

**Interest Groups in Brazil:  
A new era and its challenges**

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## **Abstract**

This article provides general and specific insights into Brazil's developing interest group system. In doing so, it develops a theoretical context for understanding this group activity. The general insights on the role of interest groups under the limited political participation and authoritarian regimes down to the 1980s, and in the period of the move to democracy since the 1980s, provide background for the specific insights in the article. The specifics focus on three aspects of the contemporary activity of Brazilian interest groups: (1) utilizing a neo-institutional analytical approach for understanding the interest group environment; (2) an analysis of the types of lobbying activity that takes place in contemporary Brazil, including a case study; and (3) an assessment of the level of development of the Brazilian interest group system by placing it in a comparative perspective with both advanced liberal democracies and other Latin American countries. The findings show that Brazil is, indeed, taking on many of the characteristics of a developed interest group system; but its past, its political culture, its political economy and, paradoxically, its new-found status as an international power, work to present many challenges to its group system and thus to a full democratization of the country.

**Key words:** interest group, lobbying, lobbyist, interest representation, decision-making process.

# INTEREST GROUPS IN BRAZIL: A NEW ERA AND ITS CHALLENGES

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## 1. INTRODUCTION

For a number of reasons, since the early 2000s Brazil has gained increasing international attention. One reason is that it has been designated as a BRIC country (Brazil, Russia, India, and China) viewed as the four major emerging economies of the world. Second, in its quest to secure status among the world's leading nations, Brazil hosted a major international environmental conference in 2012; and gained an even higher profile by secured the World Cup for football (soccer) for 2014 and the Olympic games for 2016. When, in October 2009, the world learned that Rio de Janeiro had been selected for the 2016 Olympics, Brazilian President Luiz Inácio da Silva (popularly known as "Lula"), commented "our hour has arrived". A third reason is that, in June 2013, Brazil hit the headlines across the world because of mass street demonstrations (termed manifestations by Brazilians). In essence, these protests highlighted the political paradox of the government spending billions of reais (the Brazilian currency) to get ready for the World Cup and the Olympics while extreme poverty persists all across the nation. The seemingly minor trigger for the protests was a proposed increase in bus fares in Brazil's largest city, São Paulo, with over 20 million people (Ramero and Neuman, 2013).

As we will see, the course of the demonstrations offers important insights into Brazil's evolving interest group system and how this relates to the nation's developing pluralist democracy. In focusing on the Brazilian interest group system, this article has three purposes: to provide a general overview of the contemporary group system; to explore the evolving process of lobbying activity, past and present; and to place Brazil's group activity in a theoretical context.

Interest group activities are often discussed in the Brazilian media, though often from a sensationalist perspective, such as in covering and exposing corruption. As one of the major countries in the region, there is more written on Brazilian interest groups than in most Latin

American countries; but still no general treatment. Although now over forty years old, Philippe Schmitter's, *Interest Conflict and Political Change in Brazil* (Schmitter, 1971), written during a military dictatorship, explores the development of group activity in the twentieth century down to the late 1960s and stresses the importance of political culture and particularly the corporatist element in Brazilian group development. While there are certainly lasting characteristics of interest group activity that Schmitter identified, the past forty years have seen many changes in Brazilian interest group activity. Academic scholarship has not kept up with these changes, however.

The work that has been produced is mostly case studies of specific interests, such as Schneider's work on Brazilian business associations (Schneider, 2004), and do not explain, much less theorize, about the general context and operation of interest group activity in an increasingly pluralist system. Moreover, an interest group approach is rarely used to understand the nation's past or present political system or its policy process. For instance, neither a recent chapter on what shapes public policy in Brazil (Alston, *et al.* 2008), nor a book on Brazilian politics (Montero, 2004) mentions interest groups as political organization or lobbying as such. As in other Latin American countries, the focus has been on social movements, such as the landless movement, and on elite organizations and cliques or power groups.

This lack of a focus on interest groups as such, means that there is little literature in English on the Brazilian interest group system and only a small amount in Portuguese. Original research and data sources on the system are also sparse. To get a picture of the Brazilian interest group scene, past and present, it is necessary to extrapolate information from related sources, such as political histories, case studies of policy-making, and group and organization websites. This article draws on these existing sources but mainly on the author's original research for her doctoral work (Oliveira, 2004) and post-doctoral research. The methodology combines a descriptive explanation for the general overview and a institutional and historical institutional approach for analyzing the specific aspects of the system. This is the most

enlightening way to view the dynamics of the Brazilian interest group system given its past and present political development.

To set the scene, we first provide background on political and economic development and the contemporary governmental system and political scene. This is followed by an explanation of the neo-institutional approach and its particular relevance to the Brazilian interest group activity. Next comes a brief description of the contemporary group system. Then a case-study of the formulation and consideration process of the Brazilian Biosafety Law (1995-2005) is used to illustrate both recent developments in interest groups activity and the value of a neo-institutional approach for explaining that activity. In part, the conclusion examines the implications of recent development in the interest group system for the consolidation of Brazilian democracy.

