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**Institutional System of the State and
Public Policy: The Structure of Sports
Management in Brazil**

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Institutional System of the State and Public Policy: The Structure of Sports Management in Brazil

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Abstract

Brazil has become the focus of world attention in recent years since it became the hosting seat of mega sporting events – the Pan American Games in 2007, FIFA Confederations Cup in 2013, FIFA World Cup in 2014, the 2016 Olympic Games, as well as the Paralympic Games in 2016. However, little is known about Brazil's administrative governmental policy in regards to sports. Available studies focus their analysis on the content of sport policy, but not the arrangement of the decision-making structure. The purpose of this article is to describe, based on official documentation, the evolution and characterization of the administrative structure of government entities responsible for formulating and implementing sports policy in Brazil. Furthermore, we seek to evaluate the main problems arising from the organization processes of Brazilian sports management. These problems include: (1) inadequate institutional structure in terms of human resources and impediments to the participation of social members, in addition to the official participants (career politicians and members of the executive power); (2) overlap between the institutions, generating redundancies and conflicts of jurisdiction and (3) inadequate planning in the form of poor organization done by some institutions, the lack of evaluation of public policies as well as its discontinuity. In conclusion, we emphasize that, due to this administrative arrangement, Brazilian sport policy is unable to meet the challenges of managing mega events, nor to implement a program of competitive sports.

Keywords: Brazil; public management; public policy; sport politics; sports political institutions

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Introduction¹

Brazil has become the focus of world attention in recent years. One reason for this is that the country became the host of mega sporting events. However, little is known about the Brazilian government's administrative structure that focuses on sport policy. Physical education and sport in Brazil was established by law in the year 1851, but only in 1916 did the State establish an institution for implementing the policy of sport within its governance structure. This institution has undergone a number of changes since then, demonstrating the difficulty of coordination, allocation and effectiveness of the nation to administer sport.

The purpose of this article is to describe the many political institutions responsible for the formulation and implementation of sports policy in Brazil. Although there are studies of this type from other countries (DOUSTI et al. 2013; BERGSGARD et al. 2007; GREEN & HOULIHAN 2008; CHALIP et al. 1996), there is nothing within the literature on how the managing institutions of Brazilian sport policy are characterized or structured, nor how the consequences of structure function in terms of public management. Usual analysis of sport policy in Brazil focuses almost strictly on the outputs (policies), concerned exclusively with the evaluation of existing policy. We are interested, first of all, in presenting the structure of these institutions, and how they are organized and interact.

Considering the public policies produced for peculiar arrangement of political institutions, this article fits in the theme of Public Policy of Sport (PPS) focusing on the management of political institutions that produce PPS, which is denominated Political Institutions of Sport (PIS).

In the first section we will do a quick assessment of scientific literature on PPS in Brazil. In the second section we will present how sport entered into the legal regiment of the country, and how this regiment culminated into the creation of PIS, then describe the origin, lawful purpose and formal transformation over time of PIS. In the third section, we will discuss PIS reflecting on possibilities of effective management of sport policy.

Policy Studies of Sport in Brazil

When you talk about PPS in Brazil, it is important to demarcate what is the current place of sport in the Brazilian legal system. With the establishment of the rule of law in many countries, sport not only became part of the legal framework, but it was incorporated into the constitution, with Switzerland being the first country to do so in 1874 and Brazil the 13th in 1988 (BUENO 2008). In 1988, sport was inserted into the Constitution of the Federative

¹This study is part of a PhD research of Alessandra Mendes, in development, entitled "Management of Sport Policy: a comparative analysis of Political Institutions".

Republic of Brazil¹ (CF/1988) as a "social right", or more clearly, as a right for all Brazilians.

The first study that linked Sport and Public Policy was the Castellani Filho in 1985² (CASTELLANI FILHO 1985). A review of studies of PPS in Brazil, Castro et al. (2012) and Luiz & Sousa (2012), conclude there is a prevalence of qualitative work specifically evaluating specific policies, with a lack of clarity regarding methodological aspects. Other equally important issues, such as decision making, financing, and management structure of sport received less attention – management, for example, appears in only approximately 9% of all research. Research has only recently emerged that focuses on other aspects of the PPS such as Almeida & Marchi Jr. (2011) and Almeida et al. (2012) on the financing of sport, for example.

