

168 - STATE COUNCIL OF SPORTS AND LEASURE: A DOCUMENTAL STUDY WITH RESPECT TO ITS COMPOSITION AND ATTRIBUTES IN THE STATE OF ESPÍRITO SANTO

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INTRODUCTION

This study investigates questions referring to the organization of administrative councils, drawing preoccupation with respect to the possibilities of acting with public policies of sports, as well as of its mechanism of popular participation and of advancement of participative democracy in the State public administration. The main objective of the present work is to analyse the composition characteristics, character and attributes of the State Council of Sports and Leisure of Espírito Santo (Conselho Estadual de Esportes e Lazer do estado do Espírito Santo - CEEL).

The administrative councils are collegiate departments that were created in Brazil during the 1980's for the democratization of social-political decisions related to the federal, State and municipal councils. These participative channels propose the establishment of new public administration practices by permitting the articulation of the various public and private departments that act in specific areas, creating a space for the negotiation of interests of various social segments, contributing to a greater transparency in the decisive process of the different public policies (INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA/IBGE, 2003).

The appearance of administrative councils created the expectation for the reversal of social exclusion and injustice scenarios, characteristic of the Brazilian public administration. However, studies by Carneiro (2002), Daniel (2001), Gohn (2000), Tatagiba (2002), and others, verified the fragility of such participative councils and of their timid contributions to install a new model of public administration.

In the past two decades, the investigation on administrative councils has focused mainly on the municipal councils in the areas of health, education, social assistance and children's and teenagers rights. As for the sports public policies, the investigation of administrative councils is a very recent topic, as well as its implementation in the public administration of cities e States. Scientific production on the Sports Councils is rare, restricted to few research initiatives, such as those of Bastos (2008) and Vicentini (2008) that refer to the municipal level experiences, and the work by Lorenzo (2008), in a national level. Facing this context, it is necessary to investigate the Sports Councils in the different governmental spheres with the objective to analyse information on their organization and work with the public administration of sports.

In this direction, the present work offers a qualitative documental research that focuses on the State legislation and regiment of the Council of Sports and Leisure of Espírito Santo.

The text is organized in three sections, in which the first approaches reflexions on public administrative councils of sports policies, the second presents a documental analysis on the State Council of Sports and Leisure in the context of the the State of Espírito Santo and the last, situates conclusive remarks of the present study.

POLICY COUNCILS SPORTS: SOME NOTES

With decentralization and administrative autonomy granted to municipalities and states in Brazil, the Constitution of 1988, these levels of government began to implement its organic law and extend the principles of participation and social control in public administration, making it the key to the territory democratization of the power relationship established between the state and civil society (TATAGIBA, 2005). Among these initiatives arise Municipal Councils and State in different folders, including public policy of sports.

Currently, besides the National Sports Council, other initiatives, both in the city and state, have been deployed in order to propitiate the democratization and decentralization of public management sports policies.

With regard to the Municipal Councils of Sport, its implementation is still very recent and are included in restricted shares held. The survey by the IBGE (2006), called the Profile of Brazilian Municipalities - Sport 2003, data found in the halls on the human resources employed in the municipal administration of the sport, the institutional linkages within the municipalities, aimed at developing policies and activities related to sports; the aspects of the municipal sports law, the agreements and partnerships and actions, projects and programs developed with the participation of the city, events, and their sport, held in the cities, the facilities and sports equipment and those under construction owned and / or management of the city. Besides this information, the IBGE has collected data on the presence of these mechanisms of public participation in sports management at the municipal level based on the year 2003.

This survey also collected information on the composition, character, powers and frequency of meetings of the sport, defining it as:

[...] A collegial body whose character can be advisory, deliberative, advisory, etc.. Composed of representatives of governmental and civil society, with specific tasks related to the sport, having bylaws or regulations and should operate regularly (IBGE, 2006, p. 133).

