much more progressive and provided for a significant expansion of civil society participation (Federal Decree 5.031/2004 and Federal Decree 5.790/2006).

The plenum consisted of 14 representatives of the federal government, 9 representatives of the state authority and the federal district (respecting rotation), 12 representatives of the municipal authority, 23 representatives of the popular movement, 8 representatives of the business community, 8 representatives of the workers, 6 representatives of professional associations, universities and research institutions, and 4 representatives of non-governmental organizations. The term of office was 3 years, with the possibility of reappointment. It was chaired by the Minister of the Ministry of Cities. Civil society was more strongly represented than the government.

In parallel with the ConCidades initiatives, the National Conferences of Cities were held to discuss important urban issues and contribute to

the formulation of national policy. Preparatory meetings were held at the municipal and state levels to determine the discussions and the delegates who would participate. At the end of the meetings, recommendations addressed to the federal government were adopted. A total of five conferences were held: in 2003, 2005, 2007, 2010, and 2013 (MELLO FILHO, 2020, pp. 02-04).

Throughout their history, ConCidades and the Conferences have been involved in several federal projects in the areas of housing, basic sanitation, urban mobility, land conflicts, and incentives to municipalities to create master plans of a participatory nature (FNUR, 2020, pp. 11-12). Santos Junior (2007, p. 309) states that the experience of the ConCidades and the National Conferences represented a new model of participation in Brazilian public administration.

Although the ConCidades was institutionally intended as a deliberative and consultative body, it ultimately functioned more according to the second function. In practice, its decisions had limited political and administrative impact. According to Tonella (2013, p. 46), most of the issues decided in the plenary were proposals to the Ministry of Cities, executive branch bodies, and the legislature. In its resolutions, it used phrases such as “recommend,” “request,” and “support”. The forwarding and further development of proposals was ultimately at the discre-

tion of the Ministry itself.

Also noteworthy is the exclusion of ConCidades from the discussion and deliberation of important structural programs in the field of urban policy of the federal government, such as the Growth Acceleration Program (“Programa de Aceleração do Crescimento – PAC”), the program My House, My Life (“Minha Casa, Minha Vida”) the projects for the 2014 World Cup and the 2016 Olympic Games (FNRU, 2020, p. 12). The weakening of the Ministry of Cities after the 2005 ministerial reform may have affected the functioning of ConCidades.

In 2013, ConCidades approved a draft bill to improve the governance of urban policy in Brazil through the creation of a national urban system and a national urban development fund. The proposal would create an integrated system among the different federative entities in this area, based on the mandatory existence of councils and conferences for urban policy at the federal, district, state, and municipal levels. The law would also describe the funding sources for these policies. The draft was eventually discussed only internally in the Ministry of the City and did not become a bill formalized by the Presidency (FNRU, 2020, p. 17).

Under the Temer government, ConCidades was set inactive for two years (2017-2018) without convening meetings. In April 2019, the Bolsonaro government dissolved ConCidades along with oth-

er national public policy councils⁵ (Federal Decree No. 9.759/2019), contributing to the demobilization of social participation in Brazilian governance structures. In 2021, through Decree No. 10,773/2021 (BRASIL, 2021), amended by Decree No. 11,065/2022 (BRASIL, 2022), Bolsonaro recreated the National Council for Urban Development. There is no information on whether the Council has ever started its work.

One of the legacies of the Estatuto da Cidade and the Ministry of Cities is the establishment of deliberative and consultative collegiate bodies for urban policy at the municipal level, composed of representatives of government and civil society. Except for the city of Fortaleza⁶, where there are legal and political obstacles, all other Brazilian capitals have structures for urban policy councils. The names are not uniform: they are referred to as “urban policy councils,” “urban development councils,” “planning councils,” “city councils,” or “master plan councils.” The existence of these councils shows that these governance structures are widespread, at least formally, in the country's main urban centers, even though they depend on local action and there are no external incentives for their creation.

Among the functions of these municipal councils involve deliberation or consultation on local urban policies. Despite the municipal autonomy and local specificities, the Estatuto da Cidade

gives an indication of a possible competence to be observed by all collegiate urban policy councils. According to the law, the application of urban policy instruments that imply the expenditure of municipal public power resources must be subject to social control that ensures the participation of civil society (Article 4, § 3º of the Estatuto da Cidade). In this scenario, the expectation is created that in certain situations, such as the modification of the master plan or the approval of an EIV, a municipal urban policy council must be consulted.