The structural design of PIS, regarding the way they organize their internal relations and with other government institutions, is what shapes decisions in PPS. However, there are only two studies about this, in area of Administration, Lorenzo (2008) studied the National Council of Sports, and in the area of Political Science, Bueno (2008) made an historical overview of the legislation and institutionalization of sport in Brazil, in regards to the decision-making processes and funding.

Studies like these show that knowing the structure and operation of PIS in Brazil allows us to think of the possibilities and difficulties that arise when dealing with government administration of the politics of sport.

Institutions that Produce and Manage Sport Policy in Brazil

In Brazil, PIS can be divided into legislative and executive. That is to say, some PISs produce this PPS while others implement PPS, although they may also suggest policy. This is the first conflict of the structure of sport management in Brazil.

Legislative – PIS Formal (Committees) and Informal PIS (Parliamentary Committees)

In the Legislature, PIS meets in Congress³.

Thus, we have the formal PIS, in the form of committees, permanent or temporary, constituted in each of the chambers of the National Congress (NC) – Senate and the Chamber of Federal Deputies (CD) – to work on specific policy issues.

¹Is the supreme and fundamental law of Brazil, serving as a valid parameter to all other species regulations, standing on top of the legal system.

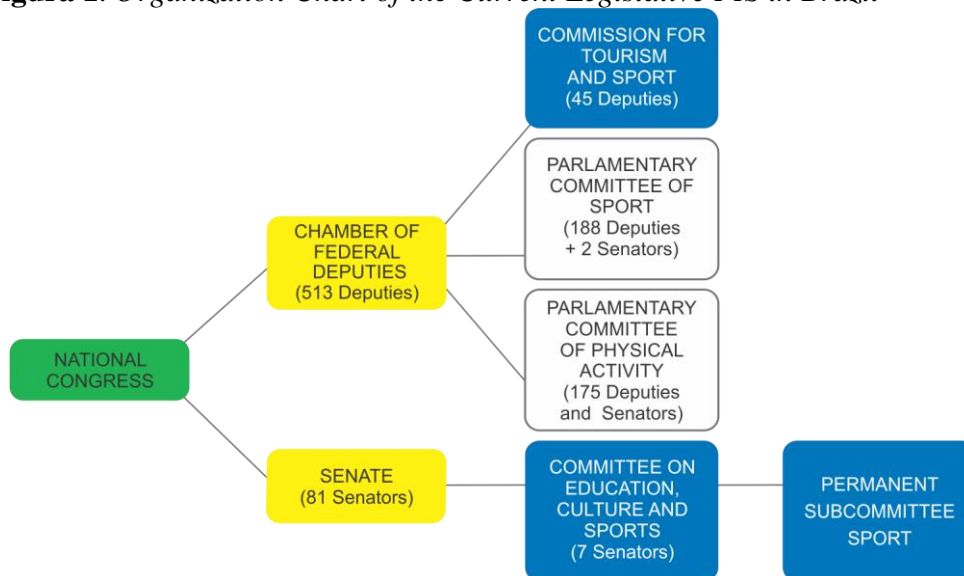
²Lino Castellani Filho was National Secretary of the Ministry of Sport and Tourism between 2003 and 2007 – as it PIS was called at the time.

³The National Congress consisting of two chambers, Senate (81 senators) and Chamber Federal of Deputies (513 deputies), representing the 27 Federative Units. For more information see Ferri & Valle (2006).

And we also have informal PIS, as is the case of the parliamentary committees. Parliamentary Committees, are non-partisan associations of senators and federal deputies, designed to improve the legislation of a particular topic, this Parliamentary Committees are regulated by the Act of the Presiding Officers of the CD nº. 69 of 2005 but are not included in the formal structure of the CD or the Senate.

The PIS formal legislation are the working committees formed by senators and federal deputies, and include advice on the topics discussed, provided by Legislative Councillors. These councillors only need to have a higher educational level, but not necessarily in the area of consulting in which they operate. Thus, consultants of sport policy may be educated in Law or Journalism, for example. The Figure 1 shows the organization chart of the PIS Congress.

