

HENRIQUE ALMEIDA DE CASTRO

Compulsory deliberation: Variations in stability between South African and
Brazilian economic councils

*(Deliberação compulsória: Variações de estabilidade entre conselhos
econômicos sul-africanos e brasileiros)*

Ph.D. Thesis

Supervisor: Associate Prof. Dr. Diogo Rosenthal Coutinho

UNIVERSIDADE DE SÃO PAULO

FACULDADE DE DIREITO

São Paulo – SP

2022

HENRIQUE ALMEIDA DE CASTRO

Compulsory deliberation: Variations in stability between South African and
Brazilian economic councils

*(Deliberação compulsória: Variações de estabilidade entre os conselhos
econômicos sul-africanos e brasileiros)*

Ph.D. Thesis presented to the Graduate Program in Law at the
Faculdade de Direito da Universidade de São Paulo,
Universidade de São Paulo, to obtain the degree of Doctor of
Philosophy in Law.

Supervisor: Associate Prof. Dr. Diogo Rosenthal Coutinho.

Area of Concentration: Economic, Financial, Tax and
Environmental Law.

UNIVERSIDADE DE SÃO PAULO

FACULDADE DE DIREITO

São Paulo – SP

2022

Catálogo da Publicação
Serviço de Biblioteca e Documentação
Faculdade de Direito da Universidade de São Paulo

Castro, Henrique A.

Compulsory deliberation: Variations in stability between South African and Brazilian economic councils ; Henrique A. Castro ; orientador Diogo Rosenthal Coutinho -- São Paulo, 2022.

xx, 212 f.

Tese (Doutorado - Programa de Pós-Graduação em Direito Direito Econômico, Financeiro e Tributário) - Faculdade de Direito, Universidade de São Paulo, 2022.

1. Public-private relations. 2. Corporatism. 3. Deliberative democracy. 4. Legal institutions. 5. Industrial policy. I. Coutinho, Diogo Rosenthal, orient. II. Título.

Nome: Henrique Almeida de Castro

Título: Deliberação compulsória: Variações de estabilidade conselhos econômicos sul-africanos e brasileiros

Tese apresentada ao Programa de Pós-Graduação da Faculdade de Direito da Universidade de São Paulo, área de concentração de Direito Econômico, Financeiro, Tributário e Ambiental, como requisito para obtenção do título de Doutor em Direito.

Aprovada em: _____

Banca examinadora:

Prof. Dr.: _____
Instituição: _____
Julgamento: _____

Prof. Dr.: _____
Instituição: _____
Julgamento: _____

Prof. Dr.: _____
Instituição: _____
Julgamento: _____

Prof. Dr.: _____
Instituição: _____
Julgamento: _____

Prof. Dr.: _____
Instituição: _____
Julgamento: _____

ACKNOWLEDGEMENTS

Over the course of more than five years, I have accumulated more debts than I can acknowledge in this small space. On the financial side, I am grateful to São Paulo Research Foundation (FAPESP) for awarding me two different grants for this project: grants #2018/07448-0 and #2020/04462-2. I would also like to thank FAPESP's anonymous reviewer, who provided thoughtful feedback to all my reports.

The success of any doctoral research depends heavily on its supervisor, and I cannot find enough good words about mine. It is not an overstatement to say that I would today not be the same academic had I not had Diogo Coutinho as a mentor and friend since my days as an undergrad. Beyond his careful considerations, Diogo always worked to build a climate of collaboration among his supervisees. Thanks to that, I had the luck of discussing early drafts of my work with brilliant colleagues like Alexandre Ferreira, Beatriz Kira, Carolina Saito da Costa, Clara da Mota Santos Pimenta Alves, Clarissa de Melo Mesquita, Heloisa Bianchini, Henrique Lago da Silveira, Frederico Haddad, Juliana Melcop Schor, Juliana Oms, Leonardo Barbosa, Luiza Kharmandayan, Marcelo Chilvarquer, Maria Carolina Foss, Mariana Levy Piza Fontes, Mateus Piva Adami, Pedro do Carmo Baumgratz de Paula, Pedro Salomon Bezerra Mouallem, Raquel de Mattos Pimenta, and Vitória Oliveira.

I was also very fortunate to have spent one year as a visiting fellow at the Harvard Kennedy School's Ash Center for Democratic Governance and Innovation. There, I had the chance to discuss my work with Archon Fung, Caleb Miller, Edana Beauvais, Emilia Aiello, Heather Schonfeld, Johnnie Lotesta, Jure Vidmar, Marshall Ganz, Meredith Dost, Miles Rapoport, Mo Torres, Pauliina Patana, Quinton Mayne, Tova Wang, Yanilda González, and Ying Gao. During my stay, James Rasiah provided invaluable support as the democratic governance program manager. I would also like to thank the anonymous workers of Harvard's libraries, who dutifully fulfilled my numerous requests for digitized resources.

On the topic digitization, Adalto da Silva Carvalho, of CUT's archival service, digitized several documents for me. With the COVID lockdowns, it would have been impossible to access these documents without his assistance.

Professors Eduardo Marques, Elizabeth Balbachevsky, Glauco Peres da Silva, Jonathan Philips, Wagner Mancuso, and Marta Arretche commented on early drafts of my research while

teaching their courses. Professor Marta Arretche also participated in my qualifying exam together with Professor Roberto Rocha Pires, and both provided invaluable inputs.

I could always count on my close friends through all the tough times of this doctoral program – and, with a pandemic smack in the middle of it, there were quite a few. Even though we today meet much less than we should, Daniel “Peixotão” Murata, Juliana Pacetta Ruiz, Marco Antônio Moraes Alberto and Marília Mayumi Lessa had my back when my anxiety levels blasted over 9000.

My parents, Lucia and Luis, never failed to support me despite their (justified) concerns about my decision to remain a full-time researcher. Without their help, I would surely not have insisted on this path.

Last but not least, I would like to thank Heloisa Massaro for convincing me to get a dog, putting up with my passionate ramblings about old video games and remaining by my side even as I became unhealthily absorbed in work. If I retain any semblance of sanity after this research (a disputable matter), I owe it to her constant love and kindness.

ABSTRACT

Why do some public-private deliberation bodies survive multiple antagonistic governments while others dissolve at the slightest hint of reticence? The current doctoral dissertation tackles this question by comparing the trajectories of South African and Brazilian economic councils to explain why, despite similar conditions, the latter have been much more stable than the former. Economic councils are deliberative bodies where the government engages with other social segments, such as labor and business, in talks over policy. Brazil has displayed a persistent pattern of serial replacement, where each council lasts for only a few years, a period after which a new one is created. On the other hand, South Africa broke out of a similar pattern with the creation of the National Economic Development and Labour Council (NEDLAC) in 1994, whose structure has remained largely unaltered despite governmental pressures. This variation is interesting because the cases do not differ in theoretically acknowledged conditions. Merging comparative law and historical analysis approaches, I propose that the variation depends on what I call compulsory deliberation institutions – i.e., legal institutions that limit governments' capacity to unilaterally dictate the terms of engagement within deliberative bodies. Uniquely, they empower non-State actors to block change to parts of the Executive's structure against governmental preferences. The creation or not of these institutions diverged due to differences in the timing of union mobilization for securing policy influence. Whereas South African unions seized the window of opportunity provided by the democratic transition to compel the government to create a council resistant to unilateral action, Brazilian unions missed the corresponding chance by turning to councils only after political and macroeconomic stabilization. In turn, the presence or absence of compulsory deliberation institutions has generated self-reinforcing sequences of opposing directions. While the NEDLAC became an increasingly routinized feature of South African politics as governments accepted that they could not reform the council unilaterally, the repeated replacement of Brazilian councils periodically reinforces shared negative expectations about the bodies, locking actors in an instability trap.

Keywords: public-private relations, corporatism, deliberative democracy, legal institutions, industrial policy

RESUMO

Por que alguns órgãos de deliberação público-privada sobrevivem a vários governos antagônicos enquanto outros se dissolvem ao menor sinal de reticência? A atual tese de doutorado trata desta questão comparando as trajetórias dos conselhos econômicos sul-africanos e brasileiros para explicar por que, apesar de condições similares, aqueles têm sido muito mais estáveis do que estes. Conselhos econômicos são órgãos deliberativos onde o governo se engaja com outros segmentos sociais, normalmente empresários e trabalhadores, em discussões de política econômica. O Brasil apresenta um padrão persistente de substituição em série, no qual cada conselho dura poucos anos, período após o qual é criado um novo. De outro lado, a África do Sul superou um padrão similar com a criação do *National Economic Development and Labour Council* (NEDLAC) em 1994, cuja estrutura se manteve em sua maior parte inalterada apesar de pressões governamentais. Esta variação é interessante porque os casos não diferem muito nas condições teoricamente reconhecidas como relevantes. Combinando abordagens do direito comparado e da pesquisa histórica comparada, proponho que a variação depende do que chamo de instituições de deliberação compulsória – isto é, instituições jurídicas que limitam a capacidade de governos em determinar os termos de engajamento em órgãos deliberativos. De forma única, elas empoderam atores não-estatais a bloquear mudanças a partes da estrutura do Executivo em oposição a preferências governamentais. A criação ou não dessas instituições divergiu graças ao *timing* de mobilizações sindicais por influência sobre políticas públicas. Enquanto sindicatos sul-africanos aproveitaram a janela de oportunidade da redemocratização para pressionar o governo a criar um conselho resistente a mudanças, sindicatos brasileiros perderam a janela análoga por se mobilizarem apenas após a estabilização política e monetária. Por sua vez, a presença ou ausência de instituições de deliberação compulsória gerou processos de auto reforço que apontam em direções contrárias. O NEDLAC se tornou um elemento crescentemente rotinizado da política sul-africana conforme governos aceitaram que não conseguiriam reformar o conselho unilateralmente, enquanto a substituição em série de conselhos brasileiros periodicamente reforça expectativas negativas compartilhadas a respeito destes órgãos, prendendo os atores em uma armadilha de instabilidade.

Palavras-chave: relações público-privadas, corporativismo, democracia deliberativa, instituições jurídicas, política industrial

ZUSAMMENFASSUNG

Warum überleben einige öffentlich-private Beratungsgremien mehrere antagonistische Regierungen, während andere sich beim geringsten Anzeichen von Zurückhaltung auflösen? Diese Doktorarbeit vergleicht die Entwicklung südafrikanischer und brasilianischer Wirtschaftsräte, um zu erklären, warum letztere trotz ähnlicher Bedingungen viel stabiler als erstere gewesen sein. Wirtschaftsräte sind deliberative Gremien, in denen die Regierung mit anderen gesellschaftlichen Segmenten wie Arbeitnehmern und Unternehmen öffentliche Ordnungen diskutiert. Brasilien zeigt ein anhaltendes Muster des seriellen Ersatzes, bei dem jeder Rat nur wenige Jahre besteht, eine Zeit, nach der ein neuer geschaffen wird. Andererseits brach Südafrika mit der Gründung des *National Economic Development and Labour Council* (NEDLAC), dessen Struktur trotz staatlichem Druck weitgehend unverändert geblieben ist, im Jahr 1994 aus einem ähnlichen Muster aus. Diese Variation ist interessant, da sich die Fälle in theoretisch anerkannten Bedingungen nicht unterscheiden. Indem ich rechtsvergleichende und historische Analyseansätze zusammenführe, schlage ich vor, dass die Variation von dem abhängt, was ich Institutionen der verpflichtenden Deliberation nenne – d. h. Rechtsinstitutionen, die die Fähigkeit der Regierungen einschränken, die Bedingungen für die Interaktion in deliberative Gremien einseitig zu diktieren. In einzigartiger Weise ermächtigen sie nichtstaatliche Akteure, Änderungen an Teilen der Struktur der Exekutive gegen Regierungspräferenzen zu blockieren. Ob diese Institutionen geschaffen wurden oder nicht, divergierte aufgrund von Unterschieden im Zeitpunkt der Mobilisierung der Gewerkschaften zur Sicherung ihren Einfluss auf die öffentliche Ordnung. Die südafrikanischen Gewerkschaften die Gelegenheit nutzten, die sich durch den demokratischen Übergang bot, um die Regierung zu zwingen, einen Rat zu schaffen, der gegen einseitige Maßnahmen resistent war. Inzwischen verpassten die brasilianischen Gewerkschaften die entsprechende Chance, weil sie sich erst nach politischer und makroökonomischer Stabilisierung mobilisierten. Das Vorhandensein oder Fehlen von verpflichtenden Deliberationsinstitutionen hat wiederum selbstverstärkende Sequenzen gegensätzlicher Richtungen erzeugt. Während der NEDLAC zunehmend zur Routine der südafrikanischen Politik wurde, da die Regierungen allmählich akzeptierten, dass sie den Rat nicht einseitig reformieren konnten, verstärkt des seriellen Ersatzes der brasilianischen Räte regelmäßig gemeinsame negative Erwartungen an die Gremien und sperrt die Akteure in eine Instabilitätsfalle.

Schlüsselwörter: öffentlich-private Beziehungen, Korporatismus, deliberative Demokratie, Rechtsinstitutionen, Industriepolitik

LIST OF ABBREVIATIONS

Because this research references numerous organizations, it contains many acronyms. In order to improve readability, I chose to present all full terms in English, including the Brazilian ones. Readers interested in the original (non-translated) terms should consult this list.

	English	Original (when applicable)
ABDIB	Brazilian Association for the Development of Basic Industries	<i>Associação Brasileira para o Desenvolvimento das Indústrias de Base</i>
ABIFER	Brazilian Association for the Railway Industry	<i>Associação Brasileira da Indústria Ferroviária</i>
ABINEE	Brazilian Association for the Electrical and Electronic Industry	<i>Associação Brasileira da Indústria Elétrica e Eletrônica</i>
ACL	Advisory Council of Labour	
ANC	African National Congress	
ANFAVEA	National Association of Manufacturers of Automotive Vehicles	<i>Associação Nacional dos Fabricantes de Veículos Automotores</i>
AHI	Afrikaans Commercial Institute	<i>Afrikaanse Handelsinstituut</i>
ASSOCOM	Associated Chambers of Commerce	
BCEB	Basic Conditions of Employment Bill	
BUSA	Business Unity South Africa	

CCEC	Consultative Structural Chamber for Competitiveness	<i>Camêra Consultiva Estrutural para a Competitividade</i>
CD	Council of Development	<i>Conselho do Desenvolvimento</i>
CDE	Council for Economic Development	<i>Conselho de Desenvolvimento Econômico</i>
CDES	Council for Social and Economic Development	<i>Conselho de Desenvolvimento Econômico e Social</i>
CDI-51	Commission for Industrial Policy	<i>Comissão do Desenvolvimento Industrial</i>
CDI-64	Committee for Industrial Development	<i>Comitê de Desenvolvimento Industrial</i>
CDI-69	Council for Industrial Development	<i>Conselho de Desenvolvimento Industrial</i>
CEIMA	Executive Commission for the Automotive Industry	<i>Comissão Executiva da Indústria de Material Automobilístico</i>
CFCE	Federal Council of Foreign Trade	<i>Conselho Federal do Comércio Exterior</i>
CHA	Comparative Historical Analysis	
CME	Coordinated Market Economy	
CME	Coordination for Economic Mobilization	<i>Coordenação da Mobilização Econômica</i>
CMN	National Monetary Council	<i>Conselho Monetário Nacional</i>
CNI	National Confederation of Industry	<i>Confederação Nacional da Indústria</i>
CNPIC	National Council for Industrial and Commercial Policy	<i>Conselho Nacional de Política Industrial e Comercial</i>

CODESA	Convention for a Democratic South Africa	
CONAD	National Council of Drug Policy	<i>Conselho Nacional de Políticas sobre Drogas</i>
CONAMA	National Council of the Environment	<i>Conselho Nacional do Meio Ambiente</i>
CONATRAE	National Commission for the Eradication of Slave Labor	<i>Comissão Nacional de Erradicação do Trabalho Escravo</i>
CONCEC	Entrepreneurial Consultative Council for Competitiveness	<i>Conselho Consultivo Empresarial de Competitividade</i>
CONCEX	National Council of Foreign Commerce	<i>Conselho Nacional do Comércio Exterior</i>
CNAS	National Social Assistance Council	<i>Conselho Nacional de Assistência Social</i>
CNDH	National Human Rights Council	<i>Conselho Nacional de Direitos Humanos</i>
CONEP	National Commission for Stimulating the Stabilization of Prices	<i>Comissão Nacional de Estímulo à Estabilização de Preços</i>
CNS	National Health Council	<i>Conselho Nacional de Saúde</i>
CONSAWU	Confederation of South African Workers' Unions	
CONSEA	National Council for Food Security	<i>Conselho Nacional Segurança Alimentar e Nutricional</i>
CONSIDER	Council of Non-Ferrous Metals and Steelmaking	<i>Conselho de Não-Ferrosos e Siderurgia</i>

CONSPLAN	Consultative Council for Planning	<i>Conselho Consultivo do Planejamento</i>
COPLAN	National Commission for Planning	<i>Comissão Nacional de Planejamento</i>
COSATU	Congress of South African Trade Unions	
CPN	Coordination for National Planning	<i>Coordenação do Planejamento Nacional</i>
CTCOM	Workers' Council for Competitiveness	<i>Conselho Consultivo dos Trabalhadores para a Competitividade</i>
CUT	Unified Workers' Centre	<i>Central Única dos Trabalhadores</i>
FCI	Federated Chamber of Industries	
FEDUSA	Federation of Unions of South Africa	
FIESP	Federation of Industry of the State of Sao Paulo	<i>Federação das Indústrias do Estado de São Paulo</i>
FOSATU	Federation of South African Trade Unions	
GATT	General Agreement on Tariffs and Trade	
GEAR	Growth, Employment and Redistribution Program	
GEIA	Executive Group for the Automotive Industry	<i>Grupo Executivo da Indústria Automotiva</i>

GEIMEC	Executive Group for the Mechanical Industries	<i>Grupo Executivo das Indústrias Mecânicas</i>
GEIMOT	Executive Group for the Automotive Industry	<i>Grupo Executivo da Indústria Automotora</i>
CIP	Interministerial Price Control Council	<i>Conselho Interministerial de Preços</i>
GS6	Sectoral Group 6	<i>Grupo Setorial 6</i>
HME	Hierarchical Market Economy	
IEDI	Institute for Studies in Industrial Development	<i>Instituto de Estudos para o Desenvolvimento Industrial</i>
IMF	International Monetary Fund	
LME	Liberal Market Economy	
LRA	Labour Relations Act	
MAWU	Metal and Allied Workers Union	
NACTU	National Congress of Trade Unions	
NEDLAC	National Economic Development and Labour Council	
NEF	National Economic Forum	
NMC	National Manpower Commission	
NP	National Party	
NUMSA	National Union of Metalworkers of South Africa	

PNBE	National Thinking of Corporate Bases	<i>Pensamento Nacional de Bases Empresariais</i>
PT	Workers' Party	<i>Partido dos Trabalhadores</i>
RDP	The Reconstruction and Development Programme	
SACCOLA	South African Employers' Consultative Committee on Labour Affairs	
SACP	South African Communist Party	
SACTWU	Southern African Clothing and Textile Workers Union	
SAEAC	South African Economic Advisory Council	
SAF	South African Foundation	
SAFTU	South African Federation of Trade Unions	
SALB	South African Labour Bulletin	
SBDC	Small Business Development Corporation	
SEIFSA	Steel and Engineering Industries Federation of Southern Africa	
SEPC	Social and Economic Planning Council	
SER	Social and Economic Council	<i>Sociaal-Economische Raad</i>

Sindipeças	National Syndicate of Auto Parts Producers	<i>Sindicato Nacional Da Indústria De Componentes Para Veículos Automotores</i>
SOE	State-Owned Enterprises	
TUACC	Trade Union Advisory Coordinating Committee	
UDF	United Democratic Front	
VAT	Value-Added Tax	

LIST OF TABLES AND FIGURES

List of tables

Table 1-1. Explanatory structures	16
Table 2-1. Unionization rates in South Africa 1969 x 1975	40
Table 2-2. Strike numbers in South Africa 1960-1976	41
Table 3-1. General-purpose industrial policy councils	74
Table 3-2. Automotive sector councils/sub-councils	75
Table 3-3. Strike numbers in Brazil 1965-1992	82
Table 5-1. General-purpose industrial policy councils	141
Table 5-2. Sectoral industrial policy councils	142

List of figures

Figure 1-1. Comparing temporal sequences.....	28
---	----

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	I
ABSTRACT	III
LIST OF ABBREVIATIONS	VII
LIST OF TABLES AND FIGURES	XV
TABLE OF CONTENTS	XVII
1 PUBLIC-PRIVATE DELIBERATION IN COMPARATIVE-HISTORICAL PERSPECTIVE	1
1.1 Economic councils: the relationship between effectiveness and stability	4
1.2 Why is stability difficult? The problem of governmental preferences	9
1.2.1 Enduring dispositions toward consensus-seeking – an ideational mechanism	11
1.2.2 The variety of capitalism – a functionalistic mechanism	13
1.2.3 The mobilizational capacity of trade unions – a power-relational mechanism	14
1.3 Compulsory deliberation and institutionalization	16
1.3.1 Rules and institutions	17
1.3.2 How compulsory deliberation works	19
1.4 The origins and consequences of compulsory deliberation	22
1.4.1 Intentionally building compulsory deliberation: how the timing of mobilization matters	22
1.4.2 Living with or without compulsory deliberation: self-reproducing expectations of (in)stability	26
1.5 Some methodological considerations and the plan for the dissertation	28

2	THE ORIGINS OF COMPULSORY DELIBERATION IN SOUTH AFRICA	31
2.1	The South-African developmental State and industrial relations prior to 1974	33
2.2	Militant unions' factory floor organization and their rejection of industrial councils	35
2.2.1	Industries' growing dependence on black labor	35
2.2.2	The renewal of organized worker militance through the factory floor	37
2.2.3	Government tries to co-opt unions through recognition	40
2.2.4	The institutional biases of industrial councils and non-racial unions' rejection	43
2.3	Union growth, economic crisis, and the ironic inversion in attitudes about industrial councils	45
2.3.1	Non-racial unions enter industrial councils	46
2.3.2	Unions double down on councils...	48
2.3.3	... while employers and government back out	50
2.3.4	Principled confrontation is out, pragmatic cooperation is in: councils as vehicles for industrial restructuring	52
2.4	Tripartite negotiation, from <i>apartheid</i> to the NEDLAC	55
2.4.1	Preventing unilateral reform at the end of apartheid: unions force their way into tripartite councils	56
2.4.2	To control an ally: COSATU's relationship with the ANC and the birth of the NEDLAC	60
3	AN OPPORTUNITY LOST: MILITANT UNIONISM AND ECONOMIC COUNCILS IN THE BRAZILIAN TRANSITION	65
3.1	Class interest representation in the old developmental State	66
3.1.1	Vargas' corporatist legacy: the State, business and labor	67
3.1.2	Economic council instability, 1937-1974	69
3.1.3	Against governmental discretion: business reactions to council instability	75
3.2	The "new syndicalism" against the State	77
3.2.1	The rise of "new syndicalism" through workplace militance	78
3.2.2	Labor's capacity to mobilize during the transition	80

3.2.3	CUT against the social pact	83
3.3	From principled confrontation to pragmatic cooperation: the sectoral chambers	85
3.3.1	Industrial crisis and CUT's wish for policy involvement	86
3.3.2	Economic councils, now with workers	89
3.3.3	Repeating old patterns: death by unilateral governmental action	91
4	COMPULSORY DELIBERATION IN SOUTH AFRICA'S NEDLAC	95
4.1	Tired of talking: the push for orthodox reform under ANC rule	97
4.1.1	ANC rule gets orthodox	97
4.1.2	Shifting gears: COSATU shooed from policymaking	100
4.2	Protecting the nedlac from unilateral disruption: effects of compulsory deliberation	104
4.2.1	Early challenges to the NEDLAC's existence	104
4.2.2	Normalization under continued dissatisfaction	106
4.2.3	Forfeiting formal reform	110
4.2.4	Has the NEDLAC never changed? The NEDLAC Protocols and functionalistic mechanisms of change	116
4.3	Two potential objections	118
4.3.1	Could COSATU's militance not sufficiently explain stability?	118
4.3.2	Can institutions really constrain ANC governments?	122
5	STUCK IN A LOOP: ECONOMIC COUNCIL INSTABILITY IN POST-TRANSITION BRAZIL	125
5.1	An opportunity missed: pursuing compulsory deliberation and failing	127
5.1.1	The enduring demand for economic council institutionalization	127
5.1.2	Pressuring from a weakened position: CUT after political and monetary stabilization	131
5.1.3	Not quite a new opportunity: the Workers' Party in power	134
5.2	The self-reinforcing instability of economic councils	137
5.2.1	Using councils to advertise policies	138

5.2.2	Exceptions and their dependence on personalistic variables	142
5.2.3	Instability reinforced by business skepticism	144
5.3	Compulsory deliberation in non-economic Brazilian councils	146
5.3.1	Deliberation councils under Bolsonaro	147
5.3.2	Persisting under adverse conditions: the role of institutions	149
6	CONCLUDING REMARKS	153
7	REFERENCES	157
7.1	Bibliography	157
7.2	Newspapers	188
7.3	Legislation and judicial decisions	200
7.4	Other documents	205

1 PUBLIC-PRIVATE DELIBERATION IN COMPARATIVE-HISTORICAL PERSPECTIVE

In 2013, Brazil's Council for Social and Economic Development (CDES) met to debate policies for fostering productive investment.¹ Participants concurred that deindustrialization was a growing problem, but each raised their own concerns: employer associations argued that the tax system's complexity made investment too costly, while trade unions wanted more incentives for investment in professional training. Meanwhile, government representatives, including then-President Dilma Rouseff, reported on recent policies and restated their commitment to recovering national industrial activity. Agreeing that discussions demanded much more elaboration, participants later decided to organize activities for 2014 around the more specific relations between investment and the themes of infrastructure, industrial policy, and small enterprises.²

At roughly the same time, at the other end of the Atlantic Ocean, South Africa's National Economic Development and Labour Council (NEDLAC) began discussing measures for addressing the country's growing economic inequality. The initiative originated in a request from then-President Jacob Zuma, who, noting the increasing number of violent strikes, raised

¹ Brasil - Presidência da República, "Ata Da 40ª Reunião Ordinária Do CDES (27/02/2013)" (Brasília, 2013).

² Brasil - Presidência da República, "Relatório de Atividades CDES 2013" (Brasília: Conselho de Desenvolvimento Econômico e Social, 2014), 17.

the specter of political and social instability. In their first meeting over the matter, labor, business and governmental representatives recognized the problem and decided to formulate a proposal for a national minimum wage.³

It took NEDLAC years of debate – a period during which criticisms against the council’s perceived ineffectiveness mounted quickly⁴ – before it proposed a minimum wage of 20 Rands per hour in 2017.⁵ Though neither labor nor business representatives were entirely happy, with the former lamenting that the proposal fell short of a living wage and the latter protesting that costs would rise too much, both agreed to the deal. With that, NEDLAC’s proposal became a bill and gained congressional approval. It was signed into law by the new President, Cyril Ramaphosa, who took over after Zuma’s removal under charges of corruption.

On the other hand, debates on productive investment never had the chance to proceed within the CDES. After a gradual reduction in activities, Rouseff stopped calling meetings in 2014. Despite formally remaining in place, the council no longer operated. Though it enjoyed a brief revival under the interim rule of Michel Temer, who took over after Rouseff’s impeachment, the council died its final death in 2019. That year, President Jair Bolsonaro passed decrees extinguishing dozens of federal participatory collegiate bodies in all areas of policymaking, including the CDES. Despite the immense controversy, Bolsonaro did not have to worry about congressional approval because the affected bodies had all been created by presidential or ministerial decree.

The situation with the CDES is anything but new in Brazilian politics. Since the establishment of the NEDLAC immediately after the end of apartheid in South Africa, Brazil has seen several economic councils come and go. In fact, a pattern of serial replacement,⁶ where a council rarely lasts for more than a few years before being replaced by another one, has repeated itself for as long as the 1930s. Contrarily, South Africa’s NEDLAC has remained in place and mostly retained its original institutional form despite several showings of governmental discontentment. Such endurance stands in contrast to apartheid-era councils, which were always vulnerable to the whims of the rulers of the day. This variation in stability

³ NEDLAC, “Annual Report 2014/2015” (Johannesburg: NEDLAC, 2015).

⁴ Liesel Dentlinger, “The Relevance and Effectiveness of Nedlac as Social Dialogue Forum” (Master’s thesis, University of Pretoria, 2017), 7–9.

⁵ NEDLAC, “Declaration on Wage Inequality and Labour Market Instability” (Johannesburg: NEDLAC, 2017).

⁶ Daniel M. Brinks, Steven Levitsky, and María Victoria Murillo, “The Political Origins of Institutional Weakness,” in *The Politics of Institutional Weakness in Latin America*, ed. Daniel M. Brinks, Steven Levitsky, and María Victoria Murillo (Cambridge University Press, 2020), 20.

is interesting because the two countries do not differ much in theoretically-acknowledged conditions.

This brief historical account raises the question of why some bodies for public-private dialogue survive multiple antagonistic rulers while others dissolve at the slightest hint of governmental reticence. Such variations in stability are a relevant problem for at least two bodies of literature that hardly ever interact.⁷ On one side, scholars of development increasingly advocate for institutionalized public-private interaction in the definition of economic policies. On the other, scholars of deliberative democracy have long sought mechanisms for deepening public involvement in policymaking beyond the periodic head counting of elections. To be sure, councils like the CDES or the NEDLAC must not necessarily last for decades to make a difference in either development or democracy. However, as we will soon see, there are good reasons to believe that chronic instability can generate considerable difficulties.

This dissertation proposes that the variation between the South African and Brazilian cases depends on two contrasting pairs of processes. The first pair regards the processes that lead to the establishment/non-establishment of what I call *compulsory deliberation institutions*, while the second pair regards the consequences of the presence/absence of such institutions. Compulsory deliberation institutions legally limit governmental capacity to unilaterally dictate the terms of engagement within deliberative bodies. Uniquely, these institutions legally empower *non-State actors* to block change to parts of the Executive's structure *against governmental preferences*. As I will soon discuss in more detail, the possibility of resisting government matters for stability because, despite its potential long-term benefits, sustained deliberation necessitates immediate resource investments that political authorities would often rather avoid. This logic can apply to deliberative bodies regardless of policy area or geography.

Regarding the first pair of processes, I argue that governments will not likely agree to establish compulsory deliberation without the pressure of (i) actors capable of hampering reform through mobilization that (ii) intentionally act to secure a channel for future policy influence. In South Africa, the labor movement succeeded in doing so by exploiting its temporarily heightened mobilizational capacity during the democratic transition. The same could plausibly have happened in Brazil. However, Brazilian unions developed the strategy of securing policy influence through councils only after transition, when their mobilizational

⁷ For an exception, see Peter Evans, "Bringing Deliberation into the Developmental State," in *Deliberation and Development: Rethinking the Role of Voice and Collective Action in Unequal Societies*, ed. Patrick Heller and Vijayendra Rao (Washington, D.C.: World Bank Group, 2015), 51–67.

capacity had already declined. In other words, the timing of union mobilization is causally consequential.

Regarding the second pair of processes, I argue that the presence of compulsory deliberation institutions in South Africa has generated *self-reinforcing stability*, whereas their absence in Brazil has generated *self-reinforcing instability*. By self-reinforcing, I mean that the early events in a sequence of interactions lead to more events of similar character. In the current case, the mechanism by which this happens runs through actors' expectations. In South Africa, early governmental failures to weaken the NEDLAC led all involved actors to expect that they would continue to interact within the council for the foreseeable future. Thus, instead of dismantling the council, governments have sought ways to live with it, reinforcing shared expectations of stability. In Brazil, serial replacement led non-State actors to expect future instability. This has created a loop where participants refrain from investing too much energy in councils, thus increasing the likelihood of more instability and reinforcing negative expectations.

Besides this introduction, the current chapter is divided into five parts. The first one discusses the comparative literature on economic councils and public-private relations, highlighting the evidence that some degree of stability contributes to effective policymaking. The second part examines explanations for variations in council stability as a springboard for elaborating on the reasoning behind case selection. The third and fourth parts detail this dissertation's theoretical propositions: the former conceptualizes compulsory deliberation institutions, whereas the latter unpacks the causal pairs of processes that respectively result in their establishment/non-establishment and that result from their operation/absence. The fifth and final part lays out plans for the rest of the dissertation by reference to my combination of methodological approaches from comparative law and comparative historical analysis.

1.1 ECONOMIC COUNCILS: THE RELATIONSHIP BETWEEN EFFECTIVENESS AND STABILITY

Economic councils are administrative bodies where governments engage with representatives of other social segments – most commonly labor and business – in discussions over any sort of economic policy, from industrial to wage policy. Councils operate in a deliberative manner in that they engage participants in reciprocal reason-giving, thus allowing

them to revise their preferences and negotiate compromises.⁸ In that sense, councils work very differently from one-sided consultations, in which authorities simply collect pre-formed opinions.⁹

There exist substantial bodies of literature on the role of economic councils in corporatist European and developmental East-Asian countries. In European corporatism, councils have most famously (but not only) facilitated pacts between unions, business associations and governments on incomes, labor market and welfare policies.¹⁰ During the height of the Welfare State, pacts covered, among other commitments, wage moderation from workers, more job security from employers, and increased educational spending from the government.¹¹ By the 1990s and 2000s, negotiations tended to move to the terms of economic liberalization.¹² Beyond such well-known problems of European industrial relations, economic councils have also coordinated other policies, such as public funding for research and development on technological innovation.¹³

In East Asia, councils supported extensive relational networks between developmental States and business leaders during industrialization. Such networks were used for public-private coordination practices, like information-sharing on new technologies, distribution of investment risks, and consensual definition of production targets.¹⁴ Though relational networks always had a large informal component,¹⁵ countries like Japan, South Korea, and Taiwan also extensively used economic councils to enhance the credibility of key policies.¹⁶ For example,

⁸ Please note that this definition leaves out normative standards of how reason-giving should occur, which many scholars include in their definitions of “deliberation.” See Jane Mansbridge, “A Minimalist Definition of Deliberation,” in *Deliberation and Development: Rethinking the Role of Voice and Collective Action in Unequal Societies*, ed. Patrick Heller and Vijayendra Rao (Washington, D.C.: World Bank Group, 2015).

⁹ About different forms of communication in public-private relations, see Archon Fung, “Varieties of Participation in Complex Governance,” *Public Administration Review* 66, no. Special Issue (2006): 68–69.

¹⁰ Sabina Avdagic, Martin Rhodes, and Jelle Visser, “Conclusions: Reassessing the Framework,” in *Social Pacts in Europe: Emergence, Evolution, and Institutionalization*, ed. Sabina Avdagic, Martin Rhodes, and Jelle Visser (Oxford: Oxford University Press, 2011), 278.

¹¹ Wolfgang Streeck and Lane Kenworthy, “Theories and Practices of Neocorporatism,” in *The Handbook of Political Sociology*, ed. Thomas Janoski et al. (Cambridge: Cambridge University Press, 2005), 453.

¹² Lucio Baccaro and Chris Howell, “A Common Neoliberal Trajectory: The Transformation of Industrial Relations in Advanced Capitalism,” *Politics and Society* 39, no. 4 (2011): 521–63.

¹³ Darius Ornston, “Creative Corporatism: The Politics of High-Technology Competition in Nordic Europe,” *Comparative Political Studies* 46, no. 6 (2012): 715.

¹⁴ Peter Evans, *Embedded Autonomy: States and Industrial Transformation* (Princeton: Princeton University Press, 1995); Linda Weiss, “Governed Interdependence: Rethinking the Government-Business Relationship in East Asia,” *Pacific Review* 8, no. 4 (1995): 589–616.

¹⁵ For an example, see Johnson’s description of “amakudari”, a practice by which Japanese bureaucrats moved to positions in the industry sector after retiring, thereby creating a personal business contact for colleagues remaining in the public service. Chalmers Johnson, *MITI and the Japanese Miracle: The Growth of Industrial Policy, 1925-1975* (Stanford: Stanford University Press, 1982), 63–73.

¹⁶ José Edgardo Campos and Hilton Root, *The Key to the Asian Miracle: Making Growth Credible* (Washington, D.C.: Brookings Institution Press, 1996), chap. 4.

in 1961, Japan's Industrial Structure Council housed deliberations by which automotive manufacturers agreed on splitting themselves into groups focused on producing particular kinds of vehicles and on meeting certain export targets in exchange for import protection.¹⁷

Economic councils promote close contact between public and private interests, so it is easy to construe them negatively. In this regard, the widely-recognized literature on regulatory capture has long called attention to the vulnerability of authorities to undue influence from rent-seeking interest groups.¹⁸ Capture is undesirable because it turns governments into market-distorting (rather than market-correcting) agents. For example, nobody wants regulators that erect barriers to market entry because they see opportunities for lucrative future employment in currently dominant firms.¹⁹ The fear of capture has motivated varied proposals, from insulating policymakers to reducing governmental intervention to the bare minimum.

However, despite legitimate concerns, an increasingly influential body of work shows that effective policy formulation and implementation depends on healthy public-private linkages.²⁰ Especially after the global 2008 crisis, more scholars and policymakers recognize that governmental intervention in the economy is desirable in at least some cases.²¹ However, to formulate policy that effectively corrects market failures, authorities need the up-to-date information and technical know-how that only frontline actors like firms and unions possess. For example, imagine a situation where firms avoid investing in new industries due to the magnitude of necessary prior investments in professional training. The government may want to lessen the perceived risks by reforming current vocational programs, but it does not know or

¹⁷ Campos and Root, 87.

¹⁸ The classic statement on capture is by Stigler. See George J. Stigler, "The Theory of Economic Regulation," *The Bell Journal of Economics and Management Science* 2, no. 1 (1971): 3–21. Since then, literature on the matter has grown tremendously. For a review of the literature, see Ernesto Dal Bó, "Regulatory Capture: A Review," *Oxford Review of Economic Policy* 22, no. 2 (2006): 203–25.

¹⁹ This is known as the "revolving-door." For a review of various theorized mechanisms of capture, see Barry M. Mitnick, "Capturing 'Capture': Definition and Mechanisms," in *Handbook on the Politics of Regulation*, ed. David Levi-Faur (Cheltenham: Edward Elgar, 2011).

²⁰ See, among others, Evans, *Embedded Autonomy: States and Industrial Transformation*; Weiss, "Governed Interdependence: Rethinking the Government-Business Relationship in East Asia"; Pepper D. Culpepper, "Powering, Puzzling, and 'Pacting': The Informational Logic of Negotiated Reforms," *Journal of European Public Policy* 9, no. 5 (2002): 774–90; Dani Rodrik, *One Economics, Many Recipes*, vol. 1 (Princeton: Princeton University Press, 2007); Robert Devlin and Graciela Moguillansky, *Breeding Latin American Tigers: Operational Principles for Rehabilitating Industrial Policies* (Washington, D.C.: The World Bank, 2011); Ornston, "Creative Corporatism: The Politics of High-Technology Competition in Nordic Europe"; Eduardo Fernández-Arias et al., *Two to Tango: Public-Private Collaboration for Productive Development Policies* (New York: Inter-American Development Bank, 2016).

²¹ On this attitudinal change, see Joseph E. Stiglitz and Justin Lin Yifu, *The Industrial Policy Revolution I: The Role of Government beyond Ideology* (Basinstoke: Palgrave Macmillan, 2013). On more disapproving terms, The Economist noted the same. Jan Piotrowski, "Governments' Widespread New Fondness for Interventionism," *The Economist*, January 10, 2022, <https://www.economist.com/special-report/2022/01/10/governments-widespread-new-fondness-for-interventionism>.

understand the most relevant labor bottlenecks. To deal with this challenge, the current literature suggests that authorities would do well to call market actors to the talking table. In fact, the contemporary rethinking of public-private relations reached the point that even some capture scholars stress the need to leverage (rather than erase) cooperation.²²

If one recognizes the need for public-private linkages, the problem becomes how to organize them. To meet this challenge, scholars often turn to economic councils. Among them, Rodrik goes as far as positing a “generic need for coordination or deliberation councils within which the information exchange and social learning (...) can take place.”²³ Councils tend to provide a superior alternative to ad-hoc informal contacts due to the possibility of establishing mechanisms that prevent rent-seeking. For example, Campos and Root suggest that including a variety of interests in deliberations reduces the opportunities for specific market players to seek special favors because those present can provide counterpoints to opportunistic claims.²⁴

Despite the comparative literature on councils and proposals for using them to foster public-private linkages, Schneider stresses that the factors behind council effectiveness and their role outside European corporatism and East-Asian developmentalism remain undertheorized.²⁵ These gaps persist even though economic councils have been widespread in other regions, including Latin America and Africa.²⁶ This dissertation tackles both gaps by exploring the variation in stability between South African and Brazilian councils. The remainder of this section explains the relevance of stability, focusing on its connection to effectiveness. The following sections will explain the rationale behind case selection.

Economic council effectiveness certainly depends on much more than stability – Devlin and Moguillansky list as many as 13 factors that could impact performance.²⁷ A long-existing council can surely facilitate rent-seeking or offer nothing more than a place for cheap talk. Yet,

²² David A. Moss and Daniel Carpenter, “Conclusion: A Focus on Evidence and Prevention,” in *Preventing Regulatory Capture: Special Interest Influence and How to Limit It*, ed. Daniel Carpenter and David A. Moss (Cambridge: Cambridge University Press, 2014), 463.

²³ Rodrik, *One Economics, Many Recipes*, 1:113. See also Devlin and Moguillansky, *Breeding Latin American Tigers: Operational Principles for Rehabilitating Industrial Policies*, chap. 2; Campos and Root, *The Key to the Asian Miracle: Making Growth Credible*, chap. 4; Ben Ross Schneider, *Designing Industrial Policy in Latin America: Business-State Relations and the New Developmentalism* (New York: Palgrave Macmillan, 2015).

²⁴ Campos and Root, *The Key to the Asian Miracle: Making Growth Credible*, 101–3.

²⁵ Schneider, *Designing Industrial Policy in Latin America: Business-State Relations and the New Developmentalism*, 53.

²⁶ Schneider, chap. 3; Dirk Willem Te Velde, “Measuring State-Business Relations in Sub-Saharan Africa,” in *State-Business Relations and Economic Development in Africa and India*, ed. Kunal Sen (London: Routledge, 2013), 17–34.

²⁷ Devlin and Moguillansky, *Breeding Latin American Tigers: Operational Principles for Rehabilitating Industrial Policies*, 88–90.

the empirical literature on deliberation suggests that some degree of stability may be necessary because deliberative processes tend to take some time before beginning to yield material gains. Thus, even if we do not need (or desire) extremely high levels of stability, a pattern of serial replacement prevents economic councils from delivering on their promise. This is for at least three reasons.

First, deliberation becomes substantively fruitful only after participants have built enough shared trust, which takes time. Based on a review of 137 cases of collaborative policymaking, Ansell and Gash argue that, especially when participants previously held antagonistic relations, trust-building tends to become the most prominent and difficult element of early engagements.²⁸ Mutual antagonism is probably common among market players, as firms tend to have a history of competition between themselves and of industrial conflict with unions. Relationships with governments may also prove difficult where, as in this dissertation's two case studies, the State has an authoritarian past. But if antagonism prevails, participants will not share information or reach compromises. Öberg's data on corporatist councils suggests that engagement in councils does contribute to trust-building – but again, this occurs gradually.²⁹

Second, before they start deciding on substantive matters, deliberative bodies often go through a long period of self-regulation. As parts of the Executive's organogram, councils operate under a series of formal rules and informal understandings that regulate matters like who participates, what issues can be raised, how discussions should be conducted, etc.³⁰ In many cases, participants spend a considerable amount of time defining the terms of mutual engagement before turning their full energy to policymaking. For example, in their study of municipal policy councils in Brazil, Lavallo, Voigt and Serafim find that even the most productive councils could take up to eight years before policy decisions numerically surpass self-regulatory decisions.³¹

²⁸ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and Practice," *Journal of Public Administration Research and Theory* 18 (2007): 558.

²⁹ Perola Öberg, "Does Administrative Corporatism Promote Trust and Deliberation?," *Governance: An International Journal of Policy and Administration* 15, no. 4 (2002): 455–75.

³⁰ Claudia Feres Faria and Uriella Coelho Ribeiro, "Entre o Legal e o Real: O Que Dizem as Variáveis Institucionais Sobre Os Conselhos Municipais de Políticas Públicas?," in *A Dinâmica Da Participação Local No Brasil* (São Paulo: Cortez, 2010).

³¹ Adrián Gurza Lavallo, Jessica Voigt, and Lizandra Serafim, "O Que Fazem Os Conselhos e Quando o Fazem?," *Dados* 59, no. 3 (2016): 636.

Third, sustained public-private engagement is necessary to fulfill one of the primary industrial policy needs: long-term commitment building. Industrial policies largely serve to stimulate firms to invest in desirable production capabilities that market mechanisms do a poor job of rewarding in the short term.³² Councils can contribute to this objective by serving as sites for building private-sector enthusiasm and commitment to public policy decisions. However, productive capacity building hinges not on episodic but *sustained* private-sector support, as it demands irreversible investments and long-term uncertainty management from firms.³³ Consequently, sporadic engagements help very little. In that regard, Campos and Root argue that Japanese councils elicited confidence partly because they successfully signaled that businesses would be heard in case of policy shifts.³⁴

1.2 WHY IS STABILITY DIFFICULT? THE PROBLEM OF GOVERNMENTAL PREFERENCES

If some degree of stability offers such enticing benefits, why does it not happen by default? From a governmental perspective, deliberation might not be worth it because it takes up valuable resources and slows down the policy process.³⁵ Since governments have a lot to deal with at any given moment, most would rather dedicate their scarce human capacity to more immediately productive tasks than attending frequent meetings that often end in nothing. Such constraints can become particularly daunting when authorities are in a hurry to implement policies: if time is of the essence, delaying decisions to deal with potentially combative interest groups might predictably prove too much. Consequently, in contexts of limited State capacity and high demand for reforms, sustained deliberation can fall way behind in the priority list.

We cannot assume governments will willfully dedicate limited resources to deliberative bodies on the uncertain promise of future benefits. Thus, as an initial step in explaining stability, we need to consider what immediate reasons they could have to stop and deliberate instead of simply defining policy unilaterally. The available literature on participatory democracy offers some useful hints regarding this problem. For example, authorities may benefit from mitigating

³² Rodrik, *One Economics, Many Recipes*, vol. 1, chap. 4.

³³ Ha-Joon Chang and Antonio Andreoni, "Industrial Policy in the 21st Century," *Development and Change* 51, no. 2 (2020): 327.

³⁴ Campos and Root, *The Key to the Asian Miracle: Making Growth Credible*, 104.

³⁵ Peter Kurrild-Klitgaard and Urs Steiner Brandt, "The Calculus of Democratic Deliberation," *Constitutional Political Economy* 32, no. 2 (2021): 165–86.

legitimacy crises,³⁶ mobilizing interest groups in favor of highly contested policies,³⁷ or “market-testing” controversial ideas before pushing for them.³⁸ Beyond such cost-benefit considerations, some incumbent parties or individual authorities may have an ideological commitment to participation.³⁹

However, while these motivations may explain the choice to establish a deliberative body, they do not suffice for explaining stability. This is because they refer to circumstantial political incentives or the personal inclinations of those currently in power. When these incentives inevitably fade or the relevant authorities leave, deliberative bodies tend to follow. In other words, councils’ instability often directly mirrors unstable governmental preferences regarding deliberation. In a panorama of Latin American economic policymaking, Devlin and Pietrobelli comment precisely on how the initial leadership drive behind councils has generally waned, sometimes following electoral cycles but other times within the same term.⁴⁰ This dissertation will illustrate several instances of the same dynamic in South Africa and Brazil.

In contrast to the temporary motivators highlighted by the literature on participation, scholars of European corporatism have proposed structural reasons why governments would choose to sustain continuing deliberation. More specifically, three theories exist, each of which highlights a different condition: the bureaucracy’s disposition to seek (or not) consensus, the country’s variety of capitalism, and unions’ capacity to hamper policy implementation. These offer more promising venues for theorizing stability. Coincidentally, each of them uses a different form of mechanism – one ideational, one functionalistic, and one power-relational.

In what follows, I begin elaborating on case selection by considering three structural stabilizers of governmental preferences and how they relate to the South African and Brazilian contexts. As we will see, none of the three structural explanations accounts for the variation in outcomes between the cases. This is because South Africa and Brazil do not differ significantly

³⁶ Nicole Curato, Marit Hammond, and John B. Min, *Power in Deliberative Democracy: Norms, Forums, Systems* (Cham: Springer International Publishing, 2019), 73.

³⁷ Carla de Paiva Bezerra, “Ideologia e governabilidade: as políticas participativas nos governos do PT” (Doctoral dissertation, São Paulo, Universidade de São Paulo, 2020).

³⁸ Robert E. Goodin and John S. Dryzek, “Deliberative Impacts: The Macro-Political Uptake of Mini-Publics,” *Politics & Society* 34, no. 2 (2006): 226.

³⁹ Rebecca Neaera Abers, “From Ideas to Practice: The Partido Dos Trabalhadores and Participatory Governance in Brazil,” *Latin American Perspectives* 23, no. 91 (1996): 35–53; Jackson De Toni, “Novos Arranjos Institucionais Na Política Industrial Do Governo Lula: A Força Das Novas Ideias e Dos Empreendedores Políticos” (Doctoral dissertation, Brasília, Universidade de Brasília, 2013).

⁴⁰ Robert Devlin and Carlo Pietrobelli, “Modern Industrial Policy and Public-private Councils at the Subnational Level: Mexico’s Experience in an International Perspective,” UNU-MERIT Working Papers (Maastricht: Maastricht Graduate School of Governance, 2018), 8.

in the conditions acknowledged as relevant. Thus, we can consider these conditions “controlled for” and look for other significant variations in explanatory conditions. In technical terms, this case selection criterion fits what Przeworski and Teune call the “most similar” design⁴¹ (I have considered further criteria, which will be discussed soon).

1.2.1 Enduring dispositions toward consensus-seeking – an ideational mechanism

Kickert explained the persistence of deliberative bodies in the Netherlands through enduring cultural dispositions.⁴² Despite numerous transformations in public management during the 20th century, Dutch governments have retained economic councils. The most visible is the Social Economic Council (SER), which has remained functional since 1946.⁴³ Kickert attributes this persistence to long-term dispositions toward pragmatic consensus-seeking by the bureaucracy, as well as broader Dutch traditions of tolerance and dialogue. In his interpretation, these dispositions are anchored in old the practices of merchants, of Protestant Calvinism, and of rule by negotiation and compromise between the independent provinces that would later form the Dutch Republic. In the absence of such dispositions, Kickert suggests that liberalizing pressures would have weakened deliberative bodies.

Ideational explanations, such as Kickert’s, generally underplay conflicts of interest or interest-maximization in favor of *consensus* on appropriate behavior. Rather than an instrumental logic structured as “how can I most efficiently (with fewer costs) achieve *x*?”, actors operate on a collective “logic of appropriateness”, structured as “how should someone in position *y* act in situation *z*?”.⁴⁴ While this logic may at first seem applicable to the ideologically-committed parties and officials cited above, note the focus on collectivity. This indicates the shared nature of dispositions across an entire area of organized life.⁴⁵ As such, the

⁴¹ Adam Przeworski and Henry Teune, *The Logic of Comparative Social Inquiry* (Malabar: Krieger Publishing Company, 1970).

⁴² Walter J.M. Kickert, “Beneath Consensual Corporatism: Traditions of Governance in the Netherlands,” *Public Administration* 81, no. 1 (2003): 119–40.

⁴³ About the SER, see Ruby B. Andeweg and Galen A. Irwin, *Governance and Politics of the Netherlands*, 2 ed. (New York: Palgrave Macmillan, 2005), 153.

⁴⁴ This doesn’t necessarily indicate overt moral reflection, and can also be the result of habit and intuition. James G. March and Johan P. Olsen, “The Logic of Appropriateness,” in *The Oxford Handbook of Public Policy*, ed. Michael Moran, Martin Rein, and Robert E. Goodin (Oxford: Oxford University Press, 2008).

⁴⁵ Frank R. Dobbin, “Cultural Models of Organization: The Social Construction of Rational Organizing Principles,” in *The Sociology of Culture: Emerging Theoretical Perspectives*, ed. Diana Crane (Hoboken: Wiley Blackwell, 1994); Mark C. Suchman and Lauren B. Edelman, “Legal Rational Myths,” *Law & Social Inquiry* 21, no. 4 (1997): 903–66.

current theory hinges on a degree of cultural homogeneity on “how to govern” that goes beyond specific organizations or individuals.

Nobody could reasonably argue that South African and Brazilian bureaucracies display enduring dispositions towards consensus-seeking. Beginning in the early 20th century, both States developed large administrative apparatuses dedicated to inducing industrialization through import-substitution strategies.⁴⁶ The rise of these two developmental States was accompanied by centralization of policymaking in increasingly technocratic Executives – and, except between 1946 and 1964 in Brazil, by authoritarianism. Unions were consistently excluded from policymaking. By contrast, employer associations enjoyed more voice, but this influence had more relation to governments’ need for business cooperation than cultural dispositions. Evidence of this is that formal and informal access channels opened and closed fluidly according to governmental strategies and businesses’ counteractions.⁴⁷

Between the 1980s and 1990s, South Africa and Brazil transitioned to (still-enduring) democracies, but the transitions did not suddenly shift old patterns. Even as policies strayed away from import-substitution and generally became more orthodox, economic policymaking capacities remained concentrated in technocratic pockets (though somewhat less insulated from party and parliamentary politics).⁴⁸ Though individual high-level bureaucrats have sometimes committed to consultations,⁴⁹ individual commitments do not make a shared culture. The result has been a personalistic pattern where the character of public-private relations depends heavily on who is in charge. In Brazil, personalism has become reflected in economic council instability. While South Africa’s NEDLAC has not escaped the effects of personalism, these have not included extinction or even frequent structural changes.

⁴⁶ Sonia Draibe, *Rumos e Metamorfoses: Um Estudo Sobre a Constituição Do Estado e as Alternativas Da Industrialização No Brasil, 1930 - 1960*, 2nd ed. (Rio de Janeiro: Paz e Terra, 2004); Bill Freund, *Twentieth-Century South Africa: A Developmental History* (Cambridge: Cambridge University Press, 2019).

⁴⁷ Maria Antonieta P. Leopoldi, *Política e Interesses Na Industrialização Brasileira: As Associações Industriais, a Política Econômica e o Estado* (São Paulo: Paz e Terra, 2000); Antoinette Handley, *Business and the State in Africa* (Cambridge: Cambridge University Press, 2008), chap. 1.

⁴⁸ Farouk Chothia and Sean Jacobs, “Remaking the Presidency: The Tension between Co-Ordination and Centralisation,” in *Thabo Mbeki’s World: The Politics and Ideology of the South African President*, ed. Sean Jacobs and Richard Calland (Pietermaritzburg: University of Natal Press, 2002); Aurelia Segatti and Nicolas Pons-Vignon, “Stuck in Stabilisation? South Africa’s Post-Apartheid Macro-Economic Policy between Ideological Conversion and Technocratic Capture,” *Review of African Political Economy* 40, no. 138 (2013): 537–55; Maria Rita Loureiro, “A participação dos economistas no governo,” *Análise* 17, no. 2 (2006): 345–59.

⁴⁹ De Toni, “Novos Arranjos Institucionais Na Política Industrial Do Governo Lula: A Força Das Novas Ideias e Dos Empreendedores Políticos.”

1.2.2 The variety of capitalism – a functionalistic mechanism

Hall and Soskice theorize that deliberative institutions persist in coordinated market economies (CMEs) but not in liberal market economies (LMEs) because they complement other CME institutions.⁵⁰ In the “varieties of capitalism” framework, CMEs (such as Germany) and LMEs (such as the US) differ in how their institutional systems organize economic relations: whereas the latter incentivizes short-term competitive interactions, the former incentivizes actors to depend on each other for longer periods. For instance, rather than the US’s deregulated labor market that stimulates workers to always look for more gainful employment, Germany has a wage bargaining system that standardizes wages within an industry, thus deterring constant job changes.

National political economies have retained their differences partly because their institutions compose self-reinforcing systems. Each institution in the system complements the other by jointly incentivizing compatible practices. Thus, the presence of one institution increases the benefits reaped from the other.⁵¹ Within CMEs, economic councils fulfill the need for sustained communication between long-term partners. Since councils provide these gains only when coupled with complementary institutions, it aligns with the self-interest of government, employers, and labor in a CME to participate in them, but not in an LME (explaining the overlap between corporatism and CMEs). This is a functionalistic mechanism because it takes the form “institution *x* exists because it serves the function(s) *y*”,⁵² leading rational actors to *cooperate* around it.⁵³

However, the liberal and coordinated types refer to advanced industrial countries and do not help in characterizing either South Africa or Brazil. Within the “varieties” framework, the largest attempt at theorizing the sort of late-industrialized middle-income countries that the cases represent comes from Schneider, who proposes classifying both as hierarchical market economies (HMEs).⁵⁴ In these, rather than competing or coordinating, a few big players occupy specific points in production hierarchies. For example, multinational corporations tend to

⁵⁰ Peter A. Hall and David Soskice, *Varieties of Capitalism: Institutional Foundations of Comparative Advantage* (Oxford: Oxford University Press, 2001), 12.

⁵¹ Hall and Soskice, 17–21.

⁵² Paul Pierson, “The Limits of Design: Explaining Institutional Origins and Change,” *Governance* 13, no. 4 (2000): 476.

⁵³ Barry R. Weingast, “Rational-Choice Institutionalism,” in *Political Science: The State of the Discipline*, ed. Ira Katznelson and Helen V. Milner (New York: W.W. Norton & Company, 2002); Georg Von Wangenheim, “Evolutionary Theories in Law and Economics and Their Use for Comparative Legal Theory,” *Review of Law & Economics* 7, no. 3 (2011): 741–43.

⁵⁴ Ben Ross Schneider, *Hierarchical Capitalism in Latin America: Business, Labor, and the Challenges of Equitable Development* (Cambridge: Cambridge University Press, 2013).

dominate the most technologically advanced sectors, like automotive assembly. On the other hand, diversified national groups dominate capital-intensive but less risky sectors, like construction or mining (think Odebrecht in Brazil or Anglo American in South Africa). These hierarchies partly resulted from 20th century import substitution strategies, which succeeded in attracting foreign firms to produce cutting-edge goods for the respective internal markets.

On the topic of economic councils, Schneider cautions that HMEs raise challenges for institutionalizing public-private relations.⁵⁵ Multinational corporations and diversified groups generally prefer to approach authorities without intermediaries, consequently relinquishing associations to the role of representing small firms with little combined productive relevance. As a result, governments may find more short-term gain in granting preferential (and normally informal) channels of influence to the big players rather than establishing councils with seats durably occupied by small-fry associations. To be clear, some scholars have challenged Schneider's classification of either South Africa or Brazil as HMEs,⁵⁶ so it may be that his theorization does not help much. Either way, the cases do not display a recognizably relevant variation in the "variety of capitalism."

1.2.3 The mobilizational capacity of trade unions – a power-relational mechanism

Rather than agreement, other scholars provide a theory based on labor's capacity to coerce governments through mass mobilization. Suppose a situation where, beyond defending the immediate interests of formal workers, unions also can also organize large demonstrations and sway popular opinion against unfavored reforms. In that case, Baccaro and Simoni propose that authorities will try to preemptively neutralize opposition by including labor leaders in policy negotiations, especially if the government hinges on a fragile coalition.⁵⁷ In this regard, the authors show that European unions were included in policymaking where high membership and public support allowed them to exercise informal veto power over reforms. In a follow-up study, Culpepper and Regan showed that the opposite also happens: unions that had earned a

⁵⁵ Schneider, *Designing Industrial Policy in Latin America: Business-State Relations and the New Developmentalism*, chap. 4.

⁵⁶ Nicoli Nattrass, "A South African Variety of Capitalism?," *New Political Economy* 19, no. 1 (2014): 56–78; Mahrukh Doctor, "Is Brazilian Capitalism at an Institutional Equilibrium? A Varieties of Capitalism Approach," *Desenvolvimento Em Debate* 1, no. 1 (2010): 51–69.

⁵⁷ Lucio Baccaro and Marco Simoni, "Policy Concertation in Europe: Understanding Government Choice," *Comparative Political Studies* 41, no. 10 (2008): 1323–48.

place at the negotiation table were sidelined when they lost their capacity to mobilize the masses and became perceived as narrow interest groups.⁵⁸

Unlike the previous explanations, this one considers what happens in the case of *conflicting preferences*: unions want policy influence, but governments do not want to negotiate. Thus, unions must exercise power, meaning they must draw on available resources to act in ways that negatively affect another actor's interests (regardless of whether interests come from deep-seated cultural dispositions or interest-maximization).⁵⁹ In the case of conflict, what maintains institutions is the capacity of one interest coalition to keep the other from fully or partially realizing reform.⁶⁰ As such, institutional change tends to follow shifts in power relations.

Due to their striking similarities, the trajectories of labor mobilization in South Africa and Brazil too cannot explain the variation in council stability. After decades of repression, both countries experienced a reawakening of militant unionism during the 1970s (while still under authoritarian regimes). As Seidman shows, the success of developmental policies in fostering industrialization also increased workers' ability to inflict costs through collective action, thus creating an opening for reviving militance.⁶¹ Ironically, the policies that legitimized the South African and Brazilian dictatorships created the conditions that made it difficult to repress labor. Unions focalized broader civic resistance and discontentment with economic inequality, becoming capable of crippling strategic industries through workplace strikes and hampering governmental policies through popular protests. As a result, the labor movements shaped mass politics during the countries' respective democratic transitions.⁶²

In line with theoretical expectations, governments sought to subdue unrest by inviting unions to negotiate. In South Africa, the apartheid regime established one of NEDLAC's predecessors, the National Manpower Commission (NMC), in response to a general strike. In Brazil, early democratic governments repeatedly tried drawing labor leaders into social pacts

⁵⁸ Pepper D. Culpepper and Aidan Regan, "Why Don't Governments Need Trade Unions Anymore?," *Socio-Economic Review* 12 (2013): 723–45.

⁵⁹ Steven Lukes, *Power - a Radical View*, 2 ed. (Hampshire: Palgrave Macmillan, 2005), 30.

⁶⁰ James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in *Explaining Institutional Change: Ambiguity, Agency and Power*, ed. James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2010), 1–37.

⁶¹ Gay Seidman, *Manufacturing Militance: Worker's Movements in Brazil and South Africa, 1970-1985* (Berkeley: University of California Press, 1994).

⁶² Glenn Adler and Eddie Webster, "Challenging Transition Theory: The Labor Movement, Radical Reform, and Transition to Democracy in South Africa," *Politics and Society* 23, no. 1 (1995): 75–106; Maria Hermínia Tavares de Almeida, *Crise Econômica e Interesses Organizados: O Sindicalismo No Brasil Dos Anos 80* (São Paulo: Edusp, 1996).

and even included unions in short-lived economic councils called Sectoral Chambers (*câmaras setoriais*).

However, following a well-recognized pattern,⁶³ labor’s mobilizational capacity severely fell in South Africa and Brazil in the years following the democratic transition. To be sure, unions remain relevant in protecting the interests of formal workers in matters like wage negotiations and enforcement of labor laws. However, they lost the character of mass social movements. In that regard, they have faced difficulty in sustaining strike activity among their members and in mobilizing a broader constituency, most notably the unemployed and informal workers.⁶⁴ Though unions once served as focal points for civic resistance, it is now easy to construe them as narrow interest groups. Today, few would argue that South African or Brazilian governments need to negotiate with unions to enable reforms. Indeed, Brazilian unions have repeatedly tried and failed to maintain a stable position in economic councils. But South African unions still manage to protect the NEDLAC. What gives?

Table 1-1. Explanatory structures

	Ideational	Functionalistic	Power-relational
Logic of action	Cultural appropriateness	Rational interest maximization	Any
Interaction between interests	Consensus (non-conflictual)	Cooperation (non-conflictual)	Conflict
Sources of change/reproduction	Collective cognitive schema	Structure of incentives	Distribution of power resources
	Dispositions towards consensus-seeking	Variety of capitalism	Labor’s mobilizational capacity

1.3 COMPULSORY DELIBERATION AND INSTITUTIONALIZATION

As mentioned in this chapter’s introduction, my explanation for the variation between South Africa and Brazil involves two contrasting pairs of processes. First, those relating to the establishment (or non-establishment) of compulsory deliberation institutions; second, those

⁶³ J. Samuel Valenzuela, “Labor Movements in Transitions to Democracy: A Framework for Analysis,” *Comparative Politics* 21, no. 4 (1989): 445.

⁶⁴ Sakhela Buhlungu, “Gaining Influence but Losing Power? COSATU Members and the Democratic Transformation of South Africa,” *Social Movement Studies* 7, no. 1 (2008): 31–42; Adalberto Moreira Cardoso, “Dimensões Da Crise Do Sindicalismo Brasileiro,” *Caderno CRH* 28, no. 75 (2015): 493–510.

resulting from the presence (or absence) of such institutions. However, before delving into this causal discussion, it is important to describe what I mean by compulsory deliberation. This exercise also helps with a fundamental descriptive argument of this dissertation: though Brazilian governments repeatedly instrumentalized legal rules to establish councils, these councils never became institutionalized. In other words, rules and institutions are not the same. Rather, rules represent only one of the constitutive elements of formal institutions.

1.3.1 Rules and institutions

Since academics often equate rules and institutions,⁶⁵ my previous statement may appear puzzling and requires a brief definitional detour. Despite recognizing the connection between these two concepts, I treat them as separate. Legal rules exist only as encoded prescriptions contained in objects like paper, stone tablets or, more recently, computer servers. They have the ontological status of what Archer calls *intelligibilia*, meaning any material “which has the dispositional capacity of being understood by someone.”⁶⁶ This broad category covers all sorts of things, from fiction books to film rolls, which, taken together, form a collective archive of knowledge. Due to their status as material objects, rules can exist even as nobody complies with the normative standards associated with them. In other words, they do not necessarily affect behavior.⁶⁷

On the other hand, institutions are collectively aligned dispositions to comply with prevailing normative standards, at least partly due to social pressure (positive and negative sanctions).⁶⁸ Institutions exist when the individuals involved in a given practice expect that, should they wish to enforce prevailing normative standards, others would support them. This does not necessarily mean that people only behave in certain ways due to social pressure (I am not suggesting that the only reason people avoid murder is not going to jail). However, they must recognize the possibility of sanctions.⁶⁹ Thus, unlike rules, the existence of institutions must be inferred from behavior.

⁶⁵ Douglas North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), 3; Brinks, Levitsky, and Murillo, “The Political Origins of Institutional Weakness,” 6.

⁶⁶ Margaret Archer, *Realist Social Theory* (Cambridge: Cambridge University Press, 1995), 180.

⁶⁷ Hebert Hart, *The Concept of Law*, 2nd ed. (Oxford: Clarendon Press, 1994), 103.

⁶⁸ Dave Elder-Vass, *The Reality of Social Construction* (Cambridge: Cambridge University Press, 2012), 52. Elder-Vass goes more in-depth into the differences between rules and institutions than the space here allows.

⁶⁹ Matthew X. Etchemendy, “New Directions in Legal Expressivism,” *Legal Theory* 22, no. 1 (2016): 1–21.

Despite their different ontological statuses, rules often provide good descriptions of institutions. This apparent overlap is not a coincidence, as legal rules play a constitutive role in formal institutions. More specifically, formal institutions exist when those involved in a practice form the expectation that others would justify endorsing and enforcing normative standards *by reference to a body of rules*. So, for example, a governmental representative may avoid deviating from a procedure for tabling issues in a council because she expects other participants would question her based on extant laws. Legal rules exert a decisive force in legitimizing institutions where the “rule of law” has cultural significance. As a result, institutions that have legal rules as constitutive elements tend to achieve behavioral patterning more effectively.

