LUMEN ET VIRTUS

Role of municipal councils as a form of citizen participation in municipal public administration

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ABSTRACT

Citizen participation is a right that gives the possibility that anyone can participate in the public affairs of the community of which they are a part, it must be effective through applicable mechanisms, assimilable and measurable in their effectiveness and not be reduced to corporatism and clientelist system that constantly reflects and recreates a socio-state relationship of favoritism in which opacity is a constant. In the political life of Brazil, open sessions of the councils and public meetings of the municipal councils are held, as well as various institutional designs that sought to promote local participatory processes in the public policy agenda. Thus, the main objective of this research is to analyze the participatory performance of citizens in Municipal Councils to elaborate and apply municipal public policies. When citizen participation is an effective instrument for the emancipation of society, at the same time, it ceases to be functional for the State. Municipal councils have gained strength in recent years, for example in the creation of a master plan for cities. As it is an abstract entity, where its effects are perceived in the long term, the Master Plan must be followed by immediate actions in the short term, taking into account the city's priorities perceived in the initial diagnoses. In this way, the changes perceived in the short-term period make the benefits of the participatory process visible to the community, ensuring its credibility and acceptance by the groups involved in its preparation.

Keywords: Social participation, Public management, Applicability, Effectiveness, Municipal councils.

INTRODUCTION

Today, Public Administrations and, more prominently, Local Entities, are beginning to become aware that the active participation of citizens in public affairs is a necessity arising from the crisis of traditional political representation, we often witness a distance between the political system and citizenship, which is manifested in the high levels of electoral abstention and in the growing difficulty of parties in acting as spokespersons and articulators of interests and concerns of a society that sometimes rejects them (BRONSTEIN, FONTES FILHO, PIMENTA, 2017).

This crisis of legitimacy that our democratic systems are currently suffering from makes municipalities face new challenges that favor the transition from traditional models of "Bureaucratic Governments" to new models of "Democratic Governance" in which government and public

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administrations play a role. Leadership and mediation between the various social actors. Therefore, we are currently witnessing a new formula of "participatory democracy" that stimulates and favors an interaction between the political class, administrations and citizens; in short, shared power formulas are being created that allow us to face new social challenges (ALMEIDA, CARLOS, SILVA, 2016).

The concept of participation is a polysemic concept subject to multiple interpretations ranging from a legitimation of those in power, to being considered a process, where what is significant is the process itself: participation understood as an objective in itself and not as an instrument for the achievement of ends, is also understood as an end for the resolution of matters of public interest, for the progress of the community. Participation is not an end in itself, but a means to achieve something. The objective of participation is to help transform the city (BORTOLI, KOVALESKI, 2020).

Citizen participation is a right that gives the possibility that anyone can participate in the public affairs of the community of which they are a part, it must be effective through applicable mechanisms, assimilable and measurable in their effectiveness and not be reduced to corporatism and clientelist system that constantly reflects and recreates a socio-state relationship of favoritism in which opacity is a constant. Planning, organizing, directing, controlling, and supervising are functions in which physical and human resources present useful and effective results. These are processes of continuous change to optimize results taking into account the environment (KLEBA, COMERLATTO, FROZZA, 2015).

In the beginning, there were several difficulties in implementing democratic innovations within the representative system, as it prefers to "follow safe paths" without processing changes in existing structures. The irruption to power in the 1980s of left-wing political parties in Latin America, such as the Workers' Party (PT) in Brazil, brought proposals to progressively generate an expansion of the representative model to a broadly participatory model, a situation that permeated the different political systems of the region. Among the main constructs that were part of this orientation is the idea of linking citizens' contributions to the government's decision-making process, especially in terms of public policies and the fight against poverty (social policies). It involves the application of participatory instruments in public policy issues (BORTOLI, KOVALESKI, 2020).

