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Does Metropolitan Area Management Matter in Brazil?

Elements of a Complex Issue

Suely Mara Vaz Guimarães de Araújo, Antonio Sergio Araújo Fernandes and Denilson Bandeira Coêlho

Abstract: The article aims to discuss some crucial elements as regards metropolitan governance in Brazil in the current context. Some elements serve to explain the complexity of metropolitan governance in Brazil, one of which is the proliferated diffusion of metropolitan areas across the country after 1988, something that has not yet been properly explained. Some state governments have formalized metropolitan areas, aggregating few cities in underdeveloped regions without urban density. This has been done without technical criteria or clear political purpose. In addition, today's metropolitan issue requires an analytical treatment different to that used prior to democratization. In the current context, it requires not only the consideration of the federative challenge, but also the puzzle involving the many public policies that underlie the metropolitan space. It is necessary to observe the relevant actors in this 'game', particularly the strong Federal Government. Besides this, it is important to analyze what the Americans call 'marble cake': metropolitan plans and city master plans, urban mobility policy, sanitation policy, solid waste policy and other such imposed on urban areas by Brazilian law.

1 Introduction

The aim of this paper is to explore an important issue related to federal governance: the creation of metropolitan areas. Brazil's 1988 Constitution gives individual states the power to create "metropolitan areas, urban agglomerations and micro-regions made up of groups of neighboring municipalities, in order to integrate the organization, planning and execution of public functions that are of common interest" (Constitution Article 25, Paragraph 3). Such functions include solid waste disposal (landfills), sanitation, urban transport, and zoning and land-use planning. The aim of Article 25 was to ensure that the organization, planning and execution of public functions began to take into account the specific social, economic, geographical and cultural features of a given area; something that did not tend to happen when these areas were created by the federal government. A large number of metropolitan areas were officially created by state governments in the late 1990s. Currently, the country has 71 metropolitan areas, each with diverse characteristics and created without the use of consistent criteria concerning population, the degree of urbanization and regional centrality.

Certain sectoral policies exist at national level. However, the federal government has failed to take an interdisciplinary approach to address this issue and has made technically weak choices, such as the creation of three Integrated Development Regions (*Regiões Integradas de Desenvolvimento* – RIDES), each of which have essentially urban characteristics, and the largest of which is the Federal District and surrounding areas RIDE, which is essentially an interstate metropolitan area.

Within the National Congress, there seems to be consensus that it is necessary to establish parameters for the creation of metropolitan areas and other urban agglomerations by states. Despite numerous discussions, the City Statute (Law N°. 10,257/2001) failed to address this matter; however, Congress resumed the debate on the issue leading to the approval of Bill N°. 3,460/2004[1], which was sanctioned by the President in the form of Law N°. 13,089 of 12 January 2015, the so-called Metropolis Statute.

The paper is divided into five sections, including this introduction. Section 2 discusses metropolitan areas in Brazil and their status on the government's political agenda throughout history, while Section 3 goes on to outline the rules concerning Metropolitan Area Management established by federal law (the Metropolis Statute). Section 4 then explores the current implementation of the Metropolis Statute, while finally, in Section 5, we offer some concluding remarks.

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2 Metropolitan areas in Brazil and their status on the political agenda

2.1 The origin – an unsuccessful governance structure

The 1967/1969 Constitution provided that the creation of metropolitan areas was the exclusive prerogative of the Union under complementary federal law. It stated that metropolitan areas should consist of municipalities that, regardless of their administrative ties, integrate the same socioeconomic community, and be aimed at the provision of services that are of common interest (Article 157, Paragraph 10). In principle, a metropolitan area could comprise municipalities from more than one state, but this alternative was never realized.

Based on the above, the Complementary Law N°. 14/1973 was approved, creating the metropolitan areas of São Paulo, Belo Horizonte, Porto Alegre, Recife, Salvador, Curitiba, Belém and Fortaleza[2]. This law also created a standard model of metropolitan governance imposed by the federal government, whereby each metropolitan area should have a deliberative board, chaired by the state governor, and an advisory board, both created by state law. The deliberative board should be made up of a chairman and five other members nominated by the state governor, one of whom should be chosen from a list of three names suggested by the mayor of the capital city, and another recommended by members of the other municipalities that comprised the metropolitan area. The advisory board should comprise one representative from each municipality in the metropolitan area, and work under the direction of the chairman of the deliberative board. Although the provisions of the law generally allowed other coordination processes, clear reference was made to jointly executing common services by assigning this service to a state entity or establishing a metropolitan company[3] as a requirement in order to receive federal funds.