## **2. INFLUENCES SHAPING BRAZIL'S INTEREST GROUP SYSTEM: POLITICAL AND SOCIO-ECONOMIC DEVELOPMENT AND CONTEMPORARY POLITICS AND GOVERNMENT**

Skidmore, Smith and Green (2014) refer to Brazil as “the awakening giant,” because of its economic potential and increasing role on the world stage, including its designation as one of the BRIC countries. In this and other ways Brazil is different from most other countries in the region (Wiarda, 2014). It accounts for close to a third of the land area of Latin America and over half of South America and is the fifth largest country in the world. At 193 million in 2012, it also ranks fifth in the world in population and that year accounted for over a third of the estimated 550 million inhabitation of Latin America. Brazil has the largest number of Roman Catholics in the world. As to its economy, it is by far the largest in the region and ranked seventh in the world in 2012, just behind Great Britain, with the United States at number one. By 2016 it is expected to overtake Britain and France. Brazil has a GDP (gross domestic product) larger than that of all other South American (as opposed to Latin America countries)

combined. The only other economies in the region that make the top 25 in the world are Mexico at 14th. and Argentina at 25th. (World Bank 2014). Furthermore, in contrast to the rest of Latin America Brazilians speak Portuguese—not Spanish.

Yet, in several ways Brazil is very similar to other Latin American countries. This is especially true of its political development since 1889, and particularly in the twentieth century. As a central aspects of all political systems, from the most authoritarian to the most democratic, the interest group system in Brazil has simultaneously been shaped by these developments and, in turn, shaped the nature of the various regimes. Moreover, Brazil's contemporary interest group system is both a product of the nation's differences and similarities with the rest of Latin America. Most of all, however, as this article explains, Brazil's contemporary group system is primarily the product of recent developments in the nation's political economy, its deeply-embedded political culture, particularly the legacy of a strong executive; but at the same time the expansion of political pluralism under democracy and an increasing role of the Congress. All these developments plus the persistence of old political practices have major implications for the nature and success of Brazilian democracy itself.

## **2.1 POLITICAL DEVELOPMENT**

Another way that Brazil differs from other Latin American countries is that it did not achieve sovereign status through a revolution. Instead, it declared its independence from Portugal and establishing the only monarchy to exist in the region.(1) Independence came under Dom Pedro I in 1822 and, after 1831, under his son, Dom Pedro II, with the monarchy lasting until 1889. In line with all countries of the region, however, since the fall of the monarchy, Brazil has alternating between various forms of both authoritarianism (military and civilian), and participatory and democratic government through to the democratic era since 1985. Also like the rest of the region, Brazil's economy has been subject to extensive levels of government control and ownership mixed with private ownership and freedom of enterprise.

Following the end of the monarchy, the First Republic, in which there was limited political participation, ended with the revolution of 1930. For the next fifteen years the dominant figure in shaping the nation was Getúlio Vargas, president from 1930-45 and 1950-54. Vargas's first term was a civil dictatorship (1937-1945) during which his actions shaped Brazil's political economy and interest group system for many years to come, and parts of his legacy persist today. Vargas instituted a system of state corporatism working to organize business and labor into peak associations that he controlled. He also instituted a policy of state capitalism in which the government established and owned major production facilities, such as steel manufacturing and petroleum, among many other enterprises.

Partly as a result of Brazil's participation in the Second World War on the side of the allies and pressure on Vargas to loosen his dictatorship, a democratic experience came into being in 1945. This expanded political participation but, as the Cold War intensified, some radical elements alarmed the military that was long in the forefront of Brazilian politics. As a consequence, a military coup in 1964 instituted a twenty-one year military dictatorship of so-called bureaucratic authoritarianism in which there was a semblance of pluralism with a government and a opposition political party. Nevertheless, even though the dictatorship was not as repressive as those in Argentina and Uruguay during the same period, opposition was stifled and disappearances of political critics and other human rights abuses occurred on a major scale.

Growing political opposition to military rule and the world economic crises of the 1970s and early 1980s, led the military government to move toward a return to a participatory political system. This culminating in 1985 in the so-called New Republic, which is the contemporary system in Brazil. Aided by a new constitution, written in 1988, the New Republic has seen a gradual move toward a pluralist democracy with the establishment of several political parties and the re-emergence of several hitherto banned or controlled interest groups, and the establishment of many others. Major economic reforms began in the late 1980s under President Fernando Collor (1990-92), were continued by President Itamar Franco (1992-95)

and particularly by President Fernando Cardoso (1995-2003). These were neoliberal reforms, in line with the Washington Consensus, that opened up the economy to foreign goods and services and sold off many of the state-owned businesses to the private sector.

Although feared as radical by many of his opponents, Lula da Silva, a major opponent of the military regime who served as president from 2003-11, was moderate in his years in office and more or less followed the economic policies of his predecessors. Dilma Rousseff, who took office in 2011 as Brazil's first woman president, another strong opponent of the military regime, has also continued economic liberalization policies. Though, since early 2013 Brazil's economy has been faltering and this has exacerbated political tensions between rich and poor and Brazil's quest to acquire legitimacy as a world power in the eyes of developed nations.

