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## **New Institutionalism, New Public Management and Cooperative Intergovernmental Arrangements: a comparison between France and Brazil**

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## **Abstract**

*This study performs a comparative analysis on the view of public managers about the performance of public services provided through cooperative intergovernmental arrangements (CIAs) in a unitary state (France) and a federalist state (Brazil). As a theoretical basis, the authors use concepts derived from Institutional theory and New Public Management (NPM). To this end, the authors conducted eight in-depth interviews with public managers of CIAs, four in Brazil and four in France. To validate the information, we triangulated information from the interviews themselves, documents (especially laws) and notes made during the interviews. As a result, it is pointed out that there is a duality between autonomy and the sectoral limitation of the scope of services provided by CIAs, implying that different types of cooperation results in different degrees of performance. As managerial implications, it is suggested that Brazil replicates the French model of imposing certain types of cooperation for strategic sectors, such as sanitation and solid waste, for example.*

**Keywords:** New Public Management; New Institutionalism ; Cooperative Intergovernmental Arrangements

## **Introduction**

The last few decades have increasingly been demanding more actions from the public administration. The rising population, the globalization processes, and the integration of different values (e.g., ethical, moral, religious) have added complexity in many social aspects. Concerning these aspects, the mediation of conflicts and interests may be attributed to governments. The related topics widely range on diverse occasions, such as political questions, administrative resolutions, economic situations, and so on (Przeworski, 1985).

In this sense, the cooperation among governments has supported these complex situations underpinning nations in their political-administrative organization. From local instances to national decisions, from sectoral to international resolutions, cooperation has been used to solve peculiar cases that emerge from modern society (Elazar, 1994; Schultze, 2005).

Looking throughout international literature, since the 1950s cooperation policies in subnational governments have been fostered in many countries in Europe, for example in Austria, Sweden, Finland, Switzerland, Germany, among others (Frère et al., 2013; Frère & Maux, 2010; Hulst & Montfort, 2007). In France, such orientation occurred due to a top-down rationalization process reinstated by the central government during the 1980s and 1990s, latter defined as Établissement Public de Coopération Intercommunale (EPCI).

In Brazil cooperation between municipalities emerged as an additional option for managing costly demands and budgetary constraints. This idea was revisited by establishing an interfederative arrangement in Brazil called “administrative consortia” in the 1980s, later renamed as “public consortia” in a national law enacted in 2005 (Probst, 2018).

Embedded in a worldwide movement generated whereas the intense debate about the redefinitions of State structures and their institutions were the central concern during

the 1980, the rescue of old concepts from Institutionalism brought emerging topics to what would be named as New-Institutionalism (Marques, 1997). As remarked by Bauld, Clark, and Matlby (2006), especially the “hard” institutional aspects derived new middle-range theories, such as New Institutional Economics (NIE) and New Public Management (NPM).

The changes in the Welfare State occurred by this new institutional environment and the institution of Cooperative Intergovernmental Arrangements (CIA) are the main concern in this study. To do so, this study performed a comparison between the Brazilian public consortia and French EPCIs by conducting a multiple case study approach with the use of semi-structured in-depth interviews and access to different kinds of documents (studies, laws, specialized literature, and other sources such as personal notes taken during interviews). As a result of the methodological strategy, the perception of performance is discussed in a comparative overview given by the interviewed public managers.

The contributions of this study can be unfolded three-way. Firstly, the study complements the academic literature by assuming NPM as a sub-topic of Institutionalism and making a direct comparison of cooperation among governments between the unitary state of France and the federative Brazilian state. Secondly, the study put light on a practical understanding of performance, as it analyses the institutional development of CIAs stressing the interviewed public managers' point o view. Lastly, the study points out managerial implications for Brazilian CIAs considering the learning curve in the French experience and the public policy agenda in the country.

We will conduct this research following seven steps after this introduction. First, we will define the research question considering the methodological approach and idiosyncrasies of each country and their administrative systems. In the second section, we will use Institutional and New Public Management theories review to derivate constructs. In the third section, we will explain the methodology applied during the research. Fourth, we will focus on legal aspects of CIAs and their evolution. Fifth, it will apply the cross-analysis of the information in contrast to the constructs. Finally, it will present conclusions, contributions, and managerial implications (Bardin, 1977; Godoy, 1995)

## **1. Literature Review**

In a nutshell, the Institutional literature points out that institutions in a society and organizational aspects such as rules, interests, standards etc are relevant for understanding their own structures, shaping their actors and environment. Its concepts are relatively broad, with a range of authors varying between marxism to neoclassical spectrum (Marques, 1997).

In general terms, with regard to organizations, some authors argue that they adapt their internal characteristics (structures, processes and strategies) in order to accommodate the expectations of their stakeholders, in order to gain legitimacy before them (Aldrich, 1979 ; DiMaggio and Powell 1983; March and Olsen 1989).

Because it covers several themes, including the issue of administrative organization of governments, it is relevant to point out some elements highlighted by federalism theorists – which Brazil is one of the cases studied. For the case of intergovernmental cooperation, the discussion on the consequences for public policies related to the institutionalization of the Constitution is fundamental, since policies can be influenced by the relational dynamics between the federal government and subnational entities, reinforcing patterns of dependence (path-dependence) or breaking such trajectory (Erk, 2008; Colino, 2010; Eccleston, Krever & Smith, 2017).

For structures in unitary states, such as the French case (the other studied case), the concept of “Intercommunalité” (intercommunality) is the central issue to analyze. Intercommunality is the institutional and political mechanism used by several municipalities to join forces in order to carry out public policies at the scale of a living area. Embedded in the complex system known as “millefeuille” (“thousand layers”) the concern in academic studies is focused on studies about how cooperation and decentralization affect the territorial organization, fiscal revenues, government expenditures, among other specificities (Breuillé, Duran-Vigneron, & Samson, 2018; Frère and Maux, 2010; Frère, Leprince, & Paty, 2013; Breuillé & Zanaj, 2013).