The above mentioned complementary law states that the following services were of metropolitan interest: integrated planning of economic and social development, sanitation, land use, the transport and road system, the production and distribution of piped fuel, gas and, depending on the precedent established by federal law, water resource management and the control of environmental pollution. Other services could be added by federal law. Thus, in addition to the management model, the complementary law established a list of public policies that should operate at a metropolitan level. This top-down management model proved unable to cope with the challenges faced by these metropolitan areas[4].

2.2 The post-1988 boom and the metropolitan panacea

Following a trend of decentralization linked to the country's democratization, the 1988 Constitution assigned the states powers to define metropolitan areas, and the centralized models and practices prevalent in the metropolitan areas created during the military regime were banned (Souza 2003).

According to Article 25, Paragraph 3 of the Constitution, metropolitan areas, urban agglomerations and micro-regions, made up of groups of neighboring municipalities, shall be created by a complementary state law in order to integrate the organization, planning and execution of public services of common interest.

At the same time, Article 18 of the Constitution turned municipalities into autonomous federated entities, making the management of metropolitan areas more complex, since there were no mechanisms for imposing the decisions of the metropolitan area management bodies upon the participating municipalities: therefore the metropolitan governance structure created by the Constitution was guided primarily by political articulation[5].

It could be said that, despite the fact that states gained greater autonomy, metropolitan areas continued to be associated with the authoritarianism of the military period, particularly from the perspective of the municipal government authorities: a negative legacy present in institutions with their roots in the dictatorship, within a process that shows path dependence (Souza 2003; North 1993; Pierson 2004). Another important factor was inter-municipal competition in order to attract business via tax incentives through often quite predatory schemes, distanced municipality and metropolitan authorities. Souza (2003) points out that the metropolitan areas' lack of political and administrative structure after 1988 "transformed urban/metropolitan governance issues into local governance problems, leaving the metropolitan issues in a political and administrative vacuum". Thus, in practice, there has been no effective joint metropolitan area management as such (Santos, Fernandes, Teixeira 2013).

Nevertheless, over the past quarter century, state complementary laws have officially created a great number of metropolitan areas: however, there is no consensus as to the exact number of metropolitan areas in the country.

For the 2010 Census, the Brazilian Institute of Geography and Statistics (IBGE) considered 36 metropolitan areas[6]. These metropolitan areas, together with the three RIDEs mentioned above[7], have a population of 89 130 667 people, which is equivalent to 46.7% of Brazil's overall population.

The Institute of Applied Economic Research (IPEA), suggests the existence of 51 metropolitan areas (Firkowski 2013: 37). However, the government think tank chooses to study only the twelve[8] areas that have a state capital. In short, the creation of metropolitan areas by states using complementary laws has, in some cases, no technical basis and, in many cases, the core city does not have the area of influence of a metropolis.

In legislative debates on the Metropolis Statute, it was mentioned that Brazil had over 60 formalized metropolitan areas (Câmara dos Deputados 2013). According to Metropolis Observatory data, there were 71 metropolitan areas created by complementary state law in June 2015.

It should be noted that each of these metropolitan areas, which account for over 50% of Brazil's population, has very different characteristics: for example, in 2010, the megalopolis of São Paulo and Rio de Janeiro Metropolitan Area had populations of 20 million people and 12 million people, respectively, while the Lajes Metropolitan Area in the State of Santa Catarina and Southwest Maranhão Metropolitan Area in the State of Maranhão each had around only 350 000 inhabitants, and the Southern Roraima Metropolitan Area, which comprises only three municipalities, had only 20 000 inhabitants.

Certain states, such as Santa Catarina with 11 territorial units, have created metropolitan areas that encompass a considerable area of the state. The complementary state laws that created these areas divide each one into core and expansion areas[9], meaning that virtually all the state's municipalities fall within a metropolitan area. However, given that the core areas are urban agglomerations, it makes no sense to consider practically the entire state of Santa Catarina a metropolitan area. The state should have created micro-regions with urban agglomerations, and one or two technically-justified metropolitan areas. Other perceived excesses are in the states of Alagoas, with nine metropolitan areas, and Paraíba, with twelve (Observatory of the Metropolis 2015).