In the political life of Brazil, open sessions of councils and public meetings of municipal councils were held, as well as various institutional designs that sought to promote local participatory processes in the public policy agenda. Thus, the main objective of this research is to analyze the participatory performance of citizens in Municipal Councils to elaborate and apply municipal public policies.

LITERATURE REVIEW ON POPULAR PARTICIPATION

Citizen participation in public management implies a process of social construction of public policies. It is a right, a responsibility and a complement to the traditional mechanisms of political representation. Although the concept is clearly defined, citizen participation in public management is not yet a widespread and consolidated practice in our region. It is a duty and a right that citizens should and can participate in all stages of the public policy management cycle (Design and Formulation, Planning, Execution, Monitoring and Evaluation). In addition, to improve the quality of public policies, it is of great importance that citizen participation is early and timely, that is, that it is present from the moment of diagnosis of the social problems that public policies seek to solve (ALMEIDA, CARLOS, SILVA, 2016).

Greater democracy and citizen participation has always been a demand in contemporary societies, even in recent decades sociological and political studies on democracy and citizen participation have been relegated to new analyses of governance models. In fact, this public power of the inhabitants of the municipalities manifests itself in the exercise of the rights of participation in society through organized actions, and several means of citizen participation and social control have emerged (BRONSTEIN, FONTES FILHO, PIMENTA, 2017).

In this way, political control in democratic transformation is due to the impulse to implement policies and institutions of citizen participation, explaining how the citizen demand for participation and the existence of political will condition the origin and reach of participatory designs. This political control aims to change the processes of citizen participation in favor of their interests, including within democratic innovation projects of deliberative democracy (BORTOLI, KOVALESKI, 2020).

However, political accountability can stimulate citizens' participation in power and thus influence the improvement of the well-being of the members of a society, which can be called "democracy and participatory viability", under which participation improves social well-being. What seems clear is that in any of the different participatory modalities, in recent years the experiences of citizen participation have multiplied around the world, and that local governments, as those closest to the citizens, have chosen to apply new ways of doing politics, to increase the participation of their inhabitants in decision-making, although there is also a certain consensus that this participation has not led to a quality assessment system participation and the development of the participatory agreements adopted (KLEBA, COMERLATTO, FROZZA, 2015).

There are several challenges to democratic participation, seeking a model that meets the imperative need for quality of life and inclusion, but which still has such a limited and unequal vision.

As Gadotti (2004) addresses:

> participation is a practical form of citizenship training, through which the population learns to intervene in the State and to reform it from the outside. This means governing with the participation of the people. But, for this, these new actors, which are above all social and popular movements, must be considered as co-participants in decision-making. (GADOTTI, 2004, p. 13)

Measures are needed to guarantee the opportunity to learn to be democratic, to be supportive, to believe in the capacity of each one to change for the construction of a more democratic and just country. Citizen participation is a right that gives the possibility for any person to participate in the public affairs of the community of which they are a part, it must be effective through applicable, assimilable and measurable mechanisms in its effectiveness.

It is necessary to deploy technical, economic, methodological means and the appropriate instruments that can be carried out and effective, which requires clear and determined government action in favor of this participation. It is in the local space where government and citizenship are interrelated and where political capacities are most clearly manifested to facilitate citizen participation. The proximity of the authorities to the citizen is more sensitive, the authorities have the possibility of giving a more immediate response to the demands of the citizens. It is a process of socialization in which citizens live with their differences, conflicts, agreements and divergences in physical immediacy (BUSANA, HEIDEMANN, WENDHAUSEN, 2015).

The level of citizen participation in deliberative decision-making processes that affect public policies can be seen from a double perspective. On the one hand, it will depend a lot on the type of area in question. Direct and active citizen intervention will improve its design, implementation, and outcomes, although there are scenarios in which direct citizen participation will not be desirable or impossible to channel. And, on the other hand, not all citizens have the same capacities to express ideas clearly and build a persuasive discourse that convinces in deliberative forums. Therefore, it will not be easy to involve people who are not interested in it in the common organization and who, in any case, would cause them to waste time in their tasks (BRONSTEIN, FONTES FILHO, PIMENTA, 2017).