Thus, from the institutional point of view, the discussion of organizational aspects, its institutional consequences in society, its structures, in particular the issue of performance in the field of public administration (Bogt, 2008), becomes relevant. In order to deal specifically with this theme, a specific literature directed to such organizational aspects within the institutional theory is more appropriate, and the concepts of the New Public Management are one of the possible lenses for the treatment of the theme of this study, that is, the understanding of how intergovernmental cooperation can influence the performance of public services.

### **1.1. Institutional Context: the broader umbrella**

During the decades between 1970 and 1980 diverse types of social theories flourished. This period can be explained by the depletion of mainstream theories such as Marxism and Functionalism led to the creation of mid-range theories, being the Neo-Institutional Theory the broader umbrella of many different academic views. Instead of debating explanatory models, the production of analyses, theoretical and metatheoretical works gained strength and allowed a dialogue between paradigms and disciplinary matrices, constructing new views and leaving aside the idea to produce a common, hegemonic theory (Marques, 1997).

Marques (1997) reminds that the name “neo-institutional” comes from the derived line of study from political science, in which the author used to make static comparisons of institutional and legal structures among different countries in the 19<sup>th</sup> and 20<sup>th</sup> centuries. However, the author stresses that this ancestralism doesn’t proceed as the real roots can be found in authors like Marx, Weber and Polanyi (Marques, 1997). In this sense, Marques (1997) remarks that the contemporaneous neo-institutionalism comprehends theoretic authors since neoclassic economists to neo-marxists.

The bottom-line of such theories is that the institutions matter. Far from avoiding other phenomena, the institutions must be central to the conduction of the analysis of political and social processes. Hence, the experimental hypotheses cannot be used to develop the old macro theoretical perspectives but can at least provide testable assumptions from historic incursions (Marques, 1997).

To comprehend the borderlines of neo-institutional framework is mandatory to define the limitations of the concept of institutions. In an analogous comparison with a sport’s match, while the social actors can be considered the players of the match, the institutions can be considered the pitch and the rules of the game. Nevertheless, the “rules of the game” is a broad concept and can include not only formal procedures, consented practices, standardized techniques etc, but also informal embarrassments and behavior limitations and other types of coercive enforcement (Marques, 1997).

Other definition is provided by North (1990). According to the author, there is an important distinction between the concept of institutions and organizations. There is a smooth line when dealing with them. While the first studies the formal and informal

constraints that molds the human interactions, the latter studies political, economic and social structures such as parties, Senate, city halls, companies, syndicates, churches, universities etc.

Hence, Hall and Taylor (2003) define the existence of three views of neo-institutional approach. The first derives from what is called the neo-institutionalism of rational choice. This line considers the institutions as fundamental to the definition of actor's strategies. The institutions are considered constraints to strategic choice and act to change self-interested behavior. Furthermore, institutions are used to solve stalemate situations in strategic interactions, reducing the occurrence of suboptimal solutions likewise Game Theory situations whether prisoner's dilemma could be minimized (Marques, 1997). Jumping into conclusions, in the end the use of institutions can work well or badly and their use for governments, for example, can be reason of the delay of certain outcomes. In the case of countries, the different levels of development are explained by the institution's performances (North, 1990).

The second neo-institutional view is the sociologic one. According to this line, a great part of institutional procedures wasn't complained by modern organizations. These new procedures should include cultural practices, myths and ceremonial appealing developed by different societies. Important steps like the birth of these procedures, its transmission throughout the society, the relevance of institutional symbols among other issues, are the type of concerns of this institutional approach (Hall & Taylor, 1996).

The last view is called historic neo-institutionalism. Like rational choice's authors, the historic view agrees upon with the players' strategic planning. Nevertheless, the utility's maximizing behavior of agents is limited once their preferences are endogenous (in contrast with the Rational's Choice view, in which the actor's preferences are well-defined and exogeneous to the model, meaning that the environment cannot affect the transitivity (order) of the preferences) to the model and are a result of previously built social and political environment meaning that in some the institutions can mold not only the strategies of the actors but at the same time, their objectives (Marques, 1997; Thelen & Steinmo, 1992).

In an essay to explore the phenomena of power and interests, Hulst and Montfort (2007) assume that actors are rational and goal-oriented, but also that their preferences and their definitions can be shaped by institutions. Furthermore, the pursuit of these goals follows the rule of the game defined by the institutions themselves.

In this sense, the authors studied the institutional processes of inter-municipal cooperation and compiled a cross-compared analysis among different structures of governments. For this, they developed four underpinning concepts: i) state structure and traditions; ii) legislation and incentive structure; iii) degree of organizational integration; iv) organization of political representation.

The first concept aims to understand the cooperation among municipalities and how the administrative system influences it. More precisely, the definition of federal or unitary state is studied, the number administrative levels, their accountability, autonomy, number, and size of municipalities.

The second concept concerns the legislation and incentives to cooperate. Multiple aspects are inquired such as formal rules, regulations, and partnerships between private and public sectors among other possibilities. The creation of joint authorities, the transfer of decision-making powers, authority to levy, and legal provision to empower governance are also embedded in this concept.

The third concept regards the degree of organizational integration. In this case, the object of study concerns if the CIAs develop their policies as being standing alone organizations or by developing policy networks. In this case, the concept embraces the idea that cooperation and its outcomes depend on the characteristics of institutions developed over time, assuming a direct link between cooperation and performance. The used structures can be molded as standing alone organizations, run by joint municipalities or create “(...) coupled policy networks that serve as a means for mutual consultation, coordination, and joint decision making, leaving the actual management of the relevant tasks or policies in the hands of local government” (Hulst & Montfort, 2007, p.14).

The last concept adopted by the authors was the “organization of political representation”. The idea is to comprehend the political hierarchy and its role in the representation of the electorate in politics. With this approach, the perception of performance may vary along with different types of regional structures and cooperative arrangements (Hulst and Montfort, 2007).

Inspired by Hulst and Montfort (2007) assumptions, this study applied these underlying concepts to the conducted interviews, complemented with the NPM concepts, depicted in sequence.