The municipal urban policy councils can be classified as thematic councils, following the terminology presented by Tatagiba (2002). Unlike health and social welfare, there is currently no system of councils tied to federal coordination, as there has always been no national policy. National councils have operated only sporadically. The lack of a national fund and transfer system, as is the case in other areas, hinders the institutionalization of local councils and can make social participation more difficult (SANTOS JUNIOR, 2007, p. 310). Therefore, local urban policy is subordinated to the interests of business and political patronage. As a result, the councils themselves can be discredited as institutionalized participatory bodies and become purely bureaucratic structures that provide no incentive for civil society engagement (FNUR, 2020, p. 12).

CONCLUSION

In the first decades of its urbanization process, Brazil had its first experience with urban policy. The different models applied until 1988, including beautifying, sanitary, rational, simplified and authoritarian plans, had several elements in common: they were built from the top down, without any participation of the population; they were disconnected from local reality and served only the interests of the elites.

The process of re-democratization was a glimmer of hope for advancing the urban reform agenda in Brazil. One of the pillars of this movement has been the expansion of social participation, which in the past has been lacking in the formation of public policy in Brazil. The need to create new democratic institutions goes hand in hand with the spread of the concept of governance, which implies the transition from a centralized and monolithic government to spaces of interaction between different social actors. In this context, the idea of establishing participatory councils for public policy emerges.

Placing urban policy in this scenario is challenging. The 1988 Constitution, the Estatuto da Cidade, and the creation of the Ministry of Cities certainly represent fundamental milestones in the ongoing process of urban policy reform. The progress made in the governance of

this type of public policy, reflected in the growth of municipal councils for urban policy, should also be viewed optimistically. At least in formal and institutional terms, social participation in shaping urban policy has expanded, as these councils generally involve other social actors in addition to the public administration.

However, it is important to keep in mind that this is not a final battle, setbacks are possible. One obstacle that is difficult to overcome is the pressure from conservative and economic sectors that prevent the development of a progressive urban policy. The historical absence of a national urban policy has the potential to negatively impact the experience of governance of this type of policy. The inaction and dissolution of the Ministry of Cities and the Council of Cities in the recent past serve as a warning. In this sense, the consolidation of federal legislation on this issue, ensuring the existence of a national system of councils for urban policy, defining their responsibilities and establishing a special fund, could be an interesting alternative to improve governance mechanisms in this area.

gg

REFERENCES

- ABERS, Rebecca Neaera; KECK, Margaret. Representando a diversidade: Estado, sociedade e relações fecundas nos conselhos gestores. *Cadernos do CRH*, Salvador, v. 21, p. 99-112, 2008.
- ARANTES, Otília. Uma estratégia fatal. A cultura nas novas gestões urbanas. In: ARANTES, Otília; VAINER, Carlos; MARICATO, Ermínia (Org.). *A cidade do pensamento único: desmanchando consensos*. Petrópolis: Vozes, 2002, p. 11-74.
- AROUCA, Sérgio. *O dilema preventista: contribuições e crítica da medicina preventiva*. São Paulo: UNESP, 2003.
- AVRITZER, Leonardo. Modelos de deliberação democrática: uma análise do orçamento participativo no Brasil. In: SANTOS, Boaventura de Sousa (Org.). *Democratizar a democracia: os caminhos da democracia participativa*. Rio de Janeiro: Civilização Brasileira, 2002, p. 561-598.
- BASSUL, José Roberto. Estatuto da cidade: a construção de uma lei. In: CARVALHO, Celso Santos; ROSSBACH, Anaclaudia (Org.). *O estatuto da cidade: comentado*. São Paulo: Ministério das Cidades - Aliança das Cidades, 2010, p.71-90.

BEVIR, Mark. *Governance: A very short introduction*. Oxford: Oxford University Press, 2012.

BEVIR, Mark. *Governance*. In: BEVIR, Mark (Org.). *Encyclopedia of Governance*. London: Sage Publications, 2007, p. 364-380.

BRASIL. *Constituição da República Federativa do Brasil*. Brasília. 1988. Available at: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed on: 18 may 2023.

BRASIL. *Decreto nº 5.031, de 02 de abril de 2004*. Available at: http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2004/decreto/d5031.htm. Accessed on: 18 may 2023.

BRASIL. *Decreto nº 5.790, de 25 de maio de 2006*. Available at: https://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/decreto/D5790.htm. Accessed on: 18 may 2023.

BRASIL. *Decreto nº 9.759, de 11 de abril de 2019*. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/d9759.htm. Accessed on: 20 may 2023.

