



THE NEW REGIONALIZATION OF THE STATE OF SÃO PAULO FACING THE PARADIGM OF FULL MANAGEMENT AND THE RIGHT TO PARTICIPATION

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FRENTE AO PARADIGMA DA GESTÃO PLENA E AO DIREITO
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ABSTRACT

This study aimed to evaluate the so-called "new regionalization" of the government of the state of São Paulo as far as the implementation of regional units (metropolitan areas, urban agglomerations, and microregions) regarding to the normative paradigm of the full management. In addition, this article discusses the compatibility of the governmental actions taken in São Paulo with the national model of the Metropolis Statute. In this context, the full management was evaluated as an institutional legal category and a structural/final model. Furthermore, this paper investigates comparatively the internal and external coherence of the São Paulo initiative concerning the respective paradigm, highlighting the criterion of the civil society participation in processes and instances. As far as the methodological aspects, this research is qualitative, exploratory and descriptive. The use of secondary data was performed through several sources, such as documents and bibliographic references. As a result, it was found that the São Paulo model of structuring interfederative governance in the regional units, considering that one running since 1994 as well as the project exhibited in 2022 entitled "new regionalization", is deficient not only in terms of participation of the civil society but also to the municipal autonomy. In conclusion, despite of São Paulo's current efforts to adapt to the paradigm of the full management, the discredit of the participatory culture and the concentration of powers in the hands of the state entity for the definition and instrumentalization of regional interests have continued.

Keywords: Regionalization. Metropolis Statute. Full Management. Participation. Interfederative Governance.

RESUMO

O objetivo do artigo é analisar a chamada "nova regionalização" do governo do estado de São Paulo para a implementação de unidades regionais (regiões metropolitanas, aglomerações urbanas e microrregiões) frente ao paradigma normativo da gestão plena, para discutir a compatibilidade das ações paulistas com o modelo nacional do Estatuto da Metr pole. Para tanto, analisa-se a gest o plena como categoria jur dico-institucional e modelo estrutural/final stico, e, comparativamente, discute-se a coer ncia interna e a externa da iniciativa paulista para com o paradigma, destacando o crit rio de participa o da sociedade civil nos processos e inst ncias. Quanto aos aspectos metodol gicos, a pesquisa   qualitativa, explorat ria e descritiva. O uso de dados secund rios aconteceu a partir de variadas fontes, como documentos e publica es bibliogr ficas. Como resultado, constatou-se que o modelo paulista de estrutura o da governan a interfederativa nas unidades regionais, tanto aquele em vigor desde 1994, quanto o projeto apresentado em 2022 chamado de "nova regionaliza o",   deficit rio tanto no tocante   participa o da sociedade civil quanto   autonomia municipal. Conclui-se que, apesar do recente esfor o paulista em adequar-se ao paradigma da gest o plena, mant m-se o desprest gio   cultura participacionista e a concentra o de poderes nas m os do ente estadual para a defini o e a instrumentaliza o dos interesses regionais.

Palavras-chave: Regionaliza o. Estatuto da Metr pole. Gest o plena. Participa o. Governan a interfederativa.

INTRODUCTION

Since the second half of the 20th century, and especially in the 21st century, Brazilian urban policy has implemented the trends of regionalization and metropolization, characterized by territories with a high degree of urbanization and population concentrations, worsening the urban issues existent into the Brazilian society. This practice is illustrated by the centrality of the state's role in governing and conducting public policies and regional planning as well as by the significant influence of neoliberal proposals on state action.

Considering the public policy format, the institutionalization of metropolitan regions (RMs) took place through the initiative of the military government (1964-1985), which took upon itself centralizing the management of urban policies at the federal level, persuading technical bodies and resources for this purpose. In this regard, the metropolitan policy responded to the challenges of urbanization and metropolization development, while the national regionalization policy proposed to meet the desire for broad modernization associated to the national territorial occupation by economic activities (Lencioni, 2017).



From a political-legal aspect influenced by the Federal Constitution of 1988 (FC), the introduction of urban and regional arrangements, including metropolitan regions, urban agglomeration (AU), and microregion (RE), passed into the hands of the states and their operation began to take place through a new federation perspective improving the municipalities circumstances (Brasil, 1988).

Furthermore, Brazilian states could create their own policies for regional units (RUs), and each state could do so in its own way and with criteria. However, this freedom of the states began to be seen as problematic from the 2000s onwards, when the practice of legislative creation of new metropolitan regions speeded out and intensified in such a way that it reached the milestone of 77 metropolitan regions in Brazil currently in addition to three urban agglomerations (IPEA, 2024).

The scientific view on the evident predilection of political leaders for institutional regionalization using the metropolitan region format - to the detriment of urban agglomerations and microregions - demonstrated that the creation of new RMs was separate from the implementation of administrative structures for the functioning of the urban and regional arrangements. Moreover, it was also identified that only some of the urban phenomenon of the metropolization of space was present mainly on the formalized metropolitan regions. Studies by Costa (2015) and Firkowski (2012, 2013) reveal problems such as fragmentation and fragility in managing interfederative units. Therefore, the thesis of duality in metropolization was established, differing mere institutionality *versus* spatiality (or lack thereof) (Costa; Matteo; Balbim, 2010; Firkowski, 2012).