## **1.2. New Public Management: the specific arena**

The managerial movement called “New Public Management” (NPM) occurred after the disruption of traditional bureaucratic Weberian understanding occurred in many locations around the world (Secchi, 2009). According to Cavalcante (2019), the bureaucratic Weberian model started to be contested by civil society after the World War II context due to its inefficiency, morosity and detachment of social needs (Barzelay, 1992; Hood, 1995; Merton, 1949; Pollitt & Bouckaert, 2002; Simon, 1947; Waldo, 1948).

Cardoso and Marengo (2019) historically depict the context during the 1970s and 1980s. After the oil crises at the end of the 1970s, the paradigms of rational choice, public choice, and agent / principal were proof. The adoption of concepts such as the minimal state and market practices for the public administration intensified the debate about how the state should function and how its institutions could influence on the achieved results (Walker et al., 2011). At the beginning of the 1980s, the institutions' role became the focus of the discussion, and a new direction were fostered (Acemoglu & Robinson, 2008; Dunning & Lundan, 2008; Evans & Rauch, 1999; Hall & Jones, 1999; North, 1990).

Corroborating such scenario, the intellectual support of NPM came from public schools in the 1970s. According to Denhardt and Denhardt (2007, p.20):

The policy perspective that emerged in schools of public affairs and especially schools of public policy in the last couple of decades had its roots more clearly in economics as opposed to the more political science-oriented programs in public administration. Many, though certainly not all, policy analysts and those engaged in policy evaluation were trained in or at least familiar with economics, and quite at home with terms such as “market economics,” “costs and benefits,” and “rational models of choice.”

Because of these underpinning concepts, in special for the public choice theory and the “principal-agent problem”, the values of efficiency and productivity are remarked among general principles of NPM. As a result, the implementation of new techniques carries together also a normative set of values, differently from the Weberian

administration. These values are deeply linked to the economic and business management practices.

Following these directions, the new wave of worldwide reforms aimed to replace the installed rule-based system, authority controlled processes, with free-market based tactics (Kettl, 2000a). The idea behind those proposal was to loosen inefficient points of public service's monopolies (Denhardt & Denhardt, 2007).

The efforts to enhance productivity and achieve alternative delivery of public services concentrated on amplification of accountability practices to customers, restructure of bureaucratic agencies, redefinition of organizational missions, rearrangement of agency processes and the decentralization of decision-making procedures. Privatization of diverse public functions were made, entailing also hiring practices derived from the private sector, making high level executives responsible for complying with performance goals and adopting new procedures to measure productivity and effectiveness (Denhardt & Denhardt, 2007).

Barzelay defines the NPM as a field of "professional and policy discussion" (Barzelay, 2000, p. 230). Public management policy aims guiding and motivating, but also with the control of public sector. The instruments used to achieve these objectives are institutional norms and organizational routines for different areas. Expenditure planning, financial management, civil service, labor relations, procurement, audit and evaluation. Moreover, a structural strand for NPM is the design of programmatic organizations, concerned to public service delivery. For this, the appraisal of performance indicators over operations and management procedures is crucial.

Donald Kettl (2000b), calls the NPM movement as the "global public management reform" and focus as the core of its actions six core issues. The first one would be how governments can be more productive, either producing more services or having a smaller revenue base. The second one englobes the market incentives to apart pathologies of bureaucracy, replacing command-and-control mechanisms with market strategies in order to influence behavior of program managers. The third achievement would be the use of market mechanisms to provide users (citizens) to have better choices among services. The fourth issue was the improvement of state responsiveness through the decentralization of responsibilities. The fifth would be the ability of the government to separate the role of purchaser of services from the role of delivery of services. The sixth skill is how government could better focus on outcomes than the processes and structures and transform itself in a result-driven system (Kettl, 2000b).

Jonathan Boston (1991, p. 9), according to Janet Denhardt and Robert Denhardt (2007, p.14), list some procedures of NPM:

[An] emphasis on management rather than policy; a shift from the use of input controls . . . to a reliance on quantifiable output measures and performance targets; the devolution of management control coupled with the development of new reporting, monitoring, and accountability mechanisms; the disaggregation of large bureaucratic structures into quasi-autonomous agencies, in particular the separation of commercial from non-commercial functions . . . ; a preference for private ownership, contracting out, and contestability in public service provision; the imitation of certain private sector management practices, such as . . . the development of corporate plans (and) performance agreements, the introduction of performance-linked remuneration systems, . . . and a greater concern for corporate

image; a general preference for monetary incentives rather than non-monetary incentives, such as ethics, ethos, and status; and a stress on cost-cutting, efficiency, and cutback management.

Cavalcante (2019) argues that the NPM movement brought disaggregation for bureaucratic tasks, competition among providers and pecuniary incentives for motivation into the public sector. Other Brazilian authors as Abrucio (2006) and Pieranti et. al (2007) comments that central points in NPM consist of the emphasis on the adaption and capability of transferring knowledge of managerial practices acquired in the private sector to the public service. The main goals of NPM are to fit the administrative resources of the public services, promote more competition among different players (towards public biddings, for example), and push up the general efficiency by decentralizing bureaucratic processes and making the public acts more transparent and responsive.

Following similar path, Allen Shick (1996) describes the reform environment in New Zealand. Besides all his considerations of contract-like arrangements in government (which includes the structure of government, assessment of performance and changing in budget accounting to accrual system), the author stress some important points about managerial discretion and accountability. They can be systematized in two topics: 1) the establishment of a clear chain of accountability, i.e. running from high level authorities to public servants who are responsible to the department head; 2) the designation for the head of each department as "employing authority," who holds power to discuss personnel arrangements (payment and other conditions of employment).

Finally, highlighting personnel's flexibilization process, the seminal book "Reinventing Government", by David Osborne and Ted Gaebler (1992), launched "entrepreneurial government" as a pragmatic style of public management (Secchi, 2009). The authors list ten principles which public entrepreneurs should apply to governments at that time. Their ideas consist of reforming some cultural existing patterns in public administration.