## **2.2 CONTEMPORARY GOVERNMENT AND POLITICS: A FRAGMENTED POLICY PROCESS**

Regarding the formal structure of government, Brazil is a federal republic with 26 states and a Federal District in Brasília. The head of state is an elected President who serves a four-year term and is limited to two terms in office. The legislature is a bicameral national Congress with a Chamber of Deputies (513 members directly elected by citizens for a term of four years) and a Senate (81 members directly elected for a term of eight years) with representatives of 26 states, plus the Federal District of Brasilia. Following the return to democracy in 1985, a multi-party system was re-established. Today the four major parties are: The Brazilian Democratic Movement Party (PMDB); the Brazilian Social Democratic Party (PSDB), the Workers' Party (PT) and the Social Democratic Party (PSD). The Workers' Party was led for many years by Lula da Silva, and the current president, Dilma Rousseff, is from the party. There are also an increasing range of interest groups that we explain in the sections to follow.

Turning to the practical operation of government, which is a major factor in shaping interest group activity, the policy-making process is, in theory, a strong presidential system. In



practice, however, the policy process is fragmented. On the one hand, the president appoints his or her cabinet, which theoretically, gives them influence over the operation of the executive bureaucracy; most legislation—as much as 85 percent—comes from the president and the executive; he or she controls the national budget; and the president is able to legislate by provisional measures<sup>i</sup>. The latter is an instrument created by Brazil's 1988 constitution, which replaced the decree-law. It allows the president to legislate in urgent cases. In part, it was instituted to aid in dealing with the extensive poverty in the nation and to aid in developing a welfare state. However, Congress must ratify or reject a provisional measure during the 60 days following it being issued.

This situation led Pereira and Mueller (2003) to develop a “theory of executive dominance” to describe this phenomenon which, in essence, they argue encapsulates the nature of contemporary Brazilian government. In regards to executive-legislative relations, the constitutional power of the executive has led two other political scientists, Figueiredo and Limongi (1999), to argue that the legislature in Brazil operates to some degree as agents of the executive. Therefore, lobbying in Brazil, and particularly in regard to the Congress, can be viewed as largely reactive to executive actions. Constitutional authority is one thing, however, the realities of practical politics are often quite another.

So, on the other hand, several factors tend to undermine presidential influence. One is the weakness of political parties. While the Brazilian electoral system is competitive parties in Congress are only important when the executive needs to get a measure approved (Pereira and Mueller, 2003). Party weakness results, in part, from the youth of many of the parties and a high turnover of Members of Congress, particularly in the Chamber of Deputies, but mainly from the proportional electoral system which facilitates the election of many legislators representing special interest from agriculture to business to various trade unions. These Members of Congress often place loyalty to their organization or interest above party.

Paradoxically, at the same time, the increased influence of Congress since enactment of the Constitution of 1988, in certain circumstances, also works to fragment the policy process.

For instance, the College of Leaders in the Chamber of Deputies, composed of members from parties with at least six members and President of the Chamber and the Majority and Minority leaders, sets the agenda for the Chamber and, in effect, nothing gets considered by the Chamber without agreement between the College of Leaders and the executive branch. Consequently, the College of Leaders possesses a considerable power, and no Deputy would dare to vote against it (Figueiredo and Limongi, 1999).

As a consequence, the term “coalition presidentialism,” coined by political scientist, Sergio Abranches in 1988, is the best way to describe national policy-making in Brazil. This involves the president working to form coalitions in Congress to get his or her proposal through. It involves a system that what Brazilians call *fisiologismo* involving what is best described as old-fashioned clientelism and pork-barreling in exchange for votes (Montero, 2005, 64; Alston, *et al.* 2008).

Added to this is the fact that, although the Brazilian civil service has become increasingly professionalized since the return to democracy, there are many entrenched relationships between ministries and other state agencies and client groups and political interests of various types. And while presidents and legislators come and go, other than top appointed executive officials, civil servants are more or less administrative fixtures.

Almost all policies (including, commercial, financial and industrial development) in Brazil are regulated by federal laws and controlled by federal agencies. In addition, federal employees have a strong union. It means the bureaucracy matters.

Finally, the federal system and localism often works to fragment policy-making process. Vargas weakened federalism in his efforts to centralize Brazil. But for years and still currently, many the governing bodies of many organizations are based on representation from the various states, often to the detriment of large metropolitan areas like São Paulo and Rio de Janeiro. This for many years was true of business associations (Schneider, 2004). And with weak parties, Members of Congress work to represent their constituents and this often gets in the way of coordinated policy-making.

While not an exact equivalent, the Brazilian policy-making process exhibits a similar fragmentation to the federal and state systems in the United States. In effect, the Brazilian version of separation of powers often leads to political stand-offs. Consequently, there is need for skillful politics on the part of legislative leaders and the president and executive branch personnel to overcome stymied policy-making; sometime this political puzzle can be put together, sometime there is deadlock.

### **3. UNDERSTANDING THE OPERATION OF INTEREST BRAZILIAN GROUPS: AN INSTITUTIONAL APPROACH AND ITS RELATIONSHIP TO CORPORATISM**

A theoretical framework for understanding the development and current status of the group system, must take into account the confluence of particular conditions, past and present, that provides a general explanation of the specific evolution and contemporary characteristics of the Brazilian system. This, it is argued here, lies in the institutional approach and its relationship to corporatism and modified corporatism.