The state conception justifying institutions in metropolitan regions in the 21st century encourages the promotion of shared management for frequent regional problems as well as a regional and inter-municipal integration regarding policies of metropolitan interest. Therefore, regionalization, integrated in metropolization, is considered as an evolution towards regional development. The regional arrangements promoted by the states, however, do not appear as a source of solutions to the problems displayed, but as the result of the development model that is affiliated with the geography of world capital guided by competitiveness and search for investments for its territory (Lencioni, 2017; Reschilian, 2012).

Indeed, metropolises are the central places for economic and social issues in modern societies, considering some public strategies (such as transport, health services, or housing) require an expanded territorial approach. The treatment of the problem only makes sense on a larger scale. Nonetheless, if



metropolises are not political territory, they cannot answer the questions that arise in the present nor project themselves into the future. In other words, it lacks what is essential for its governability (Lefèvre, 2009). Finally, the absence of a political place on a regional/metropolitan scale also makes the existence of autonomous, interfederative, and participatory or democratic regional governance unfeasible.

Klink (2014) identified this metropolitan paradox in two aspects: first of all is the discrepancy between the national importance of metropolises in terms of economic and national issues and the lack of support in the formation of the institutional framework for metropolitan planning and management; the second aspect refers to the agency on a metropolitan scale from the 2000s onwards in the field of regulation and economic dynamism, which did not demonstrate a significant improvement in metropolitan governance. Both confirm the political/institutional emptying of the metropolitan scale. The accentuation of this paradox in the recent period from 2002 to 2016 has been academically discussed by Costa (2013, 2015, 2016, 2021); Hoshino and Moura (2019); Lencioni (2017); Mencio and Zioni (2017); and Firkowski (2012, 2013).

The so expected national legal framework for regional arrangements came in January 2015, in Federal Law nº 13.089, known as Metropolis Statute (MS). Through normative demands that indicated requirements for the creation of regional units, especially metropolitan regions and urban agglomerations, the MS sought to avoid new RMs that did not constitute metropolises. Additionally, the Metropolis Statute determined, in detail, an interfederative governance structure with formal and material elements which, together, perform the full management idealized in the law. Full management was transformed into an institutional and legal category, assuming the form of a precisely calibrated structural and definitive model, complete with carefully designed components (Brazil, 2015). The goal is to investigate the full management model, which is more associated to organizational structure than theoretical foundation, seeking to enrich the theoretical discourse related to the participation process in metropolitan governance.

The new conjuncture could have immediately impacted the panorama of the instability of RMs management structures throughout Brazil. Even though after the initial repercussion of the legislative change had passed, and, subsequently, with the amendment of that same law in 2018 to remove coercivity or “penalties” for non-compliance with legal provisions, the metropolitan paradox remains. The state of São Paulo, however, carried out a significant movement to reformulate its regional units, named as “new



regionalization,” and took significant steps in 2021 and 2022 to implement the full management model. This new approach revealed an intense and parallel leadership led by the state government, which we will cover in this article.

Furthermore, the full management implementation process is evaluated in the context of the “new regionalization” of the state of São Paulo. The hypothesis is that the formal dimension prevails concerning the content of complete management and the necessary social participation, which was reduced to the conventional aspect.

This paper is arranged into parts: Firstly, we discuss the dimensions of the paradigm of full management based on the Metropolis Statute, giving special attention to the process of the Integrated Urban Development Plan (IUDP). Secondly, we describe the content of the new regionalization of the state of São Paulo. Lastly, we talk about the comparative analysis of the proposal for the state and federal full management, with a debate influenced by the participation criterion. The contribution of the research lies in analyzing the limits of applying the full management paradigm as an institutional legal category in the case of the recent process of the so-called “new regionalization” of the state of São Paulo.

METHODOLOGY

As far as methodology, the research addresses the problem qualitatively, with an exploratory view and a descriptive study format. In this investigation, we start from the theoretical approach to search for particularity with the immediate subject, considering the legal text and institutional documents of the government of the state of São Paulo, including audiovisual records of public hearings held in 2021 and 2022 (available on the official *YouTube* platform channel), and the observation arising from the physical presence at four of these events. Moreover, the use of secondary data was mainly from documents and bibliographic publications.

Analyzes supported by legislation adopted a logical-systematic interpretation of the text. The theoretical contribution supported the analysis of the distance between the legal model and institutional practice, highlighting the reading of duality in Costa, Matteo, and Balbim (2010) and Firkowski (2012). In addition, the comparative method compares the federal standard of full management and the state institutional format.