The data presented by the IBGE (2006), indicate that in 2003 only 658 (11.8%) municipalities in 5557 had studied the Municipal Council of Sports. There are other boards that deal with sports policy at the municipal level. Among them, is the advice of Social Services, Education and Rights of Children and Adolescents. Still, a percentage of 45.4% of the cities studied did not provide any advice to approach the sports policy. The South was the only one to surpass the national average, showing the existence of the Municipal Council of Sport in 34.5% of its municipalities. This rate can be explained by the significant number of councils in the municipalities of Rio Grande do Sul. The other regions showed the following percentage of municipal existence of the Council of Sport: North (4.9%), Northeast (3.2%); Southeast (7.4%) and Midwest (10%).

The research by Mezzadri et al. (2006), focused on 15 municipalities in the State of Paraná, verified the presence of

the Municipal Council of Sport in only one city Londrina. These data corroborate with the statement that the institutionalization of decision-making councils for political sport in Brazil is a recent phenomenon in developing the country. Another study by Bastos (2008), the municipality of Santana do, Sao Paulo State, noted the presence of a municipal council City Council Sport, Leisure and Physical Activity was established in August 27, 2003 which addressed beyond sports policies, other related areas.

In Vitoria, capital of Espirito Santo, Vicentini (2008) notes the presence of the Municipal Council of Sport, provided by the Municipal Law n°. 4213 since June 1, 1995, was appointed, but only by Decree n°. 12,353 of August 3 2005.

The character assigned to the City Council of Sports, the IBGE (2006), notes that the board takes a variety of responsibilities and tasks that varies in different Brazilian cities. Among them, the deliberative nature which had the highest prevalence found in 658 councils, totaling 339 (51.5%) advice, the advisory nature, being present in 313 (47.5%) and character of supervisory boards in 264 (40, 1%) advice.

In front of this picture it appears that the councils have studied different possibilities of action in the determination, formulation, advice and social control of municipal policy in sports.

STATE COUNCIL OF SPORTS AND LEISURE: THE CASE OF ESPÍRITO SANTO

In order to discuss the composition, nature and tasks of the State Council of Sports and Leisure in the Espírito Santo, we analyze in this section's bylaws CEEL and state legislation related to the creation of this instance.

The Espírito Santo, the State Council of Sports and Leisure is a collegiate body, an advisory and regulatory framework, a member of the State System Development Sporting Goods, established by Complementary Law n° 322 of 19 May 2005. It aims to promote the development of programs to promote the universalization of planned physical activity sport and recreation for the whole population, as well as improving the standard of organization, management, quality and transparency of the state sport. It consists of eleven members representing the sectors and entities provided by law, and with a term of two years, allowing re-election and breathing, indicated by the same (ESPÍRITO SANTO, 2007).

Table 1 clarifies the composition of the Council in accordance with the following: segment, representative bodies and the number of representatives:

Table 1 - Composition of the second AS features a segment, representative bodies and the number of representatives (Complementary Law n. 322 of 2005).

Segment	Entity	Representative
		Proprietor
Government	SEESP (secretary)	1
	SEESP (indication)	1
	SEESP (indication)	1
	SEESP (indication)	1
	PROFESSIONAL ASSOCIATIONS	2
Non governmental	CREF	1
	PRESS SPORTS	1
	CBCE	1
	SPECIAL NEEDS	1
	IES - EF	1
	AFEA	1

Source: Espírito Santo (2005).

Under the Supplementary Law No. 322 of 2005, the President of CEEL is the Secretary of Sports of the State. This can give three seats in the council to "persons of known and recognized ability and experience in sporting affairs" (ESPÍRITO SANTO, 2005, p. 2). These three members can be from civil society, however, because they are appointed by the secretary, are considered in this study as representatives of the government sector, in order to highlight the positions taken by the president in question. Thus, we have approximately 33% of advisers from the state apparatus. The party government not the other 67%.

On first sight, the parity between state and society would be impaired due to the majority of non-governmental representatives are, indeed interesting, because, apparently, suggests a greater predominance of the internal actions and decisions of the board. However, the CEEL is a body of an advisory and regulatory framework and has no decision making authority for the management of state sports policy. In short, even a minority, the state may have control over the process of deliberation and implementation of these policies, leaving to the Board be consulted on their decisions.