#### **3.1 INSTITUTIONAL AND HISTORICAL INSTITUTIONAL THEORY: AN OVERVIEW**

With the development of the behavioral approach in political science in the 1960s, the structural-functional approach focusing on institutions—legislatures, executives, judiciaries, parties and interest groups, among others—lost favor with many scholars. Institutions were seen as less important in shaping policy than decisions of individuals in the policy process. Thus, several new theories, including rational choice, game theory and elite theory, among others, came into vogue. The 1980s and onwards have seen a reaction to this down-playing of institutions. Their explanatory role of institutions has been revived often under the general mantra “institutions matter.” When used in conjunction with other approaches, institutionalism (sometimes referred to as new institutionalism, or neo-institutionalism by Europeans), and its

variant historical institutionalism, are useful theoretical approaches for understanding Brazil's interest group system.

There are several variations on institutionalism and its literature is extensive (Gorges, 2004). In essence, however, and for our purposes here, the institutional approach is as follows. To quote Thelen (1991, 22), institutionalism is “concerned with illuminating how institutional arrangements shape political outcomes by structuring relationships among contending social groups.” In general, new institutionalists focus on two aspects of politics: the conditions under which the institutional environment has an effect; and institutional change and the process of institutionalization. As regards the policy process, they argue that the institutional environment shapes the goals and means of the participants in the policy-making process. In turn, this environment is shaped by two major forces: the state and political interests. Therefore, new institutionalist analysis of interest groups attempts to explain the relationship between, institutional structures, interest intermediation, policy choice, and policy impact (Gorges, 2004, 64).

The variation of historical institutionalism applies this institutional approach in a historical context to explain the development of power groups, interest and interest group systems and their affect on policy. Over time and in contemporary politics, institutions on the one hand, and those involved in politics—elected officials, civil servants, lobbyists and group leaders, political party officials, and so on—on the other, are interdependent and the one affects the actions and patterns of operation of the behavior of the other. Institutions affect and constrain those involved in politics and, in turn, their actions shape institutions.

Two debates are central to the institutional approach: the definition of institutions and the role institutions play in socio-economic and political life. While most scholars include formal institutions (such as legislatures and executives and their various committees and agencies) and informal institutions (such as informal rules, like those regarding seniority in a legislature) in their definition, others go further and include such factors as social norms or various types and class structure (Thelen and Steinmo, 1992, 19). For our purposes in this article, the first

definition is most appropriate; though as in any society, politics in Latin America has been shaped by social norms and particularly social class.

As to the second debate, which in essence, is one about the extent to which institutions matter, there are three contending perspectives. The first school, that of rational choice institutionalists, who see those involved in institutions as utility-maximizers. The second, historical institutionalists, criticize rational choice perspective for not taking into account personal preferences and the interaction of various groups over time, which is the root of institutions evolving over time. And the third approach, that of sociological institutionalists, sees what amounts to the need to use the broad definition of institutions outlined above, as essential to understand the real role and impact of institution. As indicated above, in this article we base our analysis, in large part, on the assumptions of historical institutionalism, though draw on the other perspectives.

### **3.2 THE INSTITUTIONALISM-CORPORATISM LINK AND ITS RELEVANCE TO THE BRAZILIAN CASE**

Even from this short overview, it is clear that the institutional approach is particularly relevant for understanding the development of societies that have been subject to a major role of the state and its involvement with prominent interests in the form of state corporatism and neo-corporatism. As Collier and Collier (1979, 967) have commented, corporatism, “takes as its starting point the role of the state in shaping interest representation.” The state plays an active role as the architect of political order favoring and promoting some groups at the expense of others and therefore by profoundly affecting group dynamics (Gorges, 2004, 65). This is the case of the various types of corporatism from a brand of state corporatism highly controlled by the state to a form of societal or neocorporatism that is part of a pluralist democratic system. In the words of Schmitter (1982, 260, quoted in Gorges, 2004, 65), “the state is a constitutive

element engaged in defining, encouraging, regulating, licensing and/or repressing the activities of associations.”

Given Brazilian history and particularly the role of government and its use of various forms of corporatism, the institutional approach clearly has a lot to offer in developing any theoretical framework for understanding the nation’s group system. There are several reasons for this.

First, while other explanations have insights to offer, such as rational choice, various theories of pluralism and particularly elitism, these alone do not explain Brazil’s interest group system past and present (Ramos, 2004). Including the role of institutions, and particularly government, is essential. In fact, we argue here that the institutional approach should be the central element in any such theoretical explanation. It has major relevance to the development of the system and its contemporary characteristics.

Second, and a related point, as we have noted, Brazil has a long history of government involvement in society. This has not only been true in periods of authoritarian rule, but also in times of more participatory government, through the ownership of enterprises like the state oil company Petrobrás, and through its major funding of infrastructure and events like the World Cup and Olympics. Because it is government, particularly the national government, that has created and shaped many of the prominent institutions including, as we will see below, many advocacy associations, are defined, institutional influences are central to understanding group activity. Furthermore, government decision-makers are not neutral players and have used government’s institutional capacity to shape the group system.

Third, the tradition of a strong executive has shaped much of the way that power groups, interests and interest groups have gone about doing their political business. Even in the contemporary democratic era, with more power in the Congress and a more fragmented policy process compared with authoritarian times, the presidency is still a major power point. And regarding increased Congressional influence, as we noted above, institutions such as the College of Leaders and Congressional committees wield considerable influence, as do the

actual representation of various special interests through members of Congress. Moreover, because of the major role of government, government has been an important lobbying force, particularly since the return to democracy. To be sure, various agencies and levels of government are major lobbying force in all democracies; but the history of major government involvement has perhaps made lobbying by government more significant over time than in the developed democracies.

