

FORUM

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THE PANDEMIC AND THE FUTURE OF BRAZILIAN FEDERALISM

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WHAT GUIDES THIS SPECIAL EDITION

Academic research on federalism in Brazil has made significant progress since the enactment of the country's 1988 Constitution (CF/88). Initially, the studies drew attention to the potential of decentralizing public policies as a mechanism for democratization, social participation, accountability, and meeting local demands. A series of studies conducted between the 1990s and the mid-2000s, including some resulting from the Public Management and Citizenship Awards Cycle (CEAPG, 2021), pointed to the role of local governments in public policy innovation.

Although there have been advances in local policies in this context, such as forms of inter-municipal cooperation and social participation, the literature has also noted that decentralization has not necessarily produced democratization, which also depended on other factors, in particular municipal administrative and fiscal capacities (Arretche, 1996). Furthermore, without national coordination, the prevalence of competition between cities has encouraged an autarkic municipalism (Fernandes & Wilson, 2013).

In the 1990s, the debate focused on understanding the effects of decentralization on public policy and democratization at the subnational level of government. From 1995 onwards, with the change in intergovernmental relationship patterns and the increase in national coordination in areas such as healthcare and education (Abrucio, 2005), the literature also began to incorporate the understanding of the effects of these federative dynamics on public policy.

The centrality that the federal government came to occupy after 1995 was not the result of a significant change in the institutional design of Brazilian federalism, as CF/88 already defined shared competencies, particularly in social welfare policies. The main change took place with the development of intergovernmental coordination mechanisms that were subsequently assumed by the federal government. Nevertheless, a number of policies characterized by centralized trajectories, in which the federal government acted as the main decision-maker, remained, as is the case of social security (as it was prior to 1988) and the Continued Provision Benefit – BPC (implemented after 1988) (Arretche, 2012).

It is important to note that, in the period from the late 1990s to the mid-2000s, a number of changes reinforced the centrality of municipalities in the provision of public policies that remain to this day (e.g. EC 29, in the area of healthcare). With the view that municipalization would reinforce the positive effects of decentralization, the strategy for universalizing public policies consisted of its expansion to the municipalities via federal induction and coordination.

The national coordination mechanisms adopted over more than two decades – from 1995 to 2016 – sought to advance in the constitutional determinations of universalization of social rights. Initially, still in the 1990s, the strengthening of national coordination, mainly through national parameters of public policies, redistribution of resources and combination of voluntary transfers to national programs, was key to expanding healthcare coverage and school enrollment, particularly in primary education. In the 2000s, there was continuity in relation to strengthening the national coordination, which sought to expand policy coverage. These include the national induction aimed at increasing enrollments in early childhood education and secondary school, as well as the institutionalization of the social welfare policy. Measures were also adopted to improve the quality of public policies to promote equity and inclusion (Arretche, Marques, & Faria, 2019).

Thus, the research agenda focused more on the discussion of these changes at the national level, including assessments of the decision-making processes that led to the construction of national public policy systems, especially the Unified Health System (SUS) (Viana et al., 2008), the Single Social Welfare System (SUAS) (Bichir, Simoni Júnior, & Pereira, 2020), and the participation of municipalities as implementers of these policies (Arretche, 2012). A few studies have advanced the discussion on the effects of these processes, showing that strengthening national coordination reduced regional inequalities (Arretche, 2012) and contributed to developing state capacities of subnational governments (Grin & Abrucio, 2018) in nationally coordinated policies.

The literature also shows that there have been advances in cooperation and coordination at the subnational level through inter-municipal consortia, municipal associations, councils of state and municipal secretaries, councils of mayors, local production arrangements, drainage basin committees, metropolitan coordinators or agencies, integrated development regions, and federative forums, among other types of arrangements. Some resulted from federal and/or state governments' initiatives (Abrucio, Sano, & Sydow., 2010; Grin, 2021; Julião & Olivieri, 2020, Lui, Schabbach, & Nora, 2020).

As for the role of states in public policies, especially their coordination with municipalities, few studies have been conducted on the subject. That is because states have not been at the center of the formulation and implementation of most policies in recent decades, although initiatives, such as the 2006 Pact for Health, sought to reinforce this role. Nevertheless, state action in the provision and coordination of providing and coordinating public policies is quite heterogeneous (Licio, Palotti, Meneses, & Pontes, 2021; Segatto, 2018; Segatto & Abrucio, 2018; Silva, 2020). In some cases, such as in Ceará, state government coordination has been able to reduce inter-municipal inequalities in education (Segatto, 2018; Segatto & Abrucio, 2018).

As a result of nearly three decades of changes, a more cooperative model of federalism has been built in Brazil, combining the exchange of competencies, decentralization of policy

implementation, and national coordination in which redistributive and induction mechanisms have played a central role.