Though one may often use extant rules as a useful shorthand for describing specific institutions, the two concepts remain separate. One way to see this is by considering how institutions may change even as rules remain the same. Because legal materials only acquire social force through interpretative activity, they are often liable to resignification.⁷⁰ As such, groups can sometimes mobilize the same laws to justify endorsing and enforcing different and possibly contradictory normative standards.⁷¹ For example, as we will see in [chapter 4](#), parties in the NEDLAC have disputed whether the NEDLAC Act creates an obligation for the government to consult the council before introducing economic reforms to Parliament. The resulting institutionalized practice depends on the rules but exists as a compromise that one could never describe based on the rules alone.

This definitional detour now gets to the point: while institutions necessarily have independent causal significance as social structures, rules do not. More concretely, institutions contribute to shaping behavior in a manner that analysts cannot reduce to other variables. For this to hold, institutions must, by definition, be *relatively enduring*, meaning that their existence at a given moment (t) somehow constrains attempts at change aimed at themselves at later moments (t+1).⁷² Otherwise, institutions’ continuing existence (and therefore their causal relevance) would hinge solely on factors other than themselves, such as the will of the powerful.⁷³ But if the powerful can freely remove restrictions that impinge on them, these

⁷⁰ Duncan Kennedy, “A Left Phenomenological Alternative to the Hart/Kelsen Theory of Legal Interpretation,” in *Legal Reasoning: Collected Essays*, Contemporary European Cultural Studies (Aurora: Davies Group Publishers, 2008), 166. Some institutionalists recognize the possibility of institutional change through interpretation, but have yet to review their confusing conflation of rules and institutions. See Mahoney and Thelen, “A Theory of Gradual Institutional Change.”

⁷¹ Robert W. Gordon, “Critical Legal Histories,” *Stanford Law Review* 36, no. 1 (1984): 114.

⁷² Archer, *Realist Social Theory*, 154.

⁷³ Adam Przeworski, “Institutions Matter?,” *Government and Opposition* 39, no. 4 (2004): 527–40.

restrictions mean nothing. Contrarily, the enforcement and permanence of rules can depend on the preferences of a single actor. This unilateral power, I argue, characterizes Brazilian economic councils.

1.3.2 How compulsory deliberation works

Compulsory deliberation institutions are those that impede governments from unilaterally controlling the terms of engagement within deliberative bodies. They operate along two jointly necessary dimensions, henceforth termed primary and secondary. The primary institutions refer to the council's functioning itself; more precisely, it structures how participants may interact between themselves and how the council may interact with other public bodies. There are various possible indications of compulsory deliberation along the primary dimension, from shared control over meeting scheduling to shared control over agenda-setting. Different configurations of institutions may achieve power diffusion among the involved parties; thus, indications hold a relation of substitutability among one another.⁷⁴ In order to illustrate some possibilities, it is useful to compare indications of the presence and absence of compulsory deliberation in the NEDLAC and the CDES, respectively:

- *Calling meetings*: in most Brazilian economic councils, including the CDES, only the government had the power to call meetings. Consequently, if the responsible authorities did not want to continue activities, they would simply stop. On the other hand, NEDLAC meetings are scheduled by a management committee composed of representatives from all parties.
- *Participant selection*: in the CDES, the President of the Republic discretionally chose all participants. In the NEDLAC, participants are legally specified organizations with exclusive power to appoint their spokespeople. This has generated situations where, against governmental preferences, represented organizations barred the inclusion of more participants.
- *Discussion products*: deliberations at the CDES could only result in recommendations addressed to the President of the Republic, who was free to do whatever s/he wanted, including ignoring the recommendations. Beyond this sort of consulting, the NEDLAC often writes detailed reports on bills that it presents directly to the Parliament of South Africa as part of the legislative process.

⁷⁴ Gary Goertz, *Social Science Concepts* (Princeton: Princeton University Press, 2006), 62–65.

The secondary dimension refers to power over the legal rules that partly constitute the primary institutional dimension. In other words, secondary institutions are institutions about rules⁷⁵. Most important to this dissertation are secondary institutions of change, which determine how legal rules may be introduced or altered. They affect institutional stability by determining who has a say during rule change and thus who can exercise formal veto power. To constitute compulsory deliberation, the government must not possess unilateral control over rule change. In Brazil, economic councils have been regulated almost exclusively through presidential and ministerial decrees, which can be unilaterally introduced, altered, and revoked by the government. Contrarily, South Africa's NEDLAC is regulated by laws and bylaws whose change depends respectively on the consent of Parliament and other council participants.

While relatively less important for the current cases than institutions of change, institutions of adjudication can also hypothetically play a role. These refer to the real manners in which judicial authorities distribute opportunities for challenges to alleged rule-infraction. For the purposes of compulsory deliberation, what matters is the degree to which courts empower non-State participants in reacting to governmental attempts at changing the terms of engagement in councils. For example, the Brazilian Supreme Court forced the Jair Bolsonaro administration to backtrack in reducing civil society representation in the National Council of the Environment (CONAMA).⁷⁶ The deciding Justice acted based on a broad argument that the 1988 Constitution protects participation as a matter of principle. As such, this decision represented a significant intervention and opened a significant opportunity for future judicial challenges.

Both in primary and secondary dimensions, compulsory deliberation institutions achieve relative endurance through a power-relational mechanism: they create opportunities for resistance to formal or informal disruptions to the terms of engagement. In my usage, “compulsory” includes, but is not limited to, legal obligations that reduce governmental discretion. These certainly can occur: for example, if some actor can use a rule stipulating that

⁷⁵ The notion of primary and secondary institutions openly draws on Hart's classic notion of primary and secondary rules. See Hart, *The Concept of Law*, chap. 5. However, as already discussed, I consider rules and institutions as different (though related) concepts. Second, I do not embrace some controversial aspects of Hart's full account, such as a differentiation between duty-imposing and power-conferring rules [on the impossibility of this distinction, see Elder-Vass, *The Reality of Social Construction*, 70.]. What matters to me is the self-referring character of secondary institutions.

⁷⁶ Brasil - Supremo Tribunal Federal, “Medida Cautelar Na Arguição de Descumprimento de Preceito Fundamental 623,” January 7 (n. 1) *Diário da Justiça Eletrônico* § 1 (2022), 142.

a certain council “must meet at least four times a year” to judicially force the government to convene meetings, an indication of compulsory deliberation exists. In addition, however, compulsory deliberation institutions can also directly authorize non-State actors to take certain actions that make councils less dependent on governments – for example, directly calling meetings. In such situations, institutions do not directly limit discretion, but they nonetheless empower resistance to governmental disruption.

In some regards, compulsory deliberation institutions can operate in ways that are far from unique. For example, governmental control finds limits on any time reforms need the consent of legislators or courts to move forward, which occurs in several cases. Yet, compulsory deliberation remains interesting because, in some regards, it necessarily empowers *non-State actors* to resist changes to the Executive’s organogram through the law. This mechanism has been key to the NEDLAC’s permanence. In part, it can operate because the councils’ regulatory form facilitates the legitimation of compulsory deliberation. On the other hand, in the Brazilian case, governments have instrumentalized law to establish, control and extinguish economic councils at their convenience. Since the rules have simply reflected governmental preferences, we need only consider the latter in explaining why councils have functioned in one way or another; hence, the rules were never institutionalized.

As I see it, the notion of compulsory deliberation contributes to current understandings of how institutional design affects deliberative dynamics. The literature on deliberative democracy has long discussed how design choices contribute to more or less legitimate deliberative bodies.⁷⁷ By comparison, little thought has gone into how design contributes to keeping these bodies in place. The few existing accounts focus on specific institutional features generically termed as “strong institutional design,” such as councils’ authority to make binding decisions⁷⁸ or the legal rules through which they have been established.⁷⁹ However, while important, these features are neither sufficient nor necessary when considered in isolation, and references to “strong design” do little to theorize how they work. On the other hand, the notion

⁷⁷ See, among many others, Archon Fung, “Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences,” *The Journal of Political Philosophy* 11, no. 3 (2003): 338–67; John Parkinson, *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy* (Oxford: Oxford University Press, 2006); John S. Dryzek, “Discursive Designs: Critical Theory and Political Institutions,” *American Journal of Political Science* 31, no. 3 (1987): 656–79.

⁷⁸ Lindsay Mayka, *Building Participatory Institutions in Latin America: Reform Coalitions and Institutional Change* (Cambridge: Cambridge University Press, 2019), 39.

⁷⁹ Carla de Paiva Bezerra et al., “Desinstitucionalização e resiliência dos conselhos no governo Bolsonaro” (SciELO Preprints, June 7, 2022), <https://preprints.scielo.org/index.php/scielo/preprint/view/4218>.

of compulsory deliberation calls attention to the pulverization of power and how it depends on configurations of institutional features.

1.4 THE ORIGINS AND CONSEQUENCES OF COMPULSORY DELIBERATION

With definitional matters out of the way, it is now time to turn to this dissertation's causal propositions. My arguments involve two pairs of contrasting sequences. The first pair regards the establishment/non-establishment of compulsory deliberation institutions, while the second regards the consequences of these institutions' presence/absence. As my terms suggest, I am not comparing static variables: the units of analysis are sequences of events that unfold over time rather than the countries themselves. Falleti and Mahoney call this approach the comparative-sequential method.⁸⁰ The key reason for adopting such an approach is that temporal factors like the ordering of events and self-reinforcement will play a key role in my explanations.

1.4.1 Intentionally building compulsory deliberation: how the timing of mobilization matters

One strange aspect of compulsory deliberation institutions is governments agreeing to them in the first place. As discussed earlier, deliberation takes time and effort, and governments often just want to be able to get on with their policy agendas without any drama from external interests. As such, I argue that even authorities that value participatory policymaking will generally prefer to maintain the prerogative to choose whether or not to consult non-State actors. Consequently, compulsory deliberation institutions will not likely come about without pressure.

The case of Brazilian policy councils (economic or not) illustrates the governmental preference for maintaining control. The Luís Inácio Lula da Silva government (2003-2011) created a record number of federal-level participatory councils in all policy areas.⁸¹ Not only did his party (the Worker's Party – PT) historically endorse participation,⁸² but his tenure also

⁸⁰ Tulia G. Falleti and James Mahoney, "The Comparative Sequential Method," in *Advances in Comparative Historical Analysis*, ed. James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2015), 211–39.

⁸¹ Bezerra, "Ideologia e governabilidade," 177.

⁸² Bezerra, "Ideologia e governabilidade."

brought several militants to policy positions, facilitating linkages with social movements.⁸³ Yet, most of the new councils were regulated in a manner that concentrated operational powers in the hands of the government. As Pompeu and colleagues commented based on a panorama of federal councils existing around the early 2010s, “the less institutionalized councils were normally those created after 2003, usually by presidential or ministerial decree; they have only consultative attributions or have no rules about their decision-making powers.”⁸⁴ Paradoxically, the two most institutionalized councils, which cover health and social assistance policies, were created by earlier governments that staunchly opposed participation – but only after considerable pressure from social movements that intentionally pushed for change-resistant designs.⁸⁵

But if the South African and Brazilian labor movements followed similar trajectories in terms of mobilizational capacity, why did the former succeed in forcing the government to institutionalize policy influence while the latter failed? I argue that the divergence relates to the *timing* in which unions changed their approaches to engaging with the State. As just mentioned, the establishment of compulsory deliberation requires intentional mobilization from non-State actors. However, such actors often do not want to participate in policymaking. For instance, portions of feminist movements have in many countries refused to participate on the view that the State has an inherently coercive and patriarchal character, so it is wrong to cooperate with it.⁸⁶ Similarly, avowedly socialist unions everywhere have historically been torn between tendencies that refuse or accept cooperation with the State and employers in policymaking.⁸⁷ Consequently, the decision to participate depends on internal union struggles by which proponents of *pragmatic cooperation* defeat proponents of *principled confrontation*.⁸⁸

⁸³ Rebecca Neaera Abers, Lizandra Serafim, and Luciana Tatagiba, “Repertórios de Interação Estado-Sociedade Em Um Estado Heterogêneo: A Experiência Na Era Lula,” *Dados* 57 (2014): 325–57.

⁸⁴ Paula Pompeu et al., “Conselhos Nacionais: Elementos Constitutivos Para Sua Institucionalização,” *Texto Para Discussão* n. 1951 (Brasília: IPEA, 2014), 20.

⁸⁵ Mayka, *Building Participatory Institutions in Latin America: Reform Coalitions and Institutional Change*, chaps. 4 and 5.

⁸⁶ Jane Jaquette, “Feminism and the Challenges of the ‘post-Cold War’ World,” *International Feminist Journal of Politics* 5, no. 3 (2003): 331–54. For a brief discussion of anti-statism in Brazilian participatory politics, see Debora Rezende de Almeida, “Resiliência Institucional: Para Onde Vai a Participação Nos Conselhos Nacionais de Saúde e Dos Direitos Da Mulher?,” *Caderno CRH* 33 (2020): 14–18.

⁸⁷ CLACSO, ed., *El Sindicalismo Latinoamericano En Los Ochenta* (Buenos Aires: Consejo Latinoamericano de Ciencias Sociales, 1986); Richard Hyman, *Understanding European Trade Unionism: Between Market, Class and Society* (London: SAGE, 2001), chap. 4.

⁸⁸ The distinction considers discourses that union leaders use to justify their decision to refuse or accept to participate in policy processes without assuming that the ideas contained in these discourses actually factor into leaders’ decisions (in other words, it does not mean the ideas have independent causal power).

As I take it, *principled confrontation* refers to an adversarial stance fueled by class struggle discourse. Confrontational union leaders paint the State as nothing but a “committee for managing the common affairs of the whole bourgeoisie,” to use Marx’s famous expression.⁸⁹ In these terms, cooperation with governments should be rejected in principle because it means helping perpetuate an exploitative system that must be toppled through revolutionary action. On the other hand, *pragmatic cooperation* refers to a willingness to participate in policy formulation as a strategic means of obtaining reforms. Pragmatic leaders justify cooperation by arguing that, as much as they would like a dictatorship of the proletariat, the working class cannot wait for the revolution to improve its living conditions. They claim that unions should not pass on chances to shape policies, even if it takes managing capitalism alongside the government and employers. Some leaders may go as far as to sell cooperation as an intermediary step toward worker control of the economy.

As South African and Brazilian scholars have extensively documented, militant unions adopted principled confrontation during their formative phases in the 1970s but later transitioned to pragmatic cooperation.⁹⁰ By focusing on unions associated with the Congress of South African Trade Unions (COSATU) in South Africa and with the *Central Única dos Trabalhadores* (CUT) in Brazil, chapters 2 and 3 will show that the cases shared several similarities in this process. In both countries, labor militance resurged first in the most dynamic industries, especially the automotive, with unions initially focused on entrenching their presence in the workplace. This strategy, partly concocted to ensure survival against authoritarian repression, spread outside industries into services and the public sector. However, contrary to their original focus on firm-by-firm mobilization, union leaders became interested in participating in high-level policymaking amidst the job-decimating crises that occurred during the late 1980s and early 1990s due to commercial liberalization. Again beginning in the most dynamic sectors, unions formulated policy proposals for restoring the competitiveness of national industries that struggled to keep up with imports. To stop job losses, socialist unions resorted to cooperating with the government and employers.

⁸⁹ Karl Marx and Friedrich Engels, *The Communist Manifesto* (New York: International Publishers, 1948), 11. Of course, Marx and marxists have a more complicated view of the State than this expression suggests. See Bob Jessop, *Putting the Capitalist State in Its Place* (Cambridge: Polity, 1990), chap. 1.

⁹⁰ This literature will be discussed in detail during the dissertation. But, for useful overviews, see Mike Morris, “Unions and Industrial Councils - Why Do Unions’ Policies Change?,” in *The Political Economy of South Africa*, ed. Nicoli Nattrass and Elizabeth Ardington (Cape Town: Oxford University Press, 1990), 148–62; Iram Jácome Rodrigues, “O sindicalismo brasileiro: da confrontação à cooperação conflitiva” 9, no. 5 (1995): 116–26.

Though union strategies changed in similar directions, the timing differed significantly: in South Africa, pragmatic leaders prevailed before the democratic transition had concluded; in Brazil, they only did afterward. Remember that labor's mobilizational capacity peaked during the respective transitions. As alluded to earlier, this is a common pattern resulting from transitions creating temporary conditions that empower unions beyond what their organizational resources would normally allow.⁹¹ Under repressive conditions, unions have a higher capacity to lead activism than other groups due to their ability to disrupt the economy. With other organizations out of the picture, they tend to serve as focal points not only for the claims of formal workers but also for broader civic resistance and economic discontentment. COSATU unions pushed the government to accept compulsory deliberation while still holding this temporary leading role. Contrarily, CUT unions tried the same only after their advantageous position had already deteriorated. In other words, because they represented the peak of labor's mobilizational capacity, the democratic transitions worked as "windows of opportunities"⁹² that COSATU successfully exploited and CUT missed.

At this point, one further criterion of case selection needs to be mentioned. In addition to their degree of similarity, the cases function well as a counterfactual pair because Brazil could plausibly have displayed the same outcome as South Africa. Suppose unions had not missed their window of opportunity. In that case, it is easy to see how they could have succeeded in forcing the creation of a council resistant to change (indeed, other Brazilian social movements achieved just that in non-economic areas). If we had no reason to think compulsory deliberation institutions could possibly exist in Brazil, comparing it to South Africa would mean little. Goertz and Mahoney call this criterion the "possibility principle."⁹³

⁹¹ Valenzuela, "Labor Movements in Transitions to Democracy: A Framework for Analysis," 447. See also Eduardo G. Noronha, "Ciclo de greves, transição política e estabilização: Brasil, 1978-2007," *Lua Nova*, no. 76 (2009): 119–68; Paul Kubicek, "Organized Labor in Postcommunist States: Will the Western Sun Set on It, Too?," *Comparative Politics* 32, no. 1 (1999): 83–102.

⁹² Gary Goertz and Jack S. Levy, "Causal Explanations, Necessary Conditions, and Case Studies," in *Causal Explanations, Necessary Conditions, and Case Studies: World War I and the End of the Cold War*, ed. Gary Goertz and Jack S. Levy (New York: Routledge, 2005), 29.

⁹³ Gary Goertz and James Mahoney, "Negative Case Selection: The Possibility Principle," in *Social Science Concepts*, by Gary Goertz (Princeton: Princeton University Press, 2006), 177–210.

1.4.2 Living with or without compulsory deliberation: self-reproducing expectations of (in)stability

Lacking other power resources, compulsory deliberation institutions provide a means for non-State participants to defend the council against the volatility of governmental willingness to deliberate. In turn, if participants succeed in deflecting early governmental challenges, the council tends to become routinized with time – that is, patterns of interaction become “known, practiced, and regularly accepted (if not necessarily normatively approved) by social agents who expect to continue interacting.”⁹⁴ *Routinization* means that participants preoccupy themselves less with achieving or avoiding organizational breakdown, leading to a drop in instances of overt conflict. In this new situation, political authorities opposed to deliberation assume that deliberative engagements will persist in the near future and seek ways to deal with associated burdens rather than remove them. Compulsory deliberation institutions still play a stabilizing role as something that participants know is there (they interact “in the shadow” of it), but not as a constantly mobilized resource.

As chapter 4 will show, the NEDLAC underwent routinization. In its early years, the council experienced threats of extinction or reformulation due to the government’s perception that deliberations unduly slowed the pace of reform. As one official said in 1997, “its [the NEDLAC’s] role, and whether time spent on it by ministers, senior government officials and others is warranted, will have to be reviewed”.⁹⁵ The challenges prompted reactions from unions, employer associations, and even the NEDLAC’s staff. As a result, the council survived unscathed. With time, governments focused instead on reducing deliberative burdens; for example, they have sought ways to bypass the council in urgent policies or negotiate with other participants to set up speedier internal procedures. Additionally, the government has not threatened reform where conflict has arisen over the council’s regulatory framework, notably with participant selection. This stands in sharp contrast with other South African economic councils, which exhibit a pattern of instability similar to their Brazilian counterparts.

Conversely, in the absence of both structural factors of stability and empowered non-State actors, serial replacement tends to set in as the functioning of deliberative bodies comes to depend on circumstantial factors. In turn, chronic instability can cause actors to develop

⁹⁴ Guillermo A O’Donnell, “Delegative Democracy,” *Journal of Democracy* 5, no. 1 (1994): 57. O’Donnell actually means this as a definition, rather than as a consequence, of institutions. My use here differs in that I consider institutions as something that causes (rather than constitutes) behavioral patterning. On routinization, see also Mayka, *Building Participatory Institutions in Latin America: Reform Coalitions and Institutional Change*, 41.

⁹⁵ René Grawitzky, “Government Attacks ‘adversarial’ NEDLAC,” *Business Day*, September 2, 1997.

expectations of further instability, which decreases their willingness to commit resources to new iterations of past institutional forms and makes future defections less costly than they would otherwise be. Defections then reinforce expectations, restarting the cycle and locking actors in what Helmke calls an *instability trap*.⁹⁶ Remember that deliberation is very demanding – indeed, labor and business representatives in the NEDLAC estimated that the council could take between 20 and 40% of their work time.⁹⁷ As such, entrenched negative expectations negatively impact the future decisions to commit to councils.

Contrasting with the NEDLAC's routinization, chapter 5 will show how Brazilian economic councils became stuck in an instability trap. Though unions and employer associations in post-transition Brazil have repeatedly asked for more permanent deliberation mechanisms, the pattern of serial replacement carried over from before the transition. This has resulted in a paradoxical situation where actors (but especially employers) avoid dedicating too much energy to new councils despite desiring formalized representation in policy processes. In some cases, specific public officials have managed to overcome such skepticism by displaying exceptional commitment to fostering public-private linkages, sometimes explicitly inspired by successful international experiences. However, as soon as these officials leave, things go back to square one. Economic councils' instability trap stands in contrast to some non-economic Brazilian councils, which have persisted through several hostile governments.

Putting the whole picture together, it is interesting that South Africa and Brazil mirror each other in both pairs of sequences. The first pair consists of “temporally ordered sequences”, meaning a sequence where the “events are not causally connected to each other, but the temporality of these events is causally consequential for the outcome of interest”.⁹⁸ Unions' abandonment of principled confrontation in favor of pragmatic cooperation does not cause the conclusion of democratic transition or vice-versa; regardless, the order in which they happen made the difference in the establishment (or not) of compulsory deliberation institutions. Meanwhile, the second pair consists of *self-reproducing sequences*, meaning that “the movement of initial events in a particular direction induces subsequent events that move the

⁹⁶ Gretchen Helmke, “The Origins of Institutional Crises in Latin America,” *American Journal of Political Science* 54, no. 3 (2010): 714; Gretchen Helmke, “Presidential Crises in Latin America,” in *The Politics of Institutional Weakness in Latin America*, ed. Daniel M. Brinks, Steven Levitsky, and María Victoria Murillo (Cambridge University Press, 2020), 110.

⁹⁷ Karl Gostner and Avril Joffe, “Negotiating the Future: Labour's Role in NEDLAC,” *Law, Democracy & Development* 2, no. 1 (1998): 142.

⁹⁸ Falleti and Mahoney, “The Comparative Sequential Method,” 218.

process in the same direction.”⁹⁹ However, the sequences point toward opposite directions (routinization and instability traps) due to diverging expectations of the involved actors.

Figure 1.1 displays a summary of these sequences. In the end, the temporal ordering of the first pair of sequences contributes to determining the direction of the second pair.

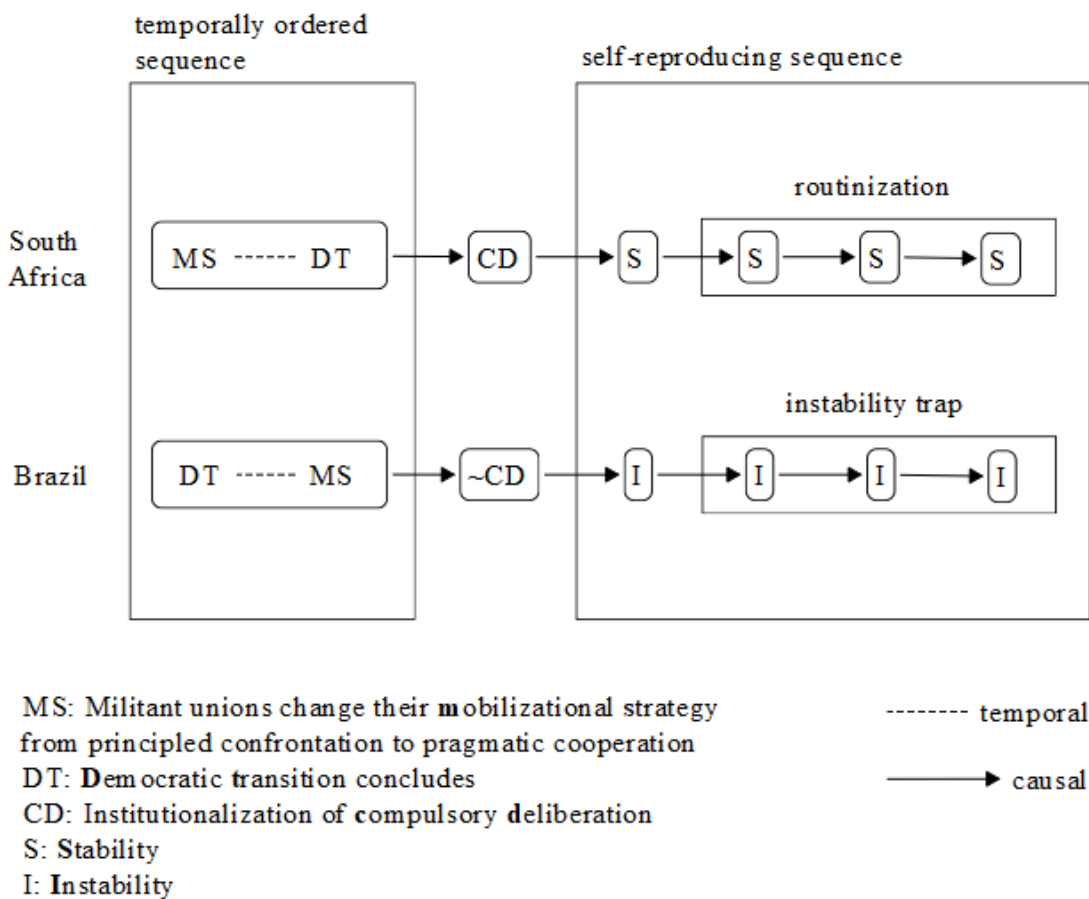


Figure 1-1. Comparing temporal sequences

1.5 SOME METHODOLOGICAL CONSIDERATIONS AND THE PLAN FOR THE DISSERTATION

I have no attachment to this dissertation’s disciplinary label. One can read it equally as socio-legal theory, comparative politics, political sociology, political economy, etc. By this, I do not mean to exaggerate the significance of my contributions. I simply find that the various kinds of literature that the dissertation builds upon cannot be meaningfully categorized – for

⁹⁹ Falleti and Mahoney, 220.

example, it is fruitless to argue whether Peter Evans's "Embedded Autonomy" "belongs more" to political science or development economics (and Evans is nominally a sociologist). Regardless, I think it is worthwhile to discuss how the dissertation combines techniques from comparative historical analysis (more commonly used by sociologists and political scientists) and comparative law. This combination informed many of my decisions in collecting data and organizing arguments. Moreover, I believe it provides some underexplored benefits that merit mention.

Socio-legal scholarship (comparative or not) concerns itself in large part with the character of causal relations between "law" and "society". One classic theme is the "mirror problem:" how can we know whether legal rules have autonomous causal significance or if they simply mirror the societies from which they originate?¹⁰⁰ Unlike other social scientists, socio-legal scholars often care about laws that do not help in explaining any substantive outcome. For example, the tradition of "gap studies" has long pondered why legal reforms "in the books" so often fail to become institutionalized.¹⁰¹ In the same vein, this dissertation spends much energy analyzing causally insignificant legal rules and the interactions that lead to their enactment. I hope the current and the following chapters demonstrate that this approach can yield interesting insights of at least two kinds: first, through controlled comparisons, the reasons behind the "insignificance" of some rules can help explain the "significance" of others; second, even when legal rules are nothing but an instrument at someone's disposal, it matters to understand the manners in which powerful actors instrumentalize said rules.

In recent years, comparative law scholars have increasingly looked at neighboring disciplines to become more self-conscious about causal inference techniques, including case selection criteria like "most-similar designs" and "the possibility principle."¹⁰² But one area where I feel little progress has been made is in analyzing temporality. Maybe the focus on rules has pushed scholars to excessively static comparisons. Regardless, as I hope to have shown, the passage of time can present key elements for assessing the causal properties of legal variables. For example, one of my key concerns is demonstrating how, thanks to the self-reinforcing

¹⁰⁰ Mathias Siems, *Comparative Law*, 2nd ed. (Cambridge: Cambridge University Press, 2018), chap. 6.

¹⁰¹ Jon B. Gould and Scott Barclay, "Mind the Gap: The Place of Gap Studies in Sociolegal Scholarship," *Annual Review of Law and Social Science* 8, no. 1 (2012): 323–35. More recently, political scientists have raised many of the same questions under the fruitful (but misleadingly named) agenda on "weak institutions". Daniel M. Brinks, Steven Levitsky, and María Victoria Murillo, eds., *The Politics of Institutional Weakness in Latin America* (Cambridge University Press, 2020).

¹⁰² See, for example, Ran Hirschl, *Comparative Matters: The Renaissance of Comparative Constitutional Law* (Oxford: Oxford University Press, 2014).

properties of its legal design, the NEDLAC has remained in place even after the forces behind its establishment vanished.¹⁰³ Thus, the legal variables do not simply mirror “society”.

Comparative historical analysis (CHA) is one approach that has provided important innovations in the study of time, such as the comparative sequential method.¹⁰⁴ In addition to cross-case comparisons, CHA scholars build new theories through the temporal analysis of sequences of events that constitute the process of interest. This approach uses history not only to construct a narrative but also to inductively generate new theories by reference to existing ones. Because theory-building means explaining why sequences go one way and not another, CHA necessitates going beyond static variables and understanding actors’ preferences and strategies within the changing structures that limit and enable their actions. I believe CHA and comparative law are compatible and that joining these approaches yields analytical gains.

In line with CHA’s focus on comparing dynamic processes rather than static variables, this dissertation’s two halves contrast the two pairs of sequences sketched in this introduction, always beginning with the positive case (South Africa) and moving to the negative case (Brazil). Chapters 2 (South Africa) and 3 (Brazil) cover the temporally ordered sequences that ended with militant unions’ success or failure in establishing compulsory deliberation institutions. Chapters 4 (South Africa) and 5 (Brazil) cover the self-reinforcing sequences whose character – routinization or instability trap – depends on the presence or absence of compulsory deliberation institutions. Finally, the conclusion provides some brief closing remarks. This dissertation employs any kind of data that aids in tracing the sequences of events through its various chapters.¹⁰⁵ As such, it ranges from secondary sources such as historical literature to primary sources like various legal materials, official documents and newspaper clippings.

¹⁰³ Stinchcombe calls this explanatory structure “historicist.” Arthur L. Stinchcombe, *Constructing Social Theories* (New York: Harcourt, Brace & World, 1968), 105.

¹⁰⁴ James Mahoney and Dietrich Rueschemeyer, *Comparative Historical Analysis in the Social Sciences* (Cambridge: Cambridge University Press, 2003); James Mahoney and Kathleen Thelen, *Advances in Comparative Historical Analysis* (Cambridge: Cambridge University Press, 2015).

¹⁰⁵ On the use of various kinds of data in process-tracing (in contrast to the uniform data of statistical studies), see Derek Beach and Rasmus Brun Petersen, *Process-Tracing Methods: Foundations and Guidelines* (Michigan: Michigan University Press, 2013), 72.

2 THE ORIGINS OF COMPULSORY DELIBERATION IN SOUTH AFRICA

The National Economic Development and Labour Council Act (NEDLAC Act) was one of the first statutes passed in post-*apartheid* South Africa.¹ In the NEDLAC, government, labor, business and community representatives would participate in policy talks. Though relatively short, the act made two key provisions: first, the NEDLAC would consider all changes to labor legislation and social or economic policy before their introduction to Parliament; second, the council would have exclusive authority over drafting and amending its bylaws. The NEDLAC soon passed its internal constitution.² Among its many provisions, it determined that nominally-defined organizations would autonomously appoint their representatives in the council, that the council's own secretariat would call meetings, and that meetings needed only a quorum of one-third of members to proceed.

Together, the NEDLAC Act and Constitution established – at least formally – a council resistant to unilateral disruption from any of its members. For example, none can invalidate meetings by not showing up (since the quorum was low), and any formal changes depend on the consent of either the Parliament or other council members. This institutional design was not

¹ South Africa, “National Economic Development and Labour Council Act,” Pub. L. No. 35, December 2 (n. 16126) Government Gazette 3 (1994).

² NEDLAC, “NEDLAC Constitution,” April 25, 1995, South East Academic Libraries System Digital Commons, <http://hdl.handle.net/10962/151654>.

an accident but a result of the mobilization of the country's largest union umbrella body, the Congress of South African Trade Unions (COSATU), during the democratic transition. As one of COSATU's cadres then contended, "[w]hether entrenched in the constitution, provided for in legislation, by legal precedent or guaranteed by political powers, there should be a *compulsion* on the government to engage civil society in the process of decision-making" (my emphasis).³

COSATU may have achieved its goal, but the road to the NEDLAC was far from predetermined: proponents of long-term engagement in policy had to overcome much resistance from the government and within the labor movement itself. This chapter examines precisely the origins of compulsory deliberation institutions in South Africa. Its objective is to substantiate the argument that the labor movement got what it wanted by mobilizing before the transition to democracy had concluded. At that moment, unions enjoyed a temporarily heightened mobilizational power that gave them leverage over the government. But to move in favor of institutionalizing policy influence, COSATU first had to abandon its prior stance of refusing to cooperate with the government at all costs. COSATU only managed to exploit its window of opportunity because, unlike Brazilian unions (which will be a topic for the next chapter), it moved from a stance of *principled confrontation* to *pragmatic cooperation* in time.

In addition to this introduction, the current chapter is divided into four parts. The first one provides some necessary background knowledge about the South African white-led developmental State and its industrial relations system prior to the rise of militant non-racial unions. The second part discusses the mobilizational strategies of the non-racial unions that emerged during the 1970s and how these strategies translated into a rejection of institutionalized deliberation. The third part chronicles a change in union strategies as, amid organizational changes and job losses, workers began seeing councils as channels for influencing industrial restructuring. Lastly, the fourth part shows how COSATU used the democratic transition to mobilize in favor of compulsory deliberation institutions: initially to prevent last-minute reforms by the *apartheid* regime and then as a mechanism for guaranteeing enduring policy influence in the post-transition State.

³ Jayendra Naidoo, "The Role of the National Economic Forum: Deepening Democracy and Empowering Civil Society," in *Engine of Development? South Africa's National Economic Forum*, ed. Ebrahim Patel (Cape Town: Juta, 1993), 30–31.

2.1 THE SOUTH-AFRICAN DEVELOPMENTAL STATE AND INDUSTRIAL RELATIONS PRIOR TO 1974

Although *apartheid* began only in 1948, the party responsible for it, the National Party (NP), had already been in power between 1924 and 1938. During this period, it introduced a series of early segregation measures to satisfy the Afrikaner population's clamors. "Afrikaner" refers to an ethnic group descendent from the Dutch settlers who occupied the territory where South Africa is today. They developed a cultural identity of their own, one hostile to both the British settlers who arrived later and to the native black population.⁴ Building on Afrikaner race consciousness, the NP ascended to power with an electoral campaign promising to deal with poverty among Afrikaners (*the poor-white problem*),⁵ who were generally more rural, less schooled, and with less access to capital than the British colonizers.

The tendency starting in 1924 and intensified in 1948 was of a growing dominance of the administrative apparatus by Afrikaners, with marked consequences for State action over the economy. Regarding labor, protecting the welfare of the Afrikaner workforce led to action on two fronts: on one side, strengthening Afrikaner workers' bargaining power in relation to capital in key sectors such as gold mining and manufacturing, which were dominated by the British; on the other side, reserving the best jobs and working conditions for Afrikaners, generally to the detriment of the black population.⁶ These measures were complemented by interventionist policies directed toward expanding Afrikaner opportunities, be it for workers (e.g., creating parastatals to employ them) or national businesses (e.g., import substitution strategies and directed State contracts). As a result, a distinctly "white-run developmental State" gradually formed.⁷

The "white-run developmental state" employed councils to manage both as advisors in industrial policy and managers of industrial relations. Though not as numerically prevalent as in Brazil at the time (see section 3.1.2), some councils involved employer associations and white unions in governmental consultations. In that regard, it is worth mentioning bodies like the *Advisory Council of Labour* (1928),⁸ the *Social and Economic Planning Council* (1942),⁹

⁴ Leonard Thompson, *A History of South Africa*, 3rd ed. (New Haven: Yale University Press, 2001), chaps. 4–5.

⁵ Jeremy Seekings, "'Not a Single White Person Should Be Allowed to Go under': Swartgevaar and the Origins of the South Africa's Welfare State, 1924-1929," *The Journal of South African History* 48, no. 3 (2013): 375–94.

⁶ Sonia Bendix, *Industrial Relations in South Africa* (Cape Town: Juta, 1989), 291–99.

⁷ Bill Freund, *Twentieth-Century South Africa: A Developmental History* (Cambridge: Cambridge University Press, 2019).

⁸ Commission of Inquiry into Labour Legislation, *The Complete Wiehahn Report* (Johannesburg: Lex Patria, 1982), 15.

⁹ Peter Wilkinson, "A Discourse of Modernity," *African Studies* 55, no. 2 (1996): 141–81.

and the *South African Economic Advisory Council* (1960).¹⁰ That said, these councils never contributed much to policy-making – for example, Freund shows evidence that the NP governments purposively ignored all advice that went counter to their pre-defined policies.¹¹ In addition to traditional councils, NP governments would sometimes convene commissions with private-sector representation tasked with formulating specific proposals, such as the “Commission of Inquiry into Policy Relating to the Protection of Industries.”¹² However, these commissions functioned only temporarily by definition.

More relevant for this dissertation were the bipartite councils where white unions and employer associations bargained over wages. The 1924 Industrial Conciliation Act established the so-called “industrial councils” as fora for centralized wage bargaining, leaving unions and employers to choose whether to participate or not.¹³ The government did not directly take part in negotiations. However, it guaranteed that agreements reached in industrial councils had the force of law, including to non-represented parties – but only as long as the Minister consented to extend the agreements, a choice over which he had complete discretion (this detail will come into play later). The industrial councils became a centerpiece of South Africa’s industrial relations during *apartheid*. Though the NP governments never outright created class organizations (as Getúlio Vargas did in Brazil; see [section 3.1.1](#)), the councils incentivized employers to voluntarily form associations where strong white unions existed.¹⁴

For obvious reasons, the black workers got a decidedly rougher deal during the *apartheid*, facing exclusion from the official bargaining system and repression. Until 1979, the legal definition of “worker” did not extend to blacks, termed in the legislation as “pass-bearing natives” (a reference to the fact that blacks needed passes to reside in “white” cities).¹⁵ As a result, they had no right to unionize. One consequence of this is that blacks could not participate in industrial councils, meaning that their dealings with employers occurred strictly on a factory-by-factory basis. Though attempts at unofficial union-building did exist, any trace of organized

¹⁰ Louwrens Pretorius, “Giving and Governing Policy Advice: The South African Economic Advisory Council,” *Politikon* 38, no. 3 (2012): 367–87.

¹¹ Freund, *Twentieth-Century South Africa: A Developmental History*, 86.

¹² Charles H. Feinstein, *An Economic History of South Africa* (Cambridge: Cambridge University Press, 2005), 180.

¹³ Bendix, *Industrial Relations in South Africa*, 290.

¹⁴ Nicoli Natrass, “From Fragmentation to Fragile Unity: Organizational Fault-Lines in South African Business,” *South African Journal of Business Management* 29, no. 1 (1998): 22.

¹⁵ Bendix, *Industrial Relations in South Africa*, 291.

black militance was met with intense political repression.¹⁶ Combined with other forms of repression of the black population, such as the banishing of the political organization called the African National Congress, *apartheid* seemed for a while to achieve relative industrial peace.

2.2 MILITANT UNIONS' FACTORY FLOOR ORGANIZATION AND THEIR REJECTION OF INDUSTRIAL COUNCILS

The relative industrial peace of the first decades of the apartheid regime ended in the early 1970s, with notable consequences for the collective bargaining system. To a considerable extent, this was an ironic consequence of the government's developmental policies: their success increased the need for a trained industrial workforce, leading employers to hire more blacks and ultimately increasing these workers' space for militance. In an effort to co-opt and pacify a new wave of increasingly disruptive non-racial unions, the government extended formal recognition in 1979. Unions that accepted to register, in turn, could participate in industrial councils. But having formed a socialist-inspired organizational creed around factory floor mobilization, the new unions initially refused the offer to cooperate with employers in centralized bargaining.

2.2.1 Industries' growing dependence on black labor

Despite the policy of employment restrictions, white South Africa was becoming increasingly dependent on black industrial labor. Boosted by developmental industrialization strategies, the industry grew an average of 6.3% per year between 1956 and 1979,¹⁷ jumping from 26 to 31% of the overall GNP.¹⁸ At the time, high hopes for further growth suffused the minds of both specialists and governmental officials: Hobart Houghton, then one of the most influential South African economists, held that manufacturing had to be “the cornerstone of future expansion”;¹⁹ meanwhile, the government sought to increase incentives and promote a

¹⁶ William Freund, “Organized Labour in the Republic of South Africa: History and Democratic Transition,” in *Trade Unions and the Coming of Democracy in Africa*, ed. Jon Kraus (New York: Palgrave Macmillan, 2007), 200–2007.

¹⁷ Calculated from Central Statistical Service, *South African Statistics 1994* (Pretoria: Central Statistical Service, 1994), pt. 21.8.

¹⁸ Calculated from Central Statistical Service, pt. 21.11.

¹⁹ D. Hobart Houghton, *The South African Economy*, 3rd ed. (Cape Town: Oxford University Press, 1973), 133.

transition from import substitution to export-based growth.²⁰ The NP had invested much in tariff protections, parastatal support, and infrastructure development, and it seemed to be paying off.

Alongside its growth, however, the industry also faced changing workforce needs that caused concern over the possibility of shortages. During apartheid, production transitioned from an artisan model to a production-line (Fordist) model, leading to more concentrated and capital-intensive firms with more mechanized and divided productive activities.²¹ The needed “skill mix” changed accordingly, with traditional skilled crafts becoming redundant and demand for operatives, mechanics and technicians rising.²² In this context, the insufficient supply of white labor became a pressing issue, as whites comprised only a fraction of the active workforce (around 11%). Moreover, many had by the 1970s moved to the services sector, and what was left had traditional artisan training.²³ Official reports indicated particular concern over white labor shortages in professional, semi-professional and technical areas of employment.²⁴

Because of the shortage threat, the costs imposed by segregation policies no longer sufficed to dissuade businesses from turning to the black population. Thus, the share of industrial jobs occupied by blacks grew steadily: in 1960, there were 21 for every white;²⁵ by 1974, there were 30.²⁶ But this seemingly ready-made solution came with new challenges, namely, that blacks generally possessed much lower technical skill levels than whites. As a result, firms found themselves having to invest considerable sums into training.²⁷ In time, these investments led to the new workforce taking on production roles once performed by the old: according to Simkins and Hidson’s estimates, the share of black workers occupying qualified and semi-qualified positions grew, respectively, from 9,3% to 23,2% and from 54,7% to 66,7%.²⁸

²⁰ Feinstein, *An Economic History of South Africa*, 193.

²¹ Feinstein, 125–27.

²² Merle Lipton, *Capitalism and Apartheid* (Aldershot: Gower Publishing Company, 1985), 144.

²³ Johann Maree, “The Emergence, Struggles and Achievements of Black Trade Unions in South Africa from 1973 to 1984,” *Labour, Capital and Society* 18, no. 2 (1985): 284.

²⁴ Muriel Horrell and Dudley Horner, *A Survey of Race Relations in South Africa 1973* (Johannesburg: South African Institute of Race Relations, 1974), 219.

²⁵ Calculated from Central Statistical Service, *South African Statistics 1972* (Pretoria: Central Statistical Service, 1972), pt. 6.6, 6.11.

²⁶ Calculated from Central Statistical Service, *South African Statistics 1982* (Pretoria: Central Statistical Service, 1982), pt. 7.10, 7.16, 7.17.

²⁷ André Kraak, “Uneven Capitalist Development: A Case Study of Deskilling and Reskilling in South Africa’s Metal Industry,” *Social Dynamics* 13, no. 2 (1987): 26–29.

²⁸ C. E.W. Simkins and D. C. Hindson, “The Division of Labour in South Africa, 1969–1977,” *Social Dynamics* 5, no. 2 (1979): 1–12.

Eventually, shortages became such a threat that businesses rescued their initial opposition to segregation policies. While remaining ambiguous on black political and urban rights, associations such as the Federated Chamber of Industries (FCI) and the Associated Chambers of Commerce (ASSOCOM) intensified demands for the government to lift job reservations, reduce the bureaucratic requirements for hiring blacks, and provide worker training.²⁹ By the 1970s, even the *Afrikaanse Handels Instituut* (AHI) – an association of Afrikaner businessmen and then a staunch supporter of the *apartheid* regime – began calling for restrictions to be eased.³⁰

The confluence of rapid growth, workforce shortages, and segregation policies meant that, for every lost worker, employers in capital-intensive industries had to find and train a replacement, a process that inevitably affected production. And, since arrests often caused black strikers to lose their urban residence rights, the costs of suppressing unrest rose tremendously. As Lipton put it, “[e]mployers could (and did) call in the police, but this could lead to the arrest and absence of their entire workforce, as in the 1972 Putco bus strike”.³¹ As such, according to Seidman, employers realized that if they wanted to retain a skilled and stable workforce, there was no choice but to forego repressive State intervention and rely on direct negotiations with employees.³² This would prove to be fertile ground for renewed worker organization.

2.2.2 The renewal of organized worker militance through the factory floor

Marking the end of decades of relative quiescence and the beginning of worker reorganization, the Durban strikes of 1973 represent a widely acknowledged turning point in the history of South African industrial relations.³³ Even though workers won few substantial victories during the following years in terms of bettering their life conditions, they nonetheless took steps to create and consolidate non-racial unions. For this chapter, it is especially relevant to note the manner in which newly formed unions concentrated their efforts in individual

²⁹ This turn in the business-government relations is well documented in the literature. See Lipton, *Capitalism and Apartheid*, 145–53; Andrew Torchia, “The Business of Business: An Analysis of the Political Behaviour of the South African Manufacturing Sector under the Nationalists,” *Journal of Southern African Studies* 14, no. 3 (1988): 421–45; Antoinette Handley, *Business and the State in Africa* (Cambridge: Cambridge University Press, 2008), 47–50.

³⁰ Muriel Horrell, *A Survey of Race Relations in South Africa 1970* (Johannesburg: South African Institute of Race Relations, 1971), 94.

³¹ Lipton, *Capitalism and Apartheid*, 166.

³² Gay Seidman, *Manufacturing Militance: Worker’s Movements in Brazil and South Africa, 1970-1985* (Berkeley: University of California Press, 1994), 141.

³³ Freund, “Organized Labour in the Republic of South Africa: History and Democratic Transition,” 208.

factories and developed an organizational creed centered around factory floor mobilization. With this, for the first time, they managed the notable feat of simply surviving the regime's onslaught.

The 1973 chain of strike action that engulfed the industrial center of Durban, a city situated in the Natal region, took observers by surprise. Not only did it vastly outsize any mobilization episode that had occurred in the more recent years, but it also lacked clear leadership or coordination (in that sense, it resembled the 1978 strike wave in the Brazilian city of São Bernardo; see [section 3.2.1](#)).³⁴ Moreover, the attitudes of employers and government ended up being equally unusual, as there were no massive arrests, and most fired workers got readmitted into their jobs. When the Institute for Industrial Education asked one employer representative to explain the relatively timid reaction, he replied, "it is too jolly difficult to get a labour force as it is".³⁵

After the 1973 strike wave, workers slowly formed unions and other organizing bodies in several urban centers, such as Durban itself, the Witwatersrand region, and Cape Town. These movements did not necessarily communicate and adopted very different and often incompatible practices.³⁶ However, by the end of the 1970s, the preponderant style of unionism had become that of the Trade Union Advisory Coordinating Committee (TUACC), an umbrella organization for unions based in Natal. TUACC would later fuse with other organizations and provide the leading impetus for creating the Federation of South African Trade Unions (FOSATU), the first national federation of non-racial unions, in 1979.³⁷

Rather than rapid expansion, the TUACC-Fosatu style prioritized solid union entrenchment on the factory floor. Aiming to force employer recognition while avoiding regime repression, unions decided to target national conglomerates that sought to project a reformist image and multinational firms susceptible to international pressures.³⁸ Workers in each of the factories mobilized around "shop stewards", elected representatives tasked with connecting

³⁴ On the Durban strikes, see Alex Lichtenstein, "'A Measure of Democracy': Works Committees, Black Workers, and Industrial Citizenship in South Africa, 1973-1979," *South African Historical Journal* 67, no. 2 (2015): 114–18.

³⁵ Institute for Industrial Education, *The Durban Strikes 1973* (Durban: Ravan Press, 1977), 144.

³⁶ Maree, "The Emergence, Struggles and Achievements of Black Trade Unions in South Africa from 1973 to 1984," 287–91.

³⁷ Nicole Ulrich, "'Only the Workers Can Free the Workers': The Origin of the Workers' Control Tradition and the Trade Union Advisory Coordinating Committee (TUACC)," (University of the Witwatersrand, 2007), 242–45.

³⁸ Steven Friedman, *Building Tomorrow Today: African Workers in Trade Unions, 1970-1984* (Johannesburg: Ravan Press, 1987), 127–28.

factories to the unions and mediating the relationship with firm management.³⁹ The centrality of stewards created a true organizational creed around their image, one that emphasized mobilization and solidarity on the factory floor.⁴⁰

Militant unions' early "factory floor culture" shaped both their overarching goals and relationship to the broader anti-apartheid struggle. In emphasizing "workers' control," militant unions limited their constituency to their own membership and, taking an overtly socialist stance, consciously directed their opposition to capitalism rather than racism.⁴¹ As late as 1983, a high Fosatu union official stated that "we believe workers as a class should fight their own problems. (...) As the enemy is only one – capitalism – and all other things like influx control are merely appendages".⁴² Simultaneously, unions showed skepticism toward alliances with other anti-apartheid organizations (such as black power organizations and political parties), as they feared the cooption of worker interests. An example of this was Fosatu's refusal to join the United Democratic Front (UDF), a coalition of anti-apartheid civic organizations formed in 1983.

The environment within which the new unions had to operate in, however, could be considered open only relative to what had come before. Government still assailed the labor movement with routine bans and, in more violent cases, detainment and torture.⁴³ Things took an even worse turn in months after the student-led 1976 Soweto uprisings, when, as part of a wide set of actions aimed at various groups, the government banned several union officials.⁴⁴ Due to their then small size, unions keenly felt the loss of key officials, and rank-and-file members became frightened.⁴⁵ However, unions' efforts in building solid factory floor militance allowed them to survive, and the accumulated weight of their actions was starting to make itself felt.

³⁹ Friedman, 93–94; Edward Webster, *Cast in a Racial Mould: Labour Process and Trade Unionism in the Foundries* (Johannesburg: Ravan Press, 1985), chap. 11; Lichtenstein, "A Measure of Democracy": Works Committees, Black Workers, and Industrial Citizenship in South Africa, 1973-1979."

⁴⁰ Glenn Adler, "Shop Floors and Rugby Fields: The Social Basis of Auto Worker Solidarity in South Africa," *International Labor and Working-Class History*, no. 51 (1997): 104–10; Sakhela Buhlungu, "The Building of the Democratic Tradition in South Africa's Trade Unions after 1973," *Democratization* 11, no. 3 (2004): 134.

⁴¹ Seidman, *Manufacturing Militance: Worker's Movements in Brazil and South Africa, 1970-1985*, 190–93; Sian Byrne and Nicole Ulrich, "Prefiguring Democratic Revolution? 'Workers' Control' and 'Workerist' Traditions of Radical South African Labour, 1970–1985," *Journal of Contemporary African Studies* 34, no. 3 (2016): 368–87.

⁴² FOSATU, "Strive to Build a Strong Working Class Movement," *FOSATU Worker News* (Johannesburg, October 1983).

⁴³ Du Toit provides a comprehensive account of government reaction after 1973. See D. du Toit, *Capital and Labour in South Africa: Class Struggle in the 1970s* (London: Kegan Paul, 1981), chap. 10.

⁴⁴ du Toit, 353.

⁴⁵ Friedman, *Building Tomorrow Today: African Workers in Trade Unions, 1970-1984*, 119–20.

2.2.3 Government tries to co-opt unions through recognition

With the stick of repression yielding diminishing returns at a particularly delicate time, the NP government found itself having to contend with agitated industrial relations while managing unprecedented domestic and international pressures against segregation. Faced with this predicament, authorities took a page from historical example and turned to the second-best option:⁴⁶ dangling the carrots of formal benefits in exchange for workers relinquishing their militance.

In principle, labor militance should not have created so much trouble. Even though the number of unionized black workers quadrupled between 1969 and 1975, they still only represented around 1% of the economically active black population, a measly rate of unionization compared to the 24% then sported by whites (see [table 2.1](#)). In spite of their small size, though, non-racial unions still proved upsetting in a time when employers already had their hands full with an economic slowdown. In this regard, the average number of strikes per year between 1973 and 1976 was more than four times bigger than that seen between 1960 and 1972 (see [table 2-2](#)).⁴⁷ In addition to traditional strike action, unions also mobilized consumer boycotts and called upon foreign allies to pressure multinationals inside their home countries.⁴⁸

Table 2-1. Unionization rates in South Africa 1969 x 1975

Year	Unionized whites ¹	Unionized blacks ¹	White economically active ²	Black economically active ²	Percent white	Percent black
1969	426.020	16.040	1.537.000	5.803.000	27.72%	0.28%
1975	419.902	59.081	1.749.000	6.036.000	24.01%	0.98%

¹ MILLER, Shirley. Trade unions in South Africa 1970-1980: a directory and statistics. Cape Town: SALDRU, 1982. (SALDRU working papers), p.xxv.
² Central Statistical Service, South African Statistics 1982 (Pretoria: Central Statistical Service, 1982), pt. 7.5

⁴⁶ Gerhard Lehmbuch, "The Institutional Embedding of Market Economies: The German 'Model' and Its Impact on Japan," in *The Origins of Nonliberal Capitalism*, ed. Wolfgang Streeck and Kozo Yamamura (Ithaca: Cornell University Press, 2001), 58.

⁴⁷ For an in depth discussions of some of the period's most notable strikes, see du Toit, *Capital and Labour in South Africa: Class Struggle in the 1970s*, 276–96; Webster, *Cast in a Racial Mould: Labour Process and Trade Unionism in the Foundries*, 137–48.

⁴⁸ Seidman, *Manufacturing Militance: Worker's Movements in Brazil and South Africa, 1970-1985*, 229.

Table 2-2. Strike numbers in South Africa 1960-1976

Year	Number of strikes	
1960 ¹	42	¹ Central Statistical Service, South African Statistics 1972 (Pretoria: Central Statistical Service, 1973). ² Central Statistical Service, South African Statistics 1982 (Pretoria: Central Statistical Service, 1983). *Note that this is official data and thus likely to deliberately underrepresent the actual number of strikes.
1961 ¹	81	
1962 ¹	56	
1963 ¹	61	
1964 ¹	99	
1965 ¹	84	
1966 ¹	98	
1967 ¹	NA	
1968 ¹	56	
1969 ¹	78	
1970 ¹	76	
1971 ¹	69	
1972 ²	71	
1973 ²	370	
1974 ²	384	
1975 ²	276	
1976 ²	248	

Once it became clear that militant non-racial unions would continue to exist for the foreseeable future, employers started pushing for legal recognition and the end of the dual industrial relations system. Their grievances were not limited to the predictable fact that segregation led to discontentment and agitation among the workforce. In addition to that, employers grew resentful of the lack of clear leadership and communication channels that could facilitate negotiations before and during unrest episodes. The more liberal associations, Assocom⁴⁹ and FCI,⁵⁰ unsurprisingly moved first, followed by conglomerates such as Anglo American⁵¹ and Barlow Rand.⁵² The most telling sign of dissatisfaction came again when even the AHI began openly advocating for (limited) recognition of black union rights.⁵³

⁴⁹ “‘Integrate Unions’ - Assocom,” *The Star*, May 21, 1975.

⁵⁰ SAPA, “Black Role in Trade Unions ‘Inevitable,’” *Rand Daily Mail*, June 19, 1975.

⁵¹ “SA Must Provide System,” *Cape Argus*, November 21, 1975.

⁵² “Barlows Sits Tight,” *Financial Mail*, April 9, 1976.

⁵³ SALB, “The State and Changes in Industrial Relations,” *South African Labour Bulletin* (Johannesburg, September 1978), 5.

Employer reformism came at the right time to pile up on top of several other pressures and create a troublesome situation for the regime.⁵⁴ First, with many neighboring countries gaining their independence from Europe, white-ruled South Africa had become an anomaly, leading to rising military tensions along the borders. Second, the bloody repression of the Soweto student uprising resulted in a sudden uptick of international condemnation for apartheid, which heavily affected the government's capacity to attract foreign investment. Third, internal agitation also grew after Soweto, as forces such as student and black consciousness organizations, the UDF, and the still clandestine ANC intensified mobilizations.

In order to respond to this "total onslaught" coming from multiple directions, the government engaged in what PW Botha (then Minister of Defense) called a "total strategy": in his own words, "interdependent and coordinated actions in all fields – military, psychological, technological, economic, political, sociological, technological, diplomatic, technological, ideological, cultural, etc."⁵⁵ To formulate the needed "total" agenda, authorities set up commissions tasked with proposing reforms in several policy areas. Most importantly for this chapter, the industrial relations system came under the scrutiny of the "Commission of Inquiry into Labour Legislation" (more commonly known as the Wiehahn Commission, after the professor who chaired it), which was established in 1979 with a composition that included employer and union representatives – though none from the non-racial unions.

The Wiehahn Commission's first report, released in 1979, explicitly advised the government to co-opt rather than outright repress the new unions. It expressed worry that non-racial unions increasingly enjoyed the benefits of employer recognition unburdened by the statutory responsibilities imposed on their registered counterparts.⁵⁶ The commissioners shared the opinion that, in the long term, the persisting institutional duality of industrial relations risked reinforcing such informal relations to the point where they could eventually become impossible to dismantle.⁵⁷ Instead, commissioners concluded that it would be best to allow non-racial unions to register, thus unifying all workers under a statutory framework. For them, unification would inculcate in blacks "a sense of responsibility towards the free market system".⁵⁸

⁵⁴ For more in-depth discussions of the numerous pressures faced by the regime during the late 1970s, see: Thompson, *A History of South Africa*, chap. 7; William Beinart, *Twentieth-Century South Africa*, 2nd ed. (Oxford: Oxford University Press, 2001), chap. 9.

⁵⁵ WIP, "Total War," *Work in Progress* (Johannesburg, May 1979), 4–5.

⁵⁶ Commission of Inquiry into Labour Legislation, *The Complete Wiehahn Report*, 28.

⁵⁷ Commission of Inquiry into Labour Legislation, 35.

⁵⁸ Commission of Inquiry into Labour Legislation, 35.

The Commission's report followed the general trust of the total strategy approach to black discontentment, namely, to create and incorporate a black middle class with a stake in protecting the regime. Most of the recommendations quickly found their way into a sequence of bills that were rushed through legislative processes, resulting in extensive amendments to the 1956 Industrial Conciliation Act.⁵⁹ The bills' co-opting intent, however, did not go unnoticed by either workers⁶⁰ or national⁶¹ and international commentators,⁶² sparking enormous debate over whether black unions should register or not.⁶³ But the more relevant changes for the present purposes concern the revamped industrial council system and unions' unenthusiastic response.

2.2.4 The institutional biases of industrial councils and non-racial unions' rejection

As with the rest of the reforms, non-racial unions saw changes to centralized bargaining as an attempt to weigh them down with statutory constraints while avoiding any real power-sharing. More specifically, they were required to forego factory floor mobilization in favor of negotiating arenas structured so that unions would always remain outmatched in decision-making processes. Attentive to such institutional biases, *Work in Progress* cautioned against entering industrial councils, as they were "not neutral vessels to be filled with whatever content can be poured into them".⁶⁴ In light of this, non-racial unions at first unanimously refused to join in spite of consistent employer pressure for them to do so. In the end, even with the formally unified industrial relations structure, an informal dualism survived for a while longer.

Among its various changes, the 1979 reforms allowed registered unions to participate in industrial council negotiations. However, this apparently more inclusive institutional environment came with a few catches that immediately alerted non-racial unions. First, they would share seats with white unions in the fifty percent fraction allotted to worker

⁵⁹ On the various amendments, see Bendix, *Industrial Relations in South Africa*, 305.

⁶⁰ FOSATU, "Statement on the Wiehahn Commission Report and Its Implications," *South African Labour Bulletin* (Johannesburg, March 1980); FOSATU, "Press Statement on the Industrial Conciliation Act," *South African Labour Bulletin* (Johannesburg, March 1980).

⁶¹ SALDRU and SALB, "The Wiehahn Commission: A Critique and Some Reactions," Saldru Working Paper (Cape Town, 1979); Siegfried Hannig, "In the Wake of Wiehahn," *The Star*, August 23, 1979.

⁶² Michael Shafer and United Nations Centre Against Apartheid, "The Wiehahn Report and the Industrial Conciliation Amendment Act: A New Attack on the Trade Union Movement in South Africa" (New York, 1979); "Follow-up to Wiehahn Is Disappointing," *The Star*, July 13, 1979; "International Criticism of Labour Laws," *Rand Daily Mail*, September 11, 1979.

⁶³ On the registration debate, see Friedman, *Building Tomorrow Today: African Workers in Trade Unions, 1970-1984*, 168-70; Jeremy Baskin, *Striking Back: A History of COSATU* (London: Verso, 1991), 26-28.

⁶⁴ WIP, "Industrial Councils," *Work in Progress* (Johannesburg, August 1981), 5.

representatives.⁶⁵ The criteria for dividing these seats could vary in accordance with each of the councils' constitutions, but most took union size as their benchmark.⁶⁶ Since non-racial unions remained comparatively small, they could generally expect very little voting power. Consequently, even though decisions legally demanded a 2/3 majority, employers and white craft unions could continue to hammer out agreements without regard for the newcomers.

Second, if black unions accepted to sign the industry-wide agreements negotiated in the councils, they would become bound to them, meaning that it would be illegal to negotiate different terms inside particular factories or to strike over matters covered in the agreements. Union leaders saw these terms as a violation of their organizational principles concerning factory floor mobilization since they were effectively being asked to give up on their hard-earned shop floor structures for distant arenas where they would hold little power.⁶⁷ John Copelyn, then national organizer in one of Fosatu's unions, directly communicated their perceptions in an employer-organized conference:

“Employers have invariably tried to discuss matters such as wages only in forums well away from the collective power of workers. (...) From the point of view of emerging unions this is pure escapism. It means busying oneself talking miles from the points of mobilization, (...) and in no time losing track of the points where employers can be legitimately pressured.”⁶⁸

Third, the bargaining system was to be monitored by the National Manpower Commission (NMC), a tripartite council instituted inside the Manpower Ministry. Unlike the industrial councils, the government would directly participate in the NMC, along with employer and labor representatives. Here once again, non-racial unions would enjoy little formal power, as all aspects of the commission's workings – from the appointment and discharging of members to the matters it could investigate – fell under the discretion of the Minister of Manpower.⁶⁹ Unsurprisingly, the NMC's composition included no labor representatives from non-racial unions, a fact which Alec Erwin, then General Secretary of FOSATU, brought up to

⁶⁵ South Africa, “Labour Relations Act No 28 of 1956,” in *The New Labour Relations Act: The Law after the 1988 Amendments*, ed. Edwin Cameron, Halton Cheadle, and Clive Thompson (Cape Town: Juta, 1989), sec. 21.1.a.

⁶⁶ WIP, “Industrial Councils,” 5.

⁶⁷ Alex Lichtenstein, “‘We Feel That Our Strength Is on the Factory Floor:’ Dualism, Shop-Floor Power, and Labour Law Reform in Late Apartheid South Africa,” *Labor History* 60, no. 4 (2019): 1–20.

⁶⁸ John Copelyn, “Problems in Collective Bargaining,” *South African Labour Bulletin* (Johannesburg, September 1982), 78.

⁶⁹ South Africa, “Labour Relations Act No 28 of 1956,” sec. 2A.

belittle the commission's relevance. In his words at the time, "labour relations aren't determined by Manpower Commissioners (...), they grow out of factory floor struggles".⁷⁰

Given their various reservations, no FOSATU union initially accepted to take part in industrial council negotiations, choosing instead to continue mobilizing on a factory-by-factory basis.⁷¹ This decision did not generally please employers. The most visible disputes happened within the metal industry, wherein the sector's biggest employer association, the Steel and Engineering Industries Federation of Southern Africa (SEIFSA), instructed its member to never negotiate with unions outside councils.⁷² Besides the metal industry, the conflict also arose in the chemical,⁷³ paper,⁷⁴ textile,⁷⁵ and construction⁷⁶ sectors. FOSATU took this pressure seriously and, at the time, propounded that "the question of where negotiations take place is clearly the next battle in terms of recognition".⁷⁷

By the early 1980s, the dual character of industrial relations in South Africa had left the law books but persisted as an institution. As the NMC itself noted in a 1986 report, it lived on as a "product of the degree of suitability or of acceptability to all interested parties of the statutory system".⁷⁸ But this would not last much longer, as attitudes towards industrial councils were about to undergo an ironic inversion.

2.3 UNION GROWTH, ECONOMIC CRISIS, AND THE IRONIC INVERSION IN ATTITUDES ABOUT INDUSTRIAL COUNCILS

Non-racial unions began the 1980s rejecting industrial councils in favor of factory floor confrontation. Yet, after a considerable internal dispute between proponents of *principled confrontation* and *pragmatic cooperation* as alternatives for future strategy, unions ended the decade fighting to expand collective bargaining beyond wages and into broader industrial restructuring. At the same time, the government and parts of business began to undermine the

⁷⁰ FOSATU, "National Manpower Commission - the President's Council?," *FOSATU Worker News* (Cape Town, August 1980).

⁷¹ FOSATU, "Industrial Councils: Union Struggles Continue," *FOSATU Worker News* (Cape Town, August 1981).

⁷² Steven Friedman, "SEIFSA Deal Stops at Union Dues," *Rand Daily Mail*, May 15, 1980; Drew Forrest, "Worker Militancy Is Surging on the Local Labour Front," *The Star*, September 30, 1981; Drew Forrest, "MAWU Warns Bosses," *The Star*, March 23, 1982; Sandra Smith, "Questions over Industrial Council," August 17, 1982.

⁷³ Drew Forrest, "A Question of Power," *The Star*, June 29, 1981.

⁷⁴ Steven Friedman, "Union, Company Agree to Bypass Council," *Rand Daily Mail*, August 3, 1981.

⁷⁵ Steven Friedman, "Talks Could Lead to New Deal for Unions," *Rand Daily Mail*, October 29, 1981.

⁷⁶ "Building Industry - Wages Cemented," *Financial Mail*, May 17, 1985.

⁷⁷ Forrest, "A Question of Power."

⁷⁸ National Manpower Commission, "Dispute Settlement, Levels of Collective Bargaining and Related Matters" (Pretoria, 1986).

same industrial councils they had previously fought to lure unions into. Behind these dynamics lay structural changes to the organization of unions and to the macroeconomic environment. As in Brazil (see [section 3.3.1](#)), unions in the economy's most dynamic sectors changed their stance toward cooperation when they found themselves responsible for containing national job losses in a context of increased competition from imports.

