

The Brazilian metropolitan regions in the context of the Statute of Metropolis: the importance of collaborative governance.

INTRODUCTION

The current urban situation is represented by issues that go beyond municipal boundaries and by increasingly complex arrangements between cities. Part of this complexity arises from the polycentric character of metropolitan areas, since the current metropolises have undergone intensive processes of decentralization and productive restructuring, redistributing activities through an increasingly dense network of internationalized and functional interdependent cities. It can be seen, therefore, a growing interdependence between the various territorial levels of power (local, state, national and international) (KLINK, 2008; MAGALHÃES, 2008; SOARES; SCHNEIDER, 2012).

In this context, the metropolitan approach has become increasingly important, as the city is no longer the most appropriate unit for the territorial framework of various public policies, socio-economic processes and environmental issues (FIX; PEREIRA, 2013). The solution, to some urban problems, relies today more and more on the integrated management of metropolitan areas.

Currently Latin America has high rates of urbanization, resulting in an ever increasing number of cities with metropolitan characteristics. Set in this context, Brazil occupied, in 2000, the 5th position in Latin American urbanization (OBSERVATÓRIO DAS METRÓPOLES, 2009, p.1) with more than 85% of its population concentrated, in its majority, in metropolitan areas (IBGE, 2010; ROJAS, 2010). Recently, due to this scenario, there has been a resumption of the metro-

politan issue on the national agenda. A reflection of this is the recent passing of the Statute of Metropolis (Estatuto das Metrôpolis), which represents a step forward towards the issue of metropolitanization, encouraging shared management and integrated planning of metropolitan areas.

This article proposes to reflect on the paradox of the importance of Brazilian metropolitan areas versus existing management weaknesses, observing the current situation of these areas, their process of formation and how the issue of metropolitan governance is inserted in to this context. First the background of legal implementation of Brazilian metropolitan regions will be presented, divided into three historical periods: a) the formation of the metropolitan areas in the decades of 1970s and 1980s; b) under the influence of the new 1988 Constitution (mid-1980s to the 1990s); and c) the resumption of the metropolitan issue on the political agenda of the country (from 2000s). Secondly, the Statute of Metropolis and the concept of collaborative metropolitan governance will be discussed, in order to rethink their management processes and the integrated urban planning of metropolitan regions, as well as the possible advances and obstacles of shared management.

THE LEGAL FORMATION OF METROPOLITAN AREAS IN BRAZIL

The Metropolitan Regions (MRs) were formally instituted in Brazil in the 1970s, in order to provide solutions to common urban problems faced by different cities of the same region. In that period

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the first eight metropolitan areas were created: São Paulo, Belo Horizonte, Porto Alegre, Recife, Salvador, Curitiba, Fortaleza and Belém, followed later by the metropolitan area of Rio de Janeiro. At the time, their creation was linked to a national urban development policy related to the expansion of industrial production, as the Metropolitan Regions were the right place for the consolidation of this process (MOURA et al, 2009).

These nine regions played a key role in the consolidation of the country's development process (KLINK, 2008) and should constitute units for planning and management, structured by a deliberative and a consultative council. The aim was for the implementation of joint services, defined in a standardized way by federal law: integrated planning of economic and social development; basic sanitation; water supply, sewage and public cleaning services; metropolitan land use; transport and road systems; production and distribution of piped gas; use of water resources and environmental pollution control (MOURA et al, 2009).

This model is characterized by having a technocratic bias with a high degree of financial centralization and decision-making, which was demonstrated by the intention of the military government to integrate Brazilian territory, establishing an interrelationship between these political-administrative units (KLINK; MARQUES 2008). Metropolitan planning occupied a prominent place in this period, being promoted and supported by the federal government (Rezende, 2010). There were several relatively stable sectorial funding sources destined for the metropolitan scale, especially those related to transport infrastructure, housing and sanitation (KLINK, 2010b). In this period several state agencies of metropolitan planning were consolidated, which, however, had little ability to leverage the effective management services of common interest (KLINK, 2010b). During the 1980s this metro-

politan management model wore out and people began to question its closed structure and the lack of transparency in its management (KLINK, 2010b).