Nevertheless, federative dynamics have changed since 2016, especially in 2019. Since 2016, after the approval of the “Spending Ceiling Amendment,” there has been a decrease in federal transfers that induced the implementation of public policies, such as healthcare, at the subnational level. In 2019, with the beginning of the Bolsonaro administration, there was a radical change in federative coordination performed by the national government. A model was adopted that centralized decisions considered strategic by the federal government, which weakened national coordination in areas such as healthcare, education, and social assistance. One of the effects of the lack of national coordination was that subnational governments sought to occupy vacuums in the central sphere (Abrucio, Grin, Franzese, Segatto, & Couto, 2020).

The COVID-19 pandemic resulted in the acceleration and expansion of the federative crisis unleashed by the federal government since 2019, which has been evident in the lack of national coordination, especially in healthcare crisis management. This was shown in the obstacles and difficulties in executing services shared by the three spheres – the federal government, states, and municipalities. The Bolsonaro Administration sought to break with the inter-federative articulation model existing in the country, contrary to the gains of federative policy learning built in recent decades, especially by national public policy systems. Recent studies show that the absence of national coordination has produced fragmented responses, permeated by competition between levels of government, passing the buck, credit claiming, and blame avoidance (Abrucio et al., 2020; Abrucio, Grin, & Segatto., 2021; Béland, Rocco, Segatto, & Waddan, 2021).

Despite this scenario, local and cooperative experiences are observed between states and municipalities, aiming to address the lack of action and negligence arising from the lack of coordination promoted by the federal government. These experiences, however, also show conflicts between state and municipal spheres in actions aimed at mitigating the effects of the pandemic (Gil, 2021). State and municipal governments deal with a very complex reality in which, even when acting responsibly, they encounter obstacles related to a lack of coordination and inter-federative conflicts. This situation has been exacerbated in the fight against the pandemic.

Along these lines, this special edition aims to analyze the federative crisis in Brazil that was installed in the country in light of the COVID-19 pandemic. The objective was to bring studies and reflections that focus on explaining this crisis, as well as pointing out solutions found by federated entities in light of the problems faced, suggesting perspectives for the study of federalism.

The proposal for this edition was based on central themes of the discussion on federalism in the pandemic: federative coordination and the role of the federal government; jurisdictional conflicts between states and municipalities; the role and performance of the SUS in the fight against COVID-19; the role of states and forms of cooperation and coordination at the subnational level to face the pandemic; policies adopted by states and municipalities, aiming at social well-being and the mitigation of socioeconomic inequalities and subnational innovation, and instruments and coordination mechanisms developed. Of the six articles approved, associated with these topics and presented below, five of them address Brazilian federalism during the

COVID-19 pandemic, while one addresses the Mexican experience in the current pandemic, comparing it with the previous response to Influenza A/H1N1. This special edition also features a guest article by the Forum of Federations, which presents an overview of the fight against the COVID-19 pandemic in 24 federations or countries with similar arrangements of territorial organization of the State.

In addition to this introduction, the article is organized into seven further sections. The first discusses the conception of Bolsonaro federalism that was being gestated in 2019, but which gained more precise contours with the pandemic, due to its lack of coordination and the intergovernmental conflict implemented by the central sphere. Three articles on this special issue are directly related to this topic.

The second addresses the jurisdictional conflicts between the federal government, states and municipalities during the pandemic, including the role of the Federal Supreme Court (STF) in federative disputes, but whose historical behavior is marked by decisions in favor of the federal government. The highlight, during the pandemic, was the decision to grant states and municipalities autonomy to address restrictive measures, based on Article 23 of CF/88. Noteworthy for its characteristic in favor of subnational governments, it is important to observe whether this was a topical decision or if it could indicate an inflection in the trajectory marked by pro-central government decisions. One of the articles in this special issue analyzes the performance of the STF, while another addresses the role of the Judiciary Branch in solving inter-federative conflicts in the pandemic based on data from state and federal justice in Rio Grande do Norte.

The third section addresses the role of the Unified Health System (SUS) in combating COVID-19, arguing that the institutional resilience of the system, as well as its federative cooperation arrangements, have been key pieces to mitigate what could be an even greater healthcare crisis.

The fourth section emphasizes the role of states and the forms of cooperation and coordination at the subnational level to face the pandemic. In Brazil, this was an unintended effect resulting from the omission and conflict generated by President Bolsonaro, as it encouraged the strengthening of consortium arrangements, as occurred with the Northeastern states. In other countries, subnational cooperation and coordination were also demanded in response to pandemics, as analyzed in an article on Mexico.

The following section discusses the policies adopted by subnational governments, aiming at social well-being and the mitigation of socioeconomic inequalities during the pandemic, which are the responsibilities of these levels of government, but which, without federal government's coordination, have produced fragmented, emergency-oriented responses.

Subsequently, the topic of subnational innovation and instruments and coordination mechanisms developed in the pandemic are addressed.

The seventh section presents the guest article feature in this special edition, containing an overview of the fight against the COVID-19 pandemic in 24 countries and the characteristics of each federal arrangement in this process.