2.3.1 Non-racial unions enter industrial councils

During the course of the 1980s, unions went from relatively small and sectoral to mass national organizations. This organizational shift came about as a result of at least three factors. First, after registering, militant unions experienced a dramatic surge in affiliation: according to Hinks, Mancun and Wood's estimates, the overall rate of unionization in non-agricultural sectors jumped from 17% to 40% between 1980 and 1989, an enormous growth that the authors mostly attribute to non-racial unions.⁷⁹ Second, 1985 marked the birth of FOSATU's successor, the Council of South African Trade Unions (COSATU), which remains the country's largest federation to this day. Third, several union mergers followed COSATU's creation as a result of its "one industry, one union" policy, according to which affiliated unions that cover the same industries had to unite and form nationwide bodies.⁸⁰

This change in organizational profile cemented the place of non-racial unions in the political landscape, but it also caused several growing pains. Many of the new challenges materialized most visibly in the metal industry, traditionally home to some of South Africa's more militant unions. FOSATU's Metal and Allied Workers Union (MAWU), which would later merge with three other unions to form COSATU's National Union of Metalworkers of South Africa (NUMSA), went from 6.700 to 36.500 members between 1979 and 1983.⁸¹ With this uptick in affiliation came an explosion in worker demands spread across an ever-larger number of factories. Officials quickly found themselves unable to cope with negotiating each instance separately, to the point that the union began building a bad reputation for not providing adequate service.⁸²

⁷⁹ Timothy Hinks, Ian Macun, and Geoffrey Wood, "Comprehending Union Growth in South Africa, 1970-1990," *Historical Studies in Industrial Relations* 24, no. 23-24 (2007): 143.

⁸⁰ Baskin, *Striking Back: A History of COSATU*, chap. 12.

⁸¹ Webster, *Cast in a Racial Mould: Labour Process and Trade Unionism in the Foundries*, 233; Craig Charney, "Trade Union Moves: Evaluating Strengths," *Work in Progress* (Johannesburg, June 1983), 4.

⁸² Kally Forrest, *Metal That Will Not Bend: National Union of Metalworkers of South Africa 1980-1995* (Johannesburg: Wits University Press, 2011), 121-22.

A less predictable but equally complicated challenge became mobilizing workers nationally while organizing structures still centered on individual factories. The 1982 strike wave for a living wage exemplifies this difficulty. During the year's first half, unionists in several MAWU-organized factories engaged in uncoordinated stoppages, often without first obtaining union approval.⁸³ While the stoppages initially amassed considerable support, they failed. This failure occurred because, even while holding similar demands, workers never unified into a coherent whole, and employers managed to suppress mobilization in each factory.⁸⁴ Such luck culminated in a historical defeat where all workers from one of MAWU's largest factories lost their jobs. The union soon realized that its structures had failed and decided that it needed to build a "disciplined unity" within its ranks.⁸⁵

Faced with the challenges accompanying their new status as mass national organizations, non-racial unions began looking at collective bargaining with new eyes.⁸⁶ The first sign of a rethink came when a FOSATU resolution freed its affiliates to join councils, as long as that did not come at the cost of factory floor mobilization. According to their protocols, bargaining was to be treated as a multi-tiered process, where industrial councils would set minimum sectoral standards while factory-by-factory negotiations would settle actual wages.⁸⁷ MAWU moved first among FOSATU affiliates to join a council,⁸⁸ but others soon followed.⁸⁹

The change of heart about industrial councils may at first seem bizarre: not only had the same unions unanimously rejected them only a few years prior, but the first to act was also MAWU, whose clashes with SEIFSA had come to epitomize resistance to the statutory bargaining system. However, unions saw their place in the system differently from how employers and the government intended. Specifically citing the 1982 strike wave, MAWU justified its decision by casting councils not as places to seek concrete gains through bargaining

⁸³ Mark Swilling, "Workers Divided: A Critical Assessment of the Split in MAWU on the East Rand," *South African Labour Bulletin* (Johannesburg, August 1984), 107.

⁸⁴ Eddie Webster, "MAWU and the Industrial Council - a Comment," *South African Labour Bulletin* (Johannesburg, April 1983); Tina Sideris, "MAWU Enters the Industrial Council," *Work in Progress* (Johannesburg, June 1983).

⁸⁵ FOSATU, "MAWU Must Build Leadership," *FOSATU Worker News* (Johannesburg, May 1982).

⁸⁶ This was a major theme of FOSATU's second national congress. FOSATU, "Industrial Councils Debated," *FOSATU Worker News* (Cape Town, April 1982).

⁸⁷ FOSATU, "Principles of Collective Bargaining," *South African Labour Bulletin* (Johannesburg, September 1982).

⁸⁸ FOSATU, "MAWU Moves Forward," *FOSATU Worker News* (Cape Town, March 1983).

⁸⁹ FOSATU, "Second FOSATU Union Joins Industrial Council," *FOSATU Worker News* (Cape Town, November 1983); FOSATU, "PWAU Steps up Its Fight against Hard-Nosed Bosses by Joining a Industrial Council," *FOSATU Worker News* (Johannesburg, June 1984).

but as national focal points for workers to direct their demands.⁹⁰ In other words, councils would provide a solution to the new coordination problems. As Morris put it, unions did take councils seriously, but initially only as a “mechanism for welding together a consciousness amongst workers that the union was more than a collection of individual factories” rather than as negotiating tables.⁹¹ In fact, non-racial unions cared more about the complicated report-back procedures put in place to ensure accountability to rank-and-file workers than about the industry agreements (which they often refused to sign). In short, the decision to join served the purposes of unions’ confrontational tactics rather than the government’s intended industrial pacification.⁹²

2.3.2 Unions double down on councils...

Because non-racial unions initially held no hopes of winning good deals inside councils, they had little to lose and could afford to shirk any responsibility for the outcome of negotiations. They acted accordingly, often presenting proposals they knew would be rejected and taking a hardline approach to negotiations by refusing to budge at all.⁹³ Whereas each represented organization would usually have a single spokesperson, militant unions showed up with large teams of black negotiators who spoke in the vernacular. These negotiators passionately couched their arguments on the experiences of workers rather than on economic tables, a far cry from the councils’ usual bureaucratic and rationalistic atmosphere.⁹⁴

The biggest example of FOSATU/COSATU’s use of the bargaining system during this period came in the form of the “living wage” campaign. In it, various of the federation’s affiliated unions coordinated to table demands for a minimum wage of R3,50/hour and a 40-hour workweek, as well as to raise worker awareness by promoting meetings and distributing pamphlets, stickers, and posters.⁹⁵ Engagement at the councils often generated predictably

⁹⁰ John Lewis, “MAWU and the Industrial Council,” *South African Labour Bulletin* (Johannesburg, September 1985).

⁹¹ Mike Morris, “Unions and Industrial Councils - Why Do Unions’ Policies Change?,” in *The Political Economy of South Africa*, ed. Nicoli Nattrass and Elizabeth Ardington (Cape Town: Oxford University Press, 1990), 148–62.

⁹² Interestingly, Indonesian unions have used collective bargaining for similar coordinating purposes. See Teri L. Caraway and Michele Ford, “Institutions and Collective Action in Divided Labour Movements: Evidence from Indonesia,” *Journal of Industrial Relations* 59, no. 4 (2017): 444–64.

⁹³ Berni Fanaroff, “Interview: Berni Fanaroff on MAWU Strategy,” *South African Labour Bulletin* (Johannesburg, May 1987), 38.

⁹⁴ FOSATU, “Seifsa’s ‘Wage Game,’” *FOSATU Worker News* (Cape Town, May 1983); Morris, “Unions and Industrial Councils - Why Do Unions’ Policies Change?,” 155.

⁹⁵ Abner Jack, “Towards a ‘Living Wage’: Workers Demands over Sixty Years,” *South African Labour Bulletin* (Braamfontein, March 1987), 89.

lackluster outcomes. However, in line with their multi-level negotiation approach, unions remained active on the factory floor. These more localized efforts upon all the coordinated mobilization with much better results. For example, non-racial unions were the only ones that managed to negotiate wage rises higher than the inflation level in 1987.⁹⁶

In time, a few unions began to actually get direct results out of centralized bargaining. Again, this occurred first in the metal industry. When it entered the industrial council in 1983, MAWU was relatively small, but by 1987, now under the guise of NUMSA, it dwarfed any other unions in the industry.⁹⁷ As the union grew, more employers began breaking ranks with SEIFSA and openly negotiating outside of councils.⁹⁸ This happened because employers knew NUMSA would refuse to sign the main industry agreement. Yet, without the most disruptive union on board, the agreements became meaningless in pacifying industrial relations. Since centralized bargaining took time but could not appease agitation, from some employers' perspective, they should instead simply negotiate directly with NUMSA.

Ironically, these developments put pressure on both SEIFSA *and* NUMSA to achieve agreement in centralized bargaining. On one side, much of SEIFSA's relevance stemmed from representing employers inside the industrial council, and it thus had an interest in preserving the forum and fighting defection from its members.⁹⁹ On the opposite side, NUMSA was now in a position where it could influence the main industry agreement, but only if it gave up on its lofty demands and hardline approach to negotiation. The day came when, after a strike wave in 1988, both parties reached a compromise within the council. NUMSA finally signed the main industry agreement, binding itself to the agreement's terms, but also won an across-the-board wage increase for metal workers, including non-unionized ones.¹⁰⁰

By the late 1980s, COSATU, now firmly established as a national organization and the most powerful labor body in South Africa, had undergone a significant perspective shift. Not only had it elevated participation in collective bargaining to an official policy, but it even grew frustrated with employers' lack of capacity to deal with a negotiating partner that was much

⁹⁶ SAPA, "Black Unions Negotiate the Best Rises," *Business Day*, December 4, 1987; SAPA, "Bargaining Gains Dividends," *The Sowetan*, December 17, 1990.

⁹⁷ "Metal Settlement - No Strike," *South African Labour Bulletin* (Johannesburg, August 1989).

⁹⁸ Jabu Matiko, "Metal Talks and MAWU's National Wage Campaign," *South African Labour Bulletin* (Braamfontein, March 1987); Geoff Schreiner, "Beyond Minimum Wages: The Logic of Multi-Level Bargaining," *Indicator SA* 3, no. 4 (1986): 2-4.

⁹⁹ Morris, "Unions and Industrial Councils - Why Do Unions' Policies Change?," 158.

¹⁰⁰ Forrest, *Metal That Will Not Bend: National Union of Metalworkers of South Africa 1980-1995*, 160-63.

more mobilized than the old white unions.¹⁰¹ A 1989 interview with Moses Mayekiso, then general secretary of NUMSA, put the attitudinal shift toward council in stark terms: when asked about tensions between negotiating at the industry and company levels, he defended that “national negotiations are the best because they have got mass strength backed by all sectors and workers in the industry”.¹⁰² Unions were, however, not alone in changing their minds.

2.3.3 ... while employers and government back out

Concomitantly with labor’s early victories, parts of business and government itself began to withdraw their support from collective bargaining. The South African industry had fallen on hard times, and with liberal economic orthodoxy on the rise, several interest coalitions contended that industry agreements hindered recovery by reducing entrepreneurial freedom. Attitudes towards councils had reverted, teaching labor an important lesson: the other parties would not hesitate to undermine deliberative bodies as soon as engagement became inconvenient.

Much like several other developing countries (including Brazil), South Africa’s economy did not fare well during the 1980s.¹⁰³ To recap, the country had undergone inward-oriented industrialization, meaning that most of its production targeted the internal market. But national firms had not developed their own technology, so the production of high-value consumer goods (such as cars) depended on importing expensive machinery and on attracting foreign firms to produce locally. This arrangement proved explosive against the background of the 1980s global debt crisis and international sanctions against apartheid: the rand devalued against all major currencies, the dollar price of gold (a major export) fell by half, lenders fled to safer markets, and foreign firms disinvested. With little in the way of exports to compensate, South Africa faced a massive balance of payment crisis and growing inflation.

Against such a backdrop, small businesses began looking for places to cut costs, and industry agreements soon came in their crosshairs. In particular, the Small Business Development Corporation (SBDC), a development bank endowed with private and public money, lobbied for the notion that industry agreements had the same detrimental effects as

¹⁰¹ Alan Fine, “Ambit of Bargaining Widens,” *Business Day*, November 9, 1988; Dick Usher, “The Changing Face of Labour Negotiations,” *Weekend Argus*, June 17, 1989.

¹⁰² Moses Mayekiso, “Interview: Moses Mayekiso, General Secretary of NUMSA,” *South African Labour Bulletin* (Johannesburg, June 1989).

¹⁰³ Feinstein, *An Economic History of South Africa*, chap. 10.

regulation – namely, imposing duties that stifled private enterprise.¹⁰⁴ Because the crisis hit small businesses the hardest, the SBDC argued that they should be granted exemptions from the standards imposed by council agreements.

Bigger firms and national conglomerates also had their gripes with centralized bargaining, but responses varied. Employers generally disliked unions' multi-tiered bargaining strategy. However, while some doubled down on treating industrial councils as the sole negotiating arena, others decided they would rather revert to factory-level deals. In particular, Barlow Rand, the country's biggest conglomerate, strongly advocated for the end of centralized bargaining, a preference that Maree explains by reference to the conglomerate's decentralized structure.¹⁰⁵ In their attempts to delegitimize industry agreements, some businesses, including Barlow, resorted to altogether quitting their respective associations.¹⁰⁶

In line with these pressures, even the government began undercutting the bargaining system it had tried so hard to lure unions into. It started by refusing to extend some industrial agreements to non-parties on the basis that the parties were not representative enough.¹⁰⁷ As described earlier ([section 2.1](#)), the Minister of Manpower had full discretion over whether or not to extend agreements to non-parties, with his single legal parameter asserting that he must be "satisfied that the parties to the agreement are sufficiently representative of the [industry's] employers and employees".¹⁰⁸ Yet ministers only started to deny extending agreements after 1985, as councils became more representative of employees with non-racial unions joining. In fact, Jowell showed that the ministry never stuck with a coherent criterion of "representativeness" and would adopt whatever definitions suited it at the moment.¹⁰⁹

In its efforts, the government also resorted to a newly minted law, the Temporary Removal of Restrictions on Economic Activities Act (Act 87/1986). The act allowed the State President to suspend or limit legal rules that, in his opinion, unduly impeded economic

¹⁰⁴ SALDRU, "Industrial Councils and Deregulation," *South African Labour Bulletin* (Johannesburg, October 1985); "Industrial Councils: Controversial Changes," *Financial Mail*, November 15, 1985; Ciaran Ryan, "Industrial Councils Throttling Small Business," *Sunday Times*, February 7, 1993.

¹⁰⁵ Johann Maree, "The Level of Bargaining: New Industrial Unionism in the Food Industry," in *South Africa Contemporary Analysis - South African Review*, 5, ed. Glenn Moss and Ingrid Obery (London: Hans Zell, 1989), 381–83.

¹⁰⁶ Marcus Toerien, "The Struggle for Industrial Councils," *South African Labour Bulletin* (Johannesburg, October 1989), 82–83; Kate Jowell, "Basement Bargains versus Central Deals: Will Industrial Councils Survive the 1990s?," *Indicator SA* 7, no. 1 (1989): 78–79.

¹⁰⁷ "Industrial Councils - Changing the Rules," *Financial Mail*, October 18, 1985; Hilary Joffe, "Manpower Report Challenge to the Industrial Councils," *Weekly Mail*, July 3, 1987; Edward West, "Industrial Councils Facing Death by Market Freedom," *Business Day*, January 3, 1990.

¹⁰⁸ South Africa, "Labour Relations Act No 28 of 1956," sec. 44.2.b.

¹⁰⁹ Jowell, "Basement Bargains versus Central Deals: Will Industrial Councils Survive the 1990s?," 77–78.

growth.¹¹⁰ It granted the president a tremendous amount of discretion, as it contained very few restrictions on his new power. Then, through the Minister of Manpower, the government demanded that councils remove certain provisions from their agreements (such prohibition of work on Saturdays) and threatened to employ the new act against agreements that were not revised.¹¹¹ Additionally, the State President used the act to create “free enterprise zones”, areas where work-conditions regulations did not apply, including industry agreements.¹¹²

The added effect of employer and governmental actions caused some degree of instability in the bargaining system: even with more active unions, the number of active councils decreased from 104 to 98 between 1980 and 1989.¹¹³ An emblematic case was that of the National Industrial Council of the Printing and Newspaper Industry of South Africa, then the country’s oldest, which dissolved after the industry’s employer body decided to withdraw.¹¹⁴ Yet, despite these setbacks, militant unions’ ambitions regarding the collective bargaining system continued to grow.

2.3.4 Principled confrontation is out, pragmatic cooperation is in: councils as vehicles for industrial restructuring

The history of South African collective bargaining is fascinating in its own right, but industrial councils still differed radically from what would eventually become the NEDLAC. This is because they (i) concerned themselves only with wages and working conditions, not touching on more general problems of economic policy, and (ii) did not include government at the negotiating table. However, as mentioned above, they represented a fundamental steppingstone in forming contemporary “economic councils”, even more so than earlier bodies where the private sector advised governments on policy matters. The connection stems from unions’ ambitions to affect policy in broader terms and their plan for using industrial councils as a conduit.

By the late 1980s and early 1990s, independent unions had undergone shifts in their general goals and strategies. Whereas they once tended to formulate their demands in specifically “workerist” terms, they had now come to perceive their constituencies more

¹¹⁰ For an extended analysis of the act, see Willie Hofmeyr and Martin Nicol, “Deregulation: A Challenge for the Labour Movement,” *South African Labour Bulletin* (Johannesburg, May 1987).

¹¹¹ “Industrial Councils - under Pressure,” *Financial Mail*, January 30, 1987.

¹¹² Linda Ensor, “Trade Unions Set to Fight Waiving of Work Standards,” *The Star*, January 21, 1987.

¹¹³ Vera Von Lieres, “Industrial Councils Getting the Cold Shoulder - Report,” *Business Day*, March 1, 1991.

¹¹⁴ Dick Usher, “Break-up Threat to Printers’ Council,” *Weekend Argus*, July 6, 1989.

broadly as the victims of economic injustice (such as the poor and the unemployed).¹¹⁵ To a large extent, this meant conscious involvement in issues outside of the factory floor, such as political rights, the living conditions of black townships, and land redistribution.¹¹⁶ One telling sign of this shift in orientation was that Cosatu not only reevaluated its stance over alliances and entered a formal partnership with the United Democratic Front (UDF) in 1987,¹¹⁷ but it also took upon itself the role of strengthening local community organizations.¹¹⁸

Non-racial unions found themselves taking up a wider set of issues due to their safer position relative to other civil society organizations. During the 1980s, regime repression reached an all-time high: adding to the continuing illegality of the ANC, the government declared a state of emergency in 1985 that granted it extreme powers, and several arrests of anti-apartheid leaders followed. While this did affect unionists, Seidman argues that workers enjoyed more protection thanks to their capacity to pressure business by affecting production.¹¹⁹ Evidence of this is that employers often protested crackdowns against unionists.¹²⁰ By putting its position to good use, COSATU became the most prominent anti-apartheid organization legally active in the country at the time.

In addition to their newfound role as militants for broader reform, unions were forced to revise their economic agenda given the persistence of recession and the crisis of the soviet bloc. NUMSA, in particular, had become attentive to the global state of the auto industry, where traditional western manufacturers suffered at the hands of the more efficient East Asian competitors, leading to mounting job losses. After a series of workshops organized by the union's research department, officials arrived at the conclusion that South African workers could not escape the effects of global competition and that past protectionist strategies would

¹¹⁵ Seidman, *Manufacturing Militance: Worker's Movements in Brazil and South Africa, 1970-1985*, 249–52.

¹¹⁶ Melanie Gosling, "'Hands off Cosatu' Campaign Starts," *The Star*, May 27, 1987; Themba Molefe, "Giant New Union Looks beyond Factory Floor," *The Sowetan*, May 26, 1987; Alan Fine, "Unions Must Have Role in Politics," *Business Day*, October 22, 1987.

¹¹⁷ Yunus Carrim, "COSATU: Towards Disciplined Alliance," *Work in Progress* (Johannesburg, September 1987).

¹¹⁸ COSATU, "COSATU 1987: From the Executive Committee," *Review of South African Political Economy*, no. 39 (1987): 68–73.

¹¹⁹ Seidman, *Manufacturing Militance: Worker's Movements in Brazil and South Africa, 1970-1985*, 230. Seidman's argument echoes Valenzuela's in how unions often play a prominent role in democratic transitions thanks to their place in the economy. J. Samuel Valenzuela, "Labor Movements in Transitions to Democracy: A Framework for Analysis," *Comparative Politics* 21, no. 4 (1989): 445.

¹²⁰ There are too many reports of this. But see, among others, Independent News and Media SA, "Business Joins in Detainee Outcry," *The Star*, November 15, 1984; Joshua Raboroko, "Bosses Demand Reform," *The Sowetan*, March 28, 1985; Alan Fine, "Minister Urged to Free Unionist," *Business Day*, October 31, 1986; Agenda Press Service, "Industry to Mediate for Bonner," *Weekly Mail*, December 12, 1986; Alan Fine, "Crackdown on Unions Wrong, Says Industry," *Business Day*, July 7, 1987; Helena Patten, "Assocom, FCI Call for Swift End to Restrictions," *Business Day*, February 26, 1988; Times Media Group, "Govt Told: Hands off Industry, NUM," *Daily Dispatch*, March 30, 1988; Bronwyn Adams, "Support for Union Rights," *Business Day*, March 4, 1988.

only deepen the problem.¹²¹ NUMSA's concerns seeped into COSATU more generally, who decided it needed to take a leading role in formulating a plan for industrial restructuring.¹²²

But before anything else, COSATU had to deal with the obvious problem of how to implement any sort of plan since it could not itself enact policy. One option would be to aid the still banned liberation movement, the African National Congress (ANC), in removing the NP, and with a more labor-friendly party in power, to rely on governmental intervention. However, in addition to their experiences with the apartheid government, union cadres had become disillusioned with centralized authority on account of the soviet bloc's spectacular downfall.¹²³ As such, they wanted to conceive of a path to reform that did not take the route of state dirigisme.

The answer COSATU arrived at was using collective bargaining – and thus industrial councils – as a vehicle for restructuring. COSATU began pushing for widening the ambit of bargaining beyond wages, arguing that employers had to discuss issues such as investment decisions and training policies as well.¹²⁴ As Berni Fanaroff of NUMSA put it, “we are saying that there must be a whole area of negotiation around efficiency and restructuring, and one of them must be negotiating the investment of surplus”.¹²⁵ As an extra perk, industrial councils would avoid state dirigisme by creating policies out of capital-labor negotiations. This sort of self-regulation, argued Ebrahim Patel of the Southern African Clothing and Textile Workers Union (SACTWU), would also incentivize unions to organize more strongly.¹²⁶

These new directions did not come without internal misgivings. After all, COSATU had, up until then, mostly held confrontational relations with employers and remained professedly socialist. In this dissertation's terms, COSATU generally adopted a *principled confrontation* approach to industrial relations. Internal discontentment came to the fore when it leaked publicly that the federation's transport union had written a paper accusing the leadership of

¹²¹ Forrest, *Metal That Will Not Bend: National Union of Metalworkers of South Africa 1980-1995*, 241–44; Karl Von Holdt, “Towards Transforming SA Industry,” *South African Labour Bulletin* (Johannesburg, March 1991).

¹²² Avril Joffe, “COSATU Economic Policy Conference,” *South African Labour Bulletin* (Johannesburg, June 1991); COSATU, “COSATU Policy Discussion Paper,” *South African Labour Bulletin* (Johannesburg, March 1991).

¹²³ Alec Erwin, “Towards a Planned Economy,” *South African Labour Bulletin* (Johannesburg, April 1989); Alec Erwin, “Comments on the Harare Recommendations,” *Transformation* 12 (1990): 16–20; Ebrahim Patel, “The Case for Centralized Bargaining,” *South African Labour Bulletin* (Johannesburg, November 1990).

¹²⁴ Von Holdt, “Towards Transforming SA Industry”; Adele Baleta, “Focus ‘must Shift’ to Restructured Economy,” *Business Day*, March 7, 1990; Shareen Singh, “15 Unions Reject Increase Offer in Negotiations,” *The Star*, April 6, 1990.

¹²⁵ Berni Fanaroff, “The Future of Wage Bargaining,” *South African Labour Bulletin* (Johannesburg, November 1992).

¹²⁶ Patel, “The Case for Centralized Bargaining.”

being too close to the bosses – “Cosatu’s leaders sit the whole day with the bosses and government debating how best to avoid struggle and build cooperation between the exploiter and the exploited”, it read.¹²⁷ In response, officials tried couching the relationship in terms of “worker control of the economy” and “democratic socialism”,¹²⁸ but, as Fanaroff admitted, the contradictions were plain to see:

“Of course, the question arises over whether we should be helping capitalists to get richer. That’s where the socialist debate is providing no guidance. We are forced to deal with it pragmatically, without any theoretical underpinnings.”¹²⁹

Like many other labor organizations, Cosatu had suffered a split between different strategies in their relations with employers and the government, but the debate over industrial restructuring marked a clear victory for the *pragmatic cooperation* camp. From this point on, the federation would consistently fight for a place in formulating policies, even if this meant cooperation with their “exploiters”. Deliberative bodies, such as the industrial councils they had become a part of, would remain one of the preferred vehicles for acquiring the needed influence. However, changes in the apartheid regime would put plans for industrial restructuring temporarily on hold.

2.4 TRIPARTITE NEGOTIATION, FROM *APARTHEID* TO THE NEDLAC

A political impasse became increasingly clear as the 1980s went on. As Thompson put it, the National Party could not maintain *apartheid* indefinitely. However, the liberation movement led by the African National Congress could not destroy it without a bloody fight of unpredictable consequences.¹³⁰ In preparation for impending change, both government officials and big business began meeting with ANC cadres, first secretly and later openly. Change indeed came with the presidency of F.W. de Klerck, who, while profoundly committed to Afrikaner nationalism, believed that the NP should initiate the transition while it still held a position of power. A series of events that would put an end to *apartheid* then unfolded: first, restrictions on the ANC and the South African Communist Party were removed in February 1990; second,

¹²⁷ Mathatha Tsedu, “COSATU Slammed: Worker Leaders Accused of Being Too Chummy with Business and Government,” *The Sowetan*, May 12, 1993; Ferial Haffajee, “COSATU ‘Too Close to the Bosses,’” *Weekly Mail*, June 18, 1993.

¹²⁸ Alistair Smith, “One Union, One Industry, One Demand - Interview with Alistair Smith,” *Work in Progress* (Johannesburg, April 1990).

¹²⁹ Fanaroff, “The Future of Wage Bargaining,” 20.

¹³⁰ Thompson, *A History of South Africa*, 243.

Mandela was freed nine days later; and third, in October 1991 began the Convention for a Democratic South Africa (CODESA), a negotiating round that would produce an interim constitution and prepare the first elections devoid of racial controls.

With the exercise of political power becoming such a key issue, the developments forced COSATU to include the current and future governments in its plans for industrial restructuring. Initially, it mobilized to force the NP government to consult unions (and employer associations) before introducing new labor and economic policies. This move, which was meant to prevent unilateral reform during the transition, led to union presence in two tripartite councils. Later, COSATU pushed the ANC to adopt compulsory deliberation institutions in the new South Africa as a mechanism for securing future policy influence. Despite the ANC's misgivings, union pressure eventually resulted in the NEDLAC Act.

2.4.1 Preventing unilateral reform at the end of apartheid: unions force their way into tripartite councils

As discussed above, COSATU planned to use the bipartite industrial councils in part to bypass the government in restructuring the country's industries. However, with apartheid approaching its end, it became impossible to ignore the power of public authority. As part of its strategy for conducting the transition, the NP mobilized to pass a series of reforms aimed at reducing the size of the State or limiting its capacity for economic intervention, with privatization at the forefront of liberalization measures. These moves, coming from a party that had once created parastatals to employ Afrikaners, were widely interpreted as a way to hollow out the State before transferring it.¹³¹ As a means to stop what it decried as "unilateral economic restructuring", COSATU extended its plans and used its mobilizing muscle to force the government into negotiating reform inside tripartite economic councils. These mobilizing efforts resulted in the creation of the NEDLAC's immediate predecessors, a reformed National Manpower Commission and the new National Economic Forum.

¹³¹ James Jude Hentz, "The Two Faces of Privatisation: Political and Economic Logics in Transitional South Africa," *The Journal of Modern African Studies* 38, no. 2 (2000): 203–23; Robert B. Horwitz, *Communication and Democratic Reform in South Africa* (Cambridge: Cambridge University Press, 2001), 140.

2.4.1.1 Reforming the National Manpower Commission

In September 1988, Parliament passed several amendments to the Labour Relations Act (LRA) that curbed unions' capacity to strike.¹³² But rather than their contents, the interesting thing about the amendments was the failed negotiation process behind them. Pressured by an unprecedentedly large national strike organized in June,¹³³ the Department of Manpower called on unions and employers to negotiate possible changes to its amendment proposals. This represented the first time that COSATU accepted a meeting with the NP government.¹³⁴ After bitter talks,¹³⁵ COSATU and employers (represented by the South African Employers' Consultative Committee on Labour Affairs – SACCOLA)¹³⁶ eventually agreed on recommendations. However, despite having called for negotiations, the Department ignored the recommendations and tabled its proposals with only cosmetic changes.

Even though it lost the battle of the 1988 LRA amendments, Cosatu learned from the government's unilateral retraction. In 1990, the Department of Manpower began formulating more amendments to the LRA; and again, after yet another round of talks, it chose not to adhere to newly negotiated proposals.¹³⁷ COSATU reacted quickly, occupying the Department's buildings and threatening a new national strike. Tensions built up to that point that the government sought another meeting, but this time led by the State President himself.¹³⁸ After the meeting, the parties agreed to set up a temporary tripartite group to reinstate negotiations on the LRA.¹³⁹ During the operation of the committee, COSATU consistently repeated the threat of organizing a national strike in case the talks broke down – it had even set a hypothetical date.¹⁴⁰

¹³² P. Benjamin and H. Cheadle, "Proposed Amendments to the Labour Relations Act: A Critical View," *South African Labour Bulletin* (Braamfontein, November 1987).

¹³³ Alan Fine, "Counting the Costs of Union Protest," *Business Day*, June 8, 1988; Labour Monitoring Group, "What's Remarkable Is That It Happened," *Weekly Mail*, June 10, 1988.

¹³⁴ Alan Fine and Chris Cairncross, "Manpower Dept Mum on Details of Meeting with Cosatu, Saccola," *Business Day*, June 22, 1988.

¹³⁵ Frank Meintjies, "Talks with SACCOLA - a Bitter Experience," *South African Labour Bulletin* (Braamfontein, November 1988).

¹³⁶ SACCOLA was an encompassing body initially created to represent employers internationally in matters of labor relations. See Natrass, "From Fragmentation to Fragile Unity: Organizational Fault-Lines in South African Business."

¹³⁷ Robyn Rafel, "LRA: Two Wasted Years," *Work in Progress* (Johannesburg, June 1990); Alan Fine, "Crisis Talks on Labour Act," *Business Day*, June 16, 1990.

¹³⁸ Michael Morris, "FW Moves to Ease Labour Tensions," *Cape Argus*, June 21, 1990.

¹³⁹ Alan Fine, "Committee to Examine Labour Law Dispute," *Business Day*, June 27, 1990.

¹⁴⁰ Michael Morris, "COSATU Will Reconsider Mass Action Plan If Talks Go Well," *Cape Argus*, July 13, 1990; Chiara Carter, "Massive Stayaway in October?," *South*, August 16, 1990; Matthew Curtin, "COSATU Plans Three-Day Stayaway on LRA," *Business Day*, September 7, 1990.

Beyond the LRA, this process forever altered the country's industrial relations institutions. As a result of negotiations, the government signed the LRA Minute, thereby committing itself to (i) consulting employers and workers before sending any piece of labor legislation to Parliament and (ii) reforming the National Manpower Commission (NMC) to include representatives from independent unions.¹⁴¹ The agreement marked an official shift in COSATU's stance toward government: whereas it once refused to even meet, it now demanded to be consulted through public channels. The objective was to intervene in legislative proposals as soon as possible, especially to avoid unfavorable reforms during the last years of NP rule.

Even with the LRA Minute, however, Cosatu still had to contend with unilateral governmental action regarding the terms of engagement in the NMC. As part of their agreement, COSATU put forward several demands for restructuring the council, such as being legally entitled to appoint its representatives (as opposed to the Minister having the discretion to appoint whomever he wanted).¹⁴² But government backtracked from such a reform, leading the federation to entirely quit in late 1991 and revert to collective action.¹⁴³ COSATU only agreed to return in 1993, after some of its demands had been met.¹⁴⁴ As such, the reformed council did not get to do much before the transition ended, but it nevertheless served as a fundamental stepping stone for what was to come.

With the NMC, Cosatu finally had a foot in a tripartite deliberative body inside the State. Nonetheless, this still did not suffice for its ambitions for industrial restructuring, as the NMC concerned itself strictly with labor policy. This would soon change with the introduction of the National Economic Forum (NEF).

2.4.1.2 *Creating the National Economic Forum*

As unilateral economic reform continued, COSATU drew on its recent experiences to try extending institutionalized deliberations beyond labor policy. In 1991, the government attempted to introduce a new Value Added Tax (VAT) that would have affected a variety of objects, from food products to union subscriptions. Rather than starting with confrontation,

¹⁴¹ Drew Forrest, "Labour Blazes a Trail for Post-Apartheid Law," *Weekly Mail*, September 21, 1990; Alan Fine, "Major Players Welcome LRA Breakthrough," *Business Day*, September 4, 1990.

¹⁴² Geoff Schreiner, "Fossils from the Past: Resurrecting and Restructuring the National Manpower Commission," *South African Labour Bulletin* (Johannesburg, July 1991); CALS, "Participation on the National Manpower Commission (NMC) and Similar Organisations," *South African Labour Bulletin* (Johannesburg, June 1991).

¹⁴³ Michael Morris, "COSATU Shuns Labour Body," *Cape Argus*, October 3, 1991.

¹⁴⁴ Carolyn Bassett, "Negotiating South Africa's Economic Future: Cosatu and Strategic Unionism" (Doctoral dissertation, Toronto, York University, 2000), 191.

COSATU immediately called for negotiations,¹⁴⁵ arguing that tax should be treated the same as labor law under the LRA Minute (meaning that it would need to be discussed with unions and employers before its submission to Parliament).¹⁴⁶ The gamble initially seemed to succeed, as the government agreed to negotiate via another temporary tripartite working group.

But, as talks broke down with no tangible results, COSATU decided to push for something broader and more formal than a temporary working group – business, meanwhile, took the opportunity to fight for its own place of influence. In response to failures in negotiations, COSATU pulled another national strike, which turned out even bigger than the anti-LRA one.¹⁴⁷ But the campaign did not focus only on the VAT; rather, it also demanded the creation of a permanent tripartite forum dedicated to economic policy more broadly. For COSATU cadres, the campaign transcended the immediate matter of taxes and became a struggle for determining who controls the economy. As one anonymous unionist put it, they were saying: “if you don’t negotiate, if you don’t have a tripartite system for setting policy, you’re going to have trouble”.¹⁴⁸ Some of the more liberal South African firms, organized under the “Consultative Business Movement” umbrella,¹⁴⁹ took the chance to approach Cosatu on the idea of an economic council. With this, labor and business began discussing the format the forum would take before public authorities even became involved.¹⁵⁰

Still, establishing a tripartite economic council required having government on board, which again proved a challenge. Amid ANC’s rise, international isolation, and business distrust, the costs imposed by labor unrest often succeeded in halting economic restructuring initiatives.¹⁵¹ Yet, even as Cosatu reached the peak of its organizational power and the NP government hit rock bottom, the latter still clutched to whatever remained of its prerogatives. Thus, ministers and president F.W. de Klerk initially refused to establish the economic council, accusing unionists of trying to take power by stealth.¹⁵² Things changed only when Derek Keys,

¹⁴⁵ Dennis Davis and Berni Fanaroff, “Slapdash Imposition of VAT Shows Govt’s Economic Ineptitude,” *Business Day*, October 21, 1991. See also, from Cosatu’s then General Secretary, Jay Naidoo, “COSATU Wants VAT Talks to ‘Prevent National Disaster,’” *Business Day*, August 23, 1991.

¹⁴⁶ Alan Fine, “Govt May Seek Broader Input on Tax,” *Business Day*, September 17, 1991.

¹⁴⁷ Louise Burgers and Helen Grange, “Business Losses Varied from Thousands to Millions,” *The Star*, November 6, 1991; Paul Stober and Ferial Haffajee, “Despite Doubts, Unions Pull It Off,” *Weekly Mail*, November 8, 1991; Glenn Adler, Judy Maller, and Eddie Webster, “Labour Movement’s Show of Strength,” *Business Day*, November 12, 1991.

¹⁴⁸ Drew Forrest, “Cosatu Profits from Tax Campaign,” *Weekly Mail*, September 27, 1991.

¹⁴⁹ Christo Nel and Rosemary Grealy, “The Consultative Business Movement,” *Indicator SA* 6, no. 1/2 (1989): 105–8.

¹⁵⁰ Dirk Hartford, “Business and Labour Set to Finalise Forum,” *Business Day*, January 20, 1992; Drew Forrest, “Labour, Business Take Initiative,” *Weekly Mail*, January 24, 1992.

¹⁵¹ Petrus Brynard, “Privatisation in South Africa,” *Politeia* 14, no. 2 (1995): 30–33.

¹⁵² Gerald Reilly, “Central Forum Will Not Work, Says Marais,” *Business Day*, February 13, 1992.

an outsider to the party with a business background, took over the Finance Department. Keys reportedly acted to convince his Cabinet colleagues to sanction a council.¹⁵³ As Bassett highlights, though, his efforts did not stem from some commitment to inclusion but from a perception that passing reforms depended on convincing COSATU of the merits of governmental policy.¹⁵⁴ In his own words, he saw the council as a mechanism for the parties to “take decisions which are unpopular with their constituencies.”¹⁵⁵

Thanks to Keys’ dubious help, the National Economic Forum (NEF) was finally established in late 1992. Unlike the NMC, the NEF actually did engage in some relevant activity before the transition, such as negotiating the country’s offer to the General Agreement on Tariffs and Trade (GATT).¹⁵⁶ Still, it lived a precarious existence, held together only by COSATU’s pressure and Keys’ presence in the Cabinet. This is because the council’s regulatory framework was not set in any statute but only in non-binding written agreements.¹⁵⁷ Nevertheless, the experience went on to deeply inform Cosatu’s strategy for post-transition South Africa.

2.4.2 To control an ally: COSATU’s relationship with the ANC and the birth of the NEDLAC

If the NMC and NEF resulted from a strategy of containing unilateral reform during the transition, what would be next for these economic councils? By its nature, the transition would end sooner or later, and the ANC would almost certainly take over after the first elections with black participation. Despite their alliance with the ANC, COSATU did not take it for granted that the future government would protect its interests. As a result, COSATU conditioned its future support to the establishment of a council resistant to unilateral disruption. Though demands for compulsory deliberation institutions irked the ANC, it could not afford to lose such a powerful ally during such a critical moment, leading to the creation of the NEDLAC.

COSATU and the ANC shared historical ties and a close alliance, but also deep tensions and suspicions. Soon after COSATU’s creation, the labor body recognized the ANC’s leading

¹⁵³ Steven Friedman and Mark Shaw, “Power in Partnership? Trade Unions, Forums and the Transition,” in *Trade Unions and Democratization in South Africa, 1985-97*, ed. Glen Adler and Edward Webster (London: Palgrave Macmillan, 2000), 195.

¹⁵⁴ Bassett, “Negotiating South Africa’s Economic Future: Cosatu and Strategic Unionism,” 187.

¹⁵⁵ Derek Keys, “A Wonderful Opportunity,” *South African Labour Bulletin* (Johannesburg, January 1993), 18.

¹⁵⁶ Friedman and Shaw, “Power in Partnership? Trade Unions, Forums and the Transition,” 195.

¹⁵⁷ NEF, “National Economic Forum Founding Documents,” in *Engine of Development? South Africa’s National Economic Forum*, ed. Ebrahim Patel (Cape Town: Juta, 1993).

role in the liberation struggle.¹⁵⁸ The following year, it formally adopted the Freedom Charter – a manifesto written by the ANC in 1955 – as a guide for its pro-democracy militance.¹⁵⁹ Finally, after the ANC and the SACP became legalized, COSATU joined them into a formal coalition known as the Tripartite Alliance. That said, COSATU also feared that ANC rule would not further the interests of the working class. Part of the problem was that the movement had always operated as a broad church, bringing under the same umbrella a variety of tendencies united only by their opposition to apartheid.¹⁶⁰ As such, even though ANC’s public persona exhibited socialist overtones due to the SACP’s influence during exile,¹⁶¹ it was hard to foresee future directions. Fueling unionists’ suspicions, the ANC began, as government-in-waiting, to liberalize its economic rhetoric while simultaneously building connections to big business and international financial organizations.¹⁶²

COSATU also feared for its place in the Tripartite Alliance, as the ANC signaled an unwillingness to listen, including in deliberative bodies. As the federation’s leaders themselves observed,¹⁶³ many African liberation movements had already sidelined their erstwhile labor allies after rising to power.¹⁶⁴ In fact, unionists already shared a perception that the ANC exerted its leading role in an imperial fashion, hardly ever consulting the other allies before acting.¹⁶⁵ In this regard, COSATU additionally received mixed signals regarding the continuing existence of economic councils. According to two union officials, ANC leaders supported the NMC but saw the NEF with skepticism, reportedly arguing that the council would turn into an unproductive constraint after the ANC had conquered the parliamentary majority.¹⁶⁶ Given such

¹⁵⁸ “Document: ANC-SACTU-Cosatu Talks,” *South African Labour Bulletin* (Braamfontein, April 1986).

¹⁵⁹ “NUMSA Launch,” *South African Labour Bulletin* (Braamfontein, July 1987); Carrim, “COSATU: Towards Disciplined Alliance.”

¹⁶⁰ Philip Bonner, “Fragmentation and Cohesion in the ANC: The First 70 Years,” in *One Hundred Years of the ANC: Debating Liberation Histories Today*, ed. Arianna Lissoni et al. (Johannesburg: Wits University Press, 2012); Julian Brown, “Diversity without Unity: Fragments of the History of the ANC,” *South African Historical Journal* 68, no. 3 (2016): 464–78.

¹⁶¹ Stephen Ellis and Tsepo Sechaba, *Comrades against Apartheid: The ANC and the South African Communist Party in Exile* (Bloomington: Indiana University Press, 1992), 10.

¹⁶² Handley, *Business and the State in Africa*, 66–76.

¹⁶³ Jay Naidoo, “Job Creation Can Help Address Apartheid’s Legacy — Naidoo,” *The Star*, March 20, 1993.

¹⁶⁴ For several examples, such as the cases of Ghana, Namibia and Zimbabwe, see Jon Kraus, ed., *Trade Unions and the Coming of Democracy in Africa* (New York: Palgrave Macmillan, 2007).

¹⁶⁵ Gavin Brown, “Unions Ponder Life without the Liberation Struggle,” *Business Day*, April 8, 1991; “Imperative or Impediment? Cosatu Ponders over Its Alliance with the ANC and SACP,” *Work in Progress* (Johannesburg, June 1991); Karl Von Holdt, “The ANC Alliance: What Does COSATU Think?,” *South African Labour Bulletin* (Johannesburg, June 1991).

¹⁶⁶ Adrienne Bird and Geoff Schreiner, “COSATU at the Crossroads: Towards Tripartite Corporatism or Democratic Socialism?,” *South African Labour Bulletin* (Johannesburg, July 1992), 31.

misgivings, some COSATU affiliates, including NUMSA, unsuccessfully called for quitting the Alliance in favor of aligning with the future government on a case-by-case basis.¹⁶⁷

To avoid a fate similar to that of other African labor movements, COSATU sought mechanisms for maintaining influence into the future, chief among them the economic councils. COSATU decided to remain in the Tripartite Alliance, but not unconditionally: in exchange for electoral support, the ANC would have to publicly commit itself to a development program.¹⁶⁸ This program would include a variety of policies, such as investments in infrastructure, housing, and technical training. Most notably for the present purposes, it also prescribed deepening joint policy formation “between the state, trade unions, the civics, and other constituencies in civil society” by means of the “the negotiating forums which have been set up” (a reference to the NMC and NEF)¹⁶⁹ Commenting on the necessity of maintaining their prized councils, Jay Naidoo, then General Secretary of COSATU, threatened that “any suggestion that attempts to exclude or marginalize the trade union movement or civics will guarantee a continuation of conflict.”¹⁷⁰

But COSATU did not just want to keep the NMC and the NEF as they were; it wanted to redesign them to become “permanent institutional features of a democratic socialist South Africa.”¹⁷¹ At this point, COSATU had seen the National Party undermining the industrial councils, it had fought as the Minister of Manpower tried to maintain unilateral control of the NMC, and it noticed how the NEF’s existence depended on the support of a single government official. As the ANC vacillated in supporting consultation, COSATU’s cadres understood that governmental involvement in deliberative bodies was a fickle matter and that unions could lose their position at the first hint of inconvenience. Amidst such experiences, one can understand why their principles for a new institutional dispensation explicitly required that “no party should be able, through abstention, to collapse a national forum.”¹⁷²

To avoid unilateral control over the terms of engagement in councils, COSATU proposed several institutional mechanisms. These included, for example: (i) reserving chairs

¹⁶⁷ Paul Bell, “Drop ANC, NUMSA Tells COSATU,” *The Star*, July 5, 1993.

¹⁶⁸ “Reconstruction Accord,” *South African Labour Bulletin* (Johannesburg, January 1993); “Reconstruction Pacts: No Blank Cheques for the ANC,” *Work in Progress* (Johannesburg, April 1993).

¹⁶⁹ Tripartite Alliance, “Reconstruction and Development Programme 4th Draft,” *African Communist*, September 1993, 18–19.

¹⁷⁰ Jay Naidoo, “The Five Pillars to Replace Apartheid,” *Weekly Mail*, March 19, 1993.

¹⁷¹ Bird and Schreiner, “COSATU at the Crossroads: Towards Tripartite Corporatism or Democratic Socialism?,” 23–24.

¹⁷² Bird and Schreiner, 30.

for particular organizations, which would, in turn, freely appoint their representatives; (ii) making decisions impossible to ignore by giving councils the power to propose legislation; (iii) and empowering all represented organizations to table issues and call meetings.¹⁷³ Moreover, moving away from the NEF's non-legal structure, COSATU wanted to entrench these mechanisms legally, perhaps even constitutionally. It was in this context that Jayendra Naidoo (not to be confused with Jay Naidoo) said the word quoted in this chapter's introduction. More specifically, he meant to assert the need for constitutionally entrenching the compulsion for government to engage with civil society, lamenting that "constitutions usually open little room for civil society except for the right of individuals to vote." (which he, of course, wanted to do differently).¹⁷⁴

This push for solidifying deliberative policy-making grew into a public quarrel that highlighted ANC's reticence. At a union-sponsored conference, Trevor Manuel, who was ANC's head of Economic Planning and later served as a minister in several ANC governments, claimed that legally entrenching economic councils would lead to undemocratic consequences.¹⁷⁵ For him, unions only served the interests of their members, and "therefore their capacity to influence macro-economic policy is constrained."¹⁷⁶ In response, COSATU officials quickly threatened to strike and revoke their electoral support.¹⁷⁷ Conflict over the matter did not perplex COSATU's Geoff Schreiner, who appreciated the strangeness of a government binding itself to deliberate. In his words, "it is perhaps not surprising that Manuel (and Keys) rally against constitutional entrenchment. Few governments voluntarily limit their own powers and place authority in hands outside the state."¹⁷⁸

Needless to say, COSATU got much of what it wanted regarding the future economic council – but not all. By the unionists' own suggestion, the NMC and NEF fused into the new NEDLAC.¹⁷⁹ To their dismay, the NEDLAC never achieved constitutional entrenchment.

¹⁷³ Bobby Godsell, Wiseman Nkhulu, and Geoff Schreiner, "Forums after the Elections: New Strength or Withering Away?," in *Forums and the Future: Proceedings of a Conference Convened by the Centre for Policy Studies on the Significance of South Africa's Forums, and Their Future in a Post-Apartheid Order*, ed. Riaan De Villiers (Doornfontein: Centre for Policy Studies, 1994), 127–47.

¹⁷⁴ Naidoo, "The Role of the National Economic Forum: Deepening Democracy and Empowering Civil Society," 30–31.

¹⁷⁵ Trevor Manuel, "Is There a Future for the National Economic Forum?," in *Engine of Development? South Africa's National Economic Forum*, ed. Ebrahim Patel (Cape Town: Juta, 1993), 26.

¹⁷⁶ Ebrahim Patel, ed., "Facing the Workers: A Discussion Session on the National Economic Forum," in *Engine of Development? South Africa's National Economic Forum* (Cape Town: Juta, 1993), 54.

¹⁷⁷ Linda Ensor, "Allies Differ over Trade Union Role," *Business Day*, June 21, 1993; Sharon Sorour, "ANC/COSATU Clash," *Weekend Argus*, June 19, 1993.

¹⁷⁸ Geoff Schreiner, "Book Review - Engine of Development: South Africa's National Economic Forum," *South African Labour Bulletin* (Braamfontein, January 1994), 91.

¹⁷⁹ Jacquie Golding, "COSATU Calls for a Merger of Forums," *Business Day*, March 17, 1994.

Regardless, as discussed in this chapter's introduction, the unionists' success in institutionalizing other mechanisms of compulsory deliberation was quite notable. As this dissertation argues extensively, they would not likely have succeeded in forcing the hand of a visibly uncomfortable ANC without their position of power – which, in turn, would degrade after the transition had concluded (see [section 4.3.1](#)). However, at this point, the ANC faced an uncertain future as the government-in-waiting and could not lightly throw away the support of what had arguably become the most capable civic organization in South Africa.

3 AN OPPORTUNITY LOST: MILITANT UNIONISM AND ECONOMIC COUNCILS IN THE BRAZILIAN TRANSITION

In many ways, the trajectories of contemporary Brazilian and South African labor movements paralleled one another.¹ Both emerged during the 1970s in industries that had grown thanks to developmental policies. Unions equally turned to workplace organization as a strategy for surviving under political repression and, inspired by socialist discourse, adopted confrontational strategies. During the respective transitions to democracy, unions played a key role as leaders of civil society mobilization, taking it upon themselves to speak not only for those employed in the formal sector but for those afflicted by economic injustice in general. This moment represented the peak of their power vis-à-vis governments, who had to account for union opposition when attempting reforms. Equally, when national job losses mounted as an effect of growing competition from imports, Brazilian and South African militant unions eased their confrontational strategies in favor of getting themselves involved in policy formulation.

Despite all these similarities, Brazilian unions never managed a feat similar to the creation of the NEDLAC – an economic council that is organically part of the Executive yet institutionally resistant to unilateral governmental disruption. Instead, Brazilian economic

¹ For an in-depth discussion, see Gay Seidman, *Manufacturing Militance: Worker's Movements in Brazil and South Africa, 1970-1985* (Berkeley: University of California Press, 1994).

councils have continued on a trajectory of serial replacement that started way back in the 1930s. Back then, as part of a budding developmental State, councils included no workers, serving principally as sites for business interest representation. From the beginning, few councils would last for more than a few years, after which another one would replace them. As this pattern repeated, employer associations understood that governmental discretion in deciding when to engage left councils to the whims of the authorities of the day. Yet, despite their discontentment, employer associations never managed to bind governments to consulting.

Why did militant Brazilian unions not break the serial replacement pattern by forcing authorities to adopt compulsory deliberation institutions, as occurred in South Africa? This chapter begins building the argument that the Brazilian labor movement missed its window of opportunity, namely, the transition period. This occurred because, unlike their South African counterparts, Brazilian unions shifted from their tactics of *principled confrontation* to *pragmatic cooperation* when it was already too late. By the time they began mobilizing for institutionalized policy involvement, unions' previous power resources had already waned considerably.

Aside from this introduction, the current chapter is divided into three parts. The first one discusses the early trajectory of national economic councils by reference to the growth of the developmental State and the formation of employer associations. It shows that employers identified governmental discretion as a problem but could not do anything about it. The second part regards the rise of the "new syndicalism", its incredible mobilizational capacity during the transition, and its animosity toward governmental attempts at policy negotiation. If unions could have succeeded in pressuring compulsory deliberation institutions, it was then. The third and final part chronicles unions' involvement in their first economic council, from their shift toward policy involvement to the council's death by governmental disruption.

3.1 CLASS INTEREST REPRESENTATION IN THE OLD DEVELOPMENTAL STATE

Economic councils began proliferating in Brazil after the 1930s, as the Getúlio Vargas reformed the organizational structures of the public administration and class associations (including unions and employer associations) in the process of building a developmental State. From the beginning, councils exhibited a pattern of serial replacement and dependence on the personal traits of current authorities. Administrative discretion in choosing when to deliberate

became an open matter of contention in 1974, as Ernesto Geisel severely curtailed business representation within the Executive. Employer associations perceived the lack of compulsory deliberation institutions as a problem but could not force the government to adopt them.

3.1.1 Vargas' corporatist legacy: the State, business and labor

Getulio Vargas' legacy looms large over many matters of Brazilian politics, including organized interest representation. The period known as Vargas Era began with the 1930 Revolution and extended to Vargas' rule as a dictator between 1937 and 1945. The institutional form of "economic councils" began its long Brazilian career then, as the State took a developmental role in the economy and business associations reorganized in line with new corporatist legislation.

With Vargas, the Brazilian administration began a gradual structural adjustment process to match the challenge of industrialization.² Authorities increasingly saw industrialization as the driving force of economic development. However, because they also considered the private sector incapable of moving on its own, governmental intervention grew steadily. Such intervention involved direct entrepreneurial action, especially through State-owned enterprises and public banks. It also involved external inducements, such as price and exchange control, preferential tax treatments and directive planning. Dilation of the bureaucracy accompanied this developmental push from its beginnings. Thus, in addition to a professionalization of the personnel, administrative structures became increasingly specialized and differentiated, with more and more bodies responsible for formulating and executing economic policy.

As administrative structures changed, so did that of industrial business associations.³ In an often conflictual partnership with already existing associations, Vargas established a still-enduring corporatist system of interest representation with officially recognized entities.⁴ The official system works like a pyramid, with municipal, state and national associations. For the current purposes, two of them matter the most: CNI, the national association of industrialists;

² For a comprehensive historical discussion, see Sonia Draibe, *Rumos e Metamorfoses: Um Estudo Sobre a Constituição Do Estado e as Alternativas Da Industrialização No Brasil, 1930 - 1960*, 2nd ed. (Rio de Janeiro: Paz e Terra, 2004).

³ For some histories of Brazilian organized business, see Maria Antonieta P. Leopoldi, *Política e Interesses Na Industrialização Brasileira: As Associações Industriais, a Política Econômica e o Estado* (São Paulo: Paz e Terra, 2000); Ben Ross Schneider, *Business Politics and the State in Twentieth Century Latin America* (Cambridge: Cambridge University Press, 2004), chap. 4.

⁴ Vanda Maria Ribeiro Costa, *A Armadilha Do Leviatã: A Construção Do Corporativismo No Brasil* (Rio de Janeiro: Editora UERJ, 1999).

and FIESP, which represents São Paulo, the state that came to overwhelmingly concentrate industries during the 20th century.⁵ Both of these work as general-purpose associations, encompassing industrialists from all sectors. From the 1950s, though, more and more sectoral associations formed. Some, like Sindipeças (auto parts), were official corporatist entities. However, most of them, such as ABINEE (electronic goods), ABDIB (capital goods), ABIFER (railway industry), were parallel voluntary associations. While corporatist associations to this day control semi-public resources like tax-financed vocational programs,⁶ the sectoral associations often matter more in organizing and expressing interests.

Economic councils began appearing during the 1930s amidst the interactions between a budding developmental State and newly formed corporatist business associations. The government concentrated policymaking powers, emptying the Congress of relevance.⁷ Instead, Vargas moved interest representation into the Executive's proliferating policymaking bodies by creating economic councils populated with corporatist business associations.⁸ Industrial associations relished their consultative role; FIESP, for example, touted its presence in councils to attract new members during its formative years.⁹ Two noteworthy early councils included the Federal Council of Foreign Trade (CFCE) and the Coordination for Economic Mobilization (CME), respectively created by decree in 1934 and 1942.¹⁰ While the CFCE housed early

⁵ In Brazilian law, official employers' associations and trade unions are both termed *sindicatos*, which translates to "unions". This idiosyncrasy complicates translation and would force me to talk of employers' and workers' *sindicatos*. For simplicity's sake, I will stick to the more commonly used terms in English.

⁶ On the relationship between corporatist employer associations and semi-public vocational programs, see Barbara Weinstein, *For Social Peace in Brazil: Industrialists and the Remaking of the Working Class in São Paulo 1920-1964*. (Chapel Hill: University of North Carolina Press, 1996).

⁷ The irrelevance of Congress in terms of policy formulation is obvious during Vargas' rule as dictator. However, even in the democratic period of 1945-1964, Congress mattered more as a veto actor than as a policymaker. See Lourdes Sola, "The Political and Ideological Constraints to Economic Management in Brazil, 1945-1963" (Doctoral dissertation, Oxford, University of Oxford, 1982).

⁸ Eli Diniz, *Empresário, Estado e Capitalismo No Brasil: 1930-1945* (Rio de Janeiro: Paz e Terra, 1978), 79. In moving interest representation from elected parliamentarians to corporatist associations, Vargas enjoyed ideological support from Oliveira Vianna. Vianna, who was a legal scholar and the government's Labor Minister, fiercely criticized liberal democratic institutions, which he considered as contextually inadequate imports from developed countries. Instead, he proposed functional representation through technical councils. See Oliveira Vianna, *O Idealismo Da Constituição*, 2nd ed. (Rio de Janeiro: Terra de Sol, 1939), 267.

⁹ Leopoldi, *Política e Interesses Na Industrialização Brasileira: As Associações Industriais, a Política Econômica e o Estado*, 77.

¹⁰ See respectively Brasil, "Decreto n. 24.429, de 20 de Junho de 1934," July 4 (n. 46) Diário Oficial da República Federativa do Brasil § 1 (1934), 13266; Brasil - Gabinete do Coordenador da Mobilização Econômica, "Portaria n. 23, de 20 de Novembro de 1942," November 26 (n. 274) Diário Oficial da República Federativa do Brasil § 1 (1942), 17232.

debates on the role of foreign firms in Brazil,¹¹ the CME took large steps into economic planning by organizing Second World War efforts.¹²

Conspicuously absent from economic councils were workers. Vargas' corporatism shaped trade unions as much as employer associations, but legislation structured the former primarily for service provision and wage negotiations rather than consultation. In that regard, laws granted a monopoly of representation to sectorally and municipally-based unions: a single union negotiates wages for workers of a single municipality and a single sector (e.g., São Bernardo Metal Workers Union). At the same time, Vargas established several repressive mechanisms, chief among them the governmental capacity to intervene in unions to remove non-conforming leaders. However, not all governments used repressive controls during the democratic period of 1945-64, so unions still managed to organize militant action.¹³ As we will later see, this changed with the 1964 military coup. In any case, unions will be mostly absent from this section, which now turns to consultative bodies where workers had no seat.

3.1.2 Economic council instability, 1937-1974

The proliferation of councils in all areas of economic policy – including commercial, monetary and price control policies – is difficult to follow. Codato lists 64 councils created between 1956 and 1985 alone,¹⁴ which might not even account for all. In order to proceed in a somewhat linear fashion, the following discussion focuses on general (multisectoral) industrial policy and on automotive sector policy councils. These are the areas where a pattern of chronic instability can be most easily observed and where the literature is most complete. With some exceptions, most of Varga's successors each discontinued the councils of their predecessors and created their own, all by decree. By the time the seventh industrial policy council came into being in 1969, authorities were running out of different ways to arrange the words “council”, “industrial,” and “development” into names (and had, in fact, run out of acronyms - see [tables 3-1 and 3-2](#)).

¹¹ Diniz, *Empresário, Estado e Capitalismo No Brasil: 1930-1945*, chap. 5.

¹² Algenyr dos Santos Correia and Rosa Maria Esteves Nogueira, “A Intervenção Do Estado No Domínio Econômico: O Caso Da Coordenação Da Mobilização Econômica,” *Dados* 13, no. 2 (1976): 134–50.

¹³ Adalberto Moreira Cardoso, “‘Your Defensive Fortress’: Workers and Vargas’s Legacies in Brazil,” in *Working through the Past: Labor and Authoritarian Legacies in Comparative Perspective*, ed. Teri L. Caraway, Maria Lorena Cook, and Stephen Crowley (Ithaca: Cornell University Press, 2015), 164–78.

¹⁴ Adriano Codato, *Sistema Estatal e Política Econômica No Brasil Pós-64* (São Paulo: Hucitec, 1997), 347.

Vargas established the first council specifically dedicated to industrial policy, the National Council for Industrial and Commercial Policy (CNPIC), by decree in 1943. The CNPIC operated at a period when the Executive was beginning to restructure itself to support industrialization but lacked defined sectoral priorities,¹⁵ while businesses were still organized primarily through general-purpose associations. No concrete measures came out of the council. Still, under the leadership of FIESP's Roberto Simonsen, it produced a series of interventionist proposals that kickstarted a foundational debate between proponents and detractors of planning.¹⁶ But the fledgling industrializing drive was interrupted by the election of the Eurico Gaspar Dutra in 1945, who cut back governmental intervention and disbanded the CNPIC along with other councils.

Things picked up when Vargas returned to power (through an election) in 1951 and established the Commission for Industrial Development (CDI-51). To formulate more focused policies, the CDI-51 introduced an innovation that future councils would retain: sectoral subcommissions. In addition to a plenary that included CNI (the national industrialist association) representatives, it had six consultative sectoral subcommissions, including one dedicated to assessing the feasibility of nationally mass-producing automobiles. After hearing about this, a recently created association of national parts producers, Sindipeças, made themselves known to the automotive subcommission and effectively became informal members.¹⁷ There they forged alliances with bureaucrats personally committed to the project of a national automotive industry, chief among whom was the subcommission's president, Lucio Meira.

While the CDI-51's plenary drafted general industrialization guidelines enumerating and ranking investment priorities,¹⁸ the automotive subcommission formulated a model whereby foreign assemblers would receive protection in exchange for producing locally using national parts.¹⁹ Yet, just as momentum was building up, with the subcommission turning into

¹⁵ Draibe, *Rumos e Metamorfoses: Um Estudo Sobre a Constituição Do Estado e as Alternativas Da Industrialização No Brasil, 1930 - 1960*, 87–102.

¹⁶ Diniz, *Empresário, Estado e Capitalismo No Brasil: 1930-1945*, 205–15. About the enduring influence of the debate between Roberto Simonsen and his liberal opponent, Eugênio Gudin, see Aloísio Teixeira, Gilberto Maringoni, and Deniso Lobato Gentil, *Roberto Simonsen e Eugênio Gudin - Desenvolvimento: O Debate Pioneiro de 1944-1955* (Brasília: IPEA, 2010).

¹⁷ Caren Addis, "Local Models: Auto Parts Firms and Industrialization in Brazil" (Doctoral dissertation, Cambridge, Massachusetts Institute of Technology, 1993), 103.

¹⁸ Comissão de Desenvolvimento Industrial, "Plano Geral de Industrialização Do País," in *Rumos e Metamorfoses: Um Estudo Sobre a Constituição Do Estado e as Alternativas Da Industrialização No Brasil, 1930 - 1960*, by Sonia Draibe, 2nd ed. (Rio de Janeiro: Paz e Terra, 2004), 219–21.

¹⁹ Addis, "Local Models: Auto Parts Firms and Industrialization in Brazil," 107.

a body with executive powers (the CEIMA), things came to a halt as Vargas committed suicide under mysterious conditions. The liberal João Fernandes Campos Café Filho took over provisionally, holding a short tenure marked by fraught relationships with industrialists.²⁰

State intervention again resumed with Juscelino Kubitschek, who took over the presidency in 1956 on an ambitious industrializing platform, the Targets Plan, today widely recognized for its “fifty years in five” slogan. To manage the plan, Kubitschek established the Council of Development (CD) along with several sectoral executive groups. Unlike the CDI-51’s subcommissions, these groups were empowered to take and implement decisions. After the experience with Café Filho, FIESP reacted effusively to the CD and the place it accorded to business representation.²¹

The best-known experience of Kubitschek’s CD became the Executive Group of the Automotive Industry (GEIA), which, for all its limitations, played a key role in fostering the industry.²² As Kubitschek brought back the same public and private players who had been part of the CDI-51’s automotive subcommission (including Lucio Meira and Sindipeças), the executive group took steps to execute old plans. In particular, it evaluated and approved projects submitted by foreign assemblers (like Ford) to set up shop in Brazil, many of which came to fruition.²³ The GEIA had the authority to concede favorable conditions (such as tax exemptions). However, it also imposed a schedule for assemblers to gradually increase the use of national parts in their vehicles. According to Ramiz Gattás, then representative of Sindipeças, Meira took decisions only after listening to all interested parties,²⁴ though he did legally not have to. Not coincidentally, the local content schedule followed Sindipeças’ estimates of the sector’s future productive capacity.²⁵

With new presidents came more organizational reshufflings. Even while formally maintaining Kubitschek’s CD, Jânio Quadros created a duplicate in the form of the National Commission for Planning (COPLAN).²⁶ However, the new council did not get much chance to

²⁰ Leopoldi, *Política e Interesses Na Industrialização Brasileira: As Associações Industriais, a Política Econômica e o Estado*, 235–52.

²¹ Leopoldi, 259.

²² Helen Shapiro, *Engines of Growth: The State and Transnational Auto Companies in Brazil* (Cambridge: Cambridge University Press, 1994), 79.

²³ Rafael R. Ioris, *Transforming Brazil: A History of National Development in the Postwar Era* (New York: Routledge, 2014), 160.

²⁴ Ramiz Gattás, *A Indústria Automobilística e a 2ª Revolução Industrial No Brasil* (São Paulo: Prelo, 1981), 431.

²⁵ Addis, “Local Models: Auto Parts Firms and Industrialization in Brazil,” 129.

²⁶ Nelson Mello e Souza, “O planejamento econômico no Brasil: considerações críticas,” *Revista de Administração Pública* 46, no. 6 (2012): 1072.

do anything, as Quadros infamously resigned only a few days later.²⁷ After taking over, his left-leaning vice-president, João Goulart, predictably instated his own council, the Coordination for National Planning (CPN). Goulart also reorganized the executive groups, including GEIA, moving them from the Presidential Office to the Ministry of Industry and Commerce. According to one participating bureaucrat, this greatly diluted GEIA's decision-making power and prestige.²⁸ The memoir of Sindipeças' Gattás lines up with this assessment, as according to him, GEIA simply ceased to approve new projects in 1963.²⁹

In March 1964, Goulart was deposed by a military coup (which several prominent FIESP leaders supported).³⁰ Already in April, Humberto Castelo Branco, the first military president, created the Committee for Industrial Development (CDI-64) and reorganized all existing executive councils. As a result, Lucio Meira left, and GEIA became the GEIMEC, losing all its executive powers. Instead, the newly reconfigured executive group began serving a strictly consultative role to the CDI-64's plenary. This dynamic continued after 1969, when Castelo Branco's successor, Artur da Costa e Silva, reorganized the CDI-64 into the Council for Industrial Development (CDI-69), converting the GEIMEC into the GEIMOT.

Finally, in 1970 Emílio Garrastazu Médici turned the CDI-69's "executive groups" into "sectoral groups", depriving industry representatives of their voting rights. At the time, associations complained that this would reduce their influence over decisions,³¹ but the government insisted that the reform would enhance representativeness.³² Business concerns turned out well-founded. Gattás reports that without the procedural requirement of voting or the presence of an ally like Lucio Meira, consultations stopped.³³ Indeed, as Abranches shows in his detailed study, the CDI-69 became an ineffectual body both in terms of policymaking and

²⁷ Quadro's resignation is one of the strangest episodes of Brazilian history. The national historiography generally considers it as a failed attempt at a self-coup.