It is important to highlight that states have stopped defining urban agglomerations not classified as metropolitan areas. There are only five such cases in the country: Jundiaí (São Paulo), Piracicaba (São Paulo), North Coast (Rio Grande do Sul), Northeastern Rio Grande do Sul (Caxias do Sul Region) and Central Urban Agglomeration (São Carlos and Araraquara Region, São Paulo) (Fernandes, Araújo 2015).

Metropolitan area is a sub-category of the category urban agglomeration; an urban agglomeration with the influence of a metropolis. In practice, according to Article 25, Paragraph 3 of the Federal Constitution, urban areas, and even certain micro-regions, which are not technically metropolitan have been legally labeled as metropolitan areas.

What were the reasons behind this post-1988 boom of metropolitan areas?

The pressure to create a municipality usually has strong political components, strengthened by the autonomy of federal entity status and the guarantee of a minimum amount of federal funds, mainly through the Municipality Participation Fund (*Fundo de Participação dos Municípios* – FPM) and state transfers[10]. However, contrary to the creation of municipalities, there is no mandatory transfer of federal funds after the creation of a metropolitan area and therefore there is no clear explanation for this boom.

One of the direct benefits of creating a metropolitan area is the fact that the phone calls between municipalities tend to be considered local. Although the rules of the National Telecommunications Agency (ANATEL) do not allow for the immediate transformation of the tariff into local[11], frequent adjustments to the charging process have been made.

Another benefit concerns the rules and regulations regarding labor, whereby wages are standardized in the same metropolitan area. Indeed, for the purposes of wage parity, according to the Superior Labor Court (TST), different municipalities belonging to the same metropolitan area shall be considered the same locality[12].

Furthermore, certain federal government programs, such as the My House, My Life Program (*Programa Minha Casa, Minha Vida* – PMCMV) created in 2009, prioritize metropolitan areas. However, there is no legal basis for this and the allocation of resources in the case of PMCMV seems to be related to housing deficits in these regions.

However, the benefits mentioned above do not explain why 71 metropolitan areas have been created since 1988.

A further reason could be state government efforts to attain greater control over public policy-making. The macroeconomic adjustment measures of the 1990s weakened state government capacity to guide and coordinate development (Monteiro Neto 2013), while the Labor Party (*Partido dos Trabalhadores* – PT) emphasized the direct relationship between the Union and municipalities in various realms of government action. However, if this was the basis for the boom, most states would have created an excessive number of these territorial units, which did not occur.

The decision of certain states to create metropolitan areas without any technical justification appears to be linked more to the very dynamics of the state than to central government incentives, suggesting that this phenomenon is explained by particularities of each state's political context, which presents itself as an interesting topic for further comparative case study research.

In general, it is clear that a "metropolitan discourse" has gradually emerged over recent years within the federal government sphere. The approval of so-called Metropolis Statute (Law Nº. 13,089) on 12 January 2015 corroborates this observation. Curiously, the resumption of the debate within the executive branch of the federal government has been linked mainly to the Secretariat of Institutional Relations of the Presidency (SRI). The Ministry of Cities does not have a department or even a program that specifically addresses metropolitan areas.

3 Federal law rules concerning metropolitan area management

3.1 Laying the path to the Metropolis Statute

As explained above, under the aegis of the previous Constitution, the military government passed two federal complementary laws creating metropolitan areas and created a standard model of governance of these areas based on a centralized and generally inefficient regime. This situation led the Constituent Legislator to focus the decision-making on this issue on the states.

The prevailing view during the debate that lead to the creation of the City Statute (Law Nº. 10,257/2001), which regulates the provisions of the 1988 Constitution concerning urban policy, was that metropolitan area management should not be governed by federal law. There was an attempt to move away from the regulatory framework established during the authoritarian regime, and, as Campos (2010) notes, prioritize the establishment of rules for the creation of urban policy mechanisms that would be implemented by local municipal governments. As result, post-1988 urban development policy had a distinctly "municipalist" tone.

