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Metropolitan Regions and Public Consortia: discussions on cooperative federalism from the perspective of the Brazilian urban space

Regiões Metropolitanas e Consórcios Públicos: discussões sobre o federalismo cooperativo sob a perspectiva do espaço urbano brasileiro

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ABSTRACT: This article examines the importance of metropolitan regions and public consortia within the context of cooperative federalism in Brazil. The main objective is to analyze how intergovernmental partnerships can address the challenges of urban management. The study focuses on the transition from an authoritarian to a democratic model and how this has impacted metropolitan policy, as well as exploring public consortia as mechanisms for the shared management of public services. The research follows a hypothetical-deductive approach, using a literature review to investigate the relationships between geographical space, regional economy, and Brazilian legal framework. The conclusion suggests that public entity associations can optimize resource allocation and enhance public service management in metropolitan areas.

KEYWORDS: Cooperative federalismo. Metropolitan regions. Public consortia. Metropolitanization.

RESUMO: Este artigo examina a importância das regiões metropolitanas e dos consórcios públicos no contexto do federalismo cooperativo no Brasil. O objetivo principal é analisar como as parcerias intergovernamentais podem enfrentar os desafios da gestão urbana. O estudo foca na transição do modelo autoritário para o democrático e como isso afetou a política metropolitana, além de explorar os



consórcios públicos como mecanismos para a gestão compartilhada de serviços. A pesquisa segue uma abordagem hipotético-dedutiva, utilizando revisão bibliográfica para investigar as relações entre espaço geográfico, economia regional e ordenamento jurídico brasileiro. A conclusão sugere que o associativismo entre entes públicos pode otimizar a aplicação de recursos e melhorar a gestão de serviços públicos em regiões metropolitanas.

PALAVRAS-CHAVE: Federalismo cooperativo. Regiões metropolitanas. Consórcios públicos. Metropolização.

1. INTRODUCTION

The reconsideration of politically established territorial boundaries and the centrality exerted by certain urban functional units call for a fresh perspective on discussions about institutionalizing regional integration processes, considering the reach of urban structures that form beyond their political-territorial limits.

The spatial dynamics of cities, their economic distribution, and population movements create patterns that often extend beyond the political-institutional boundaries of their municipalities, establishing interconnected relationships with other cities and necessitating the adoption of specific policies for public functions of common interest affecting these administrative units.

One of the main challenges for intermunicipal and regional integration in Brazil is the federative model of autonomy and independence adopted by the Federal Constitution, which, however, is also characterized by the exercise of shared competencies among federated entities, making it difficult to perceive the limits of each entity's actions in each territory.

This model creates the misconception that municipalities alone could handle the complex issues arising from urbanization and metropolitan growth, sometimes blurring territorial boundaries and requiring shared solutions to problems affecting multiple jurisdictions. However, this is clearly not the case given their financial constraints and limited ability to implement more sophisticated technical solutions.

In turn, given resource constraints and limited investment capacity, municipalities have sought forms of association to make common interest projects viable, as well as strengthen their negotiating power with other levels of government, and improve the quality and effectiveness of public policies.

The urban issue is a topic of interest not limited to municipalities, but rather of national significance, especially when considering the role of metropolises in a country's development and the convergence of political and economic scales at intramunicipal, regional, national, and international levels, as centers of population concentration, productive activities, and hubs of power for articulating and polarizing the national territory (IPEA, 2024).

Since the 2000s, Brazilian legislation appears to be promoting a shift towards cooperative federalism as envisioned in the Federal Constitution (Brazil, 1988), emphasizing common interests and regional issues, despite the prominence given to local government – the municipalities. This is achieved through the coordination of urban and regional development policies and the integration of infrastructure and public services. Among its objectives, we can highlight the provision of public services at a regional level, aiming for economies of scale, universal access, and technical and economic feasibility, as well as environmental preservation and conservation of natural resources, as advocated in Law No. 11,445¹ on the national policy for basic sanitation.

Among the legal-institutional mechanisms used for inter-federative collaboration in Brazil, this research focuses on analyzing metropolitan regions and public consortia, considering that these entities are not mutually exclusive, as public consortia can be part of metropolitan region governance.