²⁸ Sydney Latini, *Suma Automobilística*, vol. 1 (Rio de Janeiro: Tama, 1984).

²⁹ Gattás, *A Indústria Automobilística e a 2ª Revolução Industrial No Brasil*, 377.

³⁰ Ricardo Mendonça, "Papéis de Militares Expõem Atuação Da Fiesp No Golpe de 64," *Folha de São Paulo*, June 1, 2014, <https://www1.folha.uol.com.br/poder/2014/06/1463226-papeis-de-militares-expoem-atuacao-da-fiesp-no-golpe-de-64.shtml>. On the deterioration of the relationship between business and Goulart, see Felipe Pereira Loureiro, "Empresários, Trabalhadores e Grupos de Interesse: A Política Econômica Nos Governos Jânio Quadros e João Goulart" (Doctoral dissertation, São Paulo, Faculdade de Filosofia, Letras e Ciências Humanas da Universidade de São Paulo, 2012), 373–89.

³¹ "Empresários Querem Participação Na Nova Política Da Indústria," *Jornal Do Brasil*, December 9, 1970.

³² "CDI Com Nova Função," *O Estado de São Paulo*, February 2, 1971.

³³ Gattás, *A Indústria Automobilística e a 2ª Revolução Industrial No Brasil*, 410.

interest intermediation, leading industry leaders to increasingly rely on informal contacts within the State.³⁴

The preceding exposition shows how unilateral law-making powers (in the form of decrees) granted governments the capacity to shape industrial policy councils to their wishes, often to the detriment of business associations. Less obviously, the distribution of power within councils also meant the personal inclinations of current governmental actors decidedly affected the terms of engagement even without formal changes (a tendency that, as [section 5.2.2](#) will show, persisted after democratization). One already-explored example was how Lucio Meira always granted voice to Sindipeças inside automotive sector councils, but his successors did not. Similarly, Diniz and Boschi show that, after associations lost voting powers in the CONEP/CIP (price control policy), public-private interaction became more personalistic and subject to bureaucrats' whims.³⁵ In the CMN (monetary policy), where bureaucrats had discretion over whether to convene associations, they stopped doing so in time.³⁶ In one last example, the Consplan (planning) convened only a little over ten times before the military decided to cease meetings.³⁷ Governments repeatedly instrumentalized the law to build economic councils, but these councils always depended on their creators to function and were thus never institutionalized.

³⁴ Sérgio Henrique Hudson de Abranches, "The Divided Leviathan: State and Economic Policy Formation in Authoritarian Brazil" (Doctoral dissertation, Cornell University, 1978), chaps. 3 and 4.

³⁵ Eli Diniz and Renato Boschi, "Burocracia, Clientelismo e Oligopólio: O Conselho Interministerial de Preços," in *Origens Da Crise: Estado Autoritário e Planejamento No Brasil*, ed. Olavo Brasil de Lima Jr. and Sérgio Henrique Abranches (São Paulo: Vértice, 1987), 85.

³⁶ Maria Lucia Teixeira Werneck Vianna, "O Conselho Monetário Nacional," in *Expansão Do Estado e Intermediação de Interesses No Brasil*, v. 2, ed. Cesar Guimarães (Rio de Janeiro: SEMOR/IUPERJ, 1979), 286.

³⁷ Sebastião C. Velasco e Cruz, "Interesses de Classe e Organização Estatal: O Caso Do Consplan," *Dados*, no. 18 (1978): 101–21.

Table 3-1. General-purpose industrial policy councils

Year	President	Council
1943	Getúlio Vargas	Conselho Nacional de Política Industrial e Comercial (CNPIC) ³⁸
1951	Getúlio Vargas	Comissão do Desenvolvimento Industrial (CDI-51) ³⁹
1956	Juscelino Kubitschek	Conselho do Desenvolvimento (CD) ⁴⁰
1961	Jânio Quadros	Comissão Nacional de Planejamento (COPLAN) ⁴¹
1963	João Goulart	Coordenação do Planejamento Nacional (CPN) ⁴²
1964	Humberto Castelo Branco	Comitê de Desenvolvimento Industrial (CDI-64) ⁴³
1969	Artur da Costa e Silva	Conselho de Desenvolvimento Industrial (CDI-69) ⁴⁴

³⁸ Brasil, “Decreto-Lei n. 5.982, de 10 de Novembro de 1943,” November 12 (n. 263) Diário Oficial da República Federativa do Brasil § 1 (1943), 16659.

³⁹ Brasil, “Decreto n. 29.806, de 25 de Julho de 1951,” July 26 (n. 170) Diário Oficial da República Federativa do Brasil § 1 (1951), 11107.

⁴⁰ Brasil, “Decreto n. 38.744, de 1º Fevereiro de 1956,” February 1 (n. 27) Diário Oficial da República Federativa do Brasil § 1 (1956), 1897.

⁴¹ Brasil, “Decreto n. 51.152, de 5 de Agosto de 1961,” August 5 (n. 177) Diário Oficial da República Federativa do Brasil § 1 (1961), 7115.

⁴² Brasil, “Decreto n. 52.256, de 11 de Julho de 1963,” July 12 (n. 131) Diário Oficial da República Federativa do Brasil § (1963), 6056.

⁴³ Brasil, “Decreto n. 53.898, de 29 de Abril de 1964,” April 29 (n. 81) Diário Oficial da República Federativa do Brasil § 1 (1964), 3793.

⁴⁴ Brasil, “Decreto n. 65.016, de 18 de Agosto de 1969,” August 22 (n. 160) Diário Oficial da República Federativa do Brasil § 1 (1969), 7152.

Table 3-2. Automotive sector councils/sub-councils

Year	President	Council
1951	Getúlio Vargas	Subcomissão para a Fabricação de Jipes, Tratores, Caminhões e Automóveis ⁴⁵
1954	Getúlio Vargas	Comissão Executiva da Indústria de Material Automobilístico (CEIMA) ⁴⁶
1956	Juscelino Kubitschek	Grupo Executivo da Indústria Automotiva (GEIA) ⁴⁷
1964	Humberto Castelo Branco	Grupo Executivo das Indústrias Mecânicas (GEIMEC) ⁴⁸
1969	Artur da Costa e Silva	Grupo Executivo da Indústria Automotora (GEIMOT) ⁴⁹
1970	Emílio Garrastazu Médici	Grupo Setorial 6 (GS6) ⁵⁰

3.1.3 Against governmental discretion: business reactions to council instability

Despite the instability of economic councils, business associations generally enjoyed representation within the Executive until 1974, as a discontinued council would usually have a replacement very soon. But what if governmental discretion took that away? As reactions to Ernesto Geisel's reforms show, employers certainly cared about representation and understood that the lack of compulsory deliberation mechanisms left them at the whims of the authority of the day. Nevertheless, they remained powerless to stop the cycle of instability.

Geisel began his tenure as president in 1974, as the 1973 Oil Crisis started to show its effects and the Brazilian Economic Miracle period (during which Brazil's GDP grew at over 10% per year) drew to a close. One of his chief concerns was rationalizing the Executive's structure, a task that, in his words, involved "simplifying the administrative apparatus, reducing the harmful duplication of bodies and superposition of functions".⁵¹ The rationalizing drive turned into a wide-ranging reform effort that centralized power in the president's hand by eliminating many of the Executive's various policymaking bodies. Consequently, businesses

⁴⁵ Brasil, Decreto n. 29.806, de 25 de julho de 1951.

⁴⁶ Brasil, "Decreto n. 35.729, de 25 de Junho de 1954," June 26 (n. 144) Diário Oficial da República Federativa do Brasil § 1 (1954), 11363.

⁴⁷ Brasil, "Decreto n. 39.412, de 16 de Junho de 1956," June 16 (n. 138) Diário Oficial da República Federativa do Brasil § 1 (1956), 11841.

⁴⁸ Brasil, "Decreto n. 53.975, de 19 de Junho de 1964," June 19 (n. 117) Diário Oficial da República Federativa do Brasil § 1 (1964), 5314.

⁴⁹ Brasil, Decreto n. 65.016, de 18 de agosto de 1969, 7152.

⁵⁰ Brasil, "Decreto n. 67.706, de 7 de Dezembro de 1970," December 7 (n. 230) Diário Oficial da República Federativa do Brasil § 1 (1970), 10378.

⁵¹ Ernesto Geisel, "Discurso de Geisel Define Rumos Do País," *O Estado de São Paulo*, March 20, 1974.

lost representation in these bodies.⁵² For example, Geisel removed representation from the CDI-69's sectoral groups and from councils like the CONSIDER (steel industry)⁵³ and the CIP (price control).⁵⁴ As icing on the cake, Geisel created the Council of Economic Development (CDE), a powerful interministerial body for advising the presidency, but included no business representatives.⁵⁵

Coming on top of the economic slowdown, this exclusion did not sit well with business associations. Representatives from voluntary and corporatist associations alike, including ABINEE, ABDIB, ABIFER, Sindipeças and FIESP, protested in public outlets, demanding inclusion in the new Council of Economic Development (CDE).⁵⁶ Equally, a 1977 national conference of business associations ended with a call to establish “*permanent* consultation mechanisms” (my emphasis).⁵⁷ Not coincidentally, it was during Geisel's administration that employers became most critical of the State, conducting open campaigns against its economic policies and political illiberalism.⁵⁸

At this moment, employers recognized that governmental discretion in choosing when to talk generated instability in economic councils. Of particular interest is Boschi's study of collective business action during the 1970s, in which a series of anonymously interviewed leaders expressed their desire for compulsory deliberation institutions. For example, one complained that “dialogue is not obligatory. It only exists when the government wants”;⁵⁹ another noted that “associations are listened to as acts of grace by the government, and not by right and obligation”;⁶⁰ and yet a third one lamented how “contacts with ministers in the

⁵² For an in-depth discussion of Geisel's centralizing reforms see the works of Codato, in particular Codato, *Sistema Estatal e Política Econômica No Brasil Pós-64*; Adriano Codato, “Centralização Política e Processo Decisório: O Governo Geisel Em Perspectiva,” *Revista de Sociologia e Política*, no. 2 (1994): 57–78.

⁵³ Brasil, “Decreto n. 74.361, de 2 de Agosto de 1974,” August 6 (n. 149) *Diário Oficial da República Federativa do Brasil* § 1 (1974), 8821.

⁵⁴ Brasil - Ministério da Fazenda - Gabinete do Ministro, “Portaria Interministerial n. 25, de 21 de Janeiro de 1975,” January 28 (n. 19) *Diário Oficial da República Federativa do Brasil* § 1 (1975), 1237. The new ministerial decree excluded the CIP's consultative council, which included business representation. See Brasil - Ministério da Indústria e do Comércio - Gabinete do Ministro, “Portaria n. 8, de 31 de Outubro de 1968,” December 23 (n. 247) *Diário Oficial da República Federativa do Brasil* § 1 (1968), 11104.

⁵⁵ Brasil, “Lei n. 6.036, de 1 de Maio de 1974,” May 2 (n. 82) *Diário Oficial da República Federativa do Brasil* § 1 (1974), 5036.

⁵⁶ “Empresário Acha Essencial Ter Representantes No CDE,” *Jornal Do Brasil*, May 22, 1976; “Empresários Querem Participar de Decisões,” *Jornal Do Brasil*, September 10, 1978.

⁵⁷ “Carta Propõe Descentralizar a Economia,” *O Estado de São Paulo*, November 5, 1977.

⁵⁸ About the campaigns “against the statization of the economy” and “in favor of democracy,” see Eli Diniz and Olavo Brasil de Lima Jr., *Modernização Autoritária: O Empresariado e a Intervenção Do Estado Na Economia* (Brasília: IPEA/CEPAL, 1986).

⁵⁹ Renato Boschi, *Elites Industriais e Democracia: Hegemonia Burguesa e Mudança Política No Brasil* (Rio de Janeiro: Edições Graal, 1979), 158.

⁶⁰ Boschi, 159.

economic area have turned into an informal collaboration since the government chooses when to listen or not to suggestions.”⁶¹ As the interviewees made it clear, it is not that public-private relations ceased, but only that they became more informal, ad-hoc and personalistic. In fact, by tracing ABDIB’s activities, Boschi shows that the association snagged many governmental concessions during Geisel’s administration by considerably increasing its direct personal contacts.⁶²

With Geisel’s successors, business associations managed to remedy the immediate lack of representation but did not succeed in forcing any form of compulsory deliberation. From 1979, the next-military president, João Figueiredo, improved relations with organized business to the point that employers generally toned down their calls for democratization. This improvement may have occurred partly due to the reestablishment of representation in some councils,⁶³ like CONCEX (foreign commerce)⁶⁴ and CONSIDER (steel industry).⁶⁵ Similarly, the first post-1964 civilian president, José Sarney, once again granted business a seat in a revived and reorganized CDI-69.⁶⁶ Nevertheless, as always, only governmental actors had any real power to determine the terms of interaction within these councils. And, like every council before, they were all quickly abandoned. But while business and the governments repeated the same old game, more important things stirred up on the factory floor.

3.2 THE “NEW SYNDICALISM” AGAINST THE STATE

After years of relative industrial peace during the dictatorship, labor unrest finally exploded in 1978. The renewed union organizational practices that followed, known as the “new syndicalism”, used socialist-inspired discourse to encourage workplace mobilization. Exploiting the pre-existing corporatist structure and facing governments that depended on wage policies to control inflation, the new wave of militance quickly reached incredible heights with constant workplace strikes and popular general strikes. With inflation out of control and policy implementation becoming difficult, governments tried luring unions into the talking table,

⁶¹ Boschi, 160.

⁶² Boschi, 196–219.

⁶³ Adriano Codato, “Estado Militar, Política Econômica e Representação de Interesses: Constrangimentos Da Transição Democrática Do Brasil Nos Anos Oitenta,” *Espacio Abierto* 12, no. 4 (2003): 493–521.

⁶⁴ Brasil, “Decreto n. 83.904, de 28 de Agosto de 1979,” August 29 (n. 166) Diário Oficial da República Federativa do Brasil § 1 (1979), 12393.

⁶⁵ Brasil, “Decreto n. 84.595, de 25 de Março de 1980,” March 27 (n. 59) Diário Oficial da República Federativa do Brasil § 1 (1980), 5396.

⁶⁶ Brasil, “Decreto n. 96.056, de 19 de Maio de 1988,” May 20 (n. 94) Diário Oficial da República Federativa do Brasil § 1 (1988), 8854.

including by offering a seat in economic councils. However, adopting a principled confrontation stance, militant unions refused to negotiate, passing the change to pressure for institutionalized policy involvement.

3.2.1 The rise of “new syndicalism” through workplace militance

Between the late 1970s and early 1980s, Brazil saw a spectacular resurgence of labor militance and reorganization. Shaped by regime repression, the “new syndicalism” sought to further the class struggle through a practice of workplace entrenchment and ideological backing of socialistic principles. This combination brewed a new generation of union leaders firmly opposed to the notion of cooperating with the State.

Considering how the military used a “communist threat” to justify the 1964 coup, it is not surprising that unions were among the first to suffer, with severe consequences for labor organization. In early 1964, president João Goulart (who already leaned left) had taken a sharp pro-labor turn, with support from union leaders of the time.⁶⁷ As a reaction, right in the first two years of the dictatorship, the military government exerted its Vargas-era legal powers to conduct a purge, intervening 433 times in union leadership and suspending the political rights of 84 individuals.⁶⁸ Such ruthlessness aimed at clearing opposition to the new wage policy, through which the Executive concentrated powers to determine the pace of increases. The official policy effectively abolished unions’ role in negotiating wages.⁶⁹ Though not eradicating strike action entirely,⁷⁰ repression mostly succeeded in limiting unions’ space for action to welfare service provision.

When unrest exploded in the 1970s, it initially came not from unions but from the factory – much like the 1973 Durban strikes in South Africa (see [section 2.2.1](#)). Since the start of the decade, the autoworkers, who were more qualified and earned better than the national average, had pursued workplace organizing to negotiate directly with employers and earn higher raises than those granted by law. Then, in 1978, workers in the city of São Bernardo,

⁶⁷ On Goulart’s relationship with union leaders, see Felipe Pereira Loureiro, “João Goulart e a cúpula do movimento sindical brasileiro: o caso das Confederações Nacionais de Trabalhadores (1961-1964),” *História (São Paulo)* 36, no. 3 (2017): 1–23.

⁶⁸ Argelina Cheibub Figueiredo, “Intervenções Sindicais e o ‘Novo Sindicalismo,’” *Dados*, no. 17 (1978): 135–55.

⁶⁹ Maria Hermínia Tavares de Almeida, “O Sindicato No Brasil: Novos Problemas, Velhas Estruturas,” *Debate & Crítica*, no. 6 (1975): 65.

⁷⁰ Consider, for example, the 1968 strikes at Contagem and Osasco. Ricardo Antunes and Marcelo Ridenti, “Operários e Estudantes Contra a Ditadura: 1968 No Brasil,” *Mediações - Revista de Ciências Sociais* 12, no. 2 (2007): 78.

which overwhelmingly concentrated foreign assemblers, started a strike wave that spread like wildfire. Stunned by a surprising paralyzation in a key sector, the government did not order police repression, and employers granted an across-the-board raise against official guidelines.⁷¹ During the next nine weeks, over 200.000 workers from various sectors in the state of São Paulo followed São Bernardo's example and went on strike.⁷² As a result, 1978 alone registered more than twice as many strikes as the four years of military rule (see table 3-3).⁷³

Though unions did not organize the 1978 strike wave, the events showed a new generation of leaders how necessary workplace entrenchment was for militance under an authoritarian regime. A decade after the 1964/5 purge, younger workers had risen to managerial positions in the unions of the most dynamic economic sectors.⁷⁴ Among others, such a renewal took place in the São Bernardo Metal Workers Union – which had, in fact, spent a good portion of the 1970s taking initial steps toward establishing a presence inside the large automotive assembly factories of the region.⁷⁵ Having learned from 1978, the union took the lead in coordinating a large-scale strike in 1980. In anticipation of the government's legal intervention, it arranged hundreds of factory-by-factory meetings to build a structure for alternative leaders to replace those removed and arrested.⁷⁶ When interventions inevitably happened, the union indeed managed to maintain mobilization.

Following the lead of the São Bernardo Metal Workers Union and other metal unions of the ABC Region (which also included the adjacent cities of Santo André and São Caetano do Sul), the “new syndicalism” disseminated with workplace entrenchment as a central organizational tenet.⁷⁷ The metalworkers and their ideas took the lead in forming the identity of the Unified Workers' Centre (CUT) in 1983, a new (and, at that point, illegal) umbrella

⁷¹ For a detailed account of the strike wave and reactions to it, see Luís Flávio Rainho and Osvaldo Martines Bargas, *As Lutas Operárias e Sindicais Dos Metalúrgicos Em São Bernardo* (Juiz de Fora: ESDEVA, 1983), 63–97.

⁷² Maria Helena Moreira Alves, *State and Opposition in Military Brazil* (Austin: University of Texas Press, 1988), 195.

⁷³ Due to strict media censoring, there is no reliable data for the period between 1969 and 1977. Still, available evidence suggests negligible levels of unrest. Salvador Sandoval, *Os Trabalhadores Param: Greves e Mudança Social No Brasil, 1945-1990* (São Paulo, 1994), 54.

⁷⁴ Cardoso, ““Your Defensive Fortress”: Workers and Vargas's Legacies in Brazil,” 171–75.

⁷⁵ John Humphrey, *Fazendo o Milagre: Controle Capitalista e Luta Operária Na Indústria Automobilística* (Petrópolis: Vozes/Cebrap, 1982), chap. 5.

⁷⁶ Jose Alvaro Moises, “What Is the Strategy of the ‘New Syndicalism’?,” *Latin American Perspectives* 9, no. 4 (1982): 55–73.

⁷⁷ There is much discussion on whether “new syndicalism” practices differed from pre-1964 unionism. For the current purposes, it is not necessary to stake out a position in the debate. For an overview, see Marco Aurélio Santana, “O ‘Novo’ e o ‘Velho’ Sindicalismo: Análise de Um Debate,” *Revista de Sociologia e Política*, no. 10–11 (1998): 19–35.

organization for unions of all regions and sectors.⁷⁸ As Rodrigues' interviews show, CUT's leaders saw fostering workers' organization in the workplace as a priority for the labor movement.⁷⁹ While they may not have advanced to the desired degree, many CUT affiliates took steps to create workplace commissions to mediate the relationship between union officials and workers.⁸⁰

While focused on worker issues, the "new syndicalism" had a necessary political component that turned workplace mobilization into a practice of confrontation against the government. After all, raging against stagnant remuneration meant raging against the Executive's practice of wage control, and striking meant standing up to legal intervention and police repression. At least at a leadership level, CUT understood these struggles through socialistic principles, seeing them as part of a larger class conflict.⁸¹ Consequently, as Tavares de Almeida put it, the "new syndicalism" was also a syndicalism of confrontation.⁸² As the next sections show, this stance of *principled confrontation* built CUT into a powerful political player but also made it initially dismissive of discussing policy with the government.

3.2.2 Labor's capacity to mobilize during the transition

During the democratic transition of the eighties, the Brazilian labor movement grew to the height of its capacity to mobilize and hamper governmental policy. In particular, CUT and its affiliated unions effectively used old corporatist structures to build organizational power quickly (much faster than non-racial South African unions, who had to start from scratch). By the end of the decade, their frequent workplace strikes and popular general strikes had turned Brazil into one of the world's hottest sites of labor conflict. This militancy became a thorn in the side of governments desperate to curb increasingly absurd inflation rates.

While certainly not identical, the last military government (led by João Figueiredo) and the first civilian government (led by José Sarney) shared many practices that made them similar in the eyes of the labor movement. To begin with, they retained centralized wage control as a

⁷⁸ The formation of CUT involved disputes between factions with very different programs. For detailed discussion, see Leôncio Martins Rodrigues, *CUT: Os Militantes e a Ideologia* (São Paulo: Paz e Terra, 1990), 5–30.

⁷⁹ Iram Jácome Rodrigues, *Sindicalismo e Política: A Trajetória Da CUT (1983 a 1993)*, 2nd ed. (São Paulo: LTr, 2011), 108–13.

⁸⁰ Jorge Ventura de Moraes, "Sindicatos e democracia sindical: representatividade e responsabilidade política," *Revista Brasileira de Ciências Sociais* 9, no. 25 (1994): 65–81.

⁸¹ Rodrigues, *CUT: Os Militantes e a Ideologia*, 7.

⁸² Maria Hermínia Tavares de Almeida, *Crise Econômica e Interesses Organizados: O Sindicalismo No Brasil Dos Anos 80* (São Paulo: Edusp, 1996), 44.

key instrument in controlling inflation. Moreover, Sarney's government still represented a transition moment rather than full democracy: the dictatorship-era 1967 Constitution remained in force until late 1988, and the first direct presidential elections only took place in 1989. More substantively, Sarney systematically tolerated military meddling in politics and was not above mobilizing the army to quash particularly bothersome strikes.⁸³ Given this scenario, unions had little reason to change their confrontational approach.

The most meaningful way unions obstructed governmental goals was by negotiating raises higher than those allowed by wage policy, most commonly through the threat of collective action. As [table 3-3](#) shows, labor conflict rose to unprecedented levels after 1978, with strike numbers growing many times over to reach their all-time high in 1989 (the last year of Sarney's tenure). Consequently, Brazil registered one of the world's highest annual rates of lost workdays (averaged by workforce size) between 1983 and 1992 – almost twice high as Spain, Italy and England combined.⁸⁴ Though sometimes motivated by factors like work conditions, most of the strikes were about wages.⁸⁵ The scant available data suggests that they achieved a fair amount of success, as estimates for 1987 indicate that over 70% of wage-motivated strikes had their demands at least partially fulfilled.⁸⁶ In Tavares de Almeida's evaluation, the strike wave explains a good portion of the wage rises then seen in all sectors of the economy.⁸⁷

⁸³ Jorge Zaverucha, "Relações civil-militares no primeiro governo da transição brasileira: uma democracia tutelada," *Revista Brasileira de Ciências Sociais*, no. 26 (1994): 162–78.

⁸⁴ Eduardo G. Noronha, "Greves e Estratégias Sindicais No Brasil," in *O Mundo Do Trabalho: Crise e Mudança No Final Do Século*, ed. Carlos Alonso Barbosa de Oliveira et al. (São Paulo: Editora Página Aberta, 1994), 340.

⁸⁵ Noronha, 343.

⁸⁶ Nepp, "Brasil 1987 - Relatório Sobre a Situação Social Do País" (Campinas: Unicamp, 1989), 133.

⁸⁷ Tavares de Almeida, *Crise Econômica e Interesses Organizados: O Sindicalismo No Brasil Dos Anos 80*, 70.

Table 3-3. Strike numbers in Brazil 1965-1992

Year	Number of strikes	
1965-1966*	30	* Salvador Sandoval, <i>Os Trabalhadores Param: Greves e Mudança Social No Brasil, 1945-1990</i> (São Paulo, 1994). ** Eduardo G. Noronha, "Greves e Estratégias Sindicais No Brasil," in <i>O Mundo Do Trabalho: Crise e Mudança No Final Do Século</i> , ed. Carlos Alonso Barbosa de Oliveira et al. (São Paulo: Editora Página Aberta, 1994), 323–58.
1967-1968*	22	
1978**	118	
1979**	246	
1980**	144	
1981**	150	
1982**	144	
1983**	393	
1984**	618	
1985**	927	
1986**	1.665	
1987**	2.188	
1988**	2.137	
1989**	3.943	
1990**	2.357	
1991**	1.399	
1992**	568	

To be clear, the record levels of industrial conflict were not exclusively caused by CUT-affiliated unions (which, by 1988, constituted about 12% of all unions)⁸⁸ but rather by the workforce as a whole. Yet, because CUT aggregated many of the most important unions in key sectors of the economy and consistently maintained a pro-strike orientation,⁸⁹ it drew an exceptional degree of governmental animosity. Even after 1985, military-affiliated ministers continued to threaten strikers, often by declaring that they would not tolerate disorder.⁹⁰ In the case of economic sectors legally deemed essential, the army did mobilize, violently repressing actions led by CUT-affiliated unions in the Petrolínia and Cubatão oil refineries and in the National Steel Company (in this latter case, resulting in the shooting of three strikers).

In addition to workplace strikes, CUT also began organizing general strikes in opposition to specific wage policies, increasingly succeeding in mobilizing civil society and

⁸⁸ Adalberto Moreira Cardoso, *A Trama Da Modernidade: Pragmatismo Sindical e Democratização No Brasil* (Rio de Janeiro: Revan/IUPERJ-UCAM, 1999), 91.

⁸⁹ Alvaro Augusto Comin, "A Experiência de Organização Das Centrais Sindicais No Brasil," in *O Mundo Do Trabalho: Crise e Mudança No Final Do Século*, ed. Carlos Alonso Barbosa de Oliveira et al. (São Paulo: Editora Página Aberta, 1994), 372.

⁹⁰ Leita Bianchi Aguiar, "'Não se trata de uma ameaça, mas...': um estudo das declarações dos ministros militares durante o governo Sarney," *Texto CPDOC n. 34* (Rio de Janeiro: CPDOC/FGV, 1999), 28.

public opinion. The first of these happened in July 1983 (still under military rule), fueled by a series of Decree-Laws introduced that year. In the state of São Paulo, the concerted efforts of unionists, church members, neighborhood associations, and some political parties brought most daily activities to a halt.⁹¹ Despite not achieving the same success elsewhere, Sandoval estimates that between 2 to 3 million workers joined the strike.⁹² The protests did not directly cause the government to revert its policies. However, they still served as a showing of popular discontent and later that year, despite military pressure, Congress stroke down some of the Decree-Laws.⁹³ This was the first time Congress rejected governmental measures during the military regime.

Throughout the Sarney government, each general strike targeted one of the economic plans introduced to contain the country's march toward hyperinflation, all of which introduced some form of wage control (and none of which succeeded). The numbers show CUT's growing clout: 10 million workers joined the 1986 and 1987 general strikes (respectively called against the *Cruzado II* and *Bresser* plans), and 22 million joined the 1989 strike (called against the *Verão* plan). Available data indicates that the protests earned a good deal of popular sympathy, as Datafolha estimates that around 79% of the city of São Paulo's population approved of the 1987 strike.⁹⁴ As we will see, the government sought to avert mobilization by offering workers a seat at the talking table but CUT initially wanted nothing to do with it.

3.2.3 CUT against the social pact

Unlike in South Africa, labor power peaked in Brazil before militant unions changed their approach to government from principled confrontation to pragmatic cooperation. Consequently, unlike COSATU, CUT chose not to press for an institutionalized position in policymaking when it had the best chances of getting one – in fact, CUT outright refused offers to participate in economic councils. As we later will see, CUT's leadership did eventually change its mind, but it was too late.

To enable its anti-inflationary economic plans, the Sarney government at various points tried drawing labor leaders into “social pacts.” The objective was for unionists and employers

⁹¹ Alves, *State and Opposition in Military Brazil*, 244.

⁹² All general strikes numbers are estimates by Sandoval. See Sandoval, *Os Trabalhadores Param: Greves e Mudança Social No Brasil, 1945-1990*, 193.

⁹³ Alves, *State and Opposition in Military Brazil*, 245.

⁹⁴ Datafolha, “Greve Geral,” August 18, 1987, https://www.cesop.unicamp.br/por/banco_de_dados/v/35. Sadly, I could not find data on the other strikes.

to agree on wage and price policies, thus getting them to respectively commit to not striking or raising consumer prices. At the time, such an approach had seemingly succeeded in Mexico and Israel (but visibly failed in Argentina).⁹⁵ Though CUT could not itself negotiate wages (it was not even a legally recognized labor organization), authorities had no other choice but to turn to umbrella organizations, as it would be impossible to engage with thousands of municipally-based unions. From there, authorities could only hope that CUT's guidelines would influence workers' attitudes.⁹⁶

While other smaller and less militant umbrella organizations welcomed the Sarney government's various social pact initiatives,⁹⁷ CUT repeatedly denounced them as a ploy to dampen the class struggle. Even before the Presidential Inauguration, CUT labeled the hubbub of a hypothetical pact as a sign of continuing "political control over the working class" that served to preserve "capitalism and the bourgeoisie."⁹⁸ To the three actual attempts at a pact (late 1985, late 1986, and early 1989), CUT responded only by presenting a list of "minimal demands" that included impossible items like a wide-ranging agrarian reform, non-payment of the external debt, and extremely high wage-increases.⁹⁹ At various moments, the entity's then-president Jair Meneguelli (a metalworker), dismissed negotiations through statements like "[our] demands will only come through struggle and organization,"¹⁰⁰ "a pact is not possible between unequals,"¹⁰¹ and "the government can go discuss with someone else, we workers want to recover what has been stolen from us".¹⁰²

By opting out of "social pact" negotiations, CUT twice passed on obvious opportunities to pressure for an institutionalized space of influence within the Executive. The first chance was the late 1986 attempt at a pact, when Almir Pazzianotto, Sarney's first Minister of Labor

⁹⁵ Ian Roxborough, "Inflation and Social Pacts in Brazil and Mexico," *Journal of Latin American Studies* 24, no. 3 (1992): 639–64; Henri J. Barkey, "When Politics Matter: Economic Stabilization in Argentina and Israel," *Studies in Comparative International Development* 29, no. 4 (1994): 41–67.

⁹⁶ Cardoso and Comin's survey work suggested that CUT had some influence over workers' attitudes, but its capacity to control strikes remains unproven. Adalberto Moreira Cardoso and Alvaro Augusto Comin, "Centrais Sindicais e Atitudes Democráticas," *Lua Nova: Revista de Cultura e Política*, no. 40–41 (1997): 167–92.

⁹⁷ On *Central Geral dos Trabalhadores* (CGT) (the most important alternative to CUT at the time) and its attitude towards social pacts, see Cardoso, *A Trama Da Modernidade: Pragmatismo Sindical e Democratização No Brasil*, 219–40.

⁹⁸ "CUT Condena Ideia de Pacto," *O Estado de São Paulo*, January 11, 1985.

⁹⁹ "CUT Dialoga, Mas Não Cede Em Suas Posições," *O Estado de São Paulo*, October 15, 1985; "Centrais Dão as Pré-Condições Para o Pacto," *Folha de São Paulo*, December 18, 1986; "Governo propõe 13,6% de índice de reposição salarial," *Jornal do Brasil*, March 30, 1989.

¹⁰⁰ "CUT Dialoga, Mas Não Cede Em Suas Posições."

¹⁰¹ "CUT Rejeita Pacto Social; Pazzianotto Pede Moderação," *O Estado de São Paulo*, January 6, 1987.

¹⁰² "CGT Diverge Da CUT e Barra Envio de Pauta de Reivindicações Ao Governo," *Folha de São Paulo*, February 25, 1989.

and a former union attorney, offered to create the “Economic and Social Council” for holding permanent discussions on economic policy with unions and employer associations.¹⁰³ While the National Confederation of Industries (CNI) welcomed the proposal, calling it a “long-standing idea of employers”, CUT chose to stay out,¹⁰⁴ and the council never came to be. The second opportunity was with the early 1989 attempt, when Dorothea Werneck, Sarney’s second Minister of Labor, offered to create the “National Forum for Wage Negotiations” for discussions on wage policy.¹⁰⁵ CUT quickly dashed this plan when, after showing up to a single meeting to present its demands, it denounced the negotiations as a “strategy to demobilize workers.”¹⁰⁶

It is important to note that CUT was not the sole responsible for the failure of Sarney’s social pacts. CUT’s reluctance undoubtedly generated a “climate of skepticism” over the possibility of a pact, as Pazzianotto retrospectively commented.¹⁰⁷ However, the government’s ministers themselves did not all agree on the desirability of engaging with unions and often acted in ways that undermined negotiations.¹⁰⁸ Meanwhile, while professedly favoring a pact, employers’ associations refused any meaningful concessions.¹⁰⁹ That said, it lies beyond my goals to determine whether some pact would have worked under different conditions. For the current purposes, it suffices to highlight CUT’s aversion to negotiating public policy, which would soon change.

3.3 FROM PRINCIPLED CONFRONTATION TO PRAGMATIC COOPERATION: THE SECTORAL CHAMBERS

Though CUT began the 1990s contributing to the failure of social pacts, by 1995, it was trying to defend an economic council against unilateral governmental disruption. Certain union leaders began desiring policy involvement early in the decade, as economic liberalization led to accelerated job losses in the country’s leading industrial sectors. Surrounded by acute internal conflicts, CUT decided in late 1991 to accept a ministerial invitation to participate in economic councils called sectoral chambers (*camâras setoriais*). Good short-term results accelerated CUT’s shift from *principled confrontation to pragmatic cooperation*, which would prove

¹⁰³ “Governo formaliza proposta de pacto social,” *Folha de São Paulo*, December 10, 1986.

¹⁰⁴ “Se Trégua Não Sair Até Sábado, Governo Agirá Sozinho,” *Jornal Do Brasil*, January 21, 1987.

¹⁰⁵ “Data-Base Para Resíduo Salarial Será Unificada,” *Jornal Do Brasil*, January 28, 1989.

¹⁰⁶ “Centrais Admitem Conversar,” *Jornal Do Brasil*, March 31, 1989.

¹⁰⁷ Almir Pazzianotto, “Qual Pacto?,” *Folha de São Paulo*, September 12, 1990.

¹⁰⁸ Tavares de Almeida, *Crise Econômica e Interesses Organizados: O Sindicalismo No Brasil Dos Anos 80*, 88.

¹⁰⁹ David Maciel, “De Sarney a Collor: Reformas Políticas, Democratização e Crise (1985-1990)” (Doctoral dissertation, Goiânia, Universidade Federal de Goiás, 2008), 100.

permanent. However, for all their innovation, the sectoral chambers had no compulsory deliberation mechanisms and fell prey to old patterns, stopping their functioning amid governmental infighting.

3.3.1 Industrial crisis and CUT's wish for policy involvement

From its dictatorship-era birth in the late 1970s to the end of the democratic transition in the late 1980s, the “new syndicalism” unions mostly held hostile relations with employers and government. Like South Africa’s non-racial unions, CUT’s leadership employed a socialist-inspired class-struggle discourse to justify a consistent no-negotiation stance. But again, as with South African unions, this changed. As I have argued, a desire for policy involvement came in both cases when industry crises threatened jobs. More specifically, with previously protected internal markets being opened to international competition, unionists became convinced that national industries needed restructuring to survive. This was especially clear in the case of the automotive sector. In abandoning their principled confrontational discourse, union leaders claimed that labor needed to advance its restructuring proposals pragmatically.

The rise of Fernando Collor de Mello to the presidency changed the game for the labor movement on both the political and economic fronts. In the country’s first direct elections since 1961, Collor defeated Luís Inácio Lula da Silva, a former leader of the São Bernardo Metal Workers Union, by a tiny margin. Alongside Worker’s Party (PT), CUT had put its weight behind Lula and lost in the political event that ended the democratic transition. On the economic front, Collor immediately introduced a series of liberalizing reforms, such as removing import controls and promoting privatizations. Unlike past governments, who had sought to tame inflation while protecting the national production, Collor embraced the recessionary effects of suddenly opening the domestic market for international competition.¹¹⁰ The liberalization immediately affected jobs in the manufacturing industry: between 1989 and 1992, the sector’s employment rates fell by 13.5%.¹¹¹ The situation became particularly dire in the ABC Paulista, the birthplace of the new syndicalism, where auto assemblers cut 16 thousand jobs between 1989 and 1996 (of an estimated total of 58 thousand).¹¹²

¹¹⁰ For details, see Lavinia Barros de Castro, “Privatização, Abertura e Desindexação: A Primeira Metade Dos Anos 90,” in *Economia Brasileira Contemporânea [1945-2010]*, ed. Fabio Giambiagi et al., 2nd ed. (Rio de Janeiro: Elsevier, 2010), 132–64.

¹¹¹ Paulo Eduardo de Andrade Baltar, “Estagnação Da Economia, Abertura e Crise Do Emprego Urbano No Brasil,” *Economia e Sociedade* 5, no. 1 (1996): 94.

¹¹² DIEESE, *Diagnóstico Do Complexo Metal-Mecânico Brasileiro* (São Paulo: DIEESE/CNM-CUT, 1998), 75.

Faced with the consequences of liberalization, militant unionists softened their confrontational approach and sketched a more propositional role. Aside from maximizing wages, CUT started to worry about the sustainability of industries that struggled to compete with imports. Regarding the auto sector, some officials became convinced that past protectionist policies had deterred businesses from investing in technology, resulting in widespread inefficiency¹¹³ – the same conclusion that COSATU and NUMSA had reached about South Africa (see [section 2.3.4](#)). In this regard, Sacramento shows that sectors within CUT then began to discuss policy proposals for industrial restructuring with an eye toward competitiveness.¹¹⁴ As CUT's Jair Meneguelli admitted, if it meant preserving jobs, he would work with capitalists to save businesses.¹¹⁵

In the second half of 1990, change became apparent as CUT participated in renewed pact discussions. The first meetings with the government were brokered by *Pensamento Nacional de Bases Empresariais* (PNBE),¹¹⁶ a group of relatively progressive employers with whom CUT had been negotiating to avoid dismissals.¹¹⁷ Meneguelli, who had readily disparaged past attempts at a pact, backpedaled and stated that he had erred in refusing to negotiate with the government when he had the chance.¹¹⁸ Vicente Paulo da Silva, then president of the São Bernardo Metal Workers Union, concurred, pondering that it would be a mistake to treat Collor similarly to the military and Sarney.¹¹⁹ Despite CUT's shift, this attempt at a pact equally failed, largely because the government turned down the proposals of unions and employers alike.¹²⁰ Still, CUT insisted on continuing to negotiate with employers: with words that would have sounded unimaginable in prior years, Meneguelli warned that “the government has reason to fear this alliance because capital and labor together have strength.”¹²¹

A further step came when CUT agreed to participate in formal policymaking councils called sectoral chambers (*câmaras setoriais*), which were divided by industry sectors. The

¹¹³ Vicente Paulo da Silva, “Contra a Maré: Entrevista de Vicente Paulo Da Silva a Alvaro A. Comin,” *Novos Estudos*, no. 33 (1992): 133.

¹¹⁴ Ednaldo Mendes Sacramento, “CUT, Do Classismo à Cooperação de Classes” (Master's thesis, Feira de Santana, Universidade Estadual de Feira de Santana, 2014), 66.

¹¹⁵ Denise Neumann, “Luta Pelo Emprego Diminui Poder Dos Sindicatos,” *Jornal Do Brasil*, April 30, 1990.

¹¹⁶ About PNBE, see Alvaro Bianchi, “Crise e representação empresarial: o surgimento do pensamento nacional das bases empresariais,” *Revista de Sociologia e Política*, no. 16 (2001): 123–42. PNBE's then leader published an opinion piece defending tripartite negotiations. Emerson Kapaz, “Saída Negociada,” *Folha de São Paulo*, June 10, 1990.

¹¹⁷ Denise Neumann, “Empresas propõem trégua em demissões,” *Jornal do Brasil*, May 1, 1990.

¹¹⁸ “Meneguelli Quer a CUT Na Discussão Do Pacto Social,” *Jornal Do Brasil*, September 12, 1990.

¹¹⁹ Roberto Camargo, “Sindicatos têm que se reciclar, diz Vicentinho,” *Folha de São Paulo*, August 12, 1990.

¹²⁰ For a detailed account of negotiations, see Sacramento, “CUT, Do Classismo à Cooperação de Classes,” 67–86.

¹²¹ “CUT e Fiesp Fazem Aliança Para Negociar Pacto,” *Folha de São Paulo*, November 14, 1990.

sectoral chambers began operating in March 1991 as forums for tripartite negotiations on price control. Authorities and employers met regularly, but CUT unions initially refused to join. By the government's own admission, the first iteration of the sectoral chambers failed fast.¹²² However, tripartite negotiation got another shot in the arm after a late 1991 talk between Marcílio Marques Moreira, then Minister of the Economy, and CUT's Vicente Paulo da Silva. Vicente had just come back from a trip to Detroit (USA), where he had failed to convince Ford's headquarters not to go through with plans to close one of the company's ABC Paulista plants. The trip's sights reportedly impacted Vicente: the sorry state of Detroit and its unions, decaying shadows of what was once the world's most advanced auto industry hub, appeared as a warning for the ABC Paulista's future.¹²³ After the episode, Vicente accepted Marcílio's invitation to participate in the Automotive Sectoral Chamber under the condition that discussions encompassed industrial policy rather than price control.

As with COSATU, CUT's change from principled confrontation to pragmatic cooperation did not come without misgivings within the leadership or the workplace. The organization's executive committee approved participation in the 1990 pact negotiations by the tight margin of eight against six votes,¹²⁴ with clashing leaders publicly airing their disagreements.¹²⁵ Involvement in tripartite negotiations became such a polarizing topic that analysts expected the more radically socialist factions to leave CUT after the 1991 congress (which did not happen).¹²⁶ Divisions in the workplace echoed those of the leadership: as Schürmann showed in her interviews with factory commission organizers in the ABC Paulista, some lamented the union's involvement in the automotive sectoral chamber, with one complaining about how leaders "now avoided conflict with capital."¹²⁷ Regardless of internal objections, the wheels continued to turn, and the sectoral chamber would forever change Brazilian unionism.

¹²² Oswaldo Buarim Junior, "Fim das câmaras setoriais," *Jornal do Brasil*, September 1, 1991.

¹²³ For a detailed account of the trip, see Glauco Arbix, *Uma Aposta No Futuro: Os Primeiros Anos Da Câmara Setorial Automobilística* (São Paulo: Scritta, 1996), 66–74.

¹²⁴ Marco Damiani, "CUT Decide Participar Do Diálogo Sobre Pacto," *O Estado de São Paulo*, September 21, 1990.

¹²⁵ "Pacto Provoca Divisão de Lideranças Da CUT," *Folha de São Paulo*, September 12, 1990.

¹²⁶ For details on CUT's fourth congress, see Rodrigues, *Sindicalismo e Política: A Trajetória Da CUT (1983 a 1993)*, chap. 3.

¹²⁷ Betina Schürmann, *Sindicalismo e Democracia: Os Casos Do Brasil e Do Chile* (Brasília: Editora UnB, 1998), 130.

3.3.2 Economic councils, now with workers

Economic councils were nothing new in Brazil, but the sectoral chambers differed from past experiences in that they included labor in policy discussions that went beyond wage demands. This newness meant that all participants were stepping on unfamiliar territory and had to adapt in sometimes uncomfortable ways. Nonetheless, at least in the case of the automotive industry, the sectoral chambers joined the small selection of economic councils that produced positive results for all parts.

Despite intramural quarrels, CUT steadily broadened its presence in the sectoral chambers, with varying success. Reformist CUT leaders reacted to internal criticism by insisting that labor could only resist neoliberalism and democratically shape the economy by shifting away from dictatorship-era confrontational tactics.¹²⁸ In keeping with their new line, reformist leaders pushed the organization from reluctantly joining negotiations in the automotive sector to advocating for tripartism in various sectors, like petrochemistry, informatics and telecommunications.¹²⁹ Though this expansion occurred, CUT itself recognized that it had an uneven capacity to intervene in different areas¹³⁰ – for that or other reasons, not all of the 29 established sectoral chambers produced tangible results. This section focuses on the Automotive Sectoral Chamber, which remained the most important experience and overwhelmingly concentrated scholarly attention.¹³¹

Employers were not immediately ready for the newness of discussing policy with unionists, but this did not deter the latter from presenting proposals. According to Claudio Vaz, the Sindipeças' representative at the Automotive Sectoral Chamber, the new situation initially fractured employer opinions: in his words, many “could not see themselves sitting around a table discussing long-term policies with workers.”¹³² After all, this meant sharing information on things like profit margins, technology and production mixes. But São Bernardo Metal Workers Union insisted on such topics. For example, it proposed that the production of low-

¹²⁸ CUT, “Câmaras setoriais e intervenção sindical” (São Paulo, 1992); CUT, “Política Industrial, Reestruturação Produtiva e as Propostas Da CUT” (São Paulo, December 1993); CUT, “Modelo de Desenvolvimento, Política Industrial e Reestruturação” (São Paulo, May 1994).

¹²⁹ CUT, “Câmaras setoriais e intervenção sindical,” 9.

¹³⁰ CUT, “Modelo de Desenvolvimento, Política Industrial e Reestruturação,” 28.

¹³¹ For a in-depth discussion of the Pharmaceutical Sectoral Chamber, see Maryann Büchler, “A câmara setorial da indústria farmoquímica e farmacêutica: uma experiência peculiar” (Master’s thesis, Rio de Janeiro, Universidade Federal do Rio de Janeiro, 2005).

¹³² Dorothea Werneck, Carlos Augusto Gonçalves Jr., and Cláudio Vaz, “Reestruturação Produtiva e Novos Padrões Nas Relações Capital-Trabalho,” *Cadernos de Pesquisa*, no. 1 (1994): 10, https://bibliotecavirtual.cebrap.org.br/arquivos/CAMARAS_SETORIAIS_A_EXPERIENCIA_DO_SETOR.b.pdf.

cost cars should receive tax incentives under certain conditions.¹³³ In the union's view, assemblers focused too much on luxury models that most Brazilians could never afford, leaving a large potential market unexplored.

Even with the initial resistance, discussions advanced, and the Automotive Sectoral Chamber produced two accords between 1992 and 1993. In these, each of the participants committed to certain terms. Among such terms, unions agreed to moderate wage demands to a certain level, the government agreed to reduce taxes on nationally produced vehicles, and auto assemblers (represented by Anfavea) and parts producers (represented by Sindipeças) agreed to increase investments while reducing dismissals.¹³⁴ The two accords had some important particularities and both involved conflicts that the short description provided here glossed over.¹³⁵ For the current purposes, what matters is noting how “that which seemed historically impossible to conciliate was overcome through dialogue”, as Luiz Adelar Scheuer, then president of Anfavea, put it after the first sectoral accord was reached.¹³⁶

While the range of relevant variables presents challenges for estimating the impacts of the automotive sectoral accords, most assessments have been positive. In particular, Anderson, Arbix, Comin and Zauli all agree on three effects perceptible between 1992 and 1994: first, production and sales increased; second, despite lower taxes, tax revenue rose thanks to the sales volume; and third, while job losses still occurred, they slowed down significantly.¹³⁷ Additionally, Doctor argues that the accords contributed to attracting foreign investments to the sector during the 1990s.¹³⁸ On a more critical note on labor's side, França and Scoleso pondered that the effect on jobs was too small to warrant giving up on a more combative approach to

¹³³ CUT, “Reestruturação Do Complexo Automotivo Brasileiro: As Propostas Dos Trabalhadores Na Câmara Setorial” (São Paulo, March 1992), 29.

¹³⁴ Other sectoral chambers also produced accords. About the “toys”, “textile”, “ship” and “agricultural machines” sectors, see Patrícia Anderson, “Câmaras Setoriais: Histórico e Acordos Firmados - 1991/1995,” Texto Para Discussão n. 667 (Brasília: IPEA, 1999).

¹³⁵ For a detailed discussion of the accords' contents and the political context around them, see Arbix, *Uma Aposta No Futuro: Os Primeiros Anos Da Câmara Setorial Automobilística*, 119–46.

¹³⁶ Luiz Adelar Scheuer, “Acordo Foi Avanço Político,” *Jornal Do Brasil*, March 29, 1992.

¹³⁷ Arbix, *Uma Aposta No Futuro: Os Primeiros Anos Da Câmara Setorial Automobilística*, 137–46; Anderson, “Câmaras Setoriais: Histórico e Acordos Firmados - 1991/1995,” 15–36; Eduardo Meira Zauli, *As Condições Sociais Da Emergência e Decadência Da Câmara Setorial Da Indústria Automotiva No Brasil* (São Paulo: Annablume, 1997), 78–85; Alexandre Comin, *De Volta Para o Futuro: Política e Reestruturação Industrial Do Complexo Automobilístico Nos Anos 90* (São Paulo: Annablume/FAPESP, 1998).

¹³⁸ Mahrukh Doctor, “Boosting Investment and Growth: The Role of Social Pacts in the Brazilian Automotive Industry,” *Oxford Development Studies* 35, no. 1 (2007): 105–30.

class relations.¹³⁹ Regardless of this critique, for the current purposes, it matters more that CUT itself was content with increased job retention.¹⁴⁰

3.3.3 Repeating old patterns: death by unilateral governmental action

The sectoral chambers may have been unique in including workers, but they were like past economic councils in one fundamental way: the government could end activities whenever it wanted. Differently from COSATU's founding role in the NEDLAC (see [section 2.4.2](#)), CUT had no hand in the sectoral chambers' legal design, resulting in a complete lack of compulsory deliberation institutions. Thus, when personnel shifts changed governmental preferences, unions and employers could only protest as the sectoral chambers fell into disuse.

Though CUT became increasingly involved in tripartite negotiations, remember that it joined on a minister's invitation. The rules had already been set by then, and they concentrated all operational powers in governmental hands. While the sectoral chambers could not be formally extinguished by unilateral Executive action, as they were created through ordinary legislation, Law 8.178/1991 regulated little to nothing. For starters, the law briefly mentioned that labor representatives should be included but set out no entry criteria – in fact, a ministerial decree left participant selection entirely to the discretion of an internal secretariat.¹⁴¹ Law 8.178 also did not imbue the sectoral chambers with any executive powers; thus, the accords were not judicially enforceable and functioned only as “gentleman's agreements.” Lastly, the law did not grant any parties other than the government the power to call meetings, so authorities could choose to stop at any moment. “Compulsory deliberation” it was not.

Authorities' room for unilateral action was also reflected in the sectoral chambers' coordinating bodies. Between 1993 and 1994, the government created three multisectoral councils meant to supervise and give a general direction to the various chambers:¹⁴² one for employers (Entrepreneurial Consultative Council for Competitiveness – CONCEC),¹⁴³ one for

¹³⁹ Teones Pimenta De França, “A Lógica Do Pacto: Do ABC Paulista Para Brasília,” *Revista Outubro*, no. 8 (2003): 79–96; Fabiana Scoleso, “Reestruturação Produtiva e Sindicalismo Metalúrgico No ABC Paulista: As Misérias Da Era Neoliberal Na Década de 1990” (Doctoral dissertation, São Paulo, Pontifícia Universidade Católica, 2009), 317.

¹⁴⁰ Sindicato dos Metalúrgicos do ABC and CUT, “Sem peças o Brasil não anda: metalúrgicos do ABC em defesa da produção nacional de autopeças e do emprego,” August 1995, 21.

¹⁴¹ Brasil - Ministério da Economia, Fazenda e Planejamento - Gabinete do Ministro, “Portaria n. 762, de 9 de Agosto de 1991,” August 12 (n. 154) Diário Oficial da República Federativa do Brasil § 1 (1991), 16204.

¹⁴² “MIC Propõe Novo Fórum de Negociação,” Folha de São Paulo, February 10, 1994.

¹⁴³ Brasil, “Decreto de 12 de Agosto de 1993,” August 13 (n. 154) Diário Oficial da República Federativa do Brasil § 1 (1993), 11705.

workers (Workers' Council for Competitiveness – CTCOM),¹⁴⁴ and one that included both (Consultative Structural Chamber for Competitiveness - CCEC).¹⁴⁵ These were all created by presidential decree and had no compulsory deliberation mechanisms. Equally, none of them accomplished anything significant for the few times they convened.¹⁴⁶ Additionally, the coordinating body responsible for deciding when to create new sectoral chambers, established by ministerial decree, included no employer or labor representation.¹⁴⁷

Tripartite negotiations showed their first obvious cracks in a presidential action that bypassed long-running discussions in the Automotive Sectoral Chamber. In early 1993, president Itamar Franco, who took over after Collor's impeachment in late 1992, granted certain low-cost car models an enormous tax reduction. At a glance, Itamar's decision may have seemed in line with CUT's proposal detailed in the last section.¹⁴⁸ However, it was the opposite. The measure resulted from backstage dealings with specific auto assemblers, sidestepping unions and even the assemblers' association (Anfavea). On the one hand, ongoing sectoral chamber negotiations of a hypothetical tax benefit involved quality requirements, environmental protection standards and job creation goals. Contrarily, Itamar reduced federal taxes to almost zero without imposing any conditions. CUT of course noticed the significance of the bypassing. As Carlos Augusto Gonçalves Jr., one of the entity's officers, stated:

“The Executive threw away a process of accumulated discussion between the participants in the sectoral chamber, which was not even taken into account. This raises doubts about how the Itamar government sees the continuity of the sectoral chamber and its role in policymaking. We can't know if they recognize the sectoral chamber as a place for tripartite representation or if certain themes will be dealt with between the government and employers, as has traditionally been the case.”¹⁴⁹

With tensions already accumulating, the sectoral chambers' death sentence came when Fernando Henrique Cardoso took office as Treasury Minister in May 1993. Cardoso's greatest

¹⁴⁴ Brasil, “Decreto de 28 de Outubro de 1993,” October 29 (n. 207) Diário Oficial da República Federativa do Brasil § 1 (1993), 16317.

¹⁴⁵ Brasil, “Decreto de 22 de Novembro de 1994,” November 23 (n. 221) Diário Oficial da República Federativa do Brasil § 1 (1994), 17674.

¹⁴⁶ Eli Diniz, “Reformas econômicas e democracia no Brasil dos anos 90: as câmaras setoriais como fórum de negociação,” *Dados* 37, no. 2 (1994): 303.

¹⁴⁷ Brasil - Ministério da Indústria, do Comércio e do Turismo - Gabinete do Ministro, “Portaria Interministerial n. 6, de 3 de Novembro de 1994,” November 4 (n. 209) Diário Oficial da República Federativa do Brasil § 1 (1994), 16626.

¹⁴⁸ Informations here are taken from Comin, *De Volta Para o Futuro: Política e Reestruturação Industrial Do Complexo Automobilístico Nos Anos 90*, 51–55.

¹⁴⁹ Werneck, Gonçalves Jr., and Vaz, “Reestruturação Produtiva e Novos Padrões Nas Relações Capital-Trabalho,” 23.

achievement in office was the Real Plan, which finally succeeded in taming inflation.¹⁵⁰ Unfortunately, in implementing its plan, the Treasury Ministry purposely trampled the sectoral chambers. They did so because they saw tripartite negotiations as inflation-generating: as Gustavo Franco, one of the Real Plan's key designers, wrote about the sectoral chambers, "groups with privileged access to an interventionist State tend to create benefits to themselves while transferring the burden (in the form of inflation) to disorganized and dispersed groups like consumers."¹⁵¹ In their perspective, price stability could only come by eliminating non-market policy instruments.

Like all other economic councils before it, the continuity of the sectoral chambers turned out to hinge almost entirely on internal governmental dynamics. Arbix's interviews show that, during Cardoso's tenure, the Treasury began consistently vetting initiatives of the Ministry of Industry, Commerce and Tourism's team, under whose jurisdiction the sectoral chambers fell.¹⁵² As two of CUT's leaders put it at the time, "[t]he sectoral chambers are not a consensus within the government. There are those who consider them a priority and those who want to eliminate them."¹⁵³ The Treasury turned out to have the upper hand. As a result of internal conflict, by the end of 1994, Anfavea's president lamented that the Automotive Sectoral Chamber had, for all intents and purposes, stopped functioning even though it formally remained in place: "[it] is dead due to the absence of one of the partners (the government)".¹⁵⁴

The sectoral chambers represented the first time that CUT participated in economic councils. Since workers were not involved in designing the sectoral chambers, they only began mobilizing for compulsory deliberation institutions after that initial experience. However, as chapter 5 will discuss, the power resources that they enjoyed during the transition – a political climate conducive to protests and a governmental dependence on wage policies – had waned by the time Fernando Henrique Cardoso began his tenure as president in 1995.

¹⁵⁰ For a discussion of the Real Plan and the politics around it, see Eduardo Kugelmas and Lourdes Sola, "Crafting Economic Stabilization: Political Discretion and Technical Innovation in the Implementation of the Real Plan," in *Statecrafting Monetary Authority: Democracy and Financial Order in Brazil*, ed. Lourdes Sola and Laurence Whitehead (Oxford: Centre for Brazilian Studies, 2006), 85–115.

¹⁵¹ Gustavo Franco, "Neoliberalismo e Neocorporativismo," *Folha de São Paulo*, March 4, 1993. Franco published several other critical pieces about the sectoral chambers. See Gustavo Franco, "A Volta Do Modelo Concentrador," *Folha de São Paulo*, May 20, 1993; Gustavo Franco, "Câmaras setoriais, mercados e 'negociações,'" *Folha de São Paulo*, May 31, 1992; Gustavo Franco, "Quanto Custou o Acordo Automotivo," *Folha de São Paulo*, March 18, 1993; Gustavo Franco, "Alternativas de estabilização: gradualismo, dolarização e populismo," *Revista de Economia Política* 13, no. 2 (1993): 28–45.

¹⁵² Arbix, *Uma Aposta No Futuro: Os Primeiros Anos Da Câmara Setorial Automobilística*, 159–150.

¹⁵³ Vicente Paulo da Silva and Heiguiberto Guiba Della Bella Navarro, "Lula, FHC e o Futuro Das Câmaras Setoriais," *Folha de São Paulo*, August 28, 1994.

¹⁵⁴ Marli Olmos, "Montadoras batem outro recorde de produção," *O Estado de São Paulo*, November 8, 1994.

4 COMPULSORY DELIBERATION IN SOUTH AFRICA'S NEDLAC

After dealing with the origins (and non-origins) of compulsory deliberation institutions, it is now time to turn to the consequences of their presence (and absence). As before, we will begin with South Africa and later move to Brazil. The current chapter covers the trajectory of South Africa's National Economic Development and Labour Council (NEDLAC), spanning the whole democratic period. More specifically, it shows how the council's institutional structure generated self-reproducing forces by removing unilateral control over itself from the hands of governments. In the NEDLAC's first years, deliberations caused delays to the government's orthodox reform agenda, leading authorities to grow impatient. However, early attempts to demobilize the council failed. With that, participants came to expect that they would continue to interact within the NEDLAC for the foreseeable future. Consequently, interactions became routinized as governments sought ways to deal with deliberative burdens rather than remove them.

When we left South African history, the country had just concluded its democratic transition, with President Nelson Mandela leading the first African National Congress (ANC) government. Among the first pieces of legislation passed during the new regime was the NEDLAC Act,¹ which set up the council. As previously detailed, the ANC had reservations

¹ South Africa, "National Economic Development and Labour Council Act," Pub. L. No. 35, December 2 (n. 16126) Government Gazette 3 (1994).

about binding itself to deliberate economic policy with business and labor, as it feared such an arrangement could slow down its future agenda. It nonetheless budged under the pressure of the Congress of South African Trade Unions (COSATU), which had reached the peak of its mobilizational power during the transition (not unlike labor organizations elsewhere, including Brazil). COSATU achieved its goal as part of a deal according to which, in exchange for support in the first free elections, the ANC would govern in deference to a jointly constructed reform program (the Reconstruction and Development Programme – RDP).

But rather than stopping at creating a council, COSATU went the extra mile to ensure that the council's institutional structure would resist future governmental attempts at dissolution or modification. Despite their formal alliance (the Tripartite Alliance, which also includes the South African Communist Party – SACP), COSATU maintained some skepticism toward the ANC, as it had already witnessed too many African liberation movements abandoning their former trade union allies after rising to power. To avoid such a fate, it conceived the NEDLAC as a vehicle for maintaining policy influence into the future. However, the federation's leadership also knew from its experience with the National Party (NP) that governments tend to undermine councils when engagement becomes inconvenient. Bearing these concerns, COSATU pushed the ANC to structure the NEDLAC with compulsory deliberation institutions. It could not get everything (notably, constitutional enshrinement), but by seizing the window of opportunity provided by the transition, it still got a lot.

As we will see during this chapter, COSATU read the writing on the wall with remarkable accuracy. Aside from this introduction, the chapter has three main sections. The first section details the ANC governments' growing aversion toward consulting unions. I argue that impatience with consultation grew out of a desire to quickly implement orthodox reforms. The second section turns to the issue of the council's stability in the face of pressure. By tracing the mechanisms of change and reproduction around three different facets of NEDLAC's structure, I show how compulsory deliberation institutions empowered non-official players to prevent unilateral governmental action. Lastly, the third section considers two potential objections: that COSATU's militance suffices to explain stability and that ANC governments are too powerful to be constrained by institutions.

4.1 TIRED OF TALKING: THE PUSH FOR ORTHODOX REFORM UNDER ANC RULE

One challenge for consolidating public-private interfaces is that governments often prefer to get on with the policy process without having to stop and talk, and South Africa has proven no exception. The first ANC government instantaneously cast away the developmental bent of the RDP in favor of a squarely orthodox agenda. In order to fast-track their agenda, ANC governments sought to push COSATU away from policymaking, resulting in deep rifts between the allies. As we will see in the next section, tensions rapidly found their way into the NEDLAC.

4.1.1 ANC rule gets orthodox

As noted in [section 2.4.2](#), the ANC began rapidly moderating its official policy positions and revolutionary rhetoric as soon as it became widely recognized as the government-in-waiting of post-apartheid South Africa – that is, some four years before actually taking office. While not necessarily the most important shift economics-wise, the matter of nationalization presents the starkest illustration of this process. In 1990, during his last days as a prisoner, Mandela famously stated that “the nationalisation of mines, banks and monopoly industries is the policy of the ANC and a change or modification of our views in this regard is inconceivable”.² This statement obviously did not resonate well with big business, which at this point largely expected ANC rule to follow the first democratic elections. A barrage of pressures followed, to which Mandela and other ANC cadres reacted contradictorily, sometimes downplaying their commitment to nationalization and sometimes reaffirming it.³ However, the “inconceivable” modification was already real by early 1992: in an interview with the British newspaper “Financial Times”, Mandela spoke in unambiguous terms that “nationalisation is the sword of Damocles hanging above the heads of the people who want to invest. . . As long as nationalisation is our policy, it is clear to me that we are not going to attract investors”.⁴

For all the ANC’s moderation, though, its pre-election policy statements, including the RDP, were still a far cry from the aggressive orthodoxy that dominated reforms in the

² Alan Fine and Mike Robertson, “ANC Firm on State Control of Business,” *Business Day*, January 26, 1990.

³ For a collection of ANC’s statements on nationalization, see James Myburgh and Shaun Johnson, “The ANC and the ‘N-Word,’” *The Star*, October 17, 1991.

⁴ Richard Lambert et al., “FT Writers Talk to Nelson Mandela about the ANC’s Policies on Issues Such as Nationalisation,” *Financial Times*, February 10, 1992.

developing world during the 1980s and 1990s.⁵ This is visible in how, even while demonstrating a new-found concern with investor confidence, they still placed active government intervention front and center in tackling industrialization and redistribution. Pre-election statements rather expressed a developmental orientation inspired by East Asian countries.⁶

No one would have been surprised if the coming ANC government continued to veer toward market-friendly policies, yet few could have predicted how furiously it would do so: from the get-go, the Mandela government abandoned the ANC's developmental plans and took a univocal orthodox turn. Measures taken during the first two years included (i) tearing down protective tariffs at a much faster pace than that imposed by international agreements; (ii) controlling inflation through austerity and interest rate hikes; (iii) liberalizing exchange controls; (iv) drafting a privatization plan that included many state-owned enterprises whose restructuring the ANC staunchly opposed during the NP rule; (v) constitutionally enshrining central bank independence.⁷ This turn to a Washington-Consensus program did not go unrecognized, and in 1996 the International Monetary Fund (IMF) already brandished that “[t]he success of the political transition has far exceeded expectations, in large part because the Government of National Unity acted swiftly to address the negative investor sentiment prevailing prior to the national elections in 1994.”⁸ Economic orthodoxy became a foundation of governmental policy and, outside of isolated initiatives, remained in place under subsequent ANC presidents.⁹

Much academic controversy exists over which factors account for this incredible shift and their relative relevance. One set of explanations emphasizes ideational mechanisms, positing that certain coalitions convinced ANC cadres of the technical superiority of orthodox economics. In this regard, some point to the various workshops, meetings, and scenario-

⁵ About the imposition of orthodox reform on developing countries during the period, see Sarah Babb and Alexander Kentikelenis, “Markets Everywhere: The Washington Consensus and the Sociology of Global Institutional Change,” *Annual Review of Sociology* 47, no. 1 (2021): 521–41.

⁶ Nicoli Nattrass, “Politics and Economics in ANC Economic Policy,” *African Affairs* 93, no. 372 (1994): 355–59.

⁷ For further details, see Jonathan Michie and Vishnu Padayachee, “South Africa’s Transition: The Policy Agenda,” in *The Political Economy of South Africa’s Transition: Policy Perspectives in the Late 1990s*, ed. Jonathan Michie and Vishnu Padayachee (London: Dryden Press, 1997), 19–23; Adam Habib and Vishnu Padayachee, “Economic Policy and Power Relations in South Africa’s Transition to Democracy,” *World Development* 28, no. 2 (2000): 250–53.

⁸ IMF, *South Africa: Selected Economic Issues 1996* (Washington, D.C.: International Monetary Fund, 1996), 1.

⁹ For an overview of economic policy between 1994 and 2018, see Pamela Mondliwa and Simon Roberts, “The Political Economy of Structural Transformation: Political Settlements and Industrial Policy in South Africa,” in *Structural Transformation in South Africa: The Challenges of Inclusive Industrial Development in a Middle-Income Country*, ed. Antonio Andreoni et al. (Oxford: Oxford University Press, 2021), 322–30. I thank Maria Carolina Foss for bringing this book to my attention.

planning exercises promoted by supranational organizations and investors (both domestic and foreign) as sites of ideational conversion.¹⁰ The conversion may have been made easier by the fact that the ANC had neglected rigorous economic thinking during the fight for liberation and thus lacked technical proficiency in relation to the coalitions it now faced.¹¹

The second set of explanations emphasizes conflict mechanisms, positing that, even if at least part of the government wanted to implement developmental measures, it perceived non-trivial constraints to doing so – namely, the economic powers of foreign and domestic actors. In this regard, some scholars argue that the government was seeking to meet the demands that accompanied loans from supranational organizations and foreign investment,¹² whereas others stress a quest to avoid negative investment responses among local businesses.¹³ Other constraints may have even originated inside the government, such as the Department of Finance’s high degree of autonomy and capacity to force the policies of other departments into its orthodox line.¹⁴

For our purposes, it is unnecessary to stake out a position in what mix of factors caused the orthodox turn. It suffices to understand how sharp it was. As was to be imagined, this seemingly abrupt shift in erstwhile left revolutionaries generated more than a few clashes with their trade union allies. Nowhere was this clearer than with the Growth, Employment and Redistribution (GEAR) plan, revealed on 14 June 1996.