The City Statute bill was first presented to the Senate in 1989 and only became law after twelve years of discussions, principally in the Chamber of Deputies. During this process, the proposal received various modifications including the incorporation of general rules concerning metropolitan areas and other agglomerations approved by the Urban Development Commission (UDC). However, these modifications were dismissed by the Constitution and Justice and Citizenship Commission (CCJC)[13], who alleged that they interfered with individual state autonomy.

Law Nº. 10,257/2001 makes only the following references to metropolitan areas: the inclusion of planning of metropolitan areas, urban agglomerations and micro-regions in the list of urban policy instruments; a provision requiring the development of a master plan for municipalities that are part of metropolitan areas and urban agglomerations, regardless of population size; and a provision in the chapter on democratic management of the city that the management bodies of metropolitan areas and urban agglomerations should provide for mandatory and meaningful public participation representing different segments of the community[14].

Three years after the creation of the City Statute, Bill Nº. 3,460/2004[15] was presented in the Chamber of Deputies proposing the creation of the Metropolis Statute, originally intended to regulate the "National Regional Urban Planning Policy". A special commission[16] was created to analyze this process, which was rather slow. The proposal was criticized for being limited, since it did not widely consider other regional planning issues besides urban policy. In addition, the original bill had a *Paulistano*[17] bias, with requirements for creating metropolitan areas which excluded cases other than the Metropolitan area of São Paulo (Fernandes, Araújo 2015).

The barriers to approving the Metropolis Statute began to be broken down in 2012, when the rapporteur appointed the Labor Party Con-

gressman Zezéu Ribeiro[18] to the special commission, who started to lead the negotiations for a "substitute" bill[19], which was considerably different from the original bill. After two years of public hearings and technical meetings, with the participation of representatives of various governmental and nongovernmental organizations, the bill was approved by the Senate and the Metropolis Statute (Law Nº. 13,089/2015) was created in 2015.

The possibility of establishing a chapter in the City Statute addressing general rules on metropolitan area management was even discussed during the debate process. However, this alternative failed, partly due to fears that this would open the floodgates for other changes to the regulations of the City Statute in an attempt to emphasize rules concerning metropolitan areas and other urban agglomerations (Chamber of Deputies 2013).

3.2 What are the main provisions of the Metropolis Statute?

Law Nº. 13,089/2015 is organized into six chapters: introductory provisions; the creation of metropolitan areas and urban agglomerations; federative governance of metropolitan areas and urban agglomerations; integrated urban development instruments; the role of the Union; and final provisions. It is an extensive law, comprising of 25 articles, which do not go into much detail about metropolitan area management, so as not to clash with the legislative prerogatives of the states in this field.

The first chapter defines some important and relevant concepts. Metropolitan area is defined as a type of urban agglomeration comprising a metropolis. Metropolis, in turn, is defined as an urban space with territorial continuity that, due to its population size and political and socioeconomic relevance, has a national influence or, minimally, an influence upon the region that it represents: the area of influence of a regional capital, based on the criteria adopted by the IBGE. The aim of the legislator at this point was to limits states' powers to create metropolitan areas in urban agglomerations with a small population and reduced area of influence (Câmara dos Deputados 2013).

The IBGE (2008) ranks the national urban networks into five levels: metropolis; regional capital; sub-regional center; district center; and local center.

The Metropolis Statute provision to use the regional capital level as a minimum criterion enables each state to establish at least one metropolitan area. If the IBGE criteria for city were to be strictly applied, only twelve of the country's urban areas would be considered as such (IBGE 2008). Article 25, Paragraph 3 of the Constitution would not be applicable to various states, and the law cannot restrict a prerogative that has been constitutionally assigned to a federal entity.

It should be understood that, since Law Nº. 13,089/2015 is not retroactive, the country's 71 current metropolitan areas remain valid unless the states pass complementary laws revoking their creation. Nevertheless, the law provides that only metropolitan areas that observe the regional capital criteria will be considered eligible to receive federal funds.

In addition to the minimum area of influence, the Metropolis Statute establishes other requirements for the creation of new metropolitan areas, whereby the state complementary law should define: the municipalities that make up the urban territorial unit; the public functions of common interest which justify the creation of an urban territorial unit; the inter-federal governance structure, including the administrative organization and an integrated system of resource allocation and accountability; and the means of social control of the organization, planning and execution of public functions of common interest. Furthermore, the technical criteria adopted in the choice of municipalities and the functions of common interest shall be explained.

