

**FROM DECENTRALIZATION TO FEDERATIVE
COORDINATION: THE RECENT PATH OF
INTERGOVERNMENTAL RELATIONS IN BRAZIL**

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ABSTRACT

This paper discusses how intergovernmental relations have been influencing the production and performance of current Brazilian social policies in Education, Health and Social Assistance. In 1988 the Federal Constitution instituted a model of intergovernmental relations in the social field that combined national policies with decentralized execution. From this viewpoint, decentralization would engender more efficiency, efficacy and better quality in delivering public policies because of its approach to social demands. Decentralization became a central process for evaluating the efficacy of these public policies. The decision-making framework included in intergovernmental relations became important as decentralization became the main instrument for delivering social policies in Brazil after 1988. This is the reason why the framework of intergovernmental relations is crucial for linking these policies with their federative nexus and the institutional design of each policy influences the way intergovernmental cooperation operates.

Key-words: decentralization - intergovernmental relations - cooperative federalism - public policies - democratization

Introduction

Although federalism in intergovernmental relations may not have the same meaning, when trying to identify how federal bodies share public policies it is difficult to separate these concepts at the theoretical and empirical levels, above all when the emphasis is on analyzing how cooperative arrangements between federal and sub-national levels are organized. According to Elazar, 1987: 67; 1994 and Agranoff, 2001, among other aspects the federal process includes searching for a partnership between parties to the pact, which is negotiated by way of *programs* (policies), and based on commitment and generating consensus, or at the very least preserving the integrity of the bodies. The federal system is supported by a set of *techniques* (administration and management) for ensuring the collaboration of federative bodies in these programs. The challenge, according to Agranoff (2001), is how to overcome the political and legal autonomy of sub-national governments with their administrative focus in order to devise and introduce programs in a more cooperative way.

Considering this general view of cooperative federalism as being the end and intergovernmental relations as being the means, the theme of this paper deals with the recent transformations in contemporary Brazilian federalism; above all it provides an analysis of policy decentralization following the Constitution of 1988. The new constitutional order, the result of democratization, broadened the powers of subnational governments and transferred many of the functions of government to the states and municipalities, in particular in the social area. This decentralization was guided by a criticism of centralism and by a fairly optimistic view of decentralization that was based on arguments of more effectiveness in the supply of services and a greater possibility for social control in local government. But Brazilian federalism after 1988 sought to gradually combine the introduction of decentralization with instruments and mechanisms of cooperation with regard to public policies. Over and above this polarization between decentralization as being synonymous with the mere autonomy of subnational governments, and centralization as being control by federal government, cooperative, intergovernmental relationship arrangements were created in public policies. In this sense, the purpose of this paper is to analyze how the health, education and social welfare areas sought to

constitute their national public policy systems, considering their prior trajectory, the coalition of political players and the induction mechanisms used by the federal government.

Implementation of this model showed that the decentralization versus centralization dichotomy would not support the phenomenon of intergovernmental relations, particularly at a time when the Brazilian state increased its areas of action and public spending enormously, particularly in the social area. For this reason, from the second half of the 1990s until today, various measures have been adopted to correct the initial, purely decentralizing proposal that took little account of territorial inequality or the political and administrative weakness of the majority of local governments. To deal with this reformulation of the decentralizing model proposed by the Constitution of 1988, the paper is divided into five parts. The first discusses how literature deals with intergovernmental relations and decentralization in federal countries. The second studies the transformations that originated in Brazilian federalism in relation to the design of public policies, with a particular emphasis on decentralization. The third to the fifth parts look at the effects of this transformation on federative and intergovernmental relations in social policies for the health, education and social welfare areas, respectively. The conclusion is a comparative analysis of the performance of these three policies, which seeks to show their institutional differences in conception and performance. It also discusses how the combination of legacy, coalition of interests and the inducing role of federal government with its federative and intergovernmental relations format have an influence on the implementation of the three policies and on their performance.

Intergovernmental relations and decentralization in federal countries

In literature dealing with federalism one of the relevant topics is identifying how political, institutional and administrative arrangements are produced that can coexist with conflicting or cooperative relations between the central level of government and subnational governments. Since federalism is a system based on the territorial distribution of power, disagreement about the levels of authority between spheres of government is a not insignificant possibility. The decentralization of competences, a reorganization practice of national states in Latin America, above all the federal countries, first appeared on the continent almost 30 years ago with the promise of righting the balance between decentralization and autonomy between federated bodies. The decentralization of duties brought to the center of this debate the need to identify areas and duties in which the ties between the national state and subnational governments would be reviewed. This process involves something more than just defining administrative competences, because it throws into question the organization of spheres of power in the federative game. In this sense, decentralization in several Latin American countries redefined the levels of authority between central spheres and subnational governments.

One of the pronounced effects of this process occurred in the form and dynamic of intergovernmental relations. Decentralization redistributed levels of authority in various public policy arenas and encouraged a redesign of the interaction between central and local units of government. Affonso (2000) states that decentralization and federalism have various intersections, because they are the means by which the state responds to the need to serve multiple and distinct territorial demands. But according to Almeida (2005), it is possible to establish a distinction between federalization and decentralization. The former deals with the distribution of powers to various centers, the authority of which derives from universal suffrage. Decentralization, on the other hand, does not imply the need to establish a federation, although the latter does suppose some level of decentralization. "The basic distinction lies in the fact that federalism considers the *coexistence of autonomies* of the different levels of government and the

simultaneous preservation of both the unity and diversity in a nation” (AFFONSO, 2000: 130). In the words of Elazar (1987: 33), “federalism has to do with the need for people and governments (*polities*) to unite around common purposes, even though they remain separated to preserve their respective integrities”

But if federalism fixes the political and constitutional rules that organize the division of power between territorial units, intergovernmental relations are to be found on the more concrete side of political and administrative ties. According to Agranoff (2007: 259), “when the concept of intergovernmental relations was new, academics began talking about the means of “cooperative federalism”. So, if intergovernmental relations are the policy in the concrete sense, it is incorporated into the federal game that may have decentralization as a reference scenario for conflict or cooperation between bodies. In this sense, the processes that move decentralized federalism find an important and dynamic element in intergovernmental relations.

At this level there are issues like constructing coalitions of political players between spheres of government based on policy or theme arenas, such as levels of political and administrative autonomy and funding rules. For Elazar, 1987: 67; 1994 and Agranoff, 2001, among its other aspects the federal process includes partnerships between parties to the pact that are negotiated by way of *programs* (policies) and based on the commitment that such bargaining will generate agreements, or at the very least preserve the integrity of the bodies. Furthermore, the system is supported by a set of *techniques* (administration and management) for the collaboration of the federative bodies in these programs. According to Agranoff (2001), the challenge lies in how to overcome the political and legal autonomy of subnational governments to achieve an administrative focus that aims to introduce programs in a more cooperative way.

In line with this view, decentralization appeared in Brazil in the 1980s as a possible way for the central level of government and subnational governments to reach an agreement on an agenda for redistributing power with regard to financial resources and responsibilities for public policies. According to Tulchin (2012, Wilson *et al*, 2009; Garcia-Guadilla, 2002), this process was considered to be a juxtaposed response of democratic governance and economic reforms that supported the decentralization of authority, responsibility and resources, in addition to expanding the efficiency of local governments. After almost three decades of decentralizing experiences, the most relevant question seems not to be whether this process will be reversed, but how much it contributed to the cooperative and federative production of more effective public policies.

For Falletti (2005: 2), “as a result of decentralization, intergovernmental relations can no longer be considered the “hidden dimension of government”. They bring the theme of balance of power between the national “center” and outlying regions to the very hub of political analysis in various countries. No less important is the format of intergovernmental management relations, a more operational level that may or may not be influenced by intergovernmental relations, because it occurs more between governmental bureaucracies. For Wright & Stenberg (2010), the essential aspect of managerial ties are themes of an administrative nature or relating to the implementation of public policies.

Conceptually, intergovernmental relations deal with relations between different levels of government, which always implies topics of a political and administrative nature. As such ties involve spheres of authority and power the resulting type of arrangement may encourage more negotiation, more bargaining and more horizontal cooperation, or it may set up conflicts involving vertical and hierarchical relations. For Souza (2002: 433-434), intergovernmental relations are “vehicles of political negotiation that produce patterns that are capable of placing groups with less political power in confrontation with others, each one of which struggles to raise their position”. As Wright (1974) records, intergovernmental relations are anchored in politics

and impregnated with policies. With this regard to this, Falletti (2010), adds that: a) intergovernmental, center-periphery relations are crucial for a broad variety of political and economic issues that involve the construction of the state; b) intergovernmental relations have to do with territorial policies that involve interests of levels of government and geopolitical units that interact in a horizontal and/or vertical process of bargaining or conflict.