ABSENCE OF FEDERATIVE COORDINATION IN THE PANDEMIC: INACTION POLICY, CONFLICT AND DENIAL OF THE COOPERATIVE MODEL IN FORCE SINCE 1988

The Bolsonaro administration took over in 2019 with many ready-made catchphrases. In the field of federative relations, evoking the American ideal-type model, the maxim “More Brazil, less Brasília” summarizes the view influenced by fiscal federalism (Oates, 1972). This conception argues that, at each level of government, taxes should be related to the benefits they generate for society. Intergovernmental transfers would be supplementary, given that, if local governments are responsible for most of the provision of public policies, they should also be responsible for generating their own revenues.

For many, it sounds like music to think that the central government would expand the autonomy of states and municipalities. Should each federative entity receive the share of resources that it is owed, it may have more freedom to define where to apply its resources and its public policy priorities. Instead of the federal sphere, the role would be returned to subnational governments, which would reduce or, at most, make federative coordination unnecessary. Instead of the centralized command of Brasília, the federative *laissez-faire* would be the new design of the territorial division of power between the spheres of government.

This conception is always presented with the argument that states and municipalities have been penalized, since 1988, by a model that drains resources in favor of Brasília, thereby reducing their capacity for action. According to this reasoning, federative coordination would be nothing more than a euphemism for the political and financial centralization of the federal government over the other levels of government. What would be the way out? The answer is to expand spending autonomy and policy definition at the subnational level and reduce the role of the federal entity as much as possible.

The underlying concept of this proposal echoes the well-known debate on dual or cooperative federalism, the former being seen by supporters of greater freedom of federative action as an ideal (Abrucio et al., 2020). Governments can spend more efficiently, they become more accountable with regard to their populations, incumbents increase their responsiveness, and public policy responds better to local particularities. Nevertheless, what matters is the political project inserted in this conception: it is understood that several decentralized subnational power centers are more suitable for the operation of federative institutions. Federative coordination would be contingent, circumstantial and, at most, unnecessary, as it generates yet another layer of government that does nothing but increase issues regarding decision-making efficiency and resource allocation.

In opposition to this model, CF/88 laid the foundations for a more cooperative federalism, largely supported by Article 23, which defines several areas of common competency between the three entities. Subnational autonomy was strengthened with more constitutional guarantees, and intergovernmental transfers were implemented to mitigate regional inequalities (Arretche, 2012). Intergovernmental coordination has grown in many areas, with the SUS being the most advanced case (Abrucio et al., 2021).

Since then, incrementally, democratic and decentralized federalism has become the benchmark, while the federal government has gradually intensified its role of intergovernmental coordination in key areas such as healthcare and education (Abrucio, 2005). In more than 30 years, although the balance between autonomy and coordination (Arretche, 2004) has faced problems, the basic agreement on the political and institutional design of federalism has remained.

This model has been severely shaken since the beginning of the Bolsonaro Administration, as its political vision of federalism – “less Brasilia, more Brazil” – is based on the expansion of subnational autonomy to the detriment of the coordinating federal government’s role. It consists of a deeper compartmentalized federalism when compared to the classical dualistic logic. COVID-19 greatly highlighted this conception of Bolsonaro federalism (Abrucio et al., 2020) in three dimensions. The first consisted in the complete omission to coordinate intergovernmental efforts based on a double understanding: federative autocracy – only the central government has the authority to define rules related to the fight against the pandemic – and weakening of federative cooperation arenas.

The second was the conflict guided by an opportunistic logic that Bednar (2009) refers to as burden-shifting: the burden to fight the pandemic lies with governors and mayors, which have intensified the federative conflict. Nevertheless, given that COVID-19 is a complex intergovernmental problem (Paquet & Schertzer, 2020), its solution requires coordination instead of federative conflict.

The third was federative denialism, which fails to recognize the constitutional competency of states and municipalities to address health policy and respond to the pandemic, as defined by Article 23 of CF/88. According to Teixeira, Fernandes, Zuccolotto, and Nascimento (2020), one of the most important factors that mark the federal government’s inaction policy in the fight against COVID-19 is the lack of coordination at the national level.

There is no merit in the federal government’s action, at the level of intergovernmental cooperation, in the fight against the pandemic, which, incidentally, contributed to accelerating the current bet of the Bolsonaro federalism. According to Melo (1996), and adapting his conceptual argument from 25 years ago, the political project of this government is to install a federative Hobbesian approach in which each entity is responsible for its territory, even if this implies conflict with other states and/or municipalities. The absence of the federal government in intergovernmental coordination to face the pandemic reveals a centralizing and authoritarian political project. The pandemic revealed this model in which the central government bets on federative conflict and the weakening of intergovernmental cooperation.

Along these lines, three articles in this special issue directly address the federative conflict associated with the Bolsonaro way of governing.

The essay by Claudio Cesar de Paiva, Raphael Guilherme Araujo Torrezan, and Suzana Cristina Fernandes de Paiva, “Cooperative federalism in obstruction: Intergovernmental crash in the pandemic,” analyzes facts and characteristics of Brazil’s response to the pandemic that weaken and obstruct the decentralization and cooperative federalism. The authors discuss the possible ongoing transition to a coercive federalism (Posner, 2008), which is verified, for example, by the attempts to obstruct the channels of dialogue between representatives of different levels

of government and the emptying of institutions dedicated to federative discussions, such as debate forums, committees, and councils. The authors conclude that, by promoting litigation, including the recurrent use of threats, conflict maneuvers and punishments against state and local governments that had different political positions from its own in combating the pandemic, the federal government prevents the construction of coordinated institutional strategies with shared responsibilities.