Current and future metropolitan areas should follow the provisions of Law Nº. 13,089/2015 regarding inter-federal governance, which define principles such as the prevalence of common interests over local interests, joint promotion of integrated urban development, and autonomy of federal entities. The law also sets out guidelines concerning permanent and joint planning and decision-making processes, public functions of common interest, joint management of public functions of common interest, and the establishment of an integrated system of resource allocation and accountability.

The inter-federal governance structure shall include an executive body composed of representatives of designated federal entities that make up the Executive Branch that are members of the urban territorial units, a deliberative body that includes civil society representatives, and a public organization with technical and advisory functions, and an integrated system of resource allocation and accountability.

The Metropolis Statute lists a set of instruments that shall be used to promote the integrated urban development of metropolitan areas and other urban agglomerations, including the compulsory integrated urban development plan that shall be drawn up by the entities that make up the inter-federal governance structure and approved by state law. If this plan is not created within three years after the Metropolis Statute or after the creation of a new metropolitan region, the governor and other public officials may be charged with improper administrative conduct.

It is worth remembering that the City Statute requires all municipalities within metropolitan areas and other urban agglomerations to have a master plan. The existence of an integrated urban development plan does not exempt these municipalities from formulating their own master plan. Furthermore, municipal plans should be compatible with state plans.

Finally, the law states that, in order to receive federal government support, the management system of the urban territorial unit shall be fully in place and approved by state law, including the demarcation and formalization of the area and the creation of an integrated urban development plan and specific governance structure.

3.3 Presidential vetoes

Four elements of the text of Metropolis Statute approved by the Legislative Branch were vetoed by the president[20].

The first regards the mechanism that extended the provisions of the law to cities that constitute a metropolitan area despite being situated in the territory of only one municipality.

This veto has no remarkable impact because Brazilian metropolises are generally made up of a group of municipalities. However, it is important to highlight that the alleged unconstitutionality of this mechanism does not have any grounding, since the terms metropolis and metropolitan area are distinct concepts according to the Law Nº. 13,089/2015 (Fernandes, Araújo 2015).

The second veto concerns the mechanism which accepted that the Federal District (DF) constituted a metropolitan area or urban agglomeration. One may question the claim of unconstitutionality of this article since the DF is not composed of municipalities and is assigned the legislative powers of states and municipalities, while the Metropolis Statute allows the possibility of creating an interstate metropolitan area (Fernandes, Araújo 2015). In addition, the Federal District and surrounding areas RIDE is in reality an interstate metropolitan area.

The third and fourth vetoes concern the creation of the National Fund for Integrated Urban Development (FNDUI). The explanation for this veto is that the creation of funds creates difficulties for government action, by crystallizing spending in specific areas. Urbanists and the Chamber of Deputies rapporteur criticized these vetoes (Fernandes, Araújo 2015). The provisions concerning the FNDUI guaranteed federal government support for metropolitan areas and other urban agglomerations.

Despite the fragility of the arguments justifying these changes, the vetoes were maintained by the Legislative Branch: it is very rare for Congress not to accept a presidential veto due to the power of the Executive Branch in Brazil's coalition presidential system (Figueiredo, Limongi 2001).

4 Initial implementation of the Metropolis Statute

After Law Nº. 13,089/2015 was passed, the Executive Branch and National Congress made efforts to understand the general rules established by the statute and the challenges associated with their implementation.

The Urban Development Commission (CDU) of the Chamber of Deputies created the Permanent Subcommission on Inter-Federal Metropolitan Governance, which is yet to be officially formalized. Despite this, the commission held two public hearings to discuss the metropolitan areas issue in August and September of 2015. The matter was also discussed at the Third Legislative Seminar on Architecture and Urbanism, promoted by the Brazilian Council of Architecture and Urbanism (CAU/BR), held in July in the Chamber of Deputies, and at the Second International Seminar on Mobility and Transportation, held in October by the CDU and the University of Brasília (UnB).

It should be mentioned that the Senate is currently considering a Proposed Amendment to the Constitution (PEC)[21] which establishes a complementary federal law addressing the requirements for creating metropolitan areas, urban agglomerations and micro-regions, and the content of the laws that create these regional units. This proposal gives powers to the Union, as well as states, to create these units, and states that master plans shall be elaborated

by the group of municipalities and approved by state or federal decree on a case-by-case basis. Although the political support for the approval of this PEC, which would have a major impact on the Metropolis Statute, is relatively weak, it should not be ignored.