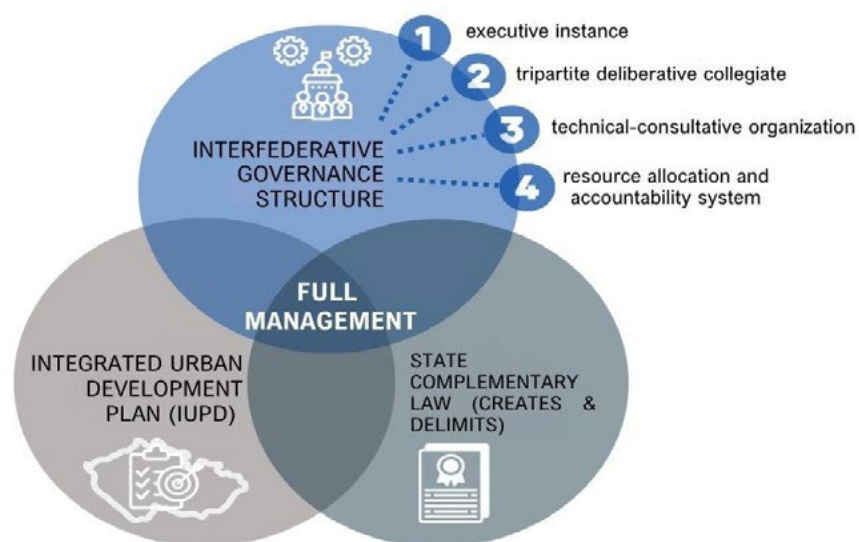


THE DIMENSIONS OF FULL MANAGEMENT ACCORDING TO THE METROPOLIS STATUTE

As a national legal framework for the regional units (RMs, AUs and REs) provided in the Federal Constitution, the Metropolis Statute addresses the institutional issues of these arrangements, thus defining the parameters for the assumed full management of an RM or an AU. For this purpose, three requirements are defined to achieve this ideal condition, namely: (i) being created by complementary law (CL); (ii) be equipped with the structure of inter-federative governance organizations and (iii) have the IUDP already approved by state law (art. 2º, item III, Brasil, 2015).

Systematizing the devices that make up full management in the Metropolis Statute, it is possible to illustrate the model in the following diagram:

Figure 1 | Full Management according to the Metropolis Statute.



Source: Silva, 2022.

According to Figure 1, full management is achieved when the three main demands of the law are associated simultaneously and cumulatively. The paradigm differentiates the RUs between those that reach this condition and those that do not, thus selecting the units capable of receiving the promised support from the Union (art. 14, Brasil, 2015).

Therefore, this is a susceptible subject for Brazilian RMs, considering that studies on governance in several RMs legally formalized reveals that there are not only those with a management structure in the entire operation but also those not at all provided with these structures, such as hollow RMs or that never left the drawing board (Costa, 2013, 2015, 2016 and 2021; Firkowski, 2012 and 2013; Hoshino and Moura, 2019; Lencioni, 2017; Mencio and Zioni, 2017).

In attention to each dimension, starting with the formalization and delimitation of the regional unit by state complementary law, this is a commandment found in the Federal Constitution itself (art. 25, §3º), where selects a legislative group type that provides an in-depth and broad parliamentary debate on top of a neat political articulation to achieve cohesion and sustain the approval of the law. The elementary content of the establishing law is listed in art. 5º of the MS, and the requirements aim to prevent the formalization of RUs from taking place through impoverished texts, without elements for enforceability, and ways of implementing the arrangement. Among these requirements, the means of social control through the direct participation of civil society - a condition explored later - and the delimitation of functional fields or public responsibilities of common interest (PRCIs) that justify the institution of the territorial unit stand out (Brasil, 2015).

Correspondingly, interfederative governance is consecutively achieved through cooperation between the state and municipalities. It is designated as “sharing of responsibilities and actions between entities of the Federation in terms of organization, planning, and execution of public responsibilities of common interest” (art. 2º, IV, Brasil, 2015). However, the national reality is one of regional/local inequalities and peculiarities, weakening municipal autonomy due to the asymmetry of powers in relation to the state, as is the case of São Paulo.

Concerning the administrative-institutional aspect, a basic structure of the constitution of interfederative governance is determined: (i) deliberative instance, (ii) executive instance and (iii) consultative instance, and (iiii) integrated system of resource allocation and accountability. There is a clear predilection for the institutional project. Later, each aspect will be discussed when comparing the São Paulo model to the federal standard, where each instance will be individually considered.

As the full management requirements are cumulative and the law details them in other provisions, this article will give special attention to the IUDP process.



THE DIMENSION OF THE INTEGRATED URBAN DEVELOPMENT PLAN (IUDP) AND ITS CHALLENGES

Among the predictions of the Metropole Statute for the conformation of the full management, the obligation for units to have a regional planning instrument that is officially given by the IUDP, of mandatory elaboration and application, and defined by law, stands out:

instrument that establishes, based on a permanent process of planning, economic-financial viability and management, the guidelines for strategic territorial development and structuring projects for the metropolitan region and urban agglomeration (Brasil, 2015, art. 2º, VI).

As the main plan of the regional unit, the IUDP is produced in a personalized way for each arrangement, following detailed regulations in the ME, with requirements based on formal and material dimensions. In the formal aspect, there are applicable conditions to the elaboration, approval, implementation, monitoring, and review processes. Initially, it will be scrutinized by the regional unit's highest deliberative body. Subsequently, it will be sent to the Legislative Assembly of the respective state to be submitted to the legislative process and to acquire the state law format. The IUDP review periodicity is at least every ten years. Its implementation and monitoring will take place within the framework of the interfederative governance.

Still in the formal aspect, a relevant demand is that the drafting process be democratic and complete regarding civil society participation. Therefore, the following are foreseen as external control mechanisms: i) publicity about the documents and information produced; ii) monitoring by the Public Ministry and iii) holding public hearings and debates (Brasil, 2015). The external control, in addition to other responsibilities, gives democratic legitimacy to the plan's content besides to prevent and curbs the misuse of public property, necessary in an environment culturally permeated by patrimonial practices. The issue related to regional participation is developed further in this investigation.

