

# THE CHALLENGES OF GOVERNANCE IN WATERSHED AREAS

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**Abstract:** This study presents an analysis of the operation of the Council of Representatives of Paranapiacaba and Parque Andreense (CRPPA), which deals with occupation of the Source Water Protection and Recovery Area in the Municipality of Santo André, in the Metropolitan Region of São Paulo. Understanding the importance of shared administration between the Public Administration and civil society, the objective of this study is to assess if CRPPA has been able to fulfill its role, acting as a channel for dialogue and sharing of power. To that end, bibliographical review, field trips and qualitative and quantitative analysis of interviews with CRPPA councilors were performed. Data used in the development of the analysis refer to the term which ended in 2008 and were gathered between 2007 and 2008. CRPPA still presents basic operational difficulties which do not match findings in other research work of different councils in that municipality. Santo André has shown experience in shared administration, and progress made in other processes and councils should be incorporated by the Council of Representatives of Paranapiacaba and Parque Andreense.

**Keywords:** Councils; municipal governance; watershed areas.

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## 1. INTRODUCTION

The municipality of Santo André is part what is called the Great ABC of the Metropolitan Region of São Paulo (RMSP), which is comprised of: Santo André, São Bernardo do Campo, and São Caetano do Sul, which give name to the region due to their initials. It also includes the cities of Diadema, Mauá, Ribeirão Pires e Rio Grande da Serra. That region of the Great ABC is located Southeast of the municipality of São Paulo, and developed with the industrial expansion. Similar to several other countries, Santo André's industrial segment underwent a severe crisis following the great increase in industrial production during the "economic miracle" of the 1970s. The following decades saw the beginning of the so called economic restructuring of the jobs and the plants, as

well as tax revenues from industrial municipalities decreased.

The municipality has its territory divided into two parts by a stretch of the Billings water reservoir, and each has a distinct occupation. In the Northwest are 99% of the approximate 650 thousand inhabitants (IBGE 2000 census) and it is conurbated with São Paulo, São Caetano do Sul, São Bernardo do Campo, and Mauá. Separated of the main urban area by the stretch of the Rio Grande, the 55% of the municipal area that comprises the Southeast part house only 1% of the population and are in a Source Water Protection and Recovery Area. That part of town is run by the Borough of Paranapiacaba and Parque Andreense (SPPA), the only Borough of Santo André. It is there that the Village of Paranapiacaba<sup>5</sup> is located.

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<sup>5</sup> Paranapiacaba is a village built by the British Railways Company in the 19<sup>th</sup> Century. Currently it belongs to the municipality of Santo André and is a historical heritage registered by the Defense Council for Historical, Artistic, and Tourism Heritage, of the State of São Paulo (CONDEPHAAT).

The stretch of water that separates Santo André in two parts is not transposed by either bridge or ferryboat in the territory of the municipality. Therefore, in order to go from one side to the other, one needs to go around the North, passing through Mauá, Ribeirão Pires, and Rio Grande da Serra, or South, passing through São Bernardo do Campo.

In 1989, the election of Celso Daniel made room for the first years of participative management in the municipality of Santo André which, at the time, was still advisory (Wampler, 2007). During his second term, that administrator reiterated the will to open communication channels between public administration and civil society: he made a deliberating forum out of the participative budget; created the Social Inclusion Integrated Project (PIIS), which later became SAMI (More Equal Santo André); implemented the Future City Project, which in 2001 was divided into the Tamanduatehy Axis Project and Future City Project; and in 2001 the Municipal Master Plan, all in the participative format. Finally, he created several municipal councils that are still in operation to this day in Santo André. Worthy of note is that two of those projects received awards: SAMI (Massuti, 2006) and the Municipal Master Plan<sup>6</sup>.

Santo André's participative administration has been a pioneer one, the result of several academic works, serving as a model to other municipalities that watch its operation and use it as a reference. On the other hand, Santo André has difficulty in finding successful examples in other municipalities at that type of administration, especially examples of cities in metropolitan areas occupying source water protection area, which may be used by the administration of Santo André.

Another problem one faces is the lack of certainty and much trial needed in forming new processes. There is the notion of improvement, but also that the participative management is not fully built yet, and that whatever achievements have been accomplished, there is still much more to do.