BRASIL. *Decreto nº 10.733, de 23 de agosto de 2021*. Available at: <http://www.planalto.gov.br/>

[ccivil_03/_ato2019-2022/2021/Decreto/D10773.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/Decreto/D10773.htm). Accessed on: 20 may 2023.

BRASIL. *Decreto nº 11.065, de 06 de maio de 2022*. Available at: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2022/decreto/D11065.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 8.069, de 13 de julho de 1990*. Available at: https://www.planalto.gov.br/ccivil_03/leis/l8069.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 8.078, de 11 de setembro de 1990*. Available at: https://www.planalto.gov.br/ccivil_03/leis/l8078compilado.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 8.080, de 19 de setembro de 1990*. Available at: https://www.planalto.gov.br/ccivil_03/leis/l8080.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 8.142, de 28 de dezembro de 1990*. Available at: https://www.planalto.gov.br/ccivil_03/leis/l8142.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 8.742, de 7 de dezembro de 1993*. Available at: <https://www.planalto.gov.br/>

[ccivil_03/leis/l8742.htm](http://www.planalto.gov.br/ccivil_03/leis/l8742.htm). Accessed on: 20 may 2023.

BRASIL. *Lei nº 8.842, 04 de janeiro de 1994*. Available at: https://www.planalto.gov.br/ccivil_03/leis/l8842.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 10.257, de 10 de julho de 2001*. Available at: http://www.planalto.gov.br/ccivil_03/leis/leis_2001/l10257.htm. Accessed on: 30 jun. 2022.

BRASIL. *Lei nº 10.683, de 28 de maio de 2003*. Available at: http://www.planalto.gov.br/ccivil_03/leis/2003/l10.683impresao.htm. Accessed on: 19 nov. 2022.

BRASIL. *Lei nº 11.124, de 16 de junho de 2005*. Available at: http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2005/lei/l11124.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 11.445, de 5 de janeiro de 2007*. Available at: https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/lei/l11445.htm. Accessed on: 20 may 2023.

BRASIL. *Lei nº 12.587, de 3 de janeiro de 2012*. Available at: http://www.planalto.gov.br/ccivil_03/

[_ato2011-2014/2012/lei/l12587.htm](http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/lei/l12587.htm). Accessed on: 20 may 2023.

BRASIL. *Lei nº 13.874, de 20 de setembro de 2019*. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/L13874.htm. Accessed on: 19 nov. 2022.

BRASIL. MINISTÉRIO DO DESENVOLVIMENTO REGIONAL. *Conselho Nacional de Desenvolvimento Urbano*. 2021. Available at: <https://www.gov.br/mdr/pt-br/composicao/orgaos-colegiados/conselho-nacional-de-desenvolvimento-urbano>. Accessed on: 19 nov. 2022.

BREMAEKER, F. E. J. *As Finanças municipais em 2017*. Observatório de Informações Municipais. Available at: http://www.oim.tmmunicipal.org.br/abre_documento.cfm?arquivo=_repositorio/_oim/_documentos/5692940D-FC44-AF79776F3A069819DBC718102018043020.pdf&i=3126. Accessed on: 14 may 2023.

BRUNO, Ana Paula. *Desenvolvimento Urbano: o Contexto de Formulação da Política Nacional de Desenvolvimento Urbano*. Brasília: Ministério do Desenvolvimento Regional, 2020.

CABRAL, Lucíola Maria de Aquino. Conselho Municipal de Desenvolvimento Urbano – CMDU e o

Direito de Participação. *Revista da Procuradoria-Geral do Município de Fortaleza*, Fortaleza, v. 26, n. 1, 2018.

CAFRUNE, Marcelo Eibs. O direito à cidade no Brasil: construção teórica, reivindicação e exercício de direitos. *Revista Interdisciplinar de Direitos Humanos – Unesp*. Bauru, v. 4, n. 1, p. 185-206, jan/jun, 2016.

CARTY, Carolina Gabriel; COSTA, Luiz Augusto Maia. Dos Movimentos Sociais ao Estatuto da Cidade: breve histórico do processo de fomentação de uma nova concepção de planejamento urbano no Brasil. *III Encontro da Associação Nacional de Pesquisa e Pós-graduação em Arquitetura e Urbanismo arquitetura, cidade e projeto: uma construção coletiva*, São Paulo, p. 01-11, 2014.

CARVALHO FILHO, José dos Santos. *Comentários ao Estatuto da Cidade*. São Paulo: Atlas, 2009.

