

Institutional patterns for metropolitan governance in LAC countries

The differentiated evidence from Bolivia and Brazil

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Abstract: Within the framework of regional urbanization and post-metropolization (Soja, 2011, 2005, 2003) and global cities (Sassen 2016, 2008), Latin American and Caribbean (LAC) metropolitan areas, often grown throughout the aggregation of adjacent municipalities, under the pressure of urbanization and urban growth (Balbo, 2014) have not been properly governed (Maricato, 2011). Nevertheless, numerous cases in LAC countries show that horizontal cooperation among municipalities and vertical cooperation among the municipal level and other government levels are essential to promote shared and effective governance and territorial coordination (Souza, 2017). To do so, a multi-scalar approach (Brenner, 2016) in territorial policies should be used, implying simultaneous horizontal and vertical cooperation among government levels and actors, under a supposed direction for development.

In this light, the paper discusses empirical pieces of evidence from the observation and analysis of a range of metropolitan configurations, where interinstitutional cooperation has played a key role in setting a metropolitan governance pattern, in improving urban management, especially in basic services.

The selected case studies are the inter-federative cooperation in the State of São Paulo (Metropolitan Regions of São Paulo and Baixada Santista), in the State of Minas Gerais (Metropolitan Region of Belo Horizonte) and some metropolitan experiences in Bolivia (de facto region of La Paz-El Alto, and de facto and de iure region of Cochabamba).

Keywords: metropolitan governance, institutional configurations, Bolivia, Brazil

Introduction

This study focuses on the multi-level metropolitan governance configurations in LAC countries, specifically in institutional and planning terms, with the awareness that metropolitan governance implies also statistical, social and economic factors and dynamics, not considered in this work. In order to clarify the scientific field of this discussion, this paper focuses on governance in spatial and political terms, and so, considers governance as a political process oriented to the allocation of rights for spatial uses and transformations, implying the actions and interactions of local actors dealing with the technical knowledge of planning practice (Mazza, 2015).



The joint analysis of these configurations is framed within the respective national planning systems in order to understand the relationship between each metropolitan governance and the respective planning systems and the main features, strengths, weaknesses, threats and opportunities of the LAC metropolitan governance. More in detail, this paper analyses different institutional metropolitan governance patterns from a range of metropolitan regions in Bolivia and Brazil, considered as a significant qualitative sample, at least because the metropolitan development in these countries was based on different relationship state-market. According to the field research carried out by the authors from January 2018 to September 2018 (data and information presented in this paper are verified up to September 2018), it emerged that Bolivia is a liberal centralized state, with a low level of decentralization and a very low institutional capacity, but a strongly mobilized population with an impact on territorial management, while Brazil is a liberal federal state, with a low level of decentralization, high institutional capacity, suffering from strong real estate sector's speculative initiatives.

In Bolivian metropolitan regions, urbanization has been mostly informal and driven by rural-urban migrations of indigenous farmer communities and results from the mix of the indigenous and post-colonial culture. In Brazilian metropolitan regions, hard urbanization has been driven by industrialization and tertiarization, resulting in a rise and strengthening of the urban middle class.

In LAC countries, the population was in 168,918 million in 1950, 645,593 million in 2017 (UNDESA, 2017), and so, in less than 70 years, the population has almost quadrupled. Considering in the same period (1950 – 2017) Brazil has shown almost the same trend (53,975 to 209,288 million) and Bolivia has shown a little lower trend (3,090 – 11,052 million). In 2018, in LAC area, that together with Northern America has the minor rural population proportion with respect to the other continents (less than 20% of the total), almost half of the total population lived in cities with more than 500.000 inhabitants and especially in cities from 1 to 5 million inhabitants and with more than 10 million inhabitants. In Brazil, approximately half of the urban population lives in the city with more than 1 million inhabitants, and approximately half of the metropolitan inhabitants live in cities with 1 to 5 million inhabitants (this paper is considering Baixada Santista: 1,853 million; Belo Horizonte: 5,972 million; São Paulo 21,650 million). In Bolivia, more than half of the population live in one of the three cities with over 1 million inhabitants (La Paz-El Alto, 1.814 million; Cochabamba, 1,237 million; Santa Cruz de la Sierra 1,641 million). (UNDESA, 2018)¹

A metropolitan region in territorial terms is a large (or mega, being this the case of Brazil, and other LAC countries such as Buenos Aires in Argentina and Mexico City in Mexico, etc.) urban agglomeration coinciding with the sum of adjacent mostly urban municipalities. In both the studied countries, this condition is verified. Both in Bolivia and in Brazil there is an official definition of the metropolitan region thanks to the formal recognition of the existence of the metropolitan regions as well as a central metropolitan policy.

¹ See also: <https://population.un.org/wup/Country-Profiles/>

Bolivia

In the Plurinational State of Bolivia, that is a centralized state, the art. 280 of the State Political Constitution (2009) affirms that a region is composed of various municipalities or provinces with geographical continuity, not crossing the departmental borders. These groups of territories share culture, languages, history, economy and ecosystems and represent a planning and management space. In case of an agglomeration having more than 500.000 inhabitants, metropolitan regions can be legally established, as planning units, i.e. they would not be levels of government.

In addition to that, the Frame Law of Autonomies and Decentralization (031/2010), in the art. 26, states that a Metropolitan Council will be established in each metropolitan region, as the higher body of metropolitan coordination. It will include members from the departmental government, every municipal government and the central State. The departmental statues and the organic charts of the respective municipalities will have to articulate planning based on the metropolitan region and participation in the Metropolitan Council.

Within the wide framework of the State Integral Planning System (Sistema de Planificación Integral del Estado, Ley 777/2016), as briefly shown in Figure 1, planning is organized into three main levels: national, departmental and municipal, community, and into two main phases: the strategic definition, based on the Integral Development Strategy, that also defines regions, including the metropolitan ones, according to the above-mentioned legal statements.