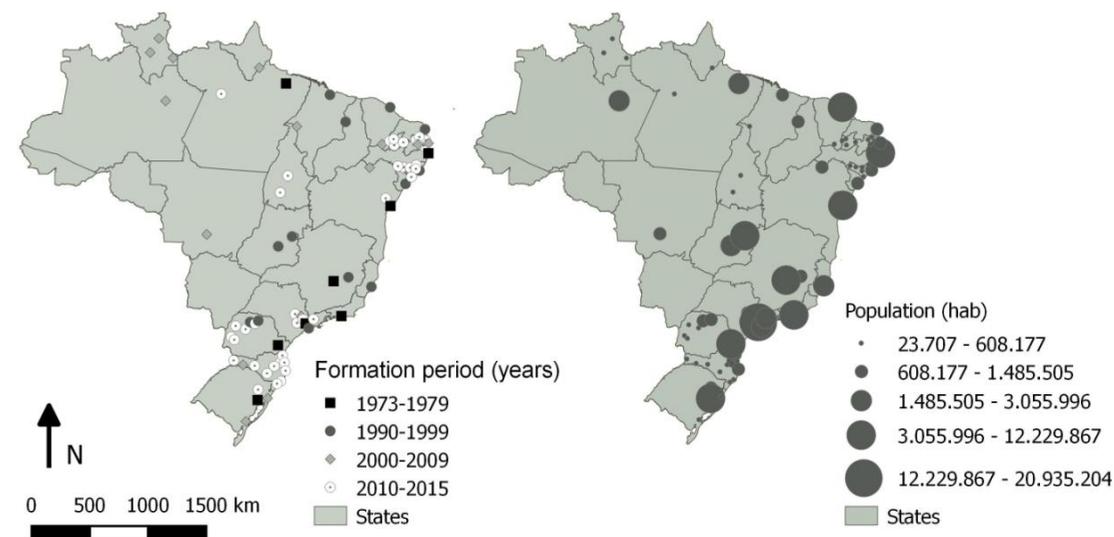
The second period begins with the promulgation of the 1988 Constitution, which transferred to the state governments the prerogative to institutionalize the metropolitan areas. The Constitution emphasized the decentralization and democratization of urban management. However, in some cases, this legal framework led to the formal creation of new metropolitan units responding exclusively to the interests and motivations of each state government, being absent from the defining relations of the metropolitan government. (OBSERVATÓRIO DAS METRÓPOLES, 2009; FIRKOWSKI, 2013; MOURA; HOSHINO, 2015).

The autonomy of the municipalities have been strengthened, and they have been given responsibility for spatial planning and control over urban land use. However, the responsibility for the metropolitan theme was assigned to state level, weakened by the federal pact established by the Constitution. Thus, it added a political-institutional complexity in addressing urban issues. Compounding these issues there was a virtual abandonment of metropolitan planning by the federal government.

However, the growing need for solving problems common to metropolitan agglomerations resulted in the creation of new forms of organization of municipalities. During the 1980s the horizontal arrangements of inter-municipal associations and consortiums experienced a significant increase (KLINK, 2009), diversifying and expanding the metropolitan management models through out the 1990s (KLINK; MARQUES, 2008).

The third period begins as of 2000 with the metropolitan theme on the national political agenda, involving studies and debates on international

Figure 1. Brazilian Metropolitan Regions officially institutionalized until March 27, 2015: Formation period and population



Data: IBGE, 2010 and Rodrigues, 2015. Elaborated by the authors.

management experience, and a broad analysis of the setting of metropolitan areas in Brazil (KLINK, 2008). The issue of metropolitan management was resumed at a state level with some initiatives that have demonstrated a new activism, seeking more involvement of local actors (KLINK, 2009).

Especially after the 2000s, the context of metropolitan areas legally established in the country, suffered more significant changes. Several new units were formally created and others had their internal composition changed (including and excluding municipalities). In today's Brazil there are: 78 urban institutionalized territorial units¹ composed of 1308 municipalities (23.5% of the total), home to 112.1 million people (more than half of the population) (RODRIGUES, 2015). The current scenario is characterized by diversity

(Figure 1). Many of these officially created units do not have a relation with the metropolis, and do not necessarily reflect the policies or the integrated management strategies of the territory.

Tables 1 and 2 (Annex 1) illustrate the Metropolitan Regions (MRs), Integrated Development Regions (IDRs) and Urban Agglomerations (UAs) currently existing in the country. It can be seen that there are significant differences between them: in the number of members of each of the municipalities – many of them with only two or three municipalities (especially in the Northern region); in relation to the size of the population; and also by the fact that some states are formed almost entirely by metropolitan areas.

Regarding the legislation, four laws enacted in the last decade brought advances in favor of

¹ Including: Metropolitan Regions (MRs), Integrated Development Regions (IDRs) and Urban Agglomeration (UAs).

shared metropolitan management: The Statute of Cities (Estatuto das Cidades), Public-Private Partnerships, Public Consortia, and The Statute of Metropolis.