In the same vein, the article by Felipe Fróes Couto, Gabriel Farias Alves Correia, and Alexandre de Pádua Carrieri, “The Anti-Leader: From presidential discursive leadership to federative incoordination to combat COVID-19,” offers a critique of the political leadership of President Jair Bolsonaro in relation to the coordination of the actions of other federative entities during the pandemic. The authors do so based on the guidelines of the critical analysis of Teun A. van Dijk’s discourse and the method of audiovisual materiality. The data analyzed, based on 15 videos published on the official channels of the President on the YouTube platform, show that presidential leadership in the coordination of subnational federative entities was an antithesis of what is prescribed in the literature on public leadership. By positioning himself aggressively, constituting a discursive war scenario against other political leaders, the President shows a posture that can be associated with the figure of an anti-leader. He promotes disaggregation and a lack of coordination to favor his conceptions.

The article “Fiscal federalism in the Covid-19 pandemic: From cooperative federalism to bolsonarist federalism” by Sergio Simoni Junior, Eduardo Lazzari, and Heloísa Fimiani, analyzes the federal government’s role in providing financial assistance to subnational entities. According to the authors, Brazilian fiscal federalism during the pandemic demonstrates that the Bolsonaro administration used a conflictive and negative coordination strategy. The analysis shows that, regarding the replacement through the Participation Funds of States and Municipalities, whose distribution criteria are provided in the CF/88, there is considerable consensus in Executive-Legislature and inter-party relations. As for the subnational collection recovery, through the congressional initiative Federative Program to Combat the SARS-CoV-2 Coronavirus, there are gaps between the government and the Legislature and between the state platforms, dividing parties and polarizing wealthy and poor states. The vacuum left by the government’s attempt to veto the proposal was filled by parliamentarians from poorer regions, who saw an opportunity to increase their earnings with compensatory aid. The Executive’s omission has made regional gaps predominant and led to suboptimal results even for stakeholders located in the federal government.

JURISDICTIONAL CONFLICTS BETWEEN THE FEDERAL GOVERNMENT, STATES AND MUNICIPALITIES DURING THE PANDEMIC

The CF/88 defined the STF as the highest body for defending constitutional rules. In this line, a key competency lies in its prerogative to prosecute and judge the causes and conflicts between the federal government, states and the Federal District, or between the states themselves. The behavior predominated in federative arbitration, guided by the logic of federative symmetry, subsumed the federal right to defend the prerogatives of the central level over subnational

governments. This type of decision can take the judgment of Direct Unconstitutionality Actions (ADI) as an empirical reference.

Oliveira (2009) analyzes a series of ADIs and highlights that these comprise valid instruments to mediate federative relations, noting, however, that most actions are not judged. This behavior raises the question about the fragility of the STF to take on the role of a federal safeguard in its capacity as a constitutional court. The second point is that, in the ADIs judged, the federal government has been the main winner since the entry into force of the CF/88. Canello (2017) is based on a database of the STF actions and shows that it behaves as a mostly pro-federal government stakeholder, with few cases of decisions in favor of the states. The article analyzes 145 lawsuits filed by the states against the federal government, of which only 11 were considered valid, with 3 partially valid, 54 decisions in favor of the federal government, 7 lawsuits closed, and the remaining 70 (approximately half of them) awaiting judgment. The federal government, in turn, requires much less support from the STF: in total, there were nine lawsuits against governors, states, mayors, and municipalities, with only one being adjudicated, while the rest awaits judgment.

Similarly, Barbosa (2014) argues that the STF protects the central power in a process where the federal government is a party, which is reflected in a high percentage of actions to be judged. Therefore:

The Federal Supreme Court does not act as an arbiter of Brazilian federalism, nor does it act to balance the federative game. In fact, the Supreme Court's omission, or rather its negative judicial activism, maintains the status quo at the regional level, whose political and economic costs of voiding fiscal and tax policies that have been already sedimented over time are too high and protects the Federal Government at the national level. Fiscal and tax policies already ingrained over time are very high and protect the Federal Government at the national level" (p. 63).

This statement is empirically evidenced: in the horizontal conflict (between subnational entities), lawsuits take an average of 2.5 years to be judged, while in the vertical conflict (involving the federal government), the average is 3.1 years.

Conversely, Abrucio et al. (2020) show a change in this behavior of the STF. The study analyzes the impacts of the COVID-19 pandemic on Bolsonaro federalism and its actions aimed at unbalancing the pillars established in the CF/88 regarding the distribution of competencies among the three entities of the federation. The backdrop for the STF's decision, at the height of the pandemic, was a conflict created by the President against governors and mayors over measures to close establishments and others to respond to COVID-19. The STF, based on Article 23 of the CF/88, validated the actions of states and municipalities and rejected the Provisional Measure No. 926/2020, which sought to centralize the fight against the pandemic in the hands of the federal government as unconstitutional. The core point of the decision was the argument that, as healthcare is a common competency of the three federative levels, in the absence of a higher level, subnational entities were not prevented from establishing sanitary measures to combat the pandemic. The STF acted by confirming the autonomy of states and municipalities to adopt restrictive measures to prevent the spread of the virus.