For Krane & Wright (2000), intergovernmental relations are reciprocal activities and interdependent choices between government bodies, based on the interests and preferences of the players involved, which emphasize financial, political and public policy issues. This process produces political and institutional arrangements in which it is important to check the degree of administrative discretion by level of government. Balancing these issues has an effect on the way programs are introduced, because they are vehicles of political negotiation and bargaining that look for mutual results in a collaborative way (AGRANOFF, 2001). It is therefore important to identify the relationship pattern in each political arena with their groups of players and included interests (KRANE & LEACH, 2007). From the theoretical and empirical viewpoint, therefore, decentralization can be better analyzed if it is operationalized in policy arenas. According to Lowi (1964), *policies* can create *politics* and the institutional rules and models of each policy sector have an influence on the administrative, political and fiscal power game.

For this reason, intergovernmental relations also involve the efforts of government units to have some degree of control over their interaction with other jurisdictions. Pressman (1975) says that the trade-off between more control and central obedience and more autonomy and local discretion lies at the very heart of the interaction between spheres of government. This “game” also introduces the possibilities of combining the autonomy of subnational governments and their interdependence with national policies, in which federal control is tinged by intergovernmental coordination structures. This is because in federalism the center can rarely impose program sharing (WILSON *et al.*, 2008). According to Agranoff & McGuire (2004), federal programs do not necessarily generate control, but they provide the opportunity for bargaining and negotiating. As subnational governments seek to expand their autonomy, even with federal help, the tendency is that two-way bargaining will be installed instead of hierarchical control. On the other hand, the up-front costs of federal policies, greater legal responsibility, an absence of technical assistance or intergovernmental communication between public executives, which is associated with role uncertainty, reduce the chances of federative cooperation.

This is why the federal game depends on coalitions and encouragement from higher spheres of power and intergovernmental coordination processes that encourage the cooperative adherence of subnational governments. This is why intergovernmental relations are crucial for introducing public policies, generating shared responsibility, helping subnational governments comply with their demands and avoiding buck-passing between bodies (ABRUCIO, 2005). The creation of arenas of “negotiated conflict” (Abrucio, 2005) may broaden the success of national programs by avoiding the imposition of the preferences of the federal government. The search is for working in cooperation, as opposed to issuing crackdown orders, and for the construction of an agenda that seeks to combine national supervision and discretion at the subnational level (Agranoff & McGuire, 2004).

So policy sharing is a central characteristic of federalism and includes policy production, financing and the administration of activities. This conception materializes by way of intergovernmental cooperation that is generally processed by the contractual sharing of public responsibilities. Intergovernmental relations topics are of public interest, because virtually all the issues that involve a federal system are formulated in terms of their implications for federalism and demand some form of cooperation (ELAZAR, 1987; KINKAID, 1990). But this does not

mean that all policy arenas operate in accordance with this concept, because the instruments of governmental cooperation may be different, weak or non-existent in some of them. In putting the issue in this way, which is less than a normative view of cooperation, it is important to place it in the realm of federal politics. While being less than a premise with which, *a priori*, all would agree, it is above all constructing political arrangements (between different levels of government) and policy arrangements (arenas, with their players, interests, functioning rules and way of implementation).

Elazar (1994), however, criticizes what he calls simplistic assumptions. The adjective “cooperative” in the case of federalism does not signify peace. It is much more an “antagonistic cooperation”, an expression taken from Grodzins to describe the situation in which governments have to work together, but do not do so with a lot of goodwill. So “cooperative” refers to the fact that governments *should* cooperate in order to work together, which does not eliminate the negotiation and bargaining that are intrinsic to cooperative federalism. If this were not so, there would be antagonism or coercion that would, in both cases, affirm the federal action.

This is a relevant theoretical and empirical issue, because the federal principle is not uniform and may produce effects, like stimulating policies in an arena without another, important initiative being introduced to support the first. That is why it is important to analyze public policies, their decision-making structures and institutions, the political payers involved, the interests that are in play and the rules that inform their production. For Elazar (1987), even in decentralization contexts, centralization may be maintained despite the general tendency being the opposite. For example, according to Wright (1974) the expansion of financial concessions at the federal level may generate the undesired effect of the growth of specialized bureaucracies in the national sphere. According to Agranoff (2001), the federal hierarchy may reinforce the centralization of powers that are concealed behind a discourse of technical supervision. One effect of this may be the problem of the uniformity of the criteria of federal programs that seek to reduce policy (federative cooperation) to technique (limits imposed by rules).

Intergovernmental relations may be seen as being on the side of technical competence in managing the political themes included in relations between federated bodies. Even if the “asymmetry of authority and resources” (Krane & Wright, 1998) can strengthen the swing of the pendulum to national government, the bargaining of subnational governments is part of the federative game, whose rules may come from the setting up of intergovernmental forums. So federal coordination may have more flexible, intergovernmental relationship mechanisms. For Agranoff (2007), the search to control and evaluate is a direct function of intergovernmental interdependence that may be obtained in more horizontal collaboration networks between government units in their search for joint solutions. Political independence and public policy dependence are not opposites, because the “collaborative development of policies” may go beyond the traditional “we propose” and “they dispose” (PRESSMAN, 1975).

Federations commonly have more than one level of government operating in the same sector. This interdependence, which in itself demands coordinating instruments, becomes more complex because of three phenomena. The first refers to the expansion of the social welfare state worldwide, in a process that in most cases involves a significant degree of policy nationalization, whether to reduce inequalities or create standards and norms that can strengthen the nation’s competition vis-à-vis other countries. This process is more intricate in federations since subnational governments demand more respect for diversity and their autonomy; some of the literature states that the unitarist design was more favorable to the expansion of the welfare state (see, for example, Obinger et alii, 2005).

Krane & Leach (2007) call this “administrative federalism”, when it involves various players in the intergovernmental management of programs with a focus on achieving common objectives. Such a stance seeks to reduce “autarchic” attitudes on the part of subnational governments and those relating to maximizing gain. Give and take may be a strategy for implementing programs, because “two-way” bargaining between government bodies is different from centralized control. Intergovernmental relations may create interaction mechanisms that materialize “cooperative federalism” into topics to which subnational governments are sensitive, such as the division of tax funds and policy funding (AGRANOFF, 2007; AGRANOFF & MCGUIRE, 2004). Intergovernmental relations generate power balances between federative bodies that derive from resources that can be grouped into economic, legal authority and organizational capabilities that merge to make policies at each level of government viable (FALLETTI, 2010: 61).

On the other hand, Agranoff & McGuire (2004) argue that it is necessary to abandon the “antiquated” focus on bargaining in intergovernmental relations in favor of an emphasis on ties of an administrative nature that allow transaction costs to be included in such arrangements. The propensity to bargain occurs within a political context that includes administrative federalism when it interacts with the competition and interests of federal government. Intergovernmental relations are a means by which program administrators bargain and propose adjustments when it comes to implementing intergovernmental programs. Certainly the three situations indicated above by Falletti are essential, because they may indicate the subnational governments’ greater or lesser bargaining capability in the federal arena. In these terms, the dynamic of intergovernmental relations may go beyond the themes of support actions with financial subsidies or themes of a fiscal nature involving bargaining between the donor (national government) and the recipient (subnational government). This is why, for Wright (1988: 121), the “managerial context supplies an important but incomplete picture of contemporary intergovernmental management”.

Wright (1974) emphasizes that the most significant issues that deal with changes in intergovernmental relations must be centered on the frequency, mechanisms, direction and modifications that are produced. The main component questions are: a) What are the main problems dominating the public agenda in the period?; b) Which perceptions are held by the main participants and which guide their behavior?; c) Which mechanisms and techniques were used for implementing intergovernmental relations and what were their objectives? Such questions are relevant, because according to Wright (1974: 17): “complexity is an inherent and persistent aspect of the various characteristics of intergovernmental relations. Achievements in the intergovernmental arena, therefore, depend on the successful management of complexity”.

This view is in line with that of Agranoff (2001), because it highlights the fact that intergovernmental relations may generate more regulatory action and central control, making the system more complex when it comes to obtaining collaboration between the bodies. The methodological path to identifying this growth and change in the quality of intergovernmental relations lies in trying to reconstruct relevant policy and intergovernmental management themes. For Agranoff (2001: 45), this reconstruction involves four areas: a) bargaining, negotiation and adjustment in programs that require collaboration; b) changes in responsibility with regard to programs makes room for collaboration with subnational governments and in descending terms; c) a strengthening of this collaboration in management terms, with the aim of establishing the limits for administering the intergovernmental system; and d) the enforcement capacity of the federal government.

Each of the four areas above provides opportunities for the mutual construction of intergovernmental management relations. This means not only defining federalism, but seeking to

construct political and administrative bridges between federated bodies, with the aim of confronting the “intergovernmental atrophy” that can affect collaborative relationships. This game opens up the possibility of either collaboration or conflict, depending on the “mandates” or “functional imperatives” included in the federal policies in terms of more or less discretion, flexibility and autonomy being available at the subnational level. Another effect may be the lack of effectiveness of federal programs or their poor capacity for implementation because of the expenditure they demand of subnational governments. For Agranoff (2001: 47), “it must be understood that if subnational jurisdiction agrees with and is likely to benefit from a federal program or policy, it is more likely to go along with and engage in some form of collaborative management”.