While citizen participation can mean different things to different territories or communities, it is a process of people's participation to support decision-making, execution, and monitoring of public decisions. However, there is a majority consensus among scholars of the processes of citizen participation in politics at the local level about its positive aspects for society. Thus, the main technical and political implications of citizen participation indicate that since participation began to be incorporated as a component of public policies, capacities have been attributed to develop fairer, more effective and legitimate efforts.

METHODOLOGY

The following work is classified as a literature review defined by Gil (2008) as one that uses texts (or other printed or recorded intellectual material) as primary sources to obtain its data. It is not only a collection of data contained in books, but, on the contrary, it focuses on the innovative and critical reflection of certain texts and the concepts raised in them, in which a consultation of books, dissertations and scientific articles selected through a search in the following databases (books, database sites, etc.) was carried out, published in the last 10 years. In this work, the Scielo, CAPES Journal Portal and Google Academics databases will be used for the investigation. The keywords used in the search were: democratic management; municipal councils; citizen participation.

Qualitative research was carried out in order to understand the practice of this manifestation. From this perspective, a bibliographic survey on the subject was carried out. According to Gil (2008, p.42), "the qualitative approach is used in order to help clarify conflicting perspectives on the subject and to stimulate them to question their hypotheses". This methodology was followed mainly because we believe that through it it is possible to become more aware, with the motivation to criticize and analyze consistently and thus explore more deeply the circumstances to be studied.

RESULTS AND DISCUSSIONS

In view of the considerations presented above, some results and discussions that were obtained through the bibliographic research are evidenced, which are related to the proposed theme. From the research carried out, as proposed in the introduction and methodology, the importance of the main concepts related to the research and the objective of the study was verified, which was organized from a central theme in two strands of analysis: a) popular participation in public management and, b) the Municipal Councils as a means of Popular Participation in Local Public Management.

POPULAR PARTICIPATION IN PUBLIC MANAGEMENT

Institutionalization and the effects of participation have fueled the debate on the processes of democratic deepening, both normative and empirical. The last years of the twentieth century were marked by the need to transcend the conceptual and factual limitations implicit in the hegemonic vision of representative-liberal democracy, characterized by its elitist and procedural vision. In those years, discussions about deliberative democracy developed strongly, presenting it as an explicitly normative view of democracy, whose central core was the legitimacy of democratic processes. Authors such as Jurgen Habermas, Joshua Cohen, James Bohman, and Jon Elster, among others, have discussed the need to complement representative democracy with collective decision-making

processes based on argumentation and public discussion of various proposals (BORTOLI, KOVALESKI, 2020).

Deliberative democracy seeks to articulate the ideals of participation, reasoning, and political legitimacy. Through public argumentation and reasoning, and the participation of the various interests at stake, the norms acquire legitimacy, with the actors involved on equal terms. In addition to this discussion, both in the developed countries of the North and in the underdeveloped countries of the South, multiple forms of inclusion of citizens in the consultation and decision-making processes began to be generated beyond the elections. These innovations coincided with the normative discussion regarding the limitations of representative democracy, focusing on the growing distance between representatives and represented, as well as the few redistributive capacities of liberal democracies, as opposed to participatory experiments. Several of these analyses have concluded that participatory devices in which the interests of individuals and groups have been legitimately incorporated tend to improve the sustainability of policies over time and to strengthen the criteria of legitimacy in decision-making (KLEBA, COMERLATTO, FROZZA, 2015; BUSANA, HEIDEMANN, WENDHAUSEN, 2015).