¹ BRAZIL, Law No. 11,445 of January 5, 2007. Establishes national guidelines for basic sanitation; creates the Inter-Ministerial Committee on Basic Sanitation; amends Laws 6,766 of December 19, 1979, 8,666 of June 21, 1993, and 8,987 of February 13, 1995; and repeals Law 6,528 of May 11, 1978. (Wording given by Law No. 14,026 of 2020)

The outcomes achieved by these arrangements, in terms of public policy formulation, vary depending on their institutional consolidation, influence over other participants (governmental or non-governmental), and their ability to ensure that their various members can shape the final policy design (Abrucio et al., 2010).

Regarding metropolitan governance sharing and its institutional arrangements, Lizando Lui (IPEA, 2021) draws on Ostrom's (1990) thesis and the concept of the tragedy of the commons to illustrate the interdependence between parties and guide social agents' efforts to ensure collective and shared benefits, as well as the consequences of their inaction². Therefore, beyond a legal requirement, there must be a shared understanding of the importance of integrated regional planning that will impact each involved federal unit.

Given this scenario, the main research objective of this article is to examine how the institutional formalization of intergovernmental partnerships can help address urban management challenges in Brazil. Specifically, i) discuss how the transition from an authoritarian model to a democratic one impacted metropolitan governance in Brazil; ii) examine public consortia as a solution, initially devised by the federal entities themselves, for voluntary association and shared management of specific public services.

The hypothesis is that public entity associations lead to better use of financial and environmental resources, enable the provision of more complex public services – benefiting from scale and agglomeration – and generate greater efficiency in shared public service delivery.

The approach employed is hypothetical-deductive, using cross-referenced bibliographic research to promote an interdisciplinary analysis of the relationships between geographical space and regional economy in connection with the Brazilian legal system, which acts as a delimiter of the political-institutional space.

² Ostrom (1990) cited in LUI, Lizandro; COSTA, Marco Aurélio, IPEA (2021), p. 36.

The research is justified by the need for the State to adapt to new urban dynamics and processes that challenge traditional municipal boundaries, requiring a new institutional approach focused on interfederative cooperation.

2. METROPOLITAN AREAS IN BRAZIL

In Brazil, the identification of urban agglomerations and the establishment of metropolitan regions emerged during the dictatorship period, as part of the national development policy, within a project of urban decentralization at national and regional levels. The establishment of metropolitan regions gained legal recognition, incorporated into the Federal Constitution (Brazil, 1967) through Constitutional Amendment No. 01 of 1969 (Brazil, 1969), and became part of the projects in the First National Development Plan (PND) 1972-1974.

The promulgation of the 1988 Citizen Constitution ushered in a new federal system of autonomy and independence among the Union, States, and Municipalities, introducing a fresh perspective on metropolitan regions, which are now established by the States, bringing local government closer to regional issues (Pires, 2018). However, since then, there has been a noticeable weakening of the legal and organizational structure of metropolitan regions.

According to Klink (2010), the decline of centralized, authoritarian, and technocratic metropolitan planning characteristic of the military regime led to an institutional gap in metropolitan governance.

The vertical creation of metropolitan regions, based on the country's main capitals at the time, resulted in designs that were not always successful in terms of governance management of the areas defined by law, following the transition from military rule to democratic regime. The developmental model promoted by the totalitarian state in the 1970s excluded municipalities and social participation from decision-making processes and forcibly associated

neighboring municipalities, disregarding any existing identity between them, despite technical recognition of the metropolis's socio-spatial configuration, which hindered integration and political cooperation processes after the authoritarian regime.

The Constitution (Brazil, 1988) establishes that metropolitan regions are formed by groups of neighboring municipalities with complementary socioeconomic characteristics, whether homogeneous or not, identified by the centrality exerted by one municipality, in a spatial organization that requires planning and execution of public functions of common interest. Metropolitan area thus represents a structure within the Brazilian political-administrative model for cooperative and shared management of a given regional space, established by Complementary Law but lacking political-institutional autonomy, legislative powers, and dedicated budget allocations, necessitating the creation of specific inter-federative institutional arrangements.