According to Elazar (1994) and Agranoff & McGuire (2004), in the federalist game it is possible to determine how each body “pays the ante” to sit in on the game”, their aim being to ensure their participation in decisions that have an impact on them. Federal government usually uses its resources and best capabilities to mobilize public support and subnational governments take advantage of their own attributes, like more direct connections with citizens. “Once having paid the ante, these governments have the right and the duty to bargain over what is to be shared and how. They are, in essence, “licensed” and expected to do so” (ELAZAR, 1994: 145). But calculation of the actions of each level of government is always present when it is time “to pay to sit in on the game”.

It is along these lines that Agranoff & McGuire (2004) emphasize that public administration should extend its understanding of the degree by which mutual adjustment between levels of government can contribute to the performance of programs, above all if this process involves the decentralization of policies that require technical, financial and administrative collaboration between the bodies. Such demands do not eliminate bargaining and negotiation, because they strengthen ties with the aim of enhancing the performance of decentralized public policies, which further demands creating arenas of “negotiated conflict”. The existence, or otherwise, of formal or informal processes, whether they are institutionalized or not, because they deal with intergovernmental relations and intergovernmental management, may have an influence on the decentralization of policies. These authors argue that the pillars of negotiation and vertical interaction are based on four administrative bargaining preconditions that have cooperative purposes: a) the importance of the territory or locality; b) a limited national bureaucratic tradition; c) long-term practices of simultaneous actions between levels of government; and d) the effect thus derived from reciprocal and interactive administrative actions.

For Agranoff & McGuire (2004), a relevant issue for analyzing political and policy decentralization is making local discretion compatible with central supervision and control. If decentralization is a way of reviewing the political and administrative organization of federations, there is no doubt that mechanisms of mutual adjustment between levels of government need to be defined. The design and implementation of mechanisms of intergovernmental relations is an important “cement” for putting into practice the decentralization process. In the case of Brazil this is an even more relevant issue, because decision centralization in political and administrative terms historically relegated the construction of more systematic processes of cooperative action to playing a secondary role. For this reason, perhaps the equilibrium between control and supervision, or the pendulum that swings between centralization and decentralization is a question still found on the agenda of decentralized public policies in Brazil since the 1980s. To this can be added the well-known organizational, financial and technical deficiencies in state capabilities, above all in cities, which are also key ingredients in this debate about intergovernmental relations.

Therefore, a central aspect of the debate about the implementation of mechanisms of intergovernmental relations in decentralization processes is identifying the conditions under which forms of “two-way” bargaining are established. Not only does this model differ from hierarchical control, but also demands a certain equality of condition capabilities between federated bodies for negotiating and bargaining in a more equitable manner. Political and policy decentralization may be a means of inducing such federative arrangements, because the implementation of programs requires the construction of ties of interdependence between the bodies.

The “complexity of joint action” is an inevitable part of this process that demands negotiation and continuous adjustments, which reinforces the political and administrative role of intergovernmental arrangements in decentralization. “Cooperative federalism combines federal assistance with the opportunity for other governments to become “constructively involved in the major functions of public service” (GRODZINS *apud* AGRANOFF, 2001: 36). But this requires knowing how policy arenas are structured in order to be able to assess whether they encourage cooperative behavior between bodies, or not. In this sense, for Agranoff (2007) there are 27 instruments for enabling intergovernmental relations:

- a) Economic devices: subsidies or grants, fiscal audits, tax policies, intergovernmental funding, the division of projects and sharing of investments, and equalization commissions in fiscal matters;
- b) Legal approaches: intergovernmental regulation (program rules, decrees, etc.), cooperation agreements for joint operations in public policies; intergovernmental mutual help agreements or public service agreements; actions with legal interdependence (social policies, labor market regulations, etc.) and organic laws relating to government structures, local taxes, public service, etc.
- c) Administrative practices: program regulations and standards; contracts for services/agreements between governments; personnel interchange; program auditing; metropolitan or regional government special authorities; and programs with a negotiated performance.
- d) Political or government bodies: inter-government or inter-sector networks and councils; conferences between subnational government leaders; sector conferences on public policies; regional government councils; second parliamentary chambers, intergovernmental associations (municipalities, regions, etc.); intergovernmental representation and lobbying; employees elected for official contacts and political party channels.

Each one of these channels is an opportunity to develop administrative and political themes that may, or may not, expand the arenas of decentralized arrangements, because they aim at generating instruments of closer intergovernmental relations. At the same time, all instruments seek to define bargaining and negotiation rules that distance them from more hierarchical models of ties between central government and subnational governments. But Agranoff (2007) remembers that it is important for some institutional conditions to exist so that this bargaining is more productive. For example, the absence of professional staff in subnational governments may make it difficult to construct agreements in intergovernmental relations and reduce the reach of these instruments in policy decentralization processes. A lack of technical capability may reduce bargaining capacity and imply defensive actions that reduce the assumption of decentralized responsibilities. It may also create more difficulties in the interchange between public managers from different levels of government and uncertainty in the roles and responsibilities, which has an

influence on the negotiation and cooperation agenda.

Added to these aspects is the need to increase the efficiency (optimization) and effectiveness (impact) of public administration worldwide, while having to strengthen democratic accountability, in other words, holding public agents accountable (PETERS & SAVOIE, 2000). These objectives are more complex in a federation, because government actions overlap a great deal, since governments have considerable autonomy. In this structure, both accountability and performance improvement depend on the well-defined sharing of government functions.

In decentralizing processes, this game of implementation between federative bodies and their interests is a key variable that the political and institutional design of intergovernmental relations helps decode. For Agranoff (2001), intergovernmental programs establish the context within which horizontal management networks are required, seeking above all to balance technical needs with political demands. It can be inferred, therefore, that in political and policy decentralization processes, the demands for managing adjustment instruments between levels of government are even greater. In the search for greater effectiveness in federal programs it would be incongruent to decentralize policies without expanding the mechanisms of cooperation. It would be unreasonable for the links between federated bodies not to be in some way coherent with the mechanisms of administrative, political and fiscal decentralization, considering that the stakes at risk have to do with a double process of reorganization and the sharing of power between subnational governments and the federal sphere. So the question about “to what extent decentralization actually redistributed power between levels of government in Latin America”, according to the Woodrow Wilson International Center for Scholars (2004) and Rodden (2005), requires an empirical analysis, as we are proposing to discuss with regard to three decentralized public policies in Brazil.

Beyond those constitutional questions that formally guarantee financial resources and decentralized policies on more stable bases as being indicative of more attuned intergovernmental relations between federal government and subnational governments, informal means also help with the analysis. For example, the creation of instances of “negotiated conflict” that create the bases for more horizontal relations between bodies, in such a way that at the administrative and policy level there is the possibility that subnational governments and their federal counterparts join in dialogue on a more horizontal basis. The autonomy of subnational governments and the construction of intergovernmental coordination mechanism binomial may form part of a federative political and institutional equilibrium that is constantly renewed. This is a process that requires federative instances for forming pacts that are seen as reliable in the relationships between the bodies.

It is as if a quadrant, organized along the axes of decentralization and intergovernmental relations, were to generate four possibilities of ties, from the most desirable to the most undesirable from the viewpoint of cooperative federalism. The preferred result would be the one with extensive decentralization and strong, intergovernmental relationship ties; the effect least sought after would be a weak decentralization and intergovernmental relations that are ineffective when it comes to generating federative links. Ideally, the effort of federated bodies and of central government would seek to align decentralization and the implementation of instances of intergovernmental relations. So, according to Affonso (2000: 129), “decentralization should be accompanied by initiatives for coordinating decentralized activities, which would imply establishing new institutional arrangements for the relations between federated bodies (federal or central government, states or provinces and municipalities)”. Perhaps the disconnection of the two dimensions (decentralization and intergovernmental relations) can explain why the magnitude of the changes demanded by decentralization is different depending on the policy

domain in question, as will be seen.

Falleti (2010) argues that decentralization engenders policies that, by modifying the profile of ties between subnational and central governments, end up being institutionalized in laws, a constitution or even in organizations that generate policy feedback and feedback for the intergovernmental dynamic in terms of the political game and power distribution between bodies. Therefore, federal policies can be an analytical starting point for evaluating how they influence politics and the functioning of public administration; in the case of federative arenas, these are policies with their obligatory rules and the types of link that induce the design and functioning of intergovernmental relations. Agranoff (2007: 256) calls this “policy interaction”, which is developed around the relationship between donating governments and recipient governments. This is where political and policy arenas are constituted, in which “jurisdictions are generally free to act within [wider] legal and regulatory stipulations” as they “receive” and administer external programs in their jurisdictions.

For Cho & Wright (2001: 76), “the nuances and specific features of policy areas affect relations between different governments”. As policies coming from the federal government propose rules of adherence (mandates) that are more or less cooperative or coercive, analysis of intergovernmental relations in each policy arena helps decode the types of federative link that exist. Since public policies are one of the central themes of intergovernmental relations, for Wright (1974) it is essential to understand their administrative, economic and political judgment criteria in each arena. For empirical purposes this argument needs to be broken down in order to analyze the characteristics that this process assumes in each public policy. Addressing these issues in the wake of changes in Brazilian federalism after 1988, with decentralization as the means for redesigning intergovernmental relations, is the empirical focus of this paper when it analyses health, education and social welfare policies. Before doing so we present the central changes in the design of public and federal policies that resulted from the new Constitution. This reference is essential for understanding the question of federative coordination and its links with decentralization, democratization at the local level and the expansion of social policies in terms of their universalization. The Constitution of 1988 was the institutional *locus* in which this combination was synthesized, as is discussed below.