Hood (1995) advances the discussion and depicts managerialism as a normative model derived from the positive doctrine. He summarizes the given concepts of all previous authors and enumerates the following operational prescriptions (or doctrines): (1) disaggregation of public services and its costs centers; (2) more contract-based competitive provision, with internal markets and term contracts (contract for goods or services specified for period) ; (3) use of private management techniques; (4) attention to parsimony and discipline; (5) freedom for manager entrepreneurship; (6) explicit formal measurable standards and measures of performance and success; (7) performance and output evaluation.

Doctrines (1) to (4) entails the issue of "(...) how far the public sector should be distinct from the private sector in its organization and methods of accountability" (Hood, 1995, p.95), while doctrines (5) to (7) relates the issue "of how far managerial and professional discretion should be fenced in by explicit standards and rules" (Hood, 1995, p.95).

To sum up, after considering the classic and some state-of-art studies in Institutional and NPM literature, due to the innovation given by comparison of cooperation among governments between the unitary state of France and the federative Brazilian state, we opted to construct the outline of this methodology based on classic and unapplied concepts given by Hulst and Montfort (2007), also adding the application of NPM values given by Hood (1995) to the Institutional theory. The methodology is unveiled in the next section.



## 2. Research design and framework

The definition of the chosen framework for the study presupposes a series of important decisions related to the type of question, available sample, and type of information to be studied. In addition, the research design is used to minimize errors (bias) that may influence the researcher's opinion (Luna Filho, 1998).

The present study aims to develop analytical observational research with cross-sectional data. Nevertheless, it is still necessary to discuss some parts of the temporality and the study environment and define the research strategy's main elements.

Research methodology should suit the research that will be developed. Yin (2001) establishes three criteria to guide this choice. First is the form of the research question. The second criterion is the necessity to control behavioral events. The last criterion is the focus on contemporary events. According to the author, the research question is the most relevant criterion for choosing the research strategy. Research questions that employ terms like "how" or "why" usually produce research focused on causative events. On the other hand, exploratory research usually uses questions like "what" or "who." Thus, the distinction between exploratory and explanatory research is crucial for the better adequacy of specific research strategies.

Research that needs to control behavioral variables and isolate the phenomenon from its context requires appropriate research strategies, such as the above-cited experiments. However, these strategies often require high investments and have unfeasible applications in the social sciences and applied social sciences. Indeed, in these cases, the researcher usually does not want to isolate behavioral events in social sciences because he seeks to understand the phenomenon in its natural context (Avrichir, 2016; Yin, 2001).

Finally, to choose the best research strategy is to define whether the object is contemporary or historical, or in other words, if the analysis will be done after the occurrence of the phenomenon or simultaneously to it (Yin, 2001).

The following table entails the type of research according to questions, i.e. the appropriate research strategies and the method, such as experiments, surveys, historical research, and case studies.

Method	Form of research question	Requires control of behavioral events?	Focuses on contemporary events?
Experiment	How, why	Yes	Yes
Survey	Who, what, where, how many, how much	No	Yes
Archival Analysis	Who, what, where, how many, how much	No	Yes/No
History	How, why	No	No
Case Study	How, why	No	Yes

Table 1 - Research strategies according to Yin (2001)

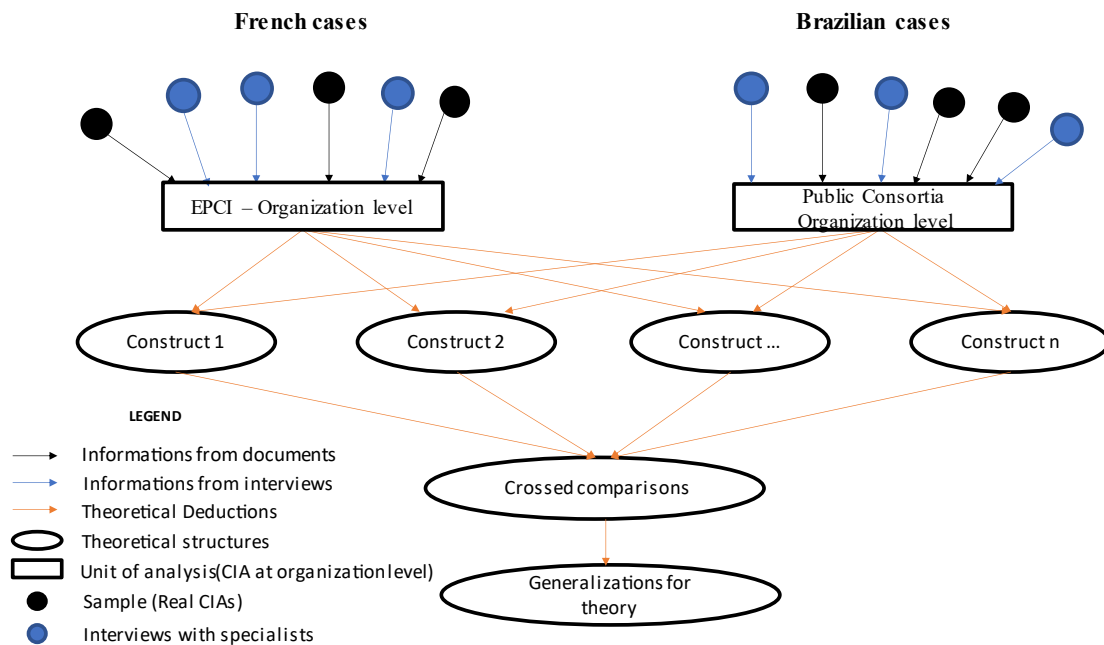
Source: Yin (2001, p.14).

When presenting the research question, three aspects corroborate the use of the case study framework. First, the question "how can intergovernmental cooperation influence performance in public services?" indicates the experiment, historical, or case

study methods. The second fact is the impossibility of isolating the phenomenon from its context, which reduces the option to a historical process or case study. Lastly, the focus on contemporary events defines the use for case study practice.