The following research is part of MEGA "Strategic Assessment of the Development and Environmental Policies Implementation in the Municipality of Santo André – SP"<sup>7</sup>, whose objec-

tive was to develop a strategic analysis of the environmental management process, in the context of quality of life promoting and sustainable development. Divided into two stages, as specified by FAPESP, the Project was developed by a team of professors, students, and researchers of the School of Public Health and the Engineering School of São Carlos, both part of the University of São Paulo. It also had the support of professors from other national and international learning institutions in several workshops. The first stage, which lasted six months – first semester of 2007 –, was the preparation for the second stage, which lasted two years – developed between 2008 and 2009.

Taking into account the territory uniqueness which the SPPA is in and understanding the importance of shared administration between the Public Administration and civil society, the objective of this study is to assess if the Council of Representatives of Paranapiacaba and Parque Andreense (CRPPA) has been able to fulfill its role, acting as a channel for dialogue and sharing of power.

To that end several research instruments were used: bibliographical review, field trips and interviews with CRPPA councilors, both from the public administration as well as the civil society. The interviews were subject to qualitative analysis through the establishment of analysis categories. The answers were then quantified, generating quasi-quantitative results. The data used in the development of the analysis refer to the term which ended in 2008 and were gathered between 2007 and 2008.

## 2. MUNICIPAL COUNCILS

Urban sustainability is an urgent matter. Municipalities need to balance social and economic development with environmental development. Moreover, there are researchers who consider it a difficult task to separate urban from non-urban environments (Costa, 1999). Or, as Acselrad (2009) points out, it is difficult to confine the study of urban sustainability only to cities.

Both globalization and sustainable development arose as planning issues in the 1980s. As a consequence of globalization, there was loss of power by the States with increase of power by supra-national companies and large multinational corporations (Bauman, 1999). Those changes meant the transfer of typical public sector activities

<sup>6</sup> Data supplied at interview with the Joint Secretary for Participative Budget and Planning for Santo André.

<sup>7</sup> Project supported by FAPESP – São Paulo State Research Support Foundation

over to the private sector, as in the case of privatized companies, fragmenting the political system.

Within such context, the role of local government has expanded in the entire world. In Brazil, municipalities were granted more autonomy after the Federal Constitution of 1988 and, as a result, more administrative responsibilities were gained. In this new reality there is the need for municipal policies to manage those new responsibilities, including sustainable urban development. Moreover, city halls – mainly those in small Brazilian municipalities – do not have qualified human resources and the necessary financial resources for such administration.

In the 1980s, three factors brought to issue of decentralization with increase in municipal power to discussion: the first has to do with the weakening of national governments due to globalization; the second one, the connection made between democracy and decentralizing (Pinho and Santana, 1988); and the third deals with the urgency of environmental issues, which are more clearly expressed at the local level (Dowbor, 2003).

Therefore, the 1980s were marked not only by the decreasing power of the State due to globalization, as mentioned, but by the growing participation of organized civil society in public decisions, especially in cities. The 1988 constitution expanded democratic representation channels. That, according to Gohn (2007), was due to the association of elements in direct democracy with representative democracy, e.g. through councils, which proliferated in Brazil in the 1990s.

That period was marked by two elements: the growing involvement of social players in policy management; and the questioning of both the authoritarian and excluding standard existing in national policy as well as the capability to meet social demands (Tatagiba, 2000).

In this new frame, administration includes the population taking part which, on one hand, may press government for change, while on the other, needs to be made aware and enabled. Just as citizens need to be enabled, municipalities need to master instruments of public administration that organize and make easier facing the complexity of sustainable development. Hence, the need to improve the design and assessment process for public policies, thus, streamlining local governance: both, in the way of managing as well as the results obtained.

One, then, sees that it is in the population taking part that there is a chance of breaking away from the client<sup>8</sup> condition, transferring a condition of dependency to a situation of shared accountability where there is a search for building joint goals. Thus, Guerra (2006) understands there are three challenges to be faced: managing complexity; the need for effectiveness; and legitimacy of decisions.