Public policies and intergovernmental relations

The Constitution of 1988 ushered in a new era in Brazilian public policies. Although we had the first efforts at constructing a welfare state before this period, principally with Vargas and during the military regime, expansion of these rights had been segmented by social groups, carried out in a clientelistic or authoritarian way, constructed by a generally patrimonial public administration – or in some exceptional cases, by totally insulated bureaucracies – and based on a centralizing model of intergovernmental relations (DRAIBE, 1994; NUNES, 1997). In a clear attempt at creating a contrast with the old pattern, the model introduced by the Constitution proposed a new paradigm for public policies, whose important points in common are set out below:

- a) The creation of a universal standard of public policies, with the aim of ensuring that every citizen had the right to enjoy the public services and goods produced by the state. The health area was the one that announced this principle in the most strident way, but it was to be found in several other policies, like in education (which defined the duty of the state to offer schools for a certain age band) or in social assistance, in this case linked mainly to income transfers. By adopting this common standard, the policies were unable to segregate beneficiaries into types of citizen, at least not

formally. More importantly, it opened up the opportunity for most of the population to have, at least in the letter of the law, access to policies that before were not within their reach;

- b) New areas were also created, or old ones reformulated, to take into account new themes; and such themes gained more space in the Constitution. Basically, the 1988 constitutional text established an agenda of issues that were to be dealt with by those in government from then on;
- c) The new charter established common competences for central government, states and municipalities in health, social assistance, education, culture, housing and sanitation, the environment, protection for the country's heritage, combatting poverty, the social integration of underprivileged sectors and traffic education (Federal Constitution, Article 23). The legislative competences of federal and state governments were defined in the areas of protection for the environment and natural resources; conservation of the cultural, artistic and historical heritage; cultural and sporting education; a small claims' court; health and social security; legal assistance and the office of the public defendant; protection for children, adolescents and the disabled and the organization of the non-uniform police (Federal Constitution Article 24).
- d) The constitutionalization process of various public policies laid down that their rules would be subsequently well-defined by infra-constitutional legislation. This is what happened with the Law of Guidelines and Bases for Education, the Organic Health Law and the Social Assistance Law. These public policy codes were able to describe in more detail the institutional nature of the areas, by defining objectives, resources, decision processes, ways of regulating them and participation instruments;
- e) The Constitution, and subsequently its codification in the different sectors, created mechanisms for trying to professionalize the bureaucracy both in a more general sense and, in some cases, for each public policy. Even though this process was very unequal in comparison between the areas, it was completely new in a large part of the Brazilian state. The main advance in this aspect was the reduction in clientilism and patrimonialism in policy administration, making them more public and with greater potential for universalization and democratization;
- f) Public policy decentralization was a central theme of the Constitution of 1988. The normative assumption that guided the members of the constitutional convention was that the more policies were decided and/or implemented at the local level, the closer they would be to the citizens, thus ensuring greater government accountability. Along these same lines, the tendency in most of the sectors to municipalize the management of public services and goods was very strong. It was believed that decentralizing would mean democratizing and increasing government efficiency, a supposition that is not always necessarily true, as the literature has shown (ARRETCHE, 1996; ABRUCIO & SOARES, 2001). Certainly the Constitution did not ignore the need to create intergovernmental relationship mechanisms and to guarantee resources and power so the federal government could play an active role in combatting inequalities and in regulating/encouraging the behavior of the federative bodies. This is why most legislative competences were the responsibility of central government, giving it the capacity to establish national standards for public policies (Franzes, 2010). The administrative and financial resources of the federal government also have a lot of power to induce, although it does not completely determine behavior in the federative game. But there were some gaps in the federative plan, to the extent that since 1988

legislation is being drafted to improve the federative framework and intergovernmental relations are still one of the most sensitive of sore points in public policies. Furthermore, decentralization assumed different meanings and had different content, depending on the design of each policy, the prior distribution of competences and the control exercised over resources by the three levels of government.

- g) Following the new Constitution, all public policies tried to set up stable sources of funding. In some cases the constitutional text made this clear, while in others the struggle took place mainly in the infra-constitutional regulation phase. Furthermore, this is a federative situation with many differences between sectors. In any event, the question of more sustainable funding became an agenda of the advocacy coalitions of each policy;
- h) Creation of democratic control and participation mechanisms, which are intrinsic to the policies themselves. In addition to the supervision and accountability carried out by the new institutionalism created by the Constitution of 1988, the best-known example of which is the public prosecution office, councils and opportunities were created for citizens and the more important groups to participate in each policy, thus establishing participative arenas with a capacity to increase the quality of their deliberations (TATAGIBA, 2005). It is worth pointing out that the setting up of these councils and suchlike bodies is very unequal in territorial and sector terms. It is also a process in which participative learning is being constructed as far as concerns the search for the best institutional design and preparing society for this new way of acting in relation to the state.

Seeking to implement a more cooperative format, intergovernmental relations in Brazil recently underwent the trajectory of topics mentioned above. But it is also worth highlighting three other aspects that played a decisive role when it comes to explaining the performance of each policy: **legacy, coalition and inducing mechanisms in the public policy system.**

Policy legacy refers to its previous trajectory and its effects on current institutions. This means that the starting point and previously acquired knowledge had an impact on the new sectorial institutional mechanisms. Sectors that had prior experience of management or greater reach had more chances of success in implementing the project present in the Constitution of 1988 and in the subsequent legislation for the sector.

Another important vector were the coalitions of ideas and interests present in the game of each policy, in particular the characteristics and quality of the group defending the new institutional mechanisms. Two points were fundamental for the coalition to be successful: the existence of a coherent and well-constructed project and the capacity for it to be articulated both internally and externally. It is worth emphasizing that with regard to the coalition's external action plan, what was important was the force it had for obtaining victories or successful commitments with those with the power of veto and also, and in particular, its ability and power to have its policy included as a priority on the major public agenda, affecting the political class and the most influential sectors in society.

Finally, the implementation of new governance in each area suffered the impact of the capacity to construct mechanisms for inducing institutional improvement. This highly relevant aspect involved the creation of management tools; it is worth remembering that this was a pivotal point of one of the most successful government programs, the family allowance. This aspect also involves actions for linking levels of government and society. In other words, this element involved the formal or informal creation of a public policy system (ABRUCIO, FRANZESE &

SANO, 2011). The paradigm of this system idea is the Single Health System, the logic of which was an inspiration for several areas. Basically the objective of the system is to create the instruments necessary for political and administrative articulation, the aim being to transform the objectives of the public policy into implementation. Below are descriptions of the three public policies here studied.

The Single Health System (SUS)

The health area has become the model for the others and is regularly cited as something to be copied. But what are its characteristics? First of all, its legacy contained a centralized structure, with a fairly reasonable degree of maturity, which had been previously partially decentralized in the 1980s, a process that started with the governors who were elected in 1982 and who were in opposition to the military regime. This was extended by the creation of the *SUDS*, the predecessor to the *SUS* (ABRUCIO & FERREIRA COSTA, 1998). In the post-constitutional period, this facilitated both the decentralization process and a more coordinating action by federal government. Secondly, there was an old and well-articulated health coalition, which had a clearer project than the other policies and that efficiently lobbied the Constitutional Convention. The greater unity of purpose between its members facilitated implementation of the model. The model that was formulated and the implementation strategy also largely explain the results of the *SUS*.

Health policy in the Constitution of 1988

The Constitution of 1988 already defined legislation that was improved upon over the next two decades. The aim was to achieve four objectives: the universalization of policies; decentralization and intergovernmental articulation, based on the municipalization-system duo; professionalization and management (albeit in an incomplete way) mechanisms; and social participation. With regard to universalization, the former model, which was based on the corporativism of the 1930s and under which only formally employed workers had free and public access to health services, was substituted to offer such services to every citizen.

From the intergovernmental point of view municipalization was adopted as a fundamental objective. The bases of this definition were constitutionalized and subsequently set out in detail in Laws 8080/90 and 8142/90. But it was the design created by the Basic Operating Standards (*NOBs*) that were published by the Health Ministry during the 1990s that encouraged municipalities to adhere to the *SUS* and that drew up the health care model we have today in the country (LEVCOVITZET *et al*, 2001). At the time of *NOB/91* and *NOB/92* only 22% of the municipalities had joined the system; with *NOB/93*, this figure rose to 63%; and finally with *NOB/96*, which was fully implemented in 1998, the percentage of municipalities reached 99.6% of all municipal governments (ARRETCHE, 2002).

From these figures it is evident that municipalization was a progressive process. Added to this, unlike with other policies, the decentralization proposed by the *SUS* was better coordinated and established three conditions for the decentralizing process. The first is that there would be a hierarchy, organized by degrees of complexity, seeing that not all municipalities could undertake to offer the same network. So most of the standardization process of the instruments of the health system would be the responsibility of the federal government, as would funding and policy induction. The state would be responsible for tertiary health care and part of secondary care, as well as providing assistance to the municipalities, while the latter would handle primary health care and part of the secondary care.