Figura 1. *Organization Chart of the Current Legislative PIS in Brazil*



Source: Own elaboration from data of the National Congress in 2013 ©.

The Commission for Tourism and Sport (CTS) of the Chamber of Federal Deputies (CD)

Brusco (2006) presents the history of the standing committees of the Chamber of Federal Deputies, since the establishment of the National Congress in 1823 until 2004. We have observed that the theme of sport has been present since 1983. Initially called the Commission of Sports and Tourism (1983), later with other forms, evolving into the Committee on Education, Culture and Sport (1989), Committee on Education, Culture, Sports and Tourism (1989), with its current name as the Commission for Tourism and Sport (CTS) (2003). The assignments it has had since its inception also changed over time, and its current assignment is to take care of the national sports system and its

organization, politics and national physical education and sport. The CTS consists of 45 deputies¹.

On the website for the CTS, we can see the history of the commission, its mission, members, sub-committees, projects of law and other proposals in progress, deadlines for amendments, reports, hearings and other events. The site also includes how you can contact the commission².

There, you can view their dialogue and exchange with the executive branch of power. At the first public hearing of 2013, the CTS brought to the plenary Aldo Rebelo, Sports Minister, who presented the plans and programs and suggested that the CTS submit a proposal for a National Sport Plan to the Ministry of Sport, under Law No. 9.615/1998, this law, had required that by 2011, the development of a ten-year plan for sport as assigned by the Ministry of Sport and the National Sport Council.

The mega sporting events were also topics of public hearings for the CTS, because deputies visited the host cities of the FIFA Confederations Cup, stadiums and airports, recording observations in the final report. In a seminar, club representatives and the federal government debated the debt of sport associations for the Brazilian tax authorities and alternatives and possibilities of agreements with creditors.

The Committee on Education, Culture and Sports (CE) of the Senate

In the Senate the PIS is the CE, a permanent committee composed of 27 Senators and 27 alternate Senators who analyze the general rules relating to the area of education, culture and sports, so a legislative committee that focuses exclusively on PPS does not exist.

This committee has several subcommittees operating as well, among them the Permanent Sport Sub-committee (PSS), composed of seven Senators and seven alternate Senators, under implementation at the time of our consultation – august 2013. On the website of the Senate, we can find the agenda, minutes, notes, results and synthesis of committee meetings, as well as ruled upon materials, and its rapporteurs. This makes it possible to monitor the processes, as well as being able to stay informed via email from the system itself – although much of the population is unaware of such services³. While your page is less complete than the CTD.

The Parliamentary Committee in defense of Physical Activity for Human Development (PCPA)

This Parliamentary Committee was created in 2011 with the purpose of promoting actions and preparation of legislative proposals to ensure people's right to physical activity. The PCPA is formed by Senators, Deputies and one

¹Currently this committee is chaired by Federal Deputy Romario, former football player, world champion in Brazil in 1994.

²To contact the CTS in the Chambre of Deputies, visit: <http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/CTS/participe/fale-conosco>

³For access to such services in the CE of the Senate access: <http://www.senado.gov.br/atividade/comissoes/comissao.asp?origem=SF&com=47>

representative of the Federal Council of Physical Education, totalling 175 members.

Formally, the Committee has five main objectives as contained in its website¹:

i) guarantee the constitutional right of the people to be able to enjoy the spaces conducive to physical activity, ii) raise awareness of the importance of Brazilian physical activity as a means of promoting health, iii) ensuring the Brazilian population care, by fully qualified professionals iv) allocation of funds for the maintenance of service projects in physical activities as well as for renovation and construction of spaces for both and v) ensure compliance with the provisions of Law 9.394/96 that regulate Guidelines and Bases of Education, amend mended by Law 10.328/01, which gave force for Physical Education to be included as a curricular component in basic education, seeking further to ensure minimum weekly workload to three days in schools nationwide.

To achieve these objectives the proposed PCPA promised to publish information on the topic of Physical Activity and enable the creation of virtual forums as well as other mediums. However, this was not done. There were only a few isolated actions, with their last recorded activity on their website dated 17 December 2012. The PCPA has a statute that regulates its internal operation (FRENTE PARLAMENTAR EM DEFESA DA ATIVIDADE FÍSICA PARA O DESENVOLVIMENTO HUMANO 2013).