Although it is still early to say that a change of direction is underway, it was an important decision, considering the long path of measures in favor of the federal government. It may be the case that, in situations where the interests of the majority of society are confronted at the national level, perhaps the STF should adopt decisions in favor of subnational governments, in the event that these are the ones that defend the collective interest. The fact is that the pandemic showed at least one relevant decision by the STF contradicting its dominant stance of deciding in favor of the federal government in federative conflicts.

Along these lines, the article by Fernanda Leoni, “The role of the Supreme Federal Court in the intermediation of federative conflicts in the context of COVID-19,” analyzes a sample of 22 STF decisions – 18 ADIs and four Fundamental Precept Noncompliance Actions (ADPF), in the period from March 2020 to March 2021. The study shows that, even during the pandemic, the Court’s position maintained its centralist tendency, favoring the federal government’s competencies against other federated entities in the solution of federative conflicts, although, in some cases, the STF highlighted the importance of harmony in the exercise of common competencies by the federative entities.

In the essay “Agenda and conflicts in the context of COVID-19 pandemic: A view from the reality of Rio Grande do Norte,” Raquel Silveira, Anderson Christopher dos Santos, Lindijane de Souza Bento Almeida, Ana Mônica Medeiros Ferreira, Edson Lucas Pereira dos Santos, and Raquel de Carvalho Cardoso analyze the influence of the Judiciary Branch on the public agenda and on conflict resolution in the context of the COVID-19 pandemic, related to economic, health, education and social assistance policies. Considering data on state and federal court cases and judgments in the state of Rio Grande do Norte (RN), between March 2020 and April 2021, the authors discuss the multiple conflicts brought to the attention of the Judiciary as a reflection of social, political, and inter-federative conflicts. Given the lack of national coordination on the part of the federal government, it was up to the states and municipalities to provide a governmental response based on the context and correlation of local forces, exacerbated by national conflicts. The scenario of federative and political disputes in RN brought to light the competition and fragility reflected in the judicialization of health demands and, above all, in relation to economic measures adopted by the federated entities.

THE ROLE AND PERFORMANCE OF THE SUS IN THE FIGHT AGAINST THE PANDEMIC

The SUS played a central role in responding to COVID-19. The absence of this tripartite public policy arrangement would have taken an even greater toll on the deceased and people with sequelae resulting from the virus infection, considering, above all, that the increase in poverty and extreme poverty only increased the demand for public healthcare services.

Nevertheless, considering the institutional and federative design of the SUS, what was its role in the context of intergovernmental relations? Was the SUS able to maintain the federative cooperation model that was defined in the Organic Health Act of 1990? According to [Massuda, Malik, Vecina Neto, Tasca, and Ferreira Junior \(2021\)](#), the SUS’ strengths lie in the unified

coordination and decentralization of service provision organized by complexity in hierarchical regional networks that cover the national territory. Instruments for intergovernmental cooperation and planning at the regional level bring together the spheres of government, in particular states and municipalities. The federative governance model guided by the decentralization of services to subnational entities aims to compensate for the lack of coordination through vertical cooperation arrangements, such as the Tripartite Intergovernmental Committee (CIT) and the Bipartite Intermanagement Committees (CIBs)

This organizational architecture of the SUS – decentralization with federative coordination involving the federal government, states and municipalities – faced its greatest test of institutional resilience (Keenan, 2020) in the fight against the pandemic. As if the health crisis itself were not enough, the fight against the pandemic put the SUS on a collision course with the Bolsonaro administration. In addition to this cyclical problem, there is the growing underfunding over the years, which has been accentuated by the spending restrictions implemented in 2016. In terms of healthcare, federal expenditures have fallen in relation to net current income: from 16.1% in 2017 to 13.9% in 2019 (Cavalcante & Nogueira, 2020). It was in this context of political collision and loss of resources that the SUS was required to act in the fight against the pandemic.

Conversely, despite the problems of underfunding and management difficulties, the performance of the SUS is highly valued, mainly for providing a universal public healthcare system for a unequal country in terms of population and territory (Massuda et al., 2018). With regard to federalism, a hybrid style of public healthcare policies was established, fusing majoritarian aspects (high regulatory and financial induction power in the hands of the federal government) and consociational characteristics (decentralized implementation and federative deliberation forums) (Grin & Abrucio, 2019). It is worth noting that the SUS' standards establish that the federal government must also address national issues, such as pandemic situations. At the beginning of the health crisis, however, the federal government sought to centralize decisions in the Ministry of Health.