The municipalities were given autonomy according to their management capabilities, and only assumed activities when they obtained 'full management' status. This meant that

municipalization was filtered by the construction of the institutional and administrative conditions necessary for assuming the process. To exercise their autonomy, subnational governments (states and municipalities) now receive fund-to-fund resources, a system of regular transfers, particularly after economic stabilization in 1994. The criteria for the transfer of these sums of money are well-regulated and articulated.

Mechanisms were also created for organizing intergovernmental relations, thus avoiding any great inequality in situations when establishing national and regional standards of articulation and objectives. A decisive step in this direction was the creation of the Basic Care Minimum Standard (*PAB*). The *PAB*, which was created in December 1997, was an instrument that strongly induced decentralization. With its fixed and variable parts, the former guarantees an automatic transfer of fund-to-fund resources, which are calculated by the number of inhabitants for all municipalities that form part of the *SUS*, thereby guaranteeing a minimum amount of funds for all municipalities. A variable part was also created (the so-called variable *PAB*), the objective being to expand national programs, like Family Health/Community Health Agents, Oral Health, Basic Financial Assistance, Combatting Nutritional Deficiencies, Combatting Endemic Diseases and Health Watch.

At the beginning of the 21st century with the Pact for Life (2006), yet another important intergovernmental *SUS* instrument was established, which was the regionalized articulation in the states of Regional Management Boards, which bring together municipal and state health managers, organized by region within each state.

Professionalization mechanisms were strengthened in the health area, because the rules for taking over full management control led to a major structuring of the personnel area, particularly in the final activity area. With regard to the management tools, starting from a major tradition of data systematization and investigation into the result of the policy – unlike in the education and security areas – the *SUS* has an entire system for assessing the programs that are induced or headed up by the Ministry, with a reasonably effective monitoring system and transparent distribution of information via the Internet. There are, however, no goals or indicators for results-based management. Basically, a definition of the priorities and measures that function as targets to be met finds no place in the *SUS* – at least for the time being.

The challenges of the SUS relating to its federative inclusion and intergovernmental relations

One of the great advances of the *SUS* has to do with policy decision mechanisms. On the one hand, this involves service-user participation channels, which are similar to those that exist in other areas. More significant, on the other hand, are the negotiation and decision arenas at the federal level. This characteristic has been reinforced by the creation of institutional spaces of representation and agreement that provide for the participation of municipal, state and federal managers in decisions about the national health policy: the Tripartite and Bipartite Inter-manager Commissions (*CIT* and *CIB*); these commissions are anchored, in their turn, in the National Council of Municipal Health Departments (*CONASENS*) and the National Council of Health Secretaries (*CONASS*), which are horizontal, federative coordination forums (FRANZESE & ABRUCIO, 2010).

These new spaces of intergovernmental negotiation do not form part of the federative design of the Constitution of 1988 for public policies. They are the result of the evolution of a model that was created in the health policy area and that constitute an institutional legacy of this policy for the functioning of the Brazilian federation. In this sense, the innovations of the *SUS* within the health policy area help redefine the Brazilian federative model and introduces a new form of intergovernmental negotiation with effects that go beyond the sector. Proof of this is that

its institutional format was reproduced in the social assistance area, giving rise to the *SUAS* (Single Social Assistance System).

The structure of the system, however, does not mean that there is a perfect equilibrium of forces between federative bodies in intergovernmental relations. The negotiation spaces constitute arenas for agreement but also political dispute, where each federative body is going to use the resources it has at its disposal to obtain the best results for itself. In this sense, federal government uses its funding power, while subnational governments use their implementation power (FRANZESE & ABRUCIO, 2010).

Although it has accommodated pivotal themes well, like federative deliberation, the systemic articulation of policy and the directing of funds and guidance for national programs for increasing equity, there are still some significant problems in the *SUS* model. The first is funding sources. In the 1990s, trust was deposited in the fact that this stable financial base would come from the *IPMF* (Provisional Tax on Financial Transactions), created in 1993, which later became *CPMF* (Provisional Contribution on Financial Transactions), which functioned from 1997 to 2007. Although this tax generated a significant volume of resources for health, much of this money went to other areas. The end of the *CPMF* did not lead to the substitution of this revenue by any other source. Moreover, Constitutional Amendment 29, which was recently regulated, determines a percentage of spending for each of the three federative spheres. Even so, local governments have complained that they were given responsibility for incurring expenditure without having the necessary funds to do so.

The biggest problem the *SUS* lies in the quality of its health equipment, more specifically its hospitals. This is not only a problem of funds. The management of public hospitals is perhaps the major hitch in this area; and the origin of this ill is not for want of a qualified local bureaucracy. The nub of the question lies in the difficulty in creating a new managerial dynamic for public hospitals and their employees. It is true that new experiments have been tried, in particular the Social Health Organizations (Sano & Abrucio, 2008), but also other forms, like the Public Foundation and Public-Private Partnerships, despite the fact that the latter is an experiment that was very recently introduced and therefore very difficult to evaluate. The fact of the matter is that assessment of the services ranges from regular to bad in most of the public units.

The paradox of this situation in health is that the sector – and its coalition – achieved some institutional victories largely because of the external support they received, which gives the subject a central place on the political agenda. But opinion polls in Brazil repeatedly show that health is considered by the Brazilian people to be the country's biggest problem, ahead of security, drugs, education and corruption. This shows that public governance needs to incorporate management elements, introduce changes in the organizational model and motivate its agents. Added to this is the need to use targets and indicators in a more structured way in order to put some order into public policy, including increasing publicity. This will lead to the possibility of the population controlling the results of the policy.

The Single Social Assistance System

Over the last twenty years the social assistance area has tried to mirror the health policy by creating the *SUAS* (Single Social Assistance System). But its legacy, the coalition defending the policy and its institutional trajectory were very different from the process that occurred with the *SUS* and it has found it more difficult to consolidate its governance model.

Historically, the sector was marked by five characteristics. The first is the enormous influence that has been exercised since its origins by the charitable organizations that provide the services, above all the Catholic Church. Even with the institutionalization of the policy in the

Vargas era, social care at the local level was provided by this type of organization, something that is still very important, albeit to a lesser extent, in most Brazilian municipalities. Secondly, the institutionalization of the policy resulted in a centralization process, specifically with the setting up of the Brazilian Assistance Legion in 1942. The federal government sought to reinforce the area's programs and its institutionalization during the military dictatorship by strengthening the *LBA*.

But this effort at institutionalization did not put an end to the lack of intergovernmental coordination, the overlapping of competences and, especially at the subnational level, to policy discontinuity (DRAIBE, 1994). Basically, this third legacy shows how the construction of an institutional and systemic standard of welfare in this area was done in a centralized way without spreading this institutionalization to the states, and particularly not to the municipalities. But paradoxically, as many of the services continued under local control, a model predominated there that had little managerial and regulatory capability and that was based on the pure and simple transfer of activities to charitable organizations. The simultaneous existence of these two scenarios clearly reveals what fragility there was in the lack of intergovernmental coordination, which Lício (2012: 149) described as follows:

It is interesting to observe how the resources of the *LBA* were operationalized in this period with both governmental and non-governmental partners. States and municipalities were treated no differently from charitable entities for the purposes of receiving technical or financial assistance. One sees that subnational governments did not have precedence over private initiative for the purpose of social assistance and what predominated was a type of centralization that practically dispensed with intergovernmental coordination, since the *LBA* was represented by regional offices that implemented their actions directly or by way of partnerships with private initiative, independently of state and municipal action. The not-rare negotiations mediated by representatives of federated bodies were generally personified, one-off and directed at serving private interests linked to their political action. Sposati *et al* (1998) diagnosed this institutional fragmentation and disarticulation when they found that, until then, no organized system had been arranged between the different levels of government for providing social welfare services, or even an explicit policy for providing guidance for subnational organs.

The institutionalization process at the federal level did not lead to a more systematic attack on clientelistic practices. This other aspect of the legacy has to be emphasized because social assistance was an area that was fundamental for winning the support of traditional politicians for the military regime, which from the political and administrative viewpoint was not just a paradigm of technocracy. Finally, the legacy is completed with the finding that at the time of the Constitutional Convention, although principles that were similar to other policies, like universalization and decentralization, were affirmed, no coalition was capable of institutionalizing it in a more detailed way and with the resources (administrative, managerial and financial) necessary for going down the same path as the health area.

The social assistance policy in the Constitution of 1988

After the Constitution, and drawing its inspiration from the *SUS*, the Organic Law of Social Assistance (*LOAS*) was enacted in 1993. But the scenario facing the social assistance area was very different. Implementation of the *LOAS* was difficult, slow and incomplete. As with the *SUS*, the system for the transfer of funds was established by basic operational standards, but in contrast to the first case, this was only done for the first time by the federal government in 1997 (FRANZESE, 2010). To explain this delay in institutionalizing the area, Lício (2012: 150) states that:

Although the *CF* [Federal Constitution] of 1988, in Article 204, provided that this policy should be introduced by way of political and administrative decentralization, its regulation by way of the Organic Law of Social Assistance (*LOAS*) was only possible five years later, which is largely

explained by the fact that it opposed the interests of players concerned with maintaining the centralized way in which the *LBA* functioned and its privileged relationship with the entities.

