

Local and Urban Governance

Ángel Iglesias Alonso *Editor*

Local Governance in Spain

 Springer

Local and Urban Governance

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Editor

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Preface

Spanish local governments face the same challenges and experience the same problems, trials and demands as the rest of their European counterparts and, in particular, the continent's southern countries. After a long dictatorship, in Spain's democratization project, Spanish local governments have recuperated their prominent role, being recognized as a territorial political sphere within the State and with their own autonomy and powers. Since this is the administration closest to citizenry, 80% of Spanish citizens currently believe that local governments greatly influence their family's well-being, according to the *Centro de Investigaciones Sociológicas* (Sociological Research Center), the Spanish public body which, like its European counterpart the Eurobarometer, has been studying Spanish society since 1976. In a context of financial austerity resulting from the Spanish government's commitments to the European Union, aggravated by the sudden emergence of Covid-19, local governments have continued to provide essential public goods and services to citizens. Local governments' decisive actions during the pandemic have certainly contributed to protecting the most vulnerable groups and citizens as a whole in a harsh and uncertain scenario. However, this was also the case before the pandemic; during the last few decades, Spanish local governments have played a prominent role in transforming Spanish towns and cities by introducing economic, social, cultural and urban public policies which, along with the emergence of new local political and managerial leaderships, have altered the physiognomy of the Spanish territory to a large extent, bringing it closer to the highest European standards. In a composite state such as Spain's, local governments have also contributed to consolidating Spanish democracy, to shaping its institutional structure and its quality, to improving democratic and management culture and its procedures. They have also been involved in guaranteeing their citizens' freedom to pursue their projects and life opportunities which are developed in the diverse geography of the towns' and cities' physical environment in which they live.

Considering the above-mentioned facts, leaving aside infra-municipalism, the local governments of Spain's medium-sized and large cities serve as a pillar which guarantees maintaining citizens' well-being. This new reconceptualization of local governments has led to the need for new forms of governance. As is the case with

our European neighbours, many Spanish cities are turning into decision-making centres that affect politics and the economy in general. Over the last few decades, globalization processes have inevitably influenced the type of local public policies and the shape of their organizational structures and procedures. Obviously, this has led to the need for new forms of governance that have entailed introducing consultation processes between political-administrative elites and local interest groups. In the cities and towns of democratic Spain, a complex number of interests have gradually emerged and converged, and, through its performativity, local politics is responsible for managing these interests by establishing reciprocal relationships between institutions and their civil society, based on trust, leading to collaboration and cooperation.

If neither exogenous nor endogenous collaborative processes of governance had not been adopted, Spanish local governments would not have been capable of responding to the historical demands placed upon them. This local governance has been underpinned by using a panoply of instruments to facilitate cooperation and collaboration between local governments and their civil society, amongst local governments themselves through inter-municipal collaboration mechanisms, and between these governments and central government and the Autonomous Communities' executives, not to mention the important role played by the main national Association of Spanish Municipalities and Provinces (FEMP) and some regional associations that are working to unite the various constellations of interests and leading reform proposals on an ongoing basis.

However, the future demands and challenges facing Spanish and European local governments are enormous and will continue to increase, which, in the post-war and post-pandemic agenda, will mean local governance processes will have to be reinforced. It is in local spheres where the various aspects of the global multiple crisis, which has its own characteristics in Spain, will be projected in different ways and in their own context. In the new emerging world, on the dawn of the third decade of the third millennium, in the midst of a war in Europe with incalculable consequences, which will affect the globalization model we have known until now and will raise a new awareness in Europe, Spanish local governments will have to be prepared to respond to the new context through leaderships capable of innovating in terms of governance and local management, which have their correlate in their ability to increase democracy and efficiency in the provision of local public services, mobilizing as many actors and resources as possible. It is at the local level that the democracy-efficiency duo is most visible and provides the structure for cooperative governance, and where the circumstances are most favourable for strengthening democracy with deliberative instruments, creating forums for citizen participation and consolidating public debate in order to guarantee good liberal democracy, which is being threatened by all kinds of nationalism and populism.

In Spain, specific challenges must be added to these global ones. These include the existence of a non-uniform and sometimes very fragmented local sphere in the rural world, which will require new reforms and all kinds of adjustments to respond to the new context. There is also the emergence, albeit not yet very structured and strong, of local civil society. Issues related to migration and multiculturalism should

also be contemplated, along with the new challenges of social exclusion and gender, digitalization, environmental problems, achieving sustainable and integrated development and public-private partnerships. Likewise, there are unresolved structural issues that affect local governments the most: parameters and variables such as the lack of clarification regarding municipal powers, which, on many occasions, overlap with other levels of government; scarce fiscal autonomy consequently leading to an endemic lack of financial resources; and also the depopulation problem in small municipalities in inland Spain (the so-called "empty Spain"). In short, an incomplete decentralization that has yet to be perfected.

It can be said that in terms of both contextual challenges and structural problems, the conditions are in place for local governance to meet its objectives for more and better democracy and more and better management. The key question, therefore, is how to define governance and implement its processes in the specific framework of each Spanish town or city in such a way that it is possible to generate shared medium- and long-term visions that stretch beyond a horizon restricted to the time span from one election to the next, and to bring them to fruition through the introduction of institutional and organizational innovations.

For the time being, the proposal of this study is modest and aims to focus on the analysis performed in a comprehensive and detailed manner, of the different aspects that make up local governance in Spain, approaching it in a broad and rigorous way and with the aim of filling a gap in the existing multidisciplinary bibliography through the contributions of a group of specialists from different Spanish public universities (Alicante, Autónoma de Madrid, Barcelona, Burgos, Complutense de Madrid, Málaga and Universidad Rey Juan Carlos). These diverse chapters aim to promote reflection and debate on local governance from both an academic and practitioner perspective. Most of them are authored by expert researchers with numerous publications addressing key issues of local government in Spain. They all deal transversally with the institutional structures in which governance processes are situated, as well as the coordination mechanisms in all their aspects, taking into account the electoral and partisan dynamics, without ignoring the different visions of territorial governance that exist in the Spanish State as a whole, characterized by the existence of deep-rooted nationalist sentiments in some of its territories. For this reason, this book has been shaped by analytical but also reflective texts that deal with the key aspects of local governance safeguarding, in many cases, detailed and precise information that serves both to understand the reality of Spanish local governments and to put them in their European perspective. Most of the chapters expand on the problem and suggest new paths for further research and debate, bearing in mind that the processes and problems of local governance have a dynamic and open nature. Although, like any study proposal, it may be open to criticism from different standpoints, the perspective adopted in this book also includes a didactic component.

It is true to say that, given the present context, it would be a mistake and also a historic tragedy to forget or underrate the world and local government, and this collective study aims to help prevent that from happening.

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Madrid, Spain

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Chapter 1

Introduction



Ángel Iglesias Alonso, José Manuel Canales Aliende, and Ángel Valencia Sáiz

Abstract The purpose of this chapter is to serve as an introduction to the book, which aims to be a first comprehensive enquiry that examines the various elements of local governance in Spain, providing an understanding of it and thus contributing to existing knowledge and recent debates on the phenomenon. The development of the chapter will set out its specific objectives, structure and scope, and the concept of local governance used as a theoretical basis, before dealing with the context of local governance in Spain, which will include a description of the political-administrative framework in the light of the concept of local governance used, as well as the context of local government in Spain in a comparative European perspective. This context will help to understand the specificities of local governance in Spain. To anticipate what the reader will find throughout the work, the chapter will end with a summary of the content of each of its 12 chapters, which have been drafted by experts from various Spanish universities, all of them taking local governance as a frame of reference,

Keywords Local governance · Local Government · Political-administrative system · Spain

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1.1 Objectives and Background

Local governance in Spain is the main subject matter of this book which aims at systematically showing the key aspects of local governance in this country. In order to accomplish this, detailed and precise information is given about the different aspects which we understand to be of interest both for academics and also practitioners. This book is warranted because, although there are previous recent and important studies on local governance in Europe (John 2001) and more recently on global trends related to local governance (Silva 2020; Teles 2015) and on the future of local government in Europe (Schwab et al. 2019), a detailed study of local governments in one single country is worthwhile since, in Europe, despite the homogeneity processes, the specificities, especially at the local territorial level, still exist. There is a pressing need to add that the study of local government and its reform is one of the current necessary answers to the so-called representative democracy and participative crisis; this implies, first and foremost, a quest for happiness and the common good of citizens in their present and daily habitat and, moreover, for revitalizing the “*ágora local*” (local town square where public assemblies are held). We are experiencing turbulent and accelerated times with a need to face the current challenges which will appear sooner than expected: sustainability, digitalization, mobility, climate change emergencies, pandemics, migrations, care, culture, sport, and equality, among others. In all these areas, but not exclusively, local governments perform an extremely important task as regards protection in order to improve citizens’ quality of life. They constitute a vital part of the State and carry out an essential role in promoting social cohesion and sustainable urban development, and, with the important resources they possess, they contribute to treating citizens equally. Thus, a local space, with good local government, would doubtlessly offer a certain guarantee in the face of uncertainty and the risks related to the current global social trend.

On the other hand, in this study and as is reflected in this publication, there is definitely a universal perspective, since the world and local government are contemplated within the new global order, without excluding any visions or activities, both particular and exclusive, which lead to nationalism, localism, and populism emerging today. The local world, and local government being its instrument, is a sphere and a privileged territorial place in the quest for a more open, inclusive, democratic, and fair society. As highlighted recently by Bauman (2021), the local level is totally necessary, can be seen in citizens’ lives, and is different to pure localism, in the framework of globalization. He expressly points out that “power has become globalized, but politics is as local as ever before...”.

In this context, despite European local governments possessing their own context and historicity, they are faced with the same challenges when contributing to sustaining the Welfare State. With Europeanization, despite political-administrative homogeneity processes, the specificity has not disappeared. Spain is one of the most decentralized countries and, in this decentralized structure, local governments enjoy greater legitimacy and recognition from citizens than the Autonomous Communities and central government. Obviously, in the political-administrative system, local

governments are not discrete and separate bodies but interact with one another and with central and regional governments in a complex matrix of interactions.

It is worthwhile studying local government and the complexities inherent in their interactions since the municipalities and their political organization are not only previous to the advent of the State but are configured as bodies of democratic participation and the provision of services that satisfy neighbors' needs, as emphasized by nineteenth-century authors (Mill 1985). For citizens, living and working in a local space is a key aspect of their quality of life and increasing territorial awareness, a sense of belonging and citizen participation. Thus, in Spain today, the local political-administrative system is the first democratic State link, which is framed in the process of diversifying this system and empowers citizens to express their needs, giving them priority in the context of political action (Brugué and Gomá 1998). Hence, local governments are no longer an appendage of central government and are converted into uniqueness or social systems with local specificity, and at the same time leading to villages and towns being recuperated as regards public spaces and as collective frames of reference. Therefore, the municipalization process that has taken place in Spain since the ratification of the 1978 Constitution entails greater problem-solving capacity and more autonomy in order to determine public problems based on local needs.

During the last few decades, the theoretical reflections on local governments have pondered on the role of the latter in a scenario of increasing interdependencies. Recent research (Schwab et al. 2017; Silva 2020; Brezovnik et al. 2021), among others, conclusively demonstrates a current interest in this subject matter and has reinforced the idea that local governments in Europe are key figures for balanced territorial development, as well as constituting a reference for citizens where proximity, in a context of rapid globalizing processes, is essential (Wollmann and Marcou 2010).

Therefore, local governments' key role is based on organizing specific production and reproduction conditions by developing their own strategies in a framework of increasing interterritorial competition derived from the globalization processes. Globalization as we know it may have ended due to the recent conflict in Ukraine, but once again it draws attention to local governments' public action, as is exemplified in those European local governments close to the area of conflict and their ability to respond to the need to take in millions of refugees. The importance that the European Union gives to subnational governments is evident when the Europe of cities and the European Charter for Local Autonomy are mentioned, advocating a more prominent political role for European local governments. And it could not be otherwise, since the European integration process has led to territorial power where the local factor takes a leading role.

Obviously, old and new globalization create a context in which the legitimacy of local governments' action will be reinforced, associated with local governance processes, which entails a shift from concentrating on vertical integration towards horizontal integration, derived from the need to respond to the progressive internationalization of the economy. It is quite possible that the aforementioned war, which once again has taken place in the heart of Europe, will shape new economic

blocks, but the trends of tertiarization and applying new technologies will continue to be the major vectors with a significant impact on cities and with decisive consequences for the local economy. This will continue to constitute scenarios for economic restructuring due to changes in consumer habits, the decline of certain industrial activities and the current reactivation of certain industrial activities, as a result of the new economic block configuration and the redistribution of services. The new economic relationships required by the economic block reconfiguration are likely to give a renewed role to cities by providing innovative industrial spaces along with the growth of tertiary and commercial activities. Local governments will therefore need to introduce comprehensive local public policies to help revalue their territory and minimize the negative impacts of economic globalization. For example, preventing the outflow of young people from rural municipalities to large cities, a situation that in Spain is causing a serious depopulation problem.

In this situation, the role of local governments in Spain is multiple: on the one hand, dealing with the consequences of deindustrialization in the cities and depopulation in the inland villages of the so-called empty Spain by developing new forces of economic activity, on the other hand, organizing, managing, and providing local public services and also promoting local interests in the structure of multilevel political representation and intergovernmental relationships. These challenges can be summarized as: on the one hand, promoting local interests that match citizens' interests and that are satisfied through the provision of local public services. On the other hand, political representation, so that local governments are both service-providing and also political organizations where the tension between democracy and efficiency is unavoidable. In a liberal democracy, the latter is related to the defense of freedom, citizenship, and collective interests, while efficiency is related to the provision of quality public services. The two are not incompatible, on the contrary, they are complementary, and one can speak of democratic efficiency. In short, in the changing structures of local governments in the first decades of this century, their objectives are fundamentally to increase democracy and provide quality public services and citizen participation in matters of importance.

It goes without saying that all institutions undergo transformations or modifications in their historical evolution, and this is no less true of local government in Spain, which has undergone a radical transformation in recent decades. First, after a long dictatorship, since 1978 it has progressively recovered its political capacity as an instrument for revitalizing and coordinating political-administrative institutions with local civil society, where the local business structure, citizens' associations, self-help organizations, and the third sector are important elements of the local sphere, as evidenced in many Spanish towns and cities during the recent Covid-19 pandemic. Due to their territorial scope of action and size, these local actors are permeable to local political rationality, and this is an opportunity for them to participate in decision-making processes for designing and introducing local public policies. In the Spanish local arena, citizen associations and initiatives take root, most of them are local, but increasingly acting in national and international networks, for example, the environmental movement. These interactions mean

influences among the multiple actors involved in decision-making processes blend together and become hybridized.

Within the framework of recent trends (pandemic, war conflict in Europe) that may entail enormous transformations, local problems are increasingly complex/diabolic, requiring cooperation mechanisms, through constant and fluid dialog, in order to pool resources, ideas, and different actors' capacities and be able to identify opportunities and reduce the risks brought about by a growing interdependence in contexts of the uncertainty of a global nature but which must be addressed at the local level. Economic globalization, which implies a network economy, forces local governments to adapt their territory like a node where economic flows pass through (Castells 1997) and to create partnerships with the market and civil society actors in their territory. This helps Spanish local governments to progressively cease to be a tutelary appendage of national or regional governments and to begin to establish themselves as political actors with the capacity to negotiate with other territorial actors.

1.2 Conceptualizing Governance and Local Governance

The unit of analysis "local government" as part of the system of state political structures sheds less and less light on local reality and trends. It is, therefore, necessary to consider the political-institutional system together with social processes and structures, moving from a system of local government to a system of local governance that includes public, private, and third sector organizations.

The concept of governance emerges as an alternative concept in order to analyze the form of government and organization of local government. It is useful as it provides an analytical framework for understanding government processes that not only relates to political-administrative institutions, as this concept is based on the existence of functional networks made up of public and private actors and on cooperation through negotiation between these actors as a means of achieving their common objectives. This means that decision-making centers do not reside exclusively in government but in complex networks that shape decision-making networks. In the context of these networks, the government appears as just another actor, but as a political actor that has to prove its legitimacy by leading processes and establishing systems of accountability. Governance emphasizes horizontal interaction between political actors and others embedded in economic, social, or cultural structures with different purposes or values, but with converging interests. The theoretical genesis of governance dates back to the mid-1980s and refers to the methods of government from the point and time when new forms of regulation became necessary to manage social change. It came into being as a result of the difficulties and overloads placed on the state, coinciding with the collapse of continuous economic growth and the crisis associated with the Welfare State. This circumstance leads to the quest for new balances beyond old securities based on the state-civil society and public-private dichotomies, requiring interaction between the aforementioned subsystems as

a means of coordination (Peters 2000). The term is thus associated with the crisis derived from the inability of governments to respond to the demands of increasingly complex societies due to their progressive differentiation (Mayntz 1987). In the context of this differentiation resulting from societal complexity (Luhmann 1990), it is acknowledged that the political-administrative apparatus is incapable of solving social problems by designing and introducing public policies from the center and is managed solely based on a bureaucratic model. For the same reason, market structures alone cannot solve market structures. Governance thus appears as an alternative method or mechanism to solve the problems that neither the State nor the market is in a position to solve on its own, hence the need to adopt new forms of regulation.

However, the doctrinal literature does not reflect a high level of consensus on the concept of governance, which has a wide range of meanings that can take on different interpretations Pierre (2000). Governance is a conceptual framework for identifying new ways of governing in which models of interaction between public and private actors are adopted that allow synergies to be identified and implemented to optimize decision-making in the political-administrative system which contributes to achieving optimal sustainable development (Kooiman 2003; Mayntz 1993; Hartley 2005). Some authors such as Bortolotti and Perotti (2007) understand governance as being a differentiated and overcoming synthesis of the privatization of public services, while others emphasize its usefulness as an instrument to supersede a bureaucratic administration (Bouckaert 2006) unable to cope with an increasingly changing reality. A biased conception has often prevailed in criticisms related to the functioning of the Weberian-rooted administration, which is not exempt from certain reductionism, such as the privatizing proposals of New Public Management and its prescriptive chimeras that are simplistic and homogenized, and the results of which seem disappointing (Bel and Fageda 2017), which has therefore led to a return to remunicipalization of local public services (Wollmann 2016).

The second perspective of analysis can be traced back to works such as those of Rhodes (1996). This author concludes that relational spaces are formed in society and entail the need to conceptualize territories in a very different way to the political-administrative categories in which these relational spaces are inserted and which are not always at the service of the flow of interactions among the different actors that make up the territory, but which do provide democratic legitimacy to these relationships. Therefore, democratic governance recognizes the plurality of actors, the assumption of interdependence, and the configuration of behavioral patterns that facilitate the participation of social actors in the processes of democratic government. Today's society is one that operates in networks that communicate constantly and work horizontally. Today, any local government that wants to be effective must embrace the network and manage it.

Some official bodies, such as the United Nations, have defined governance as "good government" or the institutional capacity to regulate social processes through democratic procedures together with the performance capacity of institutions. From this institution's standpoint, governance is understood as the exercise of the political, economic, and administrative authority for managing national affairs and is

made up of a set of institutions, mechanisms, procedures, values, norms, and relationships through which the different groups and interests belonging to the spheres of the state, the market, and civil society resolve their conflicts.

It is true to say that governance, beyond its intellection, is configured as an instrument for redistributing the roles of social actors and institutions in the context of an increasingly hologram-like reality. Governance would thus constitute an instrument for activating society and all the groups operating within it. A constant balance is sought between political interests on the one hand and social interests on the other, through shaping spheres of influence with multiple types of relationships in the quest for synergies among the interactions of the various public and public-private actors, beyond political-administrative borders.

All in all, the different proposals, always biased, reflect the ideological, theoretical, and methodological pluralism of the scientific community, although it is true that the notion of governance includes the ideal of progress embodied in increasing democracy and public efficiency and redirects its research towards improving responses to the challenges of the contemporary world based on deliberation and citizen participation. Therefore, of the most characteristic features of governance, the first is that democratic governance is a way of achieving democratic governance based on acknowledging the plurality of actors, on the assumption of interdependence, on the configuration of behavioral patterns that facilitate the social actors' participation and interaction in democratic government processes. Within this debate, one of the lines refers to the fact that the globalized society is a society that operates in networks, and networks communicate constantly and work horizontally, which is why traditional models of hierarchical, opaque, and closed government are no longer useful. Nowadays, any government that wants to be effective must embrace the network and manage it. However, governance does not mean abandoning the leadership role of government, thus the government must adopt the role of promoter, driver, and cooperator (Kooiman 2003).

Local democratic governance refers to local authorities and civil society participating in their territory with the aim of creating synergies based on their endogenous potentials to achieve sustainable development in all its aspects (John 2001). The goal of Collaborative governance is to establish multilevel processes within transparent and efficient coordination systems where cooperation logic is based on the same principles.

Local governance is one of the territorial manifestations of governance (Canales 2001). In local territories, two apparently opposing trends converge, which are particularly evident in towns and cities: on the one hand, the demands derived from globalization processes and, on the other hand, local needs linked to citizens' everyday life. The way the local political system functions needs to respond to these trends by means of public action that is far removed from technocratic purism and by allowing the different actors with interests in the local territory to participate.

Local territories are the ideal spheres for the practice of democracy since it is there that a sense of collective responsibility is most prominent (Tocqueville 1990). The local sphere is an area delimited by space, and these spatial boundaries

determine the conditions for interaction among citizens. In turn, this specific context of interaction that occurs at the local level facilitates more authentic relationships. Indeed, it is in towns and cities, small and large, where actors in the same territory have more opportunities to interact and where local government can better identify the groups affected and thematize its policies, thus strengthening the relationship between democracy and effectiveness since, at the local level, the quality of the services provided by the administration is identified with the quality of the policy.

In this sense, local governance entails moving from the logic of a local administration as a manager of undifferentiated public services to another administration responsible for the well-being of its citizens. To achieve this goal, local governments are forced to innovate in order to optimize managing the resources available in their territory and, in conjunction with other actors, to solve the specific problems demanded by their citizens through imaginative formulas for collaboration, making innovation and dynamism compatible with the democratic control of market forces. The responses to the processes arising from the intersection of the boundaries between the public and private sectors, the interdependencies that this generates among organizations hitherto formally encompassed in both sectors, and the need to base authority not on hierarchies, but on negotiation, consensus, and cooperation among multiple numbers of organizations for designing and introducing local public policies, constitute structural elements of local governance. From this perspective, local governance is nothing more than the embedment of local government institutions in broader processes for designing and introducing public policies. This embedment can lead to public power blending with other interests or becoming the promoter or coordinator from the political power pertaining to the set of actors with local interests (Stoker 1998) through institutionalized dialogue with local organizations and groups that claim their influence to intervene in matters that concern them directly and creating links with varying degrees of permanence with the groups that have an interest in the local territory so that local government is forced to become involved in interorganizational, intergovernmental, and civil society relationships.

In this way, networks of power are set up in the local territory, in which institutional structures and actors gather and political communication processes take place, and resources are channeled and act as a support for political decision-making. Each power network is specific to each territory and determines the relationships that take place within it. This municipalization of networks has been reinforced as decentralization processes have been consolidated. These networks are: (a) Electoral, controlled by party elites and dependent on their personal influence; (b) Administrative, as a result of interactions among the techno structures of central, regional, and local administrations; (c) Economic (local business structure); (d) With civic associations and citizens. The relationships established among these networks determine the physiognomy of local power resulting from the interaction between political power and social groups.

1.3 European Comparative Perspective of Local Governments in Spain

In Europe, the institutional framework which local governments operate in has its origin in the functions granted to them within their own political-administrative system. Thus, in Northern European countries and Great Britain, they are conceived as instruments for providing Welfare State services, which entails a constant mutual dependent relationship with central governments. By contrast, in southern European states with a unitary tradition, such as France and Italy, they have traditionally been an appendage to central governments, being considered first as representative bodies of the center in the periphery, and subsequently as the representative government of a local community, with the provision of services and their role in the political-administrative system being secondary. In central European countries, such as Germany, the institutionalization of local governments is framed within the model of cooperative federalism for developing public policies designed by the *Bund* or the *Länder*. In Eastern European countries, after the communist regimes were dismantled, local governments were configured as relevant administrations and resemble the structures of Central European countries.

On this basis, there are undoubtedly differences in European local governments in terms of organization, legal framework, responsibilities, size, decision-making processes, stakeholder mapping, and locality-specific problems (John 2001).

Moreover, the current institutional structure of local governments is path dependence or path dependent. Thus, during the seventeenth and nineteenth centuries, centralized bureaucracies emerged and were consolidated in southern European countries (Baena 1990; Ramió 1999; Olmeda and Parrado 2000), while in the North, local elites maintained an important share of power in their territory (Hintze 1975). From this point, two main typologies of local political-administrative systems develop. First, those of Napoleonic tradition, which are representative bodies in the territory of the central powers, in such a way that central bureaucracies are in charge of the design and implementation of public policies related to land use, urban development, infrastructure policies (transport, for example) and the control of local public spending. Second, those of Northern Europe, true local political systems with the capacity to negotiate with central authorities (Page 1987). To this dual European tradition, other authors add a third, British (Norton 1997), or even distinguish four traditions, Anglo-Saxon, Scandinavian, Central European, and Napoleonic-influenced (Schwab et al. 2017). However, it is true that political, economic, and social processes mean the clarity and limits of these categorizations have become blurred due to the common challenges faced by European local governments. Problems such as demographic change, environmental issues, the scarcity of financial resources, immigration, and digitalization are common to the different systems (Silva 2020), although there are still differentiated features that persist in the institutional structures, autonomy, and functions granted to them.