In this regard, Tatagiba (2002) argues that, even in numerical balance of representatives from each segment, there is no guarantee of balance in decision-making due to factors such as training, knowledge of the bureaucracy and red tape, the physical difference between the segments, among others.

Another point to be reported with respect to the real reasons for the participation of directors in that body.

The search for balance in representing the interests of government and non-governmental councils do not deplete the procedural guarantees of numerical parity, but rather should be incorporated in daily practice and joints within the councils [...] the interests that lead entities to compete on the boards are varied, as well as the very notion of what is involved in policy formulation. For many civil society representatives, be in it is a way of getting more resources for your body, not a way of collectively building what would be the public interest in each specific area (TATAGIBA, 2002, p. 58).

Therefore, it is stated that the legal requirement of equality as a principle of balance between state and society on the boards, although absolutely essential, is not, however, sufficient to ensure real equity. Therefore, the Parity seems intrinsically related not only to recognize the legitimacy of representation on the other side, but also the ability to establish agreements with them to encourage both parties (TATAGIBA, 2002).

In this case, in relation to the City Council of Sports Vitória - ES, identifies a numerical imbalance in relation to representatives of the board in favor of representative government. The Board of Vitória has the decision-making powers, but his ability to deliberate the actions and policies is influenced by the sports segment of government, because of this percentage.

The establishment of joint councils is not just a numerical issue, even on boards that have 50% of board representatives of civil society and 50% of directors of the municipal public. Equality of participation is elusive, not excluding the possibility of manipulation by the government, through the power of government representatives (GOHN, 2000).

It is evident that the disputes related to the composition of the councils do not help the national prevalence of

processes more egalitarian. Remember that, since its inception, the goal set of these, was to be an area of social policy decisions democratic.

In this sense in relation to the composition of CEEL realize that they are not considered in this context, relevant sectors of society such as users of sports policy, city managers, military sports associations, amateur and professional athletes, or people for whom should be directed to the board policies. This incompleteness may be a consequence of political and / or lack of qualification of members of these entities.

Finally, we remark regarding the competences of the Council refer to a look of an advisory, as the bylaws, it appears that the body searched, does not have a deliberative, which deplete their ability to proposition and policy-making sports, but is limited to the consulting work to decisions taken by state authorities.

FINAL CONSIDERATIONS

This study sought to analyze the composition, nature and tasks of the State Council of Sports and Leisure in the Espírito Santo in the management of state sport. The research examined the by laws of the institution, a document promulgated on May 19 of 2005, referred to by Complementary Law nº. 322, 2005.

The dynamics of the institutionalized spaces and referred to as Management Councils "is the consequence of a time of political transition prevailing in Brazil after the military regime in the 1970s and 1980s. The Constitution of 1988 caused political openness necessary for popular participation was considered inherent in the decisions at various levels of power. Therefore, the establishment of collective bodies have emerged as an attempt to control social assistance in the implementation of public funds.

The researchers point to the composition and character assumed in most councils, as a major responsible for these disturbances in the spaces in question. The relationship between the percentage of board-wing government and civil society often does not allow a tie, damaging the balance in the final decisions. If the Management Council has an advisory, the company may be the majority, but has no veto power, if you have the deliberative nature, the representation of public administration has a greater influence in decision making. This is the case found in the State Council of Sports and Leisure in the Espírito Santo and the City Council of Sports and Leisure in the city of Vitória, respectively.

The participating representatives of that body take prominence, because it perceives the absence of important areas related to sports. We can not accept the exclusion of categories for which the main decisions taken must contribute. Highlights CEEL the case, is not provided in the bylaws of even the presence of athletes. Even if the associations have representation, it does not give credit to the users of the laws discussed.