This model assumes institutional multiplicity for the coordination, planning, and mandatory execution of public functions guided by the common interest and joint competence of the municipalities that comprise it and the State (Alves, 2001).

The fragmentation and weakening of metropolitan management is precisely one of the consequences of the federal state model for the management and governance of metropolitan regions in Brazil, as they are subject to issues of shared competence among the three levels of government and do not represent, in themselves, a separate governmental entity, even when institutionalized.

The opening and power granted to Brazilian municipalities and states with the Constitution (Brazil, 1988), transferring to the state level the decision to define metropolitan areas, fragmented the institutional and socio-spatial criteria adopted for creating metropolitan regions. This led Tobias Souza (2019, p. 24) to assert that “understanding the spatiality of the metropolization process in Brazil can no longer be captured by the ‘metropolitan region’ framework, as not all institutionalized units effectively result from a metropolization process.”

Despite legal provisions for their establishment, the lack of specific criteria for creating Metropolitan Regions in Brazil has led to the emergence of units with diverse characteristics, both in terms of the urban phenomena justifying their creation and in the composition of municipalities or the extent of their boundaries (Ribeiro, 2012).

Costa et al. (2010) refer to institutional metropolization as the exponential creation of metropolitan regions in Brazil since the 2000s through state complementary laws in areas that do not necessarily conform to the socio-spatial reality of a metropolis.

Despite this reversal in the natural order of creating metropolitan regions, the problem exists and persists after the legal establishment of these areas, extending to smaller-scale realities where the metropolitan phenomenon is absent, but the political integration of medium and small cities is compulsorily determined.

In this context, advancing the regulatory framework on metropolitan issues, the Federal Government once again takes a leading role in metropolitan affairs by enacting Federal Law No. 13,089 in 2015, known as the Metropolis Statute. The law establishes guidelines and objective frameworks, outlines institutional and legal parameters for defining what may be considered metropolitan regions, and institutes mechanisms for interfederative planning, management, and governance, as well as provisions for adopting specific federal public policies, while maintaining state competencies regarding decisions on the institutionalization of metropolitan areas. Despite debates over the constitutionality of its provisions, it represents a significant piece of legislation for addressing and defining urban issues in Brazil.

2.1 The Metropolitan Statute: Reflections on Law No. 13,089/2015

The process of urbanization in Brazil appears to have been significantly affected by the federal government's withdrawal from defining, organizing, managing, and addressing metropolitan issues

in the country. The speed at which these processes have been and continue to be experienced requires, beyond addressing regional issues delegated to the States, a broader and more comprehensive perspective that only the Federal Government can provide.

The fragmentation of the metropolitan area's formation and management structure during the transition from an authoritarian government model to a democratic system failed to find effective solutions for inter-federative governance within the Brazilian model, characterized by the dispersion of public policies adopted by member states in the institutionalization and management of Metropolitan Regions.

In this context, the Metropolis Statute was enacted through Law No. 13,089 (Brazil, 2015) to establish the principles, guidelines, and basic structure for inter-federative governance of metropolitan regions, returning the issue to the highest level of public administration – the federal government.

It is worth noting that, as a constitutional matter, the Metropolis Statute – an ordinary law – does not affect the distribution of powers delegated to the Federal Government, States, and Municipalities. Therefore, the exclusive authority of Member States to create Metropolitan Regions remains unchanged.

The law serves as a regulatory framework for public policies aimed at urban planning and sustainable development of metropolitan regions, seeking to promote integration among municipalities within these areas, pursuing joint solutions in an inter-federative governance environment for urban issues such as mobility, housing, basic sanitation, environment, and infrastructure. Moreover, the statute aims to ensure civil society's involvement in metropolitan planning and management processes.

As a guiding instrument for future public policies, providing an important conceptual and regulatory framework, the law cannot revise the models of metropolitan regions established by current state laws, which could create uniformity and a territorial reference for

what is considered metropolitan in Brazil (Pires et al, 2018). However, it can be applied to reorganize these spaces for political discussion, advancing their management and governance themes.