The Parliamentary Committee of Sport (PCS)

The PCS, created in 21 May 2007², initially consisted of 301 Deputies and 25 Senators. It was established with the goal of making policy proposals and actions related to the valuation of the sportsman and sport. Re-launched on 17 August 2011 with 188 Deputies and 2 Senators, the committee was chaired by former boxer and federal Deputy Acelino Popo (PRB / BA). There is no news of current activities of the PCS since its re-launch, and the website of the entity is disabled.

Executive

In Brazil, the implementation and monitoring of public policies at the federal level are carried out by ministries, special secretariats, autarchies, regulatory agencies and councils. These entities can also make proposals to the legislature. Currently, the federal government is comprised of 24 ministries, 10 special secretariats of the presidency and 5 entities with ministerial status³, one of them being the Sport Ministry. However, it has not always been this way.

¹The website of PCPA is: fpdatividadefisica.com.br/

²The Congressional Sports registration date of PCS in electronic site of the Chamber of Federal Deputies (CÂMARA DOS DEPUTADOS 2013).

³The President of the Republic may, by special law, create and modify the structure and organization of the Brazilian state. For more information about BRASIL (2013) see the page: <http://www.brasil.gov.br/sobre/o-brasil/estrutura>

During the Empire Period when Portugal ruled Brazil, in 1832, discussions began about deploying Physical Education and Sport programs. Between 1851 and 1889 some laws and regulations were passed that established sports as training in military academies, and in 1882 as a pedagogical function in schools¹. Thus, sport was autonomous and organized privately – between 1870 and 1910, more than 60 nautical clubs were created in several Brazilian cities, which fostered rowing and football.

The popularity of football, with its demand for professionalization and regional disagreements, required state intervention in 1916. This culminated in the first PIS, the Brazilian Sports Confederation (BSC)². There was no public budget, and it was rivaled by private entities such as the Brazilian Football Confederation, as well as the representatives of Olympic sport. It had no support, nor the autonomy conquered by professional football for its maintenance, despite the creation of the Brazilian Olympic Committee³ (BOC) in 1914 with support from the International Olympic Committee (IOC). There is even a conflict of competences on record between BOC and BSC, back in 1935, when leaders of Olympic sport supported by IOC members, founded the BOC, and BOC as much as BSC sent delegations to the Olympics in Berlin in 1936, creating serious problems in the IOC (BOC, 2008B apud BUENO 2008). After this, it was devoted to decentralization with the creation of the sports federations of Olympic sports, leaving the BSC⁴ as the only international and bureaucratic representation of the state, today, supplanted by the BOC.

This was a long process, whose character limitation did not allow Brazil to narrate properly. Figure 2⁵ shows the evolution of PSI chart of executive power in Brazil¹.

¹On this date, the sport was introduced as a compulsory in schools, but it was legally established prior to educational practice by Law n.º 630 de 1851.