## 2.1. Sample Selection

Understanding the peculiarities of the unit of analysis is crucial for preparing the selection of the sample. According to Fletcher et al. (2018), the units of analysis can be categorized into four categories: social units (individuals, organizations, groups, communities, social interactions), temporal units (encounters, events, episodes, or processes that occur over time), geographical units (countries, cities, states), and also artifacts (objects like books, newspapers, buildings among others). In this study, the EPCIs and public consortia will be studied at the organization level, meaning that all the information provided by individual and real CIA cases will reflect the general cases of CIA, these being considered as the units of analysis. The figure below summarizes the scheme described.



**Figure 1 - Unit of analysis and methodological scheme**

Concerning the sample definition, it is well-intended to define the criteria for identifying the cases that should be selected. According to Luna Filho (1998), the researcher should specify the target population's characteristics that best serve the research question. It is accomplished by establishing the inclusion and exclusion criteria.

The author lists good characteristics for inclusion and exclusion criteria. The inclusion criteria must define the main features of the target population, bearing in mind the use of information during the study, its extrapolation to other populations, and the geographical and temporally characteristics of the accessible population, involving decisions on practical and scientific objectives. In turn, the exclusion criteria apply the rejection of the subgroup of individuals/institutions, which, although fulfilling the inclusion criteria, also present characteristics or manifestations that may interfere in the quality of the data and the interpretation of the results (Luna Filho, 1998).

As inclusion criteria, it considers three main attributes for the sample selection. First, as described by Fletcher et al. (2018), "[s]ampling in qualitative CS [case study]

research is about appropriateness, purpose, and access to information-rich cases" (Fletcher et al., 2018, p.756). Following this outline, the priority is the availability of EPCI's executives (city councilors or *conseillers municipaux*, other consulting members, etc.), public consortia executives, executives of concessioned companies, mayors, public lawyers, technical staff, and academics that study this theme. The second criterion is the quality of information, which should be evaluated from official EPCI and public consortia's websites and its available documents. This type of research includes EPCI and public consortia's documents such as administrative reports, budgetary sheets, among others, but also documents from trustworthy sources such as public associations (e.g., *Assemblée des Communautés de France*, in the French case, or *Confederação Nacional de Municípios*, in the Brazilian case), think-tanks or academical studies. The last criterion links to the temporality of the phenomena. There will be only accepted active (contemporaneous) cases (Yin, 2001).

Regarding the exclusion criteria, the only concern is relative to the quality of information. As the documents do not follow specific patterns, careful research for information will be enforced. The minimum pattern of information expected is the structure of governance, budgetary planning, and annual activity report.

To avoid any useless information, the researcher will select cases through a non-probabilistic method called convenient sampling, or what Patton (2015) would describe as being sequential (snowball) and emergency-driven sampling (opportunity sampling). The technique consists of the use of those available cases from the accessible population. However, the researcher stresses the caution with such sampling, once it can difficult or even derail the generalizations for the population, a required and desired aspect for a case study. About the sample size, the study aims to achieve at least 4 CIAs for each country, totaling 8 cases for the whole study.

## **2.2. The Chosen Cases**

As above described, the chosen cases are linked to the professional and personal network from the researchers. This network can be divided in two: the French network and the Brazilian one, with only one specialist in common.

The mirrored composition of interviewed specialists was designed to compare the different realities from Brazilian consortia and French EPCIs. Another distinction in the method was the conduction of interview. After analyzing the profiles and the experiences of each specialist, we headed the theme towards two directions: one generalist and other more specific to the sectoral reality. Whilst the first was used to comprehend the "big picture" of the institutional approach, the latter was used to go deeper to understand the performance elements displayed by Institutional and NPM theories.

All in all, 539 minutes were spent in the interviews. We conducted 342 minutes of interviews for the French reality whilst 197 minutes for the Brazilian environment. The difference is explained by the familiarity of the authors with the Brazilian cases and in order to even the information gap we opted to spend more time understanding crucial information from French institutional structures. Another important point was the method of gathering information: due to COVID-19 we only conducted online interviews with the public managers.

ID	Date	Time lenght	Region	Position
F1	Oct 2021	158m	Bretagne/ Lyon/São Paulo	Deputy Director for European and International Affairs – “CEREMA”
F2	Nov 2021	81m	Rouen	Vice President of "Communauté de l'agglomération – Rouen"
F3	Dec 2021	67m	Bretagne	Vice President – “Concarneau Cornouaille Agglomération” and President – “Valcor”
F4	Dec 2021	36m	Lyon	Sectoral Delegate – “Métropole de Lyon” and city councilor – “Meyzieu”
B1	Feb 2022	53m	São Paulo	Financial and Administrative Director- “CIGABC” / Ex - municipal secretary – “Rio Grande da Serra”
B2	Feb 2022	42m	Minas Gerais	Executive Secretary – “CORESAB”
B3	Feb 2022	38m	São Paulo	Executive Secretary – “CODEVAR”
B4	Feb 2022	64m	Santa Catarina	Executive Secretary – “CIMVI” / Ex-mayor “Rio dos Cedros”

Table 2 – Interviews characteristics

Source: Elaborated by authors.

### 2.3. Conduction Strategy and Data Analysis

Regarding the data analysis, according to Godoy (1995) and Gil (2008), the research field has the main characteristic of its application in the natural place of the research object. Semi-structured interviews and document reviews are part of qualitative research's instrumentation and data collection technique (Drever, 1995). While semi-structured interviews allow for better fluidity in conversations with interviewees, document-based data collection enables the verification of documents such as letters, newspapers, recordings, photographs, films, and books that have not received analytical treatment (Gil, 2008). Bardin (1977) shows that content analysis is a technique of exploration, treatment, and data inference of qualitative rigor, allowing the best grouping and understanding of the analyzed material.

Considering the research objectives, the proposed analyses should express the possibility that obtained data will answer the initial research question. Moreover, it could be successfully achieved if internal and external validity proceed, i.e., if the results stay valid for the unity of analysis of the study and at the same time can be generalized to other cases in the universe not participating in the study.