Another explanation for this truncated trajectory was the change in the policy agenda, with combatting poverty gaining a degree of autonomy from the issue of social assistance. This began with the enormous prominence obtained by the Citizenship against Hunger, Poverty and for Life Action Movement in 1993. The National Food Safety Council was set up as a result of this initiative and the area became autonomous from this point on. Dealing with the same theme, but from another angle, transfer programs arose that were conditional on income, firstly at the local level and later, already in the second half of the 1990s, at the federal level. This line of action received a great boost following the creation of the Family Allowance program, which was the most successful program in the Lula government and undoubtedly took center-stage on the agenda.

The increase in importance of combating poverty and, more particularly, the success enjoyed by conditional income transfer programs, especially the Family Allowance program, are phenomena that had a paradoxical effect on the social assistance area. On the one hand, these new initiatives hindered the development of the *LOAS* and the creation of a system in the molds of the *SUS*. On the other hand, however, their success, particularly of the Family Allowance program, placed the subject of assistance center-stage on the political agenda.

Another important effect in this process was the centralization of public policy, because the Family Allowance program generated a federal policy of transferring funds directly to citizens, hugely reducing the go-between role of states and municipalities. Although there are organs for negotiating with subnational governments, they play a much reduced role.

Although initially the design of the Family Allowance program allowed this policy to be insulated in the federal government, over time this arrangement became difficult to sustain. This was due to two reasons. The first was pressure from the assistance coalition, whose players – mainly social assistants – are historically linked to left-wing political parties, particularly the *PT* [Workers Party], a party that came to power in the federal government in 2002. From this pressure and articulation resulted the IV National Social Assistance Conference in December 2003, in which the *SUAS* (Single Social Assistance System) project was formulated for the first time. This political act led to pressure for the effective creation of the system, generating a tension within the government itself and in the Ministry of Social Development (*MDS*), which was also responsible for the Family Allowance program. This clash, which was not easy to resolve, was largely settled by the Ministry of Social Development and Combatting Hunger (*MDS*) publishing a Basic Operational Standard in June 2005, the *NOB/SUAS*.

Pressure in favor of the *SUAS* also came from implementation of the Family Allowance program, since it depends on three conditional factors: education, health and assistance. Although the latter has less impact, the *MDS* increasingly perceived that it would have to have a decentralized base to monitor and help implement this income transfer in a better way and, above all, to offer the better services that were being more and more demanded by Family Allowance beneficiaries. Put another way: the success of income transfer created demand for more public policies, including welfare policies.

The fact is that over the last few years there has been an agreed arrangement between the Family Allowance program and the *SUAS*, despite the tensions between them. This new situation allowed for the effective implementation of the instruments of the new system, the first being federative negotiation and deliberation mechanisms, both the vertical ones (bipartite and tripartite commissions – *CIBs* and *CITs*) and those linked horizontally. Then came a division of competences and responsibilities between levels of government that constitute, as in the *SUS*, the

instruments that order the decentralization, according to their qualification at the different levels of social protection, which also implies differentiated transfers of funds (SPOSATTI, 2004).

Having carried out this systemic reorganization of the area, it was possible to expand the basic care network in the municipalities. This was fundamental for consolidating the policy because administrative capabilities in the social assistance area at the local level were very low – the weakest of all the social policies in fact. This was the biggest hitch in this sector and it has been attacked by creating Social Assistance Reference Centers (*CRAS*) and in some cases the introduction of Specialized Social Assistance Reference Centers (*CREAS*).

The challenges for the SUAS in its federative inclusion and intergovernmental relations

Despite all the structure that was created, the main national social assistance policy that exists in Brazil today, the Family Allowance program, was formulated and implemented outside the *SUAS*. The program was fully formulated at the federal level and income is transferred directly to families living in poverty, without the intermediation of resources on the part of states and municipalities.

The biggest innovation in the social assistance area was the creation of a management by results instrument for transferring funds to municipalities and states. In 2006, the Decentralized Management Index (*IGD*) was created, initially just for municipalities and after 2008 for states. The *IGD* evaluates certain results achieved by the subnational governments, especially those linked to the implementation of the family allowance program and its conditional aspects, and distributes more funds, over and above those relating to the qualifying levels, to those that achieved better indicators. This amount has an expenditure structure that is very flexible and that favors, above all, those mayors who use this money for infrastructure in the social assistance area, which was, and still is, very fragile. This managerial innovation allows for the creation of more effective public governance as far as refers to the articulation between the area's actions and in the reach for results.

Among the problems that still persist in social assistance it is worth highlighting three. The first is the weakness of the bureaucracy in the area at the state and municipal levels. Professionalization is under construction and this is making local execution weak. Another difficulty has to do with defining the place of the state in this public policy in a clearer way. In most cases its executive or coordination action does not have a clear and institutionalized standard. Within this, the relationship of state governments with town halls does not generally lead to improvements in the system; on the contrary, clientilistic standards are present in many parts of the country. Finally, social participation in this policy is very under-developed compared with other areas. Nevertheless, taking as the basis the *LBA* model that lasted for more than half a century, social assistance has developed a lot over the last few years and with its own management instruments may even contribute elements for improving other sectors.

The attempt to build a national education system: the challenges of the collaboration regime

Until enactment of the Constitution of 1988, compulsory education was mainly the responsibility of the states and municipalities, and except for isolated actions in the poorest regions and in specific policies, like literacy initiatives, there was no strong coordination or guidance from federal government. Since the General Law of 1827 there had been a dualist model, in which central government (subsequently federal government) concentrated more on higher education, while it was left basically up to subnational governments to look after the primary, elementary and secondary school levels.

From this division, according to Cury (2007: 118), there also arose a duplicity of educational systems. In itself this structure is not a problem, because many federal countries function in this way. The problem is that with the passing of time a lack of articulation and coordination between the education networks was added to this duality, in an environment of great inequality at the subnational level, mainly as a function of the financial and institutional differences between regions. While the states in the south and southeast assumed responsibility for the educational system, in states in the north and northeast this responsibility was assumed by the municipalities (OLIVEIRA & SOUZA, 2010).

The duplicity of education systems, moreover, had as its basis a perverse division of responsibilities. Central government was far and away the stronger during the empire, but after the Revolution of 1930 it was the federal government that became stronger from the institutional and financial point of view. In this scenario, it was essentially up to the federal government to take charge of higher education, with a subsidiary action for other educational cycles. This grew during the military regime with technical education in the then second grade.

It was left up to subnational governments to take care of the primary education levels, what today we would call compulsory education. The problem is that local government was very weak during the monarchy and although the states acquired enormous political power in the First Republic, there was a huge heterogeneity between them, which only got worse up to 1930, so that only a small number of them managed to construct a better quality educational system. From the first Vargas government until the end of the military regime there was no great evolution in state governments in the field of public policies - and when it occurred it was generally in that small group of more developed states - and municipalities were the weak part of federalism.

The duality in education systems and responsibilities facilitated the construction of a perverse model, in which the most important actions favored higher education, while it was more difficult for compulsory education to develop. The result was the institution of an elitist structure for providing educational services, which was contrary to the principle of universalization, and the creation of a significant division in the educational coalition, since the interests of the players in compulsory education were organized separately from the advocacy of higher education. This was the opposite of the health coalition, which was marked by an organicity of purpose and interest.

Education policy in the Constitution of 1988

The Education chapter in the Constitution of 1988 tried to react to this legacy. It largely followed the five parameters that guided the standardization and expansion of the welfare state by way of the new constitutional text (ABRUCIO, 2010). The first aspect was the search for the universalization of social rights, an aspect that was very evident in the educational area, which expressed this value in the letter of the law - compulsory education for 7 to 14-year olds - and expanded the sources of funding with the idea of expanding school coverage, at least at the elementary education level; Article 212 stated that it was the responsibility of the federal government to invest a minimum of 18% in education, while states and municipalities would have to spend at least 25% of their income.

The second parameter was the democratization of state management, with the aim of increasing the participation of educational players in the decision-making process, following largely what was proposed in other social areas, especially the idea of Public Policy Councils. Another constitutional reference point was the professionalization ideal of bureaucracy, the priority of which was to hold public civil service entrance exams and build careers in the main activities of the state as a provider of public services.

But it was two other parameters that had the greatest impact on the educational model and made it more complex. The first was decentralization, which in education (as in other areas) focused on municipalization, but without prohibiting the existence of state-administered education systems, which contained the largest number of students and were hegemonic in many states. In addition to this decentralizing project, there was a concern with taking into account the question of intergovernmental relations, because educational players were afraid that a significant degree of decentralization could lead to an increase in inequality (ARAÚJO, 2005).