The wave of redemocratization that reached Latin America and Eastern Europe in the 1980s followed different paths and produced different experiences and results. While the regions share common problems, achievements and agendas, there are also different experiences and new problems that can distinguish the democratic experience as it has taken root in different regions. Despite their differences, these countries share a common agenda regarding democracy and its institutions: they are struggling to build or rebuild their democratic institutions with an agenda that focuses primarily on fighting corruption, improving access to government, and strengthening government accountability. This agenda has been approached in different ways and with varying levels of success. The democratic experience has varied not only between countries, but also within them. These experiences are especially diverse in countries characterized by deep political, social, economic, and regional disparities, such as Brazil (GIACOMINI, PRAVATTO, TRZCINSKI, 2018).

In many countries, redemocratization went hand in hand with political and financial decentralization to subnational governments, which means that the agenda mentioned above is not restricted to national institutions, but also applies to subnational ones. As a result of redemocratization and decentralization, many local governments were able to introduce policies and experiences that distanced them from those in place in the authoritarian past. One of the main justifications for these decentralization policies is that they strengthen democracy by increasing participation, especially by those social groups at the local level that have traditionally been excluded from the decision-making process and government policies (BERNARDY, 2013).

Brazil is an example of both redemocratization and decentralization. In the case of decentralization, there is a consensus among scholars and practitioners that Brazil is a country in which political and financial decentralization has been pursued at an unparalleled pace, both in the country's experience and in comparison with other developing countries. There is already considerable literature analyzing Brazilian decentralization after redemocratization, with a special focus on the local level. Some of these works take a positive view of decentralization, highlighting its merits in terms of "reinventing government," bringing government closer to the community, building bridges between public and private demands, and thus improving local governance. Other authors are more skeptical about the possibilities of decentralization per se in a country marked by high levels of social, economic, and regional disparities. Similarly, others have turned their attention to the risks of promoting social exclusion when municipalities compete for investment. Another line of research maintains that, in certain circumstances, centralization can be essential for the successful implementation of social programs (KLINK, DENALDI, 2011).

As for participation, the 1988 constitution provided for several mechanisms that allowed grassroots movements to take part in some decisions and to oversee public affairs, especially at the local level. Brazilian city halls are carrying out several participation experiments. They range from the creation of community councils to deliberate on education, health and social security policies, to the implementation of participatory budgeting (hereinafter PB). The latter has been praised, both nationally and internationally, as an example of "good" government (FRANÇA, 2016).

Three main factors must be analyzed to understand the adoption of PB in cities throughout Brazil in the last decade, since the practice did not appear suddenly and was not the result of the effort of some politicians from the PT (Workers' Party). First, there were a series of attempts to increase the participation of citizens in the local budget before redemocratization. Secondly, there was the increase in the amount of local funding, but more importantly, the policy of adjusting local funding adopted by many local governments in the late 1980s. The third is the growing presence of left-wing parties in local governments (SABINO, 2014).

While decentralization efforts are not new, they have gained increasing importance over the past 20 years, with developed and developing countries around the world implementing reforms to increase the power of lower levels of government. In Brazil, Participatory Institutions take the form of public policy management councils, conferences, public hearings, among other forms. With more than 28,000 councils established by 2015, Participatory Institutions have become almost ubiquitous in policymaking in Brazil, covering areas such as health, education, social assistance, children and adolescents, budgeting, urban policy, housing, environment, culture, and human rights. They can be deliberative or advisory.

Among participatory mechanisms, management councils are much more important, at least in

terms of scale. Previous research, however, has raised questions about the effectiveness of these councils in promoting effective citizen participation. In this view, the democratic promise of these councils was compromised by the authoritarian tradition within the Brazilian state and, more generally, a persistent authoritarian political culture, fragile associative life, and resistance from society and state actors. Even when the councils are implemented, the poorest remain excluded and continue to lack sufficient resources to articulate their demands, while the costs of participation continue to be lower for those with more resources (CAMARGO, MORAES, 2015).