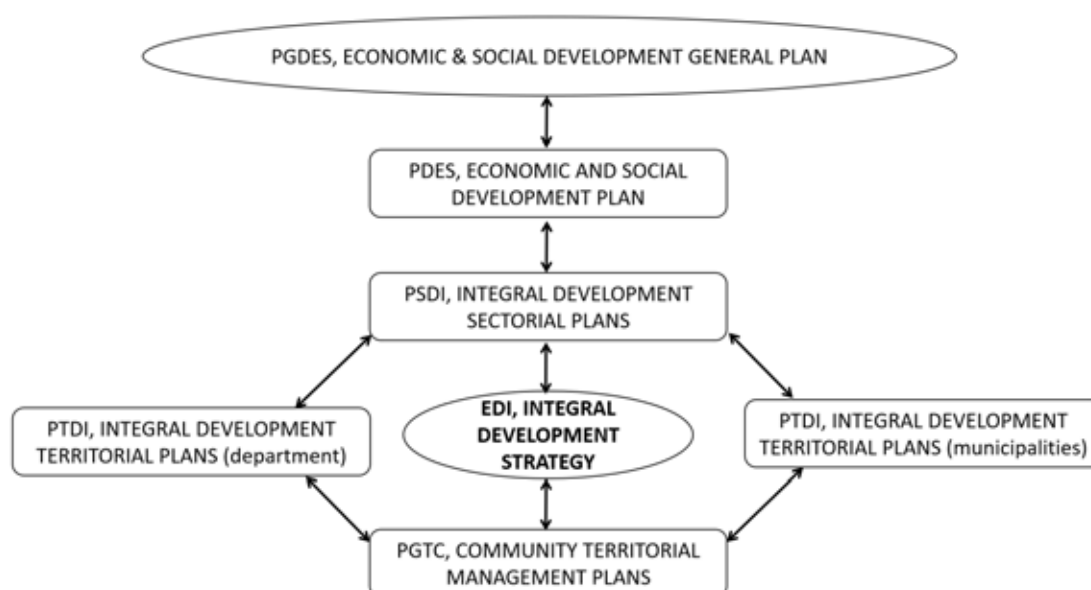


Figure 1: conceptualization of the Bolivian planning system highlighting the combination of strategy and planning

Only the metropolitan region² in the Department of Cochabamba (officially called Kanata) was legally recognized. The institutionalization of the metropolitan region occurred at the national level and was accepted by the departmental and municipal levels in a context of political affinity. Regarding the other regions, in this paper, only the case of La Paz (also called La Paz-El Alto) in the Department of La Paz is taken into consideration because of the current attempt of metropolitan institutionalization from the departmental level.

In 2014, the national Government approved the law 5332 of the Creation of the Metropolitan Region “Kanata” (2/6/2014). That legally defined the first metropolitan region in Bolivia and established a Metropolitan Council and a Metropolitan Secretary. In 2008, 2009 and 2010, three forums and two metropolitan meetings took place, and in 2010, the statutes were developed and a Steering Committee of the metropolitan community was established. Since 2012, the Committee has pursued an integral urban and rural development; a planned urban growth with regulation of land use, agriculture protection, preservation and water and recharge lands; an integral management of the basins of the metropolitan region, water integral management; and an articulated and coordinated management of economic productive and regional development.

In 2015, the Metropolitan Council approved its regulation and since its establishment up to 2017, it realized approximately 15 sessions and worked on the approval of the Metropolitan Action Plan based on a study financed by the IDB and elaborated in 2013 – 2014. According to Cabrera (Interviewed in July 2018), it was a sort of guide for the departmental government, promoting densification, reduction of land consumption, resilience, and institutional function, and overall, socially legitimated (Cabrera, Juan, interviewed in July 2018).

Although this plan was composed of near 28 projects including such fields as water and basic sanitation, urban mobility and transportation, citizenship security, adequate production and employment, social protection of the vulnerable sectors, very little has been implemented to date. One of the causes is that financing of these projects depends on the central government on the basis of agreements before the constitution of this metropolitan region. Despite the Metropolitan Council is a national planning provision and has 12 functions indicated in the regulation, the Council did not directly elaborate the plan nor it really accomplishes its functions.

In brief, Kanata is composed of 7 municipalities and was institutionalized with the national Law 533(27/05/2014). The metropolitan region was defined as a planning space, in order to promote the urban and rural integral development, the planned territorial management, including the land use and a rational and responsible territorial occupation, ensuring a planned urban growth, protecting the

² According to INE (Instituto Nacional de Estadística, Censo Nacional de Población y Vivienda, 2012), the population of this metropolitan region is 1.164.643 inhabitants (64.6% of the department), in 2.598,8 km², and is composed by the municipalities of Cochabamba (that represents more than half of the population), Colcapirhua, Quillacollo, Sacaba, Sipe, Tiquipaya and Vinto.

agricultural land productive potential, preservation and water recharge areas, and contributing to solve other challenges, shared with the Metropolitan Council.

The metropolitan agenda was originated from the Action Plan for the Cochabamba Metropolitan area (2013) financed by the IDB and composed of 19 projects distributed in 5 strategic axes (economic, social, environmental, political – institutional – science and technology). In 2014 the Kanata Metropolitan Council approved the Kanata Metropolitan Agenda (2015–2019), a document leading the actions to be coordinated at regional level and a sort of guide for the departmental government, promoting densification, reduction of land consumption, resilience, and institutional function, and overall socially legitimated (Cabrera, Juan, interviewed un July 2018). Very little of the projects have been implemented to date, one of the causes can be that the financing of these projects depends on the central government on the basis of agreements before the constitution of this metropolitan region. Despite the Metropolitan Council is a national planning provision and has 12 functions indicated in the regulation, the Council did not directly elaborate the plan of action. According to Blanco Cazas (2017, pp. 273-276), although this region was created as a planning and management space, the metropolitan financial instruments were not defined immediately, and even today some of them are lacking.