¹⁰ Patrick Bond, *Elite Transition: From Apartheid to Neoliberalism in South Africa*, 2nd ed. (London: Pluto Press, 2014), 43–45; Richard Peet, “Ideology, Discourse, and the Geography of Hegemony: From Socialist to Neoliberal Development in Postapartheid South Africa,” *Antipode* 34, no. 1 (2002): 71–74; Paul Williams and Ian Taylor, “Neoliberalism and the Political Economy of the ‘new’ South Africa,” *New Political Economy* 5, no. 1 (2000): 35–37.

¹¹ Hein Marais, *South Africa: Limits to Change: The Political Economy of Transition* (Cape Town: University of Cape Town Press, 1998), 156–59.

¹² Habib and Padayachee, “Economic Policy and Power Relations in South Africa’s Transition to Democracy,” 253–55; Alan Hirsch, *Season of Hope: Economic Reform under Mandela and Mbeki* (Scottsville: University of KwaZulu-Natal Press, 2005), 68–69.

¹³ Antoinette Handley, “Business, Government and Economic Policymaking in the New South Africa, 1990–2000,” *Journal of Modern African Studies* 43, no. 2 (2005): 234–36.

¹⁴ Aurelia Segatti and Nicolas Pons-Vignon, “Stuck in Stabilisation? South Africa’s Post-Apartheid Macroeconomic Policy between Ideological Conversion and Technocratic Capture,” *Review of African Political Economy* 40, no. 138 (2013): 547–50.

4.1.2 Shifting gears: COSATU shooed from policymaking

GEAR was unveiled amid economic quarrels. South Africa had been experiencing a currency crisis since February 1996, with the rand suffering severe devaluation.¹⁵ During this period, business (through the consortium South African Foundation - SAF) and labor pushed for their preferred policies by publishing their own economic blueprints, which unsurprisingly advanced opposing perspectives.¹⁶ Ironically, despite the ANC having initially ridiculed the SAF's plan as market fundamentalism that "aimed at shifting economic policy to the right-wing,"¹⁷ the government's GEAR turned out much closer to business's blueprints than to labor's: it envisaged growth not through a developmental State, but through foreign investment. The government's task would mostly be setting up institutions and policies that inspire investor trust.¹⁸

It is debatable how much of a shift the plan represented in practice, but it nonetheless sparked immense controversy. After a vociferous congress,¹⁹ COSATU denounced it as a "unilateral departure from the policies and principles enshrined in the Reconstruction and Development Programme".²⁰ Government officials countered that, in seeking to create a favorable macro-economic environment for implementing past commitments, it complemented rather than negated the RDP.²¹ The reality is likely closer to what Stephen Gelb, one of the drafters of GEAR, argued ten years later. In his view, while there were indeed big divergences in relation to the RDP, GEAR policies were already being openly implemented from the beginning of ANC rule.²² In other words, it simply formalized a shift that had already occurred.

More politically relevant than GEAR's contents was how the government engaged (or better, refused to engage) with COSATU in formulating and presenting the plan. GEAR was

¹⁵ Jonathan Michie and Vishnu Padayachee, "The South African Policy Debate Resumes," in *The Political Economy of South Africa's Transition: Policy Perspectives in the Late 1990s*, ed. Jonathan Michie and Vishnu Padayachee (London: Dryden Press, 1997), 224–25.

¹⁶ Nicoli Nattrass, "Gambling on Investment: Competing Economic Strategies in South Africa," *Transformation*, no. 31 (1996): 25–42.

¹⁷ African National Congress, "ANC on SA Foundation Document - Growth for All," M2 PRESSWIRE, March 12, 1996, <https://bit.ly/3zShN1A>.

¹⁸ South Africa, "Growth, Employment and Redistribution: A Macroeconomic Strategy" (Pretoria, 1996). For an analysis of GEAR, see John Weeks, "Stuck in Low GEAR? Macroeconomic Policy in South Africa, 1996–98," *Cambridge Journal of Economics* 23, no. 6 (1999): 795–811.

¹⁹ William Gumede, "Defiant Tone at Cosatu's Sixth Annual Conference," *The Sunday Independent*, September 21, 1997; Sechaba ka'Nkosi, "Solidarity in Opposition to Gear," *Mail and Guardian*, September 25, 1997.

²⁰ COSATU, "6th National Congress Resolutions," in *COSATU - 6th Annual Congress*, by ERA (Braamfontein: Executive Research Associates, 1997), 21.

²¹ Maria Ramos, "In Defence of Gear: Comment from the Department of Finance," *Indicator SA* 14, no. 3 (1997): 39.

²² Stephen Gelb, "The RDP, GEAR and All That: Reflections Ten Years Later," *Transformation* 62, no. 1 (2006): 1–8.

drafted by a small team of economists put together by then deputy-president Thabo Mbeki, all of whom were sworn to secrecy.²³ The process was mostly internal to the government, meaning that leadership in the Tripartite Alliance – including not only COSATU and the SACP but even the ANC itself – had little chance to debate the plan before it became public. More precisely, Gumede, Webster and Adler report that some leaders were briefed on the document but told few details and allowed to see only the section headings.²⁴ Notably, it was never tabled at NEDLAC, which COSATU resented.²⁵ Finally, when GEAR was revealed, then Minister of Finance Trevor Manuel quickly closed the door to dialogue by asserting that the main goals were not negotiable (though he did concede that details of implementation could be discussed).²⁶

COSATU was aggrieved by this lack of engagement; a fact made clear in an open discussion document. It protested that “[s]ince the elections, the Alliance has never sat down to systematically look at the challenges of the transition and formulate a strategy (...). Government positions on privatisation and GEAR have been presented to the Alliance as a *fait accompli*.”²⁷ Together with growing protests from the SACP, this created yet unseen levels of tension between allies.

The government initially showed caution in dealing with such criticism but later moved to foreclose engagement and silence its rebellious allies. Adopting an appeasing posture, Mandela conceded in COSATU’s 1997 congress that it had been erroneous to declare non-negotiable positions.²⁸ Such spirit of conciliation, however, would not survive the incessant attacks that the allies continued to level against GEAR: during SACP’s 1998 congress, Mandela went on the offensive and declared that “We will not change it [GEAR] because of your pressure. If you feel you cannot get your way, you go out and shout like opposition parties. Prepare to face the full implications of that line.”²⁹ The following day, Mbeki too chimed in by

²³ William Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC* (London: Zed, 2007), 105–6.

²⁴ Gumede, 108; Edward Webster and Glenn Adler, “Towards Class Compromise in South Africa’s Double Transition: Bargained Liberalization and the Consolidation of Democracy,” *Politics & Society* 27, no. 3 (1999): 367.

²⁵ COSATU Parliamentary Office, “Accelerating Transformation: Cosatu’s Engagement with Policy and Legislative Processes during South Africa’s First Term of Democratic Governance” (Johannesburg: Cosatu, August 2000).

²⁶ Sven Lunsche, “‘Thatcherite’ Plan Opens New Doors,” *Sunday Times*, June 16, 1996; AFP, “South African Minister Gives Some Ground on Macro-Economic Plan,” *Agence France Presse*, July 26, 1996.

²⁷ COSATU, “A Programme for the Alliance: A Cosatu Discussion Document,” *The African Communist*, no. 146 (1997): 22.

²⁸ ERA, *COSATU - 6th Annual Congress* (Braamfontein: Executive Research Associates, 1997), 11.

²⁹ Vuyo Mvoko, “Mandela Hits out as Allies Attack Gear,” *Business Day*, July 2, 1998; Jovial Rantao, “Mandela Lashes SACP,” *The Star*, July 2, 1998.

charging the allies with spreading lies about the government's policies.³⁰ GEAR was out of the talking table, and trying to bring it in was made synonymous with opposing the ANC.³¹

At the time, the explicit name-calling around GEAR startled observers and led to many predictions that the Tripartite Alliance would dissolve. That said, the soon-to-follow episode of state asset restructuring proved even more bellicose. Immediately after taking office as the new president of South Africa in 1999, Mbeki pushed forward with privatization, which had lagged under Mandela. The first result was a new document, called "An Accelerated Agenda Towards the Restructuring of State-owned Enterprises", unveiled on 10 August 2001. The Agenda laid out plans for the country's largest SOEs, ranging from corporatization to full privatization, with the declared objective of "promoting competition and creating competitive markets".³² Much like GEAR, it was never tabled at NEDLAC or otherwise made open to discussion.

Part of COSATU's response was an anti-restructuring campaign, which included a two-day national stay-away between 29 and 30 August 2001.³³ The government reacted quickly and energetically, with ministers calling the campaign hypocritical, deceitful, and useless.³⁴ Mbeki also joined the chorus, again accusing COSATU of spreading lies about policies.³⁵ But the most graphic display of animosity came a few weeks after the stay-away when it leaked that a document from the ANC's National Executive Committee (then presided and largely controlled by Mbeki) claimed that COSATU's leadership had usurped the federation for its extreme-left agenda.³⁶ Commenting on the leak's repercussion, ANC's spokesperson went further and defended the document as an accurate assessment of the "counter-revolutionary forces" acting against the party.³⁷ As with GEAR, opposing the government's policies became tantamount to opposing the ANC itself, leading COSATU to protest that some in government were trying to transform the federation into an "uncritical lapdog."³⁸

³⁰ Jovial Rantao, "Mbeki Joins the Attack on SACP," *The Star*, July 3, 1998.

³¹ For broader recollection of government's attacks on Cosatu over GEAR, see Lukanyo Mnyanda and William Gumede, "ANC Tells Cosatu to Jump in Lake," *The Sunday Independent*, June 28, 1998.

³² Erwin Schwella, "Privatization in South Africa," in *International Handbook on Privatization*, ed. David Parker and David S. Saal (Cheltenham: Edward Elgar, 2003), 302–6.

³³ About the campaign, see Ebrahim-Khalil Hassen, "The Anti-Privatisation Strikes: Effects and Implications," *South African Labour Bulletin* (Braamfontein, October 2001).

³⁴ Charles Phahlane and Clive Leviev-Sawyer, "Ministers in Angry Attack on Cosatu," *Cape Times*, August 24, 2001; Roy Cokayne and Thabo Masabo, "State Points Fingers at Cosatu's Ethics," *The Star*, August 24, 2001.

³⁵ Sivuyile Mangxamba and Charles Phahlane, "Alliance Partners at War," *Cape Argus*, August 27, 2001.

³⁶ Phindile Makwakwa, "Rift between ANC, Cosatu Deepens," *Pretoria News*, October 17, 2001.

³⁷ BD Reporter, "Fury as Trade Unions Find ANC Plot," *Business Day*, October 18, 2001.

³⁸ COSATU, "Cosatu Riposte to ANC Leaks," *AllAfrica*, October 18, 2001, <https://allafrica.com/stories/200110180591.html>.

Rather than isolated incidents, GEAR and the anti-restructuring campaign represent only two episodes in a pattern where alienation from policymaking devolves first into open confrontation and then into the ANC slamming its trade-union partner.³⁹ Despite this, COSATU has only not remained in the Tripartite Alliance; it has also campaigned for the ANC in every election. The one act of deviation was swiftly corrected when the National Union of Metalworkers of South Africa (NUMSA) (as discussed in [section 2.3.4](#), a key driver behind NEDLAC's creation) was expelled from the federation after the refusing to endorse the ANC for another electoral mandate.⁴⁰

While confounding at a glance, COSATU's continuing support for the ANC should not be taken as evidence that their clashes are unimportant or merely performative. In fact, interview work shows that COSATU's leadership has come to perceive irreconcilable policy positions as a perennial source of strife.⁴¹ The literature, however, indicates that leaders may not have a viable alternative at hand. This is for two reasons. First, most rank-and-file workers remain loyal to the ANC and would not support a break: not only are most COSATU affiliates also affiliated to the ANC, but workers still identify it as a sacrosanct symbol of liberation.⁴² Second, as will be discussed later in this chapter, the ANC has become a dominant party, obtaining comfortable majorities in every election. With the opposition effectively neutralized, acting within the Alliance represents a safer pathway to policy influence than untested alternatives (such as a worker's party).⁴³ Reflecting on their lack of alternatives, one COSATU leader reportedly even likened the situation to "an abusive relationship."⁴⁴

³⁹ For a wider recollection, see Chitja Twala and Buti Kompfi, "The Congress of South African Trade Unions (Cosatu) and the Tripartite Alliance: A Marriage of (in)Convenience?," *Journal for Contemporary History* 37, no. 1 (2012): 179–87.

⁴⁰ See Devan Pillay, "Half Full or Half Empty? The Numsa Moments and the Prospects of Left Revitalisation," in *New South African Review. 5, Beyond Marikana*, ed. Gilbert M. Khadiagala et al. (Johannesburg: Wits University Press, 2015), 55–57.

⁴¹ Brian Grodsky, *Social Movements and the New State: The Fate of pro-Democracy Organizations When Democracy Is Won* (Redwood City: Stanford University Press, 2012), 81–86; Janet Cherry, Nkosinathi Jikeka, and Boitumelo Malope, "The Politics of the Alliance and the 2014 Elections," in *Labour beyond Cosatu: Mapping the Rupture in South Africa's Labour Landscape*, ed. Andries Bezuidenhout and Malehoko Tshoaei (Johannesburg: Wits University Press, 2017), 86–87.

⁴² Sakhela Buhlungu and Christine Psoulis, "Enduring Solidarities: Accounting for the Continuity of Support for the Alliance amongst Cosatu Members," *Society in Transition* 30, no. 2 (1999): 120–30; A. Beresford, "Comrades 'Back on Track'? The Durability of the Tripartite Alliance in South Africa," *African Affairs* 108, no. 432 (2009): 391–412.

⁴³ Eddie Webster, "The Alliance under Stress: Governing in a Globalizing World," in *Opposition and Democracy in South Africa*, ed. Roger Southall (New York: Routledge, 2001), 271–72; Roger Southall and Geoffrey Wood, "COSATU, the ANC and the Election: Whither the Alliance?," *Transformation*, no. 38 (1999): 79–80.

⁴⁴ Cited in Grodsky, *Social Movements and the New State: The Fate of pro-Democracy Organizations When Democracy Is Won*, 86.

As seen in the preceding discussion, it did not take long after elections for relations between government and COSATU to sour – in no small part due to the former’s willingness to alienate the latter to fast-track orthodox reform. In many ways, this confirmed the federation’s earlier fears that their alliance would follow a pattern similar to that of other trade unions and liberation movements in Africa. But it was precisely in preparation for this scenario that COSATU had fought to create the NEDLAC. It is hardly surprising then that the turbulent relationship would affect the council.

4.2 PROTECTING THE NEDLAC FROM UNILATERAL DISRUPTION: EFFECTS OF COMPULSORY DELIBERATION

As is common with public-private deliberation bodies, the government has often treated the NEDLAC as a hurdle in the policy process. Yet, not only does the council maintain (mostly) the same structure, but its existence has become a routinized (read, largely uncontested) fact of South African politics. Such stability, I argue, would not have occurred in the absence of compulsory deliberation institutions.

The NEDLAC faced early challenges to its existence and powers when tripartite deliberations delayed legislative reforms. However, the council made it through without any significant restructuring. Accepting that the NEDLAC would not dissolve or scale down without resistance, future ANC governments instead sought alternatives to mitigate the costs of deliberation. I argue that this stability has self-reinforcing properties in that a continuous lack of existential threats leads participants to gradually strengthen expectations that their interactions will continue in the future, which in turn reinforces stability. Yet, this does not mean that compulsory deliberation institutions stop playing a role. Rather, they remain as something participants know to be available, but not as a constantly mobilized resource. This effect can be observed in how ANC governments refrained from pushing for certain changes despite openly advocating for restructuring. This is not to say that the NEDLAC’s structures remained completely the same, but the few changes that occurred depended on the consent of all participants.

4.2.1 Early challenges to the NEDLAC’s existence

With the first post-apartheid government scrambling to pass investor-pleasing reforms as fast as possible, it is easy to see how having to stop and engage in time-consuming

deliberations with militant left unions would become an undesired burden. With this, I do not mean to say that the government and NEDLAC were always at loggerheads or that the council never served the reform agenda. Two early contributions, both of which involved intense negotiations that eventually generated consensus amongst all parties represented in the council, were agreements that later became the 1995 amendments to the Labour Relations Act and the new 1998 Competition Act.⁴⁵ These introduced notable measures, such as enshrining a legal right to strike and creating a national competition authority. Notwithstanding such contributions, impatience with the NEDLAC built up as urgent reforms faced delays amidst the talks.

Dissatisfaction with perceived slowness was expressed early on in the NEDLAC's life: only one year after the council had been functioning, then Labour Minister Tito Mboweni complained that progress had been "excruciatingly slow" and was holding back important reforms.⁴⁶ It did not take long for a specially problematic episode to occur, with negotiations around the Basic Conditions of Employment Bill (BCEB) deadlocking. The Labour Department tabled the bill in NEDLAC after quietly working on it for months, but COSATU turned out to oppose many of its points, such as a 45-hour workweek (rather than a 40-hour one).⁴⁷ Because of this, the bill spent more than a year stuck in the council, a period during which COSATU even organized a national strike.⁴⁸ Annoyed with the delays, the Labour Minister introduced the bill in Parliament, declaring it had achieved "sufficient consensus" despite the lack of agreement in the NEDLAC.⁴⁹

The BCEB episode marked what remains the most public confrontation about the NEDLAC's future, with important authorities insisting that the council should be scrapped or at least scaled down. Most notoriously, Siphso Pityana, then director-general of the Department of Labour and chief of governmental representation in the NEDLAC, began the controversy by giving an interview in which he put the council's utility in doubt: in his word, "its [the NEDLAC's] role, and whether time spent on it by ministers, senior government officials and

⁴⁵ About the negotiations around the 1995 LRA amendments, see Karl Gostner and Avril Joffe, "Negotiating the Future: Labour's Role in NEDLAC," *Law, Democracy & Development* 2, no. 1 (1998): 138.; About the 1998 Competition Act, see Hirsch, *Season of Hope*, 199–201. For an overview of the agreements reached in the Nedlac until 1998, see Gregory F. Houston, Ian Liebenberg, and William Dichaba, "Interest Group Participation in the National Economic Development and Labour Council," in *Public Participation in Democratic Governance in South Africa*, ed. Gregory F. Houston (Pretoria: Human Sciences Research Council, 2001), 55–61.

⁴⁶ Thabo Leshilo, "Nedlac Ready for a Change of Pace," *The Star*, April 26, 1996.

⁴⁷ Alan Dunn, "Cosatu and the Big Issues," *Pretoria News*, April 21, 1997.

⁴⁸ René Grawitzky, "Cosatu Warns of More Strike Action," *Business Day*, June 3, 1997.

⁴⁹ Adam Cooke, "Nedlac at Risk If Bill Is Tabled," *The Star*, September 23, 1997.

others is warranted, will have to be reviewed.”⁵⁰ Pityana backed down a bit in further declarations, insisting that the NEDLAC could still be useful... if restructured. In particular, he contended that the NEDLAC Act should be reviewed to limit the discussion topics that could fall under the council.⁵¹

Considering that the Labour Minister had just declared “sufficient consensus” without an agreement in the NEDLAC and that the chief of governmental representation insisted on restructuring the council, other parties reacted with alarm. Businesses’ and labor’s chiefs of representation argued that the BCEB episode should not serve as a pretext to scrap or weaken the council, calling out the government for working alone on a controversial bill for months and magically expecting a quick resolution to tripartite deliberation.⁵² Equally, COSATU’s then secretary-general, Sam Shilowa, denounced calls to review the NEDLAC Act as an attempt to undermine labor’s role in policy-making.⁵³ Even a member of the NEDLAC staff chimed in, pondering that while the council was not delivering all it might, “it does not invent conflict between different forces in the countries, and its removal would not make them disappear.”⁵⁴

The NEDLAC survived the BCEB episode without so much as a single amendment to the NEDLAC Act. The one tangible change was parties agreeing to a protocol for handling deadlocks without putting an indefinite stop to the policy process (the protocol will be discussed soon).⁵⁵ Mere survival represents a significant achievement: no Brazilian economic council would have made it through this much governmental contestation. Indeed, as we will soon see, other South African economic councils would equally not survive.

4.2.2 Normalization under continued dissatisfaction

After this initial confrontation, ANC governments would continue to voice dissatisfaction regarding the NEDLAC. Notably, the Minister of Finance Trevor Manuel (who had opposed NEDLAC’s creation – see [section 2.4.2](#)) publicly complained that the council got in the way of policy making, noting that “there are many groups in and outside the government

⁵⁰ René Grawitzky, “Government Attacks ‘adversarial’ NEDLAC,” *Business Day*, September 2, 1997.

⁵¹ Sechaba ka’Nkosi, “Nedlac Fights Labour Critics,” *Mail and Guardian*, September 12, 1997.

⁵² Raymond Parsons, “Don’t Write the NEDLAC’s Obituary Just Yet,” *The Sunday Independent*, September 9, 1997; Jayendra Naidoo, “Don’t Fracture the Negotiating Forum,” *Sunday Times*, September 21, 1997.

⁵³ Amrit Manga, “Nedlac in for Stormy Weather,” *The Sowetan*, September 26, 1997.

⁵⁴ Lael Bethlehem, “Erasing Nedlac Won’t Rub out Any Problems,” *The Star*, September 12, 1997.

⁵⁵ Houston, Liebenberg, and Dichaba, “Interest Group Participation in the National Economic Development and Labour Council,” 68.

who share my frustrations.”⁵⁶ As Friedman commented at the time, there prevailed a general sense that the government had grown impatient with negotiating policy in the council.⁵⁷ Other ministers would make similar statements at later moments, such as Jacob Zuma’s Minister of Trade and Industry.⁵⁸

However, despite the continued dissatisfaction, ANC governments no longer threatened restructuring. Rather, they appeared to accept that the council would continue to exist for the foreseeable future and sought ways to deal with associated costs. Though these cost-reducing strategies have impacted the council negatively, the continuous lack of existential threats reinforces shared expectations that the NEDLAC will remain in place. Among the cost-reducing strategies, I would like to highlight three: “bypassing” the NEDLAC, juniorizing governmental representation, and creating parallel forums.

4.2.2.1 “Bypassing” the NEDLAC

Despite protests, governments have often chosen to table bills in Parliament or implement certain policies without prior consultation in the NEDLAC. Opposition to this “bypassing” has been based on NEDLAC Act provisions mandating that the council “shall consider all proposed labour legislation relating to labour market policy” and “all significant changes to social and economic policy before they are implemented or introduced in Parliament”.⁵⁹ As we will soon see, these provisions are rather indeterminate: do they impose on the government a duty to consult the NEDLAC? If so, for which sorts of policies? In particular, when does a policy qualify as a “significant change”? Such indeterminacy has given rise to opposing interpretations, with labor and business advocating for a wide-ranging duty to consult and governments denying it. Rather than using one interpretation as a yardstick,⁶⁰ I highlight the observable fact that governments have repeatedly “bypassed” the NEDLAC even under objections.

⁵⁶ Randall Estelle, “Our Policies Have Failed Us - Manuel,” *The Sunday Independent*, January 9, 2000.

⁵⁷ Steven Friedman, “Stalemate or Productive Compromise? Tripartite Policy Negotiations in South Africa,” *Indicator SA* 17, no. 1 (2000): 13–19.

⁵⁸ Nomaxabiso Majokweni, “SA Can Win Back Its Dialogue Title,” *Sunday Times*, September 30, 2012.

⁵⁹ South Africa, National Economic Development and Labour Council Act, sec. 5.1.c. and 5.1.d.

⁶⁰ On the methodological difficulties of evaluating compliance to indeterminate rules, see Jon B. Gould and Scott Barclay, “Mind the Gap: The Place of Gap Studies in Sociolegal Scholarship,” *Annual Review of Law and Social Science* 8, no. 1 (2012): 328–30. I chose to always enclose “bypass” in inverted commas to signal that I am not advancing a normative judgement that government has been breaching a legal duty (I could have done away with the term entirely, but it is a convenient shorthand).

Most of the public resistance to “bypassing” has come from labor, but business has sometimes protested. Two already mentioned episodes of labor opposition were that of GEAR and the “Agenda Towards the Restructuring of SOEs”. But other than these policy plans, COSATU has also opposed the introduction of bills in Parliament without prior consultation on themes such as SOE restructuring,⁶¹ labor market incentives,⁶² social security,⁶³ and tax reform.⁶⁴ Similarly, Business Unity South Africa (BUSA, the sole business representative in the NEDLAC)⁶⁵ did not keep quiet concerning bills that could raise business costs, as seen with proposed changes to medical insurance schemes⁶⁶ and protection of private information requirements.⁶⁷ Interestingly, a 2009 report to Parliament from Herbert Mkhize, then Executive Director of NEDLAC, suggests that authorities are well-aware that “bypassing” generates protests and has at times acted to conceal the maneuver: in the report, Mkhize indicted government departments of inappropriately rushing to approve their bills, complaining that they sometimes “went to the extent of lying [to parliamentarians] that they did consult NEDLAC.”⁶⁸

4.2.2.2 Juniorizing governmental representation

A second manner in which government expresses a preference for sidelining the council is seen in how various departments have gradually sent fewer high-level officials to attend meetings. In their external review of NEDLAC, Webster, Joynt and Metcalfe note that this has led to difficulties in deliberations, as the officials present often lack the authority to negotiate

⁶¹ About the Eskom Amendment Bill (1998), see Lynda Loxton, “Eskom Bill Stirs Nedlac Ripples,” *The Star*, June 22, 1998. about the Public Investment Corporation Bill (2004), see COSATU Parliamentary Office, “Cosatu Submission on the Public Investment Corporation Draft Bill,” Parliamentary Monitoring Group, June 25, 2004, <https://static.pmg.org.za/docs/2004/appendices/040625cosatu.htm>.

⁶² About the Employment Tax Incentive Bill (2013), see COSATU, “Cosatu Submission on the Draft Employment Tax Incentive Bill,” Parliamentary Monitoring Group, October 15, 2013, <https://pmg.org.za/files/131015cosatu.doc>.

⁶³ About the Pension Fund Amendment Bill (1998), see Linda Ensor, “Rift between Manuel, Cosatu Deepens,” *Business Day*, May 22, 1998; about the Financial Services Laws General Amendment Bill (2012), see COSATU, “Adopted Resolutions from the 2012, 11th National Congress” (Johannesburg, 2012), <https://bit.ly/3lypd6b>.

⁶⁴ About the Tax Laws Amendment Act (2016), see COSATU, “Cosatu Special CEC Statement,” *Africa News*, February 4, 2016.

⁶⁵ BUSA went by the name of Business South Africa until 2003. To avoid confusion, I will refer to its new name regardless of the time period in question.

⁶⁶ About the Medical Schemes Bill (1998), see Dustin Chick, “Submit Bill to Nedlac, Health Department Told,” *Business Day*, October 6, 1998.

⁶⁷ About the Protection of Personal Information Bill (2009), see BUSA, “Submission - Protection of Personal Information,” October 2009, <https://pmg.org.za/files/docs/091013busa.doc>.

⁶⁸ PMG South Africa, “National Development and Labour Council (NEDLAC) 2008/09 Annual Report,” Parliamentary Monitoring Group, November 10, 2009, <https://pmg.org.za/committee-meeting/11076/>. One such cases of lying sparked some public controversy. See Theto Mahlakoana, “Tax: Did the Presidency Lie to You?,” *The Sunday Independent*, January 31, 2016.

and take decisions in the name of their departments.⁶⁹ In the words of one of the review's interviewees, "they come saying that they have no mandate and they were just sent to come and listen to take the information back to their constituency".⁷⁰ One episode of public discontentment over juniorization occurred in the year 2000 when COSATU staged a sit-in inside NEDLAC's building in protest of the government having sent a middle-ranking official to discuss measures for combating unemployment with top leadership from labor and business.⁷¹

4.2.2.3 *Constructing parallel forums*

Finally, a third form of sidelining has been the creation of parallel and overlapping forums for deliberation. Besides pushing forward with SOE restructuring, one of Mbeki's earliest measures in office was creating several "presidential working groups", bilateral informal forums in which government would meet with specific sectoral interests. The first four working groups targeted big business, black business, commercial agriculture, and trade unions. Rather than the Department of Labour, to which the NEDLAC answers, these groups were housed in the presidential office itself. Despite assurances to the contrary, COSATU and some business representatives showed concern that the working groups would serve to avoid tripartite negotiations in the NEDLAC.⁷²

The working groups' declared purpose, "to afford the President and Government the opportunity to interface and engage with key sectors in society",⁷³ largely overlapped with NEDLAC's. Moreover, as Mbeki had been moving policymaking capacities away from the departments and inside the presidential office,⁷⁴ the working groups' creation could be read as part of a trend that implicated weakening the NEDLAC. Sadly, due to their informal and reserved character, there exists little documentation about the working groups. Still, Webster,

⁶⁹ Eddie Webster, Katherine Joynt, and Anthea Metcalfe, *Repositioning Peak-Level Social Dialogue in South Africa: NEDLAC into the Future* (Johannesburg: NEDLAC, 2013), 40–45, https://www.researchgate.net/publication/339553230_Repositioning_Peak-Level_Social_Dialogue_in_South_Africa_NEDLAC_into_the_Future.

⁷⁰ Quoted in Webster, Joynt, and Metcalfe, 34.

⁷¹ COSATU, "COSATU Leaders Stage Sit-In At NEDLAC," *Africa News*, June 1, 2000, <https://allafrica.com/stories/200006010162.html>; Claudia Mpeta, "Union Sit-in Caled off after Promise," *Saturday Star*, June 3, 2000.

⁷² Grawitzky Renee, "Consultative Groups Worry Labour," *Business Day*, March 14, 2000.

⁷³ South Africa, "The Presidency Annual Report 2003/2004" (Pretoria, 2004), <https://www.gov.za/xh/documents/presidency-annual-report-200304>.

⁷⁴ Farouk Chothia and Sean Jacobs, "Remaking the Presidency: The Tension between Co-Ordination and Centralisation," in *Thabo Mbeki's World: The Politics and Ideology of the South African President*, ed. Sean Jacobs and Richard Calland (Pietermaritzburg: University of Natal Press, 2002).

Joynt and Metcalfe’s review suggests that if not outright replacing NEDLAC, they at least reinforced juniorization. This is because they were located inside the presidential office, leading leadership to prioritize them over the NEDLAC. As one interviewee stated, “[a]t normal EXCO [the NEDLAC’s Executive Committee] you won’t get leaders, but at the presidency, they all want to be there”.⁷⁵

However, unlike the NEDLAC, the presidential office completely dictated the working groups’ functioning. After Mbeki left in 2008, meetings simply ceased. The next president, Jacob Zuma, chose to restart activities, but only all the way in 2014⁷⁶ – and, after he left, meetings again ceased. As we will see in the next chapter, this same pattern of informal fits-and-stops also happened to several Brazilian councils. Trying to pull the same on the NEDLAC would not work, as representatives of all segments are institutionally empowered to call and chair meetings, table issues, and vote on decisions. Altering this, in turn, would require passing ordinary legislation.

4.2.3 Forfeiting formal reform

One analytically frustrating feature of “routinization” through power-distributional mechanisms entails the prevention of open conflict.⁷⁷ One can show that events fit certain theoretical expectations, as done in the preceding section. However, the notion that compulsory deliberation institutions continue to play a stabilizing role despite the lack of reform attempts is hard to demonstrate directly. After all, how can one show that the government chose *not* to push for reform at certain points to avoid costly confrontation? Thankfully, in at least two instances, authorities have outright stated that they would have liked formal institutions to be different. Yet, reforms did not occur.

4.2.3.1 *A duty to consult? Interpretative disputes around the NEDLAC Act*

As previously alluded to, some provisions in the NEDLAC Act have become the subject of interpretative disputes regarding the existence of a duty to consult the NEDLAC. These

⁷⁵ Quoted in Webster, Joynt, and Metcalfe, *Repositioning Peak-Level Social Dialogue in South Africa: NEDLAC into the Future*, 41.

⁷⁶ South Africa, “The Presidency Annual Report 2015/2016” (Pretoria, 2016), 24, <https://www.gov.za/documents/presidency-annual-report-20152016-20-aug-2016-0000>.

⁷⁷ Peter Bachrach and Morton Baratz, “Two Faces of Power,” *The American Journal of Political Science Review* 56, no. 4 (1962): 947–52; Paul Pierson, “Power and Path Dependence,” in *Advances in Historical Comparative Analysis*, ed. James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2015).

disputes illuminate both the government's capacity to assert itself over the other represented parties and the obstacles compulsory deliberation poses to unilateral action. On the one hand, the government has been able to uphold its interpretation; on the other, it has repeatedly found itself forced into predictable interpretative controversies without ever moving to amend the indeterminate rules that make those controversies possible. An institutionalized compromise has emerged from years of contestation, but it does not conform to any of the parties' preferences. I argue that this would not make sense in the absence of compulsory deliberation arrangements since simply displacing the rules would become a trivial matter.

Interpretative disputes regarding the "duty to consult" arise episodically, usually when the government "bypasses" the NEDLAC in introducing a bill in Parliament. In response to such episodes, COSATU and BUSA have advanced expansive interpretations of the NEDLAC Act, affirming a duty applicable to a limitless number of policy themes. As already seen, both organizations have in the past branded a variety of bills as "significant changes to social and economic policy" and thus claimed appropriate grounds to demand consultation. In some of these moments, they have categorically advanced that any bill that they consider "significant" must be brought to the council. For example, COSATU once presented in Parliament a legal opinion contending that it sufficed for them "to place the demand (...) within the ambit of the social status and economic position of workers" to give rise to a duty to consult.⁷⁸ BUSA has positioned itself similarly regarding bills that they perceive as impacting business costs.⁷⁹

The government has conversely advanced much more restrictive interpretations. One strategy has been exploiting the NEDLAC Act's ambiguous terms to deny that specific bills count either as "social and economic policy" or as "significant changes".⁸⁰ A more radical strategy has been rejecting any duty to consult at all: while sometimes acknowledging that the NEDLAC Act obliges NEDLAC to consider certain bills, the government has repeatedly asserted that it is not itself correspondingly bound to table said bills.⁸¹ In this perspective, the

⁷⁸ Zaheeda Mayet, "Opinion – Public Investment Corporation Bill, 2004 ('PIC Bill')," August 19, 2004, para. 15.5, <http://www.pmg.org.za/docs/2004/appendices/040825cosatu.doc>.

⁷⁹ Deon Van Zyl, *Business South Africa v Minister of Health and others*, No. 13749/98 (Cape Provincial Division October 20, 1998); PMG South Africa, "Protection of Personal Information Bill [B9-2009]: Public Hearings," October 12, 2009, <https://pmg.org.za/committee-meeting/10876/>.

⁸⁰ Anton Steenkamp and Zimisele Majamane, "Opinion on PIC Bill: Sonnenberg Hoffmann Galombik," August 11, 2004, <https://static.pmg.org.za/docs/2004/appendices/040825sonnenberg.htm>; Badian Maasdorp and Banzi Malinga, "Public Investment Corporation Bill - Objections by Congress of South African Trade Unions," August 2004, <https://static.pmg.org.za/docs/2004/appendices/040825hofmeyr.htm>.

⁸¹ Van Zyl, *Business South Africa v Minister of Health and others*; Martin Severn Maxwell Brassey, "Money Bill and Nedlac Legal Opinion" (Sandton: Sandton Chambers, October 23, 2013), <https://bit.ly/3CAVM9r>; X. Mdludlu et al., "Opinion on PIC Bill: Office of the Chief State Law Adviser" (Pretoria: The Office of the Chief State Law Adviser, August 24, 2004), <https://static.pmg.org.za/docs/2004/appendices/040825state.htm>.

decision to consult should be seen as political expediency. This has been based on three arguments. First, the NEDLAC Act speaks explicitly only of the council's obligations but never of obligations applicable to government – it contains no provisions to the effect that “ministers must table bills”, for example. Second, there exists no reference to the NEDLAC in legislative process rules, which allegedly indicates that said processes do not include the council. Third, no legal rules mention any sort of sanctions to “bypassing” the NEDLAC, not even procedural invalidity.

Taken together, past disputes show an ambiguous net result. When considering only episodes of open confrontation, the government has invariably succeeded in imposing its preferred interpretations. In this respect, Parliament has never accepted demands to refer bills back to NEDLAC. Moreover, the only attempt to judicialize the matter, by the hands of BUSA, failed⁸² (COSATU has notably never sought recourse from courts, but more on that soon).

Episodic victories, however, do not indicate that government experiences only negligible pressures regarding the matter. This is seen in how, despite expressing dissatisfaction with NEDLAC and rejecting any form of a duty to consult, it only resorts to “bypassing” in relatively few instances: most of the relevant bills are, in fact, tabled, the volume of which results in government submissions overwhelmingly outnumbering labor or business submissions in NEDLAC's agenda.⁸³ The relative infrequency of “bypassing”, I argue, can be explained by the costs involved in facing associated public protests. COSATU, in particular, has not refrained from using the NEDLAC Act as a justificatory resource in mobilizations that ended up attracting media attention and consequently demanding governmental response. While never succeeding in forcing consultation, some of these mobilizations have in the past delayed or credibly threatened to delay the passing of bills.⁸⁴ Since the government can expect non-trivial pressures against “bypassing”, it makes sense to put up with NEDLAC procedures as long as it is not in a hurry to implement the policy in question.

⁸² Van Zyl, *Business South Africa v Minister of Health and others*.

⁸³ NEDLAC, “Annual Report 2018-2019” (Johannesburg: NEDLAC, 2019), 103; Webster, Joynt, and Metcalfe, *Repositioning Peak-Level Social Dialogue in South Africa: NEDLAC into the Future*, 42.

⁸⁴ René Grawitzky, “Sigcau Agrees to Delay of Eskom Bill,” *Business Day*, June 19, 1998; Lynda Loxton, “Delay Faces Eskom Bill,” *The Star*, November 10, 1998; Lynda Loxton, “Treasury Lashes out at Cosatu for Delaying PIC Bill,” *The Star*, August 4, 2004; Lynda Loxton, “Cosatu Considers Legal Action over Corporatisation of State Pension Body,” *The Star*, September 3, 2004; Carol Paton, “ANC Hits out at Cosatu over Youth Wage Grant,” *Business Day*, October 18, 2013; Marianne Merten, “Cosatu Ire over Youth Subsidy,” *Cape Argus*, November 22, 2013.

All in all, an institutionalized practice has emerged, but the wording of extant legal rules does a poor job of describing it. Were it codified, more accurate terms for the “institution of consultation” would be “government shall submit to NEDLAC those bills and policies that labor and business consider relevant, except when it deems such bills and policies as unnegotiable or urgent.” However, that legal rules do not properly describe visible behavior does not mean that they do not contribute toward maintaining the actual institutionalized practices. Despite their indeterminacy, the fact that they can be intelligibly presented as prescribing a duty to consult serves as a useful resource for COSATU and BUSA. Indeed, COSATU cares a great deal about preserving the NEDLAC Act, even deciding against judicialization to avoid provoking the government into mobilizing for amendments. As one of the federation’s documents states,

“[t]his strategy [judicialization] needs to be carefully weighed however, and the significance of the issue closely tested, to avoid the unintended consequence of provoking an amendment to the Act, designed to reduce NEDLAC’s powers. A challenge which is perceived to be frivolous, or which could be portrayed as such, would play into the hands of those who perceive the powers of NEDLAC to be too far-reaching, and who have argued in the past for the Act to be amended.”⁸⁵

It is not clear what courts would decide if COSATU sought judicial recourse. There has been only one decision on the matter, taken in 1998 by a single judge responding to an urgent application, which does not exactly make for established precedent. Moreover, courts have, in the following years, increased their scope of oversight of legislative processes.⁸⁶ In at least one case, the South African Constitutional Court even invalidated a law on the grounds that Parliament had failed to fulfill its constitutional obligation to “facilitate public involvement” in procedures.⁸⁷ But the point here is not predicting what would happen, only noting that COSATU has sought to preserve the power resource that is the NEDLAC Act by relinquishing judicialization. If not ideal, the literature indicates that this is not an unreasonable strategy, as flexibility in enforcement has been shown to contribute to the formal survival of rules.⁸⁸

To conclude, the preceding discussion indicates two relevant facts. First, because they empower labor and business to postulate a legal duty to consult, the NEDLAC Act’s

⁸⁵ COSATU Parliamentary Office, “Accelerating Transformation: Cosatu’s Engagement with Policy and Legislative Processes during South Africa’s First Term of Democratic Governance,” pt. 9.4.

⁸⁶ Stephen Gardbaum, “Pushing the Boundaries: Judicial Review of Legislative Procedures in South Africa,” *Constitutional Court Review* 9, no. 1 (2019): 1–18.

⁸⁷ Gardbaum, 6–11.

⁸⁸ Steven Levitsky and Victoria Murillo, “Variation in Institutional Strength,” *Annual Review of Political Science* 12, no. 1 (2009): 119.

indeterminate provisions force the government into a compromise that does not fit its preferences. Second, rather than breaking this compromise by simply displacing rules, the government has found itself embroiled in predictable interpretative disputes. Again, this pattern would not make sense in the absence of an institutional arrangement of compulsory deliberation.

4.2.3.2 *Gatekeepers of representation and the NEDLAC Constitution*

Procedures for admission into the NEDLAC provide another example of institutional persistence in the face of pressure. Representation in the council follows a corporatist style, meaning that seats are reserved for certain organized groups (which are nominally listed in the NEDLAC Constitution). In other words, there exist no elections for representatives. But then, how do unrepresented organizations get in? In the absence of compulsory deliberation institutions, South African governments would simply determine whom to include. However, the NEDLAC Constitution provides that new applications must be approved by the relevant sector.⁸⁹ For example, if a business association wants in, BUSA (again, the only business representative) must agree. Consequently, insiders effectively act as gatekeepers.

Gatekeeping became contentious as represented labor umbrella bodies blocked the entry of more recently birthed competitors. At the moment of NEDLAC's foundation, the three existing major umbrella bodies – COSATU, NACTU, and FEDUSA – obtained seats. Since then, two others have emerged and sought the keys to the policy-making kingdom. The first was the Confederation of South African Workers' Unions (CONSAWU), which applied in 2004. The second was the South African Federation of Trade Unions (SAFTU), created by NUMSA after leaving COSATU, which applied in 2018. In both instances, the older federations chose to deny applications based on uncodified criteria that they came up with themselves and that the applicants could not have known in advance: in CONSAWU's case, that it had less than 300.000 members;⁹⁰ in SAFTU's case, that it failed to submit certain documents (notably, SAFTU had more members than NACTU and FEDUSA combined).⁹¹

⁸⁹ NEDLAC, "NEDLAC Constitution," April 25, 1995, sec. 9, South East Academic Libraries System Digital Commons, <http://hdl.handle.net/10962/151654>.

⁹⁰ South Africa, Confederation of South African Workers Union (CONSAWU) v Nedlac and Others, R.W. Nugent (The Supreme Court of Appeal of South Africa 2011).

⁹¹ Theto Mahlakoana, "Saftu Owes Us Papers, Says Nedlac," *Business Day*, March 23, 2018.

Nobody has thus far questioned that, given the extant legal rules, the NEDLAC labor constituency acted within its room for discretion. Discontentment, then, has targeted the rules themselves. In a failed judicial recourse, CONSAWU claimed that the NEDLAC Constitution's admission procedures were incompatible with NEDLAC Act and thus unconstitutional.⁹² Meanwhile, SAFTU chose to denounce the veneer of administrative neutrality behind the informal criteria used.⁹³ In a crucial development, Thulas Nxesi, Minister of Labour under President Cyril Ramaphosa, picked up on the complaints and openly positioned himself against entry depending on "those inside."⁹⁴ Accordingly, the minister deemed it necessary to amend NEDLAC's rules to ensure inclusivity.⁹⁵

Even with the minister's exhortations, however, amendments have not materialized. An internal task team reportedly began work in 2018 to review the NEDLAC Constitution with the representativity problem in mind. However, at the time of writing, the most recent update available (from September 2020) stated only that progress moved slowly.⁹⁶ Though we cannot know for certain, labor resistance is likely behind the plodding pace. For its part, COSATU has publicly expressed skepticism over calls for greater inclusivity, reasoning that a higher number of participants would make the council inefficient.⁹⁷ Stated reasons notwithstanding, the represented federations certainly have an incentive against accepting new members, as doing so would mean diluting their own presence in the limited number of seats allotted to labor.

Regardless of how these internal processes end, the controversy around gatekeeping exemplifies a distinguishing property of compulsory deliberation institutions: forcing governments to negotiate aspects of the Executive's internal structure with non-official actors. In this case, government depends on labor and business both to include new members and to change admission criteria. Whether negotiations around gatekeeping or whatever other topic succeed or not is beside the point – what matters is that they must happen.

⁹² South Africa, Confederation of South African Workers Union (CONSAWU) v Nedlac and Others, R.W. Nugent.

⁹³ SAFTU, "SAFTU Demands Inclusion to Nedlac," October 14, 2019, <https://saftu.org.za/saftu-demands-inclusion-to-nedlac/>.

⁹⁴ Claudi Mailovich, "Employment Minister: Insiders 'Should Not Bar Entry to Nedlac,'" *Business Day*, July 16, 2019.

⁹⁵ Mailovich.

⁹⁶ NEDLAC, "Report on Financial and Non-Financial Information (July-September 2020)," 2020, 16, <https://nedlac.org.za/wp-content/uploads/2020/12/Final-Nedlac-Quarter-2-Narrative-Report-2020-211.pdf>.

⁹⁷ Sarah Smit, "Nedlac Struggles with Inclusivity," *Mail and Guardian*, August 2, 2019.

4.2.4 Has the NEDLAC never changed? The NEDLAC Protocols and functionalistic mechanisms of change

Despite the continuities so far examined, the formal rules governing NEDLAC have not remained entirely the same. In fact, the Protocol for Tabling and Considering Issues at NEDLAC,⁹⁸ a document regulating internal procedures, was drafted after the council began functioning and has since been reformed. However, such instances of change only lend more credence to the theorized effects of compulsory deliberation institutions. This is because these institutions are expected to complicate change only in the presence of conflicting interests. Thus, when the benefits of cooperation outweigh the costs of confrontation, the expectation does not hold. Accordingly, I argue that it is no coincidence that the instances of formal change in the NEDLAC occurred not through imposition but through agreements on how to address shared perceptions of procedural failures.

Both the creation and subsequent reform of the Protocols followed governance crises that attracted negative attention to the council's dysfunctions. The first of these crises was the aforementioned deadlocking in discussions around the Basic Conditions of Employment Bill (BCEB). The second crisis occurred more than ten years later and involved growing governmental dissatisfaction with the persisting slow pace of NEDLAC deliberations, which departments sometimes used as a justification for "bypassing".⁹⁹ Dissatisfaction came to a head in 2012 when the Minister of Labour introduced amendments to the Labour Relations Act (LRA) before NEDLAC had finished its report.¹⁰⁰ As in 1997, the delays invited governmental censures¹⁰¹ (though no threats of restructuring) and public debate about the council's continuing relevance.¹⁰²

In addition to similar circumstances, both of the crises came to be perceived as partly resulting from procedural failures and accordingly served to instigate reform. In the case of the 1997 BCEB deadlock, one NEDLAC official laid the blame on the lack of rules for handling dissent.¹⁰³ At that point, negotiations were expected to result in consensus, meaning that

⁹⁸ For the most recent version of the protocol at the time of writing, see NEDLAC, "Protocol for Tabling and Considering Issues at NEDLAC," 2020, <https://nedlac.org.za/wp-content/uploads/2020/11/Nedlac-Protocols.pdf>.

⁹⁹ NEDLAC, "Annual Report 2008-2009" (Johannesburg: NEDLAC, 2009), 16.

¹⁰⁰ Lisa Steyn, "'Rushed' Labour Bills under Fire," *Mail and Guardian*, March 30, 2012.

¹⁰¹ Majokweni, "SA Can Win Back Its Dialogue Title"; Kgalema Motlanthe, "Address by Deputy President Kgalema Motlanthe at the 17th Nedlac Annual Summit, Birchwood Hotel, Kempton Park," *State News Service*, September 7, 2012.

¹⁰² Business Day, "Editorial - Nedlac's Uncertain Future," *Business Day*, July 18, 2012; Gillian Jones, "NEDLAC. Is It Still Relevant?," *Financial Mail*, November 16, 2012; Chris Barron, "Nedlac Has Become a Policy Graveyard," *Sunday Times*, October 14, 2012.

¹⁰³ Bethlehem, "Erasing Nedlac Won't Rub out Any Problems."

engagement only ceased when the parties agreed on the contents of the bills. This was proving to be an unrealistic requirement, leading Bethlehem to argue that “[a] defined disagreement should be seen as a possible outcome”.¹⁰⁴ Recognizing that they could not reach a consensus on every issue, the NEDLAC parties stipulated in the first version of the Protocols that, besides full consensus, engagements could end with reports specifying areas of agreement and disagreement.¹⁰⁵ The parties would then be free to lobby parliamentarians around the areas of disagreement.

A reform also followed the 2012 LRA incident. More precisely, the incident pushed already ongoing efforts forward, as the NEDLAC parties had been discussing changes to the Protocols since 2009.¹⁰⁶ After the LRA incident, Alistair Smith, then Executive Director of NEDLAC, responded to parliamentarians’ inquiries by touting procedural improvements as a short-term measure to “help to deal with a number of the negative perceptions” around the council.¹⁰⁷ The same year, the NEDLAC parties agreed on several amendments to the Protocols,¹⁰⁸ introducing various deadlines applicable to different procedures, as well as distributing responsibilities for monitoring compliance. From that point forward, failure to finish a report in time authorized government to go ahead with legislative processes.

These instances of formal change occurred through agreement rather than imposition. In more technical terms, the mechanisms were functionalistic rather than conflictual, as the involved parties cooperated in reform so that existing institutions could better serve some function – in the Protocols’ case, avoiding excessively long consultation processes. In line with functionalistic theories, these reform efforts were induced by common perceptions of the causes of crises.¹⁰⁹ These facts matter in two ways. First, the only instances of formal change in the NEDLAC occurred precisely through the sort of mechanism that compulsory deliberation institutions are expected not to affect. Second, even though the government expressed severe

¹⁰⁴ Bethlehem.

¹⁰⁵ Houston, Liebenberg, and Dichaba, “Interest Group Participation in the National Economic Development and Labour Council,” 68–69.

¹⁰⁶ NEDLAC, “Annual Report 2009-2010” (Johannesburg: NEDLAC, 2010), 7.

¹⁰⁷ PMG South Africa, “Department of Labour (DoL), Commission for Conciliation Mediation and Arbitration (CCMA), Unemployment Insurance Fund (UIF), NEDLAC and Productivity SA 2012 Strategic Plans,” Parliamentary Monitoring Group, April 18, 2012, <https://pmg.org.za/committee-meeting/14190/>.

¹⁰⁸ NEDLAC, “Annual Report 2012-2013” (Johannesburg: Nedlac, 2013), 6.

¹⁰⁹ Barry R. Weingast, “The Political Foundations of Democracy and the Rule of the Law,” *American Political Science Review* 91, no. 2 (1997): 258; Gabriel Negretto, *Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America* (Cambridge: Cambridge University Press, 2010), 59–60.

dissatisfaction with delays in both instances, it not move to amend the rules. Instead, it avoided the more costly choice of getting legislation approved by negotiating.

4.3 TWO POTENTIAL OBJECTIONS

To further elaborate on the causal properties of compulsory deliberation institutions, it now pays to tackle some plausible objections. In what follows, I consider two of them: one suggests COSATU's militance suffices to explain stability; the other, that institutions could not have constrained the powerful ANC governments.

4.3.1 Could COSATU's militance not sufficiently explain stability?

An alternative explanation for NEDLAC's stability is that, even in the absence of compulsory deliberation institutions, COSATU's capacity to veto reform through militant action could have sufficed to dissuade ANC governments from unilaterally imposing formal change. After all, the literature on corporatism considers such capacity not only as a determinant of the governmental willingness to establish negotiating arenas but also to maintain them in time.¹¹⁰ In line with those expectations, both of NEDLAC's immediate predecessors, the National Manpower Commission (NMC) and the National Economic Forum (NEF), were created after stay-aways compelled the National Party (NP) government to invite COSATU into the talking table (see [section 2.4.1](#)). Additionally, the ANC accepted to establish the NEDLAC as part of a deal to retain COSATU's support during the democratic transition, a deal which was partly motivated by the federation's power at that time. In principle, it would not be a stretch to imagine that the various ANC governments put up with NEDLAC's rules simply to avoid COSATU's ire and not because some pesky institutions got in the way.

In more abstract terms, this alternative raises the problem of endogeneity – that is, if institutions emerge from certain conditions (e.g., labor's capacity to veto reform), how can we separate their continued existence from these conditions? Stated differently, how can we show that a particular institution possesses causal properties of its own rather than simply reflecting

¹¹⁰ Lucio Baccaro and Marco Simoni, "Policy Concertation in Europe: Understanding Government Choice," *Comparative Political Studies* 41, no. 10 (2008): 1323–48; Lucio Baccaro and Sang-Hoon Lim, "Social Pacts as Coalitions of the Weak and Moderate: Ireland, Italy and South Korea in Comparative Perspective," *European Journal of Industrial Relations* 13, no. 1 (2007): 27–46; Pepper D. Culpepper and Aidan Regan, "Why Don't Governments Need Trade Unions Anymore? The Death of Social Pacts in Ireland and Italy," *Socio-Economic Review* 12 (2014): 723–45.

some “deeper” variable?¹¹¹ One solution is providing what Stinchcombe calls a historicist explanation, which entails demonstrating that the institution in question went on to generate self-reproducing pressures even after the forces behind its emergence disappeared.¹¹² Such is the case here: due to dynamics related both to the federation’s and to the Executive’s power resources, there exists a considerable scholarly consensus that COSATU’s clout generally declined following the transition¹¹³. Thus, it cannot be taken to sufficiently explain NEDLAC’s stability.

Let us start with labor’s side of the coin. Much like unions everywhere else, COSATU has struggled to adapt to the realities of globalized and post-industrial societies, such as capital mobility, casualization, and the decline of socialist ideology.¹¹⁴ These have converged with internal specificities to deteriorate COSATU’s power resources in various dimensions.¹¹⁵ On an economic dimension, contemporary pressures have led to reduced capacity to affect revenue through stoppages, either because South African businesses moved many of their operations to less developed African countries¹¹⁶ or because remaining industries increasingly rely on non-unionized subcontracted workers.¹¹⁷ On a societal dimension, COSATU has faced difficulties in eliciting cooperation from other social sectors, partly due to a failure to organize unemployed and informal workers.¹¹⁸ Unlike the anti-apartheid period, it cannot offset this failure by serving

¹¹¹ For a discussion of endogeneity, see Adam Przeworski, “Institutions Matter?,” *Government and Opposition* 39, no. 4 (2004): 527–40.

¹¹² Arthur L. Stinchcombe, *Constructing Social Theories* (New York: Harcourt, Brace & World, 1968), 105. See also James Mahoney, “Path Dependence in Historical Sociology,” *Theory and Society* 29, no. 4 (2000): 512–26.

¹¹³ Grodsky, *Social Movements and the New State: The Fate of pro-Democracy Organizations When Democracy Is Won*, 81–86; Grace Khunou, “COSATU’s Influence on Policy-Making in Post-Apartheid South Africa: Fact and Fiction,” in *COSATU’s Contested Legacy: South African Trade Unions in the Second Decade of Democracy*, ed. Sakhela Buhlungu and Malehoko Thsoaedi (Leiden: Brill, 2013), 183; Cherry, Jikeka, and Malope, “The Politics of the Alliance and the 2014 Elections,” 88–92.

¹¹⁴ The literature covering global patterns of trade union decline is too vast to cover. For a review, see Peter Ackers, “Trade Unions as Professional Associations,” in *Finding a Voice at Work? New Perspectives on Employment Relations*, ed. Stewart Johnstone and Peter Ackers (Oxford: Oxford University Press, 2015), 98–103.

¹¹⁵ About the power resources approach to unions, see Stefan Schmalz, Carmen Ludwig, and Edward Webster, “The Power Resources Approach: Developments and Challenges,” *Global Labour Journal* 9, no. 2 (2018).

¹¹⁶ Pádraig Carmody, “Between Globalisation and (Post) Apartheid: The Political Economy of Restructuring in South Africa,” *Journal of Southern African Studies* 28, no. 2 (2002): 262–64.

¹¹⁷ Franco Barchiesi, “Informality and Casualization as Challenges to South Africa’s Industrial Unionism: Manufacturing Workers in the East Rand/Ekurhuleni Region in the 1990s,” *African Studies Quarterly* 11, no. 2–3 (2010): 67–85.

¹¹⁸ Eddie Webster, “Trade Unions and the Challenge of the Informalisation of Work,” in *Trade Unions and Democracy: Cosatu Workers’ Political Attitudes in South Africa*, ed. S. Buhlungu (Cape Town: Human Sciences Research Council, 2006), 23–25.

as the central mobilizing locus of civil society in general (see [section 2.3.4](#)), as democratic conditions now exist to accommodate various new organizations¹¹⁹ and diffuse activism.¹²⁰

Lastly, on an associational dimension, COSATU's internal dynamics impose new impediments to mobilizing members around collective action. These include: (i) a gradual change in membership composition from unskilled to skilled workers, the latter of which more commonly avoid collective action;¹²¹ (ii) recurring instances of "brain drain", with elite staff dropping out to pursue better political and economic opportunities;¹²² and (iii) NUMSA's expulsion, which deprived the federation of its best organized and most militant union. A hypothetical campaign to defend the NEDLAC would also face the difficulty of mobilizing rank-and-file workers around an issue that is not at all salient to them, as most have never heard of the council or have no idea what it is (around 74.5%, according to a 2004 survey).¹²³ Economic councils, by nature, include only leadership and operate at a distance from ordinary workers, which makes this invisibility understandable.

Whereas COSATU's protest capacity decreased, ANC governments turned out far more resistant to militant pressure than could have been expected during the transition, especially if we take the frail late-apartheid NP governments as a baseline. This is because the ANC has become a dominant party,¹²⁴ winning parliamentary majorities in every election since 1994. As such, the Executive has never had to worry about cultivating inter-party coalitions. Such dominance stems from the fact that South Africa's elections have operated as "racial censuses", where blacks overwhelmingly vote ANC while other ethnic groups (especially white) vote for the opposition.¹²⁵ Since blacks comprise roughly 2/3 of the country's population, dominance

¹¹⁹ Richard Ballard et al., "From Anti-Apartheid to Post-Apartheid Social Movements," in *Voices of Protest: Social Movements in Post-Apartheid South Africa*, ed. Richard Ballard, Adam Habib, and Imraan Valodia (Scottsville: University of KwaZulu-Natal Press, 2006), 14–19.

¹²⁰ Peter Alexander, "Rebellion of the Poor: South Africa's Service Delivery Protests," *Review of African Political Economy* 37, no. 123 (2010): 25–40.

¹²¹ Sakhela Buhlungu and Malehoko Tshoedi, "A Contested Legacy: Organisational and Political Challenges Facing COSATU," in *COSATU's Contested Legacy: South African Trade Unions in the Second Decade of Democracy*, ed. Sakhela Buhlungu and Malehoko Tshoedi (Leiden: Brill, 2013), 8–9; Andries Bezuidenhout, Christine Bischoff, and Ntsehiseng Nthejane, "Is Cosatu Still a Working Class Movement?," in *Labour beyond Cosatu: Mapping the Rupture in South Africa's Labour Landscape*, ed. Andries Bezuidenhout and Malehoko Tshoedi (Johannesburg: Wits University Press, 2017), 53–59.

¹²² Sakhela Buhlungu, "Generational Transition in Unions Employment: The Organisational Implications of Staff Turnover in COSATU Unions," *Transformation*, no. 39 (1999): 61–63.

¹²³ The Community Agency for Social Enquiry, "Taking Democracy Seriously: Workers Survey 2004," 2004, 41–45, <https://ujcontent.uj.ac.za/vital/access/services/Download/uj:34950/SOURCE1?view=true>.

¹²⁴ Hermann Giliomee, James Myburgh, and Lawrence Schlemmer, "Dominant Party Rule, Opposition Parties and Minorities in South Africa," *Democratization* 8, no. 1 (2001): 161–82; Roger Southall, "The 'Dominant Party Debate' in South Africa," *Afrika Spectrum* 391 (2005): 61–82.

¹²⁵ For a through discussion of South African elections as racial censuses, see Karen E. Ferree, *Framing the Race in South Africa: The Political Origins of Racial-Census Elections* (Cambridge: Cambridge University Press, 2010).

follows. The “racial census” pattern has persisted despite various corruption scandals and service-delivery failures (though some see signs that growing popular dissatisfaction may at some point ignite change).¹²⁶

The ANC has also enjoyed near-absolute party discipline, with parliamentarians hardly ever voting against party instructions. Commentators have attributed this to the electoral system of list proportional representation, wherein votes go to the party (rather than individuals), which in turn allocates seats through an internally formulated ranked list.¹²⁷ Such a system empowers the ANC to dissuade disloyalty with the threat of exclusion from future lists. Combined with electoral dominance, discipline has made parliamentary opposition innocuous to governments’ legislative agendas.¹²⁸

But how do these shifts in power positions translate into actual interactions? To illustrate COSATU’s decreased capacity to resist governmental decisions through militance, it is worth returning to the history of State-owned enterprise (SOE) restructuring. Back in 1990, COSATU organized a massive campaign against the National Party’s plans for restructuring. It then enjoyed support from the ANC, whose cadres saw the plans as an attempt to cripple the future post-apartheid government. The anti-restructuring campaign largely succeeded, forcing the NP to retreat¹²⁹ and leading four out of the five large enterprises scheduled for privatization to remain in State hands.¹³⁰ Seeking mechanisms to impede further attempts at unilateral economic reforms before the first free elections, COSATU began precisely at that time to push for the creation of the National Economic Forum (NEF), which happened in 1992.

During the early years of the democratic regime, ANC governments also showed a degree of caution in dealing with COSATU. Despite the impetus to drive orthodox reform forward, Mandela’s administration lagged in terms of SOE restructuring by repeatedly delaying its plans in the face of strike threats – a fact that *The Economist* quite bemoaned.¹³¹ However,

¹²⁶ Susan Booyesen, *Dominance and Decline: The ANC in the Time of Zuma* (Johannesburg: Wits University Press, 2015); Christopher Isike and Hakeem Onapajo, “The Decline of a Dominant Political Party: The Case and Future of South Africa’s African National Congress (ANC),” *Politeia* 36, no. 2 (2017): 1–20.

¹²⁷ Rod Alence, “South Africa after Apartheid: The First Decade,” *Journal of Democracy* 15, no. 3 (2004): 83–84; Malte Kaßner, *The Influence of the Type of Dominant Party on Democracy: A Comparison between South Africa and Malaysia* (Berlin: Springer, 2010), 335–36.

¹²⁸ Robert A. Schrire, “Parliamentary Opposition after Apartheid: South Africa,” *The Journal of Legislative Studies* 14, no. 1–2 (2008): 190–211.

¹²⁹ CRIC, “Public Sector Strikes - an Overview,” *South African Labour Bulletin* 14, no. 8 (May 1990): 11.

¹³⁰ Petrus Brynard, “Privatisation in South Africa,” *Politeia* 14, no. 2 (1995): 30–33.

¹³¹ “The Painful Privatisation of South Africa,” *The Economist*, September 9, 1999, <https://www.economist.com/international/1999/09/09/the-painful-privatisation-of-south-africa>. See also Schwella, “Privatization in South Africa,” 296.

after the party's dominance became established, all bracers were off: as discussed earlier in this chapter, Mbeki mobilized several engines of his governmental and party machinery to mount a furious reaction to COSATU's continued obstruction. The effort paid off, and plans for restructuring went ahead unchanged, with several large SOEs being entirely or partially sold (including some that the NP government had given up on).¹³²

Had ANC governments unilateral and unrestrained control over NEDLAC's legal structure, would the threat of union militance deter a choice to disable, dissolve, or reform the council? As indicated, that is not a credible possibility. Gone are the days when South African governments felt it necessary to negotiate policy change with COSATU in order to avoid incapacitating protest action. Such may have been the drive behind the establishment of economic councils, but it cannot sufficiently explain their persistence. Consequently, compulsory deliberation institutions must be taken as causally relevant in their own right and understood as a necessary condition for NEDLAC's stability.

4.3.2 Can institutions really constrain ANC governments?

In articulating how strongly the ANC controls the legislative agenda, the preceding section raises one serious complication: given that Parliament rarely vetoes bills, how can the Executive be said to face any sort of institutional constraint against passing legislation about the NEDLAC? This is of consequence because, if no constraints were found to exist, it would hardly matter which "rules of change" applied to the council's legal structure: short of constitutional enshrinement (which the NEDLAC does not have), imposing formal change would prove trivial under any of them. For instance, passing an ordinary law removing any indication of a "duty to consult" from the NEDLAC Act would demand no more effort than editing a decree. In such a scenario, nothing about engagements in the council could be considered compulsory.

To understand why that is not the case, it matters to distinguish between the identity and preferences of ANC governments and the ANC as a party – the latter of which makes passing an ordinary law more burdensome than editing a decree. Even when a government (understood as the president and his cabinet) is composed of the members of the party, it corresponds only to a fraction of these members. As Blondel and Cotta contend, this fraction tends to develop

¹³² William Gumede, "The Political Economy of State-Owned Enterprises Restructuring in South Africa," *Journal of Governance & Public Policy* 6, no. 2 (2016): 84–88.

distinct preferences due to its position as the conductor of a large administrative machine.¹³³ Consequently, government and party preferences may differ. Importantly for our purposes, compulsory deliberation institutions tend to offend the preferences of governments but not those of supporting parties, as these institutions mostly concern the Executive's internal affairs.

Even when a supporting party controls the Legislative, such mismatches in preferences mean that government may have to put in the work of building within-party endorsement for its bills. This is where things get tricky. With its electoral dominance, the ANC has grown to contain an unstable array of factions representing opposing ideologies and personal affiliations. Combined with the absence of opposition, the party's factionalization has turned its internal structures into high conflict arenas "where most of the profound and fierce battles of South African politics play out."¹³⁴ Faced with such a scenario, ANC governments can ill afford to shirk the effort of within-party coalition building, lest they face grave consequences.

That the ANC operates as a broad church is nothing new: as a liberation movement, it already encompassed diverse strands united mostly by their opposition to apartheid (see [section 2.4.2](#)). But after the transition, and in no small part due to the party's own moves to neutralize sources of opposition, this tendency toward factionalism gained momentum. For starters, electoral dominance in itself begets factionalism because dominant parties, as the only viable alternative to those seeking policy influence, attract a high number of aspiring politicians.¹³⁵ This has been aggravated by the ANC's strategy of actively luring opposition politicians that show potential for attracting votes, including those once taken as sworn enemies.¹³⁶ The Tripartite Alliance has received similar treatment, with the SACP and COSATU obtaining slots in electoral lists in exchange for their continued support.¹³⁷ As a result, the party now houses a number of ambitious and ideologically opposed members with an appetite for influence.

South African governments neglect the contentious world of ANC's internal politics at their own peril, as the case of Mbeki's recall illustrates. In September 2008, the party asked Mbeki to step down from the presidency without concluding his second term. This dramatic

¹³³ Jean Blondel and Maurizio Cotta, *Party and Government: An Inquiry into the Relationship between Governments and Supporting Parties in Liberal Democracies* (London: Macmillan, 1996), 3–5.

¹³⁴ Susan Booyesen, *The African National Congress and the Regeneration of Political Power* (Johannesburg: Wits University Press, 2011), 5. See also Ian Cooper, "Zuma, Malema and the Provinces: Factional Conflict within the African National Congress," *Transformation* 87, no. 1 (2015): 151–74.