Referring to the material dimension of the IUDP, it's important to note that the plan's scope and minimum content are also dictated by law. The plan is comprehensive, considering all municipalities in the territorial unit, both in their rural and urban areas (art. 12, *caput*).



The content of the plan is not trivial, although essential. Even though it includes guidelines, objectives and programmatic provisions, it also works with instruments and actions for immediate implementation. Nevertheless, public responsibilities of common interest (PRCI) are particularized and prioritized through the IUDP. PRCIs are the biggest reason for the birth of a regional unit, in other words, the cooperation of municipalities and the state to deliver the services to the administered that result from themselves. What qualifies these policies or actions to become PRCIs, is the need in their regional implementation, going beyond local interest and becoming of common interest, such as basic sanitation, transport and health services.

The IUDP has a cascading impact on the region's planning at different scales. In addition to being the basis for other instruments of integrated urban development, such as sectoral plans, it also implies local plans. All traditional planning and budgeting instruments (multi-year plans, budget guideline laws and annual budget laws) of the entities involved must be made compatible with the IUDP, so that, financially, there are real possibilities for its operationalization.

The interface between the IUDP and the Participatory Master Plans is a task given to the municipalities (art. 10, §3º)¹. However, there is no longer a penalty for administrative² improbity for the mayor who fails to do so. As for sectoral plans, this requirement for compatibility is not literal, because, although the law seeks to make municipal plans compatible with regional guidelines, it omits the requirement for sectoral plans, which may compromise the coherence and effectiveness of integrated territorial planning, due to the deep-rooted municipalism in sectoral policies (Moura and Hoshino, 2015).

In search of the interpretation and application of the law in a coherent manner, since the IUDP establishes guidelines for the PRCI and the several areas of urban policy, adjusting the “regional will” regarding the respective subject, in addition to not being included in the text of the law that local plans and policies regarding these topics must be compatible with the IUDP, logical and systematic interpretation allows us to infer that this compatibility must occur.

1 Text of the Metropolis Statute, art. 10: “§ 3º In metropolitan regions and urban agglomerations established by state complementary law, the Municipality must make its master plan compatible with the integrated urban development plan of the urban territorial unit” (Brasil, 2015).

2 Due to the complete repeal of article 21 of the Metropolis Statute, which provided that it incurs administrative improbity: “II – the mayor who fails to take the necessary measures to guarantee compliance with the provisions of § 3º of article 10 of this Law, within the term 3 (three) years from the approval of the integrated development plan by state law.” Repealed by Law nº. 13.683, of 2018 (Brasil, 2015).

Therefore, given the absence of implementation actions or coercive instruments for such adaptation, only the voluntary form remains. Even though the local interest is not in complete coincidence with other parts of the regional unit, the pragmatic aspect of federative cooperation is privileged, as described by Lui and Costa (2021). Otherwise, there would be disagreement with the principles of the prevalence of common interest over the local (art. 6º, I), a discredit to the formation of regional will, resulting from interfederative governance that requires cooperation. On the other hand, it cannot be said that the IUDP is a higher hierarchy level than the local ones, as interfederative relations must be focused on the principles of autonomy of the federation entities and the observance of regional and local peculiarities (art. 6º, III and IV) (Brasil, 2015). At this point, there is the space for political-institutional consultation, for inter-federative governance.

Even though the removal of coercive instruments has weakened the law, there are RMs, and AUs committed to building the IUDP, like the São Paulo units, which were already working separately on their plan, but recently (2021 and 2022) launched an intense and simultaneous process of drafting IUDPs headed by the São Paulo Executive instance (Silva, 2022).

ASPECTS OF THE NEW REGIONALIZATION OF THE STATE OF SÃO PAULO

The state's regional organization project, also called "new regionalization," was conceived and executed during the 2019-2022 mandate within the scope of the São Paulo Executive instance, headed by the recently created Regional Development Secretariat (RDS). As RDS positioned itself as a facilitator of dialogue between municipalities and the state government, the project would make it possible to establish this relationship via regionalized groups, collectively serving municipalities with everyday requirements to the detriment of individual demands. According to the state discourse, it would be a renewed municipalist policy, which means a new municipalism system.

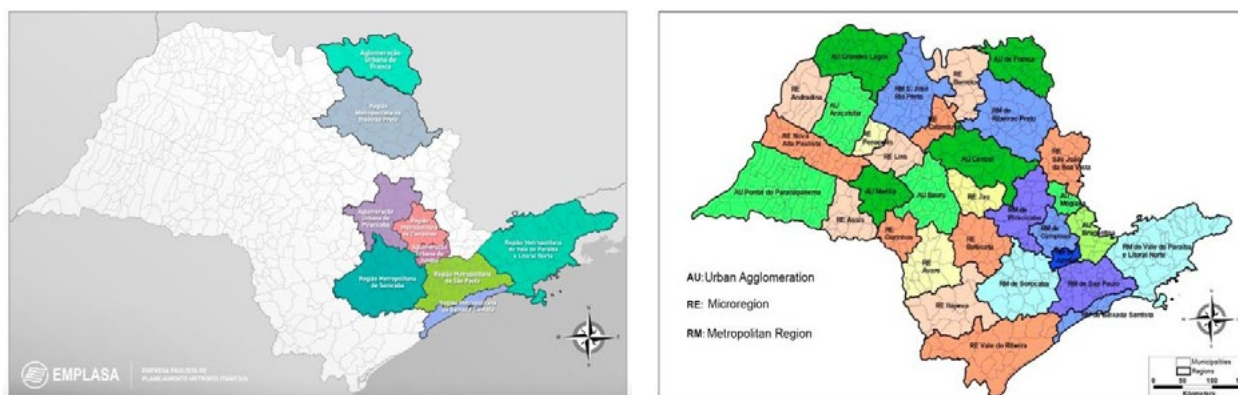
In the proposal, the entire territory of São Paulo was reorganized into geographic regions that bring together groups of neighboring municipalities so that the 645 municipalities in São Paulo would total 32 regional units. These regional units follow the models provided by the Federal Constitution, including metropolitan regions (RMs), urban agglomerations (AUs), and microregions (RE). The layout format respected the existing RMs and AUs and created new arrangements based