Considering this intergovernmental policy design, with its advances and limits, the influence of the SUS' institutional design has been vital in strengthening tripartite intergovernmental cooperation in combating the pandemic. The CIT and the CIBs were crucial in acting as institutional and intergovernmental safeguards against more unilateral federal decisions. If these coordinating bodies did not exist, federative cooperation would be even weaker in addressing the pandemic and deciding on operational, financial, and administrative issues that affect the performance of states and municipalities (Segatto & Béland, 2019). Were it not for the existence of an institutionalized model of federative cooperation and shared management (Franzese, 2010), which has been in operation for almost three decades, the lack of intergovernmental coordination would be even more pronounced.

Although the SUS' federative governance presents weaknesses and there was a decrease in federal transfers to states and municipalities, the resilience of its institutional design proved capable of resisting the attacks promoted by the federal government. Conversely, Massuda et al. (2021) highlight the SUS' weaknesses were exacerbated by the pandemic. The autarkic municipal model of service provision, which has enabled the territorial capillarity of a primary

healthcare network, also created obstacles to strengthening federative cooperation arenas, such as inter-management committees and intermunicipal consortia, which were insufficient to integrate municipal and states in healthcare regions. Despite that, cities in consortia achieved better results in reducing the number of deaths from COVID-19 (Grin et al., 2021b).

STATES AND FORMS OF COOPERATION AND COORDINATION AT THE SUBNATIONAL LEVEL TO FACE THE PANDEMIC

Based on Federal Act 13,979/2020, which provides measures to be adopted to tackle the emergency, states and municipalities began to draw up decrees to regulate and address the public health emergency resulting from COVID-19. There were many difficulties for states and municipalities in the relationship and search for support from the federal government, whether in the release of resources to face the pandemic or in the qualification and funding of intensive care beds to combat the disease.

Furthermore, the messages from the federal government were against isolation measures, which had already been proven necessary and had been instituted in countries that were successful in reducing the contagion of the SARS-COV-2 virus. The adoption of measures through subnational federative cooperation was imposed on mayors and governors mainly to fill gaps left intentionally by the federal government. The President, in the opposite direction of mayors and governors, chose to go against scientific evidence and successful international recommendations in mitigating COVID-19. The governors of the 26 Brazilian states and the Federal District, at the beginning of the pandemic, created the National Forum of Governors to discuss the crisis and, at various times, to oppose the President's position regarding COVID-19.

As for vaccines, the attitude of negligence shown by the federal government caused governors and mayors to search for the vaccine independently from the federal government. This was the case of State of São Paulo government, through the Butantan Institute, of the University of São Paulo (USP), in partnership with the pharmaceutical company Sinovac, from China, which produced and distributed Coronavac in the country. Along these lines, there is also the formation of "Conectar," a national consortium led by the National Front of Mayors for the acquisition of vaccines against COVID-19 and which, recently, discussed ways to buy vaccines for children aged 5 to 11 years.

The attitude of governors and mayors in search of the vaccine generated political pressure for the federal government to begin mobilizing for its purchase and distribution. Indeed, the actions and articulation of the governors were crucial in the country's reaction to the denialist and inept position of President Bolsonaro.

Conversely, there was also competition between states to purchase respirators and safety equipment for health professionals. There were also disagreements within the Forum of Governors, although coordinated action prevailed as a counterpoint to the federal government.

Another aspect of states' and municipalities' actions consisted in disseminating information about the pandemic to update national databases, which subsidize the work of scientists and

journalists, and to inform the population regarding care for the disease, prevention, treatment and vaccination measures. The National Council of Health Secretaries (CONASS) acted as an articulation body and disseminated information and guidelines throughout the pandemic. States and capitals that stood out in pandemic transparency rankings helped other governments to advance as well. For example, researchers from universities and organizations that encouraged the data opening (OKBR, 2021) offered their collaboration. The press, faced with the lack of security in the information provided by the Ministry of Health, turned to state departments to obtain data on the pandemic. Additionally, a number of governors and mayors adopted a leading stance in communicating with the public, through various media outlets, in contrast to the President's denialism. They did so in a personalistic, institutional, or coordinated manner, as in joint demonstrations and decisions.

Horizontal intergovernmental cooperation for information processing is one of the highlights of the article by Joel Mendoza Ruiz, in this special issue, "Two Mexican experiences of Intergovernmental Relations: Influenza A/H1N1 in competition and COVID-19 in contraction" The analysis seeks to identify the aspects in which Mexico's experience in responding to Influenza A/H1N1 in 2009 contributed to improvements in its response to the current COVID-19 pandemic, as well as aspects that are related to intergovernmental cooperation. Of the six types of actions analyzed, the only one that showed progress associated with cooperation between subnational governments was verified in the processing of information, which tends to be institutionalized in the horizontal organization of governors, having incidentally resulted in a proposal to reform the constitutional text. Two other lines or types of action analyzed showed advances in the current pandemic, in relation to 2009, although these cannot be attributed to the cooperative intergovernmental action. There were setbacks in three of the six types of action analyzed, but with no evident relationship with aspects of federative coordination.