The Statute of Cities (Law 10.257 / 2001) introduced the principles of democratic management and cooperation among governments and other stakeholders, encouraging the formation of networks of agents for the supply of public goods and services, as well as the management of public resources in a more participatory and transparent way (URANI, 2010).

The Law of Public-Private Partnerships (Law 11.079 / 2004), is designed to attract the private sector to invest in public works (roads, ports, railways, power plants and hospitals), and has relevance in seeking solutions to the shortage of necessary public resources investment in infrastructure² (URANI, 2010).

The new Public Consortium Law (Law 11.107 / 2005) is an administrative and political resource that allows the establishment of partnerships to solve common problems of more than one municipality. Public consortia are entities that gather different levels of administration (municipalities, states and union) to "undertake joint actions that, if they were produced individually by municipalities, would not attain the same level of results or would use a larger volume of resources"³ (URANI, 2010, p. 151)⁴. It increases the ability to solve problems without removing the autonomy of each administrative entity and may include specific actions and long-term programs (URANI, 2010).

Finally, the recent Statute of Metropolis law (Law 13,089 / 2015), approved on 01.12.2015, resumes the metropolitan theme and brings contributions to benefit the shared management of these territories. The law advanced by bringing subsidies to ensure greater standardization for the institution of metropolitan areas by setting minimum requirements for the creation of these areas and providing the technical criteria which justify their creation.

The Statute of Metropolis requires that each metropolitan area should create a governance structure defining: a) an administrative organization; b) an integrated resource allocation system and accountability, and c) the means of social control of the organization, planning and execution of public functions of common interest, with the participation of representatives of the society. The local government must respect the principles of public opinion, common interest, and shared responsibility for the promotion of integrated urban development, contributing to other advances in the field of integrated land management.

For the implementation of shared management, systems consisting of the following are proposed: a) an executive body (with representatives of the executive); b) a collegiate deliberative instance (with representatives of civil society); c) a public organization with technical and advisory functions; d) an integrated resource allocation system and accountability. This framework is welcome, as it intends to articulate agents and resources. However, it will encounter difficulties

Table 1. Existing collaborative arrangements in Brazilian metropolitan areas.

	Multiple scales	Inter-municipal
Predominantly government arrangement		
Sectorial	Public consortia, partnerships, inter-federative management group, management contracts, financing and transfer of voluntary resources (transport, housing, sanitation, etc.).	Consortia of private right to health, education, solid waste, etc.; public consortia; agreements and inter-municipal agreements.
Territorial	Public consortium, metropolitan area (regulated according to the state constitutions).	Private-sector consortia for regional planning; public consortia.
Arrangement with a significant presence of non-state actors		
Sectorial	Basin committees, sectorial chambers, councils, funds and industry forums (housing, etc.), sectorial management group, etc.	Economic development agencies.
Territorial	Chambers, councils and regional development forums, management group responsible for monitoring all water resources, etc.	Territorial redevelopment agencies (*)

(*) Little presence in the Brazilian institutional setting.
Source: KLINK, 2009, p. 425.

of implementation because it collides with historical structural problems, such as the dismantling of metropolitan planning agencies, and the mismatch between the current state of Brazilian urbanization and the administrative political border of the federal model adopted by the 1988 Constitution (MOURA; HOSHINO, 2015). Therefore, it is important to note that the Statute of Metropolis comes to "tighten the old covenant and reopen a wound historically fueled by partisan squabbles and disagreements between neighboring mandates, which now have to be overcome, or at least mitigated to meet the law"⁵ (MOURA; HOSHINO, 2015, p.7).

This Act also provides, in article 9, various instruments to promote integrated urban development. Among these is the Integrated Urban Development Plan (IUDP), that has to be implemented by state law, revised every 10 years and approved at the deliberative collegiate body of the territorial unit to which it belongs (MOURA; HOSHINO, 2015). However, the legal requirement of creating IUPDs does not guarantee that these

plans are carried out properly. In addition, the law also does not include mechanisms such as control and monitoring of its results, which represent major challenges to be faced.

Further reflection is needed as regards the veto of the article which deals with the creation of the National Integrated Urban Development Fund, because from the point of view of transparency it would be an important mechanism that would allow greater control over the use of public resources. It should be noted that the Statute of Metropolis made important contributions to the theme of metropolitan management, but it will still find obstacles until it is in fact implemented.