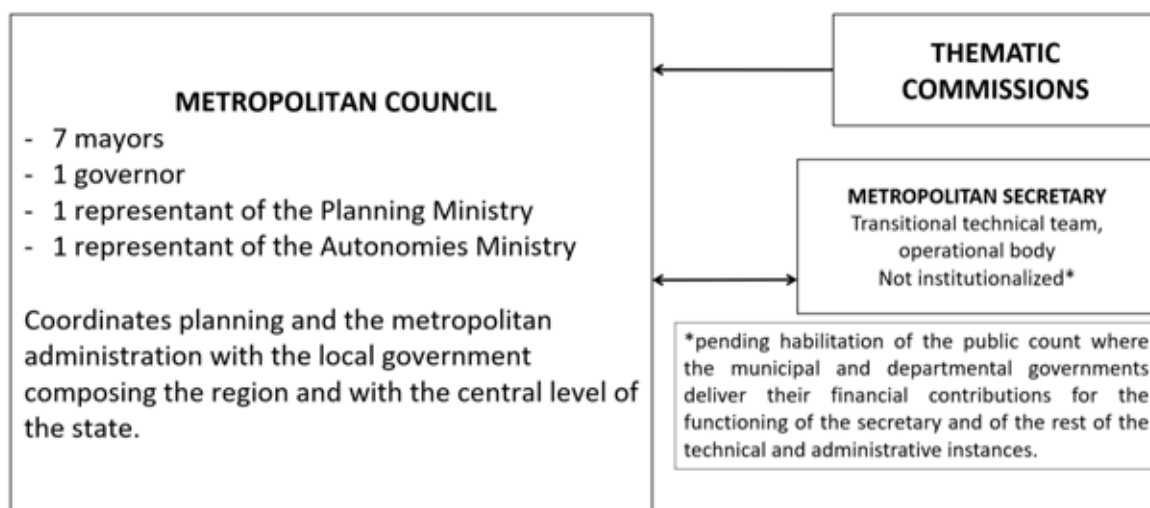


Figure 2: institutional pattern of the Kanata Metropolitan Region

The process of metropolitan institutionalization is still on-going. As shown in figure 2, the metropolitan council is composed of the 7 mayors, the departmental governor, one representant of the Planning Ministry, one representant of the Autonomies Ministry. It coordinates planning and the metropolitan administration with the municipal governments and the central State. It is supported by the activity of thematic commissions, and cooperate with the Metropolitan Secretary, that is a transitory technical and operation body, not yet institutionalized because it has not yet been habilitated to have a public count where the municipal and departmental governments deliver their financial contributions for the functioning of the secretary and of the rest of the technical and administrative instances. The art. 12 introduces the Metropolitan Companies, among the autonomous territorial entities and the central level of the State, for the performance of the metropolitan public services established in metropolitan planning and defined by the Metropolitan Council. However, after the metropolitan institutionalization in Cochabamba, the metropolitan action plan was formalized within

the Metropolitan Development Strategy, but the Metropolitan Secretary was not effectively working because it was not yet legally recognized.

To conclude, various not solved problems related to procedures have emerged. No definitive and effective metropolitan institutional governance has been consolidated so far. The change of political government from 2015, when MAS lost the elections in some municipalities, made even more difficult the metropolitan policy implementation. It seems that the metropolitan governance is not a priority, and any inter-scalar relationship between the municipality and the whole metropolitan region is not recognized. No priority has a metropolitan scale and the Metropolitan Council work is unknown. The marginalization of the metropolitan issue in the urban debate is even stronger among social actors. In general, the metropolis is perceived as a “news” diffused by media only dealing with eventual large metropolitan projects. Further, according to Blanco Cazas (2017, pp. 276-278), in 2015, the Katana metropolitan region constitution created conflicts for the municipal autonomy and gave excessive power to the departmental and national governments. According to Juan Cabrera (interviewed in July 2018), it is positive the fact that the Cochabamba metropolitanisation law is national, because in Bolivia the national laws are more influent than the departmental ones, since departments are weak, having no financial autonomy. In Cochabamba, the creation of a metropolitan fund shared between municipalities and the departmental government would not be feasible. It is the state out of the fund financing the large metropolitan projects. It would be better if the State financed the fund, and not directly the projects, i.e. not holding decision capacity on its own and impeding the action plan implementation.

The metropolitan region in the Department of La Paz³ is not legally defined nor recognized. However, it is composed of the Municipality of El Alto (860.062 inhabitants, 2.482 inhabitants/km²), the Municipality of La Paz (779.728 inhabitants, 395 inhabitants/km²), and the other six municipalities (191.560 inhabitants, 56 inhabitants/km²). According to Blanes (2006), in this area, the growth of El Alto has represented the basis for the growth of the other close urban centres. A centripetal densification process has occurred towards La Paz and El Alto, where most of the urban functions are concentrated. On the one side, urban centres are reinforced, on the other, other small centralities developed their role with specific functions such as residential, recreation, industrial districts. At the metropolitan level, there are such challenges as the mobility which cannot be tackled at the municipal level. Only between El Alto and La Paz more than 300.000 people daily commute. Both municipalities created public transportation companies and the State government created the cable car company. No common transportation management has been implemented so far and the three companies have been working separately. As one of the consequences of the absence of metropolitan transportation policies, private vehicles' mobility is the cause of strong congestion and air pollution.

³ It is located between 3.200 and 4.000 metres, and is composed of Achocalla, El Alto, Mecapaca, Palca and La Paz (Provincia Pedro Domingo Murillo), Pucarani and Laja (Provincia Los Andes), Viacha (Provincia Ingavi). 17,6% of the Bolivian population (i.e. 1.831.350 million people) live in the region.

The municipality of La Paz and the municipality of El Alto, together with the departmental government, worked on the drafting of a Metropolisation Framework Agreement. The first step was the recognition that metropolisation is a voluntary and aware adhesion and not just a legal issue. Signing this agreement in March 2016, 5 municipalities and the departmental government composed the technical committee to define shared priorities: drinkable water and sanitation, climate change and environment; mobility, human development, economic development and citizens' security.

According to Blanco Cazas (2017, pp. 276-278), in La Paz, the political change after the election in 2015 had important implications. The departmental government moved to the opposition. At the municipal level, despite most of the electors from La Paz continued supporting alternatives to the Movement for Socialism, which lost also in El Alto, the other municipalities continued supporting the Movement for Socialism. Two years after this political reconfiguration, the institutionalization process was strongly promoted by the departmental government, headed by Félix Patzi, supported by the La Paz municipal government which produced the Municipal Delegation for the Metropolisation. The Municipality of EL Alto, led by the mayoress Soledad Chapetón, despite she did not open a specific organic instance of the Municipal Executive power, was aligned with the departmental initiative. She signed the "Altopaz" agreement valid for 10 years, promoted by the Municipality of La Paz to handle common issues such as mobility and drinkable water. However, it was not possible to sign the Intergovernmental Agreement for the creation of an Economic Productive Development Metropolitan Agency (March 2016). The Departmental Legislative Assembly approved in September 2016 a departmental law which declared as a departmental priority and necessity the conformation of the La Paz metropolitan region. It also stated criteria for functioning, principles, definitions and implicitly created the metropolitan council, without mentioning the Economic Productive Development.

The departmental government is currently discussing the metropolitan governance configuration, with the other involved actors and authorities. The metropolitan forum has already been organized twice, in 2016 and 2018. This configuration is illustrated in Figure 3.