Based on this law, establishing metropolitan regions in the country now requires meeting numerous criteria, highlighted here regarding their definition and purpose; institutionalization and the obligation to comply with other urban planning regulations.

It is worth noting that, according to the law, public consortia may be part of integrated urban development in metropolitan regions or urban agglomerations. 9th, VI (Brazil, 2015), to authorize the resolution of inter-local issues alongside metropolitan governance structures, regarding functions of common interest (Mencio, 2021).

The Metropolitan Statute sets out general guidelines for planning, managing, and implementing public functions of common interest in metropolitan regions and urban agglomerations established by the States. These regions should be characterized by functional complementarity and integration of geographic, environmental, political, and socioeconomic dynamics among two or more neighboring municipalities.

Before establishing a metropolitan area, states must conduct technical studies and public hearings involving all municipalities within the territorial unit, which, however, does not grant any decision-making power to these entities. State law should establish the criteria and procedures for creating a metropolitan region, including its funding structure, setting out minimum requirements to be addressed in the institutionalization process.

In addition to metropolitan regions and urban agglomerations, the provisions of the Metropolis Statute also apply, where appropriate: Microrregions established by states with public functions of common interest that are predominantly urban; regional basic sanitation units defined by Law No. 11,445 (Brazil, 2007).

In implementing the provisions of the Metropolitan Statute, the general urban planning regulations established in the City Statute –

Law No. 10,257 (Brazil, 2001) and other federal laws related to urban development, basic sanitation, urban mobility, and the environment must also be observed.

Thus, to establish metropolitan regions in Brazil, state law must necessarily define: the municipalities that comprise the urban territorial unit; the functional areas or public functions of common interest that justify the creation of the urban territorial unit; the structure of inter-federative governance, including administrative organization and an integrated system for resource allocation and accountability; and the means of social control over the organization, planning, and execution of public functions of common interest³.

Fernando José Longo Filho (2020) indicates that territorial delimitation is of relevance for metropolitan governance and its management capacity. This presents a challenge in identifying the municipalities that make up the metropolitan area, given the methodological difficulties regarding their integration and characterization of the urban functional unit, and furthermore, the recognition that the institutionalization of metropolitan regions in Brazil represents a political act.

This fact may account for the diversity of institutionalized “metropolitan realities” in Brazil, further complicating legal and political integration processes.

It should be noted that the authority to establish a metropolitan region belongs to the federated state, imposing compulsory integration on municipalities without requiring any municipal executive or legislative process. However, despite being legally required to be part of a metropolitan region, municipalities are given direct participation in management and decision-making for implementing their organizational structure and sharing responsibilities for managing actions and projects related to public functions of common interest, as guaranteed in Article 7-A, I and II (Brazil, year).

³ BRAZIL, Statute of the Metropolis (Law No. 13,089/2015). Art. Subsection 3, paragraph 2.

As a hybrid structure balancing local and regional interests, it is necessary to effectively enforce specific guidelines regarding ongoing shared processes to be carried out by both the state and municipalities within a given metropolitan area.

Thus, the normative provision on the basic structure to be applied for interfederative governance, set out in Article 8 of Law No. 13,089 (Brazil, 2015), should be implemented using instruments of effective participation, not just institutional ones.

Lilian Pires (2018) calls the constitutional mandate for states and municipalities to create their own structures for the intergovernmental management of public functions of common interest a “legislative condominium.” Thus, the Metropolis Statute, by defining “interfederative governance” as “shared responsibilities and actions among federal entities in terms of organization, planning, and execution of public functions of common interest,”⁴ aims to establish an environment of cooperation between the state, municipalities, and society.

Interfederative governance is thus a public law partnership, established by a federative pact⁵ among the involved administrative entities, functioning more as a deliberative body for a metropolitan community rather than a power-sharing mechanism (Longo Filho, 2020).

Regarding the principles established by the aforementioned law for inter-federative governance, it is not yet possible to identify a movement from the federated states towards modernizing their governance structures, given that municipalities have not yet assumed the necessary leadership to discuss regional projects and manage the metropolitan area, although some progress in this direction can be observed.