Public participation encompasses multiple actions that different social actors exert to influence the development, execution, monitoring and evaluation of public policies and/or basic social services. With regard to typology, three types of political participation can be listed, namely: 1) face-to-face: the individual presents passive behavior; 2) active: the individual develops activities that are entrusted to him; 3) (real) participation: the individual contributes to political decisions. Public participation can be typified into eight levels (manipulation, therapy, information, consultation, appeasement, partnership, delegated power, and citizen control), which she called the "ladder of citizen participation. According to this author, the first two levels of the ladder (manipulation and therapy) represent "non-participation", because at these levels people cannot participate in the planning or implementation of programs (FRANÇA, 2016).

Informing and consulting represent the next steps, where citizens begin to listen and be heard about their rights and responsibilities. At the sixth level, appeasement, citizens have a greater influence, but it is still subtle, as it only allows advice and the right to decide is still in the hands of the government. At the seventh level, partnership, citizens can negotiate and engage in decision-making. It is only the two upper levels, delegated power and citizen control, that allow citizens to make decisions and, therefore, to exercise a degree of power (or control) that guarantees participation in programs and projects, being able to negotiate and change them. Public participation is often restricted to the early stages of the "ladder of citizen participation", which creates the false impression that all stakeholders have been considered in decisions, while in reality this situation only benefits the holders of power, maintaining the status quo (SABINO, 2014).

MUNICIPAL COUNCILS AS A MEANS OF POPULAR PARTICIPATION IN LOCAL PUBLIC MANAGEMENT

The National Policy Councils are participatory institutions that pre-existed the 1988 Constitution of Brazil, although from that year onwards they expanded considerably and some of them had their regional and local branches (state and municipal councils) distributed at all levels of the federation. These bodies deal with specific policy areas and are assigned within the national Executive, often integrated into a national Ministry or Secretariat. They meet regularly and allow

representatives of civil society to sit at the table alongside state and public administration officials (KLEBA, COMERLATTO, FROZZA, 2015).

In Brazil, since the 1980s, new forms of public management have been developed through citizen participation. The experiences are numerous and it is now possible to make assessments that indicate what has been achieved in particular and that allow us to reflect on the transformations that have been caused in urban life and space through the so-called participatory democracy. Brazilian legislation, and especially with the enactment of the City Statute (Federal Law 10.257 of 07/10/2001), includes, among the management instruments, collegiate bodies of urban policy; in addition, the aforementioned law determines that, in the municipalities, budget management is participatory through debates, consultations and public hearings (REZENDE, ULTRAMARI, 2007).

Today the city is home to the vast majority of the Brazilian population. It is because of this that democratic management seeks in an equitable and fair way to find solutions to accommodate this population within the space. The Statute of the city contemplates the system of urban plans explicitly provided for in the Federal Constitution, as provided for in article 4, I to III. On this topic, this law only repeats the content extracted from the federal constitution regarding this aspect, leaving an excellent opportunity to establish a dynamic and a hierarchy of urban plans that would make a good part of the urban instruments feasible (GIACOMINI, PRAVATTO, TRZCINSKI, 2018).

It is highly unlikely that a city will be able to carry out its urban functions with such a reduced approach to urban plans. The national legal system centered on the image of the master plan, the structure of the development of urban policy (DI SARNO, 2004). What is common to see is a part of the population living in the city legally enjoying infrastructure, and another part of the population living on the margins of legality, excluded from enjoying this infrastructure.

> The city is experienced in a different way by its residents. The movement for urban reform has tried to produce, over the last decades, a consistent denunciation of the difficulty of access to the city experienced by the majority of its population: the low-income strata. It was evident to urban planners the relationship between social class, territory and urban regulation. The myth of the neutrality of urban planning has been laid bare to reveal a complicity, deeply rooted in the Brazilian urban scenario, between the law of the city and socio-spatial segregation. The issue that has not been properly understood, or to which the deserved attention has not been given is the relationship between gender and the city, which is absolutely relevant (ALFONSIN, 2006, p.233).

The demographic explosion happened in Brazilian cities due to consistent policies that stimulated agrarian reform due to the rural exodus, the urbanization process emerged through the industrialization process in the 30s.