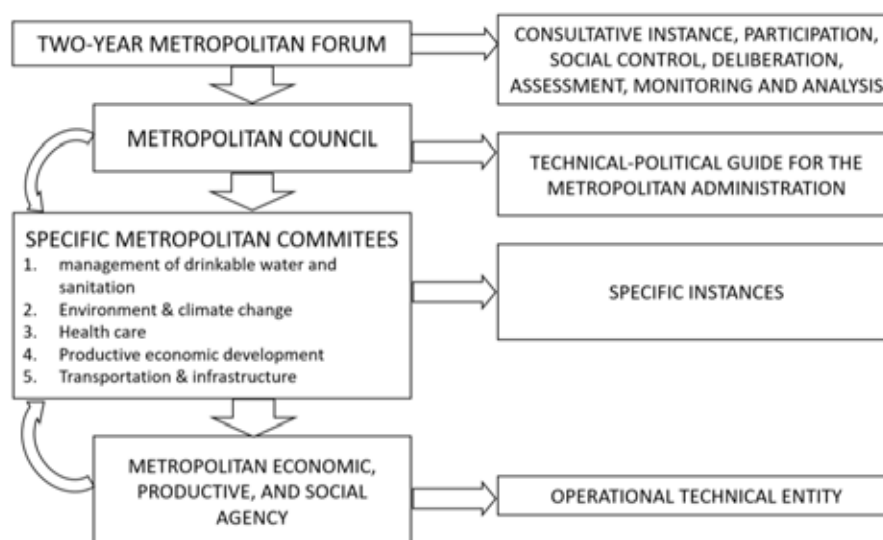


Figure 3: draft of the institutional pattern of the La Paz Metropolitan Region

In the illustrated configuration, the metropolitan forum takes place every second year. It plays a consultative and participatory role, involving the civil society, as well as monitoring and assessing the process. It dialogues with the metropolitan council, which includes the political representation of the Department, the State and the Municipalities, and is supported by specific metropolitan thematic committees. These committees have a technical and scientific role and cooperate with the executive agency, set in the department's structure.

To conclude, in terms of metropolitan coordination, this region is characterized by “soft governance”. The legislative absence of the state and the exclusion of the hypothesis of constructing metropolitan political governments determine the prevalence of soft governance scenarios, therefore situations based on the concept of inter-municipal cooperation (facultative and voluntary) to share a common vision on the problems and priorities for the territorial development and the urban projects at metropolitan scale. In fact, a first facultative and voluntary agreement between all the municipalities in the region was attempted. Among the potentially involved municipalities, only five of them signed the first version of the agreement, in March 2016. Unluckily, the concertation was further reduced to the two major municipalities, La Paz and El Alto, which continue to have no constraining agreement, that could represent the basis to build future projects and initiatives of metropolitan cooperation. Further, a relevant problem is the competitiveness and subsidiarity among municipalities within the metropolitan area. The small municipalities are afraid to lose authority in case the metropolitan region is officially established because La Paz and El Alto would play a hegemonic role. On the other side, La Paz and El Alto could financially support the other municipalities to compensate disparities.

However, although the municipalities of La Paz and El Alto dominate the scene, they are strongly dependent on the other municipalities, given historical problems of municipal boundaries that have heavily limited the action. On the other hand, permanent tension is present due to the correlation of political forces between politically official and opposition municipalities. Thus, although the cities of La Paz and El Alto are continuous in territorial terms and operate with a *de facto* metropolitan approach, and agreements and even certain tools dealing with metropolisation are in force, it seems that their feasibility can be resolved just in the political arena.

Brazil

The Federative Republic of Brazil recognizes as federative levels of government: Federation, States and Municipalities. Each federative entity has federative autonomy, and according to the Federal Constitution (1988) and the federal Metropolitan Statue (2015), each state has to legally create, define and organize the metropolitan regions, in order to improve the management of the public functions of common interest, at the basis of planning. It is worth to remark that within the federative autonomy Brazilian framework, in any case, metropolitan regions are not federative entities, their governments are not elected by people, i.e. they are not levels of government.

In the 70s the federal military dictatorial government invested in national industrialization in large urban areas and created between 1964 and 1985, the following metro-regions which are still the most important ones: Belo Horizonte (5.916.189 inhabitants), Salvador (3.899.533), Rio de Janeiro (12.377.505), São Paulo 21.391.624), Recife (4.044.948), Porto Alegre (4.318.000). Since 1988, when



the democratic Constitution was approved, regions created by the state governments were Goiânia (2.447.874), São Luiz (1.621.102), Florianópolis (1.172.076); Natal (1.587.055), Vitória (1.960.213), Baixada Santista (1.828.212), the only one not being State capital.⁴

In 2004, the State of Minas Gerais, whose capital is Belo Horizonte (BH) defined a metropolitan region as the sum of the adjacent municipalities characterized by a continuous urban fabric and the complementarity of urban functions, where the State capital is the centre and requiring integrated planning and permanent shared management by the public bodies. The metropolitan governance has to identify the public functions of common interest (activity or service whose realization by a unique municipality is infeasible or that impacts on other metropolitan municipalities). They represent the basis for the metropolitan planning, and so, issues, services, infrastructures which have to be realized by the metropolitan cooperation, and not by the individual municipality (IPEA, 2018). Inspired by the BH experience, in 2015 the Dilma's federal government approved the Metropolitan Statue, making the metropolitan planning compulsory.

As shown in Figure 4, at inter-federative level, and at an intermediate scale between Municipalities and State, the metropolitan plan concentrates the planning effort for the public functions of common interest within the metropolitan territory. According to the Metropolitan Statue, the existing municipal masterplans, held by municipalities, should adapt to the metropolitan plan. However, as already said in 2018 the obligation of elaborating the metropolitan plans was deleted by the Temer's Federal government, on the one side, arresting to the metropolitan policy process, on the other leaving the municipalities to carry on their own municipal plan, as usual.

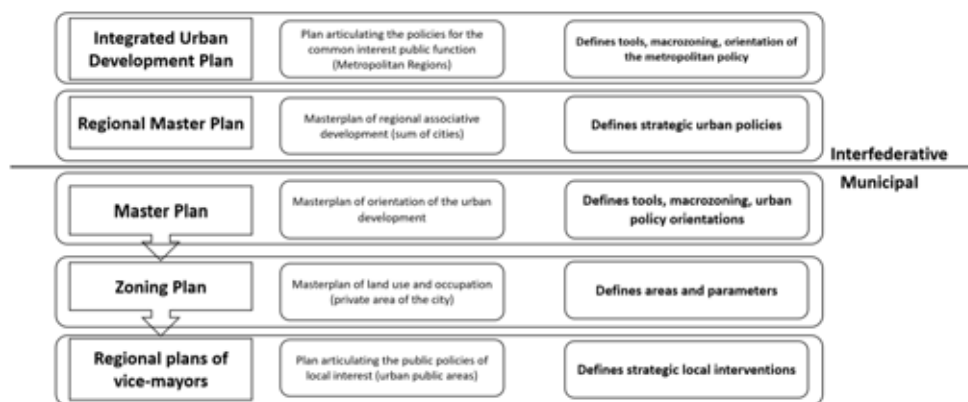


Figure 4: Interfederative and municipal planning levels⁵

The analysed case-studies are Belo Horizonte (BH) metropolitan region (MR)⁶, the capital of the State of Minas Gerais; São Paulo metropolitan region (SP), the capital of the State of São Paulo and Baixada Santista (BS), also in the State of São Paulo.