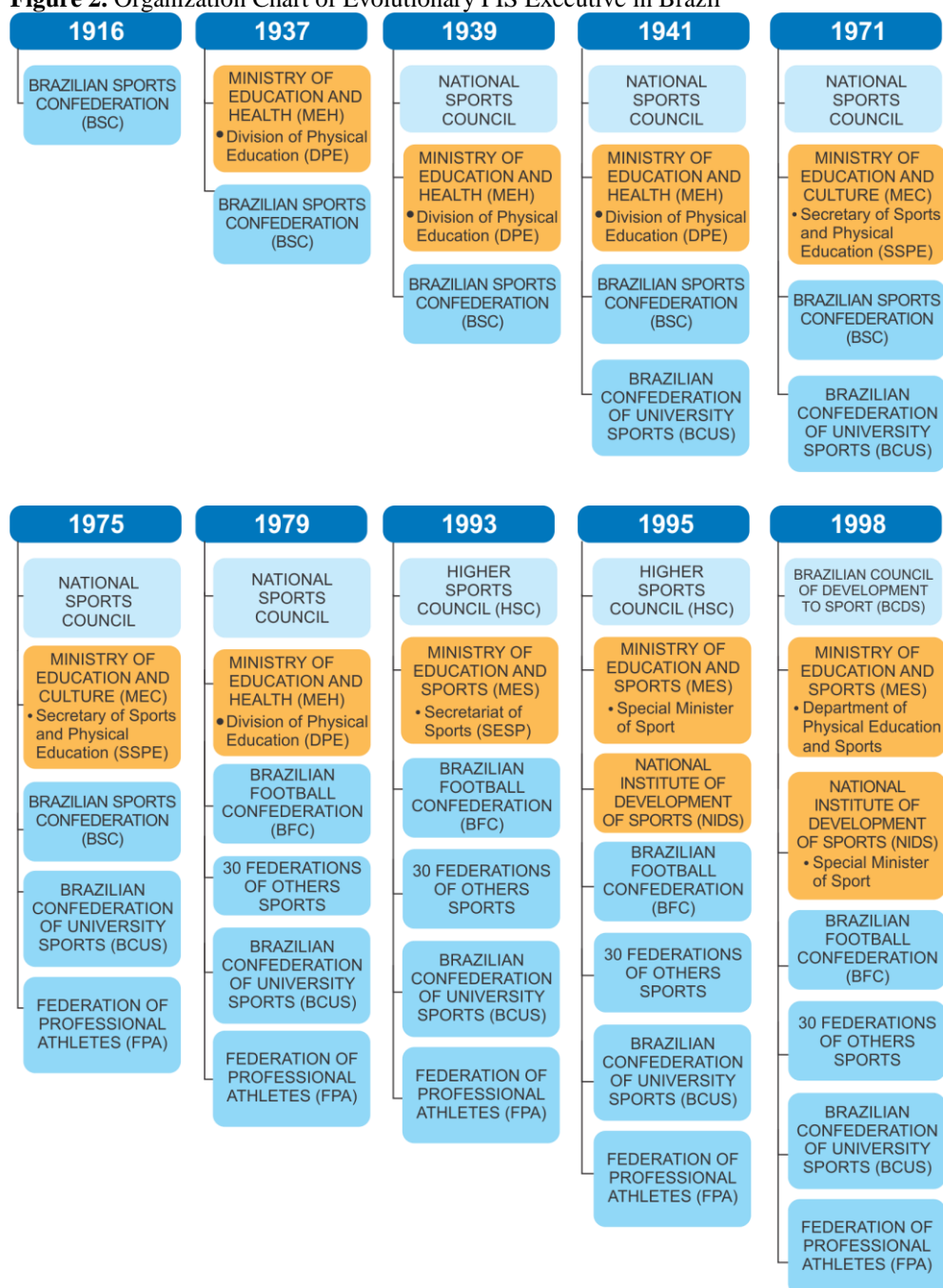
²The Brazilian Federation of Sports was an entity created on 8 June of 1914 by others eight entities to manage the Brazilian football. On 21 June of 1916, merged with another league management of Brazilian football at the time, the Brazilian Federation of Foot-Ball, created last year by the São Paulo Football League to give the Brazilian Sports Confederation (BSC) that until 1979 was responsible for the organization of all sports in the country, and today is the current Brazilian Football Confederation (BFC), having arisen from other confederations for each one other modalities, all under the supervision of the Brazilian Olympic Committee (BOC) (BUENO 2008).

³BOC is a non-governmental private law which is intended to represent the spread Olympism and the Olympic ideal in Brazilian territory. Works in technical management of Olympic sports, the development of Olympic sports in Brazil, and in representing the country at sporting events. Its autonomy is guaranteed by the Constitution. Its mission is to act in high performance sport. The was founded on 8 June of 1914, at the headquarters of the Brazilian Federation of Societies of Remo, on the initiative of the Metropolitan League of Athletic Sports. Because of World War I, the organization became operational in fact in 1935.

⁴The sports federations and confederations, as well as BOC and BPC are institutions of private law – according to Decree 7.984/2013 – do not constitute PIS but cited in this study only by its interface with the first PIS in Brazil, the BSC.