To pursue such a strategy, this study proposes at least one type of triangulation and, ideally, two. The most desirable information is obtained by interviews, followed by accessing primary and secondary data of CIAs (arrow 1). While the primary data is composed by legal documents (the Loi NOTRe for French EPCI and federal law 11.107/2005 in the Brazilian case), the secondary data concerns the available documents found at the CIAs website) and notes made by the researchers.

### 3. Data Analysis

Following the conceptual framework inspired by Hood (1995) and Hulst and Montfort (2007), we conducted semi-structured interviews with practitioners, as described in the previous section. The authors also included an open-ended question, in order to capture the spontaneous thoughts and beliefs of the public managers and two specific questions about their related CIA.

To organize the questions, we divided nineteen questions into four blocks. The first was classified as “Block A: General understanding”. The second block was defined as: “Block B: Intergovernmental Cooperation value – institutional context”. The following block was classified as “Block C: NPM prevailing values – performance and efficiency”. The last block was a complementary one defined as “Block D: Others”. The complete guiding questions are displayed at Appendix.

We proceeded the content analysis applying nine tags to the transcriptions and supplementary material. The main tag is related to the personal belief of public managers about how cooperative arrangements enhance performance of delivered public services.

Starting with the Brazilian cases, one public manager, B1 (2022) defines that the structure of public consortia provides a regional approach to the previously stand-alone public services. Other public manager argues towards the same sense, stressing the importance of gain of scale and reduction of costs:

One of the biggest advantages of the consortium is the scale gain itself. Because it makes the service cheaper. The scale gain is accompanied by efficiency. You can do more service better service with far fewer resources, less than half of resources (B2, 2022).

Another public manager gives real examples of difficulties that small municipalities face in Brazil:

In best cases, most small cities have one engineer to deal with all activities for the entire city. Sometimes focused on a civil engineer. The engineering areas are so diverse. Twenty hours *per* week... how are you going to face all responsibility with ever-increasing accountability? I think in this scenario, yes, the figure of consortia is a figure that can empower solutions. Make deliveries with more assertiveness (B4, 2022).

B3 (2022) emphasizes the idea of a regional approach since the public consortia are bottom-up build, without coercion – this fact particularly happens in Brazilian reality and cannot be implied for French cases as will see. Complementing its argument, B3 also highlights that the more mature are the interfederative relationship, the better can be the identification of opportunities and potentials for the region. In other words, the interfederative experience matters when delivering public services.

The French cases corroborates the importance of scale gains. But the public managers highlight their particularity of territorial fragmentation. Most public services in France in the past were previously provided by the central government and the quality of these services weren't considered good. Gradually, the decentralization movement in the 1980s shifted a great range of services to local governments. With approximately 36 thousand communes and “(...) so small territories (...) is impossible to organize any kind of public service” (F1, 2021).

Accordingly, to F2 (2021), the existence of cooperation between governments doesn't explain the efficiency of public services itself. In fact, it depends on what kind of service are being shared with other communes and its scale. In his words:

So, the fact that it's not intercommunality, I think it's still more effective. But the intuition is to be more effective. (...) [It] is a question of the size of the communes of 10,000 inhabitants to manage the delivery of drinking water because it does not have the means, it does not have the competencies. It doesn't. By definition, that has to be more effective. After that, it's activity by activity. What else can there be? I think that, for example, urban planning is much less effective because there is no responsiveness. What I see, for example, is that the bigger you are, the more hidden expenses there are. I see the metropolis, there are [more] expenses. So it's hard to measure effectiveness. Do you have to know what we put behind the word efficiency? Is it intrinsic cost? Is it user satisfaction? For public services, do we not have the logic of the market? By definition, in that sense, I could also tell you that it is re-election (...). I'm not sure about that logic, though.

For F3 (2021), the main advantage of being part of an EPCI is to provide better service to the population due to the proximity of the communes to them and focusing to the communes on the essential services that are only attributable to the commune's level. In other words, scaling up services to EPCIs that can be doable by communes can lead to worse services. According to F3 (2021):

It is not worth going to put services at this level because there are services that relate to proximity to the inhabitants, schools, cleanliness, road maintenance. That kind of thing depends on the roads. But overall, this kind of thing, we manage it well at the communal level and in direct connection and proximity with people, because people also go close (...). But at the same time, on other things, they want to be able to talk to the elected officials of the municipality or have live agents (...). There is no point in transferring this kind of competence at the level of a community of municipalities in the EPCI.

For F4 (2021), the EPCIs have many defects but a great quality, which is the possibility of thinking in the scale of territory. It not only provides scale to certain types of public services, but also it can provide economies of scale for the enrolled communes.

To sum up, greater performance is linked to: i) scale gain serves to reduce costs, but also to make public policies feasible; ii) longevity, which is vital for the production of quality services; iii) empowerment of regional activities designed iv) the type of activity, because some activities are difficult to attribute responsibility boundaries, from managers to citizens point of view.

#### **4. Conclusions and managerial implications**

Interviewer: What is the difference [of cooperation] between France and Brazil? Why [cooperation] in France works and in Brazil does not work?

F1: It started in France 40 years ago. When I started my career, I remember the transport agency in the city that I lived (...). It was chaos, it was complicated. Discussions between the central city and the peripheral cities, with central city that was right-wing with a "first-class" politician who later was a presidential candidate, and in the surroundings

that was much more popular, had communists, socialists and then had “arm wrestling” (...).

The above excerpt shows the difficulties faced in the period of implementation of decentralization practices in France 40 years ago. The reality is very close to that currently reported by Brazilian public managers, who also point out the difficulty in establishing cooperation. This point is not only reported in interviews and academic texts, but also shown by the history of Brazilian’s cooperation itself, which only progressed after the creation of a specific law that guaranteed a political punishment to municipalities’ politicians that did not comply with the commitments established in consorcial scope.

With the advantage of early integration, France shows a broader menu of practices, with movements that today go against the idea of decentralization. So, if on the one hand there is more experience and testing of incentive policies, there is this effect of limiting the practices previously established and that served as a prerogative for the management application of NPM. In this sense, the Institutional concept of path dependence (Marques, 1997) is being broken by the innovation in the management brought by NPM.