⁴ Data on population in 2017 from IBGE, 2018 (<https://ibge.gov.br/>)

⁵ Source: Intermunicipal consortium of the Great ABC and Municipalities of Guarulhos and Sao Paulo (2016), reported in IPEA, 2018

In BH, even before the metropolitan institutionalization by the State Complementary Law n. 14 (08/06/73), in 1971, a research and planning group was created, coordinated by the João Pinheiro Foundation. The Development Authority was created to promote the integrated urban and regional planning in the state of Minas Gerais. This created analyses and plans with a high technical level. However, its implementation was criticized for an excess of centralism and authoritarianism, not having effective participation of the municipalities, neither the civil society in the planning process. Despite the first configuration from the 70s, the crisis in the 80s weakened the metropolitan management system. A municipalism-based approach, as well as the interruption of the federal investments, resulted in the decline of the bodies responsible for territorial planning and management. As a consequence, in 1996, the Authority was extinguished.

Since 2004, a new institutional configuration has been debated as well as solutions for the economic impacts generated by the absence of metropolitan planning after the extinction of the authority. In 2006, the State Complementary Law n. 89 (12/01/06) in art. 88, 89 and 90 established a new model for planning and managing the region. The institutional innovations included the creation of the necessary arrangements for planning and developing the regions according to the common interest public functions.

At the beginning, the Metropolitan Conferences ensured the discussion and develop the creation of the Metropolitan Assembly (superior decisional body, including representatives of the state, mayors and municipal legislative presidents) and the Metropolitan Development Deliberative Council which is a body for the general coordination of the actions related to the metropolitan planning, with representatives of state, municipalities and civil society. These two bodies are assisted by the Metropolitan Development Agency created in 2009. This technical and executive agency carries on planning, assessing, urban regulation and support the implementation of the public functions. Finally, it was created also the Metropolitan Development Fund, in order to support the activities scheduled by the Deliberative Council, on the basis of the Integrated Development Master Plan, prepared between 2009 and 2011⁷. A shared management was established among the Metropolitan Assembly, the Deliberative Council and the Agency, implying a decisional capacity distribution among state, municipalities and civil society. The configuration of the metropolitan management created in 2006 introduced an innovative model in procedures, which foresaw the decentralization and participation of municipalities and civil society's representatives in the planning and management process.

In 2007, integrated management of the common interest public functions was promoted to make the region more competitive and increase the quality of life of the metropolitan citizens. In order to reach these objectives, between 2007 and 2009 it was defined the necessity of approving the metropolitan

⁶ It is composed of Belo Horizonte and other 33 municipalities.

⁷ Compare:

http://www.rmbh.org.br/arquivos_biblioteca/Joao_Bosco_Moura_Tonucci_Filho_Roberto_Luis_de_Melo_Monte-Mor.pdf

master plan as a planning tool, involving municipalities, the Minas Gerais State, the federal bodies and the civil society in social movements, entrepreneurship and people associations. The plan's priorities were urban space, accessibility, security, and sustainability. In particular, the plan created and strengthened the urban centralities in network, planned the expansion of the land occupation, intensified the use of the existing urban space, reduced the pressure of the peripheral urban expansion on the green areas, the rural areas and environmentally protected areas, expanded the porous urban areas, restored and revitalized the rivers, consolidated the regulatory framework for the land use and occupation.

Regarding implementation, the inexistence of an investment plan linked to the metropolitan development plan and micro-zoning weakened the legitimacy of the on-going planning and management process. Despite a state of planning more advanced than the other Brazilian metropolis, the metropolitan development plan and macro-zoning elaboration were reduced to land use, planning and management principles, without detailed content.

Further, Minas Gerais was the first State which created the concept of the “metropolitan citizen”, and so, a high level of citizens' participation. The civil society takes part in the biannual Forum and elects 2 representatives of the metropolitan citizens for the Deliberative Council. The Art. 8 of the State Complementary Law n. 89 (12/01/06) defines the functions of metropolitan common interest: transportation and road network, citizens' security, basic sanitation, land use, house gas, cartography and basic information, environmental protection, housing, health care system, social and economic development.

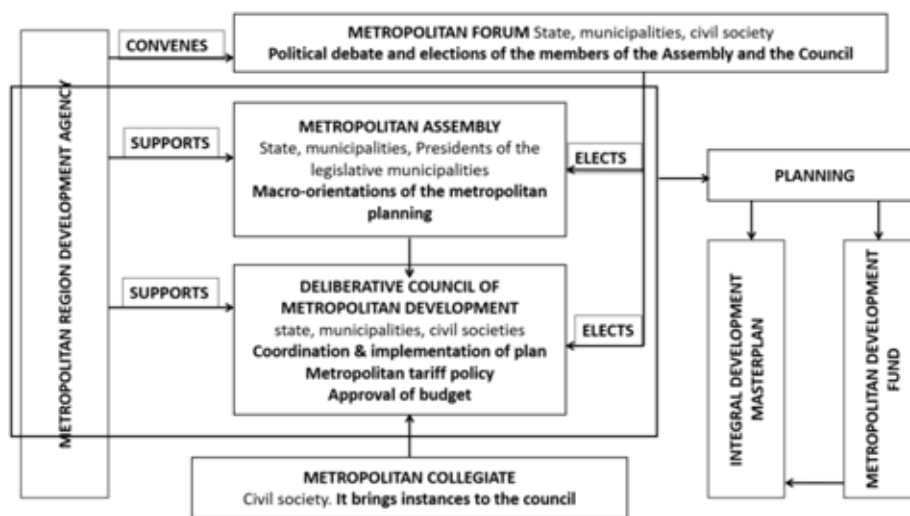


Figure 5: institutional pattern of the metropolitan governance in BH

As shown in Figure 5, the metropolitan region development agency held by the State convenes the metropolitan Forum that includes state, municipalities, civil society, carries on the political debate and elects the members of the Assembly and the Deliberative Council. Assembly and Council are supported by the Agency. The Assembly includes the political representation of the state, municipalities, Presidents of the legislative municipalities and provides macro-orientations of the metropolitan planning. The Deliberative Council includes the representation of the State, municipalities and civil societies, and carries out planning coordination and implementation of planning, the metropolitan tariff policy, the approval of the budget. The Council also receives the

contributions of the Metropolitan Collegiate of the civil society. The efforts of the agency, the assembly and the council determine the planning activity, and so elaborating the integral masterplan and setting the metropolitan development fund.