During 2015, the National Secretariat for Accessibility and Urban Programs of the Ministry of Cities, in partnership with the United Nations Human Settlements Program (UN-Habitat), promoted technical meetings to discuss metropolitan governance and its regulation. These meetings highlighted concerns about the compatibility of Law Nº. 13,089/2015 and the position of the Supreme Court regarding the Direct Action of Unconstitutionality (ADI) Nº. 1,842-RJ[22].

This ADI questions the state law[23] that established the Metropolitan Area of Rio de Janeiro and the Lagos Micro-Region, transferring authority for the provision of public services of metropolitan interest to the State of Rio de Janeiro. The decision of the Supreme Court highlights the compulsory nature of the metropolitan integration, while at the same time mentioning municipal autonomy and joint responsibility between the state and municipalities as regards services defined as of common interest. It states that the participation in the body composed of municipal and state members need not be equal, as long as it is able to prevent concentrating decision-making under a single entity. The ADI also declares that the provision that requires the metropolitan master plan to be submitted to the Legislative Assembly is unconstitutional.

The main point of potential conflict between the Metropolis Statute and the ADI, which is dependent on a final decision by the Supreme Court, is the provision of Law Nº. 13,089/2015 which states that integrated urban development plans (PDUI), mandatory for all metropolitan areas and urban agglomerations, shall be approved by state law (Article 10). The idea of the legislator was to strengthen this instrument and ensure that municipal master plans are aligned with the PDUI. The Metropolis Statute also provides that the PDUI shall be designed under an inter-federal governance structure and approved by a deliberative body before being forwarded to the respective state legislature. It is not known whether the care taken by the legislator to ensure joint formulation will be enough to calm the concerns of the Supreme Court.

It is important to understand that the ADI Nº. 1,842 only affects the state of Rio de Janeiro: so far, the constitutionality of Law Nº. 13,089/2015 has not been questioned by the Supreme Court and, therefore, the law must be regarded as valid in its entirety.

Given this, it is important to remember that Law Nº. 13,089/2015 expressly requires federal regulation and establishes additional requirements for Union support for the inter-federal governance of metropolitan areas and other urban agglomerations, as well as micro-regions and public consortia. It also provides for the regulation of the planning subsystem and metropolitan information that is part of the National Urban Development System (SNDU). As at December 2015, a decree addressing this had yet to be edited.

The Executive Branch needs to prioritize this legislation. The content of any adjustments to the Metropolis Statute should be consistent with the application of the law itself. The focus on changing this law or the Constitution itself could delay the implementation of Law Nº. 13,089/2015 for years.

5 Conclusion: what is the status of metropolitan areas management within Brazil's "marble cake" model?

In discussing the historical division of government tasks in North American federalism, Grodzins (1960) presents the metaphor of the marble cake, in which colors are mixed in an inseparable and unexpected way. In Brazil, there is also the "not-so-rare" inaccurate sharing of functions among different levels of government, notably the so-called common functions, such as education, health, housing, sanitation, and the environment[24].

This study shows that there have been significant changes in the status of metropolitan area management within the federation. After its highly centralized origins, powers were generally transferred to the states after the enactment of the 1988 Constitution. At the same time, municipalities have attained greater autonomy and urban policy has a distinctly "municipalist" tone, complicating state decision-making regarding metropolitan area management.

With the creation of the Metropolis Statute, the Union is seeking to resume action in this field after years of absence. Although there is much room for improvement, the federal law is in place and its rules must be observed by states and municipalities. At the same time, the Supreme Court suggests that metropolitan area management needs to incorporate a *real* joint action between states and municipalities.

The federal government should, in addition to establishing rules such as those determined by the Metropolis Statute, organize a scheme to support integrated urban development of metropolitan areas and urban agglomerations. For this to happen, the Executive Branch needs to formulate a decree that regulates the relevant mechanisms contained in Law Nº. 13,089/2015. The fact that the FNDUI was vetoed does not remove the obligation of the Union to participate more actively in this process by providing both technical and financial support.