As regards the institutional structure, it is important to analyze the exercise of political leadership. In southern Europe, where there is the mayor-plenary model,

individual leadership can be exercised, so the mayor can possess a great deal of power. On the contrary, in line with a more consensual tradition (Liphart 1984), where political power is fragmented with a segmented leadership and power sharing, decisions are more collegiate, taken by commissions, including members of the opposition, and where there is a head of administration appointed by the plenary and in charge of a professionalized bureaucracy. The figure of the city manager is gaining importance in the Anglo-Saxon tradition, and there is a movement in many Western European countries to reform the decision-making system, with a shift from collegiate to personal John (2001), which revolves around the idea of granting greater decision-making autonomy accompanied by greater accountability in such a way as to allow the mayor to exercise executive leadership and have greater strategic capacity to coordinate fragmented interests, while at the same time establishing control mechanisms. As a result, there is a tendency toward the direct election of the mayor, although the party system remains decisive in most European countries (Copus et al. 2011).

A key aspect of European local governments is the degree of autonomy, which is determined by their financial dependence on other governments. This dependence is accentuated in southern European countries and the case of Spain is paradigmatic (Steyvers and Swianiewicz 2017) and means that, in this country, local autonomy can be considered to be moderate (Ladner et al. 2016). At the same time, the phenomenon of infra-municipalism appears in this area where there are municipalities with very few inhabitants, while in the north the size of municipalities is more homogeneous. The size of municipalities represents not only a challenge to the quality of local democracy (Denters et al. 2014) but also to the provision of local public services with minimum standards of quality.

Finally, in terms of responsibilities and power, the level of participation in public spending is indicative, ranging from an average of 36% in Scandinavian countries, 28.1% in Germany, to 14% in Spain, Italy, and Portugal (OECD 2018). Although there are strong tendencies towards convergence, the defining characteristic of local governments in Northern Europe is that they are the implementers of state public policies associated with the provision of basic Welfare State services (education and health), while in Southern European countries the essential aspects of these services remain centralized in central or regional governments which, on the other hand, transfer the discipline of fiscal austerity imposed by the EU to subnational governments (Silva and Bucek 2014), which allows less room for local responsibilities to be broadened.

Despite institutional differences, the fact remains that local governments face common challenges and problems arising from economic and social processes (Bovaird et al. 2002). Undoubtedly, local governments find themselves at a crossroads of contradictory tensions: tension between the internationalization of the economy and the need to solve local problems and tension among business interests guided by the logic of liberalized markets and social structuring, that is, between economic development and social cohesion, and finally, tensions derived from the processes of territorial power being centrifuged. In Spain too, these new elements are what shape the local power panorama and not the traditional ones: population, territory, and organization (Ballart and Ramió 2000; Olmeda 2000), among others, which are no longer valid.

1.4 The Political-Administrative Context of Local Governance in Spain

The local system in Spain is the result of the tension between a polycentric, plurinational, and pluricultural state and a unitary, radial, and unicultural state. It is in this tension that local autonomy exists and in which it has always developed under unfavorable political-institutional and financial conditions. To this must be added the atomized structures wherein a vast majority of local governments have less than 5000 inhabitants. Historically, local governments have been conditioned by the power of central government, particularly in the period prior to the current democratic system under the 1978 Constitution.

The Spanish local system has historically been characterized by institutional uniformity and fragmentation, that is, legal uniformity applicable to cities and towns regardless of their size, with municipalities ranging from large cities to depopulated ones with problems that, given their diversity, hold nothing in common. Thus, in terms of economic growth, many municipalities depend on industry, others on tourism, and a considerable number of small municipalities depend on something as random as the vicissitudes of the weather (Fig. 1.1).

On the other hand, local problems have traditionally been viewed as technical problems that could be solved from technocratic perspectives, since the local territory has been deemed as a functional division for Central Administration action. For this reason, local governments in Spain are caught between their political and

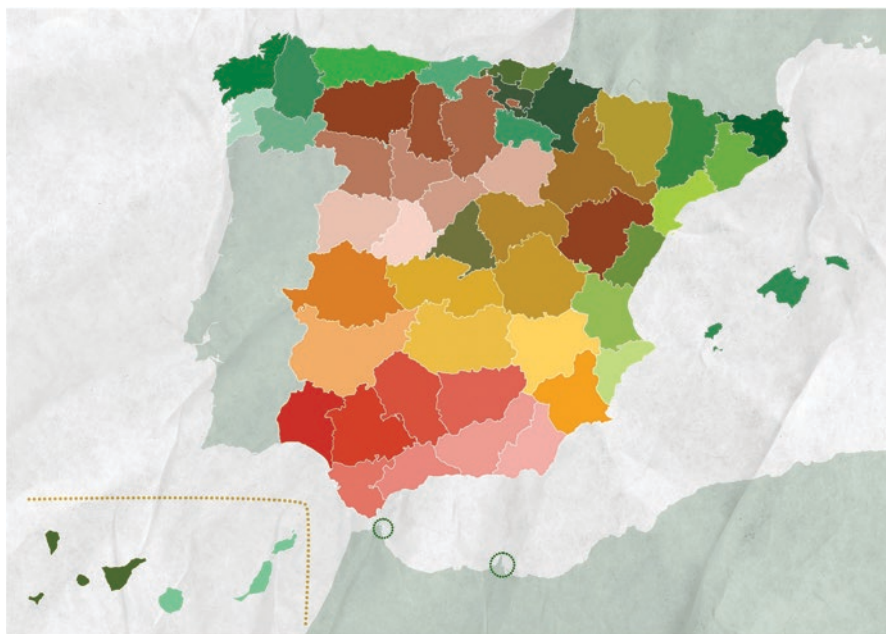


Fig. 1.1 Spain's Main administrative provincial boundaries. (Source: Own elaboration)

managerial dimensions. Coinciding with the normalization of the democratic system in which local governments' political autonomy is acknowledged, there has been a re-politicization that implicitly entails their recognition as political actors. With this, local governments cease to constitute an appendage of the state administration and once again take on an eminently political role since their political autonomy has been acknowledged, as should be the case in a decentralized State. However, in the decentralization process, their institutionality has been shaped in parallel to that of the Autonomous Communities' regional governments which are at an advantage when it comes to competing with local governments over territorial power in their geographical area, although in recent years some of them have acknowledged the importance of their local governments. As a result, local governments' co-decision capacity in regional and state policies has been reduced to a minimum, all of this in a context where basic essential Welfare State services such as health and education are in the hands of the Autonomous Communities.

Yet, in formal and constitutional terms, in Spain, the authority of municipalities continues to derive from the State. However, according to the "material constitution," local governments have a new status and role as political institutions and government units in their own right, not only for their own affairs but also for common public affairs. To this end, the Spanish Constitution formally recognizes in Article 137 and subsequent articles the political autonomy of municipalities by granting them the capacity to manage autonomous public policy networks, which are based on their political power as authorities with mobilizing power. Therefore, a new institutional position has been consolidated for local governments which deal both with their own affairs, as indicated by law, as well as with issues related to the general welfare and they even accept the Autonomous Communities' and the State's capacity to regulate and control. These bodies, by means of a panoply of general or sectoral regulations, force local governments to provide certain minimum services in accordance with their population. Although obliged by law to provide these minimum services, from this point onward, local governments have the autonomy to set their priorities. The effective exercise of these priorities is determined by the capacity they have at their disposal, mainly in terms of financial and personal resources. In this respect, Spanish local governments currently manage only 14% of public spending, as the priority for decentralization has been given to the Autonomous Communities, which, as has just been mentioned, are mainly responsible for health and education matters. In the cities, revenues come from local taxes and regional or State transfers and, to a large extent, from capital gains derived from the sale or rezoning of land, while small municipalities (more than 6800 out of a total of 8130 have less than 5000 inhabitants) depend on financial aid from central, regional and provincial governments.

In this respect, there is a high level of consensus on Spanish local governments having obtained significant political autonomy and having promoted local political leaderships, which, unlike the ones at a national level, are less polarized, leading to more pragmatic political practices.

Although it cannot be determined accurately, on the whole, the position of local governments in Spain has definitely been strengthened and they constitute a

political-administrative subsystem within the framework of the State of Autonomies. The constitutional guarantee of Articles 137, 140, 141, and 142 of the Spanish Constitution recognizes political autonomy and its institutional configuration through free elections, establishing their own administrative apparatus and financial sufficiency. This legitimization of the local level as a political system is evident in elections where participation levels are high compared to other European countries, as well as in regional and state elections within Spain. The fact is that local level political parties invest a great deal of interest in competing in the local arena, not only with groups of citizens who organize themselves as independent candidates but also, more recently, with the emergence of parties at the provincial level that have arisen as a result of the perceived lack of interest of national political parties in the problems of the thousands of small municipalities in inland Spain, the so-called empty Spain, which suffers from a significant depopulation problem.

In this electoral competition, the existence of an electoral system that opts for D'Hont's Law on proportional voting facilitates government majorities being formed, which, together with the regulations on the organization of local government, means the mayor possesses a significant amount of power, as he chairs the Plenary, is the head of the municipal executive and head of the municipal executive and administration. Both the 1978 Constitution and the legal framework of the Spanish local system (the 1985 regulations on Local Government), as the status determining the standard, make no distinction between local government and local administration, pointing to the mayor and the councilors as responsible for performing both functions, in such a way that local government and local administration are intertwined, with no differentiation between political and managerial or directive functions. Particularly in medium-sized cities (above 20,000 inhabitants), the mayor and councilors perform both political and managerial tasks, without possessing special qualifications to perform the latter (López Nieto and Delgado Sotillos 1994) and competing, on occasions, with bodies possessing national authorization that defend a formalist conception of management. This dual profile of government councilors, political and managerial, who are appointed by the mayor to form part of his executive and the Government Commission, allows the mayor to exercise strong and effective control over the local administration whilst local councilors are usually in charge of the different municipal administrative departments.

Therefore, in Spanish local governments, the mayor constitutes a strong political figure, with a certain degree of independence from his or her political party, chairs the Plenary and is the government head and effective manager of the Administration and all its services (Egner et al. 2018). There is also an increase in the scope for maneuverability of local political elites in the framework of intergovernmental relationships, as they have greater power and political legitimacy. Moreover, European integration has granted cities with additional political legitimacy by allowing them to be represented in various EU bodies, have access to structural funds, and participate in European public policies.

Within this framework, Spanish local governments, through their public action, have contributed to structuring the State by implementing local policies aimed at territorial and social cohesion. Thus, policies have been developed and have

provided municipalities with important facilities, a historical deficiency in many of them. On the other hand, local governments have also implemented social and economic policies that have contributed to consolidating a certain level of well-being among citizens. This has required many local governments, particularly those in the cities, to compensate for management deficits in central and autonomous administrations by taking on responsibilities not pertaining to them and without receiving the appropriate financial funding. The priority to decentralize, as has been mentioned, has focused on the autonomous communities and it is these, together with the central government, which still hold important legal and financial resources that affect local public policies, thus producing cycles of neo-centralism through which the Autonomous Communities reinforce their powers and the central government imposes severe austerity measures on local governments, as occurred after the 2008 international financial crisis.

The total Spanish population comes to 47,385,107 inhabitants in 2021 and lives in 8131 municipalities. The migratory processes from rural areas to the city, which began during the Franco regime in the 1960s and 1970s, have given rise to a dual distribution of the population. On the one hand, there are the rural municipalities with less than 5000 inhabitants, constituting 78% of the total and where less than 15% of the population lives and are located in the Autonomous Communities in the interior of the peninsula. On the other hand, 85% of the population lives in urban municipalities, constituting 18% of the total (Fig. 1.2).

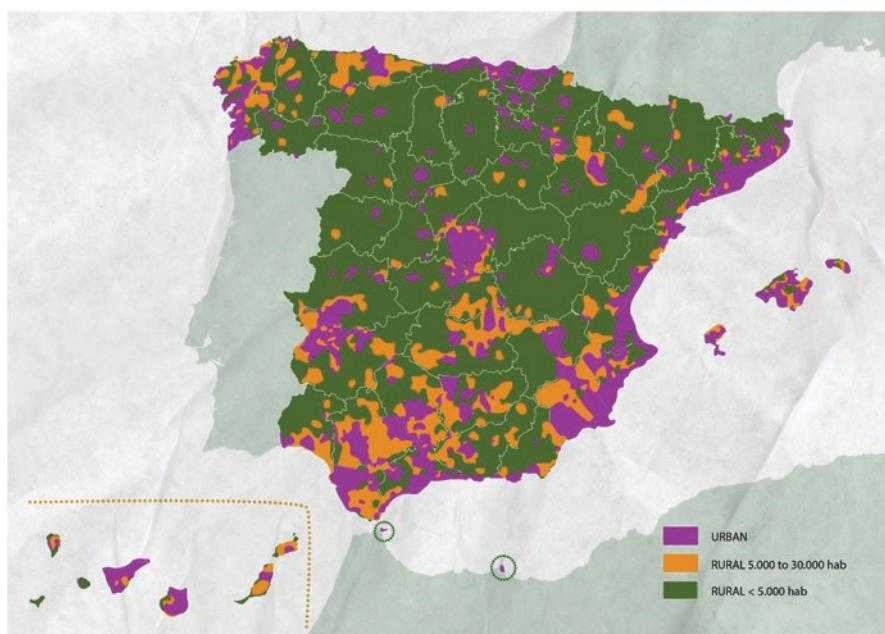


Fig. 1.2 Population concentration in rural and urban municipalities Spain. (Source: Own elaboration)

It is true to say that all this is taking place in a context of extreme population bipolarization, where some municipalities are growing at the expense of others, giving rise, on the one hand, to metropolitan phenomena with large populations with increasingly degraded urban peripheries and, on the other, to small rural municipalities at risk of depopulation, both with their own specific problems. All of them are subject to homogenizing and, at the same time, fragmented legislation for regulating powers, local elections, or financing, which emanate from both the State and the Autonomous Communities and which do not take into account the singularities of each local government, whether metropolitan or rural, nor the fact that a municipality of 100 inhabitants is a very different reality to a city of one million, not only in terms of demographics but also of economics, politics and social issues. However, it is not just a question of ignoring this progressive population bipolarization, which brings with it specific problems, particularly serious in small municipalities and even in cities of less than 1000,000 inhabitants, which are experiencing a progressive loss of population. All of this affects the quality of life of those citizens who are in the worst state and who live in small municipalities or in the run-down neighborhoods of large metropolitan areas. Moreover, in a society undergoing constant transformation, which demands more agile systems of government, this regulatory homogenization is a hindrance, insofar as it does not take into account the specific characteristics of each municipality and is a burden when it comes to establishing local public policies to respond to the real needs of each municipality (Table 1.1).

All in all, leaving aside infra-municipalism, the local governments of Spain's medium-sized and large cities serve as a pillar which guarantees maintaining citizens' well-being. This new reconceptualization of local governments has implications and demands a new form of governance, as is the case in neighboring countries; Spanish cities are becoming decision-making centers that affect politics and the economy in general. Over the last few decades, globalization processes have influenced the type of local public policies and the way their organizational structures and procedures should be designed. This obviously leads to new forms of governance that require introducing consultation processes between political-administrative elites and interest groups. A complex number of interests are gradually converging in Spanish cities and towns, and it is up to local politics to manage these interests by establishing reciprocal relationships among institutions, based on trust and leading to collaboration and cooperation.

Lastly, in the study of local governance in Spain, a decentralized state, although far from the federal model, reference to intergovernmental relationships could not be omitted. In Spain, relationships between central government and municipalities have evolved from the clientelistic practices of the Franco regime to those mediated by political parties and, more recently, through the Spanish Federation of Municipalities and Provinces, the main national association of Spanish local governments. These relationships have been conditioned by the decentralization processes for creating Autonomous Communities, the design of which was set out in the Constitution, but which has over the last few decades materialized mainly through bilateral negotiations. Today the process is not yet complete, important disputes exist with some Autonomous Communities that want to go further in the

Table 1.1 Population by type of municipality. Spain 2021

Municipalities per size	Number of municipalities			Number of inhabitants			Average population		
	1970	2021	Var.%	1970	2021	Var.%	1970	2021	Var.%
Inhabitants									
More than 500,000	4	6	50.0%	6,092,975	7,668,824	25.9%	1,523,244	1,278,137	-16.1%
101,000–500,000	34	57	67.6%	6,396,468	11,216,339	75.4%	188,131	196,778	4.6%
50,001–100,000	36	86	138.9%	2,469,556	6,178,689	150.2%	68,599	71,845	4.7%
20,001–50,000	132	265	100.8%	3,833,920	7,837,738	104.4%	29,045	29,576	1.8%
10,001–20,000	282	346	22.7%	3,783,048	4,894,070	29.4%	13,415	14,145	5.4%
5001–10,000	532	553	3.9%	3,721,484	3,902,355	4.9%	6995	7057	0.9%
2001–5000	1252	947	-24.4%	3,924,517	2,996,629	-23.6%	3135	3164	0.9%
1001–2000	1260	874	-30.6%	1,753,279	1,240,089	-29.3%	1391	1419	2.0%
501–1000	1557	1004	-35.5%	1,097,655	721,010	-34.3%	705	718	1.9%
101–500	3115	2614	-16.1%	852,366	651,192	-23.6%	274	249	-9.0%
Less than 101	451	1379	205.8%	30,779	78,172	154.0%	68	57	-16.9%
Total	8655	8131	-6.1%	33,956,047	47,385,107	39.5%	3923	5828	48.5%

Source: Based on Hecce and prepared by the authors with data from the Spanish National Institute of Statistics

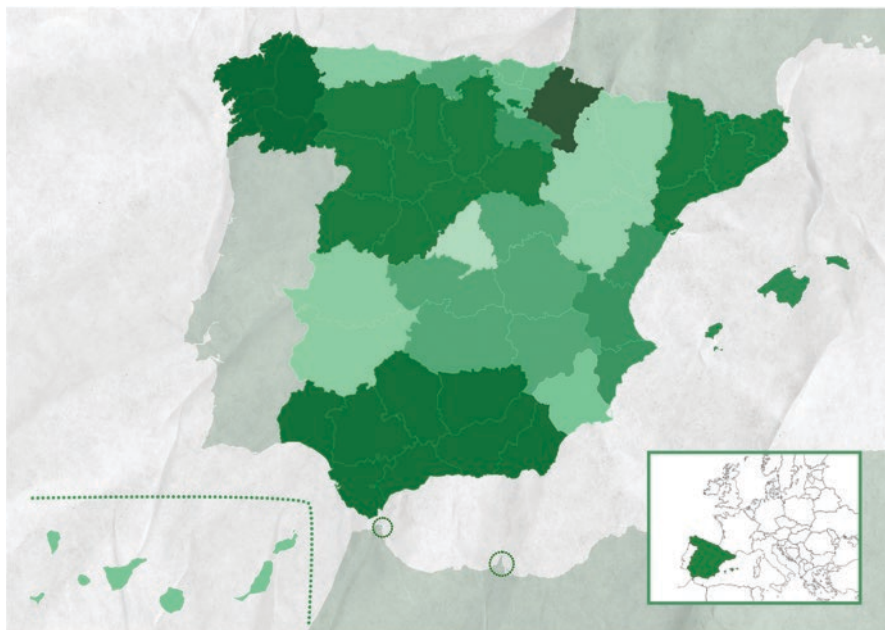


Fig. 1.3 Spanish territorial model of Autonomous Communities. (Source: Own elaboration)

decentralization process, with demands that include independence from the State, as is the case of Catalonia (Fig. 1.3).

Of course, Spanish local governments continue to be in an inferior constitutional and legal position in relation to the State, although the vision provided by the regulatory system is losing validity due to the existence of multiple territorial logics, thus the State is losing some amount of centrality and where, for example, aided by the processes of globalization, the local governments of some large cities which constitute metropolitan spaces are re-emerging as important political and social actors. This means that, in the framework of intergovernmental and interadministrative relationships, Spanish local governments shifted from clientelism, through their capacity to influence central government ministries or regional government departments, to more horizontal relationships. Within the framework of these relationships, balanced interactions are established between elected officials and public managers, which have led to a change in the political and administrative culture of elected and administrative officials, who have progressively moved away from a culture of clientelism.

These changes in the political and administrative culture of local elites favor certain political behavior, insofar as elected officials are no longer mere mediators at the central level (Brugué and Gomá 1998) but act as dynamic entrepreneurs. The role of elected officials no longer consists in secretly negotiating with central authorities in order to adapt to the regulations and policies formulated from the center, but to manage local development jointly with the other levels of government

and civil society. The influential mediator among the local, regional, and central levels is being replaced by politicians and managers concerned with their territorial interests, and the legitimacy of local elected officials is increasingly based on the exercise of local public action.

This situation has arisen from the fact that the common interest issue is not the central State's prerogative, but rather an issue that is shared by all levels of territorial governments interacting and negotiating with each other. During the Covid-19 pandemic, the common interest of many citizen strata has been safeguarded thanks to the intervention of local governments, which, within the framework of intergovernmental relationships, have acted as agents for central and regional administrations, but have also developed their own initiatives.

1.5 Overview of This Volume

This book is composed of 12 chapters in total, including this Introduction and the Conclusion, that deal with the subject matter under study in a clear, comprehensive, orderly and systematic manner. In some cases, the different chapters are accompanied by supplementary data and tables.

The first chapter of the book by Marta Méndez deals with the institutional architecture of local government in Spain where municipalities and provinces are vested with autonomy to manage their respective interests, becoming essential levels of government in the territorial organization of the State. However, the outstanding contribution of local governments to the democratic structuring of the country has not been accompanied by institutional mechanisms that guarantee their own political direction, when these are the levels of government closest to the citizens and which, out of generosity rather than obligation, serve their demands.

Despite the legislator's latest attempts to reform local governments in order to simplify their structure, improve their functioning, and adapt their organization to the new social, political, economic, and technological challenges, there are still endemic problems that need to be addressed: serious situations of concurrence of powers or lack of specific powers to provide certain services, duplicity in the provision of services, lack of adequate resources to fulfill its mission or the complex internal diversification of this level of government, among others.

This chapter begins with an initial account of the historical factors that determine the institutional architecture of local governments in Spain. Secondly, it analyzes the main regulatory milestones that have led to the emergence, evolution, and consolidation of the model, detecting the most striking shortcomings that compromise the so-called local autonomy in this country. Thirdly, some political-administrative alternatives are offered to help clarify municipal powers in order to avoid duplicities and favor the "one Administration, one power" principle, rationalize the organizational structure in accordance with the principles of legality, efficiency, and effective service to the citizen, and guarantee full compliance with the obligations of governance without the pursuance of public responsibility losing force. And, fourth

and finally, the chapter ends with some recommendations on how to approach this process of change and adaptation of local governments to the new multifaceted and complex realities, with special reference to the geographic and demographic challenge of depopulated areas or areas at risk of depopulation.

The chapter by Ángel Valencia and Francisco Collado addresses local governance in Spain in a multilevel governance context. Municipal governance is defined by the political and institutional processes adopted by local authorities to achieve stable and long-term economic and social development. From this perspective, governance in the Spanish local system is a direct responsibility of the municipalities, but it is also affected by the territorial planning of the State and Autonomous Communities. Hence, there is a need to differentiate between local governance and the stability of municipal executives, which are interrelated but distinct elements. This chapter analyzes the governance of municipal governments by following the division of policy into structure, process, and public action. The first part presents the current state of the municipal government system in Spain and its performance in the 40-year period of local democracy. The second part contemplates the main transformations that the political decision-makers (mayor and councilors) have experienced and the types of investments that sustain the councilors. The third part presents an analysis of the insertion of the Sustainable Development Goals (SDG) and their incorporation into the local public policy agenda at a multilevel environment. Finally, we conclude with a theoretical-empirical ordering of the different elements that affect the governance of municipalities in a context characterized by the presence of different ecological scales of institutions and agents.

The next chapter by Adela Romero analyzes the problem with governance in metropolitan areas. In Spain, the population is concentrated in large metropolitan areas where the presence of strong business values, including pressure to favor particular interests, requires instruments for complex decision-making.

The joint provision of tasks and services with other municipalities in large metropolitan areas reduces autonomy and control, and it requires high levels of coordination. Therefore, there has been a discussion on whether this joint action in large metropolitan areas has led to a loss of organizational identity and caused other disruptions in delivering local programs and services.

Furthermore, in these metropolitan areas, privatization of public services has been a way to respond to problems of coordination, however, privatization in many instances requires long-term contracting relationships with private organizations. Public tender processes are required. Contracts for the provision of certain services (utilities, social services, etc.) are sophisticated (that is, other subcontractors are involved) and urban development requires joint ventures where relatively large amounts of money are involved, and they require the appointment of board members that may have connections with other private interests.

Yet, in metropolitan areas, local governments also enter into delivery arrangements with local civic associations, not only to provide a sense of community but also for the provision of social services that are mainly funded by the local government becoming dependent, less autonomous and less critical. All of them entail levels of discretion that might be beneficial for the actors involved, but not

necessarily for the good of the local community, which requires accountability mechanisms being established.

In Chap. 5, Marta Méndez explores some of the realities related to intermunicipal cooperation in Spain. Cooperation and intermunicipalism are two essential concepts in the study of the current reality of local governments in Spain. On the one hand, cooperation is understood as the situation that occurs when two or more government structures, voluntarily and in the exercise of their powers, assume specific commitments in order to achieve a common action. On the other hand, intermunicipalism can be described as the set of initiatives and structures put in place by local entities in order to cooperate when exercising power and the joint provision of municipal public services, as well as performing tasks of common interest.

Taking into account the complex territorial organization of the Spanish state, and analyzing the current political-administrative framework, it is increasingly common to find intermunicipal cooperation mechanisms that allow the needs of citizens to be responded to with greater force and efficiency. The traditional “subjective” analysis, in which each municipality represents a unit that manages the common good in a grouped manner, has been left behind, and new “functional” formulas are imposed, whereby these municipalities no longer work in isolation but in relation to others based on criteria of necessity and opportunity. Moreover, this intermunicipal cooperation can take place in a variety of forms, types, and legal regulations (at the State or Autonomous Community level), depending on the constitutional and municipal tradition of each country. Thus, municipalities can cooperate with each other within a permanent subjective framework or, on the contrary, they can cooperate informally, through association mechanisms.