CASULA, Mattia. Quem governa na governança (local)? Reflexões teóricas e evidências empíricas. *Revista de Administração Pública*, Rio de Janeiro, v. 51, n. 6, p. 1122–1138, 2017.

CÔRTEZ, Soraya M. Vargas. Arcabouço histórico-institucional e a conformação de conselhos municipais de políticas públicas. *Educar*, n. 25, Curitiba, p.

143-174, 2005.

COSTA, Marco Aurélio et al. *Contextualização e Diretrizes Gerais para a Política Nacional de Desenvolvimento Urbano*. Brasília: IPEA, 2020.

DAGNINO, Evelina. *Sociedade civil, participação e cidadania: de que estamos falando?* In: MATO, Daniel (Org.). *Políticas de ciudadanía y sociedad civil em tiempos de globalización*. Caracas: Faces, 2004, p. 95-110.

DENTERS, Bas. Local Governance. In: BEVIR, Mark (Org.). *The Sage Handbook of Governance*. London: Sage Publications, 2011, p. 313-329.

DENTERS, Bas; ROSE, L.E. Towards Local Governance? In: DENTERS, Bas; ROSE, L.E (Org.). *Comparing Local Governance: Trends and Developments*. Houndmills: Palgrave, 2005, p. 46-62.

FRANCISCONI, José Guilherme. Quando e Como Nascem as Políticas Urbanas. 2021. Available at: https://www.insper.edu.br/wp-content/uploads/2021/03/ensaio_jorge_guilherme_francisconi__032021.pdf>. Accessed on: 17 nov. 2022.

FÓRUM NACIONAL DE REFORMA URBANA (FNRU). *Dossiê do Desmonte da Política Urbana Federal*

nos Governos Temer e Bolsonaro e seus Impactos nas Cidades: Violações de Direitos Humanos e os Riscos da Construção de Cidades Intolerantes, Excludentes, Injustas e Antidemocráticas. Rio de Janeiro: IPPUR/UFRJ, 2020.

GRAZIA, Grazia de. Reforma Urbana e Estatuto da Cidade. In: RIBEIRO, Luís Cesar de Queiroz; CARDO-
SO, Adauto Lúcio (Org.). Reforma Urbana e Gestão Democrática: Promessas e Desafios do Estatuto da Cidade. Rio de Janeiro: REVAN, 2013, p. 53-70.

GRIN, Eduardo José; ABRUCIO, Fernando Luiz
Abrucio. Governos locais: uma leitura introdutória. Brasília: Enap, 2019.

GURGEL, Claudio; JUSTEN, Agatha. Controle Social e Políticas Públicas: a Experiência dos Conselhos Gestores. *Revista Administração Pública*, v. 47, n. 2, Rio de Janeiro, p. 357-378, mar./abr. 2013.

HARGUINDÉGUY, Jean-Baptiste. Government. In: BEVIR, Mark (Org.). *Encyclopedia of Governance*. London: Sage Publications, 2007, p. 385-389.

HEIDEMANN, Francisco; KISSLER, Leo. Governança pública: novo modelo regulatório para as relações entre Estado, Mercado e Sociedade? Rio de Janeiro: *Revista de Administração Pública*, n. 40, v. 3, 2006, mai/jun, p. 479-499, 2006.

INSTITUTO BRASILEIRO DE DIREITO URBANÍSTICO (IBDU). *Nota Técnica Sobre a MP 881/2019*. São Paulo: IBDU, 2019.

INSTITUTO PÓLIS. *Estatuto da Cidade: Guia para implementação pelos municípios e cidadãos*. São Paulo: Instituto Pólis, 2002.

LIMA NETO, Vicente Correia; KRAUSE, Cleandro Henrique; BALBIM, Renato Nunes. *Instrumentos urbanísticos à luz dos Planos Diretores: uma análise a partir de um circuito completo de intervenção*. Rio de Janeiro: Ipea, 2014.

MARICATO, Ermínia. O Ministério das Cidades e a Política Nacional de Desenvolvimento Urbano. *Políticas Sociais – Acompanhamento e Análise*, v. 12, p. 211-220, fev. 2006.

MARICATO, Ermínia. Para entender a crise urbana. *Cadernos do Núcleo de Análises Urbanas*, Rio Grande, v. 8, n. 1, p. 11-22, 2015.

MELLO FILHO, Cleber Lago do Valle. *Contribuição das Conferências da Cidade para Construção da Política Nacional de Desenvolvimento Urbano*. Brasília: IPEA, 2020.