⁴ BRAZIL, Statute of the Metropolis (Law No. 13,089/2015). Art. Subsection 3, paragraph 2.

⁵ Established by the 1988 Federal Constitution, Articles 1 to 18, the federative pact refers to the set of constitutional rules that define the financial obligations, laws, revenue collection, and scope of action for the federal government, states, and municipalities.

Some integrated urban development instruments are listed as examples in Article 9 of Law No. 13,089 (Brazil, 2015) and represent important guiding tools for the adoption of regional public policies to be reconciled with municipal interests, notably the integrated urban development plan (PDUI).

The PDUI simultaneously represents a public function of common interest and serves as the planning and coordination instrument for other public functions of common interest and territorial organization as defined by law (Longo Filho, 2020, p. 154-155). Understanding, planning, and implementing a public policy agenda, aligning metropolitan strategies with municipal ones, is crucial for engaging local stakeholders in regional dynamics.

Thus, through the Metropolis Statute, the federal legislator reestablishes the participation of the federal public administration, not only as a funder of specific projects and programs in metropolitan regions but also for direct involvement in revising the integrated urban development plan (PDUI) and including specific public policies related to urban development, to be implemented by the Federal Government, establishing a national system of urban and metropolitan information, and supporting state and municipal initiatives aimed at interfederative governance⁶.

However, changes to the Metropolis Statute imposed by Law No. 13,683 (Brazil, 2018) weakened governance processes and urban-regional development instruments by removing established deadlines and sanctions for their implementation, such as the deadlines for preparing the integrated urban development plan (PDUI).

It should be noted that, under pressure from the legal deadline, many metropolitan areas sought to discuss and implement the integrated urban development plan (PDUI) by 2018, actions that were discontinued due to the relaxation of the law, according to data provided by the National Confederation of Municipalities (2024).

⁶ BRAZIL, Statute of the Metropolis (Law No. 13,089/2015). Articles. 13 to 16-A

According to the National Confederation of Municipalities (2024), among the metropolitan regions established in Brazil during the 1970s, only Belo Horizonte (MG), Rio de Janeiro (RJ), and São Paulo (SP) have completed their metropolitan plans in accordance with the Statute. However, these plans have not yet been approved by their respective Legislative Assemblies. Of the metropolitan regions institutionalized after the Constitution (Brazil, 1988), the following completed their PDUI: Greater Vitória (ES), Goiânia (GO), Cuiabá River Valley (MT), Steel Valley (MG), and Santos Coastal Region (SP), of which only the metropolitan regions of Greater Vitória (ES) and Cuiabá River Valley (MT) managed to turn them into state law.

Despite legal efforts to establish an interfederative governance environment in Brazil, Costa et al. (2018) asserts regarding the Brazilian experience that the institutional fragmentation in metropolitan management, noticeable in current governance models, was justified by the lack of specific legislation, a situation changed by the Metropolis Statute, thus established at the federal level with the aim of guiding and regulating metropolitan governance.

The authors argue that, even after the Metropolitan Statute, there has been no progress in developing governance structures for Brazilian metropolitan areas. A high degree of heterogeneity in models adopted by states and limitations in defining key issues related to metropolitan matters are still observed, as well as a lack of enforcement mechanisms due to the removal of deadlines and sanctions from the legislation.

In Brazil, there are few examples of management systems effectively adapted to the complexity of shared governance. Funding for metropolitan development remains largely neglected. However, some progress has been made in defining Public Functions of Common Interest, as seen in all supplementary laws creating metropolitan regions enacted after the Metropolis Statute (Costa et al., 2018, p. 31).

Metropolitan governance in Brazil faces significant challenges, many stemming from unclear jurisdictions among federal entities and

weak institutional frameworks for regional integration. The weakening of metropolitan planning after the democratic transition highlighted the need for new forms of cooperation, enabling the coordination of public policies at the regional level, particularly in contexts where administrative fragmentation hinders the effectiveness of urban development policies.

In this context, public consortia emerge as a viable mechanism to address these gaps, fostering cooperation between different levels of government. The next topic delves deeper into this discussion, examining how public consortia have become established as a practical solution for the shared management of public functions of common interest and how these entities have been applied in the Brazilian urban context.

