
FEDERALISM, DECENTRALIZATION OF PUBLIC POLICIES, TERRITORIAL ISSUES AND THEIR ROLES IN THE CONSTRUCTION OF CITIZENSHIP

Ione dos Santos Velame¹

E-mail: ionevelame@hotmail.com

Francisco de Assis Costa e Silva²

E-mail: francisco-acs@hotmail.com

Mário Lúcio de Ávila³

E-mail: unbavila@gmail.com

André Nunes⁴

E-mail: andrenunes@unb.br

University of Brasilia - UnB
UnB Faculty of Planaltina – FUP
University Area 01 - Our Lady of Fatima
Zip Code 73345-010, Planaltina / DF

SUMMARY

This article suggest a discussion about federalism and its influence in the process of the public policies' decentralization, arising from territorial issues and their respective roles in the construction of citizenship. For this purpose, first we will approach several concepts and paradigms with regard to this subject, and subsequently, present the National STD/AIDS Program as an example of a successful public policy in the area of health, highlighting the importance of promoting more actions prioritizing the success of the policies in favour of the exercise of citizenship.

Keywords: *Federalism, decentralization, public policies, territory.*

1. INTRODUCTION

Various socio-economic transformations occur in a development scenario, each one of them happening in a different way, because every phenomenon related to changes has its own characteristics, interconnecting: federalism, decentralization of public policies, and territorial issues.

This overview is marked by many discrepancies complicating the implementation of public policies, since its success depends on the influence of various factors such as, among others, institution/organization and bureaucracy, where, from the point of view of Oliveira (2012, p.2): “The relation between policy implementation, organization and bureaucracy is relevant to the academic and public debate, because it enlightens the face of a crucial problem: the reason for the success or failure of policies”.

The objective of this article is an attempt to clarify some questions, or even to propose new ones, with regard to the challenges, faced in order to implement and carry out public policies with all the impasses related to federalism, decentralization, and territorial questions, in a search for a path to building citizenship with inequalities and opportunities. Therefore, we begin by bringing out several concepts with regard to the subject. Then, we will exhibit different points of view with regard to federalism, decentralization, territory and public policies. Finally, we will exemplify the National STD/AIDS Program as a successful public policy in the area of health, highlighting the importance of promoting more political public actions for the contemporary Brazilian society.

¹ Completing Master's degree in Public Management at the University of Brasília, Federal Public Accountant.

² Completing Master's degree in Public Management at the University of Brasília, Social Assistant.

³ Doctor of Sustainable Development, University of Brasília, Professor at the UnB,

⁴ Doctor of Economics, University of Brasília, Professor at the UnB.

2. FEDERALISM AND ITS INFLUENCE ON PUBLIC POLICIES

Now is the time to make a brief presentation of some characteristics of the models of cooperative and competitive federalism. Regarding the first model, Franzese (2009, p.4-5), explains that: “The public institutions encourage the territorial actors to collaborate, dividing functionally the powers between them and envisioning jointly executed tasks.”

Observations of the same author’s arguments show that the second model in question is characterized by a:

Distribution of duties between the levels of government, based on the division of responsibilities depending on the area of public policy. This division pretends to separate the scope of action of the governmental branches, in order to preserve the federative unities’ autonomy in the policy making, benefiting the competition between them.

The confrontation between Public Policies and Federalism shows us that there is a reciprocity developed in time, because if, on one hand, Federalism interferes in social policies, on the other, these policies also affect the federative context. It means that a wider federal action does not reduce the autonomy of the federated entities, since the Government-State cooperation tends to strengthen the bureaucracy by maximizing the reliability to the population. (FRANZESE, 2010).

3. DECENTRALIZATION DISTRIBUTING DUTIES TO THE THREE BRANCHES OF GOVERNMENT

In this regard, the same author adds that the Federal Constitution from 1988 has expanded the political-administrative decentralization by distributing duties to the three branches of Government, as a way of transferring power and responsibility. This way the decentralization allows, among other things, the implementation of public policies, and participation of the people.

With regard to this aspect, Franzese (2009) states that:

By inducing the universalization of social policies by means of the **decentralization**, the **Federal Government of Brazil** not only promotes the carrying out of the national program by the municipalities, but it also **grants them the public policy operationalization and management**. It means that while at first the Union appears stronger by establishing national standards and programs that states and municipalities have to comply with, **the result of this action in time is the concretization of the constitutional directive on public policy decentralization, actually strengthening the municipalities** (our emphasis).