Thus, answering the main question of this study: does intergovernmental cooperation influence the performance of public services? Surely yes. The problem is the gray definition of performance for such services in each country.

The concept outlined in this research for performance is what Medeiros (2021) stresses as a construct, i.e. performance in public services being attached simultaneously to the ideas, of scale gain serves, feasibility of delivering services, longevity and quality services, empowerment of regional activities and specialization of activities.

After the historical analysis of laws and the statements provided by public managers, it is possible to conclude that independently from the trodden path, the cooperation among different governments was the response to solve diverse issues in different fields of public administration, meaning that without cooperation certain services couldn’t even exist and persist in time. In other words, without cooperation, performance would not even be perceivable. Hence, the hypothesis that “cooperative arrangements improve performance level relative to individual provision” can be validated.

*Thus, the main contribution for institutional theory of this study shed light on the evident duality between cooperation and limitation of the scope of public services. These issues affect the performance directly and inherently the delivery of attached public services. As expected, the different degrees of cooperation produce different levels of performance because it's dependent on the scope of the given public service and the political autonomy of municipalities.*

While in Brazilian reality free association remains as a rule without sectoral distinction, in the French case the rule is the imposition of sectoral policies, with actions very well defined specifically for the sanitation fields (distribution and treatment of water and sewage treatment), solid waste (since collection, its treatment, to the final disposal of waste), public and school transport and energy – In total there are 24 sectors with well-defined boundaries, according to ADCF (2019).

France shows that after years of cooperative development among different levels of government and different actors, the central government imposed a scope limitation for services provided by the EPCIs, preserving the control of policies by Parisian politics, and enforcing nation-wide policies. In other words, the central government must impose

certain requirements in order to make the coordination of such policies more effective.

However, this is a polemic point since both countries cite that bottom-up organization is preferred and is “more efficient” according to managers when comparing to top-down management. Nevertheless, French managers cast doubt the benefits of the new rules imposed by the limitation of procedures in the last major territorial organizational law, “Loi NOTRe”, since the autonomy of local governments is notably impaired for the effective compliance with such law. Additionally, the benefits of transfers from central government to local governments are conditioned to some policies, which corroborates the idea of cooperative coercion, like the experiences described in the federalist case (Arretche, 2005). This also goes in line with the statements provided by Hulst and Montfort (2007, p.220):

In France, there are pressures from central government to integrate planning tasks in standing organisations, especially for the urban areas. The French case shows, however, that if left to the municipalities they prefer lighter forms of cooperation, which do not imply the transfer of local decision making to standing organisations or any other form of formal engagement. Municipalities do not on a voluntary basis give up local autonomy for the sake of policy coordination.

Other important conclusions are unveiled. Regarding the maturity of cooperation, the French case shows a more robust result, with more complete politics of incentives, development of the law and outsourcing of services.

The first affirmation can be depicted when the benefit of cooperation is explained by public managers. In the Brazilian view are limited to scale gain whilst in French the public managers stress other benefits like tax levy and fiduciary incentives from central government to local governments. Also, the maturity of French cases can be attributed by the longevity of cooperation partners in France which has a greater number of technical institutions that facilitate the implementation of various public policies, including inclusive practices of popular participation.

Regarding the law’s development, one example is given by the changes in the vote for the “counseillers municipaux” (equivalent to city councilor) and the board of directions of the EPCIs. The legitimacy of political representation in the CIAs puts France again ahead since the election of the representatives of an EPCI is done directly, while in the Brazilian case it is indirectly represented by the council of mayors. Thus, the French case brings transparency to the issue of responsivity since the political decisions taken by an EPCI can be easily questioned by the population directly to public managers.

Lastly, the outsourcing of services in France depicts the contractualization process as being more effective. In the French case, the more intense use of concomitant contracts and other types of public-public contracts, like the “contrats de pays”, specific to individualized action between the central government and local governments, show greater maturity when compared to Brazilian innovations, restricted to the operationalization of funding contracts of public consortia (apportionment contract and program contract) and “benevolent” actions from federal and state deputies, responsible to provide discretionary resources from an instrument called “voluntary transfers”. Additionally, the contracts in France does not have a double auditing system like in Brazil (only ex-post evaluations are done in France while in Brazil ex-ante audition is a mandatory too), a factor that eases the innovation whether in execution of engineering works or any type of public policies.



Find bellow the crossed comparison according to the applied constructs.

Concepts	Brazil	France	Cr
Performance enhancement by cooperation (Authors)	Scale gain is followed by efficiency. Delivery with more assertiveness. Bottom-up build structure without coercion promotes better identification and opportunities for regional services.	Scale gain is mandatory due territorial fragmentation. Cooperation between governments doesn't explain the efficiency of public services itself and depends on the type of service. Scaling-up certain services is not desirable.	Ag Ho sc
Influence by the state structure and traditions (Hulst and Montfort, 2007)	PC eases the interfederative relationship, solve the lack of structure and resources, brings more interaction with compliance structures. Density and regional area can influence efficiency. Bottom-up solutions are preferred than top-down ones.	Innovation on the creation of "planning contracts" that delegated services for local governments and also fiduciary and law incentives. Cultural and regional differences are treated "evenly" by central government. Policy of "consensus" among "mille-feuille" administration system.	Bo so co Th eff
Influence by legislation (Hulst and Montfort, 2007)	The weight of responsibility given in 1988 to Brazilian municipalities is smoothed by PC. The legislation supports well the PC needs and correct address regional demands for municipalities.	In the beginning the top-down organization empowered the local governments to create and strengthen they. Later, law NOTRe brought more assertiveness to certain competences, but restricted the autonomy of local governments, imposed obligations and liabilities to communes and centralized some decisions and policies.	Th CI Ne lia Th co
Influence by level of autonomy (Hulst and Montfort, 2007)	Autonomy is preserved as their funding is discussed and agreed upon in the act of constitution of the consortia. The autonomy allows local governments to create sectoral networks Excess of autonomy among municipalities can fragment the PC purpose and activities.	Autonomy is preserved and the innovation of "contrat de pays" is used by central government as an incentive for local governments to ensure certain policies. Budgetary transfers can be coercive in some sense.	Be co inc co
Influence by political representation (Hulst and Montfort, 2007)	A great part of PC is derived from associations that represent the interests of the municipalities involved. The empowerment of their lobby in Congress is a consequence. The notoriety of some public consortia can blur the actions that should be attributed to the municipalities	The designation of the people who will represent the Municipality at the level of the EPCI is decided on the City Council. The double legitimacy occurs at EPCI, as the president is not elected by universal suffrage and the mayor is elected by it.	In ge ma the Ci ma
Binding by product (Hood, 1995)	The legal funding framework provided well individualized budgeting process, growing the scope of services for population and scalability of certain services.	NOTRe law provided a new organizational model in France. There are some sectors that have well-defined boundaries and others that still need to fund a balance.	W sc ba