3. MUNICIPAL PUBLIC CONSORTIA

Milton Santos (2023) argued that the intense urbanization movement in Brazil would require an increasingly strong regulatory effort for the economy and territory, given that a geographically dispersed and technically fragmented production process – as occurred more strongly from the 1970s and 1980s onwards – would need subsequent reunification to be effective. The author continues by noting that “the deepening of the division of labor requires new and more sophisticated forms of cooperation and control” (Santos, 2023, pg. 49).

The rapid urbanization process led to uncontrolled urban growth, resulting in increased population density across various regions. As a result, urban continuity has blurred the boundaries between localities, erasing distinct municipal attributes such as territorial limits, restricted public services, and economic and cultural separation. Political boundaries merge, revealing areas of economic and social continuity. In these areas, economic, social, and environmental

externalities, both positive and negative, determine the utilization of economies of scale and the rationalization of public service delivery, environmental issues, and orderly land use, creating an environment where cooperation becomes necessary (Pires et al, 2018, p.. 131-132).

IPEA, through studies and surveys of the political-institutional framework of Brazilian Metropolitan Regions, found that Brazilian municipalities have a diverse set of institutional arrangements for shared territorial management, some focused on typically metropolitan issues and others unrelated to the topic, for public procurement and other less complex activities (Lui, IPEA 2021).

Lizandro Lui (IPEA 2021) argues that the historical debate on cooperation among federated entities, beyond the institutionalization of metropolitan regions, dates back to the 1990s. This followed the realization that municipal entities would not be capable, autonomously, of solving more complex problems directly affecting them, such as regional development, metropolitan transportation, and basic sanitation.

The first major push for consortia occurred in São Paulo as part of a deliberate strategy of state government decentralization. However, the private association of municipalities brought numerous drawbacks and difficulties from an administrative standpoint and in relation to public oversight, particularly regarding the Courts of Audit (Abrucio, 2010).

Thus, Constitutional Amendment No. 19 (Brazil, 1998) amended the article. 241 of the Brazilian Constitution (1988) now addresses public consortia and cooperation agreements, allowing for shared management of public services. As a means of validating and ensuring legal certainty in inter-federative relations, the Federal Government enacted Law No. 11,107 (Brazil, 2005), known as the Public Consortia Law.

These are entities formed by the association of multiple federal units, with the legal status of an inter-federal agency, which are part of the indirect administration of all the constituent units. Farias (2017) states that a public consortium is an agreement between two

or more federal entities that results in the creation of a legal entity aimed at achieving a common purpose. This purpose typically involves providing one or more services of collective interest, combining cost-effectiveness and efficiency by leveraging economies of scale, coordinating shared interests, and obtaining procedural benefits. The major innovation is the establishment of a new legal entity, making the public consortium a subject of rights and obligations, while providing the necessary administrative autonomy that characterizes indirect Public Administration (Farias, 2017, p. 239).

Such an instrument authorizes the creation of a voluntary public organization, preserving the autonomy of each public entity, which can be implemented on a horizontal scale – through the association of political entities of the same level, or vertically between entities of different levels (Federal, State, and Municipal governments). The primary goal is cooperation and solving common problems in a given region, creating an environment for sharing best practices among federal entities, contributing to the efficiency of public services and strengthening the state's negotiation and response capacity for more complex issues.

Regarding the legal status of this entity, Law No. 11,107 (Brazil, 2005) and Decree No. 6,017 (Brazil, 2007) indicate that it may assume a public law nature – in which case it will be considered an autonomous government agency under civil law, enjoying the procedural privileges granted to domestic legal entities (Art. 41, subsection IV) or private – when it takes the form of a non-profit civil association, but in both cases, it must comply with financial regulations, public procurement rules for bidding, contracting, and hiring, and be accountable to the relevant Courts of Audit⁷.

⁷ BRAZIL, Law No. 11,107 of April 6, 2005.

Art. 9 – The execution of the public consortium's revenues and expenditures must comply with the financial regulations applicable to public entities.