on the divisions already established by the public administration of São Paulo: the administrative regions and the government regions. The final model of the project foresees 9 RMs, 9 AUs, and 14 microregions. The framework for each modality was guided by the levels of regional integration (São Paulo, 2022b).

The following maps illustrate the disposition of regional units until 2019 and the final configuration that is intended to be implemented with the new regionalization:

Figure 2 | Maps of Regional Units in the state of São Paulo in 2019 and in the 2022 New Regionalization project



Source: São Paulo, 2022b, p. 121. Adapted by the authors.

The execution of the project had two main objectives: i) update the legal framework for regionalization in São Paulo and ii) establish the 32 regional units.

The update of the current legal framework, State Complementary Law nº. 760 of 1994, which still regulates the regional organization of the state, is a task overdue, as the law clearly disagrees with the Federal Constitution of 1988 and the Metropolis Statute of 2015. This scenario is mainly due to the lack of participation of civil society in the regions' deliberative council.

Aiming to establish the 32 regional units, the project followed a systematic approach. At first, it identified regions that were already formalized (by law) and those that were not yet created. The former, such as RM and AU, proceeded to the preparation stage of the respective IUDP. The latter, in the new regionalization format, moved to the formalization phase. As a result, in 2021, three metropolitan regions were successfully created: the RM of São José do Rio Preto and the RMs of Jundiaí and Piracicaba, where the last two of which were AU.

Immediately, the state government brought together in a single complementary bill (PLP) the update of the legal framework (to adapt it to the FC and the full management model of the Metropolis Statute) and the creation of 8 AUs and 14 MRs, achieving the expected layout of the 32 intended regions. This PLP was forwarded to the Legislative Assembly of the State of São Paulo (ALESP) on March 31 of 2022, being processed under n. 14 of 2022.

Still related to the regionalization project, the state implemented regional parliaments in 2021, one in each planned region, formed by councilors from the municipalities that comprise the respective region, reserving a place for local Legislatures in this arrangement.

After 2020, in which most face-to-face activities were suspended due to the COVID-19 pandemic, public hearings were held massively in the regions of São Paulo in 2021 and 2022. All of them were mandatory as established by the Metropolis Statute, aiming for community participation. In 2021, the main goal was meetings before creating regional units. In 2022, the objective of the meetings was mainly to carry out consultations on the IUDP of the units that were already created. The RDS channel on the *YouTube* platform has recorded the transmission of 50 public hearings in this short period, carried out sequentially and standardized by the same team (São Paulo, 2023).

Following a model, in person and remotely (transmitted via the *Internet*), meetings took place in which municipal mayors and their teams were the primary in-person audience. In contrast, the state government team headed the ceremonial and technical exhibitions. Thus, the effort to constantly exalt the figures of the governor, vice-governor, and secretary of regional development is evident. The government of São Paulo hired the technical and logistical support from the Economic Research Institute Foundation (FIPE).

Despite the accelerated process involving numerous public hearings and technical studies in each region, the project remained unfinished, as PLP nº 14/2022 sent to ALESP was not voted on nor approved in 2022, as the Executive intended. Furthermore, the nine IUDPs being drafted were not sent to ALESP to be approved in legal form.

Indeed, the government of the state of São Paulo underwent an unexpected party rupture. After seven consecutive terms with governors affiliated to the same political party, the Brazilian



Social Democracy Party (PSDB), a new term began in 2023 by a governor from a different party. The new management did not continue the new regionalization project. One of its initial administrative organization measures was to eliminate the RDS and its Subsecretary for Metropolitan Affairs, which was transferred to the new Urban Development and Housing Secretariat (SUDH). In this regard, there is no information on the official SUDH webpage about metropolitan and regional matters, nor even a simple mention of its existence and current functioning.

The total stoppage in PLP 14/2022 at ALESP, the failure to send the IUDPs concluded by the state government to ALESP, and the inertia in the functioning of the Subsecretary for Metropolitan Affairs evidence an abandonment, at least momentarily, of the new regionalization project on the part of the São Paulo Executive.

The mayors, who were once seen as the driving force behind the formation of the regions, now seem to lack the necessary political strength or will to push the project forward. The proposal, initially promoted, financed and supported by the state government, was largely dependent on the participation of the municipalities.