Fourth and as in Latin America in general, because of the colonial heritage and debt crises, among other factors, international institutions have worked to shape elements of interest groups activity in Brazil. This includes national governments, particularly the United States and some European countries, as well as agencies like the IMF (International Monetary Fund) and the World Bank.

For all these reasons, over time and currently, institutions have really mattered in shaping Brazilian interest group activity. And even though Brazil has become less and less corporatist, this element of new and historical institutionalism is a very valuable framework for understanding the development of Brazilian interest groups. As alluded to above, however, this theoretical approach is not the only explanation: it is part of a combination of explanatory factors.

#### **4. HOW LOBBYING WORKS IN BRAZIL**

We identified in a previous work (Oliveira, 2004) that lobbying in Brazil operates in several ways and we divided it into four broad categories: governmental lobbying; private sector lobbying; professional labor lobbying and consultant lobbying.

In Brazil, we assume governmental lobbying as that executed by several governmental bodies, when they try to influence their own decisions in the Executive and Legislative Branches, to secure their rights and attributions or acquire new ones. The governmental lobbying concerns the performance of Ministries, State Companies, Autarchies, Regulatory

Bodies and other state bodies. In general, all the state bodies possess Departments of Parliamentary Consultation with the intention of influencing the decision makers on what is better for the State itself. This happens because the government bodies look to defend several and conflicting interests, acting as pressure groups in the dispute for budgets or competences.

Governmental lobbying, in general, is particularistic. However, in the lobbying undertaken by the Ministries, that characteristic increases, creating a series of conflicts among them. To show the governmental lobbying strategies of action, we studied one of the Defense Ministries Parliamentary Consultation.

Private sector lobbying is that conducted by private companies devoted to influencing their relationships with the government in regard to specific policies. Their corporate, institutional or public affairs departments are devoted to the relationship with the different spheres and government venues.

Multinational companies were the first ones to use private sector lobbying in Brazil, because some of these companies have already had some experience abroad. Their corporate, institutional and public affairs departments already acted during the military dictatorship. With the “distention period” from 1974 to 1978 and the re-democratization starting from 1985, that performance was reinforced (Lopes, 2003).

Surprisingly, in Brazil Public Affairs Departments are not always in charge of the lobbying activity. Some of them are responsible only for the company image, events promotion, communication and marketing. The majority of the national companies contacted by our previous research had informed prefer to hire a lobbying and consultation office to defend their interests.

Professional labor lobbying is that made by federations of national labor or industrial unions, with the goal of influencing Executive and Legislative decisions to promote or defend



the interests of their affiliates. The professional labor lobbying refers to the performance of the class entities and the major ones in Brazil nowadays are: CNI (National Industry Confederation) and DIAP (Parliamentary Consulting Inter-union Department).

Their performance aims to press and influence the Executive and Legislative Branches in order to defend the interests of their affiliates. When representing unions and federations, the class entities spread across a wide range of different and more often than not, conflicting interests. That is why they are limited to defending the consensual and majority interest of their affiliates. When an affiliate needs to pursue a specific issue CNI and DIAP often suggest that they hire a lobbying and consultation office.

Consultant lobbying refers to lobbying made by attorneys, political consultants and public affairs personnel who are hired to represent their clients in exchange for money. As the activity is not regulated and due to the delinquency stigma that the lobbying assumes, publicity agencies, communication agencies, public affairs agencies, law firms and political analysts act in the section, but they do not see themselves as lobbyists making it difficult for researchers to properly assess their role and influence. The first lobbying consultant office was open in the mid 70s; however, the activity of these offices was intensified with the re-democratization process.

#### **4.1 INTEREST GROUPS STRATEGIES AND TACTICS: ANALYZING THE FORMULATION AND CONSIDERATION PROCESS OF THE BRAZILIAN BIOSAFETY LAW (1995-2005)**

The formulation of lobbying strategies and tactics involve, among other decisions, how to present a proposition, bill or amendment; design a communication strategy involving scheduling appointments with decision makers, taking them to educational events or to the interest group's headquarters for a visit; present impartial and reliable information based on academic studies and technical opinions; and, in particular, ways of exerting pressure on decision-makers. Pressure tactics involve acquiring political allies and convincing those who don't support their cause, or at least be neutral<sup>ii</sup>.

However, interest groups action can be considered successful not necessarily when the proposition elaborated by them is approved by the legislature. Depending on the interest to be accomplished rejection, withdrawal or shelving of such proposition which is not of interest to such group can be considered a successful action.

In Brazil, like in other countries, a successful interest group action must meet some requirements. Thus, without money, knowledge and expertise, political skill, personal contacts and headquarters in Brasilia, in addition to the ability to mobilize supporters and gain public visibility, the chances to influence the decision making process are not very high.

In order to show how interest groups work in Brazil regarding their strategies of action, we will analyze the Brazilian Biosafety Law formulation and consideration process presented by Taglialegna (2005). This process took ten years to be accomplished and has involved several actors such as biotechnology companies and entities, agribusiness, consumers, scientists and environmental protection interest groups. The main objective of this law was to create security and inspection rules to deal with Genetically Modified food known as transgenic food. The law also included items on the use of human embryos, human cloning and environmental licensing for Genetically Modified food.