¹³⁵ Françoise Boucek, *Factional Politics: How Dominant Parties Implode or Stabilize* (New York: Palgrave Macmillan, 2012), 33–38.

¹³⁶ Ferree, *Framing the Race in South Africa*, 164–67.

¹³⁷ Shane Mac Giollaibhuí, "How Things Fall Apart: Candidate Selection and the Cohesion of Dominant Parties in South Africa and Namibia," *Party Politics* 19, no. 4 (2013): 590–92.

decision followed years of accumulating dissatisfaction with the manner in which he alienated various ANC factions by insulating policy-making inside the presidential office.¹³⁸ Revolt against his imperial administration first became public when the party rejected the government's project for a liberalizing labor market reform.¹³⁹ The decisive move, however, came in ANC's 2007 National Conference, when opposing factions managed to elect a National Executive Committee (ANC-NEC) hostile to Mbeki.¹⁴⁰ Their victory emerged from a sophisticated campaign organized, among other discontents, by COSATU.¹⁴¹ As Booysen summarized, Mbeki faced removal at the hands of the new ANC-NEC because the ex-president had "assumed the right to get on with state business without continuous deference to the ANC."¹⁴²

To be clear, I do not propose that ANC governments could never overcome factionalism to change or revoke NEDLAC's rules. I simply want to point out that there exists something to overcome; that, despite the lack of parliamentary opposition, passing ordinary laws in South Africa is no trivial task. A governmental leader interested in reshaping the NEDLAC through legislation would thus have to ask herself: is it worthwhile to invest the time and effort to build within-party support, especially with guaranteed opposition from COSATU-aligned factions? As the council plays only a consultative role and can at most delay some policies, it seems understandable that no one has so far answered this question positively (though, as we have seen, COSATU takes care not to provoke a change of spirit). All in all, deliberations do appear compulsory.

¹³⁸ William Gumede, "Modernising the African National Congress: The Legacy of President Thabo Mbeki," in *State of the Nation - South Africa 2008*, ed. Peter Kagwanja and Kwandiwe Kondlo (Cape Town: HSRC Press, 2009), 44–51.

¹³⁹ Booysen, *The African National Congress and the Regeneration of Political Power*, 415.

¹⁴⁰ About the Polokwane Conference, see Somadoda Fikeni, "The Polokwane Moment and South Africa's Democracy at the Crossroads," in *State of the Nation - South Africa 2008*, ed. Peter Kagwanja and Kwandiwe Kondlo (Cape Town: HSRC Press, 2009), 3–34.

¹⁴¹ Roger Southall and Edward Webster, "Unions and Parties in South Africa: Cosatu and the ANC in the Wake of Polokwane," in *Trade Unions and Political Parties: Labour Movements in Africa*, ed. Björn Beckman, Sakhela Buhlungu, and Lloyd Sachikonye (Cape Town: HSRC Press, 2010), 145–51.

¹⁴² Booysen, *The African National Congress and the Regeneration of Political Power*, 417.

5 STUCK IN A LOOP: ECONOMIC COUNCIL INSTABILITY IN POST-TRANSITION BRAZIL

With the discussion on post-transition South Africa done, it is time to turn to the “negative case”: how did the absence of compulsory deliberation institutions impact the sequence of interactions around Brazilian economic councils? In contrast to the self-reproducing stability of South Africa’s NEDLAC, I claim that Brazilian councils fell into a pattern of self-reproducing instability. In this “instability trap”, each short-lived council reinforced non-State actors’ negative expectations regarding this institutional form, contributing to more instability. The loop has set in despite labor and businesses’ repeated appeals for enduring institutionalization of public-private relations. Unfortunately for them, unions no longer enjoy the same capacity to hamper policy implementation as during the transition and thus have little capacity to pressure for compulsory deliberation. I develop these propositions by reference not only to the South African case but also to non-economic councils in Brazil.

Before diving in, a quick recap is in order. Chapter 3 ended with the dissolution of the sectoral chambers during the macroeconomic stabilization process that began in 1994. While the sectoral chambers initially housed bilateral meetings between the government and businesses to debate price control, they later turned to industrial policy and included union representatives. The presence of labor was not a small detail: though Brazil had multiple

economic councils throughout the twentieth century, only businesses participated in them. Labor's inclusion undoubtedly resulted from a process of organizational building dating from the late 1970s emergence "new unionism movement", which revived workplace mobilization after years of military suppression. Led mainly by the umbrella body known as the Unified Workers' Centre (CUT), the "new unionism" reached its peak during the 1980s, when militant unions embodied broader popular discontentment against political illiberalism and economic injustice.

Despite innovating in terms of internal representation, the sectoral chambers followed old patterns of economic council instability. As usual, governmental actors both convened and disbanded the sectoral chambers. This was not new to employer associations: they had already raged against governmental discretion in choosing when to talk. Workers, on the other hand, faced it for the first time. Before their experience with the sectoral chambers, CUT unions had refused to participate in policy-making by invoking a "principled confrontation" rhetoric. I argued that their internally conflictual move to "pragmatic cooperation" occurred due to sudden job losses in the early 1990s, especially in the most technologically advanced sectors, such as the automotive industry. CUT unions had no hand in designing the sectoral chambers, but unions' softened stance led them to accept the Collor government's invitation to participate. When the Franco government began undermining the chambers, unions mobilized in favor of participation in policy-making for the first time.

As this chapter will show, the belated timing of union mobilization had lasting consequences for economic council institutionalization. Outside this introduction and the conclusion, the argument develops over three main sections. The first one continues the point initiated in Chapter 3 that unions lost the window of opportunity afforded by the democratic transition to pressure the government into accepting compulsory deliberation institutions. Specifically, I show that, with political and macroeconomic stabilization, unions had lost valuable power resources and became easy to ignore. The second section develops my account of the "instability trap." It shows that governments kept using economic councils as ephemeral platforms for advertising new policies – and as a response, businesses have developed a predisposition to quit as soon as they confirm that they have no voice in discussions. Lastly, the third section turns to Brazilian deliberation councils in areas other than economic policy. It serves two purposes: first, it rebuffs possible objections that Brazil's high party alternation (compared to South Africa's dominant party rule) sufficiently explains economic council instability; second, it extends the mechanisms of compulsory deliberation to other policy areas.

5.1 AN OPPORTUNITY MISSED: PURSUING COMPULSORY DELIBERATION AND FAILING

Both unions and employer associations insisted on institutionalized (i.e., relatively durable) economic councils throughout all post-transition Brazilian administrations. As ever, employer associations were never in a position to succeed in pressuring governments on that front. On the other hand, unions could plausibly have succeeded in doing so (as South African Unions did) during the peak of their power in the 1980s. However, by the time they began mobilizing for durable policy involvement, they had lost two key power resources afforded by the transition: authorities desperate to tame inflation through wage control and a political climate that enabled protest. The rise of the Workers' Party (PT) to power in 2003 did not help matters, as union influence over the government proved surprisingly weak.

5.1.1 The enduring demand for economic council institutionalization

One possible reason for persisting economic council instability in post-transition Brazil is the indifference of employer associations and unions. After all, interest groups now have new channels to advance their agendas, chief among which stands the Parliament. Remember from [chapter 3](#) that the Brazilian Legislative played little to no role in policy-making for a good portion of the 20th century, so when economic councils started forming in the 1930s, they served as the most important mechanisms of employer representation.¹ However, after the late 1980s, both employer associations and unions became active in parliamentary lobbying, sometimes with favorable results.² An additional influence channel comes in the form of the various consultations routinely conducted by the independent regulatory agencies established in the 1990s.³

Yet, despite the various new alternatives, all evidence suggests that class associations remain interested in formalized representation in the Executive through economic councils. In

¹ Eli Diniz, *Empresário, Estado e Capitalismo No Brasil: 1930-1945* (Rio de Janeiro: Paz e Terra, 1978), 79.

² Wagner Pralon Mancuso, "O Lobby Da Indústria No Congresso Nacional: Empresariado e Política No Brasil Contemporâneo," *Dados* 47, no. 3 (2004): 505–47; Lucas Nascimento Ferraz Costa, "O Lobby Dos Trabalhadores No Processo Constituinte de 1987-88: Um Estudo Sobre a Atuação Do DIAP," *Estudos Históricos* 29, no. 59 (2016): 767–86.

³ Paulo Todescan Lessa Mattos, *O Novo Estado Regulador No Brasil: Eficiência e Legitimidade*, 2nd ed. (São Paulo: Revista dos Tribunais, 2017), chap. 6; Natasha Schmitt Caccia Salinas, "A Atuação Dos Grupos de Interesse Nas Consultas e Audiências Públicas Da Agência Nacional de Saúde Suplementar (ANS)," *Revista de Estudos Institucionais* 7, no. 1 (2021): 22–53.

what follows, the current section demonstrates this assertion, starting with business and moving to labor. It also offers some speculation regarding the reasons behind the survival of this strategy for influence.

In order to observe the enduring interest of businesses in representation within the Executive, it is worth considering the demands of two organizations that embody highly contrasting strands of national businesses. On the one hand, the National Confederation of Industry (CNI), the national-level body of the official corporatist system, tends to reflect the minimal consensus achievable between relatively small and technologically backward enterprises spread across the entire country. This inclination reflects the fact that the CNI's legally-mandated internal structure gives equal voice to each of the 27 state-level federations. Since the state of São Paulo overwhelmingly concentrates Brazil's industrial activity, this structure overrepresents less industrialized regions.⁴ In fact, it was the CNI's bias that initially motivated bigger businesses to form sectoral voluntary associations (like ABDIB) starting in the 1950s.

On the other hand, the Institute for Studies in Industrial Development (IEDI) functions as a mouthpiece for the largest and most technologically sophisticated national businesses. The institute emerged during the late 1980s from the discontentment of 30 leading industrialists (mostly) based in São Paulo who felt that even that state's federation had become dominated by small firms.⁵ Despite being formally a think-tank devoted to the problem of industrial development, IEDI acted from the beginning as a political vehicle for the ideas of a restrictive (but sectorally varied) circle composed of the very biggest Brazilian firms and business groups.

Despite the CNI's and the IEDI's membership bases occupying opposite ends of a spectrum, both organizations have consistently advocated for policy deliberation within economic councils. While approving the sectoral chambers, a 1994 CNI document argued for strengthening "formal institutions (...) for crafting consensus, integrating interests, allocating responsibilities, coordinating initiatives, and serving as a medium for information exchange

⁴ Renato Boschi, *Elites Industriais e Democracia: Hegemonia Burguesa e Mudança Política No Brasil* (Rio de Janeiro: Edições Graal, 1979), 83; Ben Ross Schneider, *Business Politics and the State in Twentieth Century Latin America* (Cambridge: Cambridge University Press, 2004), 104.

⁵ Peter R. Kingstone, "Corporatism, Neoliberalism, and the Failed Revolt of Big Business: Lessons from the Case of IEDI," *Journal of Interamerican Studies and World Affairs* 40, no. 4 (1998): 79. Indeed, small-firm dominance over the Federation of Industry of the State of São Paulo continued to intensify after the creation of IEDI. See Fernanda Fagundes Perrin, "Ovo do Pato: uma análise do deslocamento político da Federação das Indústrias do Estado de São Paulo" (Master's thesis, São Paulo, Universidade de São Paulo, 2020), 79.

between the actors involved in the process of industrial restructuring.”⁶ In 2019, the organization still insisted on the need for “a high-level forum for permanent dialogue with the private sector.”⁷ Likewise, in 1990, IEDI proposed the establishment of a National Council for Industrial Policy, arguing that industrial policy by definition demanded “close collaboration and coordination between government, industry and society”.⁸ And in 2018, after a series of policy papers in which it praised Japan’s experience with deliberative councils,⁹ it called for deeper public-private linkages at the “highest levels of government and businesses representation”.¹⁰ In the decades between, both CNI and IEDI consistently reiterated this demand.¹¹

Though trade unions became involved in economic councils much later than employer associations, they too preserved their enthusiasm for participating in policy-making. In 1996, CUT demanded the reestablishment of the sectoral chambers, with the then-president of the ABC Metalworkers Union (*Sindicato dos Metalúrgicos do ABC*)¹² asserting that the government “should not want to do everything alone.”¹³ Fast forward to the 2018 presidential elections, and CUT’s demands for the candidates included “creating sectoral competitiveness

⁶ CNI, *Rumo Ao Crescimento: A Visão Da Indústria* (Brasília: Confederação Nacional da Indústria, 1994), 24–25.

⁷ CNI, *Crerios Para Uma Nova Agenda de Política Industrial* (Brasília: Confederação Nacional da Indústria, 2019), 57.

⁸ IEDI, “Ajustamento Econômico e Política Industrial - Mudar Para Competir [1990],” in *Indústria e Desenvolvimento: Reflexões e Propostas Do IEDI Para a Economia Brasileira*, ed. IEDI (São Paulo: Instituto de Estudos para o Desenvolvimento Industrial, 2014), 38.

⁹ IEDI, “Indústria 4.0: a política industrial no Japão face à quarta revolução industrial (Carta IEDI n. 838),” March 16, 2018, https://iedi.org.br/cartas/carta_iedi_n_838.html.

¹⁰ IEDI, “Princípios de um plano para a Indústria 4.0 no Brasil (Carta IEDI n. 862),” July 10, 2018, https://iedi.org.br/cartas/carta_iedi_n_862.html.

¹¹ Regarding the CNI, see CNI, “Brasil Industrial: Competitividade Para Crescer,” *Folha de São Paulo*, May 22, 1996, <https://www1.folha.uol.com.br/fsp/1996/5/22/brasil/25.html>; CNI, ed., *A Indústria e o Brasil: Uma Agenda Para o Crescimento* (Brasília: Confederação Nacional da Indústria, 2002), 41; CNI, *Crescimento. A Visão Da Indústria*. (Brasília: Confederação Nacional da Indústria, 2006), 124; CNI, *A Indústria e o Brasil: Uma Agenda Pra Crescer Melhor* (Brasília: CNI, 2010), 173; CNI, *Agenda Setorial Para a Política Industrial* (Brasília: Confederação Nacional da Indústria, 2014), 27.

Regarding the IEDI, see IEDI, “Industrialização Competitiva, Emprego e Bem-Estar Social [1994],” in *Indústria e Desenvolvimento: Reflexões e Propostas Do IEDI Para a Economia Brasileira*, ed. IEDI (São Paulo: Instituto de Estudos para o Desenvolvimento Industrial, 2014), 127; IEDI, “Agenda Para Um Projeto de Desenvolvimento Industrial: Proposta IEDI” (São Paulo, 1998), 20, https://iedi.org.br/admin_ori/pdf/agenda-i.pdf; IEDI, “Crenças Do IEDI - Um Roteiro Para a Construção Do Desenvolvimento (Carta IEDI n. 12),” July 29, 2002, https://www.iedi.org.br/cartas/carta_iedi_n_12_crenças_do_iedi_um_roteiro_para_a_construção_do_desenvolvimento.html; IEDI, “A Política Industrial, Tecnológica e de Comércio Exterior [2004],” in *Indústria e Desenvolvimento: Reflexões e Propostas Do IEDI Para a Economia Brasileira*, ed. IEDI (São Paulo: Instituto de Estudos para o Desenvolvimento Industrial, 2014), 352.

¹² The ABC Metalworkers Union resulted from the fusion of the São Bernardo Metalworkers Union and the Santo André Metalworkers Union in 1992.

¹³ Fábio Zanini, “Emprego Pode Cair 30% Até o Ano 2000,” *Folha de São Paulo*, August 14, 1996.

councils with consultative and tripartite character.”¹⁴ Like its employer counterparts, CUT restated its desire for formalized public-private deliberations at various opportunities.¹⁵

Beyond such recurring demands, some sectors within CUT even demonstrated discontentment with the historical instability of councils. In 2011, Dilma Rousseff announced the Greater Brazil Plan (*Plano Brasil Maior*), the third industrial policy plan of PT governments, which included the establishment of new sectoral councils (the competitiveness councils). Despite PT’s historical connection with CUT, the latter’s Metalworkers Confederation¹⁶ complained about the lack of participation in the initial conception of the plan.¹⁷ Then, to guarantee a place for its voice and avoid past patterns of exclusion, CUT’s Metalworkers Confederation twice resolved to urge the government to turn the competitiveness councils into *permanent* bodies with a regularized meeting schedule¹⁸ – of course, this did not happen.

Still, why do class associations insist on representation within the Executive when other channels of influence exist? One simple explanation is that interest groups cannot obtain much of what they seek without the Executive, which still concentrates considerable power despite the proliferation of policy-making authorities after the transition. To begin with, the Brazilian Executive enjoys an ample range of operations to formulate policy unilaterally – for example, most federal tax regulations come from presidential and ministerial decrees.¹⁹ Additionally, while governments depend on Parliament to approve many of their initiatives, they have historically controlled the legislative agenda: Presidents introduced over 75% of the bills enacted between 1989 and 2006.²⁰ Though parliamentarians often amend executive bills,²¹ they

¹⁴ CUT, “Plataforma Da CUT - Eleições 2018: Democracia, Direitos e Soberania” (São Paulo, 2018), 22.

¹⁵ CUT, “Política Industrial e Geração de Empregos” (São Paulo, March 1998); CUT, “Política Industrial: Uma Contribuição Dos Metalúrgicos Da CUT” (São Paulo, September 2003); CUT, *Plataforma Da CUT Para as Eleições 2010* (São Paulo: CUT, 2010), 55.

¹⁶ The Metalworkers Confederation combines all of CUT’s metal unions, including the ABC Metalworkers Union.

¹⁷ CNM/CUT, “Editorial: Brasil Maior só com participação ativa dos trabalhadores,” CNM/CUT, March 30, 2012, <https://cnmcut.org.br/noticias/editorial-brasil-maior-so-com-participacao-ativa-dos-trabalhadores-68d5>.

¹⁸ CNM/CUT and DIEESE, “A Indústria Automobilística No Brasil: Diagnóstico e Propostas Elaboradas Pelos Metalúrgicos Da CUT,” 2012, 45, <http://www.cnmcut.org.br/midias/arquivo/182-diagnostico-automotivo.pdf>; CNM/CUT, *Resoluções - 9º Congresso Nacional Dos Metalúrgicos Da CUT* (São Bernardo do Campo, 2015), 30, <https://www.cnmcut.org.br/midias/arquivo/222-resolucoes2.pdf>.

¹⁹ Guilherme Cardoso Leite, “O processo de produção normativa tributária infralegal como instrumento de intervenção regulatória: mecanismos e impactos,” *Revista de Direito Setorial e Regulatório* 1, no. 1 (2015): 211–38.

²⁰ Fernando Limongi and Argelina Cheihub Figueiredo, “Presidential Power, Legislative Organization, and Party Behavior in Brazil,” *Comparative Politics* 32, no. 2 (2000): 155; Fábio de Barros Correia Gomes, “Cooperação, liderança e impasse entre o Legislativo e o Executivo na produção legislativa do Congresso Nacional do Brasil,” *Dados* 55 (2012): 931.

²¹ Andréa Freitas, *O Presidencialismo Da Coalizão* (Rio de Janeiro, Brazil: Konrad Adenauer Stiftung, 2016).

have generally trailed far behind in approving their own.²² Lastly, regulatory agencies face limits to their delegated authority,²³ and even within those limits, their formal independence often does not suffice to shield them from governmental pressure.²⁴ In sum, the Brazilian Executive remains a policy-making locus that interest groups cannot afford to ignore.

5.1.2 Pressuring from a weakened position: CUT after political and monetary stabilization

After dropping its strategy of principled confrontation in favor of pragmatic cooperation, CUT remained interested in cementing a durable place of influence within the Executive. But remember that one of this dissertation's key arguments is that CUT and its unions missed the boat. By that, I mean that they could have plausibly forced authorities to adopt compulsory deliberation institutions during the transition (as COSATU did in South Africa), when temporary conditions augmented labor's power position vis-à-vis the government, but not afterward. Instead, however, CUT began pressing for inclusion in policy-making after its experience in the sectoral chamber. By then, it faced severe difficulties in mobilizing its bases and a government that had overcome the crippling macroeconomic situation of its predecessors.

Two episodes illustrate the closing of this window of opportunity. In 1986, CUT refused President Sarney's offer to create an "Economic and Social Council" with labor representation.²⁵ As shown in [section 3.2.3](#), the offer was part of the government's bid to get union leaders to agree to wage moderation. Getting a deal mattered because unions obtained successive rises through intense strike activity, which flustered authorities' repeated efforts to employ price and wage control in taming inflation. Ten years later, in 1996 (and again in 1997), the positions had inverted as the Cardoso government turned a deaf ear to CUT's pleas for

²² At the time of writing, a vigorous debate raged over whether latter governments could still control the legislative agenda to the same degree. See Camila Lameirão, Denise Paiva, and Guilherme Carvalho, "O debate recente nos 30 anos do presidencialismo de coalizão: novas abordagens, dimensões de análise e algumas notas sobre a dominância do executivo," *BIB - Revista Brasileira de Informação Bibliográfica em Ciências Sociais*, no. 93 (2020): 1–24. In any case, the debate refers to very recent history and does not affect the conclusions presented here.

²³ However, these limits are rather fluid. See Jean-Paul Cabral Veiga da Rocha, "Quem Tem Medo Da Delegação Legislativa?," *Revista de Direito Administrativo* 271 (2016): 193–221.

²⁴ Mariana Mota Prado, "Uma Perspectiva Comparada Do Domínio Presidencial: A Relação Entre o Poder Executivo e as Agências Reguladoras No Brasil," *Revista de Estudos Empíricos Em Direito* 3, no. 2 (2016): 73–92.

²⁵ "Governo formaliza proposta de pacto social," *Folha de São Paulo*, December 10, 1986.

reinstating the sectoral chambers,²⁶ despite employers' support for the idea.²⁷ Sarney was hardly more "pro-labor" than Cardoso, so the Presidents' preferences cannot account for their varying willingness to include unions in policy-making. Instead, we should focus on changing power resources.

By the second half of the 1990s, two prior sources of union leverage against the government had vanished. First, authorities had finally succeeded in curbing inflation by means of the Real Plan: from its peak yearly rate of 2.477% in 1993, it reached 9,56% in 1996. Unlike past efforts, the plan did not rely on price or wage control, and therefore its implementation precluded union involvement. Instead, it combined a newly-introduced currency nominally matched to the US dollar and a rapid opening of the national market (for example, through import tariff reductions).²⁸ The latter measure sought intensifying competition from imports to avoid the price hikes that had followed past plans. During his tenure, Cardoso (1995-2002) intensified liberalizing reforms in the name of retaining the macroeconomic stability he helped create.²⁹

Second and most important, labor mobilization fell sharply and stayed consistently down, leading Noronha to label the second half of the 1990s as the end of the "strike cycle" that started in 1978.³⁰ Unions promoted an average of 1.102 strikes per year during Sarney's single term (1985-1989), but that number fell to 865 during Cardoso's first term (1995-1998), then to 440 during his second term (1999-2002), and remained relatively stable afterward.³¹ In addition to the decreased strike numbers, demands shifted from wage increases to more defensive concerns like contract compliance or job security.³² In other words, workers not only mobilized less, but they stopped trying to earn more and focused instead on not losing what

²⁶ Liliana Pinheiro, "Centrais buscam união para grandes dissídios," *O Estado de São Paulo*, August 26, 1996; "FHC pede 'contribuição' das montadoras," *Folha de São Paulo*, December 9, 1997.

²⁷ Marli Olmos, "Empresários e Técnicos Querem Câmara Setorial," *O Estado de São Paulo*, December 26, 1997.

²⁸ For a fuller discussion of the plan, see Eduardo Kugelmas and Lourdes Sola, "Crafting Economic Stabilization: Political Discretion and Technical Innovation in the Implementation of the Real Plan," in *Statecrafting Monetary Authority: Democracy and Financial Order in Brazil*, ed. Lourdes Sola and Laurence Whitehead (Oxford: Centre for Brazilian Studies, 2006), 85–115.

²⁹ Fabio Giambiagi et al., eds., "Estabilização, Reformas e Desequilíbrios Macroeconômicos: Os Anos FHC (1995-2002)," in *Economia Brasileira Contemporânea [1945-2010]*, 2 ed. (Rio de Janeiro: Elsevier, 2010), 165–95.

³⁰ Eduardo G. Noronha, "Ciclo de greves, transição política e estabilização: Brasil, 1978-2007," *Lua Nova*, no. 76 (2009): 119–68.

³¹ Noronha, 126.

³² Salvador Sandoval, "Alternative Forms of Working-Class Organization and the Mobilization of Informal-Sector Workers in Brazil in the Era of Neoliberalism," *International Labor and Working-Class History* 72, no. 1 (2007): 70.

they already had. As CUT's then-president said about their activities in 1995, "we spent the year defending ourselves, fighting to maintain rights rather than win new ones."³³

Explanations for the decline in mobilization alternatively focus on economic and political aspects of post-transition Brazil, which greatly mirror the South African scenario. Regarding the economic front, this represented a time of receding industrial employment, which the comparative literature has consistently shown to dampen strike rates.³⁴ The reason for the connection represents a contentious theoretical issue. However, as elsewhere, the most usual explanation for the Brazilian case is that the heightened threat of lay-offs deterred strikes.³⁵ As a matter of fact, the national manufacturing sector lost a staggering 1.7 million from 8 million formal jobs between 1992 and 1998.³⁶ These losses occurred despite gains in productivity,³⁷ indicating that firms responded to increasing international competition with downsizing and mechanization.

However, despite the importance of economic variables, they do not tell the full story – after all, improvements in various labor market indicators during the 2000s did not result in renewed unrest. Given this, Noronha calls attention to the degree to which public opinion favors collective protest, hypothesizing that the far-reaching struggle for democratization during the 1970s and 1980s created a temporary climate of support for strikers.³⁸ Indeed, Seidman provides evidence that Brazilian militant unions, like their South African counterparts, succeeded in synergizing the grievances of urban communities and of formal workers within the fight against the dictatorship.³⁹ Of course, the deterioration of these synergies is not easy to test, especially given that CUT continued to seek alliances with various social movements.⁴⁰ Still, the notion that the consolidation of democracy dissolved some of the glue that favorably

³³ Vicente Paulo da Silva, "Governo Fez Sindicalismo Recuar, Diz Vicentino," *O Estado de São Paulo*, December 17, 1995.

³⁴ Roberto Franzosi, "One Hundred Years of Strike Statistics: Methodological and Theoretical Issues in Quantitative Strike Research," *ILR Review* 42, no. 3 (1989): 348–62.

³⁵ Heloisa De Souza Martins and Iram Jácome Rodrigues, "O sindicalismo brasileiro na segunda metade dos anos 90," *Tempo Social* 11, no. 2 (1999): 155–82.

³⁶ Adalberto Moreira Cardoso, *A Década Neoliberal: A Crise Dos Sindicatos No Brasil* (São Paulo: Boitempo, 2003), 230.

³⁷ Marcelo Neri, José Márcio Camargo, and Maurício Cortez Reis, "Mercado de Trabalho Nos Anos 90: Fatos Estilizados e Interpretações," Texto Para Discussão n. 743 (Brasília: IPEA, 2000).

³⁸ Noronha, "Ciclo de greves, transição política e estabilização: Brasil, 1978-2007," 158–64.

³⁹ Gay Seidman, *Manufacturing Militance: Worker's Movements in Brazil and South Africa, 1970-1985* (Berkeley: University of California Press, 1994), chap. 5. Specifically on the Brazilian case, see also Eder Sader, *Quando Novos Personagens Entraram Em Cena: Experiências, Falas e Lutas Dos Trabalhadores Da Grande São Paulo (1970-1980)* (Rio de Janeiro: Paz e Terra, 1988).

⁴⁰ Juan Pablo Ferrero, *Democracy against Neoliberalism in Argentina and Brazil* (New York: Palgrave Macmillan US, 2014), 95.

tied labor militancy and public opinion finds credence among union leaders themselves. As Luiz Marinho, then-president of the ABC Metal Workers Union, said in a 1997 interview:

“It is harder to conduct the labor movement today than it was during the time of the dictatorship. Despite the confrontation with the military regime, there was massive support from other social sectors, and the press itself covered the ABC more. The fight for democracy united everyone. Today it is not like that anymore.”⁴¹

To be clear, what I mean to demonstrate here is not that the Brazilian labor movement ceased to matter at all but only that it lost much of its capacity to pressure governments. Unions remain vital players in employment relations, routinely negotiating collective agreements with employers⁴² and cooperating with inspectors to guarantee the enforcement of labor laws.⁴³ However, none of this helps in fighting for a permanent place in policy-making. The strike cycle of the 1980s represented a moment of exceptional mobilizational capacity that the labor movement never had before and has not recovered since. For this reason, it constitutes a lost window of opportunity.

5.1.3 Not quite a new opportunity: the Workers’ Party in power

One obvious objection to the window of opportunity argument is that CUT would not have needed to pressure authorities into accepting compulsory deliberation institutions during the Workers’ Party (PT) governments (2003-2016). After all, while not formally connected, CUT and PT have a long and deep relationship: leaders of the “new unionism” played a major role in founding the PT in 1980 and remained involved in its development.⁴⁴ Additionally, the party’s most recognizable figure, Luiz Inácio Lula da Silva, is a former unionist who famously led the São Bernardo Metal Workers Union during the late 1970s strike wave. In line with his past, Lula brought several CUT-affiliated unionists to top executive posts when he became President in 2003,⁴⁵ causing some of the press to disdainfully nickname his government as a

⁴¹ Luiz Marinho, “O Desafio de Manter o Emprego,” *Jornal Do Brasil*, December 7, 1997.

⁴² Adalberto Moreira Cardoso, “Dimensões Da Crise Do Sindicalismo Brasileiro,” *Caderno CRH* 28, no. 75 (2015): 493–510.

⁴³ Salo Coslovsky, Roberto Pires, and Renato Bignami, “Resilience and Renewal: The Enforcement of Labor Laws in Brazil,” *Latin American Politics and Society* 59, no. 2 (2017): 77–102.

⁴⁴ Rachel Meneguello, *PT: a formação de um partido* (Rio de Janeiro: Paz e Terra, 1989), 69–75; Margaret E. Keck, *PT - A lógica da diferença: o partido dos trabalhadores na construção da democracia brasileira* (Rio de Janeiro: Centro Edelstein, 2010), chap. 7.

⁴⁵ Maria Celina D’Araujo, *A Elite Dirigente No Governo Lula* (Rio de Janeiro: CPDOC, 2009), chap. 3.

“unionists’ republic”.⁴⁶ You do not need to pressure the government if you are the government, so the loss of mobilizational capacity would not matter much.

While this objection makes sense, it greatly overstates the degree to which CUT “became the government” or to which the PT governments positively responded to the demands of organized labor. To begin with, though Lula did recruit a proportionately higher number of unionists to executive posts than his predecessors, this happened in select areas, such as the Ministries of Health, Education and Labor.⁴⁷ Except for the latter, more strictly economic areas, like the Treasury, Planning and Industry, did not experience such an influx. Moreover, any traces of labor’s overrepresentation vanished during Dilma Rouseff’s tenure, which featured a similar proportion of unionists as Cardoso’s government in all areas.⁴⁸ As importantly, the only active CUT leader recruited as a minister during the PT era was Luiz Marinho (then CUT’s president), who served as Minister of Labor for less than two years between 2005 and 2007. In other words, CUT was never in a position to directly establish compulsory deliberation.

It is equally doubtful that CUT could influence the PT governments as readily as first appearances suggest. On the contrary, because the PT could count on labor’s electoral support regardless of what its governments did, Schipani argues that Lula and Rouseff had no incentive to satisfy CUT when it did not suit them.⁴⁹ For example, the government sided with employers in shelving CUT’s historical demands for reform to the corporatist union system, dashing hopes for centralized collective wage bargaining or mandatory shop-floor union representation in large companies.⁵⁰ PT’s lack of responsiveness due to CUT’s “support by default” attitude is comparable to ANC’s relation with COSATU in post-transition South Africa, discussed in [section 4.1.2](#) (though the ANC’s structure does allow COSATU to somewhat influence party directions from the inside).

CUT’s feeble influence extended to demands for institutionalizing policy influence. I already mentioned above how Rouseff ignored requests to turn the competitiveness councils into permanent bodies. An additional, and much higher-profile, snub came with CUT’s 2005 campaign for a seat in the National Monetary Council (CMN), the body responsible for defining

⁴⁶ Vinicius Albuquerque, Julianna Sofia, and Vinicius Abranches, “Companheiros No Poder,” *Folha de São Paulo*, January 11, 2004.

⁴⁷ Maria Celina D’Araujo and Júlia Petek, “Recrutamento e perfil dos dirigentes públicos brasileiros nas áreas econômicas e sociais entre 1995 e 2012,” *Revista de Administração Pública* 52, no. 5 (2018): 855–56.

⁴⁸ D’Araujo and Petek, 855–56.

⁴⁹ Andrés Schipani, “Left behind: Labor Unions and Redistributive Policy under the Brazilian Workers’ Party,” *Comparative Politics* 54, no. 3 (2022): 405–28.

⁵⁰ Schipani, 418.

monetary policy guidelines. Monetary policy had become a grave concern for both unionists and industrialists, who equally perceived the use of systematically high interest rates to control inflation as deterring productive investment and thus hurting industries.⁵¹ In light of this, CUT, FIESP and CNI together campaigned to expand the CMN members beyond governmental authorities and incorporate labor and business representatives.⁵² Participation in the CMN was not unprecedented, as the body formally included business until the Real Plan.⁵³

Interestingly, the campaign cast itself in terms of compulsory deliberation. One of its demands was statutorily enshrined voting power for unions and employers in the CMN. Since governmental representatives would remain the majority, voting power would not really mean decisory capacity. However, as CUT's Marinho (who would soon become Minister of Labor) argued, it would mean that labor and business would legally have to be heard in decision-making.⁵⁴ The Council of Social and Economic Development (CDES), where CUT and FIESP participated, put matters in the same light when it approved a motion endorsing the CMN's expansion.⁵⁵

To the vocal dismay of CDES members,⁵⁶ Lula never responded to the campaign or to the CDES's motion, likely to avoid displeasing financial coalitions. Lula began his tenure at pains to earn credibility from financial markets, so it would make sense to avoid any measures that could be considered as "pollicization" of the monetary policy.⁵⁷ Indeed, it was on those grounds that banking sector representatives in the CDES opposed expanding the CMN.⁵⁸ However, the proposal did not move forward even after the PT governments began loosening monetary restrictions starting in 2006, CUT's insistence notwithstanding.⁵⁹ With that, Arthur Henrique da Silva Santos, Marinho's successor as CUT's president, lamented in 2008 how "the

⁵¹ Eli Diniz and Renato Boschi, *A Difícil Rota Do Desenvolvimento: Empresários e a Agenda Pós-Neoliberal* (Belo Horizonte: Editora UFMG, 2007), chap. 3; Juanito Alexandre Vieira, "As Tramas Da Política Industrial Nos Governos FHC e Lula: Um Olhar a Partir Do IEDI e Da CUT" (Doctoral dissertation, Universidade Federal de Juiz de Fora, 2017).

⁵² Armando Monteiro Neto, Luiz Marinho, and Paulo Skaf, "Pela Ampliação Do CMN," *Folha de São Paulo*, March 13, 2005.

⁵³ For a discussion of business' role in the CMN, see Maria Lucia Teixeira Werneck Vianna, "O Conselho Monetário Nacional," in *Expansão Do Estado e Intermediação de Interesses No Brasil*, v. 2, ed. Cesar Guimarães (Rio de Janeiro: SEMOR/IUPERJ, 1979).

⁵⁴ Luiz Marinho, "Democratização Responsável," *Folha de São Paulo*, May 28, 2005.

⁵⁵ CDES, "Moção Ao Presidente Da República Sobre a Composição Do Conselho Monetário Nacional," May 19, 2005.

⁵⁶ CDES, "Ata Da 17ª Reunião Ordinária Do CDES," May 10, 2006, 25.

⁵⁷ Marcús Ianoni, "Coalizão e Política Macroeconômica Nos Governos Lula: Do Tripé Rígido Ao Flexibilizado," Documentos de Economia e Política Pública n. 1 (Niterói: NEPP-UNILA, September 2017).

⁵⁸ CDES, "Ata Da 12ª Reunião Ordinária Do CDES," August 19, 2005.

⁵⁹ CUT, *Plataforma Da CUT Para as Eleições 2010*, 49.

expansion of the CMN was overwhelmingly accepted in the CDES, so we thought it would be easily implemented. But the government did nothing about it.”⁶⁰

Again, my claims have some important subtleties: nothing here implies that PT governments were anti-labor or that CUT leaders enjoyed no privileged channels of dialogue. CUT certainly had it better with the PT than with past or future ruling parties. Instead, I mean that CUT still possessed few instruments to sway governmental actors into taking action that upset the latter’s preferences despite (and perhaps because of) PT’s electoral victories. Even when they have historical ties to the labor movement, it is hardly new for actors occupying the Executive to develop preferences that clash with their union supporters.⁶¹ As discussed in section 1.2, this tends to involve retaining discretion over when to engage in policy deliberations. As such, the Lula and Rousef governments avoided compulsory deliberation institutions as they honored the Brazilian tradition of creating ephemeral economic councils in quick succession.

5.2 THE SELF-REINFORCING INSTABILITY OF ECONOMIC COUNCILS

With the unions and employer associations’ failure to push for compulsory deliberation, economic councils maintained their pattern of serial replacement. I argue that this instability became self-reinforcing, meaning that past episodes of instability have contributed to further instability. In general, governments have used economic councils as marketing platforms to advertise their newest programs, thus affording other participants little room for meaningful participation. Though some exceptional councils did host productive deliberations, this invariably depended on the presence of committed high-level officials, who face high turnover rates. At this point, businesses already expect new councils to reproduce old patterns and thus approach these bodies with skepticism, always ready to stop showing up. In turn, entrenched negative expectations increase the likelihood of more instability.

Like section 3.1, the current one focuses on councils dedicated to industrial policy, though economic councils have existed in other areas (like biodiversity).⁶² As before, the

⁶⁰ Luciana Nunes Leal, “Mesmo Sem Prestígio, ‘Conselhão’ Terá Orçamento 73% Maior Em 2008,” *O Estado de São Paulo*, January 21, 2008.

⁶¹ Steven Levitsky and Lucan A. Way, “Between a Shock and a Hard Place: The Dynamics of Labor-Backed Adjustment in Poland and Argentina,” *Comparative Politics* 30, no. 2 (1998): 171–92.

⁶² For a encompassing list of councils with employer participation during the PT era, see Stefanie Tomé Schimmit, “Relações Empresariado-Estado Nos Governos PT: Política Participativa No Brasil” (Doctoral dissertation, São Paulo, Universidade de São Paulo, 2020), 251.

reasoning is that an all-encompassing examination would be impossible, and industrial policy councils most clearly showcase serial replacement.⁶³ For a list of the councils considered, see tables 5-1 and 5-2.

5.2.1 Using councils to advertise policies

In contrast to South Africa's NEDLAC, whose institutional form resulted from unions' pressure for enduring policy involvement, Brazilian economic councils remained governmental instruments even after the transition. As a result, Brazilian governments have recurrently designed councils in which they concentrated all powers over the timing of meetings, topics of discussion, possible outcomes, etc. As such, councils could only serve the purposes that authorities assigned them. With notable exceptions, this has meant using councils as platforms to advertise pre-made decisions: the point is usually to win private-sector support, not to adjust policies. In that way, Brazilian economic councils have generally not served as a place where non-State participants play an active role in shaping the outcomes of engagements.

What I mean by actively shaping engagement outcomes does not necessarily involve coming up with new policies. As mentioned in section 4.2.3, most (though not all) discussions in the NEDLAC revolve around government-formulated bills. Similarly, one of Brazil's few effective post-transition economic councils, the short-lived National Council for Industrial Development (more on it shortly), mostly housed debates about proposals drafted by various Executive bodies.⁶⁴ However, business and labor representatives in the NEDLAC have institutional resources to force other participants into painstaking discussions about the matters at hand, sometimes to authorities' dismay.⁶⁵ The resulting reports sometimes comment on bills line-by-line, detailing areas of agreement and disagreement between participants.⁶⁶ These

⁶³ Though not strictly an industrial policy council, I have included the Council for Social and Economic Development (CDES) in my analysis. While the CDES discussed a wide array of topics, industrial policy was often among them. Additionally, despite having representatives from a variety of social segments (including even religious leaders), businesses and workers dominated numerically. See Guilherme de Queiroz Stein, "Política industrial no século XXI: capacidades estatais e a experiência brasileira (2003-2014)" (Master's thesis, Porto Alegre, Universidade Federal do Rio Grande do Sul, 2016), 67–92.

⁶⁴ Mariana Peluso de Araujo, "Novos Espaços de Negociação Na Política Industrial Nos Governos Fernando Henrique Cardoso e Lula" (Doctoral dissertation, Rio de Janeiro, Universidade Federal do Rio de Janeiro, 2015), 166.

⁶⁵ Gregory F. Houston, Ian Liebenberg, and William Dichaba, "Interest Group Participation in the National Economic Development and Labour Council," in *Public Participation in Democratic Governance in South Africa*, ed. Gregory F. Houston (Pretoria: Human Sciences Research Council, 2001), 104.

⁶⁶ NEDLAC reports usually do not become publicly available. Thankfully, it is easy to find some online. For an example, see NEDLAC, "NEDLAC Report on the Climate Change Bill," 2020, <https://www.tips.org.za/just-transition/item/4266-nedlac-report-on-the-climate-change-bill-2020>.

reports may not necessarily influence final policies (as they do not have binding force). However, they represent outputs generated in a process in which the agency of non-State participants matters.

Of course, Brazilian authorities have mostly afforded business and labor the space to at least speak in meetings, meaning that participants could raise doubts and reservations about the policies presented. However, evidence indicates that these interventions are usually more akin to asking questions in a press conference than deliberating. Consequently, meetings end up functioning for governments to “sell” their policies to a select audience – by which I mean business leaders, as even in the PT era, employer representation in councils consistently outsized that of workers.⁶⁷

A simple measure of how economic councils served as advertising platforms is how the creation of new councils usually followed the announcement of new industrial policy programs, only to stop functioning in the early stages of policy implementation. Sarney started the trend, reviving and formally restructuring the Council for Industrial Development (CDI-69) as part of his *Nova Política Industrial* (1998) program.⁶⁸ The Entrepreneurial Commission for Competitiveness (CEC) and Executive Groups for Sectoral Policies (GEPs) accompanied Collor’s *Programa de Competitividade Industrial* (1991). Likewise, the Fora for the Competitiveness of Production Chains (FCCPs) accompanied Cardoso’s *Programa Brasil Classe Mundial* (2000). For Lula’s *Política Industrial, Tecnológica e de Comércio Exterior* (2004), the government brought back the already inactive FCCPs and established the National Council for Industrial Development (CNDI). When Lula announced his second program, the *Política de Desenvolvimento Produtivo* (2008), the FCCPs had again been abandoned but were once more revived. With her *Plano Brasil Maior* (2011), Rousseff finally discarded the FCCPs, replacing them with the Competitiveness Councils (CCs).

Beyond this connection with specific programs, the literature indicates that interactions within economic councils usually afforded little room for material contributions from non-State participants. Diniz showed that the GEPs’ idealizers designed them as “spaces for legitimation and diffusion” of Collor’s policies.⁶⁹ In the same vein, Büchler argues that the Franco government generally disregarded recommendations from participants of the Pharmaceutical

⁶⁷ Schimmit, “Relações Empresariado-Estado Nos Governos PT: Política Participativa No Brasil,” 12.

⁶⁸ José Sarney, “Anúncio de Uma Nova Política Industrial,” May 19, 1988, Biblioteca da Presidência da República, <http://www.biblioteca.presidencia.gov.br/presidencia/ex-presidentes/jose-sarney/discursos/1988/42.pdf/view>.

⁶⁹ Eli Diniz, “Reformas econômicas e democracia no Brasil dos anos 90: as câmaras setoriais como fórum de negociação,” *Dados* 37, no. 2 (1994): 284.

Sectoral Chamber, which instead served mostly to create the conditions for “governmental decisions to be accepted.”⁷⁰ Though Textile FCCP produced a tripartite agreement during Cardoso’s tenure, Antero cautions that its formulation came from the bureaucracy in a top-down manner.⁷¹ Fleury recounts how, during Lula’s first term, the government treated CDES participants as a “privileged audience” that heard first-hand about new programs but did not get their say.⁷² Lastly, both Schapiro and Stein and Gugliano demonstrated that, while Rousseff’s CCs promoted some informational exchange, they met very sporadically did not result in any decisions.⁷³

Since the success of industrial policies hinges on private-sector enthusiasm, there is nothing wrong with using councils for advertising new programs – but that cannot amount to all councils do. As discussed in [section 1.1](#), promoting the merits of governmental programs can matter in building private-sector commitment to industrial policy decisions. However, industrial policy operates with long-time horizons, meaning they depend on long-term commitment maintenance. Brazilian councils will not contribute to this goal if they become perceived as ephemeral marketing platforms. On the contrary, accumulating business skepticism will make it increasingly more costly for governments to signal trustworthiness.

⁷⁰ Maryann Büchler, “A câmara setorial da indústria farmoquímica e farmacêutica: uma experiência peculiar” (Master’s thesis, Rio de Janeiro, Universidade Federal do Rio de Janeiro, 2005), 224.

⁷¹ Samuel A. Antero, “Articulação de políticas públicas a partir dos fóruns de competitividade setoriais: a experiência recente da cadeia produtiva têxtil e de confecções,” *Revista de Administração Pública* 40, no. 1 (2006): 76.

⁷² Sonia Fleury, “O Conselho de Desenvolvimento Econômico e Social Do Governo Lula,” in *Estado e Gestão Pública*, ed. Paulo Emílio Matos Martins and Octavio Penna Pieranti, 2 ed., 2006, 76.

⁷³ Mario Gomes Schapiro, “Ativismo Estatal e Industrialismo Defensivo: Instrumentos e Capacidade Na Política Industrial Brasileira,” Texto Para Discussão n. 1856 (Brasília: IPEA, 2013); Guilherme de Queiroz Stein and Alfredo Alejandro Gugliano, “Arranjo Institucional, Capacidades Estatais e Política Industrial: Os Conselhos de Competitividade Do Plano Brasil Maior,” *Sociedade e Cultura* 20, no. 1 (2017): 173–200.

Table 5-1. General-purpose industrial policy councils

Year	President	Council
1988	José Sarney	Conselho de Desenvolvimento Industrial (CDI-69) ⁷⁴
1991	Fernando Collor de Mello	Comissão Empresarial de Competitividade (CEC) ⁷⁵
1993	Itamar Franco	Conselho Consultivo Empresarial de Competitividade (CONCEC) ⁷⁶
1993	Itamar Franco	Conselho Consultivo dos Trabalhadores para a Competitividade (CTCOM) ⁷⁷
1994	Itamar Franco	Câmara Consultiva Estrutural para a Competitividade (CCEC) ⁷⁸
2003	Luís Inácio Lula da Silva	Conselho de Desenvolvimento Econômico e Social (CDES) ⁷⁹
2005	Luís Inácio Lula da Silva	Conselho Nacional de Desenvolvimento Industrial (CNDI) ⁸⁰

⁷⁴ Brasil, “Decreto n. 96.056, de 19 de Maio de 1988,” May 20 (n. 94) Diário Oficial da República Federativa do Brasil § 1 (1988), 8854.

⁷⁵ Brasil - Ministério da Economia, Fazenda e Planejamento - Gabinete do Ministro, “Portaria n. 123, de 27 de Fevereiro de 1991,” February 28 (n. 40) Diário Oficial da República Federativa do Brasil § 1 (1991), 3179.

⁷⁶ Brasil, “Decreto de 12 de Agosto de 1993,” August 13 (n. 154) Diário Oficial da República Federativa do Brasil § 1 (1993), 11705.

⁷⁷ Brasil, “Decreto de 28 de Outubro de 1993,” October 29 (n. 207) Diário Oficial da República Federativa do Brasil § 1 (1993), 16317.

⁷⁸ Brasil, “Decreto de 22 de Novembro de 1994,” November 23 (n. 221) Diário Oficial da República Federativa do Brasil § 1 (1994), 17674.

⁷⁹ Brasil, “Decreto n. 4.744, de 16 de Junho de 2003,” June 17 (n. 115) Diário Oficial da República Federativa do Brasil § 1 (2003), 15. Though the CDES was technically created through an ordinary law, the law only mentioned the council. All of its functioning was regulated by Decree. 4.744/2003.

⁸⁰ Brasil, “Decreto n. 5.353, de 24 de Janeiro de 2005,” January 25 (n. 17) Diário Oficial da República Federativa do Brasil § 1 (2005), 2.

Table 5-2. Sectoral industrial policy councils

Year	President	Council
1988	José Sarney	Câmaras Setoriais* ⁸¹
1991	Fernando Collor de Mello	Grupos Executivos de Políticas Setoriais (GEPS) ⁸²
1991	Fernando Collor de Mello	Câmaras Setoriais (CS)* ⁸³
2000	Fernando Henrique Cardoso	Fóruns de Competitividade das Cadeias Produtivas (FCCPs) ⁸⁴
2011	Dilma Rousseff	Conselhos de Competitividade (CC) ⁸⁵
* The 1988 and 1991 sectoral chambers bear no relation. All mentions in this dissertation concern the 1991 chambers. There is little evidence that the 1988 versions had any importance.		

5.2.2 Exceptions and their dependence on personalistic variables

As alluded to earlier, some exceptional experiences have existed in which non-State participants enjoyed some degree of agency over deliberation processes and outputs of Brazilian economic councils. However, these exceptions have invariably depended on the presence of influential officials personally committed to the councils in question. However, due to the constant turnover of high-level officials, such dependence stymies any contribution toward stability. To be sure, the traits of those occupying the government can be expected to affect the dynamics of public-private relations in all situations. Still, the absence of compulsory deliberation institutions has turned personal variables into necessary conditions any for meaningful involvement from business and labor.

At least three examples point to the importance of influential “champions” for the councils within the government. [Section 3.3.2](#) already discussed the contributions of the Automotive Sectoral Chamber. In that case, participants consensually attributed the open discussion environment to the efforts of Dorothea Werneck, then a high-ranking bureaucrat in the Ministry of Economy.⁸⁶ In another example, between 2005 and 2007, the CNDI housed debates on policies that later proved successful, chief among which were tax incentives for

⁸¹ Brasil, Decreto n. 96.056, de 19 de maio de 1988.

⁸² Brasil - Ministério da Economia, Fazenda e Planejamento - Gabinete do Ministro, Portaria n. 123, de 27 de fevereiro de 1991, 3719.

⁸³ Brasil, “Lei n. 8.178, de 1º de Março de 1991,” March 4 (supplement to n. 42) Diário Oficial da República Federativa do Brasil § 1 (1991), 3.

⁸⁴ Brasil, “Decreto n. 3.405, de 6 de Abril de 2000,” April 7 (n. 68) Diário Oficial da República Federativa do Brasil § 1 (2000), 30.

⁸⁵ Brasil, “Decreto n. 7.540, de 2 de Agosto de 2011,” August 3 (n. 148) Diário Oficial da República Federativa do Brasil § 1 (2011), 3.

⁸⁶ Scott B. Martin, “Beyond Corporatism: New Patterns of Representation in the Brazilian Auto Industry,” in *The New Politics of Inequality in Latin America: Rethinking Participation and Representation*, ed. Douglas Chalmers et al. (Oxford: Oxford University Press, 1997), 51.

private investment in innovation.⁸⁷ However, the council depended on the leadership of then-minister of Industry Luiz Fernando Furlan and stopped functioning as soon as he left.⁸⁸ Lastly, though CDES participants did not play much of a role in formulating policy during Lula's first term, this changed in his second term with the internal changes promoted by José Múcio Monteiro (then-minister of Institutional Relations),⁸⁹ culminating in several counter-cyclical proposals for tackling the 2008 subprime crisis.⁹⁰ However, this newfound vivaciousness did not last long, as incoming president Rousseff abandoned the council.

One important caveat is that governmental champions must occupy upper echelon positions to make a difference. The available literature commonly observes that, in the absence of high-level champions, governments tend to send relatively low-level bureaucrats to economic councils.⁹¹ While often dedicated to their jobs, these representatives do not have the authority to do much more than communicate pre-defined positions or, at best, collect information. For example, Schutte narrates the efforts of career bureaucrats in conducting the Petrochemistry FCCP during Cardoso's second term, which resulted in a diagnosis of sectoral problems using private-sector information – the document was, however, ignored by higher-ups.⁹²

Because meaningful involvement has invariably depended on high-level governmental champions, the few successful councils have done little to change negative expectations. At least in the Brazilian case, ministerial upper echelons, including not only ministers but also those directly below them, are not usually career bureaucrats. Partly due to that, they face high

⁸⁷ On the impacts of the law in question (*Lei do Bem*), see Sérgio Kannebley Júnior, Edson Shimada, and Fernanda De Negri, “Efetividade da Lei do Bem no estímulo aos dispêndios em P&D: uma análise com dados em painel,” *Pesquisa e Planejamento Econômico* 46, no. 3 (2016): 111–43; Daniel Gama e Colombo and Helio Nogueira da Cruz, “Impacts of the Brazilian Innovation Tax Policy on the Composition of Private Investments and on the Type of Innovation,” *Revista Brasileira de Inovação* 17, no. 2 (2018): 377–414; Ulisses Pereira dos Santos, Márcia Siqueira Rapini, and Philipe Scherrer Mendes, “Impactos dos incentivos fiscais na inovação de grandes empresas: uma avaliação a partir da pesquisa Sondagem de Inovação da ABDI,” *Nova Economia* 30 (2020): 803–32.

⁸⁸ Jackson De Toni, “Novos Arranjos Institucionais Na Política Industrial Do Governo Lula: A Força Das Novas Ideias e Dos Empreendedores Políticos” (Doctoral dissertation, Brasília, Universidade de Brasília, 2013), 271. President Rousseff later revived the CNDI in 2015, but activities would only last until her impeachment less than one year later.

⁸⁹ Daniela Mesquita Ribeiro, “Interações Estratégicas Para o Desenvolvimento e Vantagens Institucionais: O Caso Do CDES” (Doctoral dissertation, Rio de Janeiro, Universidade Federal do Rio de Janeiro, 2015), 224.

⁹⁰ Willyan Alvarez Viégas, “O Conselho de Desenvolvimento Econômico e Social e a Estratégia de Combate à Crise Econômica de 2008” (Master's thesis, Rio de Janeiro, Universidade Federal do Rio de Janeiro, 2015).

⁹¹ Büchler, “A câmara setorial da indústria farmoquímica e farmacêutica: uma experiência peculiar,” 202; De Toni, “Novos Arranjos Institucionais Na Política Industrial Do Governo Lula: A Força Das Novas Ideias e Dos Empreendedores Políticos,” 239; Stein and Gugliano, “Arranjo Institucional, Capacidades Estatais e Política Industrial: Os Conselhos de Competitividade Do Plano Brasil Maior,” 186.

⁹² Giorgio Romano Schutte, *O Elo Perdido: Estado, Globalização e Indústria Petroquímica No Brasil* (São Paulo: Annablume, 2004), 201–4.

turnover rates: ministers in economic areas have, on average, retained their posts for less than two years.⁹³ In turn, the upper echelon almost always follows the departures of ministers.

Of course, no manner of institutional design can completely nullify the effects of personal variables, but that is not the point. Even with compulsory deliberation institutions, the character of interactions within the NEDLAC has varied along with the government's composition, sometimes for the worse.⁹⁴ And, as in Brazil, "juniorized" governmental representation has also proven a persistent problem, often leading to unproductive meetings (see [section 4.2.2](#)). However, NEDLAC's stable institutional structure continuously guarantees labor and business some room for active intervention. In Brazilian councils, the exceptional periods in which this room existed depend on highly volatile personal variables.

5.2.3 Instability reinforced by business skepticism

If economic councils present a long-lasting pattern of serial replacement, unions and employers will expect the pattern to continue. Thus, unless governments signal some reason to believe otherwise, non-State actors will maintain a skeptical stance toward new councils, refraining from committing resources to organizations that might soon not exist. In turn, this lack of commitment makes councils less attractive to authorities, increasing the likelihood of governmental defection. The additional episodes of instability then reinforce actors' expectations of future instability, restarting the loop. I argue that this mechanism, which in Helmke's terms constitutes an "instability trap",⁹⁵ occurs in the case of Brazilian councils and contributes to the persistence of serial replacement. It has become particularly visible in businesses' behavior, which oscillates between continuously demanding formalized representation and abandoning councils once they perceive history to be repeating itself.

Much of this dissertation has focused on how governments respond to the costs of sustaining public-private deliberation (especially delays to the policy process). However, we must remember that other parties also face their own costs if they plan to commit fully. For

⁹³ Adriano Codato et al., "A Instabilidade Da 'Equipe Econômica' Do Governo Brasileiro," in *Burocracia e Políticas Públicas No Brasil: Interseções Analíticas*, ed. Roberto R.C. Pires, Gabriela Lotta, and Vanessa Elias De Oliveira (Brasília: IPEA, 2018), 299–325.

⁹⁴ Marius Oosthuizen, "Institutionalising Social Dialogue: A Micro-Foundational Perspective of the National Economic and Labour Council of South Africa" (Doctoral dissertation, Stellenbosch, Stellenbosch University, 2021), 225–42.

⁹⁵ Gretchen Helmke, "Presidential Crises in Latin America," in *The Politics of Institutional Weakness in Latin America*, ed. Daniel M. Brinks, Steven Levitsky, and Maria Victoria Murillo (Cambridge University Press, 2020), 110.

starters, recurring meetings take time, especially when they involve traveling. For example, labor and business representatives in the NEDLAC have reported that the council meetings could take between 20 and 40% of their workload.⁹⁶ Moreover, economic policies tend to involve extremely technical problems, so effective participation demands redirecting limited professional capacity. In that regard, both CUT and CNI have invested in internal departments to conduct research and coordinate their various engagements with authorities.⁹⁷ If unions and employers do not expect an enduring and active voice in policy-making, it makes little sense to direct these departments toward the demands of participation in councils.

Accumulating skepticism toward councils can be seen in how quickly business representatives can abandon these bodies despite having clamored for their establishment. Though representatives generally come to the initial meetings, the benefit of the doubt soon fades: as Dorothea Werneck, widely credited as a key governmental contributor to the success of the Automotive Sectoral Chamber in the early 1990s, summed up, they “show up to the first meeting, maybe to the second, but not to the third.”⁹⁸ Indeed, based on several interviews, De Toni confirms that business representatives lost their willingness to dedicate time to Lula’s dozens of revived FCCPs due to a generalized perception that the councils served only to “reinforce the government’s political capital.”⁹⁹ Between 2003 and 2006 (most of Lula’s first term), the CDES presented a similar pattern, with business attendance falling with every meeting while other sectors remained relatively stable.¹⁰⁰ Similarly, Stein and Gugliano show that the process occurred with Dilma’s CCs in the span of four years (2011 to 2014), to the point where, in some councils, attendance had fallen by half.¹⁰¹ To be sure, it is governments, not business representatives, that end councils’ activities. However, by the time authorities stop calling meetings, emptied private-sector support means that these bodies have little to offer, even by the low standards of policy advertisement.

Though governments change with the electoral cycles, there is reason to believe that negative expectations associated with councils tend to endure. Compared to other areas with

⁹⁶ Karl Gostner and Avril Joffe, “Negotiating the Future: Labour’s Role in NEDLAC,” *Law, Democracy & Development* 2, no. 1 (1998): 131–51.

⁹⁷ CUT, “Modelo de Desenvolvimento, Política Industrial e Reestruturação” (São Paulo, May 1994), 28; Schimmit, “Relações Empresariado-Estado Nos Governos PT: Política Participativa No Brasil,” 127.

⁹⁸ Lu Aiko Otta, “Dilma Faz Gesto Político Ao Instalar 19 Conselhos,” *O Estado de São Paulo*, April 3, 2012.

⁹⁹ De Toni, “Novos Arranjos Institucionais Na Política Industrial Do Governo Lula: A Força Das Novas Ideias e Dos Empreendedores Políticos,” 241.

¹⁰⁰ SEDES, “Relatório de Atividades CDES 2006” (Brasília: Conselho de Desenvolvimento Econômico e Social, 2006), 5.

¹⁰¹ Stein and Gugliano, “Arranjo Institucional, Capacidades Estatais e Política Industrial: Os Conselhos de Competitividade Do Plano Brasil Maior.”

deliberation councils, economic policies involve very durable organizations that maintain a long history of interactions. Union umbrella bodies and employer associations enjoy a steady flow of resources and employ professional staff, which means a long memory. Though organizationally different, the same durability applies to the large national and international firms that often participate in councils directly, without the intermediation of associations. In fact, temporally distanced councils have sometimes included the same people, such as Collor's CEC and Lula's CNDI, both of which had Eugênio Staub (former CEO of Gradiente) as a member.¹⁰²

The structure of the “instability trap” stands in opposition to the “routinization” of the NEDLAC – “instability begets more instability” rather than “stability begets more stability”. As I argued in [section 4.2](#), the NEDLAC experienced a process in which, after authorities' early contestations failed to extinguish or restructure the council, actors developed expectations that they would continue to interact. On the other hand, in the case of Brazilian economic councils, episodes of instability reinforce expectations of future instability, contributing to further actual instability. The two trajectories share a “self-reinforcing character” but point in opposite directions.

5.3 COMPULSORY DELIBERATION IN NON-ECONOMIC BRAZILIAN COUNCILS

This dissertation has argued extensively that the presence or absence of compulsory deliberation institutions represents a necessary condition for explaining the variation in stability between Brazilian economic councils and South Africa's NEDLAC. However, one could argue that the volatility of Brazilian politics, not institutions, is to blame for this variation. After all, while a single party has dominated elections in post-transition South Africa, Brazil has had multiple governing parties with severely contrasting orientations. That said, the previous chapter already tackled this objection in two ways: first, it demonstrated that South African governments tried and failed to extinguish or reform the NEDLAC (meaning that there did not exist stable governmental support for the council); second, it showed that other South African economic councils faced serial replacement, not unlike their Brazilian counterparts.

¹⁰² Brasil - Ministério da Economia, Fazenda e Planejamento - Gabinete do Ministro, “Portaria n. 125, de 27 de Fevereiro de 1991,” February 28 (n. 40) Diário Oficial da República Federativa do Brasil § 2 (1991), 1208; Brasil, “Decreto de 1º de Fevereiro de 2005,” February 2 (n. 23) Diário Oficial da República Federativa do Brasil § 2 (2005), 1.

The current section continues the argument that the volatility of Brazilian politics is not sufficient to explain the instability of national economic councils. But, equally importantly, it also extends the argument of compulsory deliberation beyond the sphere of economic policy. It does so by analyzing the experience of Brazilian deliberative bodies in other policy areas, focusing on their persistence (or not) under authorities overtly opposed to their existence. More specifically, the Bolsonaro government's crusade created a "most likely" scenario for disconfirming the hypothesis that political volatility sufficiently explains variations in stability: if councils persist even under the conditions that the hypothesis specifies as "most likely" generating instability, then the theory is either wrong or incomplete.¹⁰³

5.3.1 Deliberation councils under Bolsonaro

Though the discussion on economic councils might suggest otherwise, post-transition Brazil has become internationally regarded as a site of intense innovation in deliberative institutions. The most renowned of such innovations is participatory budgeting, which has served as a model for experiences around the globe.¹⁰⁴ However, in Brazil, deliberation councils have comparatively spread much more widely at all levels of government.¹⁰⁵ This proliferation became particularly noticeable at the federal level during Lula's tenure, which brought over 40 new national councils in all policy areas.¹⁰⁶ The reason why the Lula government promoted councils remains a matter of debate – was it due to the PT's long-standing commitment to participatory governance, a coordinated strategy for mobilizing civil society in favor of difficult reforms, or an unplanned outcome of activists occupying managing posts in several ministries?¹⁰⁷ Regardless of motives, participation became a true "governing method" during the period.¹⁰⁸

¹⁰³ John Gerring, *Case Study Research: Principles and Practices*, 2nd ed. (Cambridge: Cambridge University Press, 2017), 103.

¹⁰⁴ Brian Wampler and Janette Hartz-karp, "Participatory Budgeting: Diffusion and Outcomes across the World," *Journal of Public Deliberation* 8, no. 2 (2012).

¹⁰⁵ Adrian Gurza Lavalle and Leonardo Sangali Barone, "Conselhos, Associações e Desigualdade," in *Trajetórias Das Desigualdades: Como o Brasil Mudou Nos Últimos Cinquenta Anos*, ed. Marta Arretche (São Paulo: Editora Unesp, 2015), 56–61.

¹⁰⁶ Carla de Paiva Bezerra, "Ideologia e governabilidade: as políticas participativas nos governos do PT" (Doctoral dissertation, São Paulo, Universidade de São Paulo, 2020), 177.

¹⁰⁷ For two constrating perspectives, see Rebecca Neaera Abers, Lizandra Serafim, and Luciana Tatagiba, "Repertórios de Interação Estado-Sociedade Em Um Estado Heterogêneo: A Experiência Na Era Lula," *Dados* 57 (2014): 325–57; Bezerra, "Ideologia e governabilidade."

¹⁰⁸ Roberto R.C. Pires and Alexandre Vaz, "Participação Social Como Método de Governo? Um Mapeamento Das 'Interfaces Socioestatais' Nos Programas Federais," *Texto Para Discussão* n. 1707 (Brasília: IPEA, 2012).

Things changed dramatically after the PT left the government in 2016, creating a propitious scenario for testing the hypothesis that political volatility sufficiently explains the instability of deliberative bodies. Councils had already become a topic of polarization years before Rousseff's impeachment, with an increasingly vocal right-wing labeling them as a form of left-wing authoritarianism.¹⁰⁹ Then, the far-right candidate Jair Bolsonaro emerged victorious in the 2018 elections. Given how Bolsonaro rose to power promising to combat what he and his supporters saw as left-wing domination of politics,¹¹⁰ nobody was surprised when he began a crusade against deliberation councils.

Bolsonaro's loudest measures took advantage of governmental control within the secondary dimension of councils' structure – i.e., control over the formal rules that regulate interactions. In particular, Decree n. 9.759/2019 indiscriminately extinguished all councils established through executive legislation and which therefore had no statutory protection.¹¹¹ Authorities did not even bother naming the affected bodies; indeed, they admitted to not knowing how many would disappear.¹¹² Because most PT-era national councils were established through executive legislation,¹¹³ the decree had widespread formal effects (though it is hard to know how many of the councils still operated *de facto* by then). Extinguished economic councils included the previously discussed CDES, CNDI (both created under Lula) and the CCs (created under Rousseff). If Bolsonaro could have formally eliminated all existing councils, he probably would have.

In other cases, though the government could not extinguish councils by decree, it still enjoyed unilateral control over most of their regulating rules. This can happen because, despite some councils being mentioned in statutes, most of their functioning is regulated by executive legislation. In that regard, Bezerra, Rodrigues and Romão show that authorities promulgated decrees reducing or eliminating civil society representation in several councils, including the National Commission for the Eradication of Slave Labor (CONATRAE), National Council of

¹⁰⁹ Joana Luiza Oliveira Alencar and Uriella Coelho Ribeiro, “O Decreto Sobre a Participação Social No Governo Federal e a ‘Polêmica Bendita,’” *Boletim de Análise Político-Institucional* n. 6 (Brasília: IPEA, 2014).

¹¹⁰ Camila Rocha and Jonas Medeiros, “Jair Bolsonaro and the Dominant Counterpublicity,” *Brazilian Political Science Review* 15, no. 3 (2021): 1–20.

¹¹¹ Brasil, “Decreto n. 9.759, de 11 de Abril de 2019,” April 11 (n. 70-A) *Diário Oficial da República Federativa do Brasil* § 1 - Edição extra (2019), 759.

¹¹² Ana Karoline Silano and Bruno Fonseca, “Governo Federal Não Sabe Quantos Conselhos Foram Extintos Nem Qual Será a Redução de Custos,” Agência Pública, April 17, 2019, <https://apublica.org/2019/04/governo-federal-nao-sabe-quantos-conselhos-foram-extintos-nem-qual-sera-a-reducao-de-custos/>.