> Since the beginning of the 90's, the federal urban development bill called City Statute has been the reference framework for the institution of the law that regulates the urban policy chapter of the Brazilian Constitution. During this period, several negotiation processes for the institution of this law took place, based on the Statute of the City, with the participation of various social actors such as the National Forum for Urban Reform, the Municipal

> Governments and the private agents representing the real estate and civil construction sectors (LIMA, 2002, p.126).

In this context, it is the responsibility of the State to create conditions for urban development, decisions that were provided after the beginning of urban development; within this social reality arises Law No. 10257 of 2001, a law created to establish general guidelines for urban policy, with fulcrum in articles 21, item XX, 182 and 183 of our Constitution. These articles provide the basis for the development of cities for the municipal government, to ensure the well-being of their inhabitants (BERNARDY, 2013).

Through article 2 of the Bylaws law, urban policy was established with the fulcrum of the social function of the city, in short, it determines that the right to sustainable cities is guaranteed, seen as the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services.

The Statute defines the tools that the public power, especially the Municipality, must use to face the problems of social and territorial inequality in cities, through the application of the following guidelines and instruments of urban policy: general guidelines of urban policy, highlighting the guarantee of the right to sustainable cities, the democratic management of the city, the ordering and control of land use in order to avoid the speculative retention of urban property, and the land regularization and urbanization of areas occupied by low-income populations. Instruments aimed at ensuring that urban property fulfills its social function, such as master plan, subdivision and compulsory construction of urban areas and properties (LIMA, 2002, p.128).

Therefore, the right to housing in urban centers is the central nucleus, serving as the basis of sustainable cities, and the actions and activities developed in these centers that bring about the violation of these rights are interpreted as violence to the development of these sustainable cities. The statutes come to establish a series of instruments for urban development.

> The City Statute is an innovative law that opens up the possibility for the development of an urban policy with the application of urban reform instruments aimed at promoting social and territorial inclusion in Brazilian cities and that considers the urban, social and political aspects of our cities (LIMA, 2002, p.127).

Based on the understanding that one of the ways to achieve the social function of property is to establish the exercise of the right to housing, the statute of the city has come to attribute more strength to the social function of property through the social functions of the city that will be fulfilled by exercising the right to housing. The City Statute established the guidelines for convention expropriation, by determining the expropriation of property that does not fulfill its social function, creating a list of rules with the purpose of making the owner fulfill the social function of his property (BERNARDY, 2013).

> The city statute established the concepts of the social function of urban property and enabled a better understanding of urban management instruments, including those related to the subdivision of urban land. The statute sought to establish legal institutes to curb the use of urban property as a currency for the valuation of vacant lots or large urban plots left in the interstices of the city, being favored by the implementation of infrastructure networks (MESQUITA, 2008, p.64).

Housing presents guidelines to fulfill the social function of property and the city, and by virtue of this the right to housing and in some circumstances what is found as content the social function of the city, the fact is that when the owner does not comply with the obligations established by municipal law and if these obligations are related to the right to housing, expropriation will be the sanction established as a means to carry out the right to housing the law.

It is considered, therefore, that the City Statute, in line with the constitutional norm, through its article 183 and paragraphs, as well as what is contained in article 4 of the Statute, establishes as urban policy the concession of real right of use and the special concession when the purpose is the exercise of housing. The contract of real right of use has as its object the possession of public lands, and can be interpreted in a view of urban law, as that contract by which the municipality allows the use of public property to a private entity. This use is considered a real right and is affirmed by articles 1225 and 1415 of the civil code, with the sole and exclusive purpose for housing purposes (GIACOMINI, PRAVATTO, TRZCINSKI, 2018).

Mesquita (2008), the establishment of the city's Statute reinforced the determinations present in Law No. 6766/79 and favored the possibility of building a more democratic and just city. The control of urban expansions had a great ally in this law. Differentiating the concession of use and the concession of special use for housing purposes, the first is a form of real right that can be used for various purposes within the city plan. The second option can only be used for housing purposes. In summary, the concession of special use is a tool used in the realization of the right to housing and has a specific recipient.