Single paragraph. The public consortium is subject to accounting, operational, and asset oversight by the Court of Auditors responsible for reviewing the accounts of the Chief Executive Officer, who is the legal representative of the consortium. This oversight

Despite the legal possibility of forming a consortium through a civil association of its entities, the legislation itself discourages this choice by limiting agreements with the federal government to public consortia⁸, prohibiting the voluntary transfer of federal resources to private public consortia.

The primary goal of public consortia is to promote decentralization of power while simultaneously taking on integrated public service delivery, aimed at ensuring greater speed, cost-effectiveness, and efficiency in providing services within a given territorial area (Farias, 2017, p. 242), sometimes guaranteeing the feasibility of offering more complex services that require population concentration for their implementation.

Established by contract, preceded by a memorandum of understanding, the law empowers local stakeholders within the cooperative framework to define their objectives, rules, and funding sources, allowing for the development of specific goals based on regional needs and available resources to pursue their intended purpose.

As it is a voluntary movement of the entities involved and limited to the scopes highlighted by them, including the financial participation of each of its members, this model requires the effective participation of public and private actors who join the consortium, assuming consensually distributed roles and taking a leading role in decision-making.

Ré and Oliveira (2019), in their study on the ABC Paulista Consortium, present an example from that experience: a structure of

includes examining the legality, legitimacy, and cost-effectiveness of expenses, actions, contracts, and revenue waivers, without prejudice to external control to be exercised for each cost-sharing agreement.

⁸ BRAZIL, Decree No. 6,017 of January 17, 2017.

Art. 38. When necessary to achieve appropriate scales, the implementation of federal programs with local scope may be delegated, in whole or in part, through agreements, to public consortia.

Single paragraph. States and municipalities may implement, through public consortia, actions or programs that benefit from voluntary federal transfers.

objectives (actions) compartmentalized by work areas called “Structuring Axes” that address themes such as: Infrastructure; Public Safety; Health; Social Assistance, Inclusion and Human Rights; Education; Culture and Sports; Regional Economic Development; Urban Development and Environmental Management; Institutional Affairs. Although comprised solely of public entities (municipalities, state, and federal government) through direct participation or public funding allocated to the Consortium, companies and organizations affected by the issues at hand were included in the discussions for the adoption of public policies.

This example demonstrates the potential reach of public consortia in terms of their capacity for shared territorial management on issues that are specifically related to metropolitan concerns, not being limited to matters of lesser importance.

In December 2023, the National Confederation of Municipalities (NCM) released the results of the 2023 Brazilian public consortia mapping, showing that Brazil has 723 active public consortia and that 85% of Brazilian municipalities participate in at least one public consortium. Successful experiences in Brazil can serve as a reference and learning opportunity for discussions on metropolitan governance.

4. FINDINGS

The discussion on legal possibilities for inter-federative cooperation aims to advance the processes of integration and regional development of Brazilian municipalities, taking into account their socioeconomic and political-institutional realities. Interfederal cooperation enables municipalities to benefit from economies of agglomeration, fostering urban management that transcends defined political-institutional boundaries and implements cooperative federalism, optimizing resource utilization and addressing challenges inherent to this environment.

The formation of public consortia, both horizontal and vertical, has emerged as the solution found by Brazilian municipalities to address common problems and manage available resources more equitably and efficiently, while preserving the autonomy of each federal entity. This solution is even more relevant considering that these entities are authorized to form management bodies in metropolitan areas, integrating local and regional interests at multiple levels.

However, the shortcomings of Brazil's inter-federal cooperation system lie in managing interests across multiple levels, which hinders understanding the complex demands of metropolitan areas. The fragile political and institutional framework leads to a lack of strategic breadth in addressing complex metropolitan issues such as land use, population density, economic factors, and sphere of influence, which require high-level planning and coordination.

For these reasons, there remains a need to discuss the political-institutional role of interfederative cooperation bodies, improving their management and governance processes to adapt them to local demands and regional realities. Through cooperation, public resources can be optimized and better utilized. This research suggests, for future work, investigating how the degree of institutionalization and governance of aggregated areas in metropolitan regions can influence the economic growth of their constituent municipalities.

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