



Vicente Trevas of Brazil How to balance Brazil's constitutional design

Vicente Trevas is Deputy Head of Federal Affairs of the Ministry of Political Coordination and Institutional Affairs of the Brazilian Presidency. He was interviewed in Brasilia by Forum of Federations staffers Diana Chebenova and David-Alexandre Mac Donald.

Federations:

After a year of the new Lula government, what are the results for reform of federal relations in Brazil?

Vicente Trevas:

There is a consensus that this first year (of Lula's term as president) was marked by a new relationship between Brazil's mayors and the federal government. This first year was characterized by a coming together of agendas of the municipal movement and of the federal government. Last week in Brasilia we held an important event, which is already on the national political agenda, the seventh annual Mayors' March to Brasilia to defend municipalities.

This common agenda is organized around three major issues. First, there is social security and tax reform. Second, there are resource transfer mechanisms, especially how to provide federal financing to municipalities. Third, there is the effort to complete the constitutional design of the Brazilian federal system. The federal government, the states and municipalities recognize that our constitutional design is unfinished, especially on certain issues. For example, the members of the Constituent Assembly of 1988 defined what they called common jurisdictions of members of the federation. And this definition, which has not been regulated by legislation, has been seen by municipalities as a mechanism for transferring responsibilities to them without providing the necessary resources.

Over environment, education, and health, the three federal levels all have jurisdiction, so this results in ambiguity, with the population sometimes demanding a resource, a service from the mayor that is actually a shared responsibility of the federation.

Federations:

How has the relationship between the federal government and the states improved?

Vicente Trevas:

The new federal relationship beginning with the Lula government was marked by the creation of a permanent negotiation forum. Because also, up to then, federal relations were bilateral relations, handled case-by-case, sporadic and not permanent.

In March of last year, besides creating a negotiation agenda, the government created a negotiation forum which was called the Federal Committee.

We are in the process of continental integration in South America. This is an integral part of our new pre-development. We are aware that its success, as well as Brazil's, depends on the strengthening of Mercosul, the Latin American free trade area. It depends as well on the integration of South America. And it also depends on the re-entry of our country into the international community. We see very innovative developments here that are not only continental in scope, but include South Africa, India, and China.

And for the country to be able to operate on multiple levels of its development simultaneously, this requires a non-Jacobin view, a dynamic that is not one of a unitary state in carrying out national law. We have here in Brazil a federal constitutional design of a federation that dates from the 19th century. But we have a Jacobin tradition of a very strong unitary state in the dynamics of our nation.

So the recognition that our states and our municipalities are important actors in national development is essential. We cannot move actively in terms of Mercosul if the states of Rio Grande do Sul, Santa Catarina, and Paraná don't also have an initiative and aren't sensitive to this dimension.

Federations:

What is the government's position on free trade?

Vicente Trevas:

We have a number of taxes at the borders of our country that have always represented a barrier. We have to change this concept and see our borders as bridges. Therefore, a role of our border cities is also to facilitate continental integration. On the other hand, we are like you in Canada, a country of continental dimensions, a diverse and also very unequal country.

There is an awareness that without strengthening our urban network, without strengthening the linkages of production within our territory and those that pass through our cities, we will not strengthen our development. We face the challenge that the 20th century did not aid Brazil in development other than the kind that is concentrated socially and geographically. Brazil provides a case study for the 20th century, a case that economic policy-analysis manuals cite as a success of 20th century development. During a number of decades, we maintained a high rate of growth of more than 7 per cent. However, this development standard that we maintained during the 20th century reproduced structural defects in our country that are the defects of the country's social and regional inequalities.

How can we avoid reproducing these social and regional inequalities? That brings us to a dilemma in our task here, of the Executive Office, of federal actions. We believe that the way the federal design of organizing the Brazilian nation over more than 100 years was thought through very well by our dominant classes. They ruled our country and faced the following problem: how to preserve its continental dimensions, how to preserve its diversity, reproducing its inequalities.

The Brazilian federal system has always been a mechanism for making the reproduction of inequalities bearable, without damage to the territorial, social, and political fabric of the country. It was always a compensatory mechanism.

We are managing the federation in the other direction, to see how it can be a strategic resource as well from the point of view of not reproducing our inequalities, but to confront them. The federation is understood in this way in the Lula administration.

Federations:

How has the Lula government worked with the mayors and the representatives of the states?

Vicente Trevas:

Well, what characterized the Lula government and the federation in its first year was first of all intense federal mobilization. The President had four meetings with all the state governors. Besides this, the governors had two macro-regional meetings. The Northeast region had about five regional meetings last year and there were meetings in the North, the Central-West and other regions.

The thing is, this intensive federal mobilization was bilateral; it wasn't full mobilization. It was the federal government and the states, the federal government and municipalities. We recognize that we need to prepare a transition to full participation. The Brazilian federation as a whole has a common agenda and common problems that call for participation by all. During a march last week, there was an important get-together — a full federal meeting. The group consisted of federal government members, governors and mayors. All made an effort to inaugurate this more comprehensive federal ideal.

The Constituent Assembly of 1988 removed a jurisdiction that belonged to the federal government, which was to regulate public policies for metropolitan regions. This

jurisdiction was passed on to the states. There was an imbalance in this transfer of jurisdiction. The most important metropolitan region of the country, that of Greater São Paulo, which has a population of 17 million people, was not redesigned in light of the 1988 Constitution.

In the 1970s you had a state authority charged with the metropolitan region — a metropolitan affairs secretariat. The design of the 1970s was not truly a federal one because in fact, the military was behind it. And although they maintained the appearance of a federation, it was dominated from the top. Governors were nominated by the President who, for his part directly appointed the mayors of the state capitals. Then you had a consultative council which was only window-dressing.

The economic crisis of the country is more dramatic in the metropolitan regions. The unemployment rates are much higher there, and a series of problems fester due to a lack of shared resolution. For example, the São Paulo Metropolitan Region again is almost at a standstill. Traffic congestion is reaching unsustainable limits because we don't have a federal agreement on urban transport.

There is an understanding within society that the question of public safety today — now a constitutional responsibility of the states — is impossible to face if we don't have a renewed federal agreement. The Lula government, since its beginnings, has proposed that public safety be under a unified system.

Federations:

How can Brazil deal with metropolitan management, with all the problems in its cities?

Vicente Trevas:

We need to reach a new agreement on the federation; a new agreement on the federal union, the federated states and municipalities and through these agreements, create instruments and institutions.

There is the question of transportation, the question of housing, the question of sanitation, and the question of public safety. There are a large number of questions on this agenda. The way to solve them is to design an arrangement that involves the three levels of government.

We have to redesign the format of public management in metropolitan areas because the design proposed by some states has proven to be insufficient. You have deliberative development councils; then one with shared authority that is half from the state government and half from municipalities; and then some regions create development agencies.

For the agency in Santos, according to my reports, the results have been meagre. The municipalities are sending their trash up into the mountains. That's a failure, and undermines the possibility of metropolitan public management, when a region is unable to come to agreement regarding its solid waste disposal. We will have to enter into new agreements regarding our institutional procedures and public policy questions.