¹¹³ Paula Pompeu et al., “Conselhos Nacionais: Elementos Constitutivos Para Sua Institucionalização,” *Texto Para Discussão* n. 1951 (Brasília: IPEA, 2014), 20.

Drug Policy (CONAD) and the National Council of the Environment (CONAMA).¹¹⁴ At the time of writing, the Brazilian Supreme Court had issued an injunction forcing the government to restore representation in the CONAMA.¹¹⁵ It remains to be seen whether similar decisions will cover other councils.

While not as loudly, Bolsonaro's government has also deactivated some councils without promoting formal changes. To do this, it has made use of concentration of power along the primary dimension of councils' structure – i.e., rule-enabled control over interactions within the council. One simple expedient that the government has also used many times with economic councils is not scheduling further activities. For example, the National Council for Food Security (CONSEA) stopped operating, even though it has had statutory protection since 2006 and still exists formally.¹¹⁶ The CONSEA enjoyed strong civil society involvement prior to Bolsonaro,¹¹⁷ and many of its past members mobilized against the council's inactivation.¹¹⁸ Regardless, the government has not called meetings since 2019.¹¹⁹ Such neglect is possible largely because, despite statutory protection, CONSEA's regulating rules do not empower non-State participants to move the council's engines without governmental involvement.

5.3.2 Persisting under adverse conditions: the role of institutions

While the changing tides of electoral politics did bring several councils to an end, others did persist – and not because the government exceptionally liked them. In particular, Bezerra and colleagues highlighted the National Health Council (CNS), the National Social Assistance Council (CNAS) and the National Human Rights Council (CNDH).¹²⁰ Established during the early 1990s, the first two have long been recognized as some of Brazil's most enduring councils

¹¹⁴ Carla de Paiva Bezerra, Maira Rodrigues, and Wagner de Melo Romão, "Instituições Participativas No Governo Bolsonaro: Impactos Do Decreto 9.759/2019 Sobre Os Conselhos de Direitos Humanos," in *Participação, Ativismo e Desdemocratização: Legados, Retrocessos e Resistências*, 2022.

¹¹⁵ Brasil - Supremo Tribunal Federal, "Medida Cautelar Na Arguição de Descumprimento de Preceito Fundamental 623," January 7 (n. 1) Diário da Justiça Eletrônico § 1 (2022).

¹¹⁶ Brasil, "Lei 11.346, de 15 de Setembro de 2006," September 18 (n. 179) Diário Oficial da República Federativa do Brasil § 1 (2006), 1.

¹¹⁷ Verena Duarte de Moraes, Cristiani Vieira Machado, and Rosana Magalhães, "O Conselho Nacional de Segurança Alimentar e Nutricional: dinâmica de atuação e agenda (2006-2016)," *Ciência & Saúde Coletiva* 26 (December 13, 2021): 6175–87.

¹¹⁸ Elisabetta Recine, "#FicaConsea: Mobilização contra a extinção do Consea," Aliança Pela Alimentação Adequada e Saudável, 2019, <https://alimentacaosaudavel.org.br/campanhas/ficaconsea-2/>.

¹¹⁹ Bezerra, Rodrigues, and Romão, "Instituições Participativas No Governo Bolsonaro: Impactos Do Decreto 9.759/2019 Sobre Os Conselhos de Direitos Humanos."

¹²⁰ Carla de Paiva Bezerra et al., "Desinstitucionalização e resiliência dos conselhos no governo Bolsonaro" (SciELO Preprints, June 7, 2022), <https://preprints.scielo.org/index.php/scielo/preprint/view/4218>.

and have faced pressure before Bolsonaro.¹²¹ Meanwhile, the CNDH is more recent, dating from 2015. I argue that their resilience under an overtly anti-participation government cannot be understood without reference to compulsory deliberation institutions. In turn, such institutional features depended on civil society pressure during their formation.

More than maintaining the three councils' activities, non-State participants have shown their capacity for autonomous action by opposing key governmental policies during deliberations. For example, the CNS has published several recommendations condemning Bolsonaro's disastrous handling of the covid-19 crisis, including his insistence on endorsing demonstrably ineffective medications¹²² and failures in acquiring vaccines.¹²³ Additionally, in CNAS meetings, participants (including CUT representatives) have questioned the government's new cash transfer program, the *Auxílio Brasil*, deemed a haphazardly conceived replacement to Lula's successful *Bolsa Família*.¹²⁴ Lastly, the CNDH spoke up against Bolsonaro's proposal for social security reform,¹²⁵ leading to immediate backlash from the ministry within which the council operates.¹²⁶ I argue that the Bolsonaro government would not have tolerated such actions in the absence of compulsory deliberation institutions.

The three councils share several relevant institutional features. Starting with the secondary dimension, all three enjoy statutory protection.¹²⁷ Importantly, as in the NEDLAC, the councils all have the statutorily enshrined authority to draft their own bylaws. As a result, governments cannot change the formal rules without the consent of either the Parliament or

¹²¹ Debora Rezende de Almeida, "Resiliência Institucional: Para Onde Vai a Participação Nos Conselhos Nacionais de Saúde e Dos Direitos Da Mulher?," *Caderno CRH* 33 (2020): 1–24; Denise do Carmo Direito, "Dos Ventos Favoráveis Aos Contrários: Atores Estatais, Percepções e Práticas Na Assistência Social (2015-2018)" (Doctoral dissertation, Brasília, Universidade de Brasília, 2021).

¹²² CNS, "Recomendação nº 42/2020," Conselho Nacional de Saúde, May 22, 2020, <http://conselho.saude.gov.br/recomendacoes-cns/1193-recomendacao-n-042-de-22-de-maio-de-2020>.

¹²³ CNS, "Recomendação nº 73/2020," Conselho Nacional de Saúde, December 20, 2020, <http://conselho.saude.gov.br/recomendacoes-cns/recomendacoes-2020/1557-recomendacao-n-073-de-22-de-dezembro-de-2020>.

¹²⁴ CNAS, *303ª Reunião Ordinária*, 2022, https://www.youtube.com/watch?v=m6axx_gz6Z8. About *Bolsa Família*, see Diogo R. Coutinho, "Targeting within Universalism? The 'Bolsa Família' Program and the Social Assistance Field in Brazil," *Verfassung Und Recht in Übersee* 47, no. 1 (2014): 43–61.

¹²⁵ Brasil - Conselho Nacional dos Direitos Humanos, "Recomendação n. 11, de 14 de agosto de 2019," August 26 (n. 164) Diário Oficial da República Federativa do Brasil § 1 (2019), 65.

¹²⁶ Thiago Amâncio, "Damares exonera coordenadora de conselho após órgão criticar reforma da Previdência," *Folha de São Paulo*, August 27, 2019, <https://www1.folha.uol.com.br/cotidiano/2019/08/damares-exonera-coordenadora-de-conselho-apos-orgao-criticar-reforma-da-previdencia.shtml>.

¹²⁷ Brasil, "Lei n. 8.142, de 28 de Dezembro de 1990," December 31 (n. 249) Diário Oficial da República Federativa do Brasil § 1 (1990); Brasil, "Lei n. 8.742, de 7 de Dezembro de 1993," December 8 (n. 233) Diário Oficial da República Federativa do Brasil § 1 (1993); Brasil, "Lei n. 12.986, de 2 de Junho de 2014," June 3 (n. 104) Diário Oficial da República Federativa do Brasil § 1 (2014).

other participants. Over time, the councils developed detailed bylaws.¹²⁸ Regarding the primary dimension, these regulations contribute to compulsory deliberation, as they distribute power over the councils' internal functioning equally between all participants. For example, all three councils have formalized election mechanisms, meaning governments cannot informally add or subtract participants. Moreover, meeting scheduling and agenda-setting are done by the respective plenaries or internal subcommittees composed of representatives from all segments, meaning governments cannot impose their agendas or stop calling meetings.

One interesting difference between the councils is that the CNDH, like the NEDLAC, does not have binding decision-making powers. The CNS and CNAS have some regulatory authority over health and social assistance policies. On the other hand, the CNDH can only release recommendations on various matters relating to human rights. This difference matters because Mayka attributes the stability of the CNS and CNAS to their formal policy authority, which she sees as the defining trait of a “strong institutional design.”¹²⁹ My point is certainly not that policy authority does not matter, but simply that it is not always necessary. Rather, sufficient power distribution may be achieved through various configurations of institutional features, and policy authority is not necessary for all of them.

In all three cases, compulsory deliberation institutions emerged from civil society pressure. The formal designs of the CNS and CNAS emerged under similar governmental resistance¹³⁰ – interestingly, during a period when CUT still enjoyed strong mobilizational capacity. Both councils were initially part of parliament-initiated bills reforming Brazil's public healthcare and social assistance systems. However, President Collor vetoed most lines mentioning the CNS in the health bill (which was otherwise passed), effectively creating a toothless council.¹³¹ Moreover, Collor vetoed the social assistance bill in its entirety. In line with the proposition that authorities tend to avoid compulsory deliberation institutions, the

¹²⁸ Brasil - Conselho Nacional de Saúde, “Resolução n. 407, de 12 de Setembro de 2008,” March 11 (n. 47) Diário Oficial da República Federativa do Brasil § 1 (2009), 31; Brasil - Conselho Nacional de Assistência Social, “Resolução n. 6, de 9 de Fevereiro de 2011,” February 25 (n. 40) Diário Oficial da República Federativa do Brasil § 1 (2011), 78; Brasil - Conselho Nacional dos Direitos Humanos, “Resolução n. 1, de 9 de Junho de 2015,” June 11 (n. 109) Diário Oficial da República Federativa do Brasil § 1 (2015), 2.

¹²⁹ Lindsay Mayka, *Building Participatory Institutions in Latin America: Reform Coalitions and Institutional Change* (Cambridge: Cambridge University Press, 2019), 39.

¹³⁰ Mayka, chaps. 4–5.

¹³¹ Brasil, “Mensagem de Veto n. 680, de 19 de Setembro de 1990,” September 20 (n. 182) Diário Oficial da República Federativa do Brasil § 1 (1990).

interviews conducted by Schevisbiski suggest that Collor's motivation for the vetoes was not institutionalizing a space for civil-society opposition within the Executive.¹³²

Unlike CUT's (or COSATU's) use of strikes, pro-participation groups overcame resistance to the CNS and CNAS through parliamentary coalition-building. More specifically, public-sector professionals in the healthcare and social assistance sectors painstakingly constructed alliances with diverse interests to reintroduce legislation empowering civil society representation in the councils.¹³³ That this worked was no small feat given that, as discussed earlier in this chapter, parliament-initiated bills compose a minority of enacted statutes in Brazil. The healthcare sector came first, with Collor caving in to pressure and not vetoing the bill that became Law 8.142/1990, which specifically regulates the CNS. Reform to the social assistance sector, including the establishment of the CNAS, came during Itamar's tenure with Law 8.742/1993. Though the government introduced the enacted bill, it came as a reaction to a parliament-initiated bill.

The CNDH faced different circumstances, but its formal design was equally a product of civil society mobilization rather than governmental determination. The bill establishing the council was introduced by the Itamar government back in 1994¹³⁴ as a compliance measure with the UN's Vienna Declaration and Programme of Action (article 87), which recommends that signatory nations build bodies responsible for promoting and protecting human rights. In its initial form, the bill provided weak civil society representation and left the regulation of many aspects of the council's functioning to executive decrees. However, after 20 years and much lobbying from human rights organizations,¹³⁵ the bill finally passed in 2014. Now called Law 12.986/2014, it includes a much larger number of civil society representatives. Moreover, it moved authority over further internal regulation from the government to the council's plenary

¹³² Renata Schlumberger Schevisbiski, "Regras Institucionais e o Processo Decisório de Políticas Públicas: Uma Análise Sobre o Conselho Nacional de Saúde (1990-2006)" (Master's thesis, São Paulo, Universidade de São Paulo, 2007), 54.

¹³³ For some first-hand accounts, see Vicente de Paula Faleiros et al., *A construção do SUS: histórias da reforma sanitária e do processo participativo* (Brasília: Ministério da Saúde, 2006), 130–43; Aldáiza Sposati, *A Menina LOAS: O Processo de Construção Da Assistência Social*, 3rd ed. (São Paulo: Cortez, 2004).

¹³⁴ Brasil - Câmara dos Deputados, "Projeto de Lei n. 4715, de 1994," October 28 (n. 160) Diário do Congresso Nacional § 1 (1994).

¹³⁵ Mariana de Souza Fonseca and Daniel Pitangueira de Avelino, "Conselho Nacional Dos Direitos Humanos: Agenda Política e Atribuições Executadas," in *Conselhos Nacionais de Direitos Humanos: Uma Análise Da Agenda Política*, ed. Daniel Pitangueira de Avelino, Igor Ferraz Fonseca, and João Cláudio Pompeu (Brasília: IPEA, 2020), 17–57.

6 CONCLUDING REMARKS

Throughout this dissertation, I argued that stable public-private deliberation bodies often result from the intentional mobilization of non-State actors in favor of institutions that durably empower them vis-à-vis governments. Cast in such broad terms, my argument echoes the conclusions of recent studies of participatory governance. However, by tracing and comparing the sequences of interactions around South African and Brazilian economic councils, this study builds upon past efforts with a more comprehensive theorization of explanatory conditions and fine-grained analysis of certain causal mechanisms.

In the chapter 1, I proposed to conceptualize different conditions generically referred to in the literature as “strong institutional design” in terms of “compulsory deliberation” – sets of legal institutions that limit governmental capacity to dictate the terms of engagement in official deliberative bodies. Focusing on “sets” of institutions avoids limiting our analytic focus to specific institutional features that are neither sufficient nor necessary on their own. Indeed, compulsory deliberation institutions necessarily operate along two dimensions (the primary and secondary), supported by different types of legal rules.

Though the dissertation revolved around compulsory deliberation, the actual units of causal analyses were sequences of interaction that “result in” and “result from” the presence or absence of the relevant institutions. In that regard, I endorsed a two-step theory to explain variations in stability. First, governments will not likely establish compulsory deliberation without the pressure of non-State actors capable of hampering policy implementation. Second,

in the absence of other stabilizing conditions, whether deliberation bodies become routinized or not depends on the successful use of compulsory deliberation institutions to prevent early governmental attempts at disruption.

Chapters 2 and 3 focused on the first pair of contrasting sequences. I argued that the sequences diverged due to the timing of union mobilization for institutionalizing policy influence. In South Africa and Brazil, mobilization required unions to switch their approach to governments from denying engagements based on a socialistic discourse (principled opposition) to a willingness to participate in capitalistic policy-making in search of short and medium-term material gains (pragmatic cooperation). In both cases, unions in the most dynamic industrial sectors (especially the automotive) became interested in policy involvement as a pathway for counteracting job losses resulting from international competition.

Despite the similarities, the change in engagement approaches occurred at different moments. In South Africa, it preceded the democratic transition, allowing unions to exploit their temporarily heightened power vis-à-vis governments to pressure in favor of compulsory deliberation institutions. Indeed, by the first free elections, unions had amassed considerable experience in economic councils and understood the challenges posed by unilateral governmental action. In Brazil, the change occurred only after political and economic stabilization. Consequently, by the time unions began mobilizing for policy involvement, their prior power resources had mostly vanished.

Chapters 4 and 5 focused on the second pair of contrasting sequences. I argued that the presence or absence of compulsory deliberation institutions led to self-reinforcing sequences pointing toward opposite directions. Interactions in the NEDLAC became increasingly routinized as South African governments accepted that they could not scale down or reform the council unilaterally. Instead, they began searching for ways to reduce the costs of deliberation while all parties assumed that engagements would continue. Despite COSATU diminishing in importance through the years, whether because of its deteriorating relationship with ANC governments or decreased mobilizational capacity, compulsory deliberation enshrined a relatively enduring place in policy-making (which was the plan).

In Brazil, ingrained expectations built up in the opposite direction. As in pre-transition periods, governments always retained control over the terms of engagement in economic councils. With some short-lived exceptions, authorities mostly used these bodies as temporary platforms for advertising policies. Consequently, despite unions and employer associations

consistently clamoring for public-private deliberation, they began approaching each new council with skepticism, taking care not to invest resources in bodies that would likely cease to exist soon. The resulting instability trap contrasts with the Brazilian experience in other areas, where compulsory deliberation helped block governmental attempts at disruption.

Though this research covers much ground, it also opens the door to new problems. First, I only lightly touched on normative issues: while a normative concern with stability certainly moved me, I do not see this work as offering a defense of compulsory deliberation. One could legitimately argue that, even if stability is good, we should never empower non-elected interest groups to resist changes to the Executive's structure. Indeed, such empowerment can certainly lead to undesirable consequences, as seen with COSATU blocking a rival labor body from joining the NEDLAC. On the other hand, one could also argue that no government should have the power to unilaterally extinguish all official deliberative bodies at its whim, as Jair Bolsonaro has tried in Brazil. I will not pretend to have a good answer to this problem.

Second, on a causal front, this dissertation covered only the effect of compulsory deliberation institutions, which in turn is theorized to positively impact the quality of policy-making. However, I did not test (and could not have tested) the impacts of compulsory deliberation on the quality of policy-making. Stability achieved by binding governments to deliberate possibly does not have the same positive impacts as stability resulting from mutual gain or enduring cultural dispositions. After all, the proposed causal mechanisms can only occur when governments at least occasionally do not want to sit down and talk, which may result in a qualitatively different kind of engagement compared to "voluntary deliberation". As such, even if a given economic council persists when it otherwise would not, it may bring more costs than benefits. This and other questions will have to wait for a future opportunity.

7 REFERENCES

This dissertation uses a large number and variety of sources (as discussed in section 1.5). To make the reference list as organized as possible, I divided it into four subsections:

- Bibliography: mostly academic references. Includes books and scholarly papers.
- Newspapers: articles published in newspapers and popular magazines. Note that the entries in this subsection are organized differently from the others. Instead of an alphabetical order following author names, it is ordered first by *publication* and then by *title*. I did this because many entries are unauthored.
- Legislation and judicial decisions.
- Other documents: anything that does not fit in past categories, including governmental documents, union documents and so on.

7.1 BIBLIOGRAPHY

Abers, Rebecca Neaera. "From Ideas to Practice: The Partido Dos Trabalhadores and Participatory Governance in Brazil." *Latin American Perspectives* 23, no. 91 (1996): 35–53.

- Abers, Rebecca Neaera, Lizandra Serafim, and Luciana Tatagiba. “Repertórios de Interação Estado-Sociedade Em Um Estado Heterogêneo: A Experiência Na Era Lula.” *Dados* 57 (2014): 325–57.
- Abranches, Sérgio Henrique Hudson de. “The Divided Leviathan: State and Economic Policy Formation in Authoritharian Brazil.” Doctoral dissertation, Cornell University, 1978.
- Ackers, Peter. “Trade Unions as Professional Associations.” In *Finding a Voice at Work? New Perspectives on Employment Relations*, edited by Stewart Johnstone and Peter Ackers, 95–126. Oxford: Oxford University Press, 2015.
- Addis, Caren. “Local Models: Auto Parts Firms and Industrialization in Brazil.” Doctoral dissertation, Massachussets Institute of Technology, 1993.
- Adler, Glenn. “Shop Floors and Rugby Fields: The Social Basis of Auto Worker Solidarity in South Africa.” *International Labor and Working-Class History*, no. 51 (1997): 96–128.
- Adler, Glenn, and Eddie Webster. “Challenging Transition Theory: The Labor Movement, Radical Reform, and Transition to Democracy in South Africa.” *Politics and Society* 23, no. 1 (1995): 75–106.
- Aguiar, Leita Bianchi. “‘Não se trata de uma ameaça, mas...’: um estudo das declarações dos ministros militares durante o governo Sarney.” Texto CPDOC n. 34. Rio de Janeiro: CPDOC/FGV, 1999.
- Alencar, Joana Luiza Oliveira, and Uriella Coelho Ribeiro. “O Decreto Sobre a Participação Social No Governo Federal e a ‘Polêmica Bendita.’” Boletim de Análise Político-Institucional n. 6. Brasília: IPEA, 2014.
- Alence, Rod. “South Africa after Apartheid: The First Decade.” *Journal of Democracy* 15, no. 3 (2004): 78–92.
- Alexander, Peter. “Rebellion of the Poor: South Africa’s Service Delivery Protests.” *Review of African Political Economy* 37, no. 123 (2010): 25–40.
- Alves, Maria Helena Moreira. *State and Opposition in Military Brazil*. Austin: University of Texas Press, 1988.

- Anderson, Patrícia. “Câmaras Setoriais: Histórico e Acordos Firmados - 1991/1995.” *Texto Para Discussão* n. 667. Brasília: IPEA, 1999.
- Andeweg, Ruby B., and Galen A. Irwin. *Governance and Politics of the Netherlands*. 2 ed. New York: Palgrave Macmillan, 2005.
- Ansell, Chris, and Alison Gash. “Collaborative Governance in Theory and Practice.” *Journal of Public Administration Research and Theory* 18 (2007): 543–71.
- Antero, Samuel A. “Articulação de políticas públicas a partir dos fóruns de competitividade setoriais: a experiência recente da cadeia produtiva têxtil e de confecções.” *Revista de Administração Pública* 40, no. 1 (2006): 57–79.
- Antunes, Ricardo, and Marcelo Ridenti. “Operários e Estudantes Contra a Ditadura: 1968 No Brasil.” *Mediações - Revista de Ciências Sociais* 12, no. 2 (2007): 78.
- Araujo, Mariana Peluso de. “Novos Espaços de Negociação Na Política Industrial Nos Governos Fernando Henrique Cardoso e Lula.” Doctoral dissertation, Universidade Federal do Rio de Janeiro, 2015.
- Arbix, Glauco. *Uma Aposta No Futuro: Os Primeiros Anos Da Câmara Setorial Automobilística*. São Paulo: Scritta, 1996.
- Archer, Margaret. *Realist Social Theory*. Cambridge: Cambridge University Press, 1995.
- Avdagic, Sabina, Martin Rhodes, and Jelle Visser. “Conclusions: Reassessing the Framework.” In *Social Pacts in Europe: Emergence, Evolution, and Institutionalization*, edited by Sabina Avdagic, Martin Rhodes, and Jelle Visser, 259–91. Oxford: Oxford University Press, 2011.
- Babb, Sarah, and Alexander Kentikelenis. “Markets Everywhere: The Washington Consensus and the Sociology of Global Institutional Change.” *Annual Review of Sociology* 47, no. 1 (2021): 521–41.
- Baccaro, Lucio, and Chris Howell. “A Common Neoliberal Trajectory: The Transformation of Industrial Relations in Advanced Capitalism.” *Politics and Society* 39, no. 4 (2011): 521–63.

- Baccaro, Lucio, and Sang-Hoon Lim. "Social Pacts as Coalitions of the Weak and Moderate: Ireland, Italy and South Korea in Comparative Perspective." *European Journal of Industrial Relations* 13, no. 1 (2007): 27–46.
- Baccaro, Lucio, and Marco Simoni. "Policy Concertation in Europe: Understanding Government Choice." *Comparative Political Studies* 41, no. 10 (2008): 1323–48.
- . "Policy Concertation in Europe: Understanding Government Choice." *Comparative Political Studies* 41, no. 10 (2008): 1323–48.
- Bachrach, Peter, and Morton Baratz. "Two Faces of Power." *The American Journal of Political Science Review* 56, no. 4 (1962): 947–52.
- Ballard, Richard, Adam Habib, Imraan Valodia, and Elke Zuern. "From Anti-Apartheid to Post-Apartheid Social Movements." In *Voices of Protest: Social Movements in Post-Apartheid South Africa*, edited by Richard Ballard, Adam Habib, and Imraan Valodia, 1–22. Scottsville: University of KwaZulu-Natal Press, 2006.
- Baltar, Paulo Eduardo de Andrade. "Estagnação Da Economia, Abertura e Crise Do Emprego Urbano No Brasil." *Economia e Sociedade* 5, no. 1 (1996): 75–111.
- Barchiesi, Franco. "Informality and Casualization as Challenges to South Africa's Industrial Unionism: Manufacturing Workers in the East Rand/Ekurhuleni Region in the 1990s." *African Studies Quarterly* 11, no. 2–3 (2010): 67–85.
- Barkey, Henri J. "When Politics Matter: Economic Stabilization in Argentina and Israel." *Studies in Comparative International Development* 29, no. 4 (1994): 41–67.
- Baskin, Jeremy. *Striking Back: A History of COSATU*. London: Verso, 1991.
- Bassett, Carolyn. "Negotiating South Africa's Economic Future: Cosatu and Strategic Unionism." Doctoral dissertation, York University, 2000.
- Beach, Derek, and Rasmus Brun Petersen. *Process-Tracing Methods: Foundations and Guidelines*. Michigan: Michigan University Press, 2013.
- Beinart, William. *Twentieth-Century South Africa*. 2nd ed. Oxford: Oxford University Press, 2001.
- Bendix, Sonia. *Industrial Relations in South Africa*. Cape Town: Juta, 1989.

- Beresford, A. “Comrades ‘Back on Track’? The Durability of the Tripartite Alliance in South Africa.” *African Affairs* 108, no. 432 (2009): 391–412.
- Bezerra, Carla de Paiva. “Ideologia e governabilidade: as políticas participativas nos governos do PT.” Doctoral dissertation, Universidade de São Paulo, 2020.
- Bezerra, Carla de Paiva, Debora Rezende de Almeida, Adrian Gurza Lavalle, and Monika Weronika Dowbor. “Desinstitucionalização e resiliência dos conselhos no governo Bolsonaro.” SciELO Preprints, June 7, 2022. <https://preprints.scielo.org/index.php/scielo/preprint/view/4218>.
- Bezerra, Carla de Paiva, Maira Rodrigues, and Wagner de Melo Romão. “Instituições Participativas No Governo Bolsonaro: Impactos Do Decreto 9.759/2019 Sobre Os Conselhos de Direitos Humanos.” In *Participação, Ativismos e Desdemocratização: Legados, Retrocessos e Resistências*, 2022.
- Bezuidenhout, Andries, Christine Bischoff, and Ntshiseng Nthejane. “Is Cosatu Still a Working Class Movement?” In *Labour beyond Cosatu: Mapping the Rupture in South Africa’s Labour Landscape*, edited by Andries Bezuidenhout and Malehoko Tshoedi, 49–61. Johannesburg: Wits University Press, 2017.
- Bianchi, Alvaro. “Crise e representação empresarial: o surgimento do pensamento nacional das bases empresariais.” *Revista de Sociologia e Política*, no. 16 (2001): 123–42.
- Blondel, Jean, and Maurizio Cotta. *Party and Government: An Inquiry into the Relationship between Governments and Supporting Parties in Liberal Democracies*. London: Macmillan, 1996.
- Bond, Patrick. *Elite Transition: From Apartheid to Neoliberalism in South Africa*. 2nd ed. London: Pluto Press, 2014.
- Bonner, Philip. “Fragmentation and Cohesion in the ANC: The First 70 Years.” In *One Hundred Years of the ANC: Debating Liberation Histories Today*, edited by Arianna Lissoni, Jon Soske, Natasha Erlank, Noor Niefragodien, and Omar Badsha. Johannesburg: Wits University Press, 2012.
- Booyesen, Susan. *Dominance and Decline: The ANC in the Time of Zuma*. Johannesburg: Wits University Press, 2015.

- . *The African National Congress and the Regeneration of Political Power*. Johannesburg: Wits University Press, 2011.
- Boschi, Renato. *Elites Industriais e Democracia: Hegemonia Burguesa e Mudança Política No Brasil*. Rio de Janeiro: Edições Graal, 1979.
- Boucek, Françoise. *Factional Politics: How Dominant Parties Implode or Stabilize*. New York: Palgrave Macmillan, 2012.
- Brinks, Daniel M., Steven Levitsky, and María Victoria Murillo. “The Political Origins of Institutional Weakness.” In *The Politics of Institutional Weakness in Latin America*, edited by Daniel M. Brinks, Steven Levitsky, and María Victoria Murillo, 1–40. Cambridge University Press, 2020.
- , eds. *The Politics of Institutional Weakness in Latin America*. Cambridge University Press, 2020.
- Brown, Julian. “Diversity without Unity: Fragments of the History of the ANC.” *South African Historical Journal* 68, no. 3 (2016): 464–78.
- Brynard, Petrus. “Privatisation in South Africa.” *Politeia* 14, no. 2 (1995): 27–39.
- Büchler, Maryann. “A câmara setorial da indústria farmoquímica e farmacêutica: uma experiência peculiar.” Master’s thesis, Universidade Federal do Rio de Janeiro, 2005.
- Buhlungu, Sakhela. “Gaining Influence but Losing Power? COSATU Members and the Democratic Transformation of South Africa.” *Social Movement Studies* 7, no. 1 (2008): 31–42.
- . “Generational Transition in Unions Employment: The Organisational Implications of Staff Turnover in COSATU Unions.” *Transformation*, no. 39 (1999): 47–71.
- . “The Building of the Democratic Tradition in South Africa’s Trade Unions after 1973.” *Democratization* 11, no. 3 (2004): 133–58.
- Buhlungu, Sakhela, and Christine Psoulis. “Enduring Solidarities: Accounting for the Continuity of Support for the Alliance amongst Cosatu Members.” *Society in Transition* 30, no. 2 (1999): 120–30.
- Buhlungu, Sakhela, and Malehoko Tshoaedi. “A Contested Legacy: Organisational and Political Challenges Facing COSATU.” In *COSATU’s Contested Legacy: South*

- African Trade Unions in the Second Decade of Democracy*, edited by Sakhela Buhlungu and Malehoko Tshoaei, 1–31. Leiden: Brill, 2013.
- Byrne, Sian, and Nicole Ulrich. “Prefiguring Democratic Revolution? ‘Workers’ Control’ and ‘Workerist’ Traditions of Radical South African Labour, 1970–1985.” *Journal of Contemporary African Studies* 34, no. 3 (2016): 368–87.
- Campos, José Edgardo, and Hilton Root. *The Key to the Asian Miracle: Making Growth Credible*. Washington, D.C.: Brookings Institution Press, 1996.
- Caraway, Teri L., and Michele Ford. “Institutions and Collective Action in Divided Labour Movements: Evidence from Indonesia.” *Journal of Industrial Relations* 59, no. 4 (2017): 444–64.
- Cardoso, Adalberto Moreira. *A Década Neoliberal: A Crise Dos Sindicatos No Brasil*. São Paulo: Boitempo, 2003.
- . *A Trama Da Modernidade: Pragmatismo Sindical e Democratização No Brasil*. Rio de Janeiro: Revan/IUPERJ-UCAM, 1999.
- . “Dimensões Da Crise Do Sindicalismo Brasileiro.” *Caderno CRH* 28, no. 75 (2015): 493–510.
- . “‘Your Defensive Fortress’: Workers and Vargas’s Legacies in Brazil.” In *Working through the Past: Labor and Authoritarian Legacies in Comparative Perspective*, edited by Teri L. Caraway, Maria Lorena Cook, and Stephen Crowley, 164–78. Ithaca: Cornell University Press, 2015.
- Cardoso, Adalberto Moreira, and Alvaro Augusto Comin. “Centrais Sindicais e Atitudes Democráticas.” *Lua Nova: Revista de Cultura e Política*, no. 40–41 (1997): 167–92.
- Carmody, Pádraig. “Between Globalisation and (Post) Apartheid: The Political Economy of Restructuring in South Africa.” *Journal of Southern African Studies* 28, no. 2 (2002): 255–75.
- Castro, Lavinia Barros de. “Privatização, Abertura e Desindexação: A Primeira Metade Dos Anos 90.” In *Economia Brasileira Contemporânea [1945-2010]*, edited by Fabio Giambiagi, André Villela, Lavinia Barros de Castro, and Jennifer Hermann, 2nd ed., 132–64. Rio de Janeiro: Elsevier, 2010.

- Chang, Ha-Joon, and Antonio Andreoni. "Industrial Policy in the 21st Century." *Development and Change* 51, no. 2 (2020): 324–51.
- Cherry, Janet, Nkosinathi Jikeka, and Boitumelo Malope. "The Politics of the Alliance and the 2014 Elections." In *Labour beyond Cosatu: Mapping the Rupture in South Africa's Labour Landscape*, edited by Andries Bezuidenhout and Malehoko Tshoaedi, 85–110. Johannesburg: Wits University Press, 2017.
- Chothia, Farouk, and Sean Jacobs. "Remaking the Presidency: The Tension between Coordination and Centralisation." In *Thabo Mbeki's World: The Politics and Ideology of the South African President*, edited by Sean Jacobs and Richard Calland. Pietermaritzburg: University of Natal Press, 2002.
- CLACSO, ed. *El Sindicalismo Latinoamericano En Los Ochenta*. Buenos Aires: Consejo Latinoamericano de Ciencias Sociales, 1986.
- Codato, Adriano. "Centralização Política e Processo Decisório: O Governo Geisel Em Perspectiva." *Revista de Sociologia e Política*, no. 2 (1994): 57–78.
- . "Estado Militar, Política Econômica e Representação de Interesses: Constrangimentos Da Transição Democrática Do Brasil Nos Anos Oitenta." *Espacio Abierto* 12, no. 4 (2003): 493–521.
- . *Sistema Estatal e Política Econômica No Brasil Pós-64*. São Paulo: Hucitec, 1997.
- Codato, Adriano, Renato Perissinotto, Eric Gil Dantas, Paulo Franz Junior, and Wellington Nunes. "A Instabilidade Da 'Equipe Econômica' Do Governo Brasileiro." In *Burocracia e Políticas Públicas No Brasil: Interseções Analíticas*, edited by Roberto R.C. Pires, Gabriela Lotta, and Vanessa Elias De Oliveira, 299–325. Brasília: IPEA, 2018.
- Colombo, Daniel Gama e, and Helio Nogueira da Cruz. "Impacts of the Brazilian Innovation Tax Policy on the Composition of Private Investments and on the Type of Innovation." *Revista Brasileira de Inovação* 17, no. 2 (2018): 377–414.
- Comin, Alexandre. *De Volta Para o Futuro: Política e Reestruturação Industrial Do Complexo Automobilístico Nos Anos 90*. São Paulo: Annablume/FAPESP, 1998.
- Comin, Alvaro Augusto. "A Experiência de Organização Das Centrais Sindicais No Brasil." In *O Mundo Do Trabalho: Crise e Mudança No Final Do Século*, edited by Carlos

- Alonso Barbosa de Oliveira, Jose Eduardo Levi Mattoso, José Francisco Siqueira Neto, Marcio Pochmann, and Marco Antonio de Oliveira, 351–401. São Paulo: Editora Página Aberta, 1994.
- Cooper, Ian. “Zuma, Malema and the Provinces: Factional Conflict within the African National Congress.” *Transformation* 87, no. 1 (2015): 151–74.
- Correia, Algenyr dos Santos, and Rosa Maria Esteves Nogueira. “A Intervenção Do Estado No Domínio Econômico: O Caso Da Coordenação Da Mobilização Econômica.” *Dados* 13, no. 2 (1976): 134–50.
- Coslovsky, Salo, Roberto Pires, and Renato Bignami. “Resilience and Renewal: The Enforcement of Labor Laws in Brazil.” *Latin American Politics and Society* 59, no. 2 (2017): 77–102.
- Costa, Lucas Nascimento Ferraz. “O Lobby Dos Trabalhadores No Processo Constituinte de 1987-88: Um Estudo Sobre a Atuação Do DIAP.” *Estudos Históricos* 29, no. 59 (2016): 767–86.
- Costa, Vanda Maria Ribeiro. *A Armadilha Do Leviatã: A Construção Do Corporativismo No Brasil*. Rio de Janeiro: Editora UERJ, 1999.
- Coutinho, Diogo R. “Targeting within Universalism? The ‘Bolsa Família’ Program and the Social Assistance Field in Brazil.” *Verfassung Und Recht in Übersee* 47, no. 1 (2014): 43–61.
- Culpepper, Pepper D. “Powering, Puzzling, and ‘Pacting’: The Informational Logic of Negotiated Reforms.” *Journal of European Public Policy* 9, no. 5 (2002): 774–90.
- Culpepper, Pepper D., and Aidan Regan. “Why Don’t Governments Need Trade Unions Anymore?” *Socio-Economic Review* 12 (2013): 723–45.
- . “Why Don’t Governments Need Trade Unions Anymore? The Death of Social Pacts in Ireland and Italy.” *Socio-Economic Review* 12 (2014): 723–45.
- Curato, Nicole, Marit Hammond, and John B. Min. *Power in Deliberative Democracy: Norms, Forums, Systems*. Cham: Springer International Publishing, 2019.
- Dal Bó, Ernesto. “Regulatory Capture: A Review.” *Oxford Review of Economic Policy* 22, no. 2 (2006): 203–25.

- D'Araujo, Maria Celina. *A Elite Dirigente No Governo Lula*. Rio de Janeiro: CPDOC, 2009.
- D'Araujo, Maria Celina, and Júlia Petek. "Recrutamento e perfil dos dirigentes públicos brasileiros nas áreas econômicas e sociais entre 1995 e 2012." *Revista de Administração Pública* 52, no. 5 (2018): 840–62.
- De Toni, Jackson. "Novos Arranjos Institucionais Na Política Industrial Do Governo Lula: A Força Das Novas Ideias e Dos Empreendedores Políticos." Doctoral dissertation, Universidade de Brasília, 2013.
- Dentlinger, Liesel. "The Relevance and Effectiveness of Nedlac as Social Dialogue Forum." Master's thesis, University of Pretoria, 2017.
- Devlin, Robert, and Graciela Moguillansky. *Breeding Latin American Tigers: Operational Principles for Rehabilitating Industrial Policies*. Washington, D.C.: The World Bank, 2011.
- Devlin, Robert, and Carlo Pietrobelli. "Modern Industrial Policy and Public-private Councils at the Subnational Level: Mexico's Experience in an International Perspective." *UNU-MERIT Working Papers*. Maastricht: Maastricht Graduate School of Governance, 2018.
- Diniz, Eli. *Empresário, Estado e Capitalismo No Brasil: 1930-1945*. Rio de Janeiro: Paz e Terra, 1978.
- . "Reformas econômicas e democracia no Brasil dos anos 90: as câmaras setoriais como fórum de negociação." *Dados* 37, no. 2 (1994): 277–315.
- Diniz, Eli, and Renato Boschi. *A Difícil Rota Do Desenvolvimento: Empresários e a Agenda Pós-Neoliberal*. Belo Horizonte: Editora UFMG, 2007.
- . "Burocracia, Clientelismo e Oligopólio: O Conselho Interministerial de Preços." In *Origens Da Crise: Estado Autoritário e Planejamento No Brasil*, edited by Olavo Brasil de Lima Jr. and Sérgio Henrique Abranches, 57–101. São Paulo: Vértice, 1987.
- Diniz, Eli, and Olavo Brasil de Lima Jr. *Modernização Autoritária: O Empresariado e a Intervenção Do Estado Na Economia*. Brasília: IPEA/CEPAL, 1986.

- Direito, Denise do Carmo. “Dos Ventos Favoráveis Aos Contrários: Atores Estatais, Percepções e Práticas Na Assistência Social (2015-2018).” Doctoral dissertation, Universidade de Brasília, 2021.
- Dobbin, Frank R. “Cultural Models of Organization: The Social Construction of Rational Organizing Principles.” In *The Sociology of Culture: Emerging Theoretical Perspectives*, edited by Diana Crane. Hoboken: Wiley Blackwell, 1994.
- Doctor, Mahrukh. “Boosting Investment and Growth: The Role of Social Pacts in the Brazilian Automotive Industry.” *Oxford Development Studies* 35, no. 1 (2007): 105–30.
- . “Is Brazilian Capitalism at an Institutional Equilibrium? A Varieties of Capitalism Approach.” *Desenvolvimento Em Debate* 1, no. 1 (2010): 51–69.
- Draibe, Sonia. *Rumos e Metamorfoses: Um Estudo Sobre a Constituição Do Estado e as Alternativas Da Industrialização No Brasil, 1930 - 1960*. 2nd ed. Rio de Janeiro: Paz e Terra, 2004.
- Dryzek, John S. “Discursive Designs: Critical Theory and Political Institutions.” *American Journal of Political Science* 31, no. 3 (1987): 656–79.
- Elder-Vass, Dave. *The Reality of Social Construction*. Cambridge: Cambridge University Press, 2012.
- Ellis, Stephen, and Tsepo Sechaba. *Comrades against Apartheid: The ANC and the South African Communist Party in Exile*. Bloomington: Indiana University Press, 1992.
- Erwin, Alec. “Comments on the Harare Recommendations.” *Transformation* 12 (1990): 16–20.
- Etchemendy, Matthew X. “New Directions in Legal Expressivism.” *Legal Theory* 22, no. 1 (2016): 1–21.
- Evans, Peter. “Bringing Deliberation into the Developmental State.” In *Deliberation and Development: Rethinking the Role of Voice and Collective Action in Unequal Societies*, edited by Patrick Heller and Vijayendra Rao, 51–67. Washington, D.C.: World Bank Group, 2015.
- . *Embedded Autonomy: States and Industrial Transformation*. Princeton: Princeton University Press, 1995.

- Faleiros, Vicente de Paula, Luiz Carlos Fadel de Vasconcelos, Jacinta de Fátima Senna da Silva, and Rosa Maria Godoy Silveira. *A construção do SUS: histórias da reforma sanitária e do processo participativo*. Brasília: Ministério da Saúde, 2006.
- Falleti, Tulia G., and James Mahoney. “The Comparative Sequential Method.” In *Advances in Comparative Historical Analysis*, edited by James Mahoney and Kathleen Thelen, 211–39. Cambridge: Cambridge University Press, 2015.
- Faria, Claudia Feres, and Uriella Coelho Ribeiro. “Entre o Legal e o Real: O Que Dizem as Variáveis Institucionais Sobre Os Conselhos Municipais de Políticas Públicas?” In *A Dinâmica Da Participação Local No Brasil*. São Paulo: Cortez, 2010.
- Feinstein, Charles H. *An Economic History of South Africa*. Cambridge: Cambridge University Press, 2005.
- Fernández-Arias, Eduardo, Charles Sabel, Ernesto Stein, and Alberto Trejos. *Two to Tango: Public-Private Collaboration for Productive Development Policies*. New York: Inter-American Development Bank, 2016.
- Ferree, Karen E. *Framing the Race in South Africa: The Political Origins of Racial-Census Elections*. Cambridge: Cambridge University Press, 2010.
- Ferrero, Juan Pablo. *Democracy against Neoliberalism in Argentina and Brazil*. New York: Palgrave Macmillan US, 2014.
- Figueiredo, Argelina Cheibub. “Intervenções Sindicais e o ‘Novo Sindicalismo.’” *Dados*, no. 17 (1978): 135–55.
- Fikeni, Somadoda. “The Polokwane Moment and South Africa’s Democracy at the Crossroads.” In *State of the Nation - South Africa 2008*, edited by Peter Kagwanja and Kwandiwe Kondlo, 3–34. Cape Town: HSRC Press, 2009.
- Fleury, Sonia. “O Conselho de Desenvolvimento Econômico e Social Do Governo Lula.” In *Estado e Gestão Pública*, edited by Paulo Emílio Matos Martins and Octavio Penna Pieranti, 2 ed., 79–105, 2006.
- Fonseca, Mariana de Souza, and Daniel Pitangueira de Avelino. “Conselho Nacional Dos Direitos Humanos: Agenda Política e Atribuições Executadas.” In *Conselhos Nacionais de Direitos Humanos: Uma Análise Da Agenda Política*, edited by Daniel

- Pitangueira de Avelino, Igor Ferraz Fonseca, and João Cláudio Pompeu, 17–57. Brasília: IPEA, 2020.
- Forrest, Kally. *Metal That Will Not Bend: National Union of Metalworkers of South Africa 1980-1995*. Johannesburg: Wits University Press, 2011.
- Franco, Gustavo. “Alternativas de estabilização: gradualismo, dolarização e populismo.” *Revista de Economia Política* 13, no. 2 (1993): 28–45.
- França, Teones Pimenta De. “A Lógica Do Pacto: Do ABC Paulista Para Brasília.” *Revista Outubro*, no. 8 (2003): 79–96.
- Franzosi, Roberto. “One Hundred Years of Strike Statistics: Methodological and Theoretical Issues in Quantitative Strike Research.” *ILR Review* 42, no. 3 (1989): 348–62.
- Freitas, Andréa. *O Presidencialismo Da Coalizão*. Rio de Janeiro, Brazil: Konrad Adenauer Stiftung, 2016.
- Friend, Bill. *Twentieth-Century South Africa: A Developmental History*. Cambridge: Cambridge University Press, 2019.
- Friend, William. “Organized Labour in the Republic of South Africa: History and Democratic Transition.” In *Trade Unions and the Coming of Democracy in Africa*, edited by Jon Kraus, 199–227. New York: Palgrave Macmillan, 2007.
- Friedman, Steven. *Building Tomorrow Today: Afrian Workers in Trade Unions, 1970-1984*. Johannesburg: Ravan Press, 1987.
- . “Stalemate or Productive Compromise? Tripartite Policy Negotiations in South Africa.” *Indicator SA* 17, no. 1 (2000): 13–19.
- Friedman, Steven, and Mark Shaw. “Power in Partnership? Trade Unions, Forums and the Transition.” In *Trade Unions and Democratization in South Africa, 1985-97*, edited by Glen Adler and Edward Webster, 190–214. London: Palgrave Macmillan, 2000.
- Fung, Archon. “Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences.” *The Journal of Political Philosophy* 11, no. 3 (2003): 338–67.
- . “Varieties of Participation in Complex Governance.” *Public Administration Review* 66, no. Special Issue (2006): 66–75.

- Gardbaum, Stephen. "Pushing the Boundaries: Judicial Review of Legislative Procedures in South Africa." *Constitutional Court Review* 9, no. 1 (2019): 1–18.
- Gattás, Ramiz. *A Indústria Automobilística e a 2ª Revolução Industrial No Brasil*. São Paulo: Prelo, 1981.
- Gelb, Stephen. "The RDP, GEAR and All That: Reflections Ten Years Later." *Transformation* 62, no. 1 (2006): 1–8.
- Gerring, John. *Case Study Research: Principles and Practices*. 2nd ed. Cambridge: Cambridge University Press, 2017.
- Giambiagi, Fabio, André Villela, Lavinia Barros de Castro, and Jennifer Hermann, eds. "Estabilização, Reformas e Desequilíbrios Macroeconômicos: Os Anos FHC (1995-2002)." In *Economia Brasileira Contemporânea [1945-2010]*, 2 ed., 165–95. Rio de Janeiro: Elsevier, 2010.
- Giliomee, Hermann, James Myburgh, and Lawrence Schlemmer. "Dominant Party Rule, Opposition Parties and Minorities in South Africa." *Democratization* 8, no. 1 (2001): 161–82.
- Giollabhuí, Shane Mac. "How Things Fall Apart: Candidate Selection and the Cohesion of Dominant Parties in South Africa and Namibia." *Party Politics* 19, no. 4 (2013): 577–600.
- Godsell, Bobby, Wiseman Nkhulu, and Geoff Schreiner. "Forums after the Elections: New Strength or Withering Away?" In *Forums and the Future: Proceedings of a Conference Convened by the Centre for Policy Studies on the Significance of South Africa's Forums, and Their Future in a Post-Apartheid Order*, edited by Riaan De Villiers, 127–47. Doornfontein: Centre for Policy Studies, 1994.
- Goertz, Gary. *Social Science Concepts*. Princeton: Princeton University Press, 2006.
- Goertz, Gary, and Jack S. Levy. "Causal Explanations, Necessary Conditions, and Case Studies." In *Causal Explanations, Necessary Conditions, and Case Studies: World War I and the End of the Cold War*, edited by Gary Goertz and Jack S. Levy, 9–39. New York: Routledge, 2005.

- Goertz, Gary, and James Mahoney. "Negative Case Selection: The Possibility Principle." In *Social Science Concepts*, by Gary Goertz, 177–210. Princeton: Princeton University Press, 2006.
- Gomes, Fábio de Barros Correia. "Cooperação, liderança e impasse entre o Legislativo e o Executivo na produção legislativa do Congresso Nacional do Brasil." *Dados* 55 (2012): 911–50.
- Goodin, Robert E., and John S. Dryzek. "Deliberative Impacts: The Macro-Political Uptake of Mini-Publics." *Politics & Society* 34, no. 2 (2006): 219–44.
- Gordon, Robert W. "Critical Legal Histories." *Stanford Law Review* 36, no. 1 (1984): 57–125.
- Gostner, Karl, and Avril Joffe. "Negotiating the Future: Labour's Role in NEDLAC." *Law, Democracy & Development* 2, no. 1 (1998): 131–51.
- Gould, Jon B., and Scott Barclay. "Mind the Gap: The Place of Gap Studies in Sociolegal Scholarship." *Annual Review of Law and Social Science* 8, no. 1 (2012): 323–35.
- Grodsky, Brian. *Social Movements and the New State: The Fate of pro-Democracy Organizations When Democracy Is Won*. Redwood City: Stanford University Press, 2012.
- Gumede, William. "Modernising the African National Congress: The Legacy of President Thabo Mbeki." In *State of the Nation - South Africa 2008*, edited by Peter Kagwanja and Kwandiwe Kondlo, 35–57. Cape Town: HSRC Press, 2009.
- . *Thabo Mbeki and the Battle for the Soul of the ANC*. London: Zed, 2007.
- . "The Political Economy of State-Owned Enterprises Restructuring in South Africa." *Journal of Governance & Public Policy* 6, no. 2 (2016): 69–97.
- Habib, Adam, and Vishnu Padayachee. "Economic Policy and Power Relations in South Africa's Transition to Democracy." *World Development* 28, no. 2 (2000): 245–63.
- Hall, Peter A., and David Soskice. *Varieties of Capitalism: Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press, 2001.
- Handley, Antoinette. *Business and the State in Africa*. Cambridge: Cambridge University Press, 2008.
- . *Business and the State in Africa*. Cambridge: Cambridge University Press, 2008.

- . “Business, Government and Economic Policymaking in the New South Africa, 1990-2000.” *Journal of Modern African Studies* 43, no. 2 (2005): 211–39.
- Hart, Hebert. *The Concept of Law*. 2nd ed. Oxford: Clarendon Press, 1994.
- Helmke, Gretchen. “Presidential Crises in Latin America.” In *The Politics of Institutional Weakness in Latin America*, edited by Daniel M. Brinks, Steven Levitsky, and María Victoria Murillo. Cambridge University Press, 2020.
- . “The Origins of Institutional Crises in Latin America.” *American Journal of Political Science* 54, no. 3 (2010): 737–50.
- Hentz, James Jude. “The Two Faces of Privatisation: Political and Economic Logics in Transitional South Africa.” *The Journal of Modern African Studies* 38, no. 2 (2000): 203–23.
- Hinks, Timothy, Ian Macun, and Geoffrey Wood. “Comprehending Union Growth in South Africa, 1970-1990.” *Historical Studies in Industrial Relations* 24, no. 23–24 (2007): 125–54.
- Hirsch, Alan. *Season of Hope: Economic Reform under Mandela and Mbeki*. Scottsville: University of KwaZulu-Natal Press, 2005.
- Hirschl, Ran. *Comparative Matters: The Renaissance of Comparative Constitutional Law*. Oxford: Oxford University Press, 2014.
- Horrell, Muriel. *A Survey of Race Relations in South Africa 1970*. Johannesburg: South African Institute of Race Relations, 1971.
- Horrell, Muriel, and Dudley Horner. *A Survey of Race Relations in South Africa 1973*. Johannesburg: South African Institute of Race Relations, 1974.
- Horwitz, Robert B. *Communication and Democratic Reform in South Africa*. Cambridge: Cambridge University Press, 2001.
- Houghton, D. Hobart. *The South African Economy*. 3rd ed. Cape Town: Oxford University Press, 1973.
- Houston, Gregory F., Ian Liebenberg, and William Dichaba. “Interest Group Participation in the National Economic Development and Labour Council.” In *Public Participation in*

- Democratic Governance in South Africa*, edited by Gregory F. Houston. Pretoria: Human Sciences Research Council, 2001.
- Humphrey, John. *Fazendo o Milagre: Controle Capitalista e Luta Operária Na Indústria Automobilística*. Petrópolis: Vozes/Cebrap, 1982.
- Hyman, Richard. *Understanding European Trade Unionism: Between Market, Class and Society*. London: SAGE, 2001.
- Ianoni, Marcus. “Coalizão e Política Macroeconômica Nos Governos Lula: Do Tripé Rígido Ao Flexibilizado.” *Documentos de Economia e Política Pública* n. 1. Niterói: NEPP-UNILA, September 2017.
- Institute for Industrial Education. *The Durban Strikes 1973*. Durban: Ravan Press, 1977.
- Ioris, Rafael R. *Transforming Brazil: A History of National Development in the Postwar Era*. New York: Routledge, 2014.
- Isike, Christopher, and Hakeem Onapajo. “The Decline of a Dominant Political Party: The Case and Future of South Africa’s African National Congress (ANC).” *Politeia* 36, no. 2 (2017): 1–20.
- Jaquette, Jane. “Feminism and the Challenges of the ‘post-Cold War’ World.” *International Feminist Journal of Politics* 5, no. 3 (2003): 331–54.
- Jessop, Bob. *Putting the Capitalist State in Its Place*. Cambridge: Polity, 1990.
- Johnson, Chalmers. *MITI and the Japanese Miracle: The Growth of Industrial Policy, 1925-1975*. Stanford: Stanford University Press, 1982.
- Jowell, Kate. “Basement Bargains versus Central Deals: Will Industrial Councils Survive the 1990s?” *Indicator SA* 7, no. 1 (1989): 75–82.
- Kannebley Júnior, Sérgio, Edson Shimada, and Fernanda De Negri. “Efetividade da Lei do Bem no estímulo aos dispêndios em P&D: uma análise com dados em painel.” *Pesquisa e Planejamento Econômico* 46, no. 3 (2016): 111–43.
- Kaßner, Malte. *The Influence of the Type of Dominant Party on Democracy: A Comparison between South Africa and Malaysia*. Berlin: Springer, 2010.
- Keck, Margaret E. *PT - A lógica da diferença: o partido dos trabalhadores na construção da democracia brasileira*. Rio de Janeiro: Centro Edelstein, 2010.

- Kennedy, Duncan. “A Left Phenomenological Alternative to the Hart/Kelsen Theory of Legal Interpretation.” In *Legal Reasoning: Collected Essays*. Contemporary European Cultural Studies. Aurora: Davies Group Publishers, 2008.
- Khunou, Grace. “COSATU’s Influence on Policy-Making in Post-Apartheid South Africa: Fact and Fiction.” In *COSATU’s Contested Legacy: South African Trade Unions in the Second Decade of Democracy*, edited by Sakhela Buhlungu and Malehoko Thsoaedi, 167–85. Leiden: Brill, 2013.
- Kickert, Walter J.M. “Beneath Consensual Corporatism: Traditions of Governance in the Netherlands.” *Public Administration* 81, no. 1 (2003): 119–40.
- Kingstone, Peter R. “Corporatism, Neoliberalism, and the Failed Revolt of Big Business: Lessons from the Case of IEDI.” *Journal of Interamerican Studies and World Affairs* 40, no. 4 (1998): 73–95.
- Kraak, André. “Uneven Capitalist Development: A Case Study of Deskillling and Reskilling in South Africa’s Metal Industry.” *Social Dynamics* 13, no. 2 (1987): 14–31.
- Kraus, Jon, ed. *Trade Unions and the Coming of Democracy in Africa*. New York: Palgrave Macmillan, 2007.
- Kubicek, Paul. “Organized Labor in Postcommunist States: Will the Western Sun Set on It, Too?” *Comparative Politics* 32, no. 1 (1999): 83–102.
- Kugelmas, Eduardo, and Lourdes Sola. “Crafting Economic Stabilization: Political Discretion and Technical Innovation in the Implementation of the Real Plan.” In *Statecrafting Monetary Authority: Democracy and Financial Order in Brazil*, edited by Lourdes Sola and Laurence Whitehead, 85–115. Oxford: Centre for Brazilian Studies, 2006.
- Kurrild-Klitgaard, Peter, and Urs Steiner Brandt. “The Calculus of Democratic Deliberation.” *Constitutional Political Economy* 32, no. 2 (2021): 165–86.
- Lameirão, Camila, Denise Paiva, and Guilherme Carvalho. “O debate recente nos 30 anos do presidencialismo de coalizão: novas abordagens, dimensões de análise e algumas notas sobre a dominância do executivo.” *BIB - Revista Brasileira de Informação Bibliográfica em Ciências Sociais*, no. 93 (2020): 1–24.
- Latini, Sydney. *Suma Automobilística*. Vol. 1. Rio de Janeiro: Tama, 1984.

- Lavalle, Adrian Gurza, and Leonardo Sangali Barone. “Conselhos, Associações e Desigualdade.” In *Trajetórias Das Desigualdades: Como o Brasil Mudou Nos Últimos Cinquenta Anos*, edited by Marta Arretche, 51–76. São Paulo: Editora Unesp, 2015.
- Lavalle, Adrián Gurza, Jessica Voigt, and Lizandra Serafim. “O Que Fazem Os Conselhos e Quando o Fazem?” *Dados* 59, no. 3 (2016): 609–50.
- Lehmbruch, Gerhard. “The Institutional Embedding of Market Economies: The German ‘Model’ and Its Impact on Japan.” In *The Origins of Nonliberal Capitalism*, edited by Wolfgang Streeck and Kozo Yamamura. Ithaca: Cornell University Press, 2001.
- Leite, Guilherme Cardoso. “O processo de produção normativa tributária infralegal como instrumento de intervenção regulatória: mecanismos e impactos.” *Revista de Direito Setorial e Regulatório* 1, no. 1 (2015): 211–38.
- Leopoldi, Maria Antonieta P. *Política e Interesses Na Industrialização Brasileira: As Associações Industriais, a Política Econômica e o Estado*. São Paulo: Paz e Terra, 2000.
- Levitsky, Steven, and Victoria Murillo. “Variation in Institutional Strength.” *Annual Review of Political Science* 12, no. 1 (2009): 115–33.
- Levitsky, Steven, and Lucan A. Way. “Between a Shock and a Hard Place: The Dynamics of Labor-Backed Adjustment in Poland and Argentina.” *Comparative Politics* 30, no. 2 (1998): 171–92.
- Lichtenstein, Alex. “‘A Measure of Democracy’: Works Committees, Black Workers, and Industrial Citizenship in South Africa, 1973-1979.” *South African Historical Journal* 67, no. 2 (2015): 113–38.
- . “‘We Feel That Our Strength Is on the Factory Floor:’ Dualism, Shop-Floor Power, and Labour Law Reform in Late Apartheid South Africa.” *Labor History* 60, no. 4 (2019): 1–20.
- Limongi, Fernando, and Argelina Cheihub Figueiredo. “Presidential Power, Legislative Organization, and Party Behavior in Brazil.” *Comparative Politics* 32, no. 2 (2000): 151–70.
- Lipton, Merle. *Capitalism and Apartheid*. Aldershot: Gower Publishing Company, 1985.

- Loureiro, Felipe Pereira. “Empresários, Trabalhadores e Grupos de Interesse: A Política Econômica Nos Governos Jânio Quadros e João Goulart.” Doctoral dissertation, Faculdade de Filosofia, Letras e Ciências Humanas da Universidade de São Paulo, 2012.
- . “João Goulart e a cúpula do movimento sindical brasileiro: o caso das Confederações Nacionais de Trabalhadores (1961-1964).” *História (São Paulo)* 36, no. 3 (2017): 1–23.
- Loureiro, Maria Rita. “A participação dos economistas no governo” *Análise* 17, no. 2 (2006): 345–59.
- Lukes, Steven. *Power - a Radical View*. 2 ed. Hampshire: Palgrave Macmillan, 2005.
- Maciel, David. “De Sarney a Collor: Reformas Políticas, Democratização e Crise (1985-1990).” Doctoral dissertation, Universidade Federal de Goiás, 2008.
- Mahoney, James. “Path Dependence in Historical Sociology.” *Theory and Society* 29, no. 4 (2000): 507–48.
- Mahoney, James, and Dietrich Rueschemeyer. *Comparative Historical Analysis in the Social Sciences*. Cambridge: Cambridge University Press, 2003.
- Mahoney, James, and Kathleen Thelen. “A Theory of Gradual Institutional Change.” In *Explaining Institutional Change: Ambiguity, Agency and Power*, edited by James Mahoney and Kathleen Thelen, 1–37. Cambridge: Cambridge University Press, 2010.
- . *Advances in Comparative Historical Analysis*. Cambridge: Cambridge University Press, 2015.
- Mancuso, Wagner Pralon. “O Lobby Da Indústria No Congresso Nacional: Empresariado e Política No Brasil Contemporâneo.” *Dados* 47, no. 3 (2004): 505–47.
- Mansbridge, Jane. “A Minimalist Definition of Deliberation.” In *Deliberation and Development: Rethinking the Role of Voice and Collective Action in Unequal Societies*, edited by Patrick Heller and Vijayendra Rao. Washington, D.C.: World Bank Group, 2015.

- Manuel, Trevor. "Is There a Future for the National Economic Forum?" In *Engine of Development? South Africa's National Economic Forum*, edited by Ebrahim Patel, 22–27. Cape Town: Juta, 1993.
- Marais, Hein. *South Africa: Limits to Change: The Political Economy of Transition*. Cape Town: University of Cape Town Press, 1998.
- March, James G., and Johan P. Olsen. "The Logic of Appropriateness." In *The Oxford Handbook of Public Policy*, edited by Michael Moran, Martin Rein, and Robert E. Goodin. Oxford: Oxford University Press, 2008.
- Maree, Johann. "The Emergence, Struggles and Achievements of Black Trade Unions in South Africa from 1973 to 1984." *Labour, Capital and Society* 18, no. 2 (1985): 278–303.
- . "The Level of Bargaining: New Industrial Unionism in the Food Industry." In *South Africa Contemporary Analysis - South African Review*, 5, edited by Glenn Moss and Ingrid Obery. London: Hans Zell, 1989.
- Martin, Scott B. "Beyond Corporatism: New Patterns of Representation in the Brazilian Auto Industry." In *The New Politics of Inequality in Latin America: Rethinking Participation and Representation*, edited by Douglas Chalmers, Carlos M. Vilas, Katherine Hite, Scott B. Martin, Kerianne Piester, and Monique Segarra, 45–71. Oxford: Oxford University Press, 1997.
- Martins, Heloísa De Souza, and Iram Jácome Rodrigues. "O sindicalismo brasileiro na segunda metade dos anos 90." *Tempo Social* 11, no. 2 (1999): 155–82.
- Marx, Karl, and Friedrich Engels. *The Communist Manifesto*. New York: International Publishers, 1948.
- Mattos, Paulo Todescan Lessa. *O Novo Estado Regulador No Brasil: Eficiência e Legitimidade*. 2nd ed. São Paulo: Revista dos Tribunais, 2017.
- Mayka, Lindsay. *Building Participatory Institutions in Latin America: Reform Coalitions and Institutional Change*. Cambridge: Cambridge University Press, 2019.
- Mello e Souza, Nelson. "O planejamento econômico no Brasil: considerações críticas." *Revista de Administração Pública* 46, no. 6 (2012): 1671–1720.
- Meneguello, Rachel. *PT: a formação de um partido*. Rio de Janeiro: Paz e Terra, 1989.

- Michie, Jonathan, and Vishnu Padayachee. "South Africa's Transition: The Policy Agenda." In *The Political Economy of South Africa's Transition: Policy Perspectives in the Late 1990s*, edited by Jonathan Michie and Vishnu Padayachee, 9–26. London: Dryden Press, 1997.
- . "The South African Policy Debate Resumes." In *The Political Economy of South Africa's Transition: Policy Perspectives in the Late 1990s*, edited by Jonathan Michie and Vishnu Padayachee, 223–34. London: Dryden Press, 1997.
- Mitnick, Barry M. "Capturing 'Capture': Definition and Mechanisms." In *Handbook on the Politics of Regulation*, edited by David Levi-Faur. Cheltenham: Edward Elgar, 2011.
- Moises, Jose Alvaro. "What Is the Strategy of the 'New Syndicalism'?" *Latin American Perspectives* 9, no. 4 (1982): 55–73.
- Mondliwa, Pamela, and Simon Roberts. "The Political Economy of Structural Transformation: Political Settlements and Industrial Policy in South Africa." In *Structural Transformation in South Africa: The Challenges of Inclusive Industrial Development in a Middle-Income Country*, edited by Antonio Andreoni, Pamela Mondliwa, Simon Roberts, and Fiona Tregenna, 312–36. Oxford: Oxford University Press, 2021.
- Moraes, Verena Duarte de, Cristiani Vieira Machado, and Rosana Magalhães. "O Conselho Nacional de Segurança Alimentar e Nutricional: dinâmica de atuação e agenda (2006-2016)." *Ciência & Saúde Coletiva* 26 (December 13, 2021): 6175–87.
- Morais, Jorge Ventura de. "Sindicatos e democracia sindical: representatividade e responsabilidade política." *Revista Brasileira de Ciências Sociais* 9, no. 25 (1994): 65–81.
- Morris, Mike. "Unions and Industrial Councils - Why Do Unions' Policies Change?" In *The Political Economy of South Africa*, edited by Nicoli Nattrass and Elizabeth Ardington, 148–62. Cape Town: Oxford University Press, 1990.
- Moss, David A., and Daniel Carpenter. "Conclusion: A Focus on Evidence and Prevention." In *Preventing Regulatory Capture: Special Interest Influence and How to Limit It*, edited by Daniel Carpenter and David A. Moss, 451–65. Cambridge: Cambridge University Press, 2014.

- Naidoo, Jayendra. "The Role of the National Economic Forum: Deepening Democracy and Empowering Civil Society." In *Engine of Development? South Africa's National Economic Forum*, edited by Ebrahim Patel, 28–32. Cape Town: Juta, 1993.
- Nattrass, Nicoli. "A South African Variety of Capitalism?" *New Political Economy* 19, no. 1 (2014): 56–78.
- . "From Fragmentation to Fragile Unity: Organizational Fault-Lines in South African Business." *South African Journal of Business Management* 29, no. 1 (1998): 21–29.
- . "Gambling on Investment: Competing Economic Strategies in South Africa." *Transformation*, no. 31 (1996): 25–42.
- . "Politics and Economics in ANC Economic Policy." *African Affairs* 93, no. 372 (1994): 343–59.
- Negretto, Gabriel. *Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America*. Cambridge: Cambridge University Press, 2010.
- Nel, Christo, and Rosemary Grealy. "The Consultative Business Movement." *Indicator SA* 6, no. 1/2 (1989): 105–8.
- Nepp. "Brasil 1987 - Relatório Sobre a Situação Social Do País." Campinas: Unicamp, 1989.
- Neri, Marcelo, José Márcio Camargo, and Maurício Cortez Reis. "Mercado de Trabalho Nos Anos 90: Fatos Estilizados e Interpretações." Texto Para Discussão n. 743. Brasília: IPEA, 2000.
- Noronha, Eduardo G. "Ciclo de greves, transição política e estabilização: Brasil, 1978-2007." *Lua Nova*, no. 76 (2009): 119–68.
- . "Greves e Estratégias Sindicais No Brasil." In *O Mundo Do Trabalho: Crise e Mudança No Final Do Século*, edited by Carlos Alonso Barbosa de Oliveira, Jose Eduardo Levi Mattoso, José Francisco Siqueira Neto, Marcio Pochmann, and Marco Antonio de Oliveira, 323–58. São Paulo: Editora Página Aberta, 1994.
- North, Douglas. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press, 1990.