The preponderance of the state's role in the formation of metropolitan culture was affirmed by Silva (2022, p. 184) when he states that "both due to the scope of its jurisdiction and its human, structural and cultural resources to work and act on different scales." The author also noted that the new regionalization proposal reached each region, promoted by the promise of financial resources to the municipalities, which meant it was well received.

Nevertheless, due to the project's lack of priority in the current government's agenda for 2023, a unified regional movement of municipalities with sufficient strength has yet to be formed to continue and secure the project's approval. Consequently, the powers, the capacity to act, and political strength of states continue to dominate.



THE IMPASSES IN IMPLEMENTING FULL MANAGEMENT AND PARTICIPATION IN THE STATE OF SÃO PAULO

The “new regionalization” of the state of São Paulo renews some archaic aspects of São Paulo’s regional policy while maintaining others, as follow.

It is proposed that the legal framework on regionalization be updated, which means replacing the current Complementary Law (CL) 760/94 by PLP 14/2022. This project foresees the inclusion of society representatives in deliberative councils, the highest decision-making body in each region. It is noteworthy that São Paulo has been persistently reluctant to include civil society and promote participation at a regional level for years, deliberately failing to comply with legislation because, as happened when there was an individualized proposal to create RUs with ALESP, in the debate between deputies, this flaw was mentioned. However, parliamentarians approved the creation of non-participative law, as occurred with the RM of Vale do Paraíba and Litoral Norte in 2011 as well as with the AU of Franca in 2018.

The RMs and AU created until 2018 adhere to the traditional São Paulo model, a structure and management system that lacks civil society representation. The highest body in this model is the Development Council, which operates without the presence of civil society. While the model allows for limited forms of ‘popular participation’, these mechanisms lack real power to interfere in regional deliberations. This is a clear indication of the model’s insufficiency in promoting a conception of participatory democracy.

Regardless, institutional pressure on the state had to arrive via a court decision compelling it to include mandatory representation from civil society. This agreement happened with the order issued by the Court of Justice of São Paulo, in Writ of Injunction nº 2276482-73.2020.8.26.0000, filed against the governor and the president of ALESP, which set six months period for the omission of lack of civil society representatives in the highest council of the RM of Baixada Santista. In 2022, due to the permanence of the omission, the Public Call process to filling vacancies by Civil Society was executed, with mandates starting in 2023 (TJSP, 2021 and 2023).

Although the court decision is a drastic measure, the sequence of event reveals that there has been a long-standing demand for proper participation to be implemented in the highest



regional instance, as the “popular participation” mechanisms of São Paulo law are insignificant and insufficient as a means of achieving the democratic process by constitutional and legal standards.

The contradiction between political and legal obligations in São Paulo’s regional management and planning activities is stark. Politically, the state is not open to participation nor engaged in developing a participatory culture. However, legally, it finds itself obliged to do so as a condition for the validity of its regionalization project. This contradiction, which is an affront to the legal order and the republican bases of citizenship and democracy, is recognized in the project’s explanatory memorandum of the new regionalization:

It is essential to highlight the inclusion of Civil Society in the Development Councils, raised by the Attorney General’s Office and pointed out by the legal consultants of this Department and the Government Legal Advisory, in statements written in IUDP processes - Integrated Urban Development Plans and others matters, where the continuation of which is currently conditioned to this legislative update of CL nº 760/1994. (São Paulo, 2022a, p. 2).

Implementing democratic management is, therefore, a matter of governance since, in current terms, governance is accompanied by democratic potential, enabling indefinite forms of joint management and increasing the efficiency and effectiveness of state management results.

Furthermore, participation is not just a trend but a fundamental aspect of governance that is progressively being consolidated and incorporated into public policy processes and procedures in Brazil. In the principles of the Federal Constitution and the City Statute, the Metropolis Statute reinforces the importance of participatory instruments based on social responsibilities and the right to the city.

Despite that, the challenges of implementing participatory practices in Brazil over the last four decades are significant and require immediate attention. The practice of holding public hearings or consultations as a fulfillment of the participation requirement, collecting mere suggestions in the planning process, may constitute an illusion of participation as already established by Villaça (2005) or a mere participatory simulacrum (Reschilian; Silva; Maciel, 2022). This practice indicates that the commitment to the democratic principle is poor. Another dimension of the same problem is the incipient monitoring of compliance with goals and actions set in the plans (Villaça, 2005) due to the lack of tradition in establishing systems of this nature. External control over the execution of the plan is, therefore, an additional challenge for implementing a robust governance system and the constitution of the regional political territory. These challenges underscore the urgency and importance of the proposed reforms for better governance and