MOREIRA, M. T. V. Instâncias Deliberativas dos Sistemas Descentralizados e Participativos das Políticas Públicas de Cunho Social: Contorno Jurídico dos Conselhos. *Informativo CEPAM*, São Paulo, p. 65-69, 1999.

NIEBUHR, Pedro. A Isenção de Licenciamento e a Aprovação Tácita Previstas na Declaração dos Direitos de Liberdade Econômica: Reflexos na Administração Ambiental e Urbanística. *Revista Brasileira de Políticas Públicas*, Brasília, v. 9, n. 3, p. 249-272, 2019.

OSBORNE, David; GAEBLER, Ted. *Reinventing Government*. Reading: Addison-Wesley, 1992.

PAOLI, Maria Celia Pinheiro Machado. Movimentos sociais no Brasil: em busca de um estatuto político. In: HELLMANN, Michaela (Org.). *Movimentos sociais e democracia no Brasil*. São Paulo: Marco Zero, 1995.

PEREIRA, Elson Manoel. A Política Urbana Brasileira e o Ideário Crítico da Reforma Urbana Introduzido na Constituição de 1988. *Confluências: Revista Interdisciplinar de Sociologia e Direito*, Florianópolis, v. 20, n. 2, p.73-87, 2018.

PIERRE, Jon; PETERS, Guy. *Governance, Politics and the State*. Houndmills: Macmillian, 2000.

RHODES, Roderick. *The Governance Narrative: Key*

Findings and Lessons from the ESRC'S Whitehall Programme. *Public Administration*, v. 78, n. 2, p. 345-363, 2000.

ROLNIK, Raquel. Democracia no Fio da Navalha: Limites e Possibilidades para Implementação de uma Reforma Urbana no Brasil. *Revista Brasileira de Estudos Urbanos e Regionais*, v. 11, n. 22, p. 31-50, 2009.

RONCONI, Luciana. Governança pública: um desafio à democracia. *Emancipação*. Ponta Grossa, 11(1), 2011, p. 21-34.

SANTOS JUNIOR, Orlando Alves dos. Cidade, cidadania e planejamento urbano. Desafios na perspectiva da reforma urbana. In: FELDMAN, Sarah; FERNANDES, Ana. (Org.) *O urbano e o regional no Brasil contemporâneo: mutações, tensões, desafios*. Salvador: EDUFBA, 2007.

SANTOS JUNIOR, Orlando Alves dos; RIBEIRO, Luiz Cesar de Queiroz; AZEVEDO, Sergio. *Governança democrática e poder local: a experiência dos Conselhos Municipais no Brasil*. Rio de Janeiro: Ed. Revan, 2004, p.131-159.

SANTOS, Ângela Moulin Penalva. Planejamento urbano: para quê e para quem? *Revista de Direito da Cidade*, v. 04, n. 01, p. 91- 119, 2012.

SAULE JÚNIOR, Nelson; UZZO, Karina. A trajetória da reforma urbana no Brasil. In: SUGRANYES, Ana; MATHIVET, Charlotte (Org.). *Cidades para todos: propostas e experiências pelo direito à cidade*. Santiago, Chile: HIC, 2010, p. 259-270.

SCHAAP, Linze. Local Governance. In: BEVIR, Mark (Org.). *Encyclopedia of Governance*. London: Sage Publications, 2007, p. 531-534.

SCHICK, Allen. The Performing State: Reflection on an Idea Whose Time Has Come but Whose Implementation Has Not. *OECD Journal on Budgeting*, v. 3, n. 2, p. 71–103, 2003.

SCHMITTER, Philippe C. Defining, Explaining and, then, Exploiting the Elusive Concept of “Governance”. *Fudan Journal of the Humanities and Social Sciences*, v. 12, n. 4, p. 547–567, 2018.

SCHROETER, Eckhard. *Bureaucracy*. In: BEVIR, Mark (Org.). *Encyclopedia of Governance*. London: Sage Publications, 2007, p. 56-60.

SOUZA, Celina; GRIN, Eduardo José. Desafios da Federação Brasileira: Descentralização e Gestão Municipal. In: GRIN, Eduardo José; DEMARCO, Diogo Joel; ABRUCIO, Fernando Luiz. *Capacidades Estatais Municipais: o Universo Desconhecido do Federalismo Brasileiro*. Porto Alegre: Editora da UFRGS/CEGOV, 2021, p. 86-123.