This chapter focuses on analyzing the political-administrative structures of cooperation in the municipalities of Spain, given their permanent concern to offer common quality public services for which it is increasingly complex to provide them with criteria of equality and efficiency. Firstly, the formulas of intermunicipal cooperation in force in our legal system are presented. Secondly, their viability is analyzed, in view of the serious systemic problems that occur at this level of government, such as the hyper fragmentation and dispersion of the local level and the chronic insufficiency of local entities to ensure the provision of their public services. Thirdly, it lists some of the political challenges posed by intermunicipal cooperation formulas, such as the opacity of their structures, the dilution of political responsibility for the management of public services, or the lack of direct democratic legitimacy, among others. Fourth and finally, the chapter ends with some recommendations on how intermunicipal cooperation can be approached from our institutional framework, with special reference to the geographic and demographic challenge of depopulated areas or areas at risk of depopulation.

The chapter by Ángel Iglesias reviews the local government finance structure in Spain. Local governance has important economic dimensions and is related to the ability to raise revenue or receive transfers from central or regional governments. This dimension is also influenced by the impositions of local economic actors (business organizations or trade unions) on political decision-making processes stemming from the imperatives of capital accumulation, the control of expenditure by

central audit bodies and, more generally, the constraints on public spending determined by the macroeconomic policies of European and central national powers. In this context, local financing is a key element of local governance since local public policies and the provision of goods and services to citizens largely depend on the financial resources available. In Spain, the financial sufficiency of local governments depends, to a large degree, on the central government and the Autonomous Communities' governments. On the other hand, the heterogeneity of Spanish local governments means that, depending on the territory, there are different financing structures. For all these reasons, this chapter analyzes the different financing structures and instruments, identifying to what extent these different financing structures also lead to differences in governance structures.

In addition to the analysis of local governance in the previous chapters, from the point of view of the relationship with other territorial levels of the state and with local civil society, this chapter deals with reform activities in Spanish municipalities to adapt to the changing environment and to improve their performance.

Reform activities, compared to incremental changes, have the advantage that they address existing problems more explicitly and propose changes and improvements in a direction that can be deciphered in a local governance context. They tell us what role local government should play in the future, how municipalities will be organized, what services they will offer and, of course, what the ideal size of a local government should be.

The way local governments are organized and the employment of civil servants are usually in the hands of local authorities. The higher levels are involved in local finances and budget processes. The more autonomous the local authorities are, the more diversity there is. High levels of autonomy make it difficult to modernize local public administration in general, but they also allow municipalities to customize their reforms and, perhaps more importantly, there is some diversity in the implementation of reforms which normally have a more experimental trial-and-error nature.

How to organize the delivery of tasks and services is one of the fundamental issues of concern to any state. Beyond the basic question of what the public and private sectors should do, which responds to legislative concerns about the role of the state in society, there is an ongoing debate about the organization of tasks and services that municipalities should be responsible for.

The chapter by Jorge Crespo on local elections and political leadership demonstrates how both aspects influence local governance processes. The Spanish local system is characterized by institutional uniformity and social and territorial fragmentation. The system of parties contesting local elections is a mimicry of the one existing at the national and regional level, although, following the economic and political crisis, citizen movements have emerged, especially in the large cities, which have contested local elections. Political parties have an enormous interest in competing in the local arena and, in Spain, the legitimization of the local level as a political system is evident in elections where the level of participation is high compared to other European countries.

The existence of an electoral system that opts for a corrected proportional ballot facilitates the formation of majorities and allows for a significant concentration of power in the hands of the Mayor, insofar as he presides over the Plenary and is the head of the municipal executive and administration. The Mayor exercises a presidential role, providing the conditions for the exercise of both political and managerial leadership to implement local governance processes through the implementation of concerted policies between the political-administrative elites and local interest groups, based on trust that lead to cooperation and collaboration in order to respond to complex local needs and to activate their endogenous potential. This chapter will therefore focus on the exercise of political leadership as one of the main elements, if not the most important, of local governance.

The next chapter by Antonio Díaz reflects on the importance of local management and how the *New Public Management* paradigm and tools emerged in the Spanish Local Administration in the last quarter of the last century, rapidly adapting to the decentralized state model derived from the 1978 Constitution. At the same time, the *welfare state* is introduced, arriving late in Spain and partially taken on by the municipal services (social, cultural, and sports). *Quality Management* acts as a lever for modernization and this management paradigm unfolds up to the 2008 great recession, which marks the beginning of a period of *economic, social, and environmental Sustainability*.

The author presents some considerations on how the emergence of the *information age* and a *relational or entrepreneurial state* model (Mazzucato) shape new needs, especially focused on providing *security and well-being* to citizens confronting major environmental uncertainties, such as pandemics or climate change. In the face of this situation, approaches such as *New Local Management* need to update and at the same time deploy new values and tools, as well as structure *intelligent and collaborative* governance, for transformative management demanded by twenty-first-century citizens.

In Chap. 8, Roberto Barbeito and Ángel Iglesias examine the change in the structures of citizen participation that has taken place in Spanish local governments as a result of the transformative pressure exerted by the new political actors that emerged from popular protests and social movements in the past decade. The authors observe that, in a uniquely favorable context, Spanish local governments were quite permeable to the pressure to transform the model of participation, turning it into a transversal policy that fosters *participatory democratic* innovation. However, it is unclear whether this new strategy of local participatory governance will withstand the political cycle change.

The authors of the penultimate chapter deal with local governance during the Covid-19 pandemic. Just when local governments in Spain seemed to be recovering from the perverse effects of the 2008 financial crisis and on the way to facing the challenges of climate change, an extra-systemic phenomenon such as the Covid-19 pandemic has come not only to exacerbate existing problems but also to disrupt public action priorities.

In this chapter, we identify the range of participatory techniques made available to the public by local governments in Spain during the Covid-19 pandemic and

analyze their effectiveness in influencing and changing policies/decisions. We also deal with and explore the tensions existing between representative and participatory democracy and compare the strategies and approaches towards the use of participatory democratic methods, as well as the circumstances in which they are used and how they are organized during the whole process of the pandemic. In addition, we will identify the stakeholders who are engaged in participatory democracy and new forms of civic engagement in the provision of the most urgent and needed social services.

The last chapter by Carmen Navarro and Esther Pano looks at the tricky issue of local autonomy. Spain was one of the first countries to ratify the European Charter of Local Autonomy. Not without some setbacks, its principles have gradually been incorporated into the Spanish system as the regional and state laws on local governance have been enforced. Its hermeneutic value has undoubtedly proven to be important, and the legislator has considered the principles contained in the Charter when developing local governance processes. Therefore, it can be assured that, nowadays, the level of implementation of local autonomy in Spain is reasonably in line with the principles stipulated in the Charter. However, local autonomy in Spain is possibly in a stage of regression at present times, mainly due to the effects of the way the financial and economic crisis have been addressed. Spain, along with other Mediterranean countries, has been required to introduce harsh austerity and adjustment policies, which particularly affect the local public sector. In this context, the main local governance challenges Spain will have to handle in order to fully extend and reinforce local autonomy to completely comply with the principles stipulated in the Charter are outlined in this chapter, not only in the context of fiscal austerity, but also in the new scenario opened up by the Covid-19 pandemic which was discussed in a previous chapter.

The book concludes with a chapter on the findings and their implications for improving ongoing efforts to enhance local governance in Spain, identifying, among others, the obstacles that minimize or cancel out the local governance processes set in motion and the unintended consequences by analyzing the expected results according to the intentions of the promoters, based on the interpretation of the existing empirical evidence and identifying successes and failures.

Within these findings are the patterns of change that have emerged in improving and strengthening local democracy and the tensions that have arisen between the processes of traditional representative democracy at the local level and strategies, approaches, and attitudes towards public engagement and participation, and the patterns of decentralization, enhancement of local political leadership and the strengthening of democratic and deliberative forms of participation that have emerged as a result of the governance processes.

All in all, we can conclude that, in Spain, the results suggest that local governance matters both in local democracy and the provision of local services. In view of this, we would recommend that similar studies be carried out in other European countries, by using more comparative approaches.

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Chapter 2

The Institutional Architecture of Local Governments in Spain



Marta Méndez Juez

Abstract From a political and scientific perspective, the institutional architecture of local governments involves the study of their political-administrative design. The outstanding contribution of these governments to the democratic structuring of the country has not been accompanied by institutional mechanisms that guarantee their own political direction, when these are the levels of government closest to citizens and who, more out of generosity than obligation, serve their needs. Despite recent attempts by legislators to reform local government, there are still endemic problems that need to be addressed, such as the lack of specific powers to provide certain services, the duplicity in their provision, the lack of adequate resources, or the complex internal diversification of this level of government. This chapter analyzes the main regulatory milestones that have led to the evolution and consolidation of local government in Spain, detecting the most striking shortcomings that compromise the so-called local autonomy. Likewise, some alternatives are offered to help clarify its structure and functioning, in accordance with criteria of legality, efficiency, responsibility, and effective service to the citizen. The chapter ends with some recommendations on how to approach this process of adapting local governments to the new multifaceted and complex realities, with special reference to the democratic, geographic, and demographic challenges.

Keywords Local government · Provincial government · Governance · Institutional design · Municipality reform · Representative democracy · Depopulation

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2.1 Introduction

Government and governance are two closely related terms, but with different definitions. On the one hand, the government is understood to be the highest executive power body in a political community, responsible for directing and guiding it. Local government must therefore acquire such a structure and role in the subjective and territorial sphere related to it. Governance, on the other hand, is the art or way of governing that aims to achieve lasting economic, social, and institutional development, promoting a healthy balance between the state, civil society, and the economic market.¹ At first glance, the term government poses less controversy since positive law explicitly regulates its structure, functions, and powers; thus, this term is comprehensible. Greater debate is generated by the concept of governance, which constitutes its instrument and not its end, with a much more open nature and involving more agents, and in greater depth, in the exercise of public power. In this respect, governance entails a government commitment to decentralized decision-making, the principle of subsidiarity, and citizen participation, which are essential elements for the development of any local political subsystem. Such factors can help to achieve an effective and efficient multilevel approach to government, in which all entities meet their legitimate obligations with high levels of functional autonomy and democracy.

However, before moving towards a true system of multilevel governance, the institutional architecture of local governments in Spain needs analysis or, in other words, what structure, functions, and powers have been stipulated normatively for governance to be developed in a viable manner. Since the first democratic elections in June 1977, ten local elections have been held to date and, amongst them, there have been continuous legal reforms in the country's local government system, based on two essential aspects: facing the enormous political and administrative challenge that these institutions come across in an increasingly complex, interdependent and globalized world, and responding to the demographic and geographic challenges of a society that demands more and better public policies and services. Local governments, basic bodies in the political-territorial organization of the State, are the ones that citizens feel closest to and trust the most for such purposes, although it can be said that these bodies do so out of generosity more than obligation and with very limited means.

This chapter seeks to explore the evolution and scope of the legal reforms that have taken place so far in the history of democracy in Spain as regards the institutional architecture of local governments and to analyze to what extent they have succeeded in clarifying the map of these governments' functions and responsibilities. Only on the basis of this premise can progress be made towards new open models of multilevel relationships that enable governance in our country to be meaningful and real. In this respect, we have chosen a descriptive research approach,

¹ Both definitions are taken from the 23rd edition of the Dictionary of the Royal Academy of the Spanish Language.

applying a scientific methodology based on qualitative techniques, analyzing secondary sources, reports, legislation, and jurisprudence, and from a normative perspective. The main conclusion drawn from the study is that the legislative reforms carried out at the local level to date are still insufficient to achieve multilevel governance in a political-administrative system as complex and unique as the one that characterizes Spain.

2.2 The Starting Point

2.2.1 *Local Government and Governance: Two Sides to the Same Coin*

At present, there is sufficient scientific evidence highlighting the inability of governments as political management bodies (Ramió Matas 2017; Canales Aliende and Valencia Sáez 2018; Pascual Esteve and Godás Pérez 2010; Uriquizo 2016) and of public administrations as public management bodies (Ramió Matas 2018; PWC 2015; Catalá and Cortes 2019) to direct and manage the policies and public services that are increasingly, and more forcefully, demanded by citizens: a real paralysis of thought and values, the priority of governments to comply with international commitments related to adapting and respecting global financial and budgetary rules, rather than giving special attention to the needs of society and how to earn the trust, respect and support of the citizens they serve; the loss of credibility of the Public Sector as a manager of citizen welfare and its commitment to mechanisms of deregulation, flexibility and privatization that are expanding rapidly; the magnitude of the public deficit in the most advanced countries; the rapid development of the so-called Technological Society; citizen discontent or dissatisfaction with the negative performance of the political system or its leaders due to their inability to solve basic social problems with a public opinion linked to the popularity of governments and their actions being spectacularized; and a marked lack of interest in the political class; combined feelings of impotence, indifference and boredom towards politics are some examples.

In addition to the problems mentioned above, the health crisis we are experiencing, together with the fragile economic situation and the geostrategic changes in the global sphere, encourage us to think about formulas for institutional action based on the paradigm of governance (European Commission 2001; Pascual Esteve and Godás Pérez 2010; OECD 2012). Governance, as an art or way of governing, is located at the crossroads of three processes: state, society, and market, involving the simultaneous and dialectical action of various institutions and social, economic, and political actors, in an integrated and coordinated manner. This does not imply relieving the role of governments, but rather understanding it better (Rhodes 2005). Therefore, the relationship between government and governance must be understood based on complementarity and not on interdiction, interdependence,

consensus, and cooperation. It entails incorporating common work philosophies, shared means of relationship, and strategic decisions made through dialogue and deliberation. This action determines who has power, who makes decisions, how the actors intervene in the process, and how they are accountable (Institute of Governance 2014) or, in other words, how authority and decision-making are organized and structured to achieve certain previously defined goals (Fukuyama 2013). It, therefore, refers to the mechanisms that define the distribution of power in a group (Aguilar 2013).

However, do all levels of government and public administration share these deficiencies and are society's perceptions similar? At the level of the European Union, the fact that member states have undergone a decentralization process in recent decades is a further sign that regional and local governance is particularly appreciated by citizens (Hooghe and Marks 2001). Bruter et al. (2021: 15) argue that citizens prefer local institutions to higher-level ones, as it is more costly and complicated to actively participate in decision-making at those levels and they are less related to their daily lives (Fitzgerald and Wolak 2016). Thus, improving and strengthening local government performance has more universal support across European states. However, this perception is not only from citizens, as European regional and local politicians (CoR 2021b) consider that subnational levels of government should be more involved in decision-making (88% of respondents) and have more influence on the future of the European Union (65% of respondents).²

In the complex political-territorial framework of Spain, where public power is distributed among several different levels of government, local government is the one that citizens feel closest to and value the most. Although levels of trust are low in European states (Steenvoorden and van der Meer 2021), in Spain, as can be seen from the latest available reports (General Directorate of Public Governance 2019: 75), citizens express greater trust in local government (52% trust it), than in the autonomous government (40%) or the state government (35%) for the provision of public services. Moreover, during the pandemic, local authorities have proven to be crucial in ensuring decision-making processes in the face of the crisis, while having fewer means to do so or being overwhelmed in decision-making, coordination, and communication with other levels of government JRS (2021: 142).

Thus, "the solution and the only way in the face of the defects of democracy is more and better democracy" (Canales Aliende 2018: 206). Increasing transparency and citizen participation in the local political process provides the necessary respect for the basic democratic principles of equality and inclusion of citizens (Bruter et al. 2021). Based on this fact, it is possible to analyze the effect of certain municipal features (size or various types of heterogeneity of its inhabitants) on local political activism, which authors such as Navarro Yáñez (2011) define as "local ecology of political activism." Other authors advocate bringing service provision closer to the citizen to benefit from local knowledge and experience (King and Stocker 1996;

²In the specific case of Spain, close to 95% of respondents believe that the influence of municipalities in policy making should be increased and that it is necessary to improve cooperation between these levels of government (CoR 2021a).

Fung 2015). However, the most relevant aspect is to ensure the necessary institutional mechanisms so local governments, in addition to being necessary partners for the provision of public services, constitute key actors in political decision-making on public services and reduce the democratic deficit of political systems (Grim 2017; de Witte 2020). European Commission (2001) sets out the European Union's five basic principles which govern governance—these are openness, participation, accountability, effectiveness, and coherence. In particular, the active participation of citizens in the public policy cycle is essential, as a process through which a two-way relationship is created between public institutions and citizens through real rather than symbolic participation; they feel that they are co-participants and co-owners of their destiny OECD (2001: 18). Therefore, in today's democracy, the importance of civil society is fundamental, and its participation at the local level is essential.

2.2.2 *Back to Local Autonomy*

After the approval of the 1978 Spanish Constitution, the local government was consolidated in Spain. Prior to that time, it did not exist as such, since local councils were limited to enforcing administrative regulations, they were unable to put public policies in place and their members were elected through organic suffrage (Caldero Cabré 1998; Albet i Mas 2019). Articles 137, 140, and 140 of the Magna Carta established a composite state in which several political centers distribute power (local, autonomous, and state), while being called upon to interact jointly.

Furthermore, such precepts recognize the autonomy of municipalities and provinces which, by virtue of the European Charter of Local Self-Government (1985), should be brought into effect in several different ways Salvador Crespo (2019: 31): as a requirement of representativeness of local, municipal and provincial authorities; as a guarantee of a sphere of their own affairs and with free decision-making capacity in the exercise of municipal and provincial powers; as recognition of regulatory power; or as financial sufficiency to develop their activities. More importantly, constitutional recognition of autonomy brought about a radical change in the way the local government was characterized in Spain, based on two fundamental aspects: first, to consolidate the political dimension of these governments in order to be able to define their own objectives and overcome a merely administrative vision of them and second, to consolidate the legitimacy of the decisions they adopt through citizens participating in elections.

However, the autonomy attributed to local governments is much more limited because its scope of development is not specifically defined in the Spanish Constitution, but has to be defined by the autonomous communities.³ This fact causes an unequal position for some local governments in relation to others in the

³ Either through the reform of their Statutes of Autonomy or through the approval of new land-use planning laws.

political-territorial organization of the State. Thus, the aforementioned constitutional precepts guarantee a minimum of autonomy and self-organization of local governments, however, in their sphere of power, all public authorities are called upon to raise these minimums to their maximum possible level. This opportunity for the autonomous communities has not been taken advantage of and they have limited themselves to recognizing in their legal texts the homogeneity already set forth by the state legislator, although in reality a marked heterogeneity exists due to a large number of municipalities and provinces, as well as their different size, population, and density.

On the other hand, it should be taken into account that, “first of all, it is clear that autonomy refers to a limited power, it is not sovereignty, and even this power has its limits and, since each territorial organization endowed with autonomy is a part of the whole, in no case can the principle of autonomy be opposed to that of unity, but it is precisely within the whole that it achieves its true meaning”.⁴ Establishing the principle of subsidiarity, autonomy, and unity is not a simple task. In a comparative analysis, the experience of other states shows how institutional changes aimed at clarifying this dilemma have produced different and controversial results, with the historical factor being a fundamental element in their understanding. However, the growing trend toward repoliticizing the local sphere of the states as a consequence of decentralization processes has led to more advantages than disadvantages in shaping their autonomy and functioning Wollmann and Iglesias (2011: 84).

In Spain, local governments have made a vital contribution to the democratic structuring of the country and constitute the level of reference for citizens in the political system. However, such a government has not obtained parallel recognition in the political-territorial structure of the State (Salvador Crespo 2019). The local level has undergone numerous legal reforms with the aim of resolving this situation and clarifying its functioning. However, these reforms have so far proved insufficient to not only achieve progress toward multilevel governance in such a complete and peculiar political-administrative system but also to determine its autonomy and clarify the structure, organization, and specific powers that local governments are currently entrusted with.

In addition to this fact, a clear and forceful response to this issue is needed, due to the marked historical municipalism of Spain. It should be highlighted that taking into account that the municipality is the basic unit of the country’s coexistence, the total number of municipalities has not been substantially reduced during democracy, despite various attempts at reform by the legislator. This indicates the importance such bodies acquire in the collective conscience, despite the difficulty that these population centers experience to govern and administer themselves due to demographic, geographic, and political factors which we will address below.

From the data shown in Table 2.1, it can be seen that throughout the democratic history of our country, there has been a sustained decrease in the number of municipalities per autonomous community since the approval of the 1978 Spanish

⁴Legal Basis 3 of SSTC 4/1981.

Table 2.1 Evolution of the total number of municipalities in Spain per autonomous community (1960–2022)

Autonomous community	1960	1970	1980	1990	2000	2010	2022
Andalusia	799	796	767	769	769	770	785
Aragon	935	820	725	729	730	731	731
Asturias	78	78	78	78	78	78	78
Canary Islands	87	87	87	87	87	88	88
Cantabria	102	102	102	102	102	102	102
Castilla y León	2797	2572	2251	2247	2249	2248	2248
Castilla-La Mancha	1085	1004	912	915	919	919	919
Catalonia	1059	976	936	942	946	946	947
Valencian Community	547	545	534	538	541	542	542
Extremadura	385	381	380	380	383	385	388
Galicia	315	312	312	313	315	315	313
Balearic Islands	65	65	65	67	67	67	67
La Rioja	184	183	174	174	174	174	174
Madrid	183	183	176	178	179	179	179
Murcia	43	43	43	44	45	45	45
Navarra	265	265	264	265	273	272	272
Basque Country	271	241	226	245	250	251	251
Ceuta and Melilla	2	2	2	2	2	2	2
Total of Spain	9202	8655	8027	8073	8109	8114	8131

Source: Author's own design, based on data taken from the figures of the National Institute of Statistics on the changes in municipalities in the Population Censuses (series available from 1842 to February 2022)

Constitution—even in the previous decade, until the 1990s (specifically, from 9202 municipalities in 1960, the number fell to 8073 in 1990). However, since the latter period and up to the present, the number of municipalities has been increasing slightly, but continuously, until reaching the current total of 8131 in 2022. A breakdown by autonomous region shows that Castilla and León is the region with the largest number of municipalities in the country (2248 municipalities, more than a quarter of the national total). It is followed by Catalonia (947), Castilla-La Mancha (919), Andalusia (785), and Aragon (731). On the other hand, the autonomous communities with the fewest municipalities—without taking into account the autonomous cities or the islands—are the Principality of Asturias (78) and Murcia (45).

If the population distribution figures are added to these data, it can be seen that those autonomous communities with the largest territory but least population

density,⁵ are those which, in general, possess the greatest number of municipalities in the country. This fact should be taken into account, for if the municipalities are to serve as an immediate channel for citizen participation in public affairs and are the ones that institutionalize and manage, as closely as possible, the interests of the corresponding collectivities, how can we improve political decision-making and manage interests in a country that is geographically so extensive, increasingly less populated and with so many municipalities inhabited by so few neighbors? The challenge is not a small one.

Wollmann and Iglesias Alonso (2011) state that, in the comparative analysis, two different models of municipal reform can be established: the strategy of northern European countries, more inclined to merge municipalities so they are more efficient in the provision of services but more distant from the democratic component (ensuring citizen participation); and the strategy of southern European countries, inclined to maintain a broad spectrum of intermunicipal bodies for historical reasons but without a predominant criterion of efficiency.

2.2.3 Regulation and Reform: The Meaning of Change

Article 137 of the 1978 Spanish Constitution stipulates that the State is organized territorially in municipalities, provinces, and autonomous communities that are constituted and recognize their autonomy for managing their respective interests. Specifically, Article 140 of the same text grants special relevance to the municipalities, guaranteeing their autonomy, establishing that their government corresponds to their respective town councils, and guaranteeing the direct democratic election of councilors. Likewise, it contemplates open councils being created, in the form of neighborhood assemblies, which elect their mayor. However, provincial council members have representative status and their governing body is the council, which has given rise to much doctrinal debate (Díez Sastre 2019).

On the other hand, Article 141 of the Magna Carta provides for the existence of other local entities in the form of groupings of municipalities, which are the province and the island, as well as others that may be created.

The 1985 Law, of April 2, 1985, Regulating Local Administration Precepts,⁶ constitutes the basic regulatory legislation for Local Entities and regulates local

⁵Specifically, the case of Castilla y León is paradigmatic because it is the autonomous community where more than a quarter of the total number of municipalities in the country are concentrated, but it is home to only 5% of the total population, in the largest autonomous area of the State (94,224 km²), possessing the lowest population density of all regions (25.34 inhabitants per km²). Depopulation in the rural environment is really a pressing problem in this community. Revamping local entities' autonomy is needed to achieve a sustainable and fair development model (Domínguez Álvarez 2019: 14).

⁶This law is the quasi-constitutional parameter for achieving a certain homogeneity in the regulation of local government at the state level, by virtue of the exclusive power recognised in articles 149.1.1st and 18th of the Constitution.

government institutions and powers. In turn, the Autonomous Communities have approved their respective laws that develop the basic state regulations, taking into account, above all, the particular features of their territory and the distribution of the population therein. Likewise, the different sectoral laws may contain specific provisions and references to their powers, which must also be taken into account in order to have thorough knowledge of the local powers in each community.

As regards this regulation, the local bodies currently existing in Spain are the following: (1) the municipality, which constitutes the basic entity in the territorial organization of the State and the immediate channels of citizen participation in public affairs; (2) the province; (3) the island; (4) bodies with a territorial scope smaller than the municipality instituted or recognized by the autonomous communities; (5) the *comarcas* (counties) or other bodies grouping several municipalities, instituted by the autonomous communities; (6) the *mancomunidades* (intermunicipal partnerships); and (7) the metropolitan areas. Taking into account the autonomous community regulations, the map of local bodies in Spain is distributed as follows.