Based on the above, it can be considered that public policy decentralization allows the consolidation of democracy, provided that it divides duties and responsibilities between the federated entities - this way they have to use the empowerment for the strengthening of national standards and policies.

4. TERRITORY – An Approach Different Than the Geographic Division

Based on the information presented above, it is necessary to know the dimensions of the territory that the concept applies to, which according to Silva (2013) means: “an essential functional factor, an element of nature inherited by a nation that has to fight for it in order to conquer or protect”.

Supporting this idea, Abramovay (2007) states that:

The territory approach, from the point of view of the social forces forming it, is not only an invitation for well-founded empirical analysis on its constitution – more than political recommendations – but it also opens a way to understanding the changes that the new social forces could imprint on its present organization (ABRAMOVAY, 2007, p.15)

The same author understands the territories as a result of the way that the different societies “organize themselves in order to use the natural systems on which their reproduction lays, which opens an interesting field of cooperation between social and natural sciences in understanding this relation.”

For Silva (2013, p.18), the territory is seen as a “[...] space that transforms and is being transformed by the social fabric of its inhabitants and congregates their symbolisms, identifications, institutions and norms of

power”, the adoption of this definition within the framework of public policies being of utmost importance, due to its positive contribution in planning and execution, encouraging through problematic elements of different impacts that could occur, as much as with regard to the governmental evaluation allowing, according to the same author, “[...] to verify the aspects relating to each specific territory.”

The involved actors are not simple replicators of the structures they’re placed in, because they have conditions to modify the correlation of forces in the field, therefore, they can import a new paradigm of mutual relationship based on their collaboration. (ABRAMOVAY, 2007).

However, the above mentioned author points out that the lack of consistent theoretical foundation related to the conformation of territory and its development, can be an aggravating factor, and he also adds that due to the non-existence of a:

[...] **theory of social interaction**, as a base for the explication of the social strings in the origin of the territory formation. Viewing **the territories as fields where protagonists with different interests meet**, approaching the processes of cooperation not as an idyllic expression of civil virtue but as a **form of domination**, is the theoretical proposition emerging from the implementation of economic sociology [...] (ABRAMOVAY, 2007, p.15, our emphasis).

In his arguments Silva (2013), adds: “even in the country, a series of barriers for consolidation and institutionalization, in fact, of the territorial approach in public policies”, presented as follows:

[...] **political and cultural difficulties** in the establishment of intersectoral innovative programs; **the lack of a legal framework** that would be more favourable for the improvement of territorial programs for development, in which both the territory and its respective social participation forums would gain greater legitimacy; **the necessity of differentiated actions for the empowerment of “ignored” social groups**, given the social inequality structure within the Brazilian territories; **the funding mechanisms**, still inadequate to give support to the strategic territorial projects; and **the difficulty to put on the governmental agenda** subjects, directly related to the territorial development, however generating serious conflicts of interests, like land reform and land regularization which interfere directly in the microstructures of the established local authority (SILVA, 2013, p.19, our emphasis).

Based on the information presented above, it was found that it is mandatory to understand territory apart from geographical point of view, which, to be clear, has its own importance, but territory, seen as a space for building collective interests, is more extensive and virtuous, since it allows spaces to be discussed as a whole, compared to fragmentation, benefiting the planning and implementation of public policies, reversing the perception of sectors and avoiding the segregation between growth and development, focusing on the actors, highlighting the relations between society and ecology.

5. PUBLIC POLICIES AND THE INTERFERENCE OF STREET-LEVEL BUREAUCRATS

The implementation of public policies denoted in the preceding paragraph depends on the influence cause by various factors such as institution, bureaucracy and actions of street-level bureaucrats who, by means of discretion, amend their professional routine while meeting the needs of the citizens – according to Oliveira’s point of view (2012, p.2): “The relation between policy implementation, organization and bureaucracy is relevant to the academic and public debate, because it enlightens the face of a crucial problem: the reason for the success or failure of policies”.

In this regard, the author states that the organization affects the: “results of governmental programs, because the dynamics of the interaction between the organization and its members affects the working process, thus it influences the quantity and the quality of the provided services”.

According to Filgueiras (2011), the public services must be regulated in Weber’s theory focusing, among other things, on formalism and professionalization. In addition to this matter herein follows Oliveira’s reflection (2012, p.4), stating that:

[...] the ideal Weber type deviates considerably from the street-level bureaucracies, because his operators enjoy an extensive autonomy in the decision making on who

should be the beneficiaries and who should be punished by the government, that is to say, they do not simply carry out public policies - they also make politics.