Finally, it is emphasized in this study, the need to expand the choir's work which emphasizes public policy in the area of sports, especially focusing on specific issues related to the Sports Councils, including research on the representation of actors in these countries, analysis of discourse of individuals involved in these instances and the possibilities offered in these spaces for the formulation and review policies for Sport.

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ABSTRACT

The objective of the present work is to analyse questions related to the State Council of Sports and Leisure of Espírito Santo. This work refers to a qualitative documental research that focuses on references such as the State regiment and legislation on the State Council of Sports and Leisure. It evaluates categories: composition, character and attributes of this department and concludes that disparities exist between the composition of governmental members and the representation of

society in the investigated context of the State Council of Sports and Leisure. Furthermore, it is verified that this authority does not have deliberative character, fact that may inviolate the proposition and formulation of public politics in this field.

KEYWORDS: Public Administration, Public Policies, State Council of Sports and Leisure of Espírito Santo.

CONSEIL D'ÉTAT DE SPORTS ET LOISIRS: DOCUMENTS D'ÉTUDE SUR VOTRE ADHESION ET POUVOIRS DANS L'ÉTAT DU ESPÍRITO SANTO

SOMMAIRE

Recherche sur les questions relatives au Conseil d'Etat des Sports et Loisirs dans Espírito Santo. Se réfère à un type de recherche qualitative portant sur des sources documentaires et le régime et la législation de l'Etat sur le Conseil des sports et loisirs. Il analyse les catégories: la composition, le caractère et les fonctions de ce corps, et conclut que les différences apparaissent entre la composition des membres gouvernementaux et représentant la société dans le cadre du Conseil, du sport et de loisirs d'une enquête. Elle note également que cette instance n'a pas un caractère délibératif, un facteur qui peut faire dérailler la proposition et la formulation des politiques publiques dans la région.

MOTS-CLÉS: Administration publique, en politique publique, le Conseil d'Etat du sport et de loisirs dans Espírito Santo.

CONSEJO ESTATAL DE DEPORTES Y PASATIEMPO: UNO ESTUDIOS DOCUMENTAL EM RELACIÓN A LA SU COMPOSICIÓN Y ATRIBUCIONES EM EL ESTADO DEL ESPÍRITO SANTO

RESUMEN

Busca analizar cuestiones ligadas em el Consejo Estatal de Deportes y Pasatiempo del Espírito Santo. Referise a uma pesquisa cualitativa del tipo documental que enfoca como fuentes lo régimen y la legislación estatal sobre le consejo de deportes y pasatiempo. Analiza las categorías: composición, carácter y atribuciones deso órgano y conclui que ocurren disparidades entre la composición de los miembros gubernamentales y a representación de la sociedad de Deportes y Pasatiempos investigado. El más deso, constata que esta instancia non posse un carácter deliberativo, factor que pode inviabilizar esta propoción y la fórmulaion de políticas públicas en la área.

PALABRAS-LLAVES: Administración Pública, Políticas Públicas, Consejo Estatal de Deportes y Pasatiempo del Espírito Santo.

CONSELHO ESTADUAL DE ESPORTES E LAZER: UM ESTUDO DOCUMENTAL EM RELAÇÃO A SUA COMPOSIÇÃO E ATRIBUIÇÕES NO ESTADO DO ESPÍRITO SANTO

RESUMO

Busca analisar questões ligadas ao Conselho Estadual de Esportes e Lazer do Espírito Santo. Refere-se a uma pesquisa qualitativa do tipo documental que focaliza como fontes o regimento e a legislação estadual sobre o Conselho de Esportes e Lazer. Analisa as categorias: composição, caráter e atribuições desse órgão e conclui que ocorrem disparidades entre a composição dos membros governamentais e a representação da sociedade no contexto do Conselho de Esportes e Lazer investigado. Além disso, constata que esta instância não possui um caráter deliberativo, fator que pode inviabilizar a proposição e a formulação de políticas públicas na área.

PALAVRAS-CHAVES: Administração Pública, Políticas Públicas, Conselho Estadual de Esportes e Lazer do Espírito Santo.

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