The Master Plan is understood as the instrument that establishes a set of rules and principles that guide and induce the action of the various agents that build the urban space, considering the aspects of the environment, road system, as well as uses and occupations, where sanitation and infrastructure conditions arise. Mesquita (2008) defines the master plan as a municipal law, whose elaboration is provided for in the Federal Constitution of 1988 based on its article 182, first paragraph, as being the basic instrument of development policy and urban expansion.

This master plan must be prepared based on a real reading of the city, where themes and issues related to urban, social, economic and environmental aspects must be involved. The federal constitution of 1988 established through its article 182, paragraph 1, that the master plan is the basic instrument of the urban development and expansion policy, it is a norm that guides the urban development of the municipality and its formation involves the decision of the municipal legislative

power and the chief executive, with the participation of the local population being important. As its name implies, this plan deals with the elaboration of urban projects, policies for the social functions of cities. (SANTANA, 2013).

From the city statute, the master plan is mandatory for cities, from 20,000 inhabitants, belonging to metropolitan areas and urban agglomerations.

> The 1988 Constitution considerably expanded the catalog of fundamental rights and guarantees, with Article 5 being divided into LXXVIII subparagraphs, the latter added by the constitutional amendment of 2004. Other aspects that must be taken into account is that the declaration of fundamental rights was moved to the beginning of the constitutional text, thus breaking the current Constitution with the technique of previous constitutions that placed fundamental rights in the final part of the constitution always after the organization of the State. This placement of the declaration of rights at the beginning of the Constitution following models from other constitutions has special significance because it reveals that all state institutions are conditioned to fundamental rights (CARVALHO, 2008, p.694).

Based on these premises, a broad proportionality of fundamental rights is opened, adding to these rights and placing them between individual and political rights.

> The social state represents, at the constitutional level, the consecration in the constitutions of these social and economic rights as fundamental to the human person, alongside the already acquired individual rights. They began to emerge in the French Revolution of 1848, but would be affirmed with the formation of the welfare state (OLIVEIRA, 2007, p. 52).

They are individual and political rights, those whose implementation is immediate, while social and economic rights are those whose implementation is gradual, through programmatic norms, and happen when there is a need. In a way, the extensive difficulty with regard to social rights, with the right to housing being present among these rights (BERNARDY, 2013).

In the words of Silva (2011), in a positive legal sense, the constitution is equivalent to the supreme positive norm, bringing norms that regulate the creation of other norms, without considerations of a sociological, political or philosophical nature. This positive norm in the scope of rights has often demonstrated an unfinished construction, without the exercise of effective practices, requiring constant reflection on what is agreed and has within the constitutional scope, the fulfillment of rights for the exercise of citizenship. To live in a dignified or adequate way is to offer conditions for the subject to develop healthily, safely, presenting basic infrastructure, being served in basic sanitation, in its energy, and counting on an efficient service provision, public transportation and security in their place of residence.

In the country, all this has been the visible result of a great effort by social movements and political struggles for decent living conditions and citizen participation. There is an extensive bibliography on the subject and experiences, from articles to entire books, narrating and discussing the possibilities of democratic management through public management councils (we indicate some in the bibliography). The Brazilian experience has crossed borders and has nurtured and nurtured

foreign contributions interested in the subject. But a first point should be highlighted: although we have a Federal Law in Brazil, the result of many political attacks, which opens up great possibilities for the renewal of democratic and participatory public management, it is by no means generalized in the national territory, as it is not in other countries (CAMARGO, MORAES, 2015).

On several occasions it is possible to see that in these issues there are municipalities that sometimes have a prominent role, they are represented in meetings to exchange national and international experiences on democratic work, but after some time and with political changes in local government, there is a break, lack of continuity and citizen participation because it is lost. On the other hand, there is a propensity for international banks that have resources "to finance development" to direct these resources to places where there are local citizens' councils that are in charge of controlling budgets, for example. Here is a contradiction (KLINK, DENALDI, 2011).