The constitutional result in the education area can be considered to be well-balanced from the federative point of view (ABRUCIO, 2010). Article 211 of the Constitution sums up this model when it proposes three things. The first was the division of more decentralized competences for carrying out services, giving municipalities an important weight. Secondly, instruments were adopted for avoiding centrifugal decentralization, which would be undesirable in a country that is as unequal as Brazil. In this regard, two points were made: the notion of common competence, according to which one level of government has priority in a particular cycle, but another can also act in it, thus in theory avoiding a vacuum in access to public goods. Furthermore, federal government obtained a great capacity for producing national directives and rules, to which is added its redistributive and supplementary function, “in such a way as to guarantee equalization of educational opportunities and a minimum quality standard for education by way of technical and financial assistance for states, the Federal District and municipalities” (Article 211, 1º).

The logic of Article 211 is completed by the notion of a collaboration regime, the objective of which is the articulation of federative bodies in the various educational activities that are their particular responsibility. Given the existence of dual educational systems, particularly in elementary education, with their common competences and supplementary actions by the federal government, cooperation between levels of government would be necessary to avoid clashes or uncoordinated actions that might be capable of causing a deterioration in the quality of the policy. This was a design for the cooperative federalism proposed for the educational area, which was later reinforced by a national parameter, the *LDB* (Law of Directives and Bases of National Education), which was approved in 1996 (ABRUCIO, 2010).

The expression “collaboration regime” was only used in education, but not only did other sectors in the Constitution include the prevision of collaborative forms, but this idea was already found in another article, 23, which defined the need for a complementary law for regulating cooperation between levels of government.

Added to the constitutional advances in this area were the innovative experiments that occurred in various local governments. But the fact is that poorly-resolved federative questions remained after 1988 (ABRUCIO, SEGATTO & SILVA, 2012). Decentralization was initially very disparate in its implementation process, which thereby increased inequality of access and did not guarantee the major objective, which was the universalization of education by increasing school coverage. Social control had its radius of reach limited by local political conditions, which were not always favorable to the participative model. The professionalization of educational bureaucracy, even with the constitutional rules, advanced slowly, meaning that a good part of the teachers were not suitably qualified and there was little incentive for strengthening the teaching profession. The collaboration regime, the boldest idea of the members of the constitutional convention and the key issue for the relationship between education and federalism, was not very effective, its most prominent aspects being competition and a lack of coordination; hence the diagnosis that was then current that greatly coincided with the comment of Araújo & Oliveira (1998) *apud* Abrucio (2010: 62):

In the case of compulsory education we have a veritable Tower of Babel that is protected under the politically convenient concept of the 'collaboration regime'. According to this concept, the three instances can operate (or not) education systems; they can finance (or not) education; and they can choose where they want (or do not want) to act. The result: no instance of government is responsible (and accountable) for supplying (or not) elementary education. Each instance does what they can and what they want, supposedly in a regime of collaboration.

In the second half of the 1990s, the federal government created initiatives to try and improve federal coordination. Among these initiatives are measures for increasing the capacity for evaluating the educational system in order to be able to monitor results better, and then hold public agents accountable and propose actions in those places with the worst assessments. Along this line of action are the Compulsory Education Assessment System (*SAEB*) and, subsequently, the Compulsory Education Development Index (*IDEB*).

Another line of action for improving federal coordination were approvals of the constitutional amendments of the Maintenance and Development Fund for Elementary Education and Valuing the Teaching Profession (*Fundef*), at the time of the Fernando Henrique government. Then later, in the Lula administration, we had the Education Professionals Maintenance Fund (*Fundeb*). Both measures aimed to make the distribution of financial resources between federative bodies fairer, ensuring that the money followed school enrollments. Furthermore, the measures tried to encourage local governments to improve professionalization conditions in the educational sector.

By linking the transfer of funds to the actual provision of services in a coordinated way and with respect to the very strict fiscal rules, *Fundef* encouraged the municipalization of elementary education throughout Brazil and practically universalized school access at this level of education. According to data from *INEP*, the net rate of school attendance in elementary education went from 85.4% in 1996 (before *Fundef*) to 94.8% in 2006 (at the end of *Fundef*) (FRANZESE, 2010).

In less developed regions, where net rates of school attendance are lower for elementary education, there was a more significant expansion of access at this level of education, meaning that in 1999 all regions had exceeded the 90% rate. In the northeast where the advance was greatest, this meant a variation of more than 15% in the net rate of school attendance between 1994 and 1999 (from 77.3% to 92.8%) (PRADO, 2003).

The challenges for education in its federative inclusion and in intergovernmental relations

The main advance introduced by *Fundef* was an instrument for federally redistributing resources and increasing access to public elementary education. But when we compare education with the health and social assistance areas, it is evident that new spaces of federal negotiation that might propose new discussions were not institutionalized. In this sense, the design does not favor intergovernmental articulation or changes in the form of federative negotiation, despite education being the only area in which the Constitution formally provides for the action of federative bodies in a collaborative way.

The successor of *Fundef* was *Fundeb*, and it is still too early to make any preemptory assessment of its results. But its concern with school cycles, something that was reinforced by Constitutional Amendment 59, which made education between 4 and 17 years compulsory, expanded the reach of the action of Brazilian education. As an indirect effect, the discussion over *Fundeb* strongly mobilized governors and mayors, the Council of State Education Secretaries (*Consed*) and the Union of Municipal Education Directors (*Undime*); in short, a significant group of educational players participating in the collaboration regime. *Consed* and *Undime* are forums of horizontal federative articulation that are similar to the *Conass* and *Conasens* in health, and the

Fonseas and *Cogemas* in social welfare. But the forums in education are not integrated into a national system. Neither are they represented on institutionalized vertical negotiation commissions, such as the *CIBs* and *CITs*, which were not constituted in the education area. However, even without this pact structure between the municipal, state and federal levels, after the implementation of *Fundef* state and municipalities organized themselves to negotiate the design of *Fundeb* with the federal government.

But the search for a system resulted in the approval in November 2009 of Constitutional Amendment 59, following which the National Education System was set up, whose guidelines were discussed in the National Education Conference (*Conae*) at the beginning of 2010. The final document from the meeting clearly shows that it was intended that the structure of the System should promote greater cooperation between spheres of government, as per Abrucio (2012:):

The absence of an effective national Education System shows the fragmented and unarticulated shape of the educational project that is still current in the country. So, *the creation of an articulated national education system must include regulation of the collaboration regime that involves spheres of government as they serve the population*, at all stages and modalities of education in a regime of co-responsibility, using democratic mechanisms, such as deliberations of the school and local community and the participation of education professionals in the political/teaching projects of education institutions.

Despite the new legislation there is still no National Education System. The main stumbling blocks to this are, first of all, the difficulty in creating an effective collaboration regime between states and municipalities. Secondly, the absence of federative forums, especially vertically, which are capable of mediating the interests of the three levels of government. Finally, the federal government would have to use more instruments for encouraging the standardization of behaviors and seeking results of a national nature.

Three further aspects of the public governance of education require comment. The first is that there is an enormous disparity in institutional capabilities between states, but especially between municipalities. This means that the majority of them have difficulty when it comes to implementing policy and that is why they need support from other levels of government for doing so. Within *MEC* and among opinion-makers in the area there is discussion about the creation of educational development arrangements, in other words, syndicated forms of inter-municipal action, like those that exist in the health and solid waste sectors. Difficulties are known to exist when it comes to convincing municipal governments to take part in this type of territorial association arrangement, but the federal government and some state governments are prepared to create financial incentives and provide technical assistance in exchange for cooperation. But in addition to these incentives, municipalities need to participate more actively in forms of territorial cooperation.

Something new and important in the education area was the creation of on-going assessment instruments that generated result indicators, the main one of which is the *IDEB*. What is essential is not just that a results-oriented policy logic was created, but that it made the *IDEB* an instrument for mobilizing players around targets. This is a pivotal point: management tools must serve to change the behavior of the public policy players, if not they become of little relevance.

Despite the fact that the education policy, like other areas, has social participation mechanisms, the involvement of the main beneficiaries of the policy, the parents of students, is still very small. In fact, the community has a fundamental role to play in the performance of students, particularly the poorest ones, so it is important to find ways of mobilizing the family in the educational process.

Conclusion

To finalize the paper, we need to compare the institutional performance of the social policies here studied. As far as concerns the institutional environment (quality of the legislation, effectiveness of the law and regulations), the health policy is the most complete and its law is highly effective for all players. Education policy has improved a lot in recent years, but the legislation that created the national system has still not received the legislative complementation that is needed for it to function satisfactorily. The *SUAS* has also made great strides but the greater heterogeneity of subnational governments when compared with the other areas studied makes it difficult to implement it in such a way that is equally enforced all over the country.

The differential in social assistance lies in its institutional framework that is very relevant: it is designed to establish relations with other policies, above all because of the conditions imposed by the income transfer programs, but also because of the way it operates, in dealing with specific groups in society, which makes it complementary to other areas, particularly health. There we have an important path to be followed by other public policies: we need an institutional mechanism that establishes interfaces with other sectors.