POLICIES ADOPTED BY SUBNATIONAL GOVERNMENTS, AIMING AT SOCIAL WELL-BEING AND MITIGATION OF SOCIOECONOMIC INEQUALITIES DURING THE PANDEMIC

The strengthening of federative coordination, particularly through national policy systems, qualified Brazilian states and municipalities to implement national policies. Similarly, positive effects were generated in building subnational state capacities and reducing regional inequalities (Arretche, 2012; Bichir et al., 2020; Grin & Abrucio, 2019). What was verified in Brazil reinforces the arguments of the international literature that coordination mechanisms are crucial in the expansion of welfare policies and guaranteeing universal social rights in Federations (Obinger, Leibfried, & Castles 2005).

Nevertheless, although national coordination has been crucial in inducing subnational governments' adoption of certain policies, there are variations in subnational policies (Bichir, Brettas, & Canato 2017; Gomes, 2009; Segatto, 2018). Understanding which factors at the subnational level influence these variations is critical to advancing the discussion on federalism and public policy.

This issue is even more relevant in the context of the pandemic, in which the absence of national coordination prevailed, motivating subnational governments to adapt and create their own policies. With regard to socioeconomic inequalities, they distributed basic food baskets, created income transfer programs, distributed equipment and increased Internet access for students from state and municipal schools. However, without national coordination, and with a trajectory of fragile state coordination that marks most policies and states, fragmented and uncoordinated responses prevailed at the subnational level.

Conversely, a competitive logic, credit claiming and blame avoidance emerged, as was the case at the national level of Emergency Aid and the National Support Program for Micro and Small Enterprises (PRONAMPE) (BRASIL, 2021a). The program was resumed in 2021 by the Ministry of Economy and made permanent by the Senate. The Emergency Employment and Income Maintenance Program (BEM) was also resumed, through Provisional Measure 1,045/2021 (BRASIL, 2021b). Nevertheless, these programs were insufficient in national terms to contain the effects that the pandemic brought to the economic crisis. States and many municipalities in capital cities implemented minimum income programs with monthly grants for informal workers, microcredit programs for formal and informal traders, and sales tax (ICMS) installments by state governments, among other complementary measures and exchange of competencies.

Conversely, these responses from subnational entities were heterogeneous and of an emergency-oriented nature. In many cases, the programs were modest in terms of funds and terms for granting benefits. It must be considered that the Brazilian Federation is quite unequal, particularly in the fiscal and administrative capacities of subnational governments, which has been even more challenged and limited by the pandemic. Even so, it is worth noting that, in general, subnational entities have not evaded their responsibility, and many continue to implement their aid programs and, in some cases, plan to make them permanent. Nevertheless, this inter-federative heterogeneity can also reinforce the inequalities exacerbated by the pandemic.

SUBNATIONAL INNOVATION, INSTRUMENTS AND COORDINATION MECHANISMS DEVELOPED IN THE PANDEMIC

Federative lack of coordination during the pandemic was the rule. Even so, given that Brazilian federalism presupposes spheres of power and competencies between the three levels of government, a few important and innovative initiatives by states and municipalities aimed at helping to combat the pandemic have been developed.

In 2020, when there were still no vaccines available, and during the first half of 2021, when vaccination was very slow in Brazil, vis-à-vis the increase in the speed of virus proliferation, great stress was imposed on the SUS, marked by the mobilization of teams, services and ICU beds for long periods to treat people affected by the disease. Some measures, both political and on the front of the intensive units, helped to reduce the contagion curves and the number of cases and deaths, as well as improve the medical and hospital care structures for the care of the sick.

One of these innovative measures resulted from inter-federative cooperation through the Northeast Consortium – formed by the nine states in the region, guided by joint action in many areas and focusing on sustainable development. The Northeast Consortium established a scientific committee to support the fight against the COVID-19 pandemic to advise states on adopting measures to prevent and control the risks of the spread of the virus, as well as assist in the structuring of the SUS to serve the population. The committee, under the coordination of scientist Miguel Nicolelis, was composed of experts in areas such as collective health, clinical medicine, sanitary law, public management, computer science, clinical engineering, and epidemiology. The goal was, thus, to support governors in making decisions based on scientific evidence and good international practices. Measures such as joint purchases of supplies and equipment, implementation of an electronic COVID-19 monitoring system, citizens' collection of information on the clinical status, and training of human resources were implemented.

In the context of the complexity of intergovernmental relations and the division between common competencies in Brazilian federalism, states and municipalities are qualified to develop local innovations and, usually, share these experiences. Some of them were raised at the national level, if validated by the relevant federal government's agencies. This was the case, within the scope of the SUS, for the creation of the Elmo respirator helmet. Elmo was developed by researchers from the State of Ceará and approved by ANVISA (Unifor, 2020), playing a key role in the care of patients with COVID-19 who needed air generated by the acute respiratory failure caused by the disease.