The Executive Branch was the primary sponsor of the Biosafety Law. This issue was largely discussed in this venue, showing in the process how diverse the positions inside the government were. The major discussion about the issue was which governmental body would be responsible for granting GM licenses in Brazil. Some interest groups believed that it would be better if CTNBio, a multidisciplinary commission made up of scientists and linked to the Science and Technology Ministry were in charge of the process and had the final word on the subject; others believed that the precaution principle<sup>iii</sup> must be pursued and for that the Environmental Ministry, the Ministry of Agrarian Development and the Health Ministry should issue specific certificates like Environmental Impact Report (EIR) for companies and, after that

CTNBio should evaluate each case carefully. Getting these several certificates in different governmental bodies would make it much more difficult for companies to get such a license.

The interest groups which defend the simplification of the licensing process had the support of the Ministry of Agriculture, Fishing and Supplies and the Science and Technology Ministry. The main groups were: Brazilian Agricultural Research Corporation (Embrapa), Monsanto, Novartis, AgrEvo, Pionner/Du Pont; National Agriculture Confederation (CNA), Brazilian Organization of Cooperatives (OCB), Biosafety National Association (ANBio), Brazilian Rural Society (SRB), Brazilian Association of Seeds Producers (ABRESEM), Brazilian Association of Vegetable Obtainers (BRASPOV), Brazilian Society for the Progress of Science (SBPC) (Taglialegna, 2005).

Those groups that wanted to make it more difficult to get the license had the support of the Environmental Ministry. The main groups were: Bureau of Consumers Protection (PROCON), Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), Greenpeace, Consumers Protection Bureau (IDEC), Transgenic Free Nation (Por um Brasil Livre de Transgênicos).

As we can notice, this process was able to show us almost all types of lobbying in action. Governmental lobbying, private sector lobbying and professional labor lobbying are clearly involved. Nevertheless, the consultant lobbying is more difficult to be identified, but private sector lobbying and professional labor lobbying usually hire lobbying and consultation offices to assist them, acting as partners.

The legislative monitoring was widely used by all of these civil society organizations, business associations, firms and governmental bodies. Through the legislative monitoring<sup>iv</sup> it is possible to obtain information on all aspects of the subject that interests the group. By analyzing, adapting and supplying this information to the decision makers, legislative monitoring subsidizes the convincing process, i.e., the pressure moment.

The pre-project introduced to the Chamber of Deputies by the Executive Branch had the following shape:

- a) It restricted the CTNBio power and demanded environmental license certificate issued by IBAMA;
- b) It created the National Biosafety Council (CNBS) made up of 12 Ministries;
- c) It demanded the food labeling to GM products;
- d) It prohibited the human cloning and the use of human embryos to produce stem cells.

Before the bill was introduced 67 environmental protection groups sent a manifest to the Executive Branch to support the pre-project text and express their concerns about possible changes caused by the action of other interest groups.

More than one hundred scientists and biotechnology entities sent to the Executive Branch other manifest, in the same period, expressing how the pre-project could damage their interests and offering suggestions for changing in order to simplify the GM food licensing process.

The environmental protection groups were right. At the end of the legislative process the bill's preliminary shape was completely changed.

With the introduction of the bill in 2003, a Task Force at the Chamber of Deputies was created to evaluate it. The committee chairman nominates a member that will be responsible for preparing the committee's report on that issue. The Chamber of Deputies Task Force on Biosafety had two different members in charge: Aldo Rebelo and Renildo Calheiros. Aldo Rebelo's report privileged the simplification of the licensing process and answered biotechnology companies and entities and agribusiness interests. He was replaced by Renildo Calheiros whose report, contrary to his predecessor's, privileged the environmental and consumers' protection groups. His report established that CTNBio could issue a "conclusive preliminary report", linked to other governmental bodies, like IBAMA, an organ under the Environmental Ministry and ANVISA, an organ under the Health Ministry. His report also

sustained the prohibition of the use of human embryos to produce stem cells and was supported by the “Gospel bunch”.

Renildo Calheiros’ report was clearly influenced by the Environmental Ministry head, Marina Silva, who pressured directly the committee member and had the President’s support.

The Task Force was made up of agribusiness, in its majority. It was necessary to avoid the influence of the so called “agribusiness bunch” inside the Committee. Then, Renildo Calheiros’ report was sent directly to Plenary to be voted.

304 amendments were presented, 278 while in the Task Force and 26 while in the Plenary. The major interest groups participation channel was the amendments suggestion. CNA, OCB, ANBio, Monsanto sent their amendments suggestions through the “agribusiness bunch”. Whereas, Greenpeace, IDEC and Transgenic Free Nation sent their amendments suggestions through Labor Party (PT) deputies linked to the Environmental Ministry head, Marina Silva.

Calheiros’ report was approved in the Plenary and was sent to the Senate to be evaluated.

In the Senate the bill consideration was made by four Committees – Constitution, Justice and Citizenship; Economic Issues; Social Issues and Education. Six public consultations were held by the Social Issues and the Education Committees.

The major political strategy carried out by agribusiness and biotechnology companies and entities groups in the Senate was to request consideration by the Education Committee. Despite the fact that Biosafety has no relation to education, the committee chairman, senator Osmar Dias, was a prominent agribusiness advocate. Other Committees chose to analyze together the bill and Senator Ney Suassuna was placed in charge of reporting on the committees.