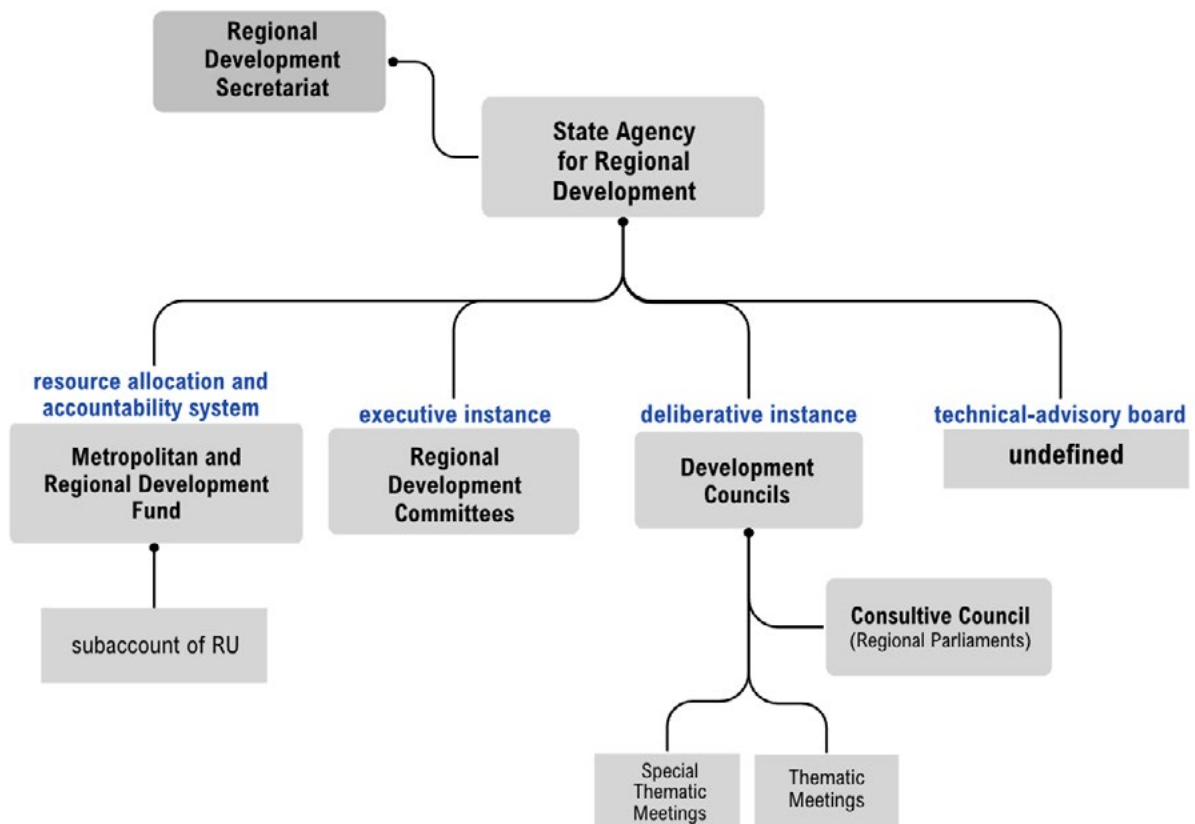


participation in Brazil.

The poor institutionalization of participation is a widespread weakness in national RMs (Lui and Costa, 2021) since opening participatory spaces is a first step toward participation. On the other hand, governance studies of specific regions indicate participation initiatives in the RMs of Goiânia and Belém (Lui & Costa, 2021) and bring, as an innovative experience in participatory planning, the elaboration of the Integrated Development Master Plan (PDDI) and the Macro zoning of the RM of Belo Horizonte (Velloso; Wojciechowski, 2015), showing that the spaces, when existing, are occupied by society.

In order to adapt the state apparatus to the paradigm of full management provided in the Metropolis Statute, in the aspect of interfederative governance, the PLP 14/2022 reformulates the current standard structure bringing it closer to federal legislation contemplating a new institutional architecture as translated in the image below:

Figure 4 | Structure of interfederative governance of RMs and AUs, according to PLP 14/2022



Source: São Paulo, 2022a. Prepared by the authors.

Compared to the current São Paulo standard, the new composition is correct in including the representation of civil society in the development council. In contrast, it does not improve considering the absence of the technical-advisory board and retrogresses in terms of the autonomy of the instances. Both the Development Councils (deliberative instance), the Development Committees (executive instance), and the Development Fund (integrated system) are associated to the State Agency for Regional Development, a state agency; that is, all bodies are subordinate to state power, which violates the autonomy of the municipalities, as there should be no hierarchy between them and the federated state.

Besides, the already individually existing Metropolitan Agencies (in the RMs of Sorocaba, Vale do Paraíba and Litoral Norte, Campinas, and Baixada Santista) will be extinguished, replaced by a single state agency for technical-administrative support to all URs through Regional Directorates, which further removes individuality in the self-management of URs. The same happens with individual funds existing in RMs, which will no longer exist in this way and will be a mere subaccount of a single fund.

In this concept, the proposed version meets almost *ipsis litteris*, the standard of governance structures described in the Metropolis Statute. However, it maintains, even more, in the hands of state bodies, the executive and technical functions of the regional units, which will only have the collegiate bodies as their instances. The proposal still leaves the definition of the technical-advisory board open, which could accentuate the concentration of expertise under the control of the federated state.