More in detail, the development agency has a technical and executive role, for planning, assessing, urban regularization, with administrative and financial autonomy. It makes viable integral development tools and the execution of the public functions of common interest, it promotes the plan implementation, it elaborates and promotes technical studies and diagnostics, it endorses and monitors plans and programmes, collects resources for the integral development, promotes the integration of the federative bodies. The Metropolitan Development Fund is composed of various representants, included the Deliberative Council of Metropolitan Development. It finances the structural projects; investments related to the public functions of common interest, defined by the plan. Finally, the metropolitan plan is elaborated and proposed by the Metropolitan Development Agency, supported by the Metropolitan Development Deliberative Council and by the Agency. It expresses the trajectories of the economic and social development integral planning based on common interest public functions.

The metropolitan region of São Paulo (SP) is composed of 39 municipalities, divided into 6 sub-regions: North, East, South-East, South-West, West, Centre. Each sub-region counts on an inter-federative public consortium, voluntarily established. In the 60s, the institutionalization process of the metropolitan region, called Grande São Paulo, was supported by the Institute of Architects of Brazil and in 1967 the Federal Constitution introduced for the first time the “metropolitan region”. In 1970 the Integrated Development Metropolitan Plan of the Greater São Paulo was defined.

At State level, in 1975, a metropolitan planning public company (EMPLASA, Empresa Paulista de Planejamento Metropolitano) was created with a technical and executive role, in order to elaborate metropolitan plans and projects. Regarding the recent period, in 2011, on the basis of the studies realized by EEMPLASA, the reorganization of the metropolitan region was defined by the State Complementary Law n. 1.139/16/06/2011 (IPEA, 2015).

That law created the Metropolitan Development Council, the main body in the metropolitan governance, with a regulatory and deliberative character, overall related to plans, projects, programmes, services and works to be realized with financial resources of the Development Fund. The Council is composed by the representatives of the state government and of every municipality. The indications of councillors have to ensure the parity between municipalities and state, accounting 50% respectively.

It is supported by Thematic and Special Thematic Committees for the promotion of studies, investigations, projects and activities related to the public function of common interest; and special thematic commissions, caring of programmes, projects and specific activities. In 2015, An Executive Committee⁸ was set to promote the metropolitan plan elaboration and go along with its development

⁸ It is composed of 18 members, being 4 representatives of the State government, 4 representatives of the Municipality of São Paulo and 10 representatives of the subregions.

up to its approval, respecting the federal Metropolitan Statute, throughout the organization of a Technical Commission and an Executive Secretary, carried out by EMPLASA and managing working groups.

The Decree n. 57.349/2011 temporarily asked EMPLASA to assume the role of Development Council Executive Secretary because of the absence of a territorial body able to integrate the organization, planning and execution of the public functions of common interest as required by the State Complementary Law 1.139/2011. Throughout State Decree 59.094/2013, the Development Fund was established, but no actions have been funded so far.

In 2015, under the Council responsibility, the plan elaboration process began. Nevertheless, since 2019, changes in the configuration have made unstable the institutional and regulatory framework of the metropolitan region. The current governor has been leading an aggressive privatisation programme and closed EMPLASA. Its functions are transferred to other governmental bodies. Simultaneously, the metropolitan plan (Integrated Urban Development Plan) was approved by the State Legislative Assembly. Unfortunately, this plan contains just the orientations for future interventions and does not set a definitive and effective interfederative governance solution for the region. Therefore, the governance in SP is in transition, making even more difficult the execution of the public functions of common interest. For the closure of EMPLASA, the region loses its main planning body for the metropolitan issues.

The Deliberative Assembly Authority with the civil society representation was established with the attribution of sharing the sphere of decision of the executive authority together with the civil society, by means of the elected representatives for the plan deliberation. It is composed of representatives of each sub-region, indicating entrepreneurs, workers, labour organizations, universities and professional categories, social movements, and NGOs. The metropolitan plan elaboration was based on a participatory approach, as in the case of the municipal master plans.

In brief, as shown in Figure 6, at the political and administrative level, there was the Civil House and Sub-secretary of Metropolitan issue of the State Government, that controlled EMPLASA, which cooperated with the Development Council. The council has a regulatory and deliberative role and contains the representatives of state and municipalities. It focuses on project, services and Works of common interest. Meetings are public, and the Development Council receives contributions from both the civil society's Consultative Council (arts. 14 and followings, LCE 1.139/2011)⁹ and Thematic and special thematic committees. The metropolitan development fund was managed by EMPLASA. But in January the Sub-secretary of Metropolitan issue was closed and in May, EMPLASA was closed too. The governor stated that EMPLASA functions will be embodied by Secretary of Regional Development.

⁹ The Consultative Council is composed of members of the civil society, state and municipal legislative powers, state and municipal executive power.

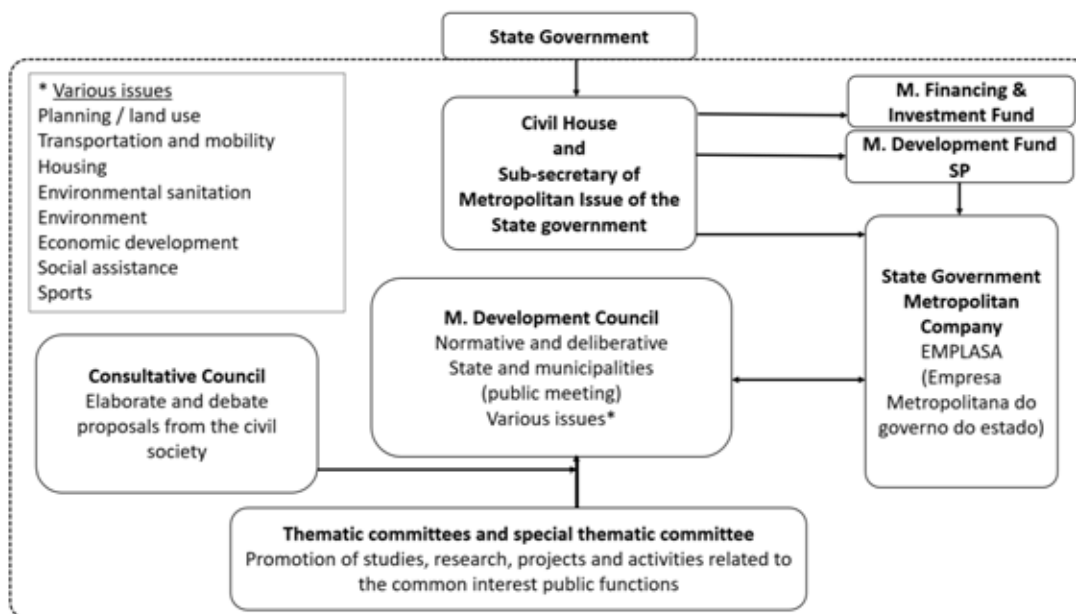


Figure 6: institutional pattern of the metropolitan governance in SP up to December 2018

Baixada Santista (BS)¹⁰ is characterized by a historical strong development determined by the intensification of the land use and occupation in the centre of the region. This was deeply marked by the scarce effectiveness of the regional planning, national structural problems and low salary urbanization process (Maricato, 1996).