Influencing the nomination of the member who will be responsible for the committee's report is one of the most important strategies of action of the interest groups in the Brazilian Congress and the interest groups which were favorable to the simplification of the licensing process knew very well how to use this strategy.

During the debates opening, 13 scientific interest groups<sup>v</sup> sent a letter to all senators requesting some changes in the bill in order to simplify the licensing process.

Dias' report was favorable to the simplification of the licensing process. However, Suassuna's report brought up interesting issues: a) it created an appellation mechanism against CTNBio report that should be carried out by CNBS and b) it released the use of more than three year old frozen human embryos with parent's agreement.

Interest groups favorable to the simplification of the licensing process were able to notice that an alliance with scientific interest groups who advocated the release of the use of human embryos to produce stem cells should be conclusive to the achievement of their goals. Then, they became supporters of the human embryos release and the scientific interest groups became supporters of the GM simplification licensing process. Therefore, a strong alliance was made between them.

In the plenary these bill received 20 amendments. Suassuna's report was approved by senators and the consideration process went back to the Chamber of Deputies.

Using their personal contacts ANBio sent to several senators 57 amendments suggestions. ANBio, CNA and OCB used to send their amendments suggestions directly to senator Osmar Dias office (Taglialegna, 2005: 82).

Personal contacts with powerful people are a strategy of action largely used by interest groups in Brazil. In order to convince the decision makers the interest group lobbyist needs to meet some requirements such as: good communication skills, interpersonal interaction and an

empathy with the decision maker. The lobbyist is, above all, a good communicator, since his objective is, more often than not, to change the opinion and the attitudes of the decision maker on the subject that is being discussed.

The lobbyist involves and seduces the decision-makers in an almost affectionate process. Thus, not only the arguments that privilege the defense of the public interest are used, but also, emotional arguments are more effective than the technical ones. Emotional arguments like taking disabled people to the senators' offices were largely used by scientific interest groups who also made use of the media in order to convince the decision makers to release the human embryos to produce stem cells.

These groups also had supplied information based on academic studies to the decision makers in order to influence them. This information, proven to be reliable and based on sound arguments made a difference.

It is during the pressure moment that the lobbyist exploits his relationship with the decision maker, and this relationship is not disinterested. To reach the interest groups desired objectives it is essential to show the political benefits for the decision makers' career and to implement actions to compete for that end such as improving their electoral basis by showing the community that these decision maker support their cause.

Meanwhile, in the Chamber of Deputies, the political scenery was completely different. The government, pressured by the Ministry of Agriculture, Fishing and Supplies, the Science and Technology Ministry and agribusiness interest groups became a supporter of the simplification of licensing process.

Another committee internal rule maneuver was performed and Calheiros, the original Committee member in charge of reporting was replaced by Deputy Darcísio Perondi, a

transgenic food advocate which had no restrictions or presented changes to the senators' report. Therefore, the report was rapidly approved by the Task Force.

“Fifteen minutes later, the new member responsible for the committee report presented his favorable vote to the Senate text, which was approved by the Committee vast majority.” (Dolabella, Araújo e Faria, 2005, apud Taglialegna, 2005: 75)

The second phase of the debates in the Chamber of Deputies saw a change in the focus. That moved to a discussion about the release of human embryos to produce stem cells, and the GM food debate was left behind.

The Law was clearly favorable to the simplification of the GM licensing process for giving to the CTNBio the final word on the subject. But the Law also established an appellation mechanism against CTNBio conclusions and the food labeling to GM products. The appellation mechanism should be requested by the Ministries and analyzed by CNBS. CNBS, on the other hand, is able to give the final word on the GM commercialization and to issue specific certificates, like EIR.

## **5. FINAL CONSIDERATIONS**

Interest groups influenced widely the formulation and consideration process of the Biosafety Law. We can notice their action when we compare what was proposed by the Executive Branch and what was approved by the legislature.

Analyzing the Biosafety Law consideration process we can also notice how important institutions were in this process. Interest groups would access decision makers in order to perform Committee rules maneuvers; to influence the nomination process of the member responsible for the committee's report; to influence the request of urgent consideration motion and to influence the request for the consideration by the Education Committee in the Senate.



Electoral institutions also played their role in this process. Scientific interest groups managed the media very well in order to sensitize the public opinion changing the focus of the debates, and as a consequence, decision makers regarding the release of the human embryos to produce stem cells. Powerful interest groups that are capable of influencing the decision makers' electoral basis and have enough money had easy access to the decision makers.

However, the Executive Branch had a strong dominance over this entire process. Despite the fact of being the bill primary sponsor, the Executive Branch monopolized the formulation process inside the Civil House privileging the Ministries point of view. Thus, the Executive Branch centralized the decision-making process because of its extensive regulatory power.

This institutional arrangement affected the interest groups operation. In the Legislature interest groups tried to get support from the Executive Branch to their demands. But, the Executive Branch did not sustain a strong ideological position about the issue, changed its focus and sometimes supported concurrent groups at the same time.

Other strategies of action such as grassroots lobby, personal contacts access and the ability to build alliances were largely used by them.

Those interest groups with resources such as biotechnology companies and entities and agribusiness groups had predominance in the consideration process analyzed. But consumers and environmental protection interest groups were able to introduce important points like the appellation mechanism against CTNBio conclusions and the food labeling to GM products.