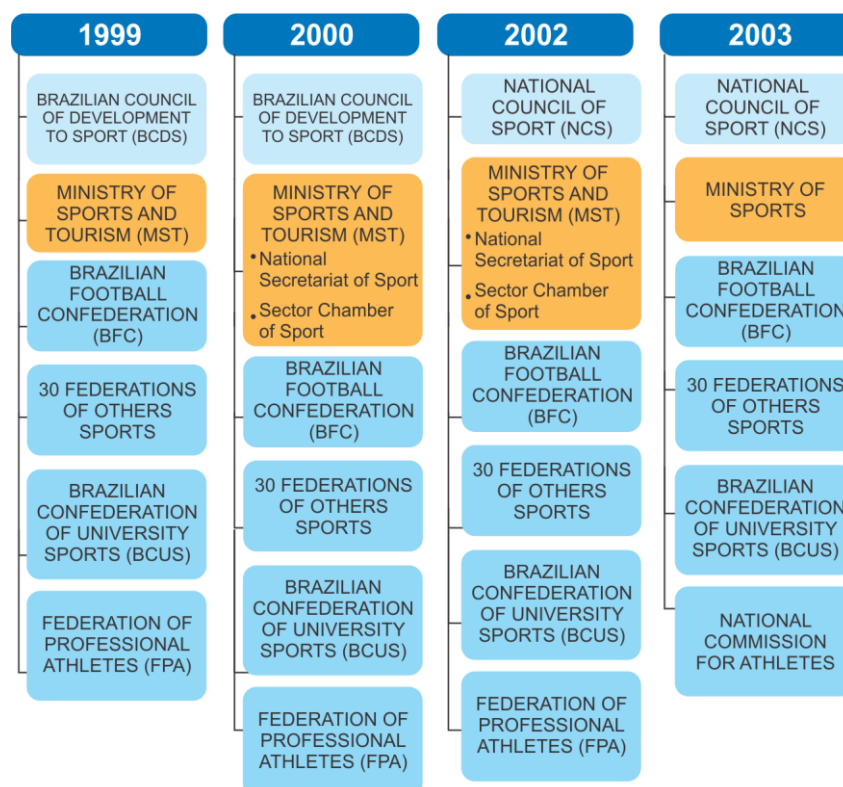
⁵In this figure are just positioned the PIS as its creation and/or presence in that year, not as some hierarchy between them.

Figure 2. Organization Chart of Evolutionary PIS Executive in Brazil



Source: Own elaboration from data of the Bueno (2008) ©

¹For more information see: (1) Law Zico (n° 8.672/1993); (2) Provisional Measure n°813 of 01/01/1995; (3) Law Pelé (n° 9.615/1998). In official documents you will find the designations: Federal Sport System, National Sports System or Brazilian System of Sport.



National Council of Sport (NCS)

At present, the NCS remains a collegiate advising the Minister of Sport. The composition of NCS over time is depicted by Lorenzo (2008). Since 2003 the NCS is composed of 22 members, as shown in **Table 1**.

Table 1. *Composition of the NCS*

Category	Members (22)
Government (5 members)	Minister of State for Sport
	Executive Secretariat of the Ministry of Sport
	National Department of Sport High Performance
	Department of Sports National Sports, Education, Leisure and Social Inclusion
	Secretariat of Football and defending the rights of the Fan
Entities (11 members)	Representative of the Brazilian Olympic Committee
	Representative of the Brazilian Paralympic Committee
	Representative of the National Athletes
	Representative of the National Forum of State Secretaries of Sport and Leisure
	Representative of Secretaries and Managers Municipal Sport and Leisure
	Representative of Social Clubs
	Representative of the Federal Council of Physical Education
	Representative of the Brazilian College of Sport Science
	Representative of the Brazilian Military Sports Commission
	Representative of the National Organization of Supreme National Entities of Sports
	Representative of the Brazilian Football Confederation

Individuals (6 members)	Representative of Sport 1
	Representative of Sport 2
	Representative of Sport 3
	Representative of Sport 4
	Representative of Sport 5
	Representative of Sport 6

Source: Own elaboration from the site of Ministry of Sport in Brazil ©

The NCS has a page¹ on the website of the Ministry of Sport with information about the council, pointing out who its members are, the existing committees, minutes of meetings, resolutions, as well as laws and documents. The purpose of the NCS is:

“seek to develop programs that promote intensive practice and planned physical activity for the entire population, in addition to improving the standard of organization, management, quality and transparency of the sector” (MINISTÉRIO DO ESPORTE 2013).