The complexity of this regional solution impacted on the basic sanitation, housing, mobility, environmental and technological risk, among other aspects, and since the 60s, it has generated the rise of a movement promoting the metropolisation. Indeed, according to the Federal Constitution, the new institutional organization could contribute to facing all these challenges and impacts. This movement led to the creation of the Commission for the Metropolisation, starting from a Santos municipal legal initiative. This initiative arrived at the Municipal Council and the Legislative Assembly, involving councillors and congressmen.

In the 80s, the State Administration Councils and the Municipal Administration, in each regional government, as a State government initiative, originated the institutionalization of the regional organization. (Viana, 2010)

Since the crisis in the 90s, the political leadership has been concentrated in the Metropolisation Regional Council, a municipal initiative supporting the creation of the metropolitan region, throughout state law.

Further, the above mentioned EMPLASA was used to produce territorial data on the area. Since 1992, the priority issues have been discussed in the municipalities, resulting in the creation of a specific

¹⁰ The Baixada Santista metropolitan region is composed of 9 municipalities: Santos, São Vicente, Cubatão, Guarujá, Praia Grande, Bertioga, Mongaguá, Itanhaém and Peruíbe. Santos is the main centre; whose urban area divides the São Vicente island. In Santos, there is the most important harbour in Latin America. In its agglomeration, Guarujá and Cubatão are also included.

technical council. In 1993, the municipality of Santos created a specific secretary of metropolitan issues, orienting the regional political influence on the creation of the Baixada Santista. In 1996, as a result of the strong political pressure, the SP State formalized the Baixada Santista MR by means of the State Complementary Law 815 (30/06/1996).

However, the initial metropolitan institutional organization was not effective, having the state government an excessive influence on the other municipalities, that resulted in a governance system, partially open to civil society's participation.

The governance structure is composed of a Council with political functions, a technical agency and a fund, to finance the development and the policies related to the public functions of common interest.

The art. 3 (law 815/1996) authorized the institution of the Development Council, which should have a regulatory and deliberative character and be composed of representatives of state and municipalities in the functional field of common interest. Later, law 853 (23/12/1998) set the creation of the BS Metropolitan Agency (AGEM).

Since the creation of the Development Council in 2007, the thematic committees were activated. In 2014, the council approved the restructuration and the distribution of the thematic councils in 4 work-groups: mobility, environment, public policies and economic development, implementing a trajectory of the Strategic Development Metropolitan Plan. The reorganization foresaw the formation of a Regional Planning Group, in order to manage the new model, composed of representatives of the Council, AGEM, actors responsible for the working groups, mayors and members of the Committee of Hydrographic Basin and of the Coastal Management.

In 2002, responding to one council's request, EMPLASA prepared the Integrated Development Metropolitan Plan with a participatory process. It proposed objectives and trajectories but did not indicate actors and actions. Thus, in 2014, a plan promoted by the Council was defined. It represented an innovative regional plan in the SP state. It is composed of 26 sectoral objectives and 179 actions, as the result of the simultaneous participation of municipalities and civil society, throughout public meetings and consultation. The process began with a series of meetings with municipal actors, then with state, federal and private actors. The objective of the plan was the definition of a metropolitan scenario, based on macro-strategies for the metropolitan sustainable development in 2030.

Thus, the institutional structure has been reorganized, as well as the thematic committee, in accordance with the regional planning groups, trying to respect the metropolitan plan. By the same way, the metropolitan governance is influenced by a deliberative participatory authority having the representation of the civil society, who could ensure the democratic character of its management. The Development Council is composed of representatives of the municipalities and of the state government secretaries, indicated by the governor (art. 10 of the Complementary Law 760/1994).

More in detail regarding the agency, according to law 853/1998, AGEM is the executive body of the governance system, aimed to integration, organization, planning and the execution of the public functions, collecting its own tax revenue, or the ones which are delegated or transferred, including fees and prices for the services; monitoring the execution of the laws related to metropolitan regions, applying the respective fines, in the exercise of the police power; establishing objectives, plans, programmes and projects of common interest, as well as monitoring and assessing execution; promoting the misappropriation of public utility goods, when it is necessary to realize common interest activities; keeping updated and diffusing the statistical data and other information, necessary for the metropolitan planning; exercising other attributions which are legally transferred.

Among the thematic committees, the one on planning and economic development is responsible for the elaboration of the metropolitan plan from 2016. It is composed of representatives of the state and



municipalities. Currently, a group composed of members of the civil society enlarges the participation in the process.

From 2013, the first step was the technical assessment of the existing plan and projections, the final definitions of scenarios and the metropolitan plan consolidation. The metropolitan plan introduces the state strategic planning structure, even based on the macro-metropolitan action plan. In a future vision, 2 macro-objectives were established: consolidation of the urban development (i.e. housing, mobility, sanitation) and support to the economic development. With the Metropolitan Statute, AGEM presented to the Economic Development and Planning Thematic Commission, the document entitled Inter-federative Challenges of the Metropolitan Management. In this document, the body stated that the metropolitan region already had an orientation to Integrated Urban Planning; a macro-zoning arising from the Ecological and Economic Zoning, regulated by the State Decree 58.996 (25/03/2013); regional sectoral plans; monitoring system of actions in bidding phase; Public Metropolitan Fund, created and regulated in 1998; cooperation agreements, signed with regional deliberative authority of the Committee of the Hydrographic Basin and Coastal Management.

Thus, AGEM promotes objectives, results and strategies proposed in the plan, using the micro-zoning tool, regional sectorial plans and the municipal master and sectoral plans of the municipalities. Doing so, the agency suggests improvements in the Inter-federative Governance Structure and adjustment regulations and civil society participation. Thus, the AGEM needed to improve participation in the plan's elaboration and deliberation. The plan was presented in April 2016. In 2017-2018, the existing metropolitan plan was converted into the format required by the Metropolitan Statute, using a participatory approach.