According to those objectives, several mechanisms are being created, in several countries, including Brazil. In that management format is included participative governance, also known as deliberating democracy, for it is a democratic instrument of decision making and empowerment (Gaventa, 2001). However, there are several different ways of participation in public administration. Some are discussed in international literature, as the referendum, the plebiscite, or popular initiative. In Brazil, the creation of councils, in turn, answers citizens' demand for space in the administration, and has no bases on academic studies in other countries (Calderón and Marin, 2002).

The councils multiplied in the municipalities, specially because their existence, in some cases, is a condition for receiving government funding. Bava (2005) estimated that there are 27 thousand paritarian and deliberative councils in Brazil, most in the municipalities<sup>9</sup>. Those managing councils became ways of expanding the government sphere, since they strengthen existing channels for the opinion and decision making, contributing, thus, to inserting new subjects in the public agenda (Daniel, 2000).

According to Guerra (2006), one should be careful not to value the participative format over the content generated by such participative process. Thus, it is important to understand who participates, how such participation takes place, what consensus and conflicts are generated, and mainly, if there is guiding in decision making. The concept of local power is more encompassing than of local government, for it includes the new forms of popular participation. It is not the government headquarters, but the political admin-

<sup>8</sup> “[...] method for resolving public issues through direct procedure, privileging private interests (GOHN, 2007, p.53).

<sup>9</sup> There are other very different estimates, as TONELA (2006) who estimated in 15 thousand the number of municipal councils.

istrative management arena. Thus, according to Gohn (2007), local governance has the objective of articulating local power with local government, the latter included in the former. Reiterating that statement, Agenda 21, a document created at Rio 92<sup>10</sup> draws attention to the need to develop participative strategies in promoting sustainable development. That document points to the need to establish partnerships between public and private sectors, not mentioning what would be the mechanisms for that to happen. Councils may be an option.

Currently in Brazil, councils are currently responsible for managing public policies in several municipalities. They have the privilege of being shared management channels, in a joint effort between public administration representatives and from organized civil society, for solving public problems. These are institutions that aim at strengthening democracy, presenting elements of direct democracy, since they include members of civil society deciding over public matters, and elements of representative democracy, since those are representatives elected by their peers (Lüchmann, 2007; Anastácia and Azevedo, 2002). Those are also know as hybrid institutions, for they are formed by representatives from the government and from civil society. Those councils have been the representation of Brazilian deliberative democracy, mainly in municipalities (Monteiro and Fleury, 2006).

Camargo (2003) states that, even after two decades of history, the problem is that many times councils are unable to exercise the desired influence over public administration. According to the author, this questions the actual decision capabilities of the councils, because they may be susceptible to political manipulation. In that case, those mechanisms would lose their ability to contribute with the process of building urban sustainability, since civil society would not be actually contributing in the decision making process.

### 3. RESULTS AND DISCUSSION

The SPPA region is comprised of 22 plots of land for development, all approved between the 1950s and 1970s by the city hall of Ribeirão

Pires<sup>11</sup> and five slum nuclei, out of which four are very small and, for that reason, are called streets. Those plots of land are not clandestine, but are irregular, since occupation is not in accordance with the project, and is not in agreement with laws that regulate the occupation of Source Water Protection Area. The borough is working to regularize the land, seeking to solve such issues. To prevent occupation from spreading, the entire SPPA area is supervised every fifteen days.

There are two centers in the region, the Village of Paranapiacaba and Parque Andreense. These two areas concentrate the schools and medical clinics that serve the entire borough.

The Council of Representatives of Paranapiacaba and Parque Andreense (CRPPA) has an important territory aspect to it. It is the arena for discussions of problems in the SPPA region. CRPPA works jointly with the SPPA, responsible for managing basically half of the Santo André territory, which is entirely inserted in a Source Water Protection and Recovery Area. As the remaining councils in Santo André, CRPPA is paritarian and deliberative.

The Santo André Organic Law was approved in April 1990 (Santo André, 1990), two years after the National Constitution. That document states that participation of the population through the councils is one of the ways of democratic administration in the municipality. Such councils are technically connected to the municipal executive branch which, along with the legislative, will assure information and space for them to operate.