Promoting development in countries or regions where there are deficiencies of all kinds, from the most basic, is not profitable in the short term and "perhaps" it will be profitable in the long term; for this very reason it is the task of the State. But many states, such as Brazil, must resort to external banks to finance this development, and this compromises an important part of their domestic product. The fact that banks pay attention to the existence of local democratic and participatory procedures for the release of loans seems to indicate that the citizen's view helps to care for and reproduce capital (BERNARDY, 2013).

A first point to highlight is that, in the last 25 years, there has been a change in the role of local governments, at least this is what is identified in some Brazilian municipalities, which have gone from a strong centralization of power with the federal government to a leadership role. This political achievement has cost and is costing a lot of effort on the part of local governments, especially those who wish to develop public policies that contemplate solutions that consider the perspectives of freedom, equality and solidarity. There are many shortages and few resources, which often do not reach the needy. This situation of penury, in our opinion, partly facilitates the idea of appealing to citizens to share decisions (FRANCE, 2016).

This whole new form of public management is called "participatory democracy", different from "representative democracy" due to the fact that it broadens the bases for discussion in decision-making, through consultations with civil society, organized in councils and/or entities of popular representation. But the so-called "participatory democracy" also has its limits, because if on the one hand people are not always willing to participate, on the other it implies the existence of a State that, in addition to recognizing the rights of its citizens, shares with them the power to establish criteria for the establishment of public policies. In addition, the distinctions made by the authors around democracy proliferated epithets for this word. In fact, it is specifications around the issue of democracy that have led several authors to elaborate topologies about the numerous forms of

democratic regimes (KLINK, DENALDI, 2011).

Growing public participation is a direct consequence of the creation of public spaces for debate and political articulation. Municipal councils are an important example of these spaces, as they guarantee participatory processes in a transparent and pluralistic environment. For example, the first Municipal Council for the Environment in Brazil was created in the city of Cubatão (SP) in 1975. It can be argued that this council was avant-garde for the time, since Brazil had not yet undergone a process of democratization; The spaces for public participation in politics were limited. But it was after the implementation of the National Environmental Policy Law and especially after CONAMA Resolution 237/97, which corroborated the competence of municipalities to carry out environmental impact studies and licensing, that the number of these councils multiplied.

The participation of the citizen in local power presupposes the distribution of power among all members of a community, which implies a political problem, since society and the State have contradictory objectives in relation to power. Moreover, there are very different degrees of subordination to the state among members of the same local community.

CONCLUSION

The participation of the citizen in local power presupposes the distribution of power among all the members of a community. Of course, this implies a political problem because society and the state have contradictory objectives with regard to power. And there are very different degrees of subordination to the state among the members of a local community. On the other hand, the cultural industry is also subject to society, causing very different degrees of dependence.

When citizen participation is an effective instrument for the emancipation of society, at the same time, it ceases to be functional for the State. Taking this into account and all the potential that exists in this public management instrument, we must better understand its limits and capabilities so as not to lose its possibilities to contribute to the construction of more generous urban spaces for the reproduction of human life.

Municipal councils have gained strength in recent years, for example in the creation of a master plan for cities. As it is an abstract entity, where its effects are perceived in the long term, the Master Plan must be followed by immediate actions in the short term, taking into account the city's priorities perceived in the initial diagnoses. In this way, the changes perceived in the short-term period make the benefits of the participatory process visible to the community, ensuring its credibility and acceptance by the groups involved in its preparation.

The groups that present the participation of the type of assistance are the main focuses in these initial stages, and may awaken over time a greater collective political awareness in relation to long-term actions. Throughout the interviews, the perception of those responsible for planning can be

identified in terms of the importance of the element of participation and responsibility of the municipalities throughout the process.

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