- Öberg, Perola. “Does Administrative Corporatism Promote Trust and Deliberation?” *Governance: An International Journal of Policy and Administration* 15, no. 4 (2002): 455–75.
- O’Donnell, Guillermo A. “Delegative Democracy.” *Journal of Democracy* 5, no. 1 (1994): 55–69.
- Oosthuizen, Marius. “Institutionalising Social Dialogue: A Micro-Foundational Perspective of the National Economic and Labour Council of South Africa.” Doctoral dissertation, Stellenbosch University, 2021.
- Ornston, Darius. “Creative Corporatism: The Politics of High-Technology Competition in Nordic Europe.” *Comparative Political Studies* 46, no. 6 (2012): 702–29.
- Parkinson, John. *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy*. Oxford: Oxford University Press, 2006.
- Patel, Ebrahim, ed. “Facing the Workers: A Discussion Session on the National Economic Forum.” In *Engine of Development? South Africa’s National Economic Forum*. Cape Town: Juta, 1993.
- Peet, Richard. “Ideology, Discourse, and the Geography of Hegemony: From Socialist to Neoliberal Development in Postapartheid South Africa.” *Antipode* 34, no. 1 (2002): 54–84.
- Perrin, Fernanda Fagundes. “Ovo do Pato: uma análise do deslocamento político da Federação das Indústrias do Estado de São Paulo.” Master’s thesis, Universidade de São Paulo, 2020.
- Pierson, Paul. “Power and Path Dependence.” In *Advances in Historical Comparative Analysis*, edited by James Mahoney and Kathleen Thelen. Cambridge: Cambridge University Press, 2015.
- . “The Limits of Design: Explaining Institutional Origins and Change.” *Governance* 13, no. 4 (2000): 475–99.
- Pillay, Devan. “Half Full or Half Empty? The Numsa Moments and the Prospects of Left Revitalisation.” In *New South African Review. 5, Beyond Marikana*, edited by Gilbert M. Khadiagala, Prishani Naidoo, Devan Pillay, and Roger Southall. Johannesburg: Wits University Press, 2015.

- Pires, Roberto R.C., and Alexandre Vaz. “Participação Social Como Método de Governo? Um Mapeamento Das ‘Interfaces Socioestatais’ Nos Programas Federais.” Texto Para Discussão n. 1707. Brasília: IPEA, 2012.
- Pompeu, Paula, Fiuza Lima, Joana Luiza, Joana Alencar, and Uriella Coelho Ribeiro. “Conselhos Nacionais: Elementos Constitutivos Para Sua Institucionalização.” Texto Para Discussão n. 1951. Brasília: IPEA, 2014.
- Prado, Mariana Mota. “Uma Perspectiva Comparada Do Domínio Presidencial: A Relação Entre o Poder Executivo e as Agências Reguladoras No Brasil.” *Revista de Estudos Empíricos Em Direito* 3, no. 2 (2016): 73–92.
- Pretorius, Louwrens. “Giving and Governing Policy Advice: The South African Economic Advisory Council.” *Politikon* 38, no. 3 (2012): 367–87.
- Przeworski, Adam. “Institutions Matter?” *Government and Opposition* 39, no. 4 (2004): 527–40.
- Przeworski, Adam, and Henry Teune. *The Logic of Comparative Social Inquiry*. Malabar: Krieger Publishing Company, 1970.
- Rainho, Luís Flávio, and Osvaldo Martines Bargas. *As Lutas Operárias e Sindicais Dos Metalúrgicos Em São Bernardo*. Juiz de Fora: ESDEVA, 1983.
- Ramos, Maria. “In Defence of Gear: Comment from the Department of Finance.” *Indicator SA* 14, no. 3 (1997): 37–40.
- Rezende de Almeida, Debora. “Resiliência Institucional: Para Onde Vai a Participação Nos Conselhos Nacionais de Saúde e Dos Direitos Da Mulher?” *Caderno CRH* 33 (2020): 1–24.
- Ribeiro, Daniela Mesquita. “Interações Estratégicas Para o Desenvolvimento e Vantagens Institucionais: O Caso Do CDES.” Doctoral dissertation, Universidade Federal do Rio de Janeiro, 2015.
- Rocha, Camila, and Jonas Medeiros. “Jair Bolsonaro and the Dominant Counterpublicity.” *Brazilian Political Science Review* 15, no. 3 (2021): 1–20.
- Rocha, Jean-Paul Cabral Veiga da. “Quem Tem Medo Da Delegação Legislativa?” *Revista de Direito Administrativo* 271 (2016): 193–221.

- Rodrigues, Iram Jácome. “O sindicalismo brasileiro: da confrontação à cooperação conflitiva” 9, no. 5 (1995): 116–26.
- . *Sindicalismo e Política: A Trajetória Da CUT (1983 a 1993)*. 2nd ed. São Paulo: LTr, 2011.
- Rodrigues, Leôncio Martins. *CUT: Os Militantes e a Ideologia*. São Paulo: Paz e Terra, 1990.
- Rodrik, Dani. *One Economics, Many Recipes*. Vol. 1. Princeton: Princeton University Press, 2007.
- Roxborough, Ian. “Inflation and Social Pacts in Brazil and Mexico.” *Journal of Latin American Studies* 24, no. 3 (1992): 639–64.
- Sacramento, Ednaldo Mendes. “CUT, Do Classismo à Cooperação de Classes.” Master’s thesis, Universidade Estadual de Feira de Santana, 2014.
- Sader, Eder. *Quando Novos Personagens Entraram Em Cena: Experiências, Falas e Lutas Dos Trabalhadores Da Grande São Paulo (1970-1980)*. Rio de Janeiro: Paz e Terra, 1988.
- SALDRU, and SALB. “The Wiehahn Commission: A Critique and Some Reactions.” Saldru Working Paper. Cape Town, 1979.
- Salinas, Natasha Schmitt Caccia. “A Atuação Dos Grupos de Interesse Nas Consultas e Audiências Públicas Da Agência Nacional de Saúde Suplementar (ANS).” *Revista de Estudos Institucionais* 7, no. 1 (2021): 22–53.
- Sandoval, Salvador. “Alternative Forms of Working-Class Organization and the Mobilization of Informal-Sector Workers in Brazil in the Era of Neoliberalism.” *International Labor and Working-Class History* 72, no. 1 (2007): 63–89.
- . *Os Trabalhadores Param: Greves e Mudança Social No Brasil, 1945-1990*. São Paulo, 1994.
- Santana, Marco Aurélio. “O ‘Novo’ e o ‘Velho’ Sindicalismo: Análise de Um Debate.” *Revista de Sociologia e Política*, no. 10–11 (1998): 19–35.
- Santos, Ulisses Pereira dos, Márcia Siqueira Rapini, and Philippe Scherrer Mendes. “Impactos dos incentivos fiscais na inovação de grandes empresas: uma avaliação a partir da pesquisa Sondagem de Inovação da ABDI.” *Nova Economia* 30 (2020): 803–32.

- Schapiro, Mario Gomes. “Ativismo Estatal e Industrialismo Defensivo: Instrumentos e Capacidade Na Política Industrial Brasileira.” Texto Para Discussão n. 1856. Brasília: IPEA, 2013.
- Schevisbiski, Renata Schlumberger. “Regras Institucionais e o Processo Decisório de Políticas Públicas: Uma Análise Sobre o Conselho Nacional de Saúde (1990-2006).” Master’s thesis, Universidade de São Paulo, 2007.
- Schimmit, Stefanie Tomé. “Relações Empresariado-Estado Nos Governos PT: Política Participativa No Brasil.” Doctoral dissertation, Universidade de São Paulo, 2020.
- Schipani, Andrés. “Left behind: Labor Unions and Redistributive Policy under the Brazilian Workers’ Party.” *Comparative Politics* 54, no. 3 (2022): 405–28.
- Schmalz, Stefan, Carmen Ludwig, and Edward Webster. “The Power Resources Approach: Developments and Challenges.” *Global Labour Journal* 9, no. 2 (2018).
- Schneider, Ben Ross. *Business Politics and the State in Twentieth Century Latin America*. Cambridge: Cambridge University Press, 2004.
- . *Designing Industrial Policy in Latin America: Business-State Relations and the New Developmentalism*. New York: Palgrave Macmillan, 2015.
- . *Hierarchical Capitalism in Latin America: Business, Labor, and the Challenges of Equitable Development*. Cambridge: Cambridge University Press, 2013.
- Schreiner, Geoff. “Beyond Minimum Wages: The Logic of Multi-Level Bargaining.” *Indicator SA* 3, no. 4 (1986): 2–4.
- Schrire, Robert A. “Parliamentary Opposition after Apartheid: South Africa.” *The Journal of Legislative Studies* 14, no. 1–2 (2008): 190–211.
- Schürmann, Betina. *Sindicalismo e Democracia: Os Casos Do Brasil e Do Chile*. Brasília: Editora UnB, 1998.
- Schutte, Giorgio Romano. *O Elo Perdido: Estado, Globalização e Indústria Petroquímica No Brasil*. São Paulo: Annablume, 2004.
- Schwella, Erwin. “Privatization in South Africa.” In *International Handbook on Privatization*, edited by David Parker and David S. Saal, 291–309. Cheltenham: Edward Elgar, 2003.

- Scoleso, Fabiana. “Reestruturação Produtiva e Sindicalismo Metalúrgico No ABC Paulista: As Misérias Da Era Neoliberal Na Década de 1990.” Doctoral dissertation, Pontifícia Universidade Católica, 2009.
- Seekings, Jeremy. “‘Not a Single White Person Should Be Allowed to Go under’: Swartgevaar and the Origins of the South Africa’s Welfare State, 1924-1929.” *The Journal of South African History* 48, no. 3 (2013): 375–94.
- Segatti, Aurelia, and Nicolas Pons-Vignon. “Stuck in Stabilisation? South Africa’s Post-Apartheid Macro-Economic Policy between Ideological Conversion and Technocratic Capture.” *Review of African Political Economy* 40, no. 138 (2013): 537–55.
- Seidman, Gay. *Manufacturing Militance: Worker’s Movements in Brazil and South Africa, 1970-1985*. Berkeley: University of California Press, 1994.
- Shapiro, Helen. *Engines of Growth: The State and Transnational Auto Companies in Brazil*. Cambridge: Cambridge University Press, 1994.
- Siems, Mathias. *Comparative Law*. 2nd ed. Cambridge: Cambridge University Press, 2018.
- Silva, Vicente Paulo da. “Contra a Maré: Entrevista de Vicente Paulo Da Silva a Alvaro A. Comin.” *Novos Estudos*, no. 33 (1992): 129–46.
- Simkins, C. E.W., and D. C. Hindson. “The Division of Labour in South Africa, 1969–1977.” *Social Dynamics* 5, no. 2 (1979): 1–12.
- Sola, Lourdes. “The Political and Ideological Constraints to Economic Management in Brazil, 1945-1963.” Doctoral dissertation, University of Oxford, 1982.
- Southall, Roger. “The ‘Dominant Party Debate’ in South Africa.” *Afrika Spectrum* 391 (2005): 61–82.
- Southall, Roger, and Edward Webster. “Unions and Parties in South Africa: Cosatu and the ANC in the Wake of Polokwane.” In *Trade Unions and Political Parties: Labour Movements in Africa*, edited by Björn Beckman, Sakhela Buhlungu, and Lloyd Sachikonye, 131–66. Cape Town: HSRC Press, 2010.
- Southall, Roger, and Geoffrey Wood. “COSATU, the ANC and the Election: Whither the Alliance?” *Transformation*, no. 38 (1999): 68–81.

- Sposati, Aldaíza. *A Menina LOAS: O Processo de Construção Da Assistência Social*. 3rd ed. São Paulo: Cortez, 2004.
- Stein, Guilherme de Queiroz. “Política industrial no século XXI: capacidades estatais e a experiência brasileira (2003-2014).” Master’s thesis, Universidade Federal do Rio Grande do Sul, 2016.
- Stein, Guilherme de Queiroz, and Alfredo Alejandro Gugliano. “Arranjo Institucional, Capacidades Estatais e Política Industrial: Os Conselhos de Competitividade Do Plano Brasil Maior.” *Sociedade e Cultura* 20, no. 1 (2017): 173–200.
- Stigler, George J. “The Theory of Economic Regulation.” *The Bell Journal of Economics and Management Science* 2, no. 1 (1971): 3–21.
- Stiglitz, Joseph E., and Justin Lin Yifu. *The Industrial Policy Revolution I: The Role of Government beyond Ideology*. Basingstoke: Palgrave Macmillan, 2013.
- Stinchcombe, Arthur L. *Constructing Social Theories*. New York: Harcourt, Brace & World, 1968.
- Streeck, Wolfgang, and Lane Kenworthy. “Theories and Practices of Neocorporatism.” In *The Handbook of Political Sociology*, edited by Thomas Janoski, Robert Alford, Alexander Hicks, and Mildred A. Schwartz. Cambridge: Cambridge University Press, 2005.
- Suchman, Mark C., and Lauren B. Edelman. “Legal Rational Myths.” *Law & Social Inquiry* 21, no. 4 (1997): 903–66.
- Tavares de Almeida, Maria Hermínia. *Crise Econômica e Interesses Organizados: O Sindicalismo No Brasil Dos Anos 80*. São Paulo: Edusp, 1996.
- . “O Sindicato No Brasil: Novos Problemas, Velhas Estruturas.” *Debate & Crítica*, no. 6 (1975): 49–74.
- Teixeira, Aloísio, Gilberto Maringoni, and Deniso Lobato Gentil. *Roberto Simonsen e Eugênio Gudin - Desenvolvimento: O Debate Pioneiro de 1944-1955*. Brasília: IPEA, 2010.
- Thompson, Leonard. *A History of South Africa*. 3rd ed. New Haven: Yale University Press, 2001.
- Toit, D. du. *Capital and Labour in South Africa: Class Struggle in the 1970s*. London: Kegan Paul, 1981.

- Torchia, Andrew. “The Business of Business: An Analysis of the Political Behaviour of the South African Manufacturing Sector under the Nationalists.” *Journal of Southern African Studies* 14, no. 3 (1988): 421–45.
- Twala, Chitja, and Buti Kompi. “The Congress of South African Trade Unions (Cosatu) and the Tripartite Alliance: A Marriage of (in)Convenience?” *Journal for Contemporary History* 37, no. 1 (2012): 171–90.
- Ulrich, Nicole. “‘Only the Workers Can Free the Workers’: The Origin of the Workers’ Control Tradition and the Trade Union Advisory Coordinating Committee (TUACC).” Master’s thesis, University of the Witwatersrand, 2007.
- Valenzuela, J. Samuel. “Labor Movements in Transitions to Democracy: A Framework for Analysis.” *Comparative Politics* 21, no. 4 (1989): 445.
- . “Labor Movements in Transitions to Democracy: A Framework for Analysis.” *Comparative Politics* 21, no. 4 (1989): 445.
- Velasco e Cruz, Sebastião C. “Interesses de Classe e Organização Estatal: O Caso Do Consplan.” *Dados*, no. 18 (1978): 101–21.
- Velde, Dirk Willem Te. “Measuring State-Business Relations in Sub-Saharan Africa.” In *State-Business Relations and Economic Development in Africa and India*, edited by Kunal Sen, 17–34. London: Routledge, 2013.
- Vianna, Maria Lucia Teixeira Werneck. “O Conselho Monetário Nacional.” In *Expansão Do Estado e Intermediação de Interesses No Brasil*, v. 2, edited by Cesar Guimarães. Rio de Janeiro: SEMOR/IUPERJ, 1979.
- Vianna, Oliveira. *O Idealismo Da Constituição*. 2nd ed. Rio de Janeiro: Terra de Sol, 1939.
- Viégas, Willyan Alvarez. “O Conselho de Desenvolvimento Econômico e Social e a Estratégia de Combate à Crise Econômica de 2008.” Master’s thesis, Universidade Federal do Rio de Janeiro, 2015.
- Vieira, Juanito Alexandre. “As Tramas Da Política Industrial Nos Governos FHC e Lula: Um Olhar a Partir Do IEDI e Da CUT.” Doctoral dissertation, Universidade Federal de Juiz de Fora, 2017.

- Von Wangenheim, Georg. "Evolutionary Theories in Law and Economics and Their Use for Comparative Legal Theory." *Review of Law & Economics* 7, no. 3 (2011): 737–65.
- Wampler, Brian, and Janette Hartz-karp. "Participatory Budgeting: Diffusion and Outcomes across the World." *Journal of Public Deliberation* 8, no. 2 (2012).
- Webster, Eddie. "The Alliance under Stress: Governing in a Globalizing World." In *Opposition and Democracy in South Africa*, edited by Roger Southall. New York: Routledge, 2001.
- . "Trade Unions and the Challenge of the Informalisation of Work." In *Trade Unions and Democracy: Cosatu Workers' Political Attitudes in South Africa*, edited by S. Buhlungu, 21–43. Cape Town: Human Sciences Research Council, 2006.
- Webster, Eddie, Katherine Joynt, and Anthea Metcalfe. *Repositioning Peak-Level Social Dialogue in South Africa: NEDLAC into the Future*. Johannesburg: NEDLAC, 2013.
https://www.researchgate.net/publication/339553230_Repositioning_Peak-Level_Social_Dialogue_in_South_Africa_NEDLAC_into_the_Future.
- Webster, Edward. *Cast in a Racial Mould: Labour Process and Trade Unionism in the Foundries*. Johannesburg: Ravan Press, 1985.
- Webster, Edward, and Glenn Adler. "Towards Class Compromise in South Africa's Double Transition: Bargained Liberalization and the Consolidation of Democracy." *Politics & Society* 27, no. 3 (1999): 347–85.
- Weeks, John. "Stuck in Low GEAR? Macroeconomic Policy in South Africa, 1996–98." *Cambridge Journal of Economics* 23, no. 6 (1999): 795–811.
- Weingast, Barry R. "Rational-Choice Institutionalism." In *Political Science: The State of the Discipline*, edited by Ira Katznelson and Helen V. Milner. New York: W.W. Norton & Company, 2002.
- . "The Political Foundations of Democracy and the Rule of the Law." *American Political Science Review* 91, no. 2 (1997): 245–63.
- Weinstein, Barbara. *For Social Peace in Brazil: Industrialists and the Remaking of the Working Class in São Paulo 1920-1964*. Chapel Hill: University of North Carolina Press, 1996.

Weiss, Linda. "Governed Interdependence: Rethinking the Government-Business Relationship in East Asia." *Pacific Review* 8, no. 4 (1995): 589–616.

Werneck, Dorothea, Carlos Augusto Gonçalves Jr., and Cláudio Vaz. "Reestruturação Produtiva e Novos Padrões Nas Relações Capital-Trabalho." *Cadernos de Pesquisa*, no. 1 (1994).
https://bibliotecavirtual.cebrap.org.br/arquivos/CAMARAS_SETORIAIS_A_EXPERIENCIA_DO_SETOR.b.pdf.

Wilkinson, Peter. "A Discourse of Modernity." *African Studies* 55, no. 2 (1996): 141–81.

Williams, Paul, and Ian Taylor. "Neoliberalism and the Political Economy of the 'new' South Africa." *New Political Economy* 5, no. 1 (2000): 21–40.

Zauli, Eduardo Meira. *As Condições Sociais Da Emergência e Decadência Da Câmara Setorial Da Indústria Automotiva No Brasil*. São Paulo: Annablume, 1997.

Zaverucha, Jorge. "Relações civil-militares no primeiro governo da transição brasileira: uma democracia tutelada." *Revista Brasileira de Ciências Sociais*, no. 26 (1994): 162–78.

7.2 NEWSPAPERS

AFP. "South African Minister Gives Some Ground on Macro-Economic Plan." *Agence France Presse*. July 26, 1996.

Silano, Ana Karoline, and Bruno Fonseca. "Governo Federal Não Sabe Quantos Conselhos Foram Extintos Nem Qual Será a Redução de Custos." *Agência Pública*, April 17, 2019. <https://apublica.org/2019/04/governo-federal-nao-sabe-quantos-conselhos-foram-extintos-nem-qual-sera-a-reducao-de-custos/>.

Ensor, Linda. "Allies Differ over Trade Union Role." *Business Day*. June 21, 1993.

Fine, Alan. "Ambit of Bargaining Widens." *Business Day*. November 9, 1988.

Fine, Alan, and Mike Robertson. "ANC Firm on State Control of Business." *Business Day*. January 26, 1990.

Paton, Carol. "ANC Hits out at Cosatu over Youth Wage Grant." *Business Day*. October 18, 2013.

Patten, Helena. "Assocom, FCI Call for Swift End to Restrictions." *Business Day*. February 26, 1988.

SAPA. "Black Unions Negotiate the Best Rises." *Business Day*. December 4, 1987.

Hartford, Dirk. "Business and Labour Set to Finalise Forum." *Business Day*. January 20, 1992.

Reilly, Gerald. "Central Forum Will Not Work, Says Marais." *Business Day*. February 13, 1992.

Fine, Alan. "Committee to Examine Labour Law Dispute." *Business Day*. June 27, 1990.

Renee, Grawitzky. "Consultative Groups Worry Labour." *Business Day*. March 14, 2000.

Golding, Jacquie. "COSATU Calls for a Merger of Forums." *Business Day*. March 17, 1994.

Curtin, Matthew. "COSATU Plans Three-Day Stayaway on LRA." *Business Day*. September 7, 1990.

Naidoo, Jay. "COSATU Wants VAT Talks to 'Prevent National Disaster.'" *Business Day*. August 23, 1991.

Grawitzky, René. "Cosatu Warns of More Strike Action." *Business Day*. June 3, 1997.

Fine, Alan. "Counting the Costs of Union Protest." *Business Day*. June 8, 1988.

Fine, Alan. "Crackdown on Unions Wrong, Says Industry." *Business Day*. July 7, 1987.

Fine, Alan. "Crisis Talks on Labour Act." *Business Day*. June 16, 1990.

"Editorial - Nedlac's Uncertain Future." *Business Day*. July 18, 2012.

Mailovich, Claudi. "Employment Minister: Insiders 'Should Not Bar Entry to Nedlac.'" *Business Day*. July 16, 2019.

Baleta, Adele. "Focus 'must Shift' to Restructured Economy." *Business Day*. March 7, 1990.

"Fury as Trade Unions Find ANC Plot." *Business Day*. October 18, 2001.

Fine, Alan. "Govt May Seek Broader Input on Tax." *Business Day*. September 17, 1991.

Grawitzky, René. "Government Attacks 'adversarial' NEDLAC." *Business Day*. September 2, 1997.

West, Edward. "Industrial Councils Facing Death by Market Freedom." *Business Day*. January 3, 1990.

Lieres, Vera Von. "Industrial Councils Getting the Cold Shoulder - Report." *Business Day*. March 1, 1991.

Adler, Glenn, Judy Maller, and Eddie Webster. "Labour Movement's Show of Strength." *Business Day*. November 12, 1991.

Fine, Alan. "Major Players Welcome LRA Breakthrough." *Business Day*. September 4, 1990.

Mvoko, Vuyo. "Mandela Hits out as Allies Attack Gear." *Business Day*. July 2, 1998.

Fine, Alan, and Chris Cairncross. "Manpower Dept Mum on Details of Meeting with Cosatu, Saccola." *Business Day*. June 22, 1988.

Fine, Alan. "Minister Urged to Free Unionist." *Business Day*. October 31, 1986.

Ensor, Linda. "Rift between Manuel, Cosatu Deepens." *Business Day*. May 22, 1998.

Grawitzky, Reneé. "Sigcau Agrees to Delay of Eskom Bill." *Business Day*. June 19, 1998.

Mahlakoana, Theto. "Saftu Owes Us Papers, Says Nedlac." *Business Day*. March 23, 2018.

Davis, Dennis, and Berni Fanaroff. "Slapdash Imposition of VAT Shows Govt's Economic Ineptitude." *Business Day*. October 21, 1991.

Chick, Dustin. "Submit Bill to Nedlac, Health Department Told." *Business Day*. October 6, 1998.

Adams, Bronwyn. "Support for Union Rights." *Business Day*. March 4, 1988.

Fine, Alan. "Unions Must Have Role in Politics." *Business Day*. October 22, 1987.

Brown, Gavin. "Unions Ponder Life without the Liberation Struggle." *Business Day*. April 8, 1991.

Mangxamba, Sivuyile, and Charles Phahlane. "Alliance Partners at War." *Cape Argus*. August 27, 2001.

Merten, Marianne. "Cosatu Ire over Youth Subsidy." *Cape Argus*. November 22, 2013.

Morris, Michael. "COSATU Shuns Labour Body." *Cape Argus*. October 3, 1991.

Morris, Michael. "COSATU Will Reconsider Mass Action Plan If Talks Go Well." *Cape Argus*. July 13, 1990.

Morris, Michael. "FW Moves to Ease Labour Tensions." *Cape Argus*. June 21, 1990.

"SA Must Provide System." *Cape Argus*. November 21, 1975.

Phahlane, Charles, and Clive Leviev-Sawyer. "Ministers in Angry Attack on Cosatu." *Cape Times*. August 24, 2001.

"Govt Told: Hands off Industry, NUM." *Daily Dispatch*. March 30, 1988.

Smith, Sandra. "Questions over Industrial Council." *E. Post*. August 17, 1982.

"Barlows Sits Tight." *Financial Mail*. April 9, 1976.

"Building Industry - Wages Cemented." *Financial Mail*. May 17, 1985.

"Industrial Councils - Changing the Rules." *Financial Mail*. October 18, 1985.

"Industrial Councils: Controversial Changes." *Financial Mail*. November 15, 1985.

"Industrial Councils - under Pressure." *Financial Mail*. January 30, 1987.

Jones, Gillian. "NEDLAC. Is It Still Relevant?" *Financial Mail*. November 16, 2012.

Lambert, Richard, Andrew Gowers, Caroline Southey, and Michael Holman. "FT Writers Talk to Nelson Mandela about the ANC's Policies on Issues Such as Nationalisation." *Financial Times*. February 10, 1992.

Franco, Gustavo. "A Volta Do Modelo Concentrador." *Folha de São Paulo*. May 20, 1993.

Franco, Gustavo. "Câmaras setoriais, mercados e 'negociações.'" *Folha de São Paulo*. May 31, 1992.

"Centrais Dão as Pré-Condições Para o Pacto." *Folha de São Paulo*. December 18, 1986.

"CGT Diverge Da CUT e Barra Envio de Pauta de Reivindicações Ao Governo." *Folha de São Paulo*. February 25, 1989.

Albuquerque, Vinicius, Julianna Sofia, and Vinicius Abranches. "Companheiros No Poder." *Folha de São Paulo*. January 11, 2004.

"CUT e Fiesp Fazem Aliança Para Negociar Pacto." *Folha de São Paulo*. November 14, 1990.

Amâncio, Thiago. “Damares exonera coordenadora de conselho após órgão criticar reforma da Previdência.” *Folha de São Paulo*. August 27, 2019. <https://www1.folha.uol.com.br/cotidiano/2019/08/damares-exonera-coordenadora-de-conselho-apos-orgao-criticar-reforma-da-previdencia.shtml>.

Marinho, Luiz. “Democratização Responsável.” *Folha de São Paulo*. May 28, 2005.

Zanini, Fábio. “Emprego Pode Cair 30% Até o Ano 2000.” *Folha de São Paulo*. August 14, 1996.

“FHC pede ‘contribuição’ das montadoras.” *Folha de São Paulo*. December 9, 1997.

“Governo formaliza proposta de pacto social.” *Folha de São Paulo*. December 10, 1986.

Silva, Vicente Paulo da, and Heiguiberto Guiba Della Bella Navarro. “Lula, FHC e o Futuro Das Câmaras Setoriais.” *Folha de São Paulo*. August 28, 1994.

“MIC Propõe Novo Fórum de Negociação,” *Folha de São Paulo*. February 10, 1994.

Franco, Gustavo. “Neoliberalismo e Neocorporativismo.” *Folha de São Paulo*. March 4, 1993.

“Pacto Provoca Divisão de Lideranças Da CUT.” *Folha de São Paulo*. September 12, 1990.

Mendonça, Ricardo. “Papéis de Militares Expõem Atuação Da Fiesp No Golpe de 64.” *Folha de São Paulo*. June 1, 2014. <https://www1.folha.uol.com.br/poder/2014/06/1463226-papeis-de-militares-expoem-atuacao-da-fiesp-no-golpe-de-64.shtml>.

Monteiro Neto, Armando, Luiz Marinho, and Paulo Skaf. “Pela Ampliação Do CMN.” *Folha de São Paulo*. March 13, 2005.

Pazzianotto, Almir. “Qual Pacto?” *Folha de São Paulo*. September 12, 1990.

Franco, Gustavo. “Quanto Custou o Acordo Automotivo.” *Folha de São Paulo*. March 18, 1993.

Kapaz, Emerson. “Saída Negociada.” *Folha de São Paulo*. June 10, 1990.

Camargo, Roberto. “Sindicatos têm que se reciclar, diz Vicentinho.” *Folha de São Paulo*. August 12, 1990.

Scheuer, Luiz Adelar. “Acordo Foi Avanço Político.” *Jornal Do Brasil*. March 29, 1992.

“Centrais Admitem Conversar.” *Jornal do Brasil*. March 31, 1989.

“Data-Base Para Resíduo Salarial Será Unificada.” *Jornal do Brasil*. January 28, 1989.

Neumann, Denise. “Empresas propõem trégua em demissões.” *Jornal do Brasil*. May 1, 1990.

“Empresário Acha Essencial Ter Representantes No CDE.” *Jornal do Brasil*. May 22, 1976.

“Empresários Querem Participação Na Nova Política Da Indústria.” *Jornal do Brasil*.
December 9, 1970.

“Empresários Querem Participar de Decisões.” *Jornal do Brasil*. September 10, 1978.

Buarim Junior, Oswaldo. “Fim das câmaras setoriais.” *Jornal do Brasil*. September 1, 1991.

“Governo propõe 13,6% de índice de reposição salarial.” *Jornal do Brasil*. March 30, 1989.

“Se Trégua Não Sair Até Sábado, Governo Agirá Sozinho.” *Jornal do Brasil*. January 21, 1987.

Neumann, Denise. “Luta Pelo Emprego Diminui Poder Dos Sindicatos.” *Jornal Do Brasil*.
April 30, 1990.

“Meneguelli Quer a CUT Na Discussão Do Pacto Social.” *Jornal do Brasil*. September 12,
1990.

Marinho, Luiz. “O Desafio de Manter o Emprego.” *Jornal Do Brasil*. December 7, 1997.

Nkosi, Sechaba ka’. “Nedlac Fights Labour Critics.” *Mail and Guardian*. September 12, 1997.

Smit, Sarah. “Nedlac Struggles with Inclusivity.” *Mail and Guardian*. August 2, 2019.

Steyn, Lisa. “‘Rushed’ Labour Bills under Fire.” *Mail and Guardian*. March 30, 2012.

Nkosi, Sechaba ka’. “Solidarity in Opposition to Gear.” *Mail and Guardian*. September 25,
1997.

“Carta Propõe Descentralizar a Economia.” *O Estado de São Paulo*. November 5, 1977.

“CDI Com Nova Função.” *O Estado de São Paulo*. February 2, 1971.

Pinheiro, Liliana. “Centrais buscam união para grandes dissídios.” *O Estado de São Paulo*.
August 26, 1996.

“CUT Condena Ideia de Pacto.” *O Estado de São Paulo*. January 11, 1985.

Damiani, Marco. “CUT Decide Participar Do Diálogo Sobre Pacto.” *O Estado de São Paulo*.
September 21, 1990.

“CUT Dialoga, Mas Não Cede Em Suas Posições.” *O Estado de São Paulo*. October 15, 1985.

“CUT Rejeita Pacto Social; Pazzianotto Pede Moderação.” *O Estado de São Paulo*. January 6, 1987.

Otta, Lu Aiko. “Dilma Faz Gesto Político Ao Instalar 19 Conselhos.” *O Estado de São Paulo*. April 3, 2012.

Geisel, Ernesto. “Discurso de Geisel Define Rumos Do País.” *O Estado de São Paulo*. March 20, 1974.

Olmos, Marli. “Empresários e Técnicos Querem Câmara Setorial.” *O Estado de São Paulo*. December 26, 1997.

Silva, Vicente Paulo da. “Governo Fez Sindicalismo Recuar, Diz Vicentinho.” *O Estado de São Paulo*. December 17, 1995.

Leal, Luciana Nunes. “Mesmo Sem Prestígio, ‘Conselhão’ Terá Orçamento 73% Maior Em 2008.” *O Estado de São Paulo*. January 21, 2008.

Olmos, Marli. “Montadoras batem outro recorde de produção.” *O Estado de São Paulo*. November 8, 1994.

Dunn, Alan. “Cosatu and the Big Issues.” *Pretoria News*. April 21, 1997.

Makwakwa, Phindile. “Rift between ANC, Cosatu Deepens.” *Pretoria News*. October 17, 2001.

SAPA. “Black Role in Trade Unions ‘Inevitable.’” *Rand Daily Mail*. June 19, 1975.

“International Criticism of Labour Laws.” *Rand Daily Mail*. September 11, 1979.

Friedman, Steven. “SEIFSA Deal Stops at Union Dues.” *Rand Daily Mail*. May 15, 1980.

Friedman, Steven. “Talks Could Lead to New Deal for Unions.” *Rand Daily Mail*. October 29, 1981.

Friedman, Steven. “Union, Company Agree to Bypass Council.” *Rand Daily Mail*. August 3, 1981.

Mpeta, Claudia. “Union Sit-in Caled off after Promise.” *Saturday Star*. June 3, 2000.

Carter, Chiara. “Massive Stayaway in October?” *South*. August 16, 1990.

- Keys, Derek. "A Wonderful Opportunity." *South African Labour Bulletin*. Johannesburg, January 1993.
- Schreiner, Geoff. "Book Review - Engine of Development: South Africa's National Economic Forum." *South African Labour Bulletin*. Braamfontein, January 1994.
- Bird, Adrienne, and Geoff Schreiner. "COSATU at the Crossroads: Towards Tripartite Corporatism or Democratic Socialism?" *South African Labour Bulletin*. Johannesburg, July 1992.
- Joffe, Avril. "COSATU Economic Policy Conference." *South African Labour Bulletin*. Johannesburg, June 1991.
- Hofmeyr, Willie, and Martin Nicol. "Deregulation: A Challenge for the Labour Movement." *South African Labour Bulletin*. Johannesburg, May 1987.
- "Document: ANC-SACTU-Cosatu Talks." *South African Labour Bulletin*. Braamfontein, April 1986.
- Schreiner, Geoff. "Fossils from the Past: Resurrecting and Restructuring the National Manpower Commission." *South African Labour Bulletin*. Johannesburg, July 1991.
- SALDRU. "Industrial Councils and Deregulation." *South African Labour Bulletin*. Johannesburg, October 1985.
- Fanaroff, Berni. "Interview: Berni Fanaroff on MAWU Strategy." *South African Labour Bulletin*. Johannesburg, May 1987.
- Mayekiso, Moses. "Interview: Moses Mayekiso, General Secretary of NUMSA." *South African Labour Bulletin*. Johannesburg, June 1989.
- Lewis, John. "MAWU and the Industrial Council." *South African Labour Bulletin*. Johannesburg, September 1985.
- Webster, Eddie. "MAWU and the Industrial Council - a Comment." *South African Labour Bulletin*. Johannesburg, April 1983.
- "Metal Settlement - No Strike." *South African Labour Bulletin*. Johannesburg, August 1989.
- Matiko, Jabu. "Metal Talks and MAWU's National Wage Campaign." *South African Labour Bulletin*. Braamfontein, March 1987.

- “NUMSA Launch.” *South African Labour Bulletin*. Braamfontein, July 1987.
- CALS. “Participation on the National Manpower Commission (NMC) and Similar Organisations.” *South African Labour Bulletin*. Johannesburg, June 1991.
- Copelyn, John. “Problems in Collective Bargaining.” *South African Labour Bulletin*. Johannesburg, September 1982.
- Benjamin, P., and H. Cheadle. “Proposed Amendments to the Labour Relations Act: A Critical View.” *South African Labour Bulletin*. Braamfontein, November 1987.
- CRIC. “Public Sector Strikes - an Overview.” *South African Labour Bulletin* 14, no. 8 (May 1990): 9–14.
- “Reconstruction Accord.” *South African Labour Bulletin*. Johannesburg, January 1993.
- Meintjies, Frank. “Talks with SACCOLA - a Bitter Experience.” *South African Labour Bulletin*. Braamfontein, November 1988.
- Von Holdt, Karl. “The ANC Alliance: What Does COSATU Think?” *South African Labour Bulletin*. Johannesburg, June 1991.
- Hassen, Ebrahim-Khalil. “The Anti-Privatisation Strikes: Effects and Implications.” *South African Labour Bulletin*. Braamfontein, October 2001.
- Patel, Ebrahim. “The Case for Centralized Bargaining.” *South African Labour Bulletin*. Johannesburg, November 1990.
- Fanaroff, Berni. “The Future of Wage Bargaining.” *South African Labour Bulletin*. Johannesburg, November 1992.
- “The State and Changes in Industrial Relations.” *South African Labour Bulletin*. Johannesburg, September 1978.
- Toerien, Marcus. “The Struggle for Industrial Councils.” *South African Labour Bulletin*. Johannesburg, October 1989.
- Jack, Abner. “Towards a ‘Living Wage’: Workers Demands over Sixty Years.” *South African Labour Bulletin*. Braamfontein, March 1987.
- Erwin, Alec. “Towards a Planned Economy.” *South African Labour Bulletin*. Johannesburg, April 1989.

- Holdt, Karl Von. "Towards Transforming SA Industry." *South African Labour Bulletin*. Johannesburg, March 1991.
- Swilling, Mark. "Workers Divided: A Critical Assessment of the Split in MAWU on the East Rand." *South African Labour Bulletin*. Johannesburg, August 1984.
- Motlanthe, Kgalema. "Address by Deputy President Kgalema Motlanthe at the 17th Nedlac Annual Summit, Birchwood Hotel, Kempton Park." *State News Service*. September 7, 2012.
- Naidoo, Jayendra. "Don't Fracture the Negotiating Forum." *Sunday Times*, September 21, 1997.
- Ryan, Ciaran. "Industrial Councils Throttling Small Business." *Sunday Times*. February 7, 1993.
- Barron, Chris. "Nedlac Has Become a Policy Graveyard." *Sunday Times*. October 14, 2012.
- Majokweni, Nomaxabiso. "SA Can Win Back Its Dialogue Title." *Sunday Times*. September 30, 2012.
- Lunsche, Sven. "'Thatcherite' Plan Opens New Doors." *Sunday Times*. June 16, 1996.
- Piotrowski, Jan. "Governments' Widespread New Fondness for Interventionism." *The Economist*, January 10, 2022. <https://www.economist.com/special-report/2022/01/10/governments-widespread-new-fondness-for-interventionism>.
- "The Painful Privatisation of South Africa." *The Economist*, September 9, 1999. <https://www.economist.com/international/1999/09/09/the-painful-privatisation-of-south-africa>.
- SAPA. "Bargaining Gains Dividends." *The Sowetan*. December 17, 1990.
- Raboroko, Joshua. "Bosses Demand Reform." *The Sowetan*. March 28, 1985.
- Tsedu, Mathatha. "COSATU Slammed: Worker Leaders Accused of Being Too Chummy with Business and Government." *The Sowetan*. May 12, 1993.
- Molefe, Themba. "Giant New Union Looks beyond Factory Floor." *The Sowetan*. May 26, 1987.
- Manga, Amrit. "Nedlac in for Stormy Weather." *The Sowetan*. September 26, 1997.

Singh, Shareen. "15 Unions Reject Increase Offer in Negotiations." *The Star*. April 6, 1990.

Forrest, Drew. "A Question of Power." *The Star*. June 29, 1981.

"Business Joins in Detainee Outcry." *The Star*. November 15, 1984.

Burgers, Louise, and Helen Grange. "Business Losses Varied from Thousands to Millions." *The Star*. November 6, 1991.

Loxton, Lynda. "Cosatu Considers Legal Action over Corporatisation of State Pension Body." *The Star*. September 3, 2004.

Loxton, Lynda. "Delay Faces Eskom Bill." *The Star*. November 10, 1998.

Bell, Paul. "Drop ANC, NUMSA Tells COSATU." *The Star*. July 5, 1993.

Bethlehem, Lael. "Erasing Nedlac Won't Rub out Any Problems." *The Star*. September 12, 1997.

Loxton, Lynda. "Eskom Bill Stirs Nedlac Ripples." *The Star*. June 22, 1998.

"Follow-up to Wiehahn Is Disappointing." *The Star*. July 13, 1979.

Gosling, Melanie. "'Hands off Cosatu' Campaigning Starts." *The Star*. May 27, 1987.

"'Integrate Unions' - Assocom." *The Star*. May 21, 1975.

Hannig, Siegfried. "In the Wake of Wiehahn." *The Star*. August 23, 1979.

Naidoo, Jay. "Job Creation Can Help Address Apartheid's Legacy — Naidoo." *The Star*. March 20, 1993.

Rantao, Jovial. "Mandela Lashes SACP." *The Star*. July 2, 1998.

Forrest, Drew. "MAWU Warns Bosses." *The Star*. March 23, 1982.

Rantao, Jovial. "Mbeki Joins the Attack on SACP." *The Star*. July 3, 1998.

Cooke, Adam. "Nedlac at Risk If Bill Is Tabled." *The Star*. September 23, 1997.

Leshilo, Thabo. "Nedlac Ready for a Change of Pace." *The Star*. April 26, 1996.

Cokayne, Roy, and Thabo Masabo. "State Points Fingers at Cosatu's Ethics." *The Star*. August 24, 2001.

Ensor, Linda. "Trade Unions Set to Fight Waiving of Work Standards." *The Star*. January 21, 1987.

Myburgh, James, and Shaun Johnson. "The ANC and the 'N-Word.'" *The Star*. October 17, 1991.

Loxton, Lynda. "Treasury Lashes out at Cosatu for Delaying PIC Bill." *The Star*. August 4, 2004.

Forrest, Drew. "Worker Militancy Is Surging on the Local Labour Front." *The Star*. September 30, 1981.

Mnyanda, Lukanyo, and William Gumede. "ANC Tells Cosatu to Jump in Lake." *The Sunday Independent*. June 28, 1998.

Gumede, William. "Defiant Tone at Cosatu's Sixth Annual Conference." *The Sunday Independent*. September 21, 1997.

Parsons, Raymond. "Don't Write the NEDLAC's Obituary Just Yet." *Sunday Independent*, September 9, 1997.

Estelle, Randall. "Our Policies Have Failed Us - Manuel." *The Sunday Independent*. January 9, 2000.

Mahlakoana, Theto. "Tax: Did the Presidency Lie to You?" *Sunday Independent*. January 31, 2016.

Sorour, Sharon. "ANC/COSATU Clash." *Weekend Argus*. June 19, 1993.

Usher, Dick. "Break-up Threat to Printers' Council." *Weekend Argus*. July 6, 1989.

Usher, Dick. "The Changing Face of Labour Negotiations." *Weekend Argus*. June 17, 1989.

Forrest, Drew. "Cosatu Profits from Tax Campaign." *Weekly Mail*. September 27, 1991.

Haffajee, Ferial. "COSATU 'Too Close to the Bosses.'" *Weekly Mail*. June 18, 1993.

Stober, Paul, and Ferial Haffajee. "Despite Doubts, Unions Pull It Off." *Weekly Mail*. November 8, 1991.

Agenda Press Service. "Industry to Mediate for Bonner." *Weekly Mail*. December 12, 1986.

Forrest, Drew. "Labour Blazes a Trail for Post-Apartheid Law." *Weekly Mail*. September 21, 1990.

Forrest, Drew. "Labour, Business Take Initiative." *Weekly Mail*. January 24, 1992.

Joffe, Hilary. "Manpower Report Challenge to the Industrial Councils." *Weekly Mail*. July 3, 1987.

Naidoo, Jay. "The Five Pillars to Replace Apartheid." *Weekly Mail*. March 19, 1993.

Labour Monitoring Group. "What's Remarkable Is That It Happened." *Weekly Mail*. June 10, 1988.

Carrim, Yunus. "COSATU: Towards Disciplined Alliance." *Work in Progress*. Johannesburg, September 1987.

"Imperative or Impediment? Cosatu Ponders over Its Alliance with the ANC and SACP." *Work in Progress*. Johannesburg, June 1991.

"Industrial Councils." *Work in Progress*. Johannesburg, August 1981.

Rafel, Robyn. "LRA: Two Wasted Years." *Work in Progress*. Johannesburg, June 1990.

Sideris, Tina. "MAWU Enters the Industrial Council." *Work in Progress*. Johannesburg, June 1983.

Smith, Alistair. "One Union, One Industry, One Demand - Interview with Alistair Smith." *Work in Progress*. Johannesburg, April 1990.

"Reconstruction Pacts: No Blank Cheques for the ANC." *Work in Progress*. Johannesburg, April 1993.

Charney, Craig. "Trade Union Moves: Evaluating Strengths." *Work in Progress*. Johannesburg, June 1983.

"Total War." *Work in Progress*. Johannesburg, May 1979.

7.3 LEGISLATION AND JUDICIAL DECISIONS

Brasil. Decreto de 1º de fevereiro de 2005, February 2 (n. 23) Diário Oficial da República Federativa do Brasil § 2 (2005).

- . Decreto de 12 de agosto de 1993, August 13 (n. 154) Diário Oficial da República Federativa do Brasil § 1 (1993).
- . Decreto de 22 de novembro de 1994, November 23 (n. 221) Diário Oficial da República Federativa do Brasil § 1 (1994).
- . Decreto de 28 de outubro de 1993, October 29 (n. 207) Diário Oficial da República Federativa do Brasil § 1 (1993).
- . Decreto n. 3.405, de 6 de abril de 2000, April 7 (n. 68) Diário Oficial da República Federativa do Brasil § 1 (2000).
- . Decreto n. 4.744, de 16 de junho de 2003, June 17 (n. 115) Diário Oficial da República Federativa do Brasil § 1 (2003).
- . Decreto n. 5.353, de 24 de janeiro de 2005, January 25 (n. 17) Diário Oficial da República Federativa do Brasil § 1 (2005).
- . Decreto n. 7.540, de 2 de agosto de 2011, August 3 (n. 148) Diário Oficial da República Federativa do Brasil § 1 (2011).
- . Decreto n. 9.759, de 11 de abril de 2019, April 11 (n. 70-A) Diário Oficial da República Federativa do Brasil § 1 - Edição extra (2019).
- . Decreto n. 24.429, de 20 de junho de 1934, July 4 (n. 46) Diário Oficial da República Federativa do Brasil § 1 (1934).
- . Decreto n. 29.806, de 25 de julho de 1951, July 26 (n. 170) Diário Oficial da República Federativa do Brasil § 1 (1951).
- . Decreto n. 35.729, de 25 de junho de 1954, June 26 (n. 144) Diário Oficial da República Federativa do Brasil § 1 (1954).
- . Decreto n. 38.744, de 1º fevereiro de 1956, February 1 (n. 27) Diário Oficial da República Federativa do Brasil § 1 (1956).
- . Decreto n. 39.412, de 16 de junho de 1956, June 16 (n. 138) Diário Oficial da República Federativa do Brasil § 1 (1956).
- . Decreto n. 51.152, de 5 de agosto de 1961, August 5 (n. 177) Diário Oficial da República Federativa do Brasil § 1 (1961).

- . Decreto n. 52.256, de 11 de julho de 1963, July 12 (n. 131) Diário Oficial da República Federativa do Brasil § (1963).
- . Decreto n. 53.898, de 29 de abril de 1964, April 29 (n. 81) Diário Oficial da República Federativa do Brasil § 1 (1964).
- . Decreto n. 53.975, de 19 de junho de 1964, June 19 (n. 117) Diário Oficial da República Federativa do Brasil § 1 (1964).
- . Decreto n. 65.016, de 18 de agosto de 1969, August 22 (n. 160) Diário Oficial da República Federativa do Brasil § 1 (1969).
- . Decreto n. 67.706, de 7 de dezembro de 1970, December 7 (n. 230) Diário Oficial da República Federativa do Brasil § 1 (1970).
- . Decreto n. 74.361, de 2 de agosto de 1974, August 6 (n. 149) Diário Oficial da República Federativa do Brasil § 1 (1974).
- . Decreto n. 83.904, de 28 de agosto de 1979, August 29 (n. 166) Diário Oficial da República Federativa do Brasil § 1 (1979).
- . Decreto n. 84.595, de 25 de março de 1980, March 27 (n. 59) Diário Oficial da República Federativa do Brasil § 1 (1980).
- . Decreto n. 96.056, de 19 de maio de 1988, May 20 (n. 94) Diário Oficial da República Federativa do Brasil § 1 (1988).
- . Decreto-lei n. 5.982, de 10 de novembro de 1943, November 12 (n. 263) Diário Oficial da República Federativa do Brasil § 1 (1943).
- . Lei 11.346, de 15 de setembro de 2006, September 18 (n. 179) Diário Oficial da República Federativa do Brasil § 1 (2006).
- . Lei n. 6.036, de 1 de maio de 1974, May 2 (n. 82) Diário Oficial da República Federativa do Brasil § 1 (1974).
- . Lei n. 8.178, de 1º de março de 1991, March 4 (supplement to n. 42) Diário Oficial da República Federativa do Brasil § 1 (1991).
- . Lei n. 8.742, de 7 de dezembro de 1993, December 8 (n. 233) Diário Oficial da República Federativa do Brasil § 1 (1993).

- . Lei n. 12.986, de 2 de junho de 2014, June 3 (n. 104) Diário Oficial da República Federativa do Brasil § 1 (2014).
- . Lei n. 8142, de 28 de dezembro de 1990, December 31 (n. 249) Diário Oficial da República Federativa do Brasil § 1 (1990).
- . Mensagem de veto n. 680, de 19 de setembro de 1990, September 20 (n. 182) Diário Oficial da República Federativa do Brasil § 1 (1990).
- Brasil - Câmara dos Deputados. Projeto de lei n. 4715, de 1994, October 28 (n. 160) Diário do Congresso Nacional § 1 (1994).
- Brasil - Conselho Nacional de Assistência Social. Resolução n. 6, de 9 de fevereiro de 2011, February 25 (n. 40) Diário Oficial da República Federativa do Brasil § 1 (2011).
- Brasil - Conselho Nacional de Saúde. Resolução n. 407, de 12 de setembro de 2008, March 11 (n. 47) Diário Oficial da República Federativa do Brasil § 1 (2009).
- Brasil - Conselho Nacional dos Direitos Humanos. Recomendação n. 11, de 14 de agosto de 2019, August 26 (n. 164) Diário Oficial da República Federativa do Brasil § 1 (2019).
- . Resolução n. 1, de 9 de junho de 2015, June 11 (n. 109) Diário Oficial da República Federativa do Brasil § 1 (2015).
- Brasil - Gabinete do Coordenador da Mobilização Econômica. Portaria n. 23, de 20 de novembro de 1942, November 26 (n. 274) Diário Oficial da República Federativa do Brasil § 1 (1942).
- Brasil - Ministério da Economia, Fazenda e Planejamento - Gabinete do Ministro. Portaria n. 123, de 27 de fevereiro de 1991, February 28 (n. 40) Diário Oficial da República Federativa do Brasil § 1 (1991).
- . Portaria n. 125, de 27 de fevereiro de 1991, February 28 (n. 40) Diário Oficial da República Federativa do Brasil § 2 (1991).
- . Portaria n. 762, de 9 de agosto de 1991, August 12 (n. 154) Diário Oficial da República Federativa do Brasil § 1 (1991).
- Brasil - Ministério da Fazenda - Gabinete do Ministro. Portaria Interministerial n. 25, de 21 de janeiro de 1975, January 28 (n. 19) Diário Oficial da República Federativa do Brasil § 1 (1975).

- Brasil - Ministério da Indústria, do Comércio e do Turismo - Gabinete do Ministro. Portaria interministerial n. 6, de 3 de novembro de 1994, November 4 (n. 209) Diário Oficial da República Federativa do Brasil § 1 (1994).
- Brasil - Ministério da Indústria e do Comércio - Gabinete do Ministro. Portaria n. 8, de 31 de outubro de 1968, December 23 (n. 247) Diário Oficial da República Federativa do Brasil § 1 (1968).
- Brasil - Presidência da República. “Ata Da 40^a Reunião Ordinária Do CDES (27/02/2013).” Brasília, 2013.
- . “Relatório de Atividades CDES 2013.” Brasília: Conselho de Desenvolvimento Econômico e Social, 2014.
- Brasil - Supremo Tribunal Federal. Medida cautelar na arguição de descumprimento de preceito fundamental 623, January 7 (n. 1) Diário da Justiça Eletrônico § 1 (2022).
- NEDLAC. “NEDLAC Constitution,” April 25, 1995. South East Academic Libraries System Digital Commons. <http://hdl.handle.net/10962/151654>.
- . “Protocol for Tabling and Considering Issues at NEDLAC,” 2020. <https://nedlac.org.za/wp-content/uploads/2020/11/Nedlac-Protocols.pdf>.
- South Africa. Confederation of South African Workers Union (CONSAWU) v Nedlac and Others, R.W. Nugent (The Supreme Court of Appeal of South Africa 2011).
- . “Labour Relations Act No 28 of 1956.” In *The New Labour Relations Act: The Law after the 1988 Amendments*, edited by Edwin Cameron, Halton Cheadle, and Clive Thompson, 134–287. Cape Town: Juta, 1989.
- . National Economic Development and Labour Council Act, Pub. L. No. 35, December 2 (n. 16126) Government Gazette 3 (1994).
- Van Zyl, Deon. *Business South Africa v Minister of Health and others*, No. 13749/98 (Cape Provincial Division October 20, 1998).

7.4 OTHER DOCUMENTS

- African National Congress. “ANC on SA Foundation Document - Growth for All.” M2 PRESSWIRE, March 12, 1996. <https://bit.ly/3zShN1A>.
- BUSA. “Submission - Protection of Personal Information,” October 2009. <https://pmg.org.za/files/docs/091013busa.doc>.
- Brassey, Martin Severn Maxwell. “Money Bill and Nedlac Legal Opinion.” Sandton: Sandton Chambers, October 23, 2013. <https://bit.ly/3CAVM9r>.
- CDES. “Ata Da 12ª Reunião Ordinária Do CDES,” August 19, 2005.
- . “Ata Da 17ª Reunião Ordinária Do CDES,” May 10, 2006.
- . “Moção Ao Presidente Da República Sobre a Composição Do Conselho Monetário Nacional,” May 19, 2005.
- Central Statistical Service. *South African Statistics 1972*. Pretoria: Central Statistical Service, 1972.
- . *South African Statistics 1982*. Pretoria: Central Statistical Service, 1982.
- . *South African Statistics 1994*. Pretoria: Central Statistical Service, 1994.
- CNAS. *303ª Reunião Ordinária*, 2022. https://www.youtube.com/watch?v=m6axx_gz6Z8.
- CNI, ed. *A Indústria e o Brasil: Uma Agenda Para o Crescimento*. Brasília: Confederação Nacional da Indústria, 2002.
- . *A Indústria e o Brasil: Uma Agenda Pra Crescer Melhor*. Brasília: CNI, 2010.
- . *Agenda Setorial Para a Política Industrial*. Brasília: Confederação Nacional da Indústria, 2014.
- . “Brasil Industrial: Competitividade Para Crescer.” Folha de São Paulo, May 22, 1996. <https://www1.folha.uol.com.br/fsp/1996/5/22/brasil/25.html>.
- . *Crescimento. A Visão Da Indústria*. Brasília: Confederação Nacional da Indústria, 2006.
- . *Crítérios Para Uma Nova Agenda de Política Industrial*. Brasília: Confederação Nacional da Indústria, 2019.

- . *Rumo Ao Crescimento: A Visão Da Indústria*. Brasília: Confederação Nacional da Indústria, 1994.
- CNM/CUT. “Editorial: Brasil Maior só com participação ativa dos trabalhadores.” CNM/CUT, March 30, 2012. <https://cnmcut.org.br/noticias/editorial-brasil-maior-so-com-participacao-ativa-dos-trabalhadores-68d5>.
- . *Resoluções - 9º Congresso Nacional Dos Metalúrgicos Da CUT*. São Bernardo do Campo, 2015. <https://www.cnmcut.org.br/midias/arquivo/222-resolucoes2.pdf>.
- CNM/CUT and DIEESE. “A Indústria Automobilística No Brasil: Diagnóstico e Propostas Elaboradas Pelos Metalúrgicos Da CUT,” 2012. <http://www.cnmcut.org.br/midias/arquivo/182-diagnostico-automotivo.pdf>.
- CNS. “Recomendação nº 42/2020.” Conselho Nacional de Saúde, May 22, 2020. <http://conselho.saude.gov.br/recomendacoes-cns/1193-recomendacao-n-042-de-22-de-maio-de-2020>.
- . “Recomendação nº 73/2020.” Conselho Nacional de Saúde, December 20, 2020. <http://conselho.saude.gov.br/recomendacoes-cns/recomendacoes-2020/1557-recomendacao-n-073-de-22-de-dezembro-de-2020>.
- Comissão de Desenvolvimento Industrial. “Plano Geral de Industrialização Do País.” In *Rumos e Metamorfoses: Um Estudo Sobre a Constituição Do Estado e as Alternativas Da Industrialização No Brasil, 1930 - 1960*, by Sonia Draibe, 219–21, 2nd ed. Rio de Janeiro: Paz e Terra, 2004.
- Commission of Inquiry into Labour Legislation. *The Complete Wiehahn Report*. Johannesburg: Lex Patria, 1982.
- COSATU. “6th National Congress Resolutions.” In *COSATU - 6th Annual Congress*, by ERA. Braamfontein: Executive Research Associates, 1997.
- . “A Programme for the Alliance: A Cosatu Discussion Document.” *The African Communist*, no. 146 (1997).
- . “Adopted Resolutions from the 2012, 11th National Congress.” Johannesburg, 2012. <https://bit.ly/3lypd6b>.

- . “COSATU 1987: From the Executive Committee.” *Review of South African Political Economy*, no. 39 (1987): 68–73.
- . “COSATU Leaders Stage Sit-In At NEDLAC.” *Africa News*. June 1, 2000. <https://allafrica.com/stories/200006010162.html>.
- . “COSATU Policy Discussion Paper.” *South African Labour Bulletin*. Johannesburg, March 1991.
- . “Cosatu Riposte to ANC Leaks.” *AllAfrica*. October 18, 2001. <https://allafrica.com/stories/200110180591.html>.
- . “Cosatu Special CEC Statement.” *Africa News*. February 4, 2016.
- . “Cosatu Submission on the Draft Employment Tax Incentive Bill.” Parliamentary Monitoring Group, October 15, 2013. <https://pmg.org.za/files/131015cosatu.doc>.
- COSATU Parliamentary Office. “Accelerating Transformation: Cosatu’s Engagement with Policy and Legislative Processes during South Africa’s First Term of Democratic Governance.” Johannesburg: Cosatu, August 2000.
- . “Cosatu Submission on the Public Investment Corporation Draft Bill.” Parliamentary Monitoring Group, June 25, 2004. <https://static.pmg.org.za/docs/2004/appendices/040625cosatu.htm>.
- CUT. “Câmaras setoriais e intervenção sindical.” São Paulo, 1992.
- . “Modelo de Desenvolvimento, Política Industrial e Reestruturação.” São Paulo, May 1994.
- . “Plataforma Da CUT - Eleições 2018: Democracia, Direitos e Soberania.” São Paulo, 2018.
- . *Plataforma Da CUT Para as Eleições 2010*. São Paulo: CUT, 2010.
- . “Política Industrial e Geração de Empregos.” São Paulo, March 1998.
- . “Política Industrial, Reestruturação Produtiva e as Propostas Da CUT.” São Paulo, December 1993.
- . “Política Industrial: Uma Contribuição Dos Metalúrgicos Da CUT.” São Paulo, September 2003.

- . “Reestruturação Do Complexo Automotivo Brasileiro: As Propostas Dos Trabalhadores Na Câmara Setorial.” São Paulo, March 1992.
- Datafolha. “Greve Geral,” August 18, 1987.
https://www.cesop.unicamp.br/por/banco_de_dados/v/35.
- DIEESE. *Diagnóstico Do Complexo Metal-Mecânico Brasileiro*. São Paulo: DIEESE/CNM-CUT, 1998.
- ERA. *COSATU - 6th Annual Congress*. Braamfontein: Executive Research Associates, 1997.
- FOSATU. “Industrial Councils Debated.” *FOSATU Worker News*. Cape Town, April 1982.
- . “Industrial Councils: Union Struggles Continue.” *FOSATU Worker News*. Cape Town, August 1981.
- . “MAWU Moves Forward.” *FOSATU Worker News*. Cape Town, March 1983.
- . “MAWU Must Build Leadership.” *FOSATU Worker News*. Johannesburg, May 1982.
- . “National Manpower Commission - the President’s Council?” *FOSATU Worker News*. Cape Town, August 1980.
- . “Press Statement on the Industrial Conciliation Act.” *South African Labour Bulletin*. Johannesburg, March 1980.
- . “Principles of Collective Bargaining.” *South African Labour Bulletin*. Johannesburg, September 1982.
- . “PWAWU Steps up Its Fight against Hard-Nosed Bosses by Joining a Industrial Council.” *FOSATU Worker News*. Johannesburg, June 1984.
- . “Second FOSATU Union Joins Industrial Council.” *FOSATU Worker News*. Cape Town, November 1983.
- . “Seifsa’s ‘Wage Game.’” *FOSATU Worker News*. Cape Town, May 1983.
- . “Statement on the Wiehahn Commission Report and Its Implications.” *South African Labour Bulletin*. Johannesburg, March 1980.
- . “‘Strive to Build a Strong Working Class Movement.’” *FOSATU Worker News*. Johannesburg, October 1983.

- IEDI. “A Política Industrial, Tecnológica e de Comércio Exterior [2004].” In *Indústria e Desenvolvimento: Reflexões e Propostas Do IEDI Para a Economia Brasileira*, edited by IEDI, 333–62. São Paulo: Instituto de Estudos para o Desenvolvimento Industrial, 2014.
- . “Agenda Para Um Projeto de Desenvolvimento Industrial: Proposta IEDI.” São Paulo, 1998. https://iedi.org.br/admin_ori/pdf/agenda-i.pdf.
- . “Ajustamento Econômico e Política Industrial - Mudar Para Competir [1990].” In *Indústria e Desenvolvimento: Reflexões e Propostas Do IEDI Para a Economia Brasileira*, edited by IEDI, 21–38. São Paulo: Instituto de Estudos para o Desenvolvimento Industrial, 2014.
- . “Crenças Do IEDI - Um Roteiro Para a Construção Do Desenvolvimento (Carta IEDI n. 12),” July 29, 2002. https://www.iedi.org.br/cartas/carta_iedi_n_12_crenças_do_iedi_um_roteiro_para_a_construção_do_desenvolvimento.html.
- . “Indústria 4.0: a política industrial no Japão face à quarta revolução industrial (Carta IEDI n. 838),” March 16, 2018. https://iedi.org.br/cartas/carta_iedi_n_838.html.
- . “Industrialização Competitiva, Emprego e Bem-Estar Social [1994].” In *Indústria e Desenvolvimento: Reflexões e Propostas Do IEDI Para a Economia Brasileira*, edited by IEDI, 122–39. São Paulo: Instituto de Estudos para o Desenvolvimento Industrial, 2014.
- . “Princípios de um plano para a Indústria 4.0 no Brasil (Carta IEDI n. 862),” July 10, 2018. https://iedi.org.br/cartas/carta_iedi_n_862.html.
- IMF. *South Africa: Selected Economic Issues 1996*. Washington, D.C.: International Monetary Fund, 1996.
- Maasdorp, Badian, and Banzi Malinga. “Public Investment Corporation Bill - Objections by Congress of South African Trade Unions,” August 2004. <https://static.pmg.org.za/docs/2004/appendices/040825hofmeyr.htm>.
- Mayet, Zaheeda. “Opinion – Public Investment Corporation Bill, 2004 (‘PIC Bill’),” August 19, 2004. <http://www.pmg.org.za/docs/2004/appendices/040825cosatu.doc>.

- Mdludlu, X., N. Bulisile, T. Hercules, and O. Kellner. "Opinion on PIC Bill: Office of the Chief State Law Adviser." Pretoria: The Office of the Chief State Law Adviser, August 24, 2004. <https://static.pmg.org.za/docs/2004/appendices/040825state.htm>.
- National Manpower Commission. "Dispute Settlement, Levels of Collective Bargaining and Related Matters." Pretoria, 1986.
- NEDLAC. "Annual Report 2008-2009." Johannesburg: NEDLAC, 2009.
- . "Annual Report 2009-2010." Johannesburg: NEDLAC, 2010.
- . "Annual Report 2012-2013." Johannesburg: NEDLAC, 2013.
- . "Annual Report 2014-2015." Johannesburg: NEDLAC, 2015.
- . "Annual Report 2018-2019." Johannesburg: NEDLAC, 2019.
- . "Declaration on Wage Inequality and Labour Market Instability." Johannesburg: NEDLAC, 2017.
- . "NEDLAC Report on the Climate Change Bill," 2020. <https://www.tips.org.za/just-transition/item/4266-nedlac-report-on-the-climate-change-bill-2020>.
- . "Report on Financial and Non-Financial Information (July-September 2020)," 2020. <https://nedlac.org.za/wp-content/uploads/2020/12/Final-Nedlac-Quarter-2-Narrative-Report-2020-211.pdf>.
- NEF. "National Economic Forum Founding Documents." In *Engine of Development? South Africa's National Economic Forum*, edited by Ebrahim Patel. Cape Town: Juta, 1993.
- PMG South Africa. "Department of Labour (DoL), Commission for Conciliation Mediation and Arbitration (CCMA), Unemployment Insurance Fund (UIF), NEDLAC and Productivity SA 2012 Strategic Plans." Parliamentary Monitoring Group, April 18, 2012. <https://pmg.org.za/committee-meeting/14190/>.
- . "National Development and Labour Council (NEDLAC) 2008/09 Annual Report." Parliamentary Monitoring Group, November 10, 2009. <https://pmg.org.za/committee-meeting/11076/>.
- . "Protection of Personal Information Bill [B9-2009]: Public Hearings," October 12, 2009. <https://pmg.org.za/committee-meeting/10876/>.

- Recine, Elisabetta. “#FicaConsea: Mobilização contra a extinção do Consea.” Aliança Pela Alimentação Adequada e Saudável, 2019. <https://alimentacaosaudavel.org.br/campanhas/ficaconsea-2/>.
- SAFTU. “SAFTU Demands Inclusion to Nedlac,” October 14, 2019. <https://saftu.org.za/saftu-demands-inclusion-to-nedlac/>.
- Sarney, José. “Anúncio de Uma Nova Política Industrial,” May 19, 1988. Biblioteca da Presidência da República. <http://www.biblioteca.presidencia.gov.br/presidencia/ex-presidentes/jose-sarney/discursos/1988/42.pdf/view>.
- SEDES. “Relatório de Atividades CDES 2006.” Brasília: Conselho de Desenvolvimento Econômico e Social, 2006.
- Shafer, Michael, and United Nations Centre Against Apartheid. “The Wiehahn Report and the Industrial Conciliation Amendment Act: A New Attack on the Trade Union Movement in South Africa.” New York, 1979.
- Sindicato dos Metalúrgicos do ABC and CUT. “Sem peças o Brasil não anda: metalúrgicos do ABC em defesa da produção nacional de autopeças e do emprego,” August 1995.
- South Africa. “Growth, Employment and Redistribution: A Macroeconomic Strategy.” Pretoria, 1996.
- . “The Presidency Annual Report 2003/2004.” Pretoria, 2004. <https://www.gov.za/xh/documents/presidency-annual-report-200304>.
- . “The Presidency Annual Report 2015/2016.” Pretoria, 2016. <https://www.gov.za/documents/presidency-annual-report-20152016-20-aug-2016-0000>.
- Steenkamp, Anton, and Zimisele Majamane. “Opinion on PIC Bill: Sonnenberg Hoffmann Galombik,” August 11, 2004. <https://static.pmg.org.za/docs/2004/appendices/040825sonnenberg.htm>.
- The Community Agency for Social Enquiry. “Taking Democracy Seriously: Workers Survey 2004,” 2004. <https://ujcontent.uj.ac.za/vital/access/services/Download/uj:34950/SOURCE1?view=true>.

Tripartite Alliance. "Reconstruction and Development Programme 4th Draft." *African Communist*, September 1993.