We are positive that the lobbying activity is essential in a democracy. The decision makers are confronted with a complex variety of interests and the technical information that the lobbyists take to them is vital because it subsidizes their actions.

The lobbying process makes possible to interest groups supply impartial and reliable information, based on sound arguments to the decision makers, and as a consequence,

develops an important communication channel between the civil society and the State. This communication channel enables the exchange of ideas and information with the public in general, which will subsidize the decision-making process, and will make interest groups a qualified state interlocutor.

But, two points must to be emphasized. The first one is the fact that only few groups are properly organized and have financial resources to lobby and the second one is the fact that to promote broad and durable coalitions is not the lobbyists focus in Brazil, because they use to defend specific interests and often particularistic in order to extend social protection promoted by the State.

Thus, there are challenges to overcome such as how to improve transparency, avoid unfair advantages by privileged access and equalize political resources and political power unbalance.

Lobby regulation by itself is not enough to overcome these challenges. Beyond lobby regulation it is necessary to have more independent civil society and institutionalized interest groups. Brazilians have a long road ahead.

## **Acknowledgements**

The author wishes to thank Prof. Clive Thomas, José Beserra Cosmo and Gustavo Taglialegna for comments and suggestions that significantly improved this paper. All remaining errors are my own.

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## APPENDIX 1

Table 1 – Lobbying strategies of action by lobbying types. São Paulo, Brazil, 2004.

Lobbying Types	Main Characteristics	Strategies of action
<b>Governmental lobbying</b>	Performed by ministries, state companies, autarchies, regulatory bodies and other bureaucratic agencies. They press the Executive and the Legislative Branch aiming to assure their rights or secure new ones.	<ol style="list-style-type: none"> <li>1) Provide qualified information about issues that involve the state body interests;</li> <li>2) Legislative and political monitoring;</li> <li>3) Look for allies;</li> <li>4) Pressure to influence the the nomination process of the member responsible for the committee's report.</li> </ol>
<b>Private sector lobbying</b>	Performed by private companies' public affairs departments devoted to the relationship with the different spheres and government venues.	<ol style="list-style-type: none"> <li>1) Provide qualified information based on academic studies;</li> <li>2) Legislative and political monitoring;</li> <li>3) Look for allies;</li> <li>4) Improve the company's image as well as enable the exchange of ideas and information with the public in general.</li> </ol>
<b>Professional labor lobbying</b>	Performed by class entities. Their objective is to press and influence the Executive and Legislative Branch in order to defend the consensual and majority interests of their affiliates.	<ol style="list-style-type: none"> <li>1) Provide qualified information based on sound arguments;</li> <li>2) Legislative tracking;</li> <li>3) Look for allies;</li> <li>4) Mobilize their hundreds of affiliated entities to assure public visibility;</li> <li>5) Propose bills and popular initiative;</li> <li>6) Produce publications that are sources of information for the government and for their affiliates and gaining great legitimacy.</li> </ol>
<b>Consultant lobbying</b>	Performed by lobbying and consulting offices. Publicity agencies, communication Agencies, public affairs agencies, Law firms and political analysts act in the section representing particularistic interests.	<ol style="list-style-type: none"> <li>1) Identification of the problem and the customer's objective;</li> <li>2) Legislative tracking;</li> <li>3) Political tracking;</li> <li>4) Tracking analyses;</li> <li>5) Strategy of action formulation - identify how to solve the client's problem, presenting a proposition, bill or an amendment; to design a communication strategy, making appointments with the decision makers, taking the decision makers to educational events or taking them to the client's facilities for a visit; presenting impartial and reliable information, based on academic studies and technical opinions;</li> <li>6) Pressure.</li> </ol>

## Biographical notes

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<sup>i</sup> The provisional measure is an instrument created by Brazil's 1998 constitution, which replaced the decree-law and allows the president to legislate in urgent cases. Congress then must ratify or reject the measure in the next 60 days.

<sup>ii</sup> In the Appendix 1 there is a table that summarizes lobbying strategies of action in Brazil by lobbying types.

<sup>iii</sup> The precaution principle rests on four assumptions, namely prudent action in advance of scientific uncertainty, shifting the burden of proof into the would be developer to show no unreasonable harm, ensuring that environmental wellbeing is given legitimate status, and developing best practice techniques in the pursuit of management excellence.

<sup>iv</sup> By the websites of the Chamber of Deputies ([www.camara.gov.br](http://www.camara.gov.br)) and the Federal Senate ([www.senado.gov.br](http://www.senado.gov.br)), citizens are able to obtain very detailed information about the introduced bills and their consideration process.

<sup>v</sup> Biosafety National Association (ANBio), Brazilian Academy of Sciences (ABC); Brazilian Biotechnology Association (Abrabi); Brazilian Muscular Dystrophy Association (ABDM), Brazilian Food Protection Association (Abrapa); Brazilian Center of Gens Storage, Human Genome Study Center; Brazilian Society of Food and Nutrition (SBAN); Brazilian Society of Food Science and Technology (SBCTA); Brazilian Society of Genetics (SBG); Brazilian Society of Plants Improvement (SBMP), Brazilian Society of Microbiology (SBM) and UFRJ Vegetable Biotechnology Under Graduate Program. (TAGLIALEGNA, 2005:69).