Councils are paritarian between representatives from the public administration and organized civil society. The mandate is for a maximum of two years. Reelection is allowed, though councilors may not be paid for their service. However, the only ones subject to mandates are civil society councilors. Members from the public administration are nominated by the executive and have no established mandate. Nonetheless, a new Mayor is entitled to change representatives when he takes office. The executive and legislative powers are responsible for enrolling those entities interested in participating in the councils, and may not deny

<sup>10</sup> International Convention which took place in the city of Rio de Janeiro, in the year of 1992, called "Earth Summit", "Rio 92" or "Eco-92".

<sup>11</sup> Until the end of the 20th century that area was being contested by city halls of Ribeirão Pires and Santo André. That was the reason for the creation of the Paranapiacaba and Parque Andreense Borough (SPPA) and the purchase of the Paranapiacaba Village by the PMSA.



participation of any company who shows interest in taking part in the process. Each council must promote at least one session open to participation of all citizens.

The Council of Representatives of Paranaipacaba and Parque Andreense was created in the year 2001, along with the Borough of Paranaipacaba and Parque Andreense. Its creation was the result of process of discussion with the community, followed by direct elections in the neighborhoods, with 837 inhabitants participating (Caetano, 2006). Its existence is not prescribed in the municipality's Organic Law.

CRPPA, according to its regiment, is comprised of 20 members, 10 being representatives of public administration and 10 from civil society. Government councilors are designated by the Mayor and represent the following areas: health, education, culture, sports and leisure, SEMASA<sup>12</sup>, construction works and public services, and SPPA. Civil society councilors must be elected in the following proportion: 4 representatives of neighborhoods; 1 representative of the Borough's commerce; 1 representative of each of the following councils: health, education, Participative Budget, Environment; 1 representative of a non-governmental organization based in the Borough area (SPPA, 2001?). CRPPA meetings are open to non-voting citizens.

There is no specific section in the regiment that states the council's responsibilities in detail, been stated only on:

Article 1° - The Council of Representatives is, above and beyond, public in nature.

§1° - The Council or Representatives has the responsibility of supervising, consulting, and deciding.

§2° - The Council of Representatives must act to stimulate regional development and extension of democracy in managing the region of Paranaipacaba and Parque Andreense (SPPA, 2001?).

Another problem in the regiment is the lack of update. Through participating in meetings it is known that the council is currently comprised of 14 members of civil society and 14 of the public administration, but that is not official.

<sup>12</sup> SEMASA is the Santo André Environmental Sanitation company and works as a Municipal Environmental Bureau.

Eight public administration and eight civil society councilors were interviewed at CRPPA. However, several questions were dealt with a lower number of answers considered valid<sup>13</sup>. Out of the 20 questions asked, nine were used for this analysis<sup>14</sup>.

The first questions tried to find out the role of the council in practice. Among the 12 valid answers, seven (58%) talk about the council as a receiving channel of demands from the population, a very similar role as the Municipal Budget Council, responsible for the Municipal Participative Budget, the CMO. That seems to be this council's the main role, though regiment is very vague and do not allow verification. The council's decision making nature, which is clear in the regiment, does not seem to prevail. Among public administration councilors, three (50%) stated that the council has a decision making nature. However, two of them made restrictive comments. Among civil society members, none stated the council has a decision making role.

Only 29% of the public administration councilors mentioned technical support as one of their activities at CRPPA. On the other hand, representing was something most (83%) civil society councilors answered.

The ninth question tried to find the main advantages due to the council's existence. All CRPPA councilor answers added, the most frequent one is that the council works as a channel for dialogue between the public administration

<sup>13</sup> In quantifying answers four, situations generated invalid answers: when interviewee did not answer the question; when interviewee provide an answer unrelated to the question; when an answer was induced by the interviewer; and when interviewer skipped the question.