Although the Metropolis Statute does not provide for federal support for integrated urban development, the need for federal government action is evident based on the grim reality in Brazil's urban areas and its implications for policy-making. How can the central government effectively address land regulation, urban mobility, environmental sanitation, integrated solid waste management etc., without considering the metropolitan perspective? How can the Union support the development of the innumerous sectoral plans that municipalities are obliged to produce by federal law if it does not acknowledge the key role state governments play in metropolitan areas? Evidently, metropolitan area management matters; and it is the joint task of all levels of the federation.

Notes

1 Original bill number in the House of Representatives (*Cámara dos Deputados)*. For the Senate, see *Projeto de Lei da Cámara* (PLC) Nº. 5/2014.

2 Complementary Law Nº. 20/1974 created the Metropolitan Area of Rio de Janeiro, at the same time extinguishing the State of Guanabara.

3 See Article 2 of the Complementary Law Nº. 14/1973.

4 This is widely acknowledged in the literature on metropolitan areas in Brazil: Fernandes (2004); Fernandes and Wilson (2013); Fernandes and Araújo (2015); Garson (2009); Fernandes (2006); Spink, Teixeira and Clemente (2009); and Ribeiro (2009).

5 This situation is subject to at least partial change due to the March 2015 Supreme Court decision based on a Direct Act of Unconstitutionality (ADI) Nº. 1,842 - RJ, which will be discussed later.

6 See Table 5.1.1 of the 2010 Census, available at: http://www.ibge.gov.br/home/estatistica/populacao/censo2010/caracteristicas_da_populacao/caracteristicas_da_populacao_tab_rm_zip_xls.shtm (accessed on: 8 January 2016).

7 RIDE-DF, RIDE Juazeiro-Petrolina and RIDE Teresina-Timon (Grande Teresina).

8 The twelve areas prioritized by IPEA included the RIDE-DF and surrounding areas, created by Complementary Law Nº. 94/1998 and regularized by Decree Nº. 2,710/1998. The DF and its surroundings is considered a metropolitan area by both the IBGE and IPEA, despite the creation of the RIDE, which comprises areas located in three different states (DF, and municipalities of the States of Goiás and Minas Gerais).

9 For further information on the state law of Santa Catarina see: http://www.alesc.sc.gov.br/portal_alesc/legislacao (accessed on: 8 January 2016).

10 See art. 158 of the Federal Constitution.

11 See Resolução Nº. 262/2001 and Resolução Nº. 560/2011 of the Anatel, access: http://www.anatel.gov.br/legislacao/resolucoes.

12 See Enunciation Nº. 6 of the TST, updated version. Available at: http://www.dji.com.br/normas_inferiores/enunciado_tst/tst_0006.htm (accessed on: 8 January 2016).

13 For the process at the Senate, access: http://www25.senado.leg.br/web/atividade/materias/-/materia/1529. For the process at the House of Representatives, access: http://www2.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=21252.

14 Law Nº. 13,089/2015 (Statute of the Metropolis) altered Law Nº. 10,257/2001 (the City Statute), adding Article 34-A, which refers to inter-federal consortium urban operations.

15 The author of the proposal was Congressman Walter Feldman, at the time in the PSDB/SP. For the process in the House of Representatives, access: http://www2.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=251503. For the process in the Senate, access: http://www25.senado.leg.br/web/atividade/materias/-/materia/116471.

16 The Internal Rules of the Chamber of Deputies (RICD) provide for the creation of a special committee to study matters involving relevant subjects.

17 Term used to refer to people born in the State of São Paulo.

18 Deceased in 2015.

19 "Substitute" is a comprehensive amendment to the legislative proposal, an alternative text that covers the entire proposal.

20 For the reasons behind the vetoes see: http://www.planalto.gov.br/ccivil_03/leis/Mensagem_Veto/2001/Mv730-01.htm.

21 See the process of the PEC Nº. 13/2014, whose author was Senator Aloysio Nunes Ferreira (PSDB/SP), and others: http://www25.senado.leg.br/web/atividade/materias/-/materia/117428.

22 See the decision at: http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=AC&docID=630026.

23 Complementary Law Nº. 87/1997, Law Nº. 2,869/1997 and Decree Nº. 24,631/1998.

24 See Article 23 of the Brazilian Federal Constitution.

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