On comparing the data included in Table 2.2 with those shown in Table 2.1, the typology of local entities that currently exist in Spain and the way they are distributed per autonomous region can be deduced. Municipalities continue to constitute the most common type in all of them (62% of the total), followed by minor local bodies (28% of the total). Likewise, Castilla and León (with 2248 municipalities and 2210 minor local bodies), followed by Catalonia (with 947 municipalities) and Castilla-La Mancha (with 919 municipalities). These two autonomous regions are not precisely the ones with the largest number of minor local bodies. In addition to Castilla and León, Cantabria (with 518), Navarra (with 346), and the Basque Country (with 341) are the ones with the largest number of minor local bodies in the national total. On the other hand, it is important to emphasize the exponential increase experienced by other structural formulas such as the intermunicipal partnerships and, to a lesser extent, the *comarcas* (counties). Inframunicipalism is a historical and persistent characteristic of the Spanish local structure.

Normally, when we speak of political-administrative institutions, changes occur following incremental tendencies that are systematically learned and that promote stability rather than change (Hall 1993; Crozier 1983). Such changes produce specific adjustments that provide responses to variations in the environment or life circumstances. For this reason, it is important to mention the main reforms that local bodies have undergone in Spain in order to explain the reason for their high number—and even their slight increase—in the history of Spanish democracy.

Once the basic precepts governing the local system had been established, ratification of Organic Law 5/1985, of June 19, 1985, on the General Electoral System should be mentioned, which includes the basic and common precepts regulating the electoral processes (also of the local bodies). In turn, Royal Legislative Decree 781/1986, of April 18, 1986, approved the revised text of the current legal provisions on Local Government, and Royal Decree 2568/1986, of November 28, 1986, approved the Regulations on the Organization of Local Bodies, their Functioning and Legal System, came to specify more aspects related to this territorial level. From here, the doctrine (Martínez Fajardo 2020; Díez Sastre 2019; Albet i Mas

Table 2.2 Total number of local bodies in Spain per autonomous community (2022)

Autonomous community	Municipalities	Provincial councils, councils and insul.	Mancom	Counties	Metrop. areas	Other	Minor local entities	Total
Andalusia	785	8	82	–	–	11	34	910
Aragon	731	3	36	33	–	22	43	848
Asturias	78	1	16	–	–	22	39	136
Canary Islands	88	7	13	–	–	44	–	112
Cantabria	102	1	23	–	–	–	518	644
Castilla y León	2248	9	241	1	–	61	2210	4770
Castilla-La Mancha	919	5	123	–	–	22	42	1091
Catalonia	947	4	76	42	1	–	65	1135
Valencian Community	542	3	61	–	2	–	7	615
Extremadura	388	2	58	–	–	44	22	474
Galicia	313	4	38	–	–	–	9	364
Balearic Islands	67	4	7	–	–	–	1	79
La Rioja	174	1	31	–	–	–	4	209
Madrid	179	1	54	–	–	–	2	236
Murcia	45	1	8	–	–	–	–	54
Navarra	272	1	62	–	–	44	346	685
Basque Country	251	3	39	7	–	22	341	643
Ceuta and Melilla	2	–	–	–	–	–	–	2
Total of Spain	8131	58	968	83	3	82	3683	13,008

Source: Author's own design, based on data taken from the Register of Local Entities of the Ministry of Territorial Policy and Public Function of the Government of Spain (February 2022)

2019) has differentiated two specific instances in local government regulations and reforms in Spain: a first phase where the reforms focused on strengthening the decision-making capacity of this level in what was called “second decentralization” and a second phase where the reforms focused on guaranteeing a local system of its own in the autonomic sphere, hence developing the new statutes of autonomy.

In the first phase, as a result of the so-called “Local Pact”⁷, a series of laws were passed to strengthen local government in Spain. First, Law 11/1999, of April 21,

⁷In March 1999, the the Upper House plenary approved a package of measures to reform municipal and provincial governments in Spain, with objectives such as strengthening local autonomy and developing its management capacity.

amending Law 7/1985, of April 2, 1985, redistributed the powers assigned to the municipal bodies, reinforcing the mayor's executive roles and the Plenary's control functions and offering the option of creating parliamentary groups. Secondly, the Organic Law of the Constitutional Court was reformed to introduce conflicts in defense of local autonomy, as well as the Organic Law of the General Electoral Systems introduced the vote of no confidence and the question of confidence at the local level. Thirdly, Law 57/2003, of December 16, 2003, on measures for modernizing local government, designed the large population municipalities, in addition to which the mayor's leadership was strengthened and his political leadership capacity and the plenary were parliamentarized.⁸ And fourthly, the Royal Legislative Decree 2/2004, of March 5, approving the revised text of the Law Regulating Local Treasuries also introduced improvements in local financing. All these advances in the first phase were reflected in the White Paper for the Reform of Local Government (2003), which highlighted the need to develop the political dimension of municipalities and provinces.

The second phase, as a result of the territorial model of the State evolving significantly, brought about more doctrinal controversy (Díez Sastre 2019; Salvador Crespo 2019). The development of local governments has come hand in hand with the approval of the second-generation Statutes of Autonomy in the autonomous communities, and the regulation of the local system should correspond to this intermediate level but only in fundamental aspects.⁹ Law 27/2013, of December 27, on the rationalization and sustainability of the Local Administration (with its explanatory note of the Local Reform 2016) can be included in this phase, a reform with a marked economist slant and with important technical deficiencies, contradictions, and inconsistencies, totally lacking in regulatory rigor (Carbonell Porras 2019). The purpose of this last reform was to rationalize the number of local bodies and their responsibilities, avoiding administrative duplications, guaranteeing the principles of budgetary stability and financial sustainability, and preventing mismanagement of public resources. However, it has been declared unconstitutional in some of its precepts.

Supra-State commitments cannot be ignored; hence, during these years, it has been a complex task for the State legislator to reconcile its own obligations with those approved within the framework of the European Union. Reforms are also encouraged by this level of government and legal engineering efforts will be increasingly common in order to adapt the commitments with the European Union to local Spanish idiosyncrasies. In turn, in the international plan, SDG 17 commits states to

⁸One of the measures adopted in this law was to offer the possibility that members who did not have the status of councilors could be part of the local government boards, but it was declared unconstitutional (STC 103/2013, April 25).

⁹As it follows from the SSTC 247/2007, of December 12 and SSTC 31/2010, of June 28.

revitalize the Global Partnership for Sustainable Development,¹⁰ which involves building inclusive partnerships (at global, regional, national, and local levels) on shared principles and values that focus first on people and the planet. Modernizing the local level is a great challenge, without neglecting the fact that we belong to an increasingly globalized world, where multilevel governance is no longer an option but the only possible solution, and where small details are sometimes neglected in pursuit of major results.

After analyzing the reforms carried out in the Spanish local government system, it can be seen that the intended meaning of change has not yet been reached. The regulatory design of the municipalities and provinces is inadequate and therefore cannot offer a strong response to the major social challenges, unless the administrative vision is surpassed, in order to grant them true political meaning.

2.3 Local Government Organization and Functioning in Spain

The most characteristic features of local governments in Spain are presented below in order to learn how they work (Salvador Crespo 2019; El Sector Público 2022) and to be able to analyze the critical points susceptible to improvement. As stated in Article 11.2 of the Local Government Regulatory Law, the organization of municipalities—and, therefore, of provinces and the like—is one of its essential elements, along with population and territory. It should be noted that the confusion between administrative tasks and political tasks continues to be a poorly resolved issue at this territorial level, always more inclined to make town councils and provincial councils resemble a corporate organization rather than an institution with a clear structure and management functions.

2.3.1 Municipal Government

In Spain, there are at least four different types of municipal government: (1) open council municipalities, (2) common system municipalities, which are divided into those with a population of less than 5000 inhabitants and those with more than 5000 inhabitants, (3) large population municipalities, and (4) the special municipalities of

¹⁰On September 25, 2015, world leaders adopted a set of global goals (hereafter Sustainable Development Goals, SDGs) to eradicate poverty, protect the planet and ensure prosperity for all as part of a new sustainable development agenda (UN 2015). Each of the 17 goals and 169 targets that comprise the so-called 2030 Agenda is assigned a series of specific actions to be implemented over the next 15 years. SDG 17 focuses on revitalizing the Global Partnership for Sustainable Development.

Madrid and Barcelona. These types are different in terms of their organization and operation, but not in terms of electoral system elements.

The first type, the open council, is applied in those municipalities which, traditionally and voluntarily, have this unique system and in others where it is advisable due to their geographical location, better management of their interests, or other circumstances. In the latter case, creating an open council requires a petition from the majority of the neighbors, a favorable decision by a two-thirds majority of the town council members and approval by the autonomous community. In these municipalities, government and administration are performed by a neighborhood assembly composed of all the municipality's electors and the mayor.

The majority of municipalities come under the second type, the common system municipalities. The most significant difference is that in those municipalities with a population of more than 5000 inhabitants. The creation of a Governing Board is facultative and necessary.

The third type relates to municipalities with a large population. This category includes those municipalities that: (a) have a population of over 250,000 inhabitants; (b) provincial capitals with a population of over 175,000 inhabitants; (c) municipalities that are provincial capitals, regional capitals, or the headquarters of regional institutions; and (d) municipalities with a population of over 75,000 inhabitants with special economic, social, historical, or cultural circumstances.

The fourth type is that of the Madrid and Barcelona municipalities due to their special characteristics. Both have different regulations¹¹: Madrid's focused on procedural aspects as it is the capital of the state and Barcelona's on its financial system, since the other aspects had already been contemplated in the corresponding autonomous community regulations.

Regarding all municipalities' government organizations, the Local Government Regulatory Law distinguishes between the necessary organization (that which is regulated by the state and establishes a minimum common denominator for all) and the additional organization (that which is established in the autonomous legislation or the organic regulations of each local body). At this point, it is necessary to clarify that, unlike the setup in the state and in the autonomous communities, the local bodies' organization is exclusively administrative, due to their lack of legislative power. However, this does not prevent local governments from exercising political power, they are not only involved in managing tasks.

As established in state legislation, the mandatory bodies in all municipalities are the mayor, the deputy mayors, the plenary, and the special account committee. In addition, in municipalities with more than 5000 inhabitants and in those with fewer than 5000 inhabitants whose organic regulations so provide or have been agreed upon by the plenary, it is mandatory to have a local government board and bodies whose purpose is to study, report, or consult on matters that must be submitted to the plenary to debate. These bodies also monitor management on the part of the

¹¹ Included in Law 22/2006, of July 4, 2006, on the Capital and Special System of Madrid and in Law 22/1998, of December 30, 1998, on the Municipal Charter of Barcelona, respectively.

mayor, local government board, and councilors holding delegations, provided that the autonomous legislation does not provide for any other organizational form in this area. The plenary committees are an example of this type of body. To complete this list, in municipalities with a large population and those others in which the plenary so decides, there must be a special committee for suggestions and complaints and a municipal organization in addition to the mandatory one, as provided for in autonomous or local legislation.

The mayor is the head of the body and directs the government and the municipal administration, represents the city council, convenes and chairs the plenary sessions, and issues proclamations, among other tasks. The mayor may make delegations in favor of the local government board as a collegiate body, the members of the local government board, and the deputy mayors where there is no local government board or any councilor, even if he does not belong to the board, in the case of special delegations for specific tasks or for directing and managing specific matters included in other generic delegations.

The mayor is responsible for appointing the deputy mayors, who replace him/her. In municipalities where there is a government board, the number of deputy mayors may not exceed the number of members of the board. In those municipalities where there is no governing board, the number of deputy mayors may not exceed one-third of the legal number of members of the body.

The plenary, composed of all the councilors, is presided over by the mayor and its main function is to control and supervise the government bodies. The plenary has a general secretary and committees, which are made up of members designated by the political groups in proportion to the number of councilors they have in the plenary. They are responsible for tasks such as studying, reporting, or consulting matters which are to be debated and decided on by the plenary and also monitoring the mayor's and his government team's management. The councilors are elected by the municipality's residents by universal, equal, free, direct, and secret suffrage, their number varying in each municipality depending on the number of residents, according to the following scale: up to 100 residents, 3 councilors; from 101 to 250, 5; from 251 to 1000, 7; from 1001 to 2000, 9; from 2001 to 5000, 11; from 5001 to 10,000, 13; from 10,001 to 20,000, 17; from 20,001 to 50,000, 21; from 50,001 to 100,000, 25; and from 100,001 onward, one more councilor for each 100,000 residents or fraction thereof. One more is added when the result is an even number.

For its part, the local government board is composed of the mayor, who presides over it, and of the councilors freely appointed by him, reporting to the plenary. The number of councilors who the mayor may appoint as members of the board may not exceed one-third of the legal number of members of the body. Likewise, the mayor may freely dismiss any of its members at any time. The board's main function is to assist the mayor in performing his tasks, a responsibility that cannot be delegated.

The special account committee is responsible for examining, studying, and reporting on all budgetary and extra-budgetary accounts to be approved by the body's plenary. The annual accounts must be reported before June 1 to the special account committee, which is composed of members of the different political groups

in the body. The Court of Auditors is responsible for the external audit of the local bodies' accounts and economic management.

The additional bodies that can be regulated in the organic regulations and in the laws of the autonomous communities on local government are usually the delegated councilors, the informative commissions, the sectorial councils, the decentralized bodies in charge of managing services, the personal representatives of the mayor in towns and neighborhoods, and the municipal district boards.

2.3.2 The Provincial Government

According to the Constitution, the constituency is the province, which is defined as a local body, with its own legal personality, determined by the grouping of municipalities and territorial division for performing State activities. The provincial government is responsible for government and provincial administration, except in the single province Autonomous Communities (it corresponds to the Autonomous Community Government), in the Balearic Islands (which are replaced by the Insular Councils Councils) and in the Canary Islands, by the Cabildos (Insular Councils Councils).¹² The president, vice-presidents, governing board, and plenary exist in all the provincial governments, with functions similar to those of the municipalities but with the peculiarities of the body itself.

The plenary, the highest provincial body, is composed of the president and the deputies, in the number established by the General Electoral System Law. The deputies must be councilors in the town councils of the respective province and are indirectly elected. In accordance with the General Electoral System Organic Law, the number of deputies corresponding to each council is determined according to the number of residents in each province, according to the following scale: up to 500,000 inhabitants, 25 deputies; from 500,001 to 1,000,000, 27 deputies; from 1,000,001 to 3,500,000, 31 deputies; and from 3,500,5001 and above, 51 deputies.

The provincial electoral boards distribute, proportionally and according to the number of residents, the seats corresponding to each judicial district, and all of them have at least one deputy and none of them may have more than three-fifths of the total number of provincial deputies. Fractions equal to or greater than 0.50 resulting from the proportional distribution are corrected by excess and those lower than 0.50 by the defect.

Once all the town councils of the respective province have been created, the area electoral board shall immediately proceed to draw up a list of all the political parties, coalitions, federations, and each of the groups of electors that have obtained a

¹²Due to the limitation of the study, no reference will be made to the special organization of the Insular Councils. Title IV the General Electoral System Organic Law contains the special provisions for the election of Insular Councils. For its part, the Balearic Islands' Insular Council electoral system is drawn up in Law 7/2009, of December 11, 2009, Insular Council Electoral Law.

councilor within each judicial district, in decreasing order of the number of votes obtained by each of them.

Likewise, there are bodies in all the councils whose purpose is to study, report or consult on matters to be debated and decided on by the plenary. These bodies also monitor the chairman, governing board, and deputies holding delegations as regards their management capacity, notwithstanding the powers of control that correspond to the plenary. All the council's political groups are entitled to participate in these bodies, in proportion to the number of deputies they have in the plenary.

Other additional bodies are established and regulated by the provincial government themselves, although the laws of the Autonomous Communities on local government may establish an additional organization.

Finally, the provincial councils of Alava, Guipuzcoa, and Vizcaya maintain their special system, within the framework of the Basque Country Autonomy Statute. The single-province autonomous communities and the autonomous community of Navarre assume the powers, means, and resources corresponding to the Provincial Councils under the ordinary system, except for the Autonomous Community of the Balearic Islands, which has Island Councils.

The provincial councils play an important role in coordinating municipal services in order to offer the most appropriate provision, legal, economic, and technical assistance to the municipalities, the provision of public services of a supra-municipal nature, and cooperation in developing the entire provincial territory, for which purpose they approve annual cooperation plans for municipal works and services. However, one of the most pressing criticisms of this entity is the indirect election of provincial deputies. These political representatives do not undergo a direct electoral process but are elected on the basis of the results of municipal elections. The votes obtained by each political party in the constituencies delimited by the judicial districts determine the number of provincial deputies assigned to each party, who are elected from among the councilors or mayors from those municipalities. The provincial deputies' plenary elects the head of the council. Citizens never see candidates who stand as provincial deputies, or council heads. This lack of democratic legitimacy is one of the main problems affecting the institution and jeopardizes its work.

2.4 Local Government Powers

The last aspect of local government in Spain to be analyzed concerns the powers granted to both municipalities and provinces. As Wollmann and Iglesias Alonso (2011) argue, two different models can be distinguished as regards the distribution of powers among European countries at these levels of government. Thus, the northern European strategy is composed of countries that are more inclined to grant greater powers to local bodies, which also deal with matters related to high politics. On the contrary, the southern European strategy is composed of countries that are

less willing to grant them powers, nor do they deal with matters related to high politics. Spain falls within the latter scenario.

Law 27/2013, of December 27, 2013, on the rationalization and sustainability of Local Administration, included important reforms with respect to the established order for attributing, exercising, and controlling local level powers. For municipalities, it establishes a new classificatory category and for provinces or equivalent bodies it aims to strengthen their coordination functions. The objectives exceed the legislator's results, important deficiencies persist and hinder consolidating the commitment which was undertaken to achieve "one administration, one power".¹³

2.4.1 *Municipal Powers*

After Law 27/2013, of December 27, entered into force, and in accordance with the provisions of Article 7 of the Local Government Regulatory Law, the new model of distribution of power, the municipalities would be classified into three main groups: (1) own powers, which are those attributed by Law¹⁴; (2) it also contemplates the possibility of the state and the autonomous communities delegating powers to them¹⁵; and (3) other powers other than their own and delegated ones, provided they meet certain requirements (art 7.4 LBRL) (Explanatory Note 2016).

First, as regards their own powers, the legislator establishes that for local autonomy to be effective, the State and the Autonomous Communities must ensure that municipalities, provinces, and islands have the right to intervene in all matters directly affecting their interests, respecting the general criteria of the Reform Law of 2013 (financial sustainability, budgetary stability, etc.), as well as the principles of decentralization, proximity and the characteristics of the public activity to be carried out. Such powers may only be determined by the law and in a system of autonomy and own responsibility, always taking into account the need to coordinate with the other public administrations when planning and performing tasks. Therefore, the municipalities must, in any case, undertake the following responsibilities: urban planning (planning, management, execution, and urban discipline); protection and management of historical heritage; promotion and management of public housing with financial sustainability criteria; conservation and renovation of buildings; urban environment: in particular, public parks and gardens, management of solid urban waste and protection against noise, light, and atmospheric pollution in urban areas; drinking water provision to homes and disposal and treatment of wastewater; road infrastructure and other facilities under their ownership; assessing and informing about social need situations and immediate attention to persons in a

¹³Slogan that identifies the local reform operated in Spain in 2013 and materialized in Law 27/2013, of December 27.

¹⁴Articles 2, 7.2, 25 and 26 of the Local System Law.

¹⁵Articles 7.3 and 27 of the Local Government Regulatory Law.

situation or at risk of social exclusion; local police, civil protection, fire prevention, and extinction; traffic, vehicle parking and mobility; urban public transportation; information and promotion of tourism activities of local interest; fairs, supplies, markets, auctions, and itinerant commerce; protection of public health; cemeteries and funeral activities; or promotion of sports and sports facilities and leisure and cultural activities, among others.

In addition to the above list, which is mandatory for all municipalities, they must provide public lighting, cemeteries, waste collection, street cleaning, domestic drinking water supply, sewerage, access to population centers, and paving of public roads. In municipalities with a population of more than 5000 inhabitants, in addition, public parks, public libraries, and waste treatment must be provided. In municipalities with a population of over 20,000 inhabitants, in addition, they must provide civil protection, assessing and informing about social need situations and immediate attention to persons in a situation or at risk of social exclusion, fire prevention and extinction, and public sports facilities. In municipalities with a population of over 50,000 inhabitants, in addition, urban collective passenger transport and urban environment must be provided. In municipalities with a population of less than 20,000 inhabitants, the provincial council or equivalent entity coordinates the provision of the following services: waste collection and treatment; domestic drinking water supply and sewage disposal and treatment; street cleaning; access to population centers; paving of urban roads; and street lighting.

Second, as regards delegated powers, these can be delegated to the municipalities by the public administration (either the state or the autonomous community). In this case, the delegation of powers is to take place when public management efficiency improves, duplication is avoided, and management abides by the principles of budgetary stability and financial sustainability. Furthermore, the delegating power is linked to the necessary financing of the delegated public service. The legislator has included an exemplary list of aspects that can be delegated: surveillance and control of environmental pollution; protection of the natural environment; provision of social services; conservation or maintenance of health care centers owned by the autonomous community; inspection and sanctioning of commercial establishments and activities; promotion and management of tourism; communication, authorization, inspection and sanctioning of public shows; or management of unified information and administrative processing offices, among others. Authors such as Carbonell Porrás (2019) argue that this typology of powers may be affected when municipalities assume the latter due to the difficulty involved in integrating two requirements such as requiring the municipality to undertake these powers in order for it to be effective and moreover, homogeneous criteria must be followed as regards the delegated municipalities.

Third and lastly, as regards the last group of powers, those which may be assumed by the municipalities, the possibility is opened up for municipalities to exercise powers other than their own or those delegated, provided that the financial sustainability of the Treasury is not put at risk, in accordance with the principles of budgetary stability and financial sustainability and without incurring in the public service being performed simultaneously. This typology is intended to finalize the system of

powers at this level and, in addition, to comply with the material requirements set out above. Other procedural requirements must also be met: a binding report from the administration with jurisdiction over the matter, stating that there is no duplication of powers, and a binding report from the administration with financial supervision to ensure the financial sustainability of the new powers acquired.¹⁶ Throughout 2014 and 2015, the autonomous communities have passed their own reform laws and practically all of them have included provisions related to this type of powers that they had been exercising based on the attribution made previously by their sectorial laws.

The truth is that the 2013 reform has tried to clarify the municipalities' powers, eliminating some of them and reducing the scope of those known as their own. However, due to the intervention of the autonomous communities, nothing has changed given their broad regulatory powers. The specific powers provided for economically healthy municipalities have also met with little success (Carbonell Porras 2019).

2.4.2 The Provincial Councils' Powers

Provincial councils' powers follow the same scheme as those of the municipalities, in an attempt by the legislator to clarify and reinforce the role they are called upon to fulfill (Carbonell Porras 2019).

As regards their own powers, they refer to those attributed to them by state and autonomous community laws, in addition to the following: coordination of municipal services among themselves to guarantee integral and adequate provision; legal, economic, and technical assistance and cooperation to the municipalities, especially those with less economic and management capacity—in any case, it guarantees the municipalities with less than 1. In any case, it guarantees the provision of secretarial and intervention services to municipalities with less than 1000 inhabitants; the provision of supra-municipal and, where appropriate, supra-regional public services and the promotion or, where appropriate, coordination of the unified provision of municipal services within their respective territorial scope; cooperation in the promotion of economic and social development and planning in the provincial territory; performing coordination functions; assistance in the provision of tax collection management services, in voluntary and executive periods, and support services for the financial management of municipalities with a population of less than 20,000 inhabitants; the provision of electronic administration services and centralized contracting in municipalities with a population of less than 20,000 inhabitants; monitoring the effective costs of the services provided by the municipalities in its province; and coordinating, by means of an agreement, the provision of

¹⁶Normally, this function usually comes under the corresponding Regional Ministry and, failing that, the Ministry of Finance and Public Administration.

maintenance and cleaning services for medical offices in municipalities with a population of less than 5000 inhabitants.

As for delegated powers, these can be granted by the state and also the autonomous communities. In order to do so, the state must first receive a report from the autonomous community and only contemplate the exercise of power if the provincial sphere proves to be the most appropriate one. The autonomous community may also entrust the ordinary management of its own services. In both cases, the delegation must determine the scope, content, conditions, and duration—which cannot be less than 5 years—as well as the control of efficiency to be reserved for the delegating administration and the personal, material, and economic resources, without entailing greater expenditure by the public administrations.

As in the case of the municipalities, the provincial councils or equivalent body powers can assume other than their own, provided that the financial sustainability of the Treasury is not jeopardized, in accordance with the principles of budgetary stability and financial sustainability and without incurring in the simultaneous exercise of power on the part of the public service.

Finally, in municipalities with a population of less than 20,000 inhabitants, the provincial council or equivalent body coordinates the provision of the following services: waste collection and treatment; domestic drinking water supply and sewage disposal and treatment; street cleaning; access to population centers; paving of urban roads; and street lighting.

It appears that the 2013 legal reform wanted to give the provincial councils a leading role, however, this intention has not proved particularly effective and provided a homogeneous regulation to territories with very different social, demographic, and territorial circumstances. There is perhaps a need to think of a better organizational, jurisdictional, and institutional structure for these bodies based on the constitutional framework, not only due to the vague nature of the rule that gave rise to the jurisdictional changes but above all to do justice to the essential—and undervalued—work they carry out in the political-administrative map of the country.

2.5 Critical Points for Improvement in Local Government

In light of what has been mentioned in the aforementioned text, and based on the arguments put forward by reference authors on this subject (Wollmann and Iglesias Alonso 2011; Salvador Crespo 2019; Albet i Mas 2019; Carbonell Porrás 2019; Díez Sastre 2019; Martínez Fajardo 2020 or Democracy and Local Government Foundation 2012; Dirección General de Cooperación Internacional y Desarrollo 2016; Rodríguez-Arana 2016, among others), the main points that need to be reflected on (as regards aspects in Spanish local governments needing improvement, after the unsuccessful results that have been achieved after multiple legislative reforms introduced so far) are as follows.