<sup>14</sup> Five are related to the council's general operation: Question 01. Could you explain what the role of the council is in practice? Question 02. What are your activities as councilor? Question 09. Based on your experience, what are the main advantages due to the council's existence? Question 10. And what are the main difficulties for the council's operation? Question 15. In your opinion, is there difference between how public administration councilors and civil society councilors act? Four others are directly related to information in decision making: Question 11. Do you think councilors are sufficiently informed to take part in the council? Question 12. How do you keep yourself informed? Question 13. What kind of information you think you should receive to improve your performance in the council? Question 14. In what way do you think that information could reach you?

and civil society (69%). With the council in place, government tends to answer citizens' demands was what four councilors (31%) stated.

Difficulties described in answers to question number ten have to do with problems related to time and distance, each one mentioned by four (29%) councilors, among which were members of government and civil society. All other difficulties mentioned were exclusive to the public administration, such as lack of representativeness, or to civil society, such as certain councilors' intransigence about their demands.

The fifteenth question tried to find the difference in roles between councilors representing the public administration and those representing civil society. At the Council of Representatives of Paranapiacaba and Parque Andreense two public administration councilors and one from civil society do not perceive difference in the roles between both segments: 50% of councilors (four from public administration and three from civil society) mentioned government employees as working en bloc, and 43% (three councilors of each sector) point out that members from civil society are not united and attend council meetings less frequently (Cezare, 2009).

Four of the analyzed questions in this research concern information necessary for participating in the councils. The eleventh aims at understanding are sufficiently informed to take part in the council. It is clear that none believe there is enough information at CRPPA, especially on behalf of civil society representatives, who feel inadequately enabled. Few council members, regardless of who they represent, believe there is enough information for participating in the council.

Councilors were then asked how they stay informed to participate in the council. A difference was noted in how information is acquired between public administration and civil society. Government representatives base themselves more heavily on official material, while those representing local dwellers seek information actively. Members of the public administration demonstrated ease in keeping themselves informed precisely because they either work or reside in the municipality.

The thirteenth question raises what kind of information councilors miss. In CRPPA's civil society there were eight valid answers. Out of those only one (13%) brought up that council members

should be informed of how the government machine and the council work.

The fourteenth question asks in what way such information could reach councilors. At CRPPA, public administration members bring up enabling as a way of informing. Civil society ones also say that councilors should look for information they need. No government participant mentions official documents as a source of information to perform in the council.

CRPPA is an arena for civil society to claim what it deems necessary for quality of life. Interviews make roles clear in the council. The public administration is the supplier of information, technical aspects, and limits to the actions, while civil society brings "*locus*" information that only the citizen possesses and the demands made by those he represents. The council's decision making nature is noted in the interviews, but is far more clarified by public administration councilors than by organized civil society members. The inspecting role performed by council is well remembered by CRPPA public administration members.

Civil society councilors would like government to be more accountable and to receive more information to help their performance in the meetings. Members of the public administration believe such information should be made public through capacitation. Civil society members understand participants should look for the necessary data in order to perform in the meetings. CRPPA is a council facing problems already overcome by different municipal councils worked in the same research in Santo André. There is significant lack of organization on behalf of civil society participating in meetings, many absences and internal conflicts. This was the only one of the four councils studied where half of the people from civil society state that councilors are not sufficiently informed to take part in the council.

#### 4. CONCLUSIONS

Increase in public administration transparency was little mentioned by interviewees and, in most cases, by government councilors. That is also true when mentioning power sharing between public administration and civil society. What really draws one's attention in the interviews is how clear the trend is for public administration coun-

cilors to vote en bloc, according to the official position. That is more clear in government council members' answers at the council.

CRPPA, a council related to directly dialoguing with the population and receiving their demands, has internal problems due, mostly, to its imprecise regiment and, in part, due to problems in dialogue between members of public administration and civil society, still, due to problems in logistics, such as transportation. Capacitation has become indispensable for this council to be able to work in building consensus and common objectives. Disparities between members of public administration and civil society in terms of participating in councils become apparent in this council. Imprecise regiment is one of the reasons for such conditions. Government representatives must be ready to dialogue with society through their representatives in the council. Organized civil society, on the other hand, needs to be enabled to understand the objective of the council, how it operates, environmental restrictions to which they are subject due to being in a source water protection area and have a broader view of the municipality and the government. The Santo André experience showed through the management of other councils and other municipal participative processes practices should be incorporated by the Council of Representatives of Paranapiacaba and Parque Andreense.

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