Abstract

Federalism and intergovernmental relations: public consortia as instruments of federative cooperation

Rosani Evangelista da Cunha

If in the Federal States the mechanisms of intergovernmental co-operation and co-ordination are already relevant, they become even more central in the Brazilian case. The Constitution of the Republic, of 1988, added complexity to the Brazilian federative design, recognising Municipalities as federate bodies. This process was accompanied by an intense decentralisation of public policies, by the reinforcement of local power and by poorly co-ordinated mechanisms of vertical and horizontal relationship among the federative bodies. At the same time, the absence of regional development policies underlined the country’s historically recorded local/regional inequalities. Different consortium experiences were carried out by Municipalities in the country and, to date, this instrument is widely used. Differently, co-operation initiatives among States are still incipient. The institutional and legal limitations of the design adopted by Municipalities led to the approval of a Constitutional Amendment – number 19/98 - which created the public consortia and the associated management of public utilities. Aimed at contributing to the completion of the Brazilian federative design and at making available an instrument for intergovernmental co-operation, the Federal Government sent a bill to the National Congress with a view at creating a more favourable legal framework for the enforcement of article 241 of the Constitution of the Republic, which was done by means of Constitutional Amendment number 19 of 1998. Such a favourable legal framework is likely to overcome certain difficulties the federal legislation imposes upon the establishment of obligations among federate bodies, since, according to the Brazilian federal system, it befalls the Union to set forth the general standards that govern all contracts entered into by the bodies that make up the Federal Administration of any federate unit. The drafting of the abovementioned bill was not devoid of polemics. The wide consensus over its constitutional merit, however, increases the expectation that such instrument may be swiftly approved and that, through it, it will be possible to put in place instruments of federal co-operation fitting the different territorial scales and multiple objectives, as well as to overcome the legal insecurity of the co-operation arrangements currently used by public bodies. The effective use of public consortia and of the associated management of services, in our opinion, may be a powerful instrument for tackling the new federative agenda, particularly the agenda of cities and of regional development.

The trajectory of income-transfer programmes in Brazil: the impact of the federative variable

Elaine Cristina Lício

This paper analyses the trajectory of income-transfer programmes within the Brazilian social-protection system, trying to demonstrate how some federative issues have decisively affected their implementation, from the very first sub-national initiatives to the adoption of national programmes having a clear intergovernmental interface. The central line of argument is that the federative model has directly influenced the development of income-transfer programmes in Brazil, being determinant for their good performance.

The tunnel at the end of the light: the privatization of the electric sector in Mato Grosso

Vinícius de Carvalho Araújo

This article intents to analyze the formation of political and social support to state and its apparatus reform in the under national level, situated in democratic governance framework. We chose a research about the privatization of Centrais Elétricas Mato-Grossenses S. A. (Cemati), regarded representative both of the reform made by the state of Mato Grosso and the difficulties of the electric sector in the national level. Its methodological framework is composed by a problem plus four work hypotheses. It is a case study of the specie “plausibility probes” in which, through an iterative application, a theoretical statement is done and the research conclusions compared with it, allowing its revision and comparison in the sequence. For that, we describe the Cemati privatization and the problems of Brazilian electric sector in its conjunct. In the end, at the conclusion, we verify the validity of the hypotheses and we make some final considerations about the research.