The greater institutionalization of the health area is partly due to its legacy, but to a greater extent due to the coalition that sustains it and to the institutional project it has constructed over the last thirty years. The greater fragility in terms of the articulation and coherence of the coalitions in education and in social assistance explains a less developed institutionalism than the one produced by those working in the health area. However, the pressure of society, above all because of the articulation of advocacy groups in the case of education, and the great success of government programs, like the Family Allowance in the case of social assistance, were important for promoting improvements in the institutional environment.

As far as concerns state capabilities (financial resources, the quality of the bureaucracy and the coordinating action of the state), it is worth emphasizing that the social area managed to obtain more stable sources for funding it. Education, with the *Fundeb*, has a more advanced model. This can be reinforced, since the National Education Plan, (*PNE*), approved by the federal government, provides for spending of 10% of GDP by 2022, taking part of these funds from pre-salt oil reserve resources. Welfare does not have a clear resource link, and although health has had one since Constitutional Amendment 29 was regulated, there is clear dissatisfaction with the amount spent on it. In terms of international parameters, it would be necessary to spend more on health and education, but knowing the needs of other areas and the budgetary limitations, it is also essential to increase spending efficiency by way of management tools that further improve the relationship between resources and results.

The quality of bureaucracy in the health area, especially in comparison with subnational governments, is greater than in the other areas. Education also has very good staff in certain states, but the situation of the federative bodies, especially municipalities, is very heterogeneous. Social assistance is the most homogenous but has generally low capabilities.

In terms of management instruments, although the health area is better structured, particularly because of its tradition, the biggest innovations have come from the education and social assistance areas; the former, because of the use of the *IDEB* as an indicator for mobilizing players in search of results and having an impact on both internal policy groups and on society, while in the latter innovations came from the use of indicators, like the *IGD*, for structuring subnational governments in administrative terms and transferring funds to those who had the best performance.

The question of intergovernmental relations (systemic logic, federative forums, the autonomy of bodies, mechanisms for encouraging cooperation and coordination, flexibility and innovation) is the most important in the field of Brazilian public policy governance. The model for all is the *SUS*, but it was likewise argued that the specificity of the policy involves taking into account solutions that are not merely mimetic. Learning can and must come from the institutionalism of the health system, but it is fundamental to adapt or create mechanisms that interface with the context and nature of the sector in question.

The capacity for action by the state in terms of internal articulation is complicated in the three areas. The more systemic character of health may perhaps position it better in the process of intra-sector coordination, while the duplicity of systems in education complicates the organicity of state action. Even so, one of the aspects of the *SUS* is still not functioning satisfactorily: the provision of services by public hospitals. In the case of the *SUAS*, although it is improving all the time, its challenge is to build mass provision systems that go beyond income transfers and complementary actions. What complicates the systemic logic of education, in particular at its basic level, is the combination of duplicated systems (state and municipal) and common competences without any coordination between them.

The federative forums have developed a lot in health policies and more recently in social assistance. They included both vertical modalities – the *CIBs* and *CITs* – and horizontal, with arenas for meetings between the area's state and municipal secretaries. There are also national conferences, a recent participative phenomenon, but one that has existed in health since the 1940s. These forums leads to legitimization and make intergovernmental negotiation more effective. They also distribute information better and enable these instances to serve as instruments for divulging successful policies between the bodies.

Education has made important strides horizontally, since *Consed* and particularly *Unidime* increased their contact and interchange with the federal government. But there are two gaps in this sector in terms of federative forums. The first is the absence of an arena for negotiation between municipalities and states, meaning that there is little collaboration; politically and administratively weaker municipalities still have a subordination relationship with state government. The second, also in the vertical direction, refers to the relationship between the three levels of the federation, the tripartite commission that exists in health and social assistance. The lack of these two forums makes operationalization of the so-called collaboration regime very difficult (ABRUCIO, 2010); federative governance in education is very uncoordinated, when not a total confusion.

In general lines, Brazilian federalism guarantees the political and administrative autonomy of bodies. However, actual autonomy does not exist for many municipalities because of the heterogeneity of their financial or managerial situations. Against this state of things, social policies have created mechanisms for guaranteeing at least the minimum of resources for municipalities. On this point it was health that advanced most with the distribution of money from the *PAB*. With the *IGD*, social assistance, has to a lesser extent transferred funds to ensure the local supply of services. *Fundeb* has the same role to play in education, guaranteeing funds that are in line with the size of the teaching system. In a comparison between these areas, the fight against managerial weakness is greatest in welfare, with distribution of money from the *IGD*, although the previous legacy is worse in this case. Health created incentives that started in the 1990s for leading municipal governments to full management and today, with the national programs in certain issues, like the Family Health Program, it is to a certain extent trying to equip local administrations. The biggest deficiency here is in education, because there are insufficient actions to guarantee that municipalities have managerial autonomy.

All three policies created mechanisms for inducing cooperation and coordination, but it was the social area that did it in the most consistent way. The health area has the most complete package of both vertical and horizontal instruments, in the first case, by way of the *PAB* and variable *PAB*, in which municipal governments obtain more resources if they join the national programs, which increases the reach of the actions and coordination of the policy. At the horizontal level, health is the area that takes most advantage of the system of inter-municipal syndicates (ABRUCIO, SANO & SYDOW, 2011).

Social assistance also increased coordination between its federative actions in two ways. One that has already been mentioned is the use of the municipal and state *IGD* that transfers federal resources according to government performance and increases the interface between the local level and federal government. The other means is articulation with the areas that represent the conditionalities of the Family Allowance Program, education and health, which are supplied by states and/or municipalities. This attempt at inter-sector coordination of a federal program has, to a greater or lesser extent, led to a more combined operation with subnational governments (LÍCIO, 2012).

As decentralization in education, right after the Constitution of 1988, was very centrifugal and did not achieve universal elementary education, there was an attempt to coordinate the efforts of states and municipalities better, specifically with the creation of two funds (*Fundef* and *Fundeb*), which contained their own resources from subnational governments and that were complemented by the federal government, and then to transfer them to where students are enrolling. This instrument led to spending being better coordinated in the area.

The improvement in federative coordination also includes measures that seek to perfect local education management models, with encouragement coming from federal and state governments. In relation to the help given by the federal government, in 2007 the Articulated Action Plan (*PAR*) was created. *PAR*, according to Decree 6094/07, “[...] is the articulated group of actions, supported technically or financially by the Ministry of Education, which aims for compliance with Commitment targets and observance of its directives”. The Plan must be carried out for four years and concentrate on those areas that are supported financially and technically by the federal government (education management, teacher training, the formation of service and school support professionals, teaching practices and assessment; physical infrastructure and teaching resources).

Another example of federative coordination is the “All for Education” Undertaking Plan of Targets, which was signed by all states and municipalities. It requires that 28 directives be monitored that have as their point of reference the results of quality and student output assessments, the aim being to improve education. Following the Educational Development Plan (*PDE*) of 2007, voluntary transfers and technical assistance from the federal government for states and municipalities was tied to the All for Education Undertaking and to *PAR*, which is administered by the National Fund for the Development for Education.

The states can also act as inducers and coordinators with the municipalities. Among the most important experiments in education are the cases of Acre, Ceará, Mato Grosso and Rio Grande do Sul (ABRUCIO, SEGATTO & SILVA, 2012). In health, there are very interesting cases of regional articulation in São Paulo, Mato Grosso and Minas Gerais, while in welfare there are as yet no such processes, and in security there are a few initiatives, particularly in metropolitan areas, like in the Greater Recife region.

Although experiments in federative coordination headed up by state governments have distinguished themselves, the fact is that states have found it difficult to deal with the articulation processes with the municipalities, and their cooperation with the federal government flows less

well than the federal government-municipalities relationship. Given these processes, various works have asked what place the state has in the Brazilian federation in the public policy area. In education, for example, there is strong action in most of the states, but there is a duplicity of systems and generally no coordination between them. The role of the state is very small in social assistance. The best result is achieved in health, with states sharing their functions with municipalities and the federal government in a better way.

Federative governance still involves the possibility of governments coming up with different solutions for similar problems, in addition to adapting institutional models to fit local conditions. Among state policies, health and education are responsible for the biggest number of innovations. They occur at the service provision level (social organizations in health and learning communities in education), in territorial articulation (like the syndicates) and more strongly in education policy, in the creation of monitoring and indicators that are molded on certain state governments. The point to be emphasized here is that there needs to be room for innovation and flexibility in order to adapt to different conditions, even though there is one system. States and municipalities must be encouraged to undertake such a process in the respective policies.

To end these comments on the public governance of policies, the state-society interaction is a key variable for their good performance. The use of participative arenas is a mark of social policies because their design has become more open to social control. Clearly, the diversity of situations in Brazil means that many of these councils still do not function satisfactorily, because the creation of social capital is a long and incremental process. The experience of the Public Policy Councils has shown that in places where they have existed for longer there are fewer chances of corruption occurring in this area.

Clearly this whole participation process involves active behavior on the part of the state. It must act to attract more citizens and social groups to the participative arenas and, in partnership with organizations of society, emphasize the relevance of the topics. In this sense the most recent articulation work of the Ministry of Education, *Undime*, and various state departments with educational movements, like All for Education and the Campaign for Education, have led to society increasing the place of education in the ranking of priority themes for Brazilians, according to a survey carried out by IBOPE (2014).

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