THE SHARED METROPOLITAN MANAGEMENT IN BRAZIL

There are currently in Brazil a 'kaleidoscope of institutional arrangements' in metropolitan areas (KLINK, 2009, p.415). Covenants, consortia, management contracts, basin committees, councils and agencies, are some of the situations established in the country (Table 3).

⁵ Translated by the authors.

² Public-Private Partnerships (PPPs), administrative concession agreements preceded by a bidding competition, are a mechanism to increase transparency of private investments in public infrastructure (URANI, 2010).

³ Translated by the authors.

⁴ The Public Consortia may involve actions related to public services, health, public works, environmental activities and regional economic development (URANI, 2010).

Faced with this multiplicity of arrangements it is important to question how to increase the "collective efficiency, operational ability social control and fairness of these incomplete arrangements" and, at the same time, "how to induce the various scales and agents in this process of federal renegotiation towards improving metropolitan governances"?⁶ (KLINK, 2009, p. 426).

Studying the metropolitan management experiences in Latin America, Rojas (2010, p.15) points out that, in the medium and long term, the best option in this context is the creation of functional arrangements of metropolitan governance with the participation of all levels of government (local, state and national). According to the author, most of the Latin American federal and state governments are resistant to the creation of metropolitan supramunicipal monistic arrangements⁷, preferring "dualistic structures and voluntary cooperation when facing the improvement of metropolitan management (ROJAS, 2010, p. 14)". To achieve good results there must be a good political consensus among the municipal, state and federal institutions involved, as well as the collaboration of the private sector with an interest in developing the area in the long run (ROJAS, 2010). The broad participation in this process contributes to more positive results ensuring that the structure compensates for the demographic and fiscal economic dominance of the central municipalities, also allowing the full involvement of stakeholders in the decision-making process (ROJAS, 2010).

In this context, the State's role seems essential to the success of collaborative governance. At the federal level, the Union, stresses Klink (2009), it

should regain its key role in mobilizing different actors in favor of coordinated actions and "resort to a more aggressive strategy of inducing collaborative arrangements"⁸ (2009, p. 426), integrating agents, scale and actions as well as through voluntary resources, negotiated transfers and the use of portfolios from the development banks (CAIXA, BNDES and Banco do Brasil).

In addition, Klink (2009), points out the difficulty of access to domestic and international financial resources, given the lack of specific financial mechanisms to stimulate inter-federal collaborative credit arrangements, and the existence of gaps in the regulation of this issue for new governance institutions (the example of public consortia).

The Union's performance in metropolitan matters must occur in order to fill existing gaps, without encouraging an "increasing process of emptying the state government in the federation pact in general, and remit to organize metropolitan areas in particular" (KLINK, 2009, p.427). The state level, though fragile, must have a key role in organizing metropolitan arrangements. In this sense, the Statute of Metropolis is helping the issue, putting the state as a main driver for the governance integrated process of the metropolitan territory.

CONSIDERATIONS

It can be observed that the Brazilian framework of officially instituted metropolitan units is complex and points to a paradox: on the one hand these units concentrate significant problems and opportunities, on the other hand, the "institutional framework that should guide the organization, management and financing of these ter-

ritories isn't up to deal with the challenges and to take advantage of the potentials"⁹ (KLINK, 2009, p. 416). What is noticeable is that the metropolitan areas demand better structured governance arrangements, and adaptation to local conditions in order to ensure a planned and integrated urban development. A shared management of metropolitan areas demand negotiation of conflicts and the search for more democratic processes, involving several agents and different levels of power (KLINK, 2009).

With regard to the Status of Metropolis, there are still some loopholes. Such as: What are the sources and the criteria for distribution of resources for metropolitan management? How will the

supervision of the inter-federal governance work? The coordination of this process and its actions will be assigned to a specific institution? Will it be the responsibility of society? The Union's role seems fundamental in this process by setting clearer common criteria for inspection, control and monitoring of these units.

Finally, it should be noted that with the enactment of the Statute of Metropolis, an inter-federal governance would be mandatory in all the metropolitan areas. This is an important opportunity to leverage the discussion, although considerable efforts will still be required to overcome various challenges.

⁶ Translated by the authors.

⁷ This happens, according to Rojas (2010), because the managers of these areas (economically and demographically powerful) could easily compete with national or federal elected officials in control of higher level of governments.

⁸ Translated by the authors.

⁹ Ibid

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1. ANNEX

Table 1. Population and number of municipalities of Brazilian Metropolitan Regions (MRs): officially institutionalized until March 27, 2015.