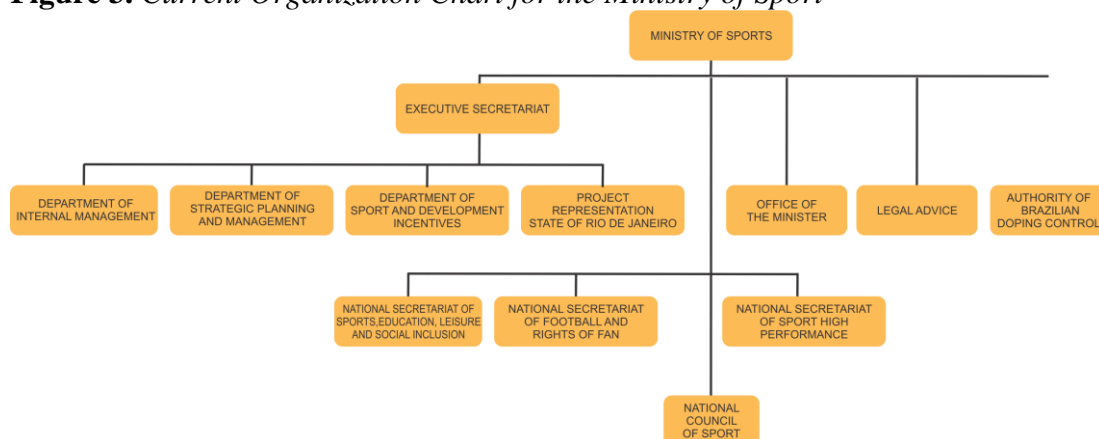
Ministry of Sport (MS)

The Sports Ministry defines its purpose as:

“Being responsible for building National Sport. In addition to developing high performance sport, the Ministry works to create social inclusion through sports, ensuring the Brazilian population freedom of access to sports, quality of life and human development” (MINISTÉRIO DO ESPORTE 2013).

In the current chart, there have been recent changes, with the creation of a National Secretariat exclusive to football, as chart shown in **Figure 3**.

Figure 3. *Current Organization Chart for the Ministry of Sport*



Source: Own elaboration from the site of Ministry of Sport in Brazil ©

¹The site of the Sports Ministry is <http://www.esporte.gov.br/conselhoEsporte/>

Among their actions is a diversity of programs prepared by each of the national secretariats in order to meet the objectives of MS.

Problems of Political Institutions of Sport in Brazil

This article points out the characteristics of PIS in Brazil in regards to their legally established goals, their structure and who their managers and/or policy makers are. A summary of PIS can be seen in **Table 2** below.

Table 2. *Summary of the Structure of PIS in Brazil*

Structure of the PIS		Objective	Members	Managers or Policy-makers
Legislative	CE	Create general rules pertaining to the area of education, culture and sports	7 Senators	Elected Senators, appointed to the commission for composition as partisan proportionality in CN
	CTS	Regulate the national sports system, national physical education and sport	45 Federal Deputies	Elected Federal Deputies, appointed to the commission to compose as partisan proportionality in CN
	PFFA	Non-partisan association designed to improve legislation related to sport	175 between Senators and Federal Deputies, and 1 representative of FCPE ¹	Deputies and Senators – free participation
	PFS		200 made up of Senators and Federal Deputies	
Executive	NCS	Development of programs that promote physical activity by the population, improvement of sport management (organization and transparency)	22 members, between government entities and sportsmen	Government representatives (5) representatives of entities (11), and representatives of some types of sport (6)
	MS	Construction of the National Policy for Sport, development of high performance sport, and free access to sports	395 practicing members ²	The Minister is appointed by the president of the country, and so, he/she appoints the National Secretaries

Source: Own elaboration ©

¹The FCPE is the Federal Council of Physical Education, created by Law No. 9.696/1998, which regulates the profession of Physical Education and created their Federal Council and Regional Councils of Physical Education – with controversies.