From a democratic perspective, there is a need to achieve greater acceptance and support from society for the local political system. Although local governments are

the institutions preferred and best valued by citizens for the provision of public services, there is a lack of democratic legitimacy in the way in which their representatives are elected at the provincial level. Endemic problems and problems proving difficult to solve persist, such as excessive partisanship when it comes to adopting decisions that concern the general interest and the lack of parliamentarization of local executives, problems related to policy coordination and apportionable justice in the distribution of wealth among the neediest territories, which are less able to assert their demands.

Likewise, mayors and council heads should ideally possess greater management and leadership capacity and this situation should be supplemented by establishing weights and counterweights that allow for a stronger opposition and promote greater participation of informed voters. Some are of the view that the mayor should not chair the municipality's plenary and that there should be greater pluralism in the agents integrated into the body's local life and that they should be able to use institutional mechanisms to participate in the matters that affect them in their daily lives. This point is especially important for those communities with special characteristics and added difficulties in the daily management of public affairs.

Other options for change could be in the electoral system composition, in order to make it truly proportional, where minority political forces could assert their claims by reducing electoral barriers without jeopardizing governability, or to encourage the holding of binding local referendums on matters of special importance for municipalities and provinces. The essential aspects of change in the bodies' political dimension should be to achieve greater proximity to citizens, greater commitment to equality and solidarity, and the strengthening of governance by innovating with formulas for cooperation and collaboration that involve other levels of government, but also society and the market.

From a territorial perspective, the creation of new municipal bodies which are not strictly necessary and do not improve public service provision to citizens should be halted immediately. To this end, it would help if the provinces were the true intermediary between the state and the municipalities, with resources and tasks in accordance with their functional capacity, with the idiosyncrasy of the territory, and with the number of citizens they serve.

If the general perception of citizens is that municipalities should provide the greatest number of public services, based on the principle of subsidiarity, local autonomy, legitimacy, and democracy, this level of government should not continue to be considered as a mere appendage of other higher levels and under their tutelage for the development of many of its functions.

Regarding the distribution of powers, the 2013 local reform helped to clarify municipal and provincial powers, especially their own powers. However, the delegated powers that both can assume and the extent to which the procedural and material criteria required of them can become an effective control mechanism or an impediment to the development of their local autonomy have yet to be clarified. Furthermore, the provincial deputations continue to have very low political-administrative capacity to carry out their tasks.

As far as the regulatory framework is concerned, the state does not have an explicit allocation over the whole of the local government. However, case law has permitted this (especially in the case of the provinces), in accordance with article 149.8.18 of the Constitution. It would be advisable to reinforce this aspect in a future reform of the Magna Carta. In turn, the autonomous communities' powers over local government are not symmetrical, which hinders the role played by the state. This is coupled with the fact that the state exercises self-restriction in the development of basic powers at the local level, while the autonomous communities carry out a reductionist interpretation of these powers in their statutes of autonomy. In Spain, each level of government depends on the configuration of the other levels, so it is necessary to understand the partial power of each one without it preventing the integrated configuration of local government in the whole state.

As for the province, a certain contradiction exists since its autonomy is guaranteed by the state, while the administrative and territorial organization is each autonomous community's responsibility. In this respect, there is a need to look for homogeneous solutions in the basics but broad enough to promote effective development, so that all the autonomous communities can offer fairly similar local body collaborative and associative proposals, but applied to the specific characteristics of their territorial idiosyncrasy.

Another key point in the analysis of local governments is the marked inframunicipalism at the local level. This historical characteristic transcends criteria of an economic nature, efficiency, or rationality that can be shaped in order to function correctly. Citizens living in these territories require equal rights of access to and provision of public services, diligent actions, principles of good governance and good administration, the possibility to participate, the right to transparency of institutions, etc. A municipal reform entails a radical cultural change with a profound impact on the tradition and history of the municipalities.

For this reason, it is necessary to respect the territorial identity of citizens, acknowledging their historical and cultural aspects, but also seeking the most efficient distribution and management of the territory in order to guarantee equal rights of access to public services. The province is the ideal place to guarantee territorial and social cohesion and also the search for more cooperative solutions between governments at different levels. It would even be advisable for the autonomous communities to establish a stable infra-provincial territorial zoning, according to the surface area and the number of citizens in the territory, in order to make service provision effective. The creation of *comarcas* (counties) by means of an autonomous law,¹⁷ not based on the voluntary associative will of the municipalities to decide whether or not to join in the provision of services, but determined by law to improve public services, can also be an effective way of directing and managing the public sector at the local level.

¹⁷As we have observed in Table 2.2, 83 *comarcas* have been created in Spain to date, although only a few autonomous communities have regulated this in their land-use planning laws: Aragon (with 33 *comarcas*), Asturias, Galicia, Cantabria, Castile and Leon (with 1), Catalonia (with 42), Galicia, La Rioja, Murcia and the Basque Country (with 7).

Due to the specific case that Spain represents in the European scenario, the first challenge that local bodies must address is the demographic one. When regulating the system of powers or designing specific policies, governments that only take into account the criterion of surface area or population, run the risk of adopting measures that are too imprecise (Albet i Mas 2019). Such decisions are influenced by other variables of great importance such as the different distribution of settlements within each municipality, the urban-rural or center-periphery axis, and an essential point: universality in the provision of public service. The doctrine insists on affirming that deficits in the provision of such services show major deficiencies due to a large number of local bodies that exist and their heterogeneity, but above all due to the dispersed population in the inhabited nuclei.¹⁸ Government policies should focus on promoting stable populations in these towns, generating economic activities that help preserve rural environments and maintaining the quality of essential public services.

For his part, Diez Sastre (2019) stresses a crucial aspect of reform, which is the need to parliamentarize local government, making a differentiated allocation of powers amongst the different municipal bodies, in developing and consolidating the rights to political and economic representation (yet to be clarified), as well as the role to be played by the non-affiliated councilors.

Both local councils and provincial councils have played an important role in the Spanish political system, helping to mitigate social imbalances and to provide services, in many cases, without having a jurisdictional title to back up their political initiative and without funding capable of sustaining these services, which are essential for the welfare of citizens. For this reason, the three major challenges that remain pending in order to regulate this level of government in Spain, so that it ceases to be considered as a local administration and is denominated government or local body, are specified in the following points (Salvador Crespo 2019): clarifying their legal position in the autonomous state, defining their autonomy and scope of power, adapting their government structures to the diversity and complexity of the local level, and protecting the historical and cultural relevance of these communities in the collective consciousness of the country, so that efficiency and sustainability criteria are not the only parameters conditioning their permanence over time.

2.6 Conclusions

Local governments contribute to the democratic structure of the country. Citizens perceive them as the most reliable and closest levels of government. There is a need to establish and guarantee more mechanisms for citizen participation and formulas for institutional control to ensure that the expectations that society has of them to

¹⁸According to INE data from January 2022, 62.3% of the total number of municipalities in Spain have less than 1.000 inhabitants and only 3.1% of the registered population lives there.

resolve its conflicts and guarantee its welfare through the design of policies and the provision of services are not frustrated. The modest results of the legal reforms carried out in Spain in recent decades have contributed to generating more noise than debate, more dissent than consensus, on an indisputable, historical, and indispensable aspect of our system: marked municipalism that is part of our institutional culture.

However, the permanence of the local level, as we know it today, is unviable if new institutional design techniques are not introduced in order to comply with the double administrative and necessarily political function that local governments must develop. So far, direct reforms, such as modifying municipalities, have not generated the expected results, nor have indirect formulas such as the dissociation of functions among various bodies. It could prove interesting to back a third way in which associative institutional designs are promoted, established by law (not voluntarily), whereby their powers and means are clearly regulated and from which municipal-based integration processes begin to be generated for the provision of services, without local bodies losing the essence of their political autonomy and democratic legitimacy. One example is the *comarcas* (counties), however, real and effective commitment on the part of the autonomous communities is needed to carry out this initiative, since they are the ones entrusted with creating them legally in those regions where autonomous legislation has so provided.

A fundamental issue still remains to be resolved, and that is to constitutionally specify the scope of local autonomy in its political component, and to guarantee local governments the capacity for self-organization and operation, as regards its administrative component. Furthermore, in order to prevent the basic elements of local governments and administrations from being left to the whim of political vicissitudes or of specific social and economic circumstances, there is a need to specify a common minimum for the whole of the national territory, without prejudice to outlining and completing this hardcore with a subsequent autonomous development which is more sensitive to certain demographic, geographical, cultural and economic differences in municipalities which require differentiated treatment. All this would be easier with political will, with better legal techniques, and by applying a dose of common sense.

The rootedness of the population in local bodies stimulates civic awareness, citizen participation, and the quality of democracy, essential elements of any political system. Therefore, the solution lies in the administrative and political shaping of intermunicipality so that all of them are fully capable of exercising clear powers and providing public services. Territorial restructuring to facilitate a more efficient and effective allocation of resources should not be the only alternative proposed to improve the local level. Democracy must be prevented from losing its roots, its capacity for seduction, and its capacity for enthusiasm, because this is the substance of its power and the only way for our political-administrative institutions to fulfill their role in a society that is increasingly complex and interdependent, but still clearly identifies itself with the culture, history, and traditions of the local environment.

In short, the challenge consists in betting on the future by readapting present times in which Local Governments already act as “*adult institutions, necessary at all times and always essential so that all capacities are their capacities, and all powers are their powers*” (FEMP 2021).

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Chapter 3

Local Governance in a Context of Multilevel Governance



Ángel Valencia Sáiz and Francisco Collado Campaña

Abstract Local governance is defined by the political and institutional processes adopted by local authorities to achieve stable and durable economic and social development in the long term. From this perspective, governance in the Spanish local system is a direct responsibility of the municipalities, but it is also affected by the territorial planning of the State of Autonomies. This situation requires differentiating between local governance and the stability of municipal executives, which are interrelated but distinct. This chapter analyzes the governance of municipal governments following the division of politics into the structure, process, and public action. The first part exposes the current state of the municipal government system in Spain and its institutional architecture. The second part includes the main transformations that local political agents have undergone, the types of investitures and plenary support that support the mayors, and the lobbying capacity of the municipalities. The third part presents an analysis of the institutional transparency of local and provincial governments and the introduction of the Sustainable Development Goals (SDGs) in municipal and provincial public policy agendas in a multilevel environment. Finally, we conclude with a synthesis of the different elements that affect the governance of municipalities in a context characterized by the presence of different ecological scales of institutions and agents.

Keywords Local governance · Municipal government · Local authorities · Sustainable Development Goals · Metropolitan areas

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3.1 Introduction

The concept of governance is concerned with achieving a balanced interrelationship between institutions, social agents, and the market to obtain stable legitimate economic and social development (Badie et al. 2011). However, one concept is state governance, and another is understanding it in the municipal context. Local governance is a desirable goal for any town council that aims to implement democratic management. This basic objective is a result of the actions of political agents within the institutional structure, and their interaction with civil society and the municipal sphere (Rzadca and Struminska-Kutra 2016). As such, this concept refers directly to the decision-making processes that take place in the sphere closest to citizens and the role of administrations as agents shaping spaces of interconnection between the rest of the local community (Brugué 2002; Lowndes and Sullivan 2008).

Municipal governance in Spain involves placing town councils in the institutional sphere in which they operate. In this regard, local councils are located in a context of multilevel governance, that is, the design and implementation of municipal policies and public services are influenced by the participation of other levels of government (Navarro 2002). One of the peculiarities of the Spanish local level within the legal system is that it can be subdivided into two levels: the provincial level and the strictly municipal level. Broadly speaking, the territorial planning of Spain (except at the European level) consists of the state or central level, together with the autonomous, provincial, and local levels (Pastorino 2019). In this regard, it should be remarked that the so-called metropolitan areas and counties are local entities or even simple administrative entities such as consortiums.

Town councils in Spain represent one of the most important agents of modernization in the country. After four decades of local democracy, municipal councils were the first entities to bring about a change in the political culture of the public, which transitioned from one of authoritarianism to a culture of freedom and political participation (Collado-Campaña 2017b, 2021). Accordingly, town councils have contributed to the development of policies and basic services for citizens in areas such as housing, care for the elderly, and the environment.

This chapter follows the classic divisions into structure, political actors, and results of public policies in order to provide an overview of the multilevel governance of the local government system in Spain. The first section focuses on the provincial institution, the internal organization of the town council, and the mechanisms of municipal cooperation as basic elements of local political structure. The second section describes the evolution of the political elite and municipal management, the creation of local governments, and the ability of local councils to organize themselves into lobbies. The last section analyzes the institutional transparency of town councils and provincial councils and the introduction of Sustainable Development Goals (SDGs) into the agenda of local entities. Finally, the conclusions of this chapter summarize what has been discussed regarding municipal governance in a multilevel context.

3.2 System in the Autonomous State

The Spanish municipal government system stems from the adaptation and modernization of the old provincial and municipal institutions to a new democratic system after the Franco dictatorship. This local transition process was marked by the fact that it was an agreed transition (Márquez 1997: 157) due to the coexistence of non-democratic town councils during the first years with a State having democratic institutions between 1975 and 1979. Broadly speaking, three periods can be described in the process of modernization and democratization of the municipalities:

- From the first municipal elections in 1979 to the approval of Law 7/1985 on Local Government Regulations (LRBRL). This stage was a period of local transition and adaptation from Francoist town councils to a new democratic system with profound political, organizational, and cultural changes.
- From 1985 until the approval of Law 57/2003 on Measures for the Modernization of Local Government (LMMGL) and Royal Legislative Decree 2/2004 of the Local Treasuries Law (RDL LHL). This intermediate stage is linked to the consolidation of the institutional architecture of democratic town councils.
- From 2004 onwards, there has been a period of modernization of town councils which has created a more technical and specialized environment and improved effectiveness, especially in those municipalities with large populations.

The organizational development of local administration has led to a wide asymmetry in the competences and resources of local councils due to three factors related to their multilevel nature. Firstly, the differential development of local administrations and municipal autonomies undertaken in each community based on autonomous legislation and the tensions between the State and autonomous communities. Secondly, the survival of a system or subsystem of local government in the chartered regime communities for historical reasons, and others such as the uniprovincial autonomous communities (Asturias, Balearic Islands, Cantabria, Madrid, Murcia, Navarre, and La Rioja) and the autonomous cities (Ceuta and Melilla) due to organizational criteria upholding an institutional architecture that is different from the rest of the country. Thirdly, the greater or lesser dependence of town councils on provincial councils and autonomous institutions according to their degree of competences, needs, and economic resources.

3.2.1 *Municipality and Province: A Close Relationship*

A common taxonomy divides the municipal government systems of Northern and Southern European countries. The first group (Denmark, Norway, and Sweden) is characterized by strong decentralization of powers, a high degree of managerial discretion for representatives, and a lack of institutional channels of communication between local and state politicians. In the second group (Spain, Italy, and Portugal),

which includes the Spanish case, there is little decentralization of duties, a low degree of managerial discretion for representatives, and formal channels of communication between the municipal political elite and their national counterparts (Back et al. 2006: 22). This occurs in practice due to the pre-eminence of autonomous communities over city councils and the economic and logistical dependency of demographically smaller municipalities. In short, the local autonomy of town councils is at a medium level; they have a high capacity for financing through their own taxes, while their capacity to act is at a medium-low level. Likewise, local governments are subject to a high degree of control regarding policy design and implementation (Magre et al. 2019: 688). Thus, the heavy dependence of town councils on regional governments due to the institutional architecture and extensive legal controls fosters the need for formal channels of communication between mayors and regional representatives in order to enable a wide range of intergovernmental policies.

Analyses of the local government system in Spain during the first decades of democracy point to the influence of the Germanic model (Goldsmith and Newton 1997: 40). However, this statement must be qualified, as it alludes to the influence of the federalizing nature of the State of Autonomies and of how town councils fit into this territorial distribution of political power. Clearly, Spanish municipalities lack the extensive powers enjoyed by their German counterparts, especially in the area of policies inherent to the welfare state (Magre et al. 2019: 688). On the contrary, the most important powers lie with the autonomous governments, and the legal autonomy of the municipalities recognized in the Spanish Constitution of 1978 contrasts with the lack of economic and technical resources that can guarantee it in practice when compared to other administrations such as the autonomous communities and the provincial councils. To explain this situation, we must look at the dynamics of historical nationalism in Spain and the historical setup of the current State of the Autonomous Communities. In essence, from a historical perspective, the center-periphery cleavage has determined the current territorial organization of Spain and, therefore, the role played by the town councils as a whole.

The design of the local government system in Spain is more directly related to the Napoleonic model of public administration (Back et al. 2006; López-Nieto 1987). Spain, France, Portugal, Italy, and Greece are the main countries that adhere to this model. From this framework, we can highlight two elements that deserve our attention (Peters 2008): first, the significant amount of territorial centralization inspired by revolutionary France and partly inherited from the process of concentration undertaken by the Versailles monarchs and second, the considerable importance of the administration and its wide-ranging powers in sectoral policies. In this regard, town councils bear little resemblance to the French communes or the Portuguese *concelhos* due to the aforementioned federalizing factor, and because the Portuguese regions are mere administrative subdivisions lacking the status of autonomous communities. Nor can a similarity be found in the Greek case, especially after the reorganization of the municipal map under the Kapodistrias Plan, which brought about the unification of different municipalities into larger territorial units (Hlepas 2010).

The influence of the Napoleonic model of administration on the municipalities in Spain can be seen mainly in the Italian case, especially with regard to its internal organization and its coexistence with an institution that is located at the provincial level (Bolgherini 2015: 72–74). In contrast, the German model is characterized by urban and rural districts (*kreis*) with a greater asymmetric design and smaller in size. In Spain, the *province* as an institution has its origin in the Constitution of Cadiz of 1812 and its consolidation in the territorial division carried out in 1833, which had a similar format to that of the French districts (Magre et al. 2019: 694).

Internally, both the town council and the *comune* are considered local territorial entities endowed with constitutionally recognized autonomy. In addition, the internal structure of its bodies consists of a single political leader, the *sindaco* (“mayor”), a collegiate body that represents the municipal government incorporating the mayor and municipal delegates, the *giunta comunale* (“government board”), and a plenary body with a parliamentary nature comprised of the elected representatives from the different political groups, the *consiglio comunale* (“municipal plenary”).

The third title of the LRBRL establishes the province as a territorial entity and the provincial council as an administration endowed with legal personality for that area. Its main functions are to assist in the provision of municipal services of provincial councils and to coordinate local administrations in conjunction with regional and state-level administrations. Its main internal bodies are made up of a president with managerial functions elected by the plenary, a governing board comprising the president, the vice-presidents, and provincial deputies to whom it can delegate responsibilities, and a plenary comprising members of the provincial local governments. As such, there is a presidentialization of the province and a dynamic of parliamentarization within the provincial plenary session. As an exception to this system, the Provincial Councils of Alava, Gipuzkoa, and Biscay enjoy a different system of powers and finances under the Statute of Autonomy of the Basque Country (LRBRL second additional provision).

In their external structure, the provincial councils share many similarities with the *consiglio provinciale*, an administration at the provincial level of government that provides coordination and support in the services of the municipalities integrated into their territorial unit. In both cases, its composition in terms of mayors and municipal delegates is determined by a restricted vote weighted according to the demographic size of each locality. Similarly, its internal structure consists of a single-person presidency, the *presidente del consiglio provinciale* (“president of the council”), and a collegiate and plenary body, the *assemblea dei sindaci* (“plenary of the provincial council”). However, there is one outstanding difference compared to the collegiate management body since the governing board of the provincial council is made up of members freely chosen by the president, and the *conferenza dei capi-gruppo* includes both the president and the spokespersons of the different political groups.

Therefore, an analysis of the municipal structure based on its governability must take into account the role of provincial councils and other administrations that include the provincial sphere (island town councils and administrations, single-province autonomous communities, except for the Balearic Islands and autonomous

cities). These administrations are responsible for the coordination and provision of services, especially in the case of municipalities with a small demographic size and limited financial and logistical capacity.

3.2.2 *Internal Organization of the Municipality*

This section focuses on the composition of the town council's representative bodies, the basic internal structure, and the sub-municipal level. The basic organization of any town council can be subdivided into the bodies of political representation, that is, the mayor, the deputy mayors, the local government board, and the consultative bodies under the plenary, while there are different support bodies that vary according to the demographic size of the municipality (LRBRL Article 20).

The basic representative bodies of any town council are made up of the mayor, the deputy mayors, the governing board, the plenary, and, in addition, the sectoral commissions must be included (El Consultor de los Ayuntamientos 2012: 280–281). Although in legal terms, the town council is part of the executive power, in political practice there is a tendency to presidentialize the mayor, who exercises political leadership, to ministerialize the governing board and parliamentarize the plenary session which hosts the political debate (Magre and Bertrana 2005; Mouritzen and Svava 2002). As an exception, localities with an *open council* system do not use these representative bodies.

The way in which the representative bodies of the town council are composed is characterized by the method of appointment of the mayor, the mechanisms of control of the mayor, and the electoral system. Organic Law on the General Electoral System (LOREG) of 1985 regulates the standardized appointment of proportional representation of the plenary. The regulation states that political parties should present closed and blocked candidacies for councilors and that the votes cast in a municipality must exceed an electoral limit of 5% of the valid votes. Thereafter, these votes determine, by means of the D'Hondt formula, the distribution of councilors in the municipal plenary. Here we can see the importance of the plenary as the organ that directly represents the citizens of a locality since its creation is necessary in order to elect the mayor. Moreover, the plenary is able to regulate itself through its own rules, approve or reject local budgets, and oversee the mayor.

The plenary is responsible for electing the mayor, who needs an outright majority of council members' votes. If this is not the case, and there is no agreement among the municipal groups, the first candidate on the list with the most votes in the elections is elected as the new mayor. The plenary has a constructive vote of no confidence and the matter of confidence to control the mayor's action (LOREG Articles 197 and 197 bis). The vote of no confidence must be supported by an absolute majority vote of the councilors of the plenary, and the nomination of an alternative candidate is required. This mechanism can only be used once per electoral term. On the other hand, the matter of confidence is proposed at the mayor's request, is related to specific matters (annual budgets, organic rules, local tax regulations, and

removal of general planning tools), and requires a specific majority depending on the matter in question. If the matter of confidence is not approved, the mayor will resign and the plenary must appoint a new candidate through the standard procedure.

The plenary is responsible for appointing the mayor once it has been established after the local elections, or if there is a resignation due to a matter of confidence. Throughout the history of democracy in Spain, two methods of appointing local governments have coexisted: semi-corporate and presidential (Márquez 2007: 282–284). The semi-corporate model was developed with the passing of Law 39/1978 on Local Elections (LEL) and remained in force until the passing of the LRBRL. The original regulations laid down a dual composition of local government with two groups participating in the process. On the one hand, the political groups of the municipal plenary appointed their members to the Permanent Commission in proportion to their representation. On the other hand, the mayor was free to hand over municipal delegations to a member of the Permanent Commission, grant specific delegations to councilors from outside this body, and establish a hierarchy of mayoral offices. The presidential model included in Law 7/1985 on Local Government Regulations replaced this semi-corporate model that was in force during the early years of democracy (Collado-Campaña 2017a; Márquez 2010). The new model currently in force confers all powers on the mayor, who is responsible for freely allocating the deputy mayors, the local government board, and the distribution of municipal and special delegations among the members of the commission and the rest of the councilors. The deputy mayors (LRBRL Article 23) stand in for the mayor during a vacancy, or in case of absence or illness, according to the hierarchical order assigned to them by the mayor.

The regulations allow municipalities with more than 5000 inhabitants, and others that choose to establish them, to create special commissions for consultation and reporting on matters that are submitted for debate in the plenary (LRBRL Article 20). These commissions are made up of members of the municipal groups in proportion to their representation in the plenary. Thus, there can be further monitoring of the mayor and the governing board, providing for greater control of their management.

The *open council* (LRBRL Article 29) is a special local system in some towns which stems from traditional political practices and was first introduced in the Middle Ages. The appearance of closed town councils in the thirteenth century was one of the great transformations of the municipal structure. Over time, the number of open councils diminished and they were eventually relegated to rural areas (El Consultor de los Ayuntamientos 2012: 811). This practice survives in a small number of municipalities in Aragon, Castile-La Mancha, Castile and Leon, Catalonia, the Valencian Community, Navarre, and the Basque Country. The mayor, elected by a majority vote, and citizens with voting rights, are the political decision-making bodies working through a system of direct democracy. Law 7/1985 on Local Government Regulations and reform in the LOREG in 2011 allow some municipalities to retain this practice if they have traditionally been administered in this way (historical criterion) or if their geographical condition calls for this type of management (geographical criterion). In this regard, authors such as García and Doblás

(2019) argue that town councils may be the best way to regain the political trust of citizens. Additionally, García-Espín (2017) points out that open councils allow for the elimination of party-based local politics and its replacement with forums for civic debate. Be that as it may, there has been a reduction in the number of open council municipalities after the aforementioned electoral reform. This reveals a possible tension between partisan decision-making spaces and their use by parties or citizens who do not belong to political groups.

The Law of Large Cities (LMMGL) established a more extensive organization for municipalities with large populations. Cities with more than 250,000 inhabitants and provincial capitals are considered large cities, while regional capitals or those that have more than 75,000 inhabitants and with special historical, social, and cultural characteristics may apply for recognition. Hence, this category of municipalities introduced important changes in the LRBRL by establishing a more complex institutional structure in major cities. To this end, the change provided for a series of support bodies within the local councils of large cities (LRBRL Article 121), which include:

- The accounts commission. The normal collegiate body in any town council (regardless of the number of inhabitants) comprises members from different political groups in the plenary. Its role is to review the annual accounts, propose amendments to them and monitor any irregularities in their management (LRBRL Articles 20 and 116).
- The special complaints and suggestions commission. A collective body made up of members of the political groups with proportional representation (LRBRL Articles 20 and 132). The commission is responsible for receiving petitions from citizens and preparing an annual report for evaluation. In this way, it represents a mechanism to channel the demands of citizens and serve as indirect control on local government by citizens.
- The economic and social council. This body represents the local community's most prominent organizations, associations, companies, and other agents. Its membership includes presidents of associations, trade union representatives, academics, etc. Although it lacks major political powers, its main functions are the drafting of strategic reports and action proposals for the city.
- The legal counsel, which is an administrative body aimed at providing support for the mayor and the governing board in the exercise of their functions (LRBRL Article 129).