STEGER, Manfred B.; ROY, Ravi K. *Neoliberalism: A Very Short Introduction*. Cambridge: Cambridge University Press, 2010.

STEIGLEDER, Annelise Monteiro; PICCINI, Livia Teresinha Salomão. A Lei de Liberdade Econômica e seus Impactos no Direito Ambiental e na Tutela do Patrimônio Cultural. *Revista do Ministério Público do RS*, Porto Alegre, n. 89, p. 205-232, jan. 2021 /

jun. 2021.

TATAGIBA, Luciana. Os conselhos gestores e a democratização das políticas públicas no Brasil. In: DAGNINO, Evelina (Org.). *Sociedade civil e espaços públicos no Brasil*. São Paulo: Paz e Terra, 2002, p. 47-104.

TEXEIRA, Ana Claudia Chaves; SOUZA, Clóvis Henrique de; LIMA, Paula Pompeu Fiuza. *Arquitetura da Participação no Brasil: Uma Leitura das Representações Políticas em Espaços Participativos Nacionais*. IPEA: Texto para Discussão nº 1735. Rio de Janeiro: IPEA, 2012.

TIMMERS, Juliano da Costa Machado; SOBARZO, Oscar. El juego de las utopías urbanas: proyectos de renovación de la Orla del Lago Guaíba en Porto Alegre. *Estudios Socioterritoriales: Revista de Geografía*, v. 13, n. 1, p. 13–42, 2013.

TONELLA, Celene. Políticas Urbanas no Brasil: Marcos Legais, Sujeitos e Instituições. *Revista Sociedade e Estado*, v. 28, n. 1, p. 29-52, jan./abr. 2013.

VAINER, Carlos. Pátria, empresa e mercadoria: notas sobre a estratégia discursiva do planejamento estratégico urbano. In: ARANTES, Otília.; VAINER, Carlos, MARICATO, Ermínia (Org.). *A cidade do pensamento único: desmanchando consensos*. Petrópolis: Vozes, 2002, p. 75-104.

VALLA, Victor Vicent. Sobre a Participação Popular: Uma Questão de Perspectiva. *Caderno Saúde Pública*, Rio de Janeiro, v. 14, n. 2, p. 07-18, 1998.

VILLAÇA, Flavio. Uma contribuição para a história do planejamento urbano no Brasil. In: DEÁK, Csaba.; SCHIFFER, Sueli Ramos (Org.) *O processo de urbanização no Brasil*. São Paulo: EdUSP, 1999.

WALDO, Dwight. The Administrative State Revisited. In: SHAFRITZ, Jay M.,; HYDE, Albert C. (Org.). *Classics of Public Administration*. 8 ed. Boston: Cengage Learning, 2017, p. 149-165.

WILSON, Robert. Understanding local governance: an international perspective. *RAE - Revista de Administração de Empresas*, v. 40, n. 2, p. 51-63, 2000.

WORLD BANK. *Urban Population (% of total population) – Brazil*. Available at: <https://data.worldbank.org/indicador/SP.URB.TOTL.IN.ZS?locations=BR>. Accessed on: 18 may 2023.

NOTES

¹National System of Social Interest Housing (Federal Law 11.124/2005) National Guidelines for Basic Sanitation (Federal Law 11.445/2007), National Policy for Urban Mobility (Law 12.587/2012).

²Articles 198, I and 198, III of the Federal Constitution, dealing with health and Article 204, II on social assistance.

³Federal Law 8.080/90, Federal Law 8.142/90 (health); Federal Law 8.742/93 (social assistance); Federal Law 8.069/90 (rights of children and adolescents); Federal Law 8.842/94 (rights of the elderly); Federal Law 8.078/90 (consumer rights).

⁴Other democratic management mechanisms mentioned in the law include debates, hearings and public consultations, conferences on issues of urban interest at the national, state and municipal levels, and popular initiatives for draft laws and urban development plans, programs and projects (Article 43 of the Estatuto da Cidade).

⁵Along with the Council of Cities, the National Council for Food Security, the National Commission for the Eradication of Slave Labor, and the National Council for Combating Discrimination and Promoting LGBT Rights were abolished.

⁶Municipal Supplementary Law No. 62/2009 provided for the creation of a Municipal Urban Development Council (CMDU) within the structure of the Municipality, to be established through a bill with popular participation, including public hearings and debates (Article 290, § 1 of LC No. 62/2009). Since this process of public debate and popular participation has not yet taken place, the municipality still does not have a CMDU (CABRAL, 2018).