Regarding financing the metropolitan actions, the fund, created by the Law n. 815/1996, and regulated by the State Decree 42.833/1988 and 56.635/2011, aims to finance the integrated planning and the related actions, referring to the public functions of common interest between the state and involved municipalities. It is participated by AGEM, Bank of Brazil (BB), and the beneficiaries. However, most of the financed projects are proposed by the municipalities integrating the MR and are addressed to investments in strategic sectors. The resources stem from the state (50%) and the sum of municipalities (50%).

In brief, The executive power is given the competence to establish the Development Council and the Metropolitan Development Fund. The Development Council approved in 2017 the law project that converted the existing plan into the new format, foreseen by the Metropolitan Statute.

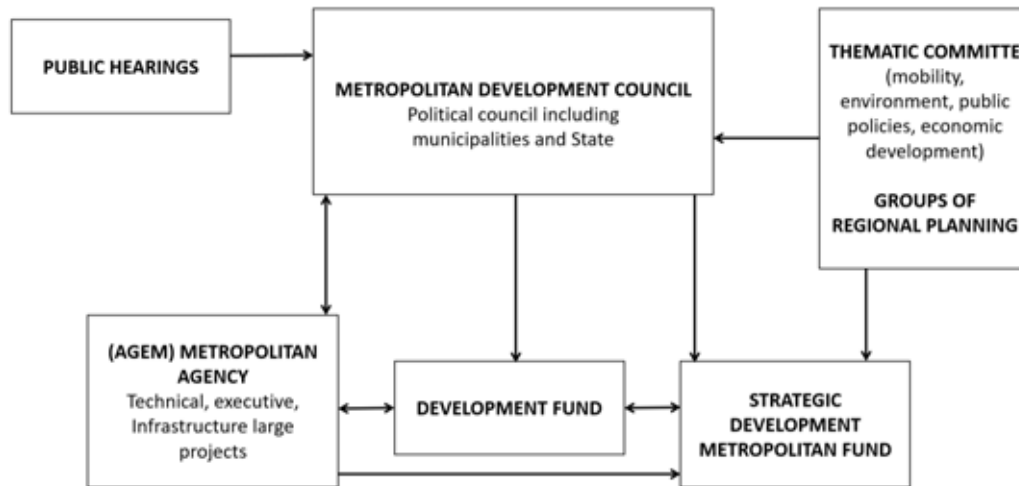


Figure 7: institutional pattern of the metropolitan governance in BS

As shown in Figure 7, the metropolitan agency has a technical and executive role and focuses on infrastructural large projects. The agency cooperates with the Metropolitan Development Council that has a political role and includes the representation of municipalities and state. The Council receives contributions from the public hearings and thematic committees and the groups of regional planning. This cooperation permits to manage the development fund and the strategic development fund.

Conclusion

The cases show some pieces of evidence, important to understand institutional, political, administrative and planning aspects of metropolitan governance.

- Metropolitan institutionalization is defined by an over-local legal provision, so the role of the intermediate bodies (departments in Bolivia and States in Brazil) is essential and implies to decide if the legal recognition and definition of metropolitan regions have to occur at the national or intermediate level. In any case, it seems that an institutional bottom-up approach based on inter-municipal cooperation is not sufficient to activate the metropolisation process, except for Baixada Santista.
- Consequently, basic features of metropolitan regions and their institutional organizations are defined by an over-local legal provision, determining possible conflicts of competences with municipalities, especially if they are autonomous and are given a strong planning capacity.
- A political representation takes part in all the institutional patterns, so metropolitan governance is never considered just as a technical issue. On the contrary, a political value is recognized, even if it has not always implied a strong strategic approach in metropolitan planning so far.
- However, metropolitan institutionalization is considered a strategic initiative and implies the definition of strategic projects, but in many cases, the bodies which should lead the metropolitan governance have no sufficient financial capacity and autonomy and these projects are often financed by over-local levels which follow other logics and priorities.

- An operational agency, having a technical and executive role, is used to carry out the metropolisation process, with a more pragmatic approach to balance the institutional inertia in front of important institutional reorganization and ways of thinking.
- That being said, at the territorial level, metropolisation grows independently on the legal metropolitan recognition, so institutionalization of metropolitan regions is more a regularization and organization of existing territorial processes than a planning activity, even because in many cases the public decision-making is not as fast as territorial social and economic processes.
- In this perspective, the intermediate levels such as departments or federative states have a key role in leading and facilitating the process, especially in case of different political positions of municipalities on common issues.
- Metropolisation deals with the shared definition and implementation of the public functions of common interest. This is an issue, strongly debated in Brazil, but it is the basis of metropolitan management, that unavoidably starts from sharing a vision of the present and future metropolitan space.
- Regarding sharing, pro-active participation of all the municipalities is fundamental also to avoid or limit regulatory conflicts between municipal and metropolitan inputs and plans. At the same time, metropolisation implies a scaling up in local policies, so deals also with a scaling up of citizenship rights. In many cases, rights - and the Right to the City - could not be any more ensured by one single municipality, but by their aggregation.
- Finally, looking at implementation, when planning is weak or uncertain, single large urban projects are more often financed. They could bring immediate benefits to local communities but they also contribute to the spatial disarticulation of these ungoverned metropolitan regions.

Those being observed, regarding metropolisation, these cases highlight a strong relationship between the national and the local level, i.e. all the analysed metropolitan institutional patterns are framed within the respective national planning system. In the same measure as ordinary planning is not effective whenever it is not accompanied by a coherent financial budget for planning activities and implementation, also metropolitan policy needs to be directly financially supported. This point also deals with the fact that implementation is complicated whenever the body having decisional capacity on planning does not coincide or is not coordinate with the body managing the public budget. It is even worst if these bodies are located at different levels.

To conclude, the paper focuses on the problem of governing metropolitan regions which have often grown ungoverned. The weakness of the institutional implementation autonomous power of municipalities in these countries makes weak (or absent) also the horizontal cooperation at the metropolitan scale, and often the capacity to activate bottom-up institution initiatives. It implies that there is a predominance of vertical relationships and of top-down initiatives because even when local

authorities are formally autonomous, the financial resources could be managed at the over-local level. Thus, the legal institutionalization cannot ensure effective metropolitan governance, whether no financing is ensured for metropolitan planning definition and implementation, and metropolitan cooperation is more effective when it starts from the bottom up initiatives.

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