Within this process of updating local administration, the Law of Large Cities also provides for the decentralization of town councils by subdividing them territorially into districts (LRBRL Article 128). Thus, municipalities in this category are required to create territorial administrative and management units within their municipal boundaries in order to facilitate citizen participation and the provision of municipal services. In this case, the plenary is the entity responsible for drawing up the district map and allocating economic resources to each of these areas according to their socioeconomic and geographic circumstances. Acting as a representative of the local government, a councilor appointed by the mayor is entrusted with the

presidency of each district. In practice, districts also satisfy territorial identities based on historical and cultural criteria that may exist within a municipality and/or in the grouping of neighborhoods. Sometimes they can also be used to give an identity to recently created areas in the city.

Finally, there is a wide typology of minor entities such as districts and parishes that arose from territorial divisions dating back to the beginning of the nineteenth century, and which precede the current provincial organization (Magre et al. 2019: 698). Their internal organization varies according to the legislation of each autonomous community and so, therefore, does their capacity to act. They usually have a deputy mayor or municipal mayor appointed directly by a neighborhood council. In Castile and Leon, they can be used to optimize communal property, or even prepare the way for the independence of a part of the municipality, as is the case with the local autonomous communities in Andalusia.

3.2.3 Methods of Intermunicipal and Intergovernmental Cooperation: County, Metropolitan Area, and Association of Municipalities and Consortiums

Local government regulations under Law 7/1985 also provide for the ability of town councils to introduce different methods of interrelation among themselves and other entities. This regulation was later amended to recognize certain legislative developments of some autonomous communities (LMMGL) and agreements on economic sustainability (Law 27/2013 on rationalization and sustainability of the Local Administration, and Royal Decree-Law 10/2015 on extraordinary credits).

The intermunicipal cooperation formulas correspond to three types of local entities endowed with legal personality: counties, metropolitan areas and associations of municipalities. However, although the consortium is not legally recognized as a local entity, it does have its own legal personality. The consortium is a tool to establish relationships between local administrations, the autonomous administration, the State administration and private entities in order to provide certain services of public interest.

The first two methods of intermunicipal cooperation may be created by agreements between autonomous communities, such as the county and the metropolitan area, while the association of municipalities may be created at the request of the municipalities and with the approval of provincial councils. Counties and metropolitan areas (LRBRL Articles 4 and 5) have the same powers as town councils regarding regulation, organization, planning, expropriation, enforcement, and review of their administrative acts. Likewise, associations of municipalities may also be endowed with these powers, but they must specify this in their statutes, and if they do not do so, they can only exercise those powers necessary to fulfill their objectives. These three types of intermunicipal cooperation are fundamental for understanding the multilevel context of the town councils in the provision of services and public policies.

The *county* (LRBRL Article 42) is a tool for the defense of common interests in the management or provision of services by associated municipalities under this formula. The request for the creation of a county may come from the town councils or from the autonomous community, but two-fifths of these local councils may oppose its creation if they represent at least half of the electoral census with respect to the total of their municipalities. Although the county can group together towns from different provinces, there must be a favorable decision from the different provincial councils of these municipalities. In this type of cooperation, the autonomous community is responsible for authorizing the grouping of town councils into counties and for regulating their territorial scope, composition, and internal functioning. However, it must be made clear that counties cannot deprive municipalities of their basic competences (LRBRL Article 25.2) nor of their intervention in the activities they are required to perform according to their demographic size (LRBRL Article 26).

Metropolitan areas make up a model of cooperation that reaches the state, provincial, and local levels. Article 43 of the LRBRL establishes that the autonomous communities may create, modify, and eliminate metropolitan areas after consulting with the State Administration, the provincial councils, and the affected municipalities. This process of creating or eliminating metropolitan areas must be contained in an autonomous community law. The metropolitan area groups together municipalities that have a large urban concentration with population nuclei sharing economic and social links, and whose objective is the coordination of services and works produced as a result of these links. It is the responsibility of the autonomous community to establish the governing bodies and the internal functioning of the metropolitan area with the participation of town councils in decision-making and an equitable distribution among them of economic responsibilities and provision of services.

The *associations of municipalities* grant town councils greater weight for their creation, modification, and elimination (LRBRL Article 44). In any of these cases, it is the responsibility of all the councilors of the municipalities involved to apply for them. Subsequently, the provincial council or provincial councils affected (in the case of associations of municipalities from different provinces) will issue a report on their approval or rejection. In the case of provincial approval, the statutes that create, modify, or suppress the association must be approved by all of its municipal plenaries. The regulation recognizes the right of local town councils to establish an association when their objective is the implementation of works and services within their competence. The associations enjoy legal personality and their statutes must establish their territorial scope, internal functioning, and areas of competence. Likewise, the decision-making bodies must be representative of the associated town councils. It is important to note that the integrated town councils may be from different provinces or from different autonomous communities. This capacity for grouping constitutes an indirect formula for interregional cooperation at the municipal level.

In short, legislation gives the autonomous communities a responsibility to arbitrate among the three modalities of intermunicipal cooperation, although to a lesser extent as regards associations. From an analytical point of view, autonomous communities enjoy three capacities regarding these entities: development of their regulation within the basic framework of state regulations; institutional monitoring within the scope of their territory; and cooperation with them in established cases. Thus, they may have legal personality, as in the case of Catalonia, or be mere administrative districts, as in the case of the Valencian Community. This situation leads to an asymmetrical development of these entities in the complex State of Autonomies and, therefore, to an operational inequality of the intermunicipal cooperation entities.

Consortiums and agreements allow for a kind of voluntary cooperation between town councils and autonomous communities and the State in the undertaking of works and the execution of services (LRBRL Article 57). Municipalities may form *consortiums* both with other territorial administrations and with private entities such as companies that pursue public interest purposes (LRBRL Article 87). Regulations stipulate that both the consortium and the agreement must be aimed at improving efficiency when providing a service, eliminating administrative overlaps, and guaranteeing budgetary sustainability. However, a consortium can only be established when it is not possible to enter into a collaboration agreement. It is interesting to note that consortiums have recognized legal status to operate legally in their field of competence. Finally, it should be noted that under international agreements established by Spain, consortiums allow for cross-border cooperation between municipalities in matters of public services.

According to the Registry of Local Entities, a quantitative analysis showed that there were 83 counties,³ metropolitan areas, and 49 municipal groups in October 2021. Table 3.1 shows these data in detail.

A spatial analysis shows that most of the counties are grouped in Aragon, Catalonia, and the Basque Country, with the exception of one county in Castile and Leon. In metropolitan areas, they are found only in Barcelona and Valencia. Due to unknown causes, there are no data available regarding the associations in the aforementioned registry. In contrast, municipal groupings are more widely distributed in Andalusia, Aragon, Asturias, Castile and Leon, Castile-La Mancha, Extremadura, Navarre, the Basque Country, and La Rioja.

Table 3.1 Intermunicipal cooperation mechanisms in Spain in 2021

Type of cooperation	Number of units
County	83
Metropolitan area	3
Associations	Unknown
Consortiums and other groups	610

Source: Spanish Ministry of Economic Affairs and Digital Transformation (2021)

3.3 Political Actors in the Municipal Process

Legal changes in local institutions and the evolution of the political system as a whole have affected the behavior of political representatives and citizens. Evidently, changes in the institutional organization required adaptations to be made in the internal functionings of local institutions and their modernization in an increasingly globalized environment. Moreover, as citizens' expectations increased, there was a demand for change and a replacement of the local elite and their behavior. While the previous section describes the institutional channels, the following section presents the dynamics of the agents involved in achieving governance. As such, this chapter describes the evolution of the municipal elite, focusing on their ideas and actions regarding governance, the types of agreements that support local governments, and the lobbying carried out by town councils vis-à-vis other bodies.

3.3.1 *Local Elite, Agents, and Governance*

The Spanish local elite is characterized by the presidentialization of the mayor as the head of the town council or as the president of a city (Magre and Bertrana 2005: 73). This phenomenon means that an essential part of the executive capacity of the council is concentrated in the mayor and the governing board, but not so much in the plenary of councilors. Although this local presidentialism has its origin in the powers of the mayor, in its empirical manifestation it constitutes a dynamic of local life (Collado-Campaña 2017b: 183). This dynamic has been reinforced by factors such as dedication to managerial and political tasks, the degree of autonomy of local party committees, and the political dominance of the sphere by the mayor.

In this regard, local presidentialism demonstrates the strong mayoral model of government in Spain, as is the case in most Western European democracies (Heinelt et al. 2018). This model is characterized by an elected mayor who controls the majority of the plenary, maintains all executive functions, directly appoints and dismisses managers, and can delegate functions to his councilors, and where the bureaucracy is adapted to his personal perspective (Mouritzen and Svava 2002: 56–57).

It is paradoxical that despite the differences in local government systems among the countries of the Napoleonic model of administration, they all tend to produce a strong mayoral model. This implies that even if the origin is in the divergent local regimes of these countries, the explanation for the persistence of this tendency must be sought in social and cultural factors. This points to the leaders' understanding of governance.

The mayors' view of municipal governance can be seen from two perspectives. On the one hand, the endogenous approach they adopt towards political parties and citizens in the decision-making process in local politics. On the other hand, the

exogenous perceptions they have of the autonomous communities as the main agents that legally and administratively influence municipal life.

An analysis of the second round of the survey “Political Leaders in European Cities” shows how ideology and years of experience are the main factors that shape the approach that mayors adopt regarding local governance in municipalities with more than 10,000 inhabitants (Vallbé and Iglesias 2018: 57–58). This profile depicts local leaders who are keen to see residents participating in political decisions and expressing their views on the most important decisions before they are dealt with by representatives, and who also take the line that plenary decisions should reflect the majority opinion of the citizens. In contrast, they do not support limiting the participation of residents in municipal elections and do not exclude alternative ways for political parties to participate in the local arena. Although the preference for greater civic participation is found among left-leaning mayors, this opinion is tempered by greater years of experience, leading mayors to strengthen their ties with the most influential local actors in order to reduce the influence of citizens. This is directly related to the personalization of local politics in Spain (Natera 1998: 193) and the tendency of long-serving mayors to strengthen their ties with the main actors in the municipality (Collado–Campaña 2021).

In the case of the local elite, there has been an evolution from mayors and councilors engaged in the daily tasks of government, toward a professionalization focused on governance (Brugué 2002: 30–31). During the transition and the 1980s, municipal representatives played more of a welfare-oriented role aimed at solving community problems and an executive role aimed at improving institutional functioning. These councilors had a short-term vision of politics and avoided the politicization of local life. From the 1990s onwards, there was an increase in the number of political councilors with a long-term vision of local politics, who participated more in political debate in the plenary and who were preoccupied with the tasks of designing and executing municipal policies and services.

This evolution of local representatives from positions of governability toward others of governance can be explained by the development of local government legislation and the perception of town councils as entities that contribute to the provision of certain services linked to the Welfare State (Agranoff 1993). Underlying this change in the way they understand the meaning of their work is the difference in mentality between a local elite that views its relationship with the community from a position of hierarchical superiority, towards another with a more horizontal outlook (Hansen 2001; John and Cole 1999).

In line with these arguments, the situation of local governance in Spain reveals an internal paradox insofar as the mayor maintains a dominant position in decision-making and aspires to a convergence between his perspectives and those of the majority of citizens in an environment in which the political elite is focused on greater interaction with local actors. Given these circumstances, local leaders seek to remain in office by delivering political action and discourse whereby residents are represented and included, but where mayors have the largest share of decision-making power in the municipality (Jiménez-Díaz et al. 2019).

This paradox is reflected in the decision-making processes that mayors carry out with both internal and external stakeholders of the town council. Broadly speaking, a study conducted after 30 years of local democracy in Spain in towns of more than 10,000 inhabitants (Navarro and Criado 2011: 28) shows that councilors view the mayor, the heads of the municipal groups, and the governing board as the main actors of internal power. Meanwhile, business associations, interest groups, and local associations are the key external agents in decision-making. In practice, the decision-making process between the political elite and external agents acquires pluralistic patterns that vary from municipality to municipality (Molins and Medina 2018: 95). Cities with a larger number of inhabitants (urban system) see business and local associations being more influential in achieving proper governance. These actors access institutional channels through formal routes (the city's economic and social councils) and informal routes (contacts with representatives). Moreover, entrepreneurs exert a greater influence when a mayor prioritizes economic development on his or her agenda. In addition, aldermen tend to prevent the most influential interest groups from monopolizing decision-making (Navarro 2016).

This overview allows us to illustrate the state of governance, especially in localities with more than 10,000 inhabitants. These account for approximately 10% of the municipalities and 80% of the total population (Tables 3.2 and 3.3). However, more than three-quarters of the total number of town councils are in towns of 10,000 inhabitants or less and are found mainly in rural areas. This shows a considerable influence from an urban perspective on the analyses carried out in this regard. Recently, we have seen how population decline in rural areas has led to the growth of large cities. Likewise, we have seen that there are issues with representation when comparing the size of local corporations and the municipal population in large cities, where groups such as women and immigrants are underrepresented (Navarro and Pano 2021).

A deeper and more detailed understanding requires systematic official data sources that collect information on the political situation of rural municipalities. This shortfall is currently only asymmetrically compensated for by regional and provincial statistics departments and case studies carried out by political scientists, sociologists, and local historians. Likewise, there are few and inadequate records from ministerial departments of data on mayors, councilors, and other data of political interest on local governments. This in turn opens up an interesting possibility for the creation of databases that provide systematic knowledge of the municipal situation.

Table 3.2 Municipalities in Spain according to population

Number of inhabitants	Number of municipalities	Percentage of municipalities
Less than 1000	5002	61.5
From 1001 to 10,000	2370	29.1
From 10,0001 to 50,000	610	7.5
From 50,001 to 100,000	86	1
More than 100,000	63	0.7

Source: Spanish National Institute of Statistics (2021)

Table 3.3 Percentage and aggregate distribution of population in municipalities according to number of inhabitants in Spain

Number of inhabitants in municipalities	Percentage of population	Aggregate percentage of population
Less than 1000	3.1	3.1
From 1001 to 10,000	17.1	20.2
From 10,0001 to 50,000	26.9	47.1
From 50,001 to 100,000	13	60.1
More than 100,000	39.9	100

Source: Spanish National Institute of Statistics (2021)

3.3.2 *Practice in the Formation of Local Governments*

Governance is a term that is often confused with governability. When we speak of governance, we refer to a particular style of exercising power aimed at improving the political, economic, social, and environmental conditions of a territory. Governability, however, refers to the ordinary functioning of institutions within the parameters established by political legitimacy. Thus, governance is associated with the concept of efficiency in democratic management and governability is related to the simple effectiveness of the political activity. Clearly, achieving governance calls for governability by politicians and municipal institutions.

The main change in municipal governability came about with the approval of the Law on Local Government Regulations (LRBRL) in the mid-1980s. Local corporations elected in 1979 and 1983 instead operated under the regulations of the LEL. Although this did not entail considerable changes in areas such as the election of the mayor, it did bring about a change in the composition of the governing board. This would no longer be made up of leaders of municipal groups but would instead be freely appointed by the mayor himself, something that would later be reinforced in municipalities with large populations.

Studies on local governance in Spain have focused mainly on understanding it from a multifaceted perspective, from the performance of the municipal government system and the relations between political groups and between political representatives and society. In this regard, it is important to separate the analysis of the factors that favor municipal governability (Hansen 2001: 110) and the elements that guarantee the long-term continuity of a mayor in office (Márquez 1992: 459). The main elements that guarantee the stability of a town council must be established through concepts such as the presidentialization of the mayor who exercises political leadership; the ministerialization of the governing board, in that it represents the collegiate management body; and the parliamentarization of the plenary, which acts as a counterweight and represents the ideological plurality of the local community, approving or rejecting budgets and the main municipal actions, and overseeing the management of the mayor.

In this regard, there has been much discussion on the stability of local governments in Spain in the academic literature, especially with regard to the appointment

Table 3.4 Investiture of mayors in provincial capitals

Investiture type	1979	1983	1987	1991	1995	1999	2003
Outright majority	5	36	12	17	33	28	33
Pact	32	7	6	22	12	20	18
Simple majority	15	9	34	13	7	4	1

Source: Huidobro et al. (2019: 119) and Márquez (2007: 316–317)

of mayors (Collado-Campaña 2017a; Huidobro et al. 2019; Márquez 1997, 2007, 2010). In contrast, there are no systematic official data available on the dynamics of governability regarding the approval of municipal budgets and during situations of institutional crisis. The difficulty for experts to access this data, which is dispersed among different agents, is one of the obstacles encountered when attempting to gain a more profound knowledge of certain contexts (Huidobro et al. 2019: 123).

In order to provide an overview of local governability in Spain, a table has been drawn up based on the work of Márquez (2010) showing the formation of government in the town councils of the provincial capitals and autonomous cities following the elections of 1979–2003 (Table 3.4). The categories of mayoral investiture are based on a more recent classification adapted to data availability and access (Huidobro et al. 2019: 119). This classification distinguishes between governments where the mayor enjoys an outright majority, the optimal situation of governability for mayors, government coalitions in which there is a pact between two or more political groups to invest a mayor, and minority governments where the mayor does not enjoy an outright majority.

The dynamics of government formation are directly linked to elections, existing alliances between parties at other government levels, and the evolution of the party system. Broadly speaking, it can be seen that the way mayors are appointed is mainly by an outright majority, followed to a lesser extent by coalitions or pacts between parties of different complexions. On the other hand, governments of a municipal group without an absolute majority in the plenary session constitute the least desirable scenario and one that has diminished over time. Due to their status as cities with high populations and provincial capitals' seats, political dynamics push for a stable mayoralty in these municipalities.

3.3.3 *The Federations of Municipalities and Provinces as Pressure Groups*

Provincial and municipal governments have certain territorial interests on their agenda that may go beyond merely partisan parameters. These include the creation of networks of cities with a historical heritage, the organization of common services at the regional and state levels, urban modernization projects, and promoting business in an economic sector, etc. Consequently, the flow of power, information, capital, and people that characterize a globalized world place local institutions and

agents in a context that goes beyond State borders. Thus, a considerable number of factors beyond the reach of the old Leviathan make it necessary to structure the interests of the institutions of sub-state representation. Accordingly, the federations and associations of municipalities constitute one of the organizational bodies with which provincial councils, town councils, and councils can act as a pressure group to lobby other administrations (autonomous, state, and European) and agents.

The federations of municipalities are public legal entities that defend municipal interests, integrate political representatives, and are publicly funded. These entities were banned during the Franco dictatorship due to authoritarian centralism but emerged after the first democratic local corporations were constituted in the 1979 elections. In practice, these entities came into being by making use of legal entities' right of association with the creation of the Spanish Federation of Municipalities and Provinces (FEMP), which was followed by its counterparts at the autonomous community level in Catalonia, Navarre, Valencia, the Basque Country, Castile-La Mancha, Murcia and Andalusia (Table 3.5). Subsequently, associations of local governments gained legal recognition in the fifth additional provision of the LRBRL, which also empowered them to sign agreements with other administrations (Barrero 2008: 276–277). Unlike intermunicipal cooperation bodies such as municipal associations, these federations coordinate municipal affairs but do not alter their competences.

Table 3.5 Federations of municipalities and year founded

Federations of municipalities	Year founded
Spanish Federation of Municipalities and Provinces	1981
Federation of Municipalities of Catalonia	1981
Navarra Federation of Municipalities and Councils	1982
Valencian Federation of Municipalities and Provinces	1982
Association of Basque Municipalities	1982
Federation of Municipalities and Provinces of Castile-La Mancha	1984
Canary Islands Federation of Municipalities	1984
Federation of Municipalities of the Region of Murcia	1984
Andalusian Federation of Municipalities and Provinces	1985
Regional Federation of Municipalities and Provinces of Castile and Leon	1986
Aragonese Federation of Municipalities, Counties and Provinces	1988
Galician Federation of Municipalities and Provinces	1988
Federation of Local Entities of the Balearic Islands	1989
Federation of Municipalities and Provinces of Extremadura	1989
Riojan Federation of Municipalities	1989
Federation of Municipalities of Cantabria	1992
Federation of Municipalities of Madrid	1992
Asturian Federation of Councils	1995

Source: Author's own elaboration

It is important to point out that lobbying of municipal governments went hand in hand with the establishment of the autonomous communities, and that in many cases, they played a fundamental role in the processes of organizing interests and negotiation between the local authorities and the autonomous communities. This is what is known in Spain as “municipalism.” Likewise, this also validated the sense and logic of the development of municipal autonomy in autonomous community legislation.

However, the federations of municipalities with autonomous scope contain two considerable shortcomings. On the one hand, when the board is largely controlled by a political party, or there is a majority of a certain political faction among its members, these entities risk becoming spaces for partisan representation instead of local government pressure groups. Clearly, this situation is influenced by the political culture of the elites and the electoral cycles. On the other hand, the need for transparency means that these entities must maintain good practices in order to show responsible management of their undertakings (Melero 2015: 18–19). In the last 10 years, this has led to the dissemination of codes of good practice among these entities, although some of them, such as the FEMP, the Basque federation, and the Andalusian federation, had already undertaken this task.

This associative spirit among cities is also manifested at the international level. At the beginning of the twentieth century, the first international grouping of local authorities took place, but more specifically, it was from the 1980s onwards that a wide network of municipal alliances emerged (Fernández de Losada and Abdullah 2019: 11). These networks bring together local administrations from different countries to form pressure groups, coordinate transnational initiatives, exchange experiences and, in particular, act as a source for the generation of specialized knowledge (Sassen 2000). In this regard, the alliances are sectoral in nature, focusing on areas such as sustainability, population growth, urban planning, culture, young people, etc. In addition, many of these associations come under the umbrella of initiatives developed by the United Nations, the European Union, the Council of Europe, and the Ibero-American geopolitical area. Furthermore, the integration of Spanish municipalities into these networks is subject to the decision of their leaders and the agendas of each town council.

3.4 A Perspective on the Results of Local Governance

Municipal governance is to some extent a style of management characterized by greater proximity between institutions and citizens. This management style is both a means and an end. As a means, governance is a tool with which to achieve a greater degree of local democracy, and it is the town council that is responsible for setting up networks of interconnection between the public and private spheres. As the end, its goal is desirable, since it fulfills the preferences and expectations for greater involvement in the decision-making process. At present, local governance in Spain focuses on two basic aspects: institutional transparency and the integration of

Sustainable Development Goals into the municipal agenda. This section presents an analysis of the evolution of transparency levels in town councils and provincial councils, and of the process of inserting SDGs into local decision-making procedures.

3.4.1 Transparency in Municipal Corporations and Provincial Councils

The need for transparency is a phenomenon that has taken hold in local administrations over the last two decades, especially in town councils. In this regard, two factors have had a decisive influence on the introduction of transparency into the political agenda and on the style of municipal management. One factor is the analyses on transparency carried out by Transparency International Spain, an international organization focused on the fight against political corruption at different levels of government. The other is Law 19/2013 on Transparency, Access to Public Information, and Good Governance, which introduces some of the basic principles of governance and develops other aspects previously included in administrative law regarding the ability of citizens to access information from administrations.

Transparency International Spain analyzes town councils and provincial councils by means of a global transparency index. This indicator is broken down into information on the institution, relations with citizens, economic and financial transparency, transparency in the contracting of services and the application of the Transparency Law, which are common to both administrations; transparency in urban planning for local corporations, and transparency in the support of municipalities for provincial councils. In itself, it does not represent an instrument for monitoring political corruption, but it does require town councils to comply with guidelines and rules in the area of good governance.

The Transparency Index of Municipalities (ITA) is a questionnaire of eighty questions carried out on a sample that has grown from 100 to 110 municipalities since its creation. Moreover, town councils not included in the sample may also voluntarily respond to this survey (Transparency International Spain 2017). As can be seen, the average transparency score of municipal governments has evolved from a significantly low score to reach almost 90 points of the requirements in the questionnaire (Table 3.6). This demonstrates that transparency has become part of the government agenda of Spanish town councils. Initially, the highest-scoring items corresponded to information on members of the corporation and relations between the town council and civil society, with a score of almost 70 points out of 100. In contrast, transparency in the economic-financial field and contracting had the lowest scores of approximately one-third. Over the course of a decade, the original scores have improved for all items, particularly in the area of economic-financial transparency, while the highest scores were obtained for information on the town council. Conversely, councils had comparatively lower scores in the contracting of services

Table 3.6 Average scores of town councils in areas of transparency

	2008	2009	2010	2012	2014	2017
Global transparency	52.1	64	70.2	70.9	85.2	89.7
Information on local corporations	69.6	71.4	68.1	72.2	86.3	92.7
Relations with citizens	69	71.4	77.3	76.3	86.8	90.7
Economic-financial transparency	29.1	49.1	63.8	71.2	90	93.1
Transparency in the contracting of services	37.3	58.3	70.1	68.6	74.1	85.8
Transparency in urban planning and public works	48.4	67	72.2	77.6	85.8	86
New Transparency law	–	–	–	57.4	81.2	86.8

Source: Transparency International Spain (2017)

and urban planning. A recent article has exposed how oversizing total expenditure, capital, trash collection, and local police can be a sign of local corruption (Bastida et al. 2022). Therefore, we can conclude that town councils have evolved positively and progressively, increasing their compliance with transparency regulations and their awareness of this issue, although compared to other areas, there is still a relative lack of transparency in the contracting of external services and matters relating to urban and public works. This situation is presumably linked to the persistence of a certain political culture where obscurity prevails in politically and economically profitable areas for the municipality and/or its members.