Metropolitan Regions (MRs)		Population	Nº of municipalities	Nº of MRs / Region		
North	Belem (PA)	2.381.661	7	9		
	Santarém (PA)	322.786	3			
	Capital (RR)	330.674	2			
	Central (RR)	30.024	2			
	Sul do Estado (RR)	23.707	3			
	Gurupi (TO)	194.751	19			
	Palmas (TO)	442.176	15			
	Macapá (AP)	557.322	2			
	Manaus (AM)	2.360.491	8			
	Northeast	Agreste (AL)	508.073		15	30
		Caetés (AL)	222.511		5	
Maceió (AL)		1.246.421	11			
Médio Sertão (AL)		150.638	9			
Palmeira dos Índios (AL)		158.812	7			
São Francisco (AL)		131.126	5			
Sertão (AL)		160.800	7			
Vale do Paraíba (AL)		210.751	13			
Zona da Mata (AL)		331.437	16			
Aracaju (SE)		912.647	4			
Araruna (PB)		66.925	6			
Barra de Santa Rosa (PB)		80.397	8			
Cajazeiras (PB)		174.671	15			
Campina Grande (PB)		227.865	18			
Esperança (PB)		139.576	9			
Guarabira (PB)		188.060	17			
Itabaiana (PB)		110.874	11			
João Pessoa (PB)		1.238.914	12			
Patos (PB)		228.856	23			
Sousa (PB)		116.093	9			
Vale do Mamanguape (PB)		119.049	9			
Vale do Piancó (PB)		143.144	17			
Cariri (CE)		590.209	9			
Fortaleza (CE)		3.949.974	19			
Feira de Santana (BA)		921.618	16			
Salvador (BA)		3.919.864	13			
Grande São Luís (MA)		1.403.111	5			
Sudoeste Maranhense (MA)	351.653	8				
Natal (RN)	1.485.505	11				
Recife (PE)	3.887.261	14				
Southeast	Baixada Santista (SP)	1.781.620	9	9		
	Campinas (SP)	3.055.996	20			
	São Paulo (SP)	20.935.204	39			
	Sorocaba (SP)	1.867.260	26			
	V. do Paraíba e Litoral Norte (SP)	2.430.392	39			
	Belo Horizonte (MG)	5.783.773	50			
	Vale do Aço (MG)	756.353	28			
	Grande Vitória (ES)	1.884.096	7			
	Rio de Janeiro (RJ)	12.229.867	21			

South	Apucarana (PR)	300.826	23	21
	Campo Mourão (PR)	340.863	25	
	Cascavel (PR)	509.101	23	
	Curitiba (PR)	3.466.981	29	
	Londrina (PR)	1.067.214	25	
	Maringá (PR)	773.835	26	
	Toledo (PR)	382.642	18	
	Umuarama (PR)	312.537	24	
	Alto Vale do Itajaí (SC)	285.075	28	
	Carbonífera (SC)	586.443	26	
	Chapecó (SC)	461.966	32	
	Contestado (SC)	521.711	45	
	Extremo Oeste (SC)	338.124	49	
	Florianópolis (SC)	1.111.702	22	
	Foz do Rio Itajaí (SC)	608.177	9	
	Lages (SC)	356.770	23	
	Norte/Nord Catarinense (SC)	1.324.173	26	
	Tubarão (SC)	376.300	19	
	Vale do Itajaí (SC)	756.707	16	
C. West	Porto Alegre (RS)	4.240.388	34	2
	Serra Gaúcha (RS)	790.295	13	
	Goiânia (GO)	2.384.560	20	
TOTAL MRs		103.023.636	1209	71

Data: IBGE. Source: Rodrigues, 2015. Organized by the authors.

Table 2. Population and number of municipalities of the Urban Agglomerations (UAs) and Integrated Development Regions (IDRs): officially Institutionalized until March 27, 2015.

	UAs e IDRs	Population	Nº of Municipalities	Nº of UAs and IDRs / Region
Southeast	UA of Jundiá (SP)	761.524	7	2
	UA of Piracicaba	1.400.113	22	
Northeast	IDR Petrolina/ Juazeiro	752.433	8	2
	IDR Teresina/Timon	1.189.260	14	
Southeast/ C. West	IDR Federal District	4.124.972	23	1
South	UA of North Coast (RS)	307.366	20	2
	UA of South (RS)	604.134	5	
TOTAL UAs and IDRs		9.139.802	99	7

Data: IBGE, 2010. Source: Rodrigues, 2015. Organized by the authors.