Although the approval of the PLP has not yet taken place, meaning to say São Paulo has not yet adapted to the MS standard, a comparative table was prepared between the MS predictions, the current São Paulo conformation of CL 760/1994, and the PLP proposal 14/2022:

Table 1 | Full Management: requirements of the Metropolis Statute and its counterparts regarding the state of São Paulo

Full Management Standard					
In the Metropolis Statute		In force in São Paulo CL 760/1994	Evaluation	São Paulo Project PLP 14/2022	Evaluation
formalization and delimitation through state complementary law		CLs specific of each RU	✓	CLs creators of RU	✓
own interfederative governance structure	executive instance (representatives of the Executive of members from the RM)	Metropolitan Agencies (specific to each RU*)	✗	Executive Committee for Regional Development of the State Regional Development Agency	✓
	deliberative collegiate body with representation from civil society	Development Councils, normative and deliberative, without civil society (in each RU)	✗	Development Councils, deliberative, with civil society (in each RU)	✓
	organization with technical-advisory responsibilities	Metropolitan Agencies with the possibility of Thematic Meetings (specific to each RU)	✗	Undefined	✗
	integrated resource allocation and accountability system	Metropolitan Funds, Fund Advisory Council (specific to each RU)	✓	Development Fund, Fund Advisory Board	✓
IUDP		Under elaboration process	✗	Under elaboration process	✗

✓ fully complied with

✗ not fully complied with

*Of 10 São Paulo RUs, only 4 have their own Metropolitan Agencies: Sorocaba, Vale do Paraíba and Litoral Norte, Campinas and Baixada Santista

Source: Brasil (2015); São Paulo (1994); São Paulo (2022). Elaborated by Silva (2022), updated by the authors.

The assessments lead to the understanding that updating the legal framework in São Paulo will not fully meet the full management paradigm. The limits of São Paulo are clear, namely: i) slight opportunities to the participation of civil society, which is exercised along the lines of a purely procedural paradigm due to external impositions; and ii) non-egalitarian interfederative governance between municipal and state entities, given the prevalence of state power to the detriment of municipal autonomy in the formation of instances and, consequently, to regional will.



FINAL CONSIDERATIONS

Achieving this studies' purpose, we analyzed the paradigmatic full management as an institutional legal category and structural/final model established by the Metropolis Statute. The instances and mechanisms of regional management and multilevel governance were addressed, and from this, the coherence of the São Paulo scenario was discussed in terms of its regional territorial organization from a political-administrative perspective.

Presenting a unique and complex scenario, the new regionalization of the state of São Paulo was unveiled. This regionalization, a recent and intense movement by the state government to implement regional units throughout its territory, is a process that is still in progress. The proposal was juxtaposed with the full management paradigm to explore the compatibility of São Paulo's actions with the national model of the Metropolis Statute.

Consequently, considering the requirements of full management, it is evident that the new regionalization initiative, despite being in the early stages of implementation, falls short of fully adhering to the requirements of the federal model. While the state's project appears to align with federal law on the surface, it primarily focuses on the formal and material aspects of full management, neglecting the crucial element of participation, which is reduced to a mere procedural aspect. This finding supports the initial hypothesis.

Although the state faced unlimited possibilities of implementing opportunities to participatory democracy via interfederative governance, it limited itself to guaranteeing seats for civil society representatives on the development council of regional units. As a result, the details of the exercise of citizen participation were postponed, as it would still depend on another norm regulatory. The opportunity to create and reinforce a participatory culture should have taken place.

Even though participation is a broad concept, and its effectiveness can occur freely, without the permission or intermediation of the state itself, in the present work, the approach is restricted to the institutional modality. The one that is assigned to places reserved for civil society in collegiate bodies, such as regional councils, or in moments of manifestation, such as hearings or public consultations. Although these forms are currently established in practices on a local scale, their confinement could be more manageable, even considering the mobility of articulation provided by communication technologies.



Despite the criticisms of institutional participation for its limited and exclusive nature, it serves as a fundamental and mandatory step. It acts as a thermometer test, indicating the degree of openness of a public administration entity to the democratization of its processes.

It is important to note that the fragility of participation is associated with the fragile structure and governance of Brazilian regional units. Therefore, the metropolitan paradox (Klink, 2014) remains present and relevant to the urban-regional debate in São Paulo, as, even in the regional units already created in the state, there is no fully functioning apparatus of institutions and resources.

As far as interfederative relations between São Paulo municipalities and the federated state, it is the latter's strength that prevails and, therefore, the change of government with the beginning of a new mandate in 2023 allowed the new regionalization project to be abandoned by the state, thus not having registration of movement of municipalities to leverage the project's processing with ALESP.

The state's choice of the format of diversified urban regional units (metropolitan region, urban agglomeration and microregion) would move São Paulo away from the almost exclusive preference for metropolitan regions, a nationally organized model. However, it was not only the technical criteria related to urbanization that dictated the framework of regions, so much so that, in public hearings, the name "microregion" was replaced by "state region" to sound more pleasant to mayors (who do not want to be "micro", or small). Although, in the speeches and materials promoting the new regionalization, the common discourse is the tendency to "develop together", to create regions so that the "union can be the force" for the common management of problems, the socio-spatial phenomenon of urbanization and metropolization was not the protagonist in the shaping of regions. Therefore, the debate about the dichotomy of formality versus spatiality (Costa; Matteo; Balbim, 2010; Firkowski, 2012) remains alive.

Finally, it is noted that the incompleteness of the regional reorganization project for the state of São Paulo appears to be another "abandoned public project", in which efforts and human and financial resources were invested. A large part of the process was carried out by hiring a technical and logistical team, holding workshops and public hearings, political articulation, elaboration of IUDPs, creation and maintenance of websites, among other activities, but despite that, the formal effects of these achievements are non-existent without the mandatory conclusion embodied in ALESP approval. Overall, all the knowledge and experiences generated in the involvement of actors from each location in the state in favor of regional agendas remain.



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