THE OVERVIEW OF THE FIGHT AGAINST THE PANDEMIC IN FEDERAL COUNTRIES: EXPERIENCES AND LESSONS

The COVID-19 pandemic has generated lessons about and for federalism in several countries. The guest article for this special issue, "Impact of COVID-19 on the Comparative Practice of Federalism: Some Preliminary Observations," by Rupak Chattopadhyay, Felix Knüpling, and Diana Chebenova, from the Forum of Federations, presents an overview of the fight against the pandemic in 24 federations or countries with similar arrangements of territorial organization of the State. The data resulted from a survey applied in each country. When comparing responses to the pandemic in these countries, from a governance perspective, three categories were identified: i) responses dominated by the national government; ii) intense collaboration and coordination between different levels of government; and iii) fragile collaboration between the spheres of government.

The authors analyzed the characteristics of these three categories, highlighting their findings. They included the contribution of federalism to intergovernmental learning and innovation; the growth of digitalization in administration, in the provision of public services and internal communication and between governments and citizens; the erosion of the subnational fiscal capacity; and the fact that local governments are emerging as relevant stakeholders in responding to the pandemic.

FINAL REMARKS

Federalism has been one of the central topics in addressing the pandemic in Brazil or, to moderate the statement a little, at least a relevant contextual issue. In any case, the “stress test” of the federative arrangement generated by the 1988 constitutional pact throughout 2020 only deepened and made transparent the vision of the current government. If it is worth referring to the classic debate – Bolsonaro federalism works to deconstruct the bases of intergovernmental cooperation and is closer to the dualist model. Facing the pandemic accelerated this political project, as the central government’s inaction was evident in several ways, particularly in the healthcare policy.

Conversely, the political and institutional resilience of Brazilian federalism has proven capable of facing the centralizing and conflictive logic set in motion by the central government within the scope of intergovernmental relations. Considering the literature on federal safeguards (Bednar, 2009), the so-called structural ones, relating to the constitutional prerogatives of states and municipalities (“enumerated powers”), were not affected. The redesign of fiscal federalism did not advance (e.g. the debate on constitutional amendments with the topics of de-indexing and unlinking the values of national funds transferred to areas such as healthcare and education). As for the judicial safeguard, although it is an exaggeration to claim that there was a turning point with the STF decision, the decision in favor of states and municipalities was an example of affirming the federative principle. As of April 2020, based on the CF/88, the federal government was prevented from implementing what Bednar (2009) and Posner (2008) refer to as an opportunistic federalism that is expressed, among other ways, through processes of encroachment of the central sphere over subnational autonomy.

At the intergovernmental level, the SUS and its intergovernmental cooperation arrangement played a key role in reacting (containment of the usurpation of prerogatives of states and municipalities, affirming its vocation as a single system, which is different from being national) against the authoritarian outbursts of the central sphere. If trajectories and institutional design of public policies count (Pierson, 2000), the healthcare policy was able, at the very least, to avoid centralizing the conduct of the fight against the pandemic in the Ministry of Health. On the other hand, the absence of federal government’s coordination also had negative effects, given the importance of organizing actions with the three levels of government to face the pandemic, as occurred in other federations (Segatto, Béland, & Dinan, 2021). For example, the competition between states for the purchase of protective equipment and respirators or the disastrous conduct of the federal government in the acquisition of vaccines.

The pandemic also generated unforeseen consequences for Brazilian federalism, two of which are of outstanding importance. The first was consisted of encouraging and reinforcing interstate cooperation, strengthened through consortium arrangements (e.g. Interstate Consortium for Central Brazil Development, Interstate Consortium for Sustainable Development of the Legal Amazon, South and Southeast Integration Consortium, Northeast Interstate Sustainable Development Consortium). The crisis triggered by COVID-19 intensified the cooperation and coordination between governors that had already been taking place due to the vacuum of political authority and the federative conflict initiated by President Bolsonaro since 2019.

It will still be necessary to verify whether the states will continue to advance in their collective action agenda. Nevertheless, it cannot be ruled out that the critical situation triggered by the pandemic will be the stimulus to strengthen the Forum of Governors and horizontal cooperation between states. International experience shows that federative bargaining tend to be more balanced when strengthens with governors' collective organization.

Another relevant effect was along the lines of the “laboratory of federalism,” with subnational innovations having gained vitality as a way of facing the pandemic in a context of social isolation, as well as the need to encourage alternatives for employment and income and to mitigate the social and unemployment crisis (De la Cruz, Grin, Sanabria-Pulido, Cravacuore, & Orellana, 2020). Also, at the municipal level, it is worth mentioning the inter-municipal consortia that played a key role in defining common measures to combat COVID-19 (e.g. common lockdown decrees), enabling the cheaper acquisition of medicines and protective equipment for healthcare professionals, such as masks and gloves, as well as for the provision of specialized services that cities alone would not be able to obtain (Grin et al. 2021b).

The balance of COVID-19 in Brazil is far from positive, although political institutions and the rules of Brazilian federalism have shown that, from different angles, they have been able to play a major role in addressing a complex intergovernmental problem (Paquet & Schertzer, 2020). It is hoped that this Special Edition will contribute to the debate on Brazilian federalism that resulted from the 1988 Constitutional Pact, going through the shock of the pandemic and indicating perspectives for intergovernmental relations and post-COVID-19 federalism.

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