²Information obtained in the Transparency Portal (<http://www.portaldatransparencia.gov.br>) updated to 30/06/2013.

This article showed that sport, despite being politically debated in Brazil since 1832 – shortly after the creation of the National Congress at the time of Empire Occupation in 1824 – only established the first executive PIS in 1916, formerly known as BSC, and only in 1983 did the first legislative PIS come into being, known as the CTS today.

Regarding PIS formal legislation, CE and CTS, we can say that the bicameral system allows for a broader discussion of laws that are proposed. However, openness to new proposals depends on coordination with the managers of these PISs. The transparency of their actions by disseminating information via the Internet, however, is commendable (CTS more than CE). Regarding PIS informal legislation, PCPA and PCS, we note weak mobilization and little transparency in their actions. However, their initiative is a breakthrough in the search for improving legislation by a group interested in the subject, since the standing committees of the chambers, both CE and CTS, have a limited number of participants.

Regarding the PIS Executives, some inconsistencies are evident.

The NCS aims to promote the democratic access to sport by people in the same ways that were established in the CF/1988. In contrast, the Ministry of Sport focuses on high performance sports – and this has been proven by Bueno (2008) – aiming to represent the country in international sporting competitions, made evident in the chart of Sports Ministry, which brings together sport participation and education into a single entity, while creating an entity exclusively for football. Although the composition of the NCS has changed a bit after the research done by Lorenzo (2008), their conclusion is still relevant concerning: (1) the regulation of the NCS does not clearly define the selection process, nor the roles of counsellors, (2) the agenda and guided themes denote a low capacity for thorough discussion of topics and incorporate new demands and (3) the NCS contributes very little to the area that increases societal participation in developing sport policy, as well as social demand and control over policy. However, the transparency of actions done by the NCS, such as having information registered on its website, are commendable. Despite this, its informations has been sporadic.

However, we must recognize that the MS has been advancing, by establishing a series of international agreements, but still has structural limitations such as the low number of members working in ME. This was pointed out in the assessment report prepared about the Ministry of Sport, by the Department of Planning and Strategic Investment (BRASIL 2008).

Regarding the interaction between PIS, we can identify two aspects:

(1) The conflict of competencies generated by the non-interaction between the PIS, of which there are two key examples:

(a) The conflict of competence between the BSC and the BOC (BUENO 2008), which is also occurring today between the BOC and the National Secretariat of Higher Sport in MS;

- (b) A survey on the effectiveness of the Athletic Scholarship Programs of MS, Guimarães (2009) showed a total disruption of the Ministry of Sports in relation to the data of the program;
- (2) The possibility of enriching policy generated by the interaction between the PIS, an example recorded on the electronic site of CTS, when Minister Aldo Rebelo urged on CTS at a Public Hearing¹.

Conclusions

This article attempts to point out the structure of political institutions that make policy for sport in Brazil in order to contribute to familiarization of these structures, as well as to question if they are appropriate institutional establishments adequate for formulating quick-fix sport policy.

There are basically three cumulative problems arising in Brazilian sport management organization: (1) inadequate institutional structure in terms of human resources (MS) and democratic participation (NCS), (2) mismatch between the institutions generating re-work by the PIS (BOC and MS in preparation of the Brazilian delegation), and (3) inadequate planning found in the lack of organization of some institutions [case management of the Athletic Scholarship Program by MS evidenced by Guimarães (2009)], the lack of evaluation of public policies and their discontinuity (MS) (STAREPRAVO 2011: p. 254).

We have as challenges to the policy of sport in Brazil, an institutional design that allows achieving the intended sport on CF/1988, with improvement to its management, all the while targeting efficiency and transparency. As possibilities, we have the historical evolution, which denotes a priority area for the government, despite several interests, and also studies and stakeholders coming increasingly together to contribute to the evolution of sport management in Brazil.

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¹The minister was asked by CTS to participate in a public hearing [<http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/CTS/noticias/ministro-do-esporte-qu-er-propostas-da-CTS-para-elaborar-plano-nacional-do-esporte>]

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