The Transparency Index of Provincial Councils (INDIP), the barometer applied to these institutions, shows a similar evolution, but with some special features. This index is also obtained through a survey of eighty questions conducted between 2012 and 2015. However, it was given to practically all the provincial councils except for the autonomous communities that are uniprovincial and therefore lack this institution. Thus, the scope of this barometer is much greater when compared to the ITA, which is taken from an extremely small sample of municipalities.

Table 3.7 shows that average scores have increased by more than 30 points from the first survey to the last. Contracting services and relations with citizens were among the highest average scores obtained initially, while the lowest were those related to economic-financial matters and support for municipalities. The latest survey shows that information on the provincial council and economic-financial transparency received the highest average scores while contracting services and application of the transparency law had the lowest. Although most of the areas analyzed showed a positive evolution overall, there was a steady decline in transparency in the contracting of services.

Comparing the evolution of transparency between town councils and provincial councils shows that this evolution shares some common patterns. Firstly, there is a considerable increase in the overall transparency score, but this is higher in municipal governments. Secondly, the sample size of town councils is extremely small, so more local governments need to be included insofar as the willingness of councilors to cooperate and the infrastructure of Transparency International allow this. Thirdly, compared to other areas, contracting services shows a lower level of transparency

Table 3.7 Average scores of provincial councils in areas of transparency

	2012	2013	2015
Global transparency	48.6	69.6	81.7
Information on the provincial council	51.7	73	83.5
Relations with citizens	68.3	83.2	86.1
Economic-financial transparency	27.2	60.2	83.1
Transparency in the contracting of services	85	76.1	65.8
Transparency in services and support for municipalities	47.7	75.4	81.9
New Transparency law	–	58.7	78.3

Source: Transparency International Spain (2015)

and a negative evolution. Therefore, this is perhaps the area where most effort needs to be made to bring about improvements and where experts should target future research. In short, local and provincial governments are perfectly willing to show who is who, but more reluctant to show the contracts they have signed.

This evolution in transparency has been due, above all, to the regulatory framework of Law 13/2019 on Transparency, the cultural change among local political elites, the increase in demands by citizens and their ability to contrast information, together with the influence of transparency measures carried out by international organizations (Mora et al. 2018). However, it is important not to be complacent, since the regulations on transparency still contain some weaknesses: the law does not provide for adaptation to the diversity of existing municipalities according to their demographic size; there is a resistance to transparency by representatives and bureaucrats; and the lack of unification of criteria by the expert community (López-López et al. 2021). Likewise, ITA analyses should be improved in aspects such as citizen accessibility to databases, the reductionism involved in having a single questionnaire, the contrast of quantitative data with qualitative data, and heeding the demand for greater political participation (García-Santamaría and Martín 2017). Despite this, it should be borne in mind that further work is needed to define concepts such as good governance, transparency, political corruption, participation, and public ethics, concepts which are sometimes misunderstood even by experts. As previously mentioned, what is needed is a conceptual and methodological clarification to be undertaken by the different agents involved, from experts to representatives (Méndez 2015).

3.4.2 The Introduction of the Sustainable Development Goals into Local Agendas in Spain

The 2030 Agenda and the 17 SDGs of the United Nations contain the current challenges faced by governance worldwide to achieve a sustainable environment for the future and greater social cohesion in contemporary societies. Given the current

context of globalization, actions are needed based on multilevel governance and political, economic, and social interconnections that transcend state borders. To this end, the Spanish government has started to introduce different actions to include this issue in its institutional agenda and, therefore, involve the different government levels in this objective. As a result, the Council of Ministers approved the Action Plan for the Implementation of the 2030 Agenda for Sustainable Development, which provides an analysis of the starting point, distribution of competences among the different administrations, and a plan for the design of public policies on social and environmental matters (Spanish Government 2018). These actions are provided for in the following areas: the fight against poverty, the Strategic Plan for Equal Opportunities, the Urban Agenda, the circular economy, the Law on Climate Change and Energy Transition, scientific research on SDGs, the Social Economy Strategy, the Open Government Plan and Spanish Cooperation. Among the control mechanisms, the executive established a High Commission linked to the Presidency of the Government, a consultative council, and a joint committee comprising the Congress of Deputies and the Senate. Finally, the executive and the FEMP have designed strategies to be implemented by sub-state administrations.

The FEMP, in its role as the coordinator of local operators, published a commitment in which it set out its objectives in three areas: raising awareness of SDGs among provinces and municipalities; strengthening municipalities in relation to the fulfillment of goals; and creating alliances between different actors for technical assistance and decentralized cooperation in this area (Spanish Federation of Municipalities and Provinces 2018: 4). Thus, the FEMP implemented the SDG Agenda 2030 Commission comprising local political representatives responsible for defining SDGs in different measures, and the Network of Local Entities for the 2030 Agenda, which brings together the municipalities participating in this initiative. A subsequent study carried out by the FEMP on the inclusion of SDGs in local agendas revealed some interesting data: more than 80% of local entities are aware of SDGs; awareness of SDGs is higher in municipalities with a larger demographic size; and 64% of those surveyed are implementing actions in this area (Spanish Federation of Municipalities and Provinces 2021). However, provincial and local administrations lack the necessary resources for implementation, citizen awareness is low, and there is a lack of technical support and training in SDGs.

In short, the FEMP is the main agent responsible for designing and coordinating this public policy at the sub-state level through the creation of networks of actors. However, the operators of the actions are encountering technical and logistical problems in meeting objectives that exceed their capabilities. Given the high level of demands and the lack of coordination and resources from provincial councils and municipalities, it will be necessary to observe how SDG programs evolve at the local level.

3.5 Conclusions

Throughout this chapter, we have analyzed local governance in Spain in a multilevel context regarding its structure, process, and results. We now summarize the most important aspects in each of these areas. The organization of local government operates on two levels: the province, the municipality, and a wide range of cooperation mechanisms at the intermunicipal level. Although municipalities enjoy a wide variety of interrelationships thanks to this institutional structure, in practice these mechanisms are not used optimally for two reasons. The first is related to shortfalls in local government resources and their structural dependence on provincial and autonomous administrations, with the exception of large cities. The second is the consolidation of an asymmetrical State of Autonomies resulting from the failure of municipalism as the backbone of democratic life.

Local governance is based on the model of a strong mayor and the presidentialization of the government team in the scope of the process. As democracy has progressed in Spain, the local elite has evolved from being a welfare-based entity to one focused on the design of actions and public policies, which is professional in nature. Although it can be said that the town councils have increased the interconnections between the institution and civil society, in practice, they favor the most influential local agents in decision-making over the rest. On the other hand, the stability of local governments has transitioned from a situation where outright majorities prevailed to a stage in which coalitions are becoming more important. This change is directly related to the transformations seen in the Spanish party system and their effects within the municipal plenary (nationalization of local life). Moreover, the federations of local authorities have shown themselves to be key players on the political scene in defending the interests of the municipalities and in their capacity for intergovernmental cooperation. This regional and state partnership of municipalities has been complemented by the proliferation of international alliances of cities in different sectoral areas in the context of globalization.

Finally, institutional transparency and the introduction of Sustainable Development Goals have acquired significant weight on local agendas in recent decades. Overall, there has been a steady increase in the level of transparency of town councils and provincial councils in recent decades, although there is still a relative lack of transparency in the area of contracting by the administrations. In this regard, improvements need to be undertaken by both operators and experts regarding conceptual definitions and methodology in the field of transparency. On the other hand, the design and implementation of SDGs at the local level have been achieved through the work of the FEMP in coordination with the state executive and the development of a strategy for municipal networks. However, this strategy has come up against the lack of resources for municipalities and the lack of technical assistance needed to comply with the relevant actions of Agenda 2030.

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Chapter 4

New Formulae for Managing Public Services. Collaborative and Multilevel Governance in Metropolitan Areas and Small Municipalities



Adela Romero-Tarín

Abstract One of the main drawbacks of local management in Spain is its high population density in metropolitan areas; hence, the country's interior has become progressively depopulated, which presents serious problems for rural local governance. On the contrary, in large metropolitan areas, the presence of strong business values, including pressure to favor particular interests, requires innovative instruments, models, and tools for complex decision-making in the face of depopulation and the lack of economic development by designing new models for public-private and multilevel collaboration. In 2018, the Spanish National Institute of Statistics (INE) published the report "Urban Indicators" determining the main Spanish functional urban areas (AUF) with the largest populations being: Madrid (6.71 million inhabitants), Barcelona (4.96 million), and Valencia (1.72 million). This chapter analyzes the new issues that urban actors, instruments, and factors are facing and conditioning this new scenario. Technology is one of its instruments, but not the only one. Through a descriptive approach, and with the ultimate perspective of focusing on the object of analysis, the problem of governance, this chapter is structured in six sections, for which reputed authors and experts in the field have been consulted.

Keywords Multilevel local government · Collaborative governance · Urban governance · Public-private collaboration · Public urban policy

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4.1 Introduction

With the arrival of SARS-CoV-2, local management's ability to transform and innovate has become more necessary than ever in all areas without exception; conditioning the economy, culture, and obviously management of the territories. In view of this circumstance, there is a need to jointly provide tasks and services together with other municipalities in large metropolitan areas, which therefore reduces their autonomy and increases control over one another, requiring high levels of coordination. This leads to a debate on whether this joint action in large metropolitan areas has given rise to a loss of organizational identity and whether it has caused other disruptions in the provision of local programs and services.

Moreover, in these metropolitan areas, privatization of public services has been a means to respond to coordination problems. However, in many cases, privatization has implemented long-term contracting with private organizations, which may be connected to other private interests. Nevertheless, in metropolitan areas, local governments also enter into delivery agreements with local civic associations, not only to foster a sense of community ownership and collaboration but also for the provision of social services that are mainly financed by the local government which becomes less autonomous and less critical. All of them are developed under the Principle of Discretionality, which may be beneficial for the actors involved, but not necessarily for the good of the local community, which requires the design of accountability and transparency mechanisms.

However, in Spain, territorial and social inequalities derived from inframunicipalism and concentration-urbanization processes have generated demographic ultraperipheries, which have particularly affected the Local Public Sector and, within it, small municipalities in depopulated areas. The aim of this chapter is to describe the changes and strategies that the actors and instruments of the Spanish local and municipal sphere have applied in recent decades, in response to the economic crisis that occurred at the beginning of 2008 and, obviously, was extended due to the SARS-CoV-2 coronavirus pandemic, acquiring new models of governance, which offer new approaches in democratic governance, in their governments, and in their policies.

Thus, it should be remembered that, with the creation of the autonomous communities, the development of new regional urban systems was promoted, in which the proliferation of medium-sized cities and the dynamics of diffuse urbanization have been the protagonists ahead of the large central cities already developed in previous decades. Currently, the Spanish urban system has a polycentric structure with two large metropolitan areas: Barcelona and Madrid, and a good number of intermediate and small cities, the rest being considered nonurban areas (Fig. 4.1).

In crisis contexts, local governments have the ability to put a governance and development model in place that renews the dynamics among actors. Their responsibility is not only limited to the technological aspect, for which a vast and varied bibliography from recent years can be found, but also in activating and empowering the participation and concern of their citizens in municipal affairs. Each

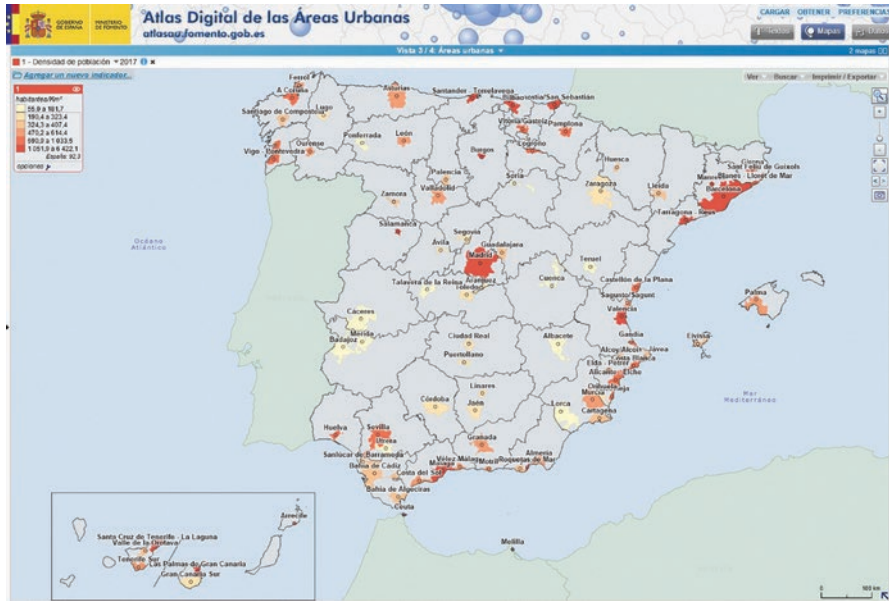


Fig. 4.1 Digital Atlas of Urban Areas in Spain. (Source: Ministry of Public Works (2018) Report on Urban Areas in Spain 2018. Available at: <http://atlasau.fomento.gob.es/>)

municipality or each city has its own characteristics, and these must be incorporated into networks to enhance their virtues.

To account for and address the negative implications in terms of inequality and social exclusion that such processes entail, now increased by the COVID-19 pandemic, both public and private actors and civil society itself need to urgently and effectively develop initiatives with a strong institutional capacity to promote territorially-based partnerships and design strategies that democratically mobilize local governments to develop, implement and adopt policies of social, territorial and development cohesion in small municipalities. These municipalities represent more than 80% of the total number of municipalities in Spain.

But what is governance? How is it described and conceived? When we talk about governance, we are still within the sphere of politics, but from a new approach that moves away from the traditional perspective, managing political decisions, resources, actors, and instruments from the creation of collaborative networks, transforming the government into another actor in the process of governing. In this sense, governance can be defined according to Schmitter (2001) as: “a method or procedure capable of dealing with problems and conflicts in society by bringing about, through negotiation and deliberation, satisfactory agreement, at the same time, among the various actors involved, who at the same time commit themselves to cooperate by putting these agreements into practice.”

In recent times, public-private partnerships (PPPs) have been a revolution that has transformed not only the rules but also the traditional chess players, whose main

and only actor in the maintenance and provision of services was the public sector. However, the trend has been enhanced by new approaches resulting from its own context and the need to permeate more intensely at the administrative level closest to the citizen, the municipal level.

According to Pastor (2017: 14), “in Spanish academia, the term public-private partnership is often used from different disciplines or scientific areas, such as Economics (Fernández Llera 2009; Esteve et al. 2012; among others), Law (González García 2006, 2010; Fuertes Fernández 2007; Dorrego de Carlos and Martínez 2009; Ridaó 2014; among others) and Political Science and Administration (Ramíó 2009; Mairal 2012; García Solana 2016; among others), to refer to any type of interrelationship and interaction that public administrations have with external entities (private companies, nongovernmental organizations and associations, among others) with the aim of innovating and transforming the financing, production, management processes and provision of public goods and services and, thus, achieving greater public value.”

From here onward, the chapter unfolds into four sections in which we will discuss the challenges, approaches, and findings that are being developed at the Spanish level, specifically at the local level, not at the state or regional level, on collaborative governance in a multilevel context.

4.2 Local Collaborative Government and Urban Governance. A Local Management Perspective in Spain

The local government level is the level closest to social problems and, therefore, can remedy the inefficiency or lack of national and/or regional policy, at the macro and intermediate levels respectively. For all these reasons, now more than ever is it necessary to reach a broad consensus on the definition and description of the needs to be resolved by local government. The new collaborative and urban governance must redirect its economic, technological, and social policies towards specific problems through the creation of intervention strategies that include citizens. For Esteve and Guiteras (2011: 2) “there are not and will not be sufficient public resources to respond to the growing challenges and complex needs posed by citizens.” Faced with this situation, local governments must increase their capacities. They are required to be the driving force, the guide for orienting actors, resources, and instruments towards common objectives, even if they come from different backgrounds. On this last point, Pina and Torres (2003) analyze private initiatives in the public sector, specifically the models of outsourcing services and infrastructure financing as a new paradigm in local management. This proposal emphasizes decentralization of the public sector by creating independent management units to improve service efficiency, separating production and service provision through concessions, contracts, or internal and external delegations to the public service. Such models facilitate incorporating flexibility, which the traditional administrative system lacks, and

greater control over decision-making and its subsequent implementation. The good news is that, undoubtedly, given all the circumstances experienced in recent times, COVID-19 has notably emphasized a new record of administrative processes with intensive use of Big Data, facilitating the monitoring, control, and demand for efficiency in local management.

On the other hand, in this range of measures to be developed within the framework of urban and collaborative governance, the diverse, complex, and dynamic nature of today's societies can be observed (Kooiman 2005), which raises the level of interdisciplinary qualification and requires a multilevel relationship between different administrative areas and powers (Canales Aliende 2002), challenging the actors to propose new collaboration models. This is not new and current but already started in the 1980s in the UK (Osborne 2010); public-private collaboration or public-private partnership, although with minimal differences between the two concepts (Ysa 2016), is a new way of creating and maintaining public service and value through co-participation and diversifying objectives and responsibilities.

However, due to the various combinations of collaboration among actors, it is necessary to define this term more precisely. Ansell and Gash (2008) define collaborative governance as "a governing arrangement where one or more public agencies directly engage nonstate stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programmes or assets" (2008: 544). As for the significance of the definition, based on different groups achieving objectives together by facilitating dialogue and cooperation among themselves, McGuire (2006) continues to research and concludes that "the latter concepts are specifically used to stress the importance of bringing public agencies together to increase the efficiency and effectiveness of public management." What we can conclude, however, is that the concept of collaborative governance is a generic concept, and is intertwined with that of networked, relational or multilevel governance. Rhodes (1996) relates both typologies, collaborative and networked, as, in origin, they share a similar idea of politics and public management based on plurality, fragmentation, and diversity, and in turn considers that collaborative governance legitimizes and regenerates trust in democracy.

Urban, metropolitan or metropolitical governance, a term used by Matkin and Frederickson (2009), faces the challenges of the subject or issue at hand, or the status and interests of the actors, along with the permanence or instability of the problems and even the relative level of formality of the process and procedure. Therefore, the key to collaboration between municipalities should not come as a surprise, but rather be understood as a model that operates through collaborative networks at the urban level, thus forming the basis for collaborative urban governance.

For Treviño (2011: 129), metropolitan governance should be understood as an administrative combination, due to the characteristics related to how metropolitan networks operate, which could be considered closer to the new public service approach than to the new public management approach (Table 4.1).

Table 4.1 Governance in public administration theories

<i>Theory</i>	Traditional public administration	New public management (NPM)	New public service (NPS) Administrative conjunction (AC)
<i>Description</i>	The State is the main actor in Public Policy	The State adopts the values and business practices	Networks of Social actors dominate Public Policy
Old period		New period	
<i>Negative governance</i>		<i>Positive governance (Good or democratic)</i>	
Networks with enough social control to resist regulations and impositions of State		Characterized by variables representative of voice and accountability, political stability, and absence of violence; government effectiveness; regulatory quality; rule of law; control of corruption	

Source: Treviño (2011: 130) with concepts and ideas from Denhardt and Denhardt (2007), Pierre and Peters (2005), and Arnouts and Arts (2009)

Collaborative governance is the heir to the postulates of authors such as Dente (1985), the work of Stone (1989), and Dowding (2001), which were orientated toward the main idea of “how to govern,” through infinite combinations between public and private actors that set the course of political decisions and therefore of local governance.

In the Spanish case, public-private partnerships (PPP) are regulated by the 2011 Revised Text of the Public Sector Contracts Law (LCSP), through Royal Legislative Decree 3/2011, of 14 November, which is already anticipated for the first time in the 2007 Law on Public Sector Contracts, Law 30/2007, of 30 October, which incorporates different guidelines proposed by the European Union through the Green Paper on public-private partnerships and Community law on public procurement and concessions, resizing other formulas traditionally used in our country, such as the concession of public works or the management of public services Colón de Carvajal (2009) in Pastor and Medina (2016). In addition to the most current Law 9/2017, of 8 November, on Public Sector Contracts, which transposes the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of 26 February 2014, integrated within the framework of the so-called Europe 2020 Strategy into Spanish law. The aims of these directives are twofold, firstly transparency in public procurement and secondly the constant improvement of value for money in public service maintenance and supply.

In this regulatory scenario, based on the signing of a contract, a formal relationship is established between the public administration and the private entities that indirectly provide their services, gradually incorporating business operations, demanding the values of efficiency and quality in the provision of public services. However, the definition of foundations or guidelines related to the procedural and ethical nature of private-public relationships should also be reviewed.

In substantive terms, it could be said that local public services must comply with these two fundamental premises: (a) fulfilling the objectives to be pursued and (b) the efficiency of the model. However, each municipality must ensure that the

services it provides are managed and administered in the most efficient way possible, either through a direct model, by the public sector, or through collaboration with the private sector, and therefore through a private company or the creation of a mixed or indirect economy company.

The Observatory for Urban Services (OSUR 2019) predicted a few months ago in its position report that management based on public-private partnerships is a key model for the progress of society, and especially for the public services provided in municipalities in areas such as health, education, the water cycle, public lighting, mobility and parking, the environment, etc. Moreover, they added that in the context of urban growth, experience shows how the PPP management model facilitates making better use of the economic and technical resources of the companies, providing citizens with a better quality of life and well-being, hence the activity of these concessionary companies, always duly monitored and controlled, is carried out under the supervision of the Administration, which remains the owner of the service under perfectly regulated conditions.

Proponents argue that it is more efficient and democratic for the communities within metropolitan areas to compete among themselves for the production or sale of public services than to leave those services to one monolithic government body (Seller Hoffmann-Martinot 2008).

In Spain, collaborative governance is considered to require an approach or process that redesigns institutional bodies so that they can be structured in a way that enhances and increases the synergies that can occur between both sectors, public and private, and in turn strengthen the economic, financial, political and social dimensions as a result of democratic governance and good governance.

It is vital to clarify, in the midst of this transformation of roles and models, which imposes a new local governance whereby the Spanish public sector takes on new responsibilities as if it were an “orchestra conductor,” knowing how to anticipate the problems derived from the sum of the individual interests of the different actors, sharing risks, and working towards innovation together, defined in a “win-win” Alsina and González de Molina (2019) and sharing the risks of the operation equitably or fairly Cheung et al. (2012). In order to achieve this, there must be legal and regulatory trust, a competitive dialogue that creates reliable collaboration between public and private actors under appropriate conditions that satisfy both.

The nature of these challenges and changes is the result of the influence that supranational and/or macro levels, including the European Union with manuals or statistics, or international organizations such as the OECD itself, make available to public administrations in general, and local administrations in particular, documents that warn, communicate and resolve how to face the context. Ramió and Salvador (2018) already foresaw those public administrations had to be competitive and innovative in the face of the challenges of digitalization, robotics, artificial intelligence, and continuous social demand, which requires new solutions and methodologies, with public-private collaboration being the link between resources, actors and instruments.

When it comes to understanding which models are applied in Spain for public-private collaboration, Álvarez Rubio (2020) based on the novelties which came into

effect within the framework of Royal Decree Law 36/2020, of 30 December, which approved urgent measures for the modernization of the Public Administration and for the implementation of the Recovery, Transformation and Resilience Plan, points out the following: (a) public tenders; (b) consortiums; (c) agreements; (d) subsidies; (e) public sector Entities with private funding, broken down into: state trading companies with private funding and public sector foundations; and finally, (f) equity interest in private companies, classified into participating loans and funds lacking legal personality (Table 4.2).

In addition, it should be noted that the literature shared in recent years on the approach to collaborative governance encourages demand for greater leadership from public administrations, greater control, accountability, and evaluation, as well as transparency and reviewing activities. And although it is not easy, it also calls for cooperation with the community.

Fulfilling these necessary requirements facilitates integrating multiple actors and agencies that can intervene in a coordinated manner. It is thus an architecture of combined elements that must be orchestrated by the public administration selecting those that best suit its strategy, mission, and vision.

Obviously, this complex scenario raises governance issues at urban and metropolitan levels. The public sector is now a strong partner which must respond to a smaller, much more flexible, stronger, and smarter level of bureaucracy, and this is a problem for local public administration which lacks sufficient resources for self-reform in the face of the present needs. Successive economic downturns, pandemics, and regulatory changes have weakened the Spanish local level, which more than ever before calls for greater attention.

Another major change in collaborative governance in the Spanish local context is the lack of professionals specialized in the fields of artificial intelligence, robotics, and digitalization, thus hindering a more agile and adaptive transformation. Thinking that public-private collaboration was already the end and not the means to solve and advance in service quality, efficiency, and maintenance has disoriented the course of public administrations over the past decades.

As Ysa (2016: 43) reflects, the new public governance does not come to replace the previous paradigms of traditional public administration or new public management, but rather it comes to join them, to seek alternatives that maximize social solutions based on nonlinear configurations and models of analysis that take into account this complexity, which is inherent in the radical nature of current problems. PPPs are intended to provide services, to maintain them, but they should not stray from the values and essence of the philosophy of public management, especially at the level closest to citizens, such as the local level. Public administration can, and must, collaborate with other actors if it wants to offer solutions orientated towards the common good; however, it must not forget the reason for its existence, which is obviously society.