In this context, street-level bureaucrats play an important role in the process of public policy implementation, being in direct contact with the society confronting the dilemmas of implementation. Nevertheless, lower-level bureaucrats carry out their practices based on their own forms of management, that is to say, making use of discretion. However, using discretion requires caution, since the citizens' perception of public policy is based on the performance of the head-on bureaucrats.

We should mention the police as an example of lower-level bureaucrats, being a "typical street-level bureaucracy, maybe even the most typical, since its agents work literally on the streets, 24 hours a day, far from the eyes of their supervisors, and its work being mainly the processing of people (OLIVEIRA, 2012, p.12).

Based on the said, Galligan quoted by Filgueiras (2011) explains that: "The discretion has evolved through the legal codes and it is not a question of an illegal action, but a freedom to act or to be let to act that a public employee has before the common citizen".

According to Oliveira (2012, p.5), we should not forget that: "workers don't have to violate the rules in order to execute the orders originating from the above mentioned. On the contrary, all they need is to stick to those rules in order to justify their resistance".

For Filgueiras (2011, p.9), the new Public Management:

Has set a paradox when it comes to the relation between management and control. On one hand, it tries to strengthen the discretion of the decision making managers. But on the other, it tries to strengthen the control and reduce the discretion margin of those public workers who are involved in the implementation, that is to say, street-level public workers.

It can be noted that "**discretion** is a necessary condition so that the public policy in question be the one on how to establish its limits, in order for the *accountability* and *responsiveness* to be guaranteed". (OLIVEIRA, 2012, p.19-20, our emphasis).

It was found that, in order to expand the understanding on public policy implementation, it is vital to widen the vision on the relation between high-level and lower-level bureaucrats, since the lack of interaction and negotiation between them could cause the public policies' failure.

6. PUBLIC POLICY, A Case of Success

Speaking of Public Policies in Brazil, we can mention the Public Policy facing the epidemic of AIDS as a case of success. In 1985 was created the first federal program in the fight against AIDS in Brazil – the National STD/AIDS Program, through Ordinance No 236, published on May 2nd, 1985, congregating four basic goals: epidemiological surveillance; informing the population; providing attendance for the confirmed cases, and giving guidance to the health care professionals.

Interministerial Ordinance No 3.195, from August 10th 1988, signed by the Ministers of State, Labour, and Health, has settled at a national level the Internal Campaign for Prevention of AIDS – CIPA, aiming to disseminate knowledge and stimulate, in the companies and in all workplaces, the adoption of precautionary measures against AIDS. (PEDROTTI, 1993, p.1)

In conformity with (FONSECA et al. 2007) the National STD/AIDS Program, the Ministry of Health has financed the AIDS preventing actions from 1993 to 2002, through agreements concluded with States and Municipalities. Gradually, the Program has made its way to the most extensive national health care policy regulations governing the transfer of funds and resources.

The "Brazilian model" to fight AIDS is internationally recognized and supported by the Brazilian society. According to official information, the mortality and morbidity related to the disease have decreased, and so the benefits in terms of survival and wellness justify the existing policy. (MACHADO, 2006)

Sousa (2012, p.65) explains that the Brazilian policy on HIV/AIDS was a new way of thinking and building public policies in Brazil, being a result of the pioneer efforts of a wide spectrum of different groups and social

movements. The civil society represented an important element in the confrontation of this epidemic, and maybe it was the differentiating element providing credibility and efficacy to this policy.

6. FINAL CONSIDERATIONS

The implementation of a policy must be taken as a process of engagement, reciprocity and responsibility, where everyone involved in the process should be prepared to resolve in due time possible conflicts and setbacks, keeping the public policy close to its original purpose.

The head-on bureaucrats are of utmost importance in the public policy implementation, since they work directly with citizens, obtaining close relations that allow the experiencing of all the impasses of the process in question. This way, it is believed that the actions of the street-level bureaucrats make it possible to succeed in the implementation of public policies.

In order to obtain a public policy's full development, there has to be a good planning, enabling the creation of a vision that guarantees the right to citizenship – a right already provided by law, that unfortunately does not work the same way for all the Brazilian citizens. There is a long way to be walked until we reach the moment when there will be an equal access to fundamental rights.

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