Concepts	Brazil	France	Cr
Contractualization (Hood, 1995)	The contractualization in PC is still in maturation and can be divided in two directions. The first process is mainly by establishing term contracts with a third part. The other trend is to use de PC structure to direct provide the service to the population.	The contractualization in EPCIs is robust and besides the existence of provision of service like “en régit”, outsourcing is more used. The French millefeuille system allows combining in the same structure different types of contracts, allowing more flexibility with political confrontation.	Th me co
Private sector styles (Hood, 1995)	The system was designed over the public law requirements and the responses are delivered in the “public style”.	The system was designed over the public law requirements and the responses are delivered in the “public style”.	Bo re vis
Stress on discipline (Hood, 1995)	The guideline to have a good discipline in the management of PC is the regularity of budgetary plan which gives more stability for concessions and private partners.	The discipline and frugality of resources varies from sector and depends on the size of investment.	Th in pro
Hands-on top management (Hood, 1995)	The main actor for entrepreneurship in PC is the executive secretary, who has to intermediate the demands from employees to the Assembly, but also execute the decisions of Assembly thorough the PC’s workforce.	The degree of freedom is high, once the audition in France is keener on allowing new techniques because it doesn’t have an ex-ante audit, only ex-post procedures. Also, the use of the central government’s resources has great autonomy to be used freely by the EPCIs.	In au Fr lib au bu
Formal measurable standards (Hood, 1995)	There are public guidelines provided by certain institutions that orient PCs. Other important patterns were developed together state audition courts and the discussion of annual activity reports	The French expertise includes the outsourcing of technical services, support of consultants, ministries, councils, and long-run research bodies. Annual evaluation reports are also used, and popular committees helps to evaluated the delivered services. The standards may vary depending on the sector.	Th bo de dif
Output controls (Hood, 1995)	Centered in the publicization of annual activity report. Ex-ante planning is a concern but is not spread throughout Brazil.	The audition court in France has the competence to give an opinion on the validity of the choices that have been made on the results of a policy	Th on

**Table 3 – Comparative matrix**

**Source: Elaborated by authors**

Regarding the managerial implications there is a clear message brought by the learning curve of France experience for Brazilian CIAs. Besides Brazil started to experience some regional cooperation in the same moment as France (late 1960s), as seen in the above-cited excerpt, the formal use of CIAs is delayed in more than 40 years when compared to France.

This period was enough to experience powerful cooperative policies, as remarkably seen with the different types of association (10.104 of cooperative associations, when taking into account the EPCIs with and without taxation), integration with other municipalities (as in the case of Strasbourg and Lille, for example) and different types of services. Comparing to Brazil, the numbers barely reach 600 PC in Brazil (CNM, 2022).

Comparing with the Brazilian experience, the health sector was the pioneer referring the consortia as possible arrangement for promoting public policies. Since 1990, the law addresses the “consortia to jointly develop their health actions and services” among municipalities (Brazil, 1990). Since then, the problem has been increasingly addressed by public managers, expanding to other areas, but still in a slow pace.

Some recently laws are trying to input regionalization laws in order to organize and to stimulate the use of cooperative arrangements in Brazil. These are the case of federal laws 12.305/2010 and 14.026/2020, which establish the politics for solid waste management and sanitation sector in Brazil.

As recent study from OECD (2021, p.52) relates for solid waste sector:

(...)[The] National Solid Waste Policy (PNRS) of 2010 (...) established key principles and directives for sound waste management compatible with OECD standards, but warned that implementation of the policy was challenged by lack of consistent waste data and capacity and resource gaps at the municipal level (...).

It also suggested to encourage stronger inter-municipal collaboration to achieve economies of scale in providing waste treatment services.

For the sanitation, the concern with regional integration is identically exposed, as seen in the same document (OECD, 2021, p. 33):

In line with the Recommendation’s provisions on sustainable financing, investment and pricing policy for water and water services, Brazil adopted a new legal framework for water service provision in 2020 (Law 14026/2020). The law aims at attracting private investment and ensuring financial viability of urban water distribution systems. It established the goal of universal urban water supply and 90% coverage of sewage collection by 2033. To achieve these ambitious goals, the law gave ANA [(National Agency of Waters)] the powers of a federal regulator of sanitation services. ANA would set sanitation quality and efficiency standards and regulate tariffs for public sanitation services. ANA has already implemented user charges in six of the nine interstate watersheds. The law also transferred to the state the responsibility for providing water services if they cover more than one municipality. This is intended to increase the scale of future water infrastructure investments.

These are areas that scale gains absolutely define the viability of a public policy and for this, are considered strategic areas in the French regulation, as seen in this study. There is now a window of opportunity to change and to ideally reach the ambitious project established by such laws. Also is a national interest for Brazil, since the achievement of such goals can ease the entrance of Brazil as a full member of OEDC.

If is the case for Brazil to set up this agenda and pursue such goals, the federalist structure must deal with the ambiguous problem of sectoral coordination. The duality between cooperation and limitation of the scope of services is an actual problem in the field of public administration in Brazil. The fiscal dependence of the majority of municipalities already challenges their autonomy. Perhaps the coordination of national policies which are the case of sanitation and solid waste management could bring better outcomes for society, improving public health and environmental welfare.

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