In short, Spanish local collaborative governance requires significant improvements. It has a long way to go, leaving behind the managerialist postulates of its first stage, linked to matters of efficiency and effectiveness, in order to initiate an approach ascribed within the new public service theory, as already advanced by

Table 4.2 Legal forms of collaborative governance in the Spanish Public Sector

Legal figure	Object	Applicable legislation
Competitive dialogue (Concession contract for public works or service)	In the competitive dialogue, the special competitive dialogue table conducts a dialogue with the selected candidates, at their request, in order to develop one or more solutions that are likely to meet their needs, serving as a basis for the candidates to submit a tender.	Law 9/2017 on Public Sector Contracts
Association for innovation (Concession contract for public works or service)	Association for innovation is a procedure which that aims at developing innovative products, services, or works and the subsequent purchase of the resulting supplies, services or works, as long as they correspond to the performance levels and maximum costs agreed upon by the contracting bodies and the participants.	Law 9/2017 on Public Sector Contracts
Negotiated (Concession contract for public works or service)	The successful tenderer is chosen after consultation with several candidates and the terms of the contract are negotiated with one or several of them. It is compulsory to request tenders from at least three qualified companies.	Law 9/2017 on Public Sector Contracts
Agreement	These agreements are those with legal effects adopted by the Public Administration, public bodies and related or dependent public law entities or public Universities reached among themselves or with private law entities for a common purpose.	Law 40/2015 on the Public Sector Legal System
Mixed-capital trading company	A company that brings together both public and private capital, constituting one of the typical instrumental entities which meet the needs of the Administration by transferring the exercise of duties and responsibilities to other parties which adequately satisfy collective needs of general interest. From the outset, the Administration participates in the share capital in a certain proportion and partakes in management; hence, it must necessarily be classified as indirect management since there is no proof that in such an instance control is exercised by the administration.	Law 40/2015 on the Public Sector Legal System and Law 7/1985 on Local Government Regulatory Law
Mixed-capital consortium	Consortia are public law entities, with their own distinct legal personality, created by several public Administrations or bodies belonging to the institutional public sector, among themselves or with the participation of private entities, for developing activities of common interest to all of them within the scope of their powers. Consortia may carry out activities for the promotion, provision or common management of public services and any other activities provided for by the law.	Law 40/2015 on the Public Sector Legal System

(continued)

Table 4.2 (continued)

Legal figure	Object	Applicable legislation
Mixed-capital foundation	A nonprofit entity for fulfilling purposes of general interest, regardless of whether the service is offered free of charge or through compensation. In order to finance the foundation’s activities and maintenance, provision should be made for the possibility of the public sector foundations’ assets being contributed to by the private sector on a nonmajority basis.	Law 40/2015 on the Public Sector Legal System

Source: Alsina, Victoria y González de Molina, Eduardo (2019) Public-private collaboration as a vector for innovation: success stories in Spain. *Revista Vasca de Gestión de personas y organizaciones Públicas*. Núm. Especial 3/2019, 122–139, based on the division established by Donahue and Zechauser (2006) related to the concept of discretion

Treviño (2011), which generates trust and social cohesion and improves decision-making processes to strengthen institutional legitimacy and local democracy.

4.3 Multilevel Local Governance: Centralization, Decentralization, or Interdependence

Redesigning Spanish cities over the last centuries has conditioned current economic, social, and political development and dynamics. At the end of the twentieth century, an expansive process of land occupation and housing construction began in response to the great demand from the foreign population, commodification, and the access of young people to housing. During those same years, local governance abandoned the professional and technical approach in favor of a more managerial and economistic vision.

Cities had, and still have, the objective of attracting investors, even turning the city into a commodity, a product of city branding which gradually mortgages the local coffers with the construction of buildings or potential spaces, with the aim of stimulating the economy, in an attempt to position itself in the economic and cultural circuit. Let us remember the case of Valencia with the City of Sciences and Arts. This phenomenon led to suburbanization processes, especially among the less well-off, as opposed to the middle classes residing in the city center (López-Gay and Recaño 2008; Torrado 2018 in Torrado et al. 2021), which ended with the start of the great recession in 2008. This situation was experienced in most Spanish cities and municipalities and came to be known as the brick crisis.

At the end of the 1990s and the beginning of the new millennium, a trend emerged toward creating networks among professionals from the public and private sectors, towards local governance that includes civil society in its decision-making and, in turn, in urban policies. This last reflection, citizen participation in local affairs, will be emphasized and progressively increased as a result of the EU support and the

Millennium Goals that the UN proposed to countries to join forces and guide national, regional, and local policies towards common goals.

Citizen participation meant, and still means, the renewal of traditional local democracy, a breath of fresh air that legitimized and put trust in urban political decisions. During this period, mechanisms such as the implementation of participatory budgeting exercises, deliberation forums, project co-designs, and neighborhood forums, among others, were initiated. The city of Barcelona is a good example of this. All these proposals transformed the political scenario, but also the social one, including new actors who demanded a more horizontal distribution of power, enabling efforts to be combined and weaving a multilevel government.

When analyzing the concept of multilevel governance, we must start from an approach that requires diverse, complex, and multiple perspectives that are organized so they collaborate with one another. Brugué and Canal (2012) understand multilevel government to be the design of an adequate allocation of resources, powers, and responsibility, where each level of government must know what its obligations are and have the means to fulfill them.

The great challenge facing local multilevel governance lies in how all actors combine to work and cooperate together, allocating resources and responsibilities. In previous decades, let us remember that the actors did not interact, nor did they collaborate by joining forces, they worked separately. This new reorientation of multilevel government proposes a new formulation, implementation, and evaluation of public policies and, therefore, of a new urban governance that seeks cooperation, deliberative participation, and network organization as the main lines of action Kooiman (1993).

Indeed, proposing solutions or alternatives to local and urban problems is what drives multilevel government and its governance to connect different levels of government, civil society actors, and the private sector. In this case, competition is generated based on interdependence, cooperation, and the complementarity of joint work. The most relevant and illustrative example of this issue is the law passed by the Autonomous Community of Catalonia, Law 2/2004, of 4 June, on the improvement of neighborhoods, urban areas, and towns that require special attention. The preamble of this law explains that “the purpose of this Law, which has been favorably approved by the Local Government Commission of Catalonia, is precisely to extend actions of this nature to all the neighborhoods and urban areas of Catalonia that require it. And for this reason, within the framework of the autonomous and local powers recognised by Article 9 of the Statute of Autonomy and by Article 66 of the Consolidated Text of the Municipal and Local Regime Law of Catalonia, and in accordance with the provisions of the eighth final provision of Law 2/2002, of 14 March, on town planning, it provides the Administration with the appropriate specific instruments for this purpose” (BOE 2004).

In this respect, multilevel local governance generates a constant exchange of resources, negotiations, and permanent dialogues based on a constellation of actors that interact and constitute a network society. This new model moves away from the traditional centralist tendency to initiate a new phase or pattern of action, made up of various levels of government. As a result of the above, a new *politeia* appears,

characterized by relationships between territorially defined political actors, characterized by its multipolar structure, and in which diverse actors participate and have a direct impact on supra-state, state, and regional or local arenas Llamazares and Marks (1999) in Rojo Salgado (2004).

Indeed, the diverse and complex reality described above calls for a change in local governance, and one solution to the phenomenon of glocalization, which brings about so many transformations, may be the multilevel approach. According to Faure and Douillet (2005: 277): “these new territorial frameworks can lead to a redefinition of the sectors of intervention, in the same way that the number of players in many political decision-making arenas has multiplied and are the source of new challenges for public action, notably linked to competitive positioning and distancing strategies or, on the contrary, to the implementation of institutional cooperation around shared problems.”

This situation raises the question of whether nation-states can be relegated from their centralist position by spheres closer to the citizen, which are aware of their needs and can act more quickly and flexibly, and even anticipate them. Obviously, the emergence of a new organizational architecture in the form of governance does not mean that nation-states will cease to play an important role or even disappear, but rather that nation-states are presumably currently undergoing a redefinition and resizing of their traditional functions, which highlights and harms those regional levels that interact with various levels of government, hindering horizontal cooperation among associations, local governments, and economic actors, and making their collaboration and cooperation more complex.

4.4 The Complexity of Urban Policies in Metropolitan Governance

Urban actor networks constitute structures of an unlimited nature. Their constant growth formulates their own logic in the territory, which all their actors assume. The conception of PPPs seeks transversality in the decision-making and implementation of administrative policy, with the private sphere and the third sector joining forces. Therefore, shaping of the PPP management model is proposed on two levels: (a) from the sphere of political decision; and (b) from the execution, implementation, or management of the initiative on which action is desired.

But before continuing to analyze this reality, what do we understand by public policy? It is true that this has been studied since the 1970s, due to the need for a new paradigm on social issues and the construction of a new European space. Currently, new approaches have been stratifying and reinforcing public policy analysis. For Roth (2014), public policies are not the spontaneous result of the state; on the contrary, they are rather a process of social construction resulting from the interaction between the state and society that is mediated by governance. In contrast, Canales Aliende (2002) understands them as a contextual decision resulting from a need or

social conflict of an innovative nature. These are classified into the following typologies: (a) according to the level of government that adopts them: state, regional or local; (b) according to their scope: general or sectoral; and (c) according to their content: regulatory, distributive, redistributive, and institutional. In this article, we are interested in paying attention to regional or local and sectoral policies.

Urban policies propose a renewed and determined action on content and territory that requires a type of governmental action, urban governance. In particular, urban or metropolitan governance can be understood as a manifestation of governance in the face of challenges in urban environments, mostly in cities or urban centers where the local world can be understood as urban, being a space for the development of the economy, the society of knowledge, information, communication, ethical values and the democratic learning of citizens (Romero Tarín 2018).

Urban governance decisions, and those of cities, are often insufficient in the face of regional interests that mimetically reproduce models of reinforced centrality, prioritizing the connection with the regional or state center, and not so much between other axes or nuclei—sometimes closer and more powerful—that are sacrificed, under the pretext of an alleged territorial integration for the sake of the development of regional centrality Seisdedos (2007).

Since the end of the last century and the beginning of the new millennium, governance has become increasingly important in political science debates. State crisis, the various administrative reforms, the globalization process characterized by the emergence of a welfare state in crisis, and the strengthening of a regionalist political reorganization, have laid the foundations according to Zurbriggen (2011) for analyzing governance as a new style of government, different from the hierarchical control and market model, characterized by a higher degree of cooperation between governments and public administrations and nongovernmental actors in the making of public policies. Through this policy-making process, based on collaboration, consensus, and participation of different actors, it is expected to improve policy outcomes and performance and, ultimately, to ensure the governance of the political system. In short, governance is characterized by a network of institutions and individuals collaborating together and bound by a pact of mutual trust; they are organizations of power that form semi-autonomous and sometimes self-governing networks. Rhodes' (1996) expression "governance without government" sums up his conception well and helps us to assimilate that urban governance develops a constant search for innovation from a multiactor and multiscale approach.

The characteristics of the relational and entrepreneurial state, which assigns roles and responsibilities among its actors: market, state, and civil society in the first place; and secondly, that which is permanently in search of innovation and improvement, attract new models of public-private collaboration alluding to more accessible and less hierarchical urban public policies. But what do we mean by innovation in the framework of collaborative governance and urban policies? Local governments must meet the objectives they set themselves, and to this end, planning incorporates clarity but also detects shortcomings. Innovation is key to the modernization of administrations, responding to previously detected problems, but understood from complementary perspectives: (a) those oriented towards anticipation or prevention;

(b) those that provide greater adaptive skills in the face of new situations or problems; (c) those oriented towards results and; (d) finally those oriented towards the mission, molding all the actors involved in the same direction.

For Mazzucato (2014), the public sector can establish a basis for the development of this collaboration through symbiosis. This symbiotic relationship offers the public sector learning to jointly implement and develop new technologies and procedures or make decisions together where they initiate a joint public-private learning process. Urban public policies supported by public-private partnership innovation transform behavior and take a step towards constantly improving the public sector (Table 4.3).

4.5 The Neighborhood Law. Case Study

Catalonia experienced the fastest demographic growth in its history during the 1960s and 1970s, based on the so-called rural-urban exodus phenomenon. A flood of people from depressed or poorly resourced areas migrated to Catalan cities in the hope of a better quality of life. In 1960, the population of Catalonia amounted to 2,560,464; in 1970 it was 3,871,471 (INE 2020). The Stabilization Schemes led to the development in the industrial sector, in need of labor that would favor its growth objectives creating poles of attraction for the “new industry” in cities such as Madrid, Bilbao, Valencia, Seville, and obviously, Barcelona.

Table 4.3 Some typologies of indirect management of public services

Discretion	Designation	Possible legal formulae	Examples
<i>Mainly public discretion</i>	Outsourcing	Service contract awarded by open procedure	Contract cleaning in public buildings
<i>Mainly shared discretion</i>	Public-private partnership or collaborative governance	Contracts for the concession of works or services through competitive dialogue or a negotiated procedure. Agreements—Forming a new entity; mixed-capital consortia; mixed-capital trading company; mixed-capital foundations	Barcelona Metropolitan Housing Operator; Scientific and Technological Consortium, Basque Research and Technology Alliance (BRTA)
<i>Mainly private discretion</i>	Philanthropic activities or corporate social responsibility	Private foundations; NGOs; Companies with a specific corporate social responsibility program	Eroski Foundation; Banco Santander Foundation

Source: Alsina, Victoria, and González de Molina, Eduardo (2019) Public-private collaboration as a vector for innovation: success stories in Spain. *Basque Journal of People Management and Public Organisations*. Núm. Especial 3/2019, 122–139, based on the division established by Donahue and Zechauser (2006) regarding the concept of discretionality

This population, which came from the rural world, generally from the agricultural sector, with small family farm plots, believed that industry, but above all the cities, could offer them new opportunities and prosperity. The consequences and impacts of this phenomenon were manifold; however, the lack of planning in land management and also of public services should be highlighted as they were far greater than imagined in any existing forecast.

This situation led to areas in the region that were underdeveloped, unplanned, with poor public transport services, and lacking in infrastructure and urban facilities. During the following decades, marked by a democratic bias and neighborhood demands, these deficiencies were addressed, however, the new century has seen an increase in the migrant population, mainly foreigners, which has reversed the situation, generating problems of concentration and overcrowding as a result of a highly fluctuating real estate market.

Law 2/2004 of 4 June, on the improvement of neighborhoods, urban areas, and towns that require special attention, approved by the Generalitat de Catalunya in accordance with its Statute of Autonomy, is an autonomous law. Its main objective is to intervene in those neighborhoods, urban areas, or towns that require special attention and thus prevent the different processes of degradation that may occur, preventing additional setbacks for inhabitants of these areas caused by gentrification, real estate speculation, ghettoization, insecurity, urban regression, or economic and social deficiencies, among others, allowing for comprehensive actions aimed at the physical, environmental, social welfare and economic revamping of these areas.

Each city determines which neighborhoods are a priority in need of improvements, limited by the budget allocation available in each legislature. The chosen neighborhood must belong to the following urban structure or territorial scope: (a) old areas and old quarters; (b) housing estates; and (c) marginal housing estates and areas with dense housing units that do not meet the required minimum standards of habitability.

The projects submitted must contemplate one of the following actions: (a) improvement of public spaces and the provision of green spaces; (b) renovating and fitting buildings with collective elements; (c) providing public facilities; (d) incorporating information technologies in buildings; (e) promoting sustainability in urban development, especially with regard to energy efficiency, water-saving and waste recycling; (f) gender equality in the use of urban space and facilities; (g) designing programs for social, urban and economic neighborhood improvements; and (h) accessibility and the elimination of architectural barriers.

The Neighborhoods Act has invested 1.123 billion in its slums, neighborhoods, and urban areas over the last 17 years (Gencat 2021). 44.1% of this expenditure has been allocated to improving public spaces and providing green spaces, 23.8% to the provision of urban facilities, and 12.1% to social and economic improvement programs. During these 17 years, actions have been carried out in 143 neighborhoods in 117 municipalities throughout Catalonia (Gencat 2021).

This law aims to transmit (Nel-lo 2008) the following messages to the citizens, the town councils, and the market. Firstly, it wants to make it clear to citizens that the government of Catalonia will not allow its territories, its spaces of coexistence,

and social, economic, and cultural exchange to be degraded; secondly, the town councils will receive all the resources they require to carry out their functions despite the vicissitudes which they experience; and thirdly, to notify that the public administration will provide investment in the market to generate development and growth throughout the Catalan territory.

For Muxí and Ciocoletto (2011), this law is not only an example of a model of public-private collaboration but also a law that incorporates the gender perspective in an urban regeneration law. Specifically, field 6 of the law establishes gender equality in the use of urban space and facilities.

A second characteristic for these authors is the transversality of the gender perspective in public policies. The gender issue feeds back into decisions without singling out women as a minority and/or a problem, but rather as a fundamental part of offering alternatives, or solutions, from an approach of abstract neutrality (Table 4.4).

Bringing this Neighborhood Law into effect has led to successful results, and this is mainly due to two fundamental issues. Firstly, the existence of project evaluation and monitoring committees for each of the neighborhoods; and secondly, this regulatory initiative establishes the interoperability between local and regional government departments in the face of joint objectives, and also favors inter-administrative coordination and transversality in urban public policies.

The new global transformations have relegated small and medium-sized cities to second place. In large metropolises, the problems of segregation, lack of social cohesion, and dualization are almost irresolvable, but at lower levels, there may still be a chance to act on these problems and make medium and small cities fairer, more participatory, innovative, and democratic. Cases such as the one analyzed here can inspire the way forward.

4.6 Conclusions

This chapter has reviewed a number of key aspects of collaborative and multilevel local governance. In the Spanish case, collaborative governance is tentatively gaining ground, as the presence of the public sector in the provision and maintenance of the public service continues to be the most prominent, as opposed to the public-private partnership model, which requires greater trust between the actors involved, as well as more exhaustive regulations that guarantee equal risks in the actions to be implemented by all the actors.

Secondly, on this last point, trust is one of the fundamental elements of change. This quality affects collaborative governance, but also multilevel governance at the local level, as it is the basis for establishing any operational or substantive relationship. Specialists in this field agree that achieving greater trust in this fluctuating, complex and dynamic scenario in which we find ourselves, with successive economic crises and a recent pandemic, trust in the public sphere, can offer an increase in the legitimacy of local governments, greater citizen participation in public policies, greater transparency and accountability, leadership and, therefore, a better

Table 4.4 Main project areas of intervention

Areas of intervention	Objectives	Examples	Program investment
<i>Improving public spaces and providing green spaces</i>	Improve public spaces, increase green spaces, and enhance people mobility	Street paving, tree planting, street lighting	277.2 M€ (46.7%)
<i>Renovating and fitting buildings with collective elements</i>	Promote habitability and the quality of housing and facilities by improving elements used by the public	Roof repairs, exterior wall and water drain renovations, lift installations	56.5 M€ (9.5%)
<i>Providing public facilities</i>	Increase facilities to adequately cover citizens' needs and promote interrelationships and social cohesion	Renovation of retirement homes, creating civic centers	133.1 M€ (22.4%)
<i>Incorporating information technologies in buildings</i>	Promote incorporating ICTs to improve information and service provision	Wiring buildings to provide access to broadband	5.7 M€ (1.0%)
<i>Promoting efficient energy, water-saving, and waste recycling</i>	Reduce carbon footprint and the cost of services with incentive measures to increase energy efficiency, water-saving, and waste recycling	Installing energy-efficient and water-saving devices and automated waste collection, and building recycling plants	22.8 M€ (3.9%)
<i>Gender equality in the use of urban space and facilities</i>	Improve women's living conditions and promote their access to a minimum wage, services, and social life	Premises for hosting services aimed at balancing labor and family life, specific training courses, women's	12.2 M€ (2,1%)
<i>Accessibility and the elimination of architectural barriers</i>	Guarantee mobility and use of facilities and public spaces for all citizens, eliminating barriers impeding mobility	Widening pavements, building ramps, installing escalators, eliminating barriers	38.9 M€ (6,6%)
<i>Designing programs for social, urban, and economic neighborhood improvements</i>	Promote activating the economy, 17 commercial and social district places, enhance living conditions and fight against social exclusion	Promote activating the economy, 17 commercial and social district places, enhance living conditions and fight against social exclusion	47.3 M€ (8,0%)

Source: Own design based on data from Nel-lo (2008)

local democracy. In addition, trust also facilitates public-private collaboration and multilevel governance. It is the substratum that provides the stability on which interaction among actors must be built for its implementation to be as successful as possible.

In this respect, a national pact on public-private partnerships has been proposed in Spain to promote sufficient stability, and obviously trust, among the actors involved. In addition, it is also necessary for PPPs to be reinforced, objectives must

be decided interdependently and jointly, regardless of governments, within a medium and long-term action timeframe.

Thirdly, regulatory frameworks and institutional design must also respond to the new multilevel action contexts. A very relevant proposal would be the adoption of more flexible and adaptive administrative mechanisms and procedures for private and/or social organizations. In this case, the appropriate and timely legal formulation can help to foster the development of public-private partnerships or service outsourcing in Spain, especially in municipalities with (a) less than 20,000 inhabitants, where public services are mostly managed directly, 67%; (b) in municipalities with populations between 20,000 and 100,000 inhabitants, 67%, no change; (c) however, in municipalities between 100,000 and 500,000 inhabitants the percentage decreases in directly managed services, increasing outsourcing or PPP to 44%; and (d) in municipalities with a population of more than 500,000 inhabitants, the level of outsourcing or PPP is 33% Pina and Torres (2003: 20–21).

In spite of all this, it is worth pointing out the need to coordinate the different governmental levels and economic and/or social sectors in order to coordinate joint actions, and for these to be developed in an interdependent manner. This formula, a priori simple, turns out to be highly complex and requires the elements already described and analyzed in this chapter.

Lastly, local governance in Spain has taken a democratizing turn through public-private and multilevel collaboration. In addition to these models, the qualities of transparency and citizen participation have also enabled its development, making political representatives accountable for the results of their political decisions. Urban democratic governance is based on: citizen participation, accountability, transparency, leadership, and good governance, all of these qualities and demands being framed in a multilevel and collaborative government. Therefore, municipalities have become more plural and complex, which makes us aware and recognize that only by all actors working together can we achieve fair and democratic local governance.

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Chapter 5

Intermunicipal Cooperation



Marta Méndez Juez

Abstract Cooperation and intermunicipalism are two essential concepts in the study of the current reality of local governments in Spain. Taking into account the complex territorial organization of the state and analyzing the current political-administrative framework, it is increasingly necessary to find mechanisms for inter-governmental and administrative relationships which allow us to respond more dynamically to the needs of citizens. The traditional “subjective” analysis, in which each municipality represents a unit that manages the common good in a grouped manner, has been left behind and new “functional” formulas are at the forefront, whereby these municipalities no longer work in isolation, but in relation to others based on necessity and opportunity criteria. Moreover, this intermunicipal cooperation can take place in a variety of forms, types, and legal regulations. The chapter analyzes its viability in light of the major systemic challenges that occur at this level of government, such as the hyper-fragmentation and dispersion of local government, local bodies’ chronic shortfalls in ensuring the provision of public services after multiple legal reforms, and the social commitments that are forged in a context of multilevel governance. It lists some of the political challenges posed by intermunicipal cooperation formulas such as the opacity of their structures, the dilution of political responsibility in managing public services, or the lack of direct democratic legitimacy, among others. The chapter ends with some recommendations on how these relationships can be addressed from our institutional framework, with special reference to the geographical and demographic problems derived from the Spanish local structure configuration.

Keywords Cooperation · Collaboration · Coordination · Local government · Governance · Governmental relations · Interadministrative relations · Municipality · Reform · County

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5.1 Introduction

Cooperation and intermunicipalism are two essential concepts in the study of the current reality of local governments in Spain. On the one hand, cooperation is understood as a situation that occurs when two or more government structures, voluntarily and in the exercise of their powers, assume specific commitments with the aim of achieving a common action. On the other hand, intermunicipalism can be described as the set of initiatives and structures put in place by local bodies in order to cooperate when exercising their powers and in the joint provision of municipal public services, as well as performing tasks of common interest.

Taking into account the complex territorial organization of the Spanish state and analyzing the current political-administrative framework, it is increasingly common to find intermunicipal cooperation mechanisms, hence the needs of citizens are responded to more dynamically and efficiently. The traditional “subjective” analysis, whereby each municipality represents a unit that manages the common good in a grouped manner, has been left behind and new “functional” formulas are at the forefront, whereby these municipalities no longer work in isolation but in relation to others based on necessity and opportunity criteria. Moreover, this intermunicipal cooperation can take place in a variety of forms, types, and legal regulations (at the state or autonomous community level), depending on the constitutional and municipal tradition of each country. Thus, municipalities can cooperate with each other within a permanent subjective framework or, on the contrary, they can cooperate informally, through partnership mechanisms.

This chapter focuses on analyzing the cooperation structures in the Spanish municipalities, given their permanent concern to offer common public services of quality, having proven increasingly complex to provide with equality and efficiency criteria. First, in order to understand the phenomenon of intermunicipality and its legal regulation, attention is drawn to the current context of multilevel governance. Secondly, the formulas of intermunicipal cooperation in force so far and their general structure are presented. Thirdly, its viability is analyzed in view of the serious systemic problems that occur at this level of government, such as the hyper-fragmentation and dispersion of the local level of government and local bodies’ chronic shortfalls in ensuring the provision of public services. Fourthly, it lists some of the political challenges posed by intermunicipal cooperation formulas, such as the opacity of their structures, the dilution of political responsibility in managing public services, or the lack of direct democratic legitimacy, among others. The chapter ends with some general considerations that summarize the main arguments put forward in the text.

We have chosen to adopt a descriptive research approach, applying a scientific methodology based on qualitative techniques, analyzing secondary sources, reports, legislation, and jurisprudence, and from a normative perspective. The main conclusion drawn from the study is that it is necessary to rely on a concrete, concise, basic, and homogeneous regulation that structures intermunicipal cooperation throughout the state. This challenge forces the legislator, whether national or regional, to opt for a more operative and less subjective vision, as this is the only way to review

territorial models in the face of the growing divergence between institutional spaces and institutional mechanisms which help to provide the best public service to an increasingly complex and demanding society.

5.2 Intermunicipal Cooperation: Essential Elements for Its Understanding

One of the factors driving the impulse and change in local governments in Europe has been the political initiatives to decentralize the intergovernmental architecture, as well as the strengthening of municipalities (Wollmann and Iglesias 2011: 97). This has also occurred in Spain, a country with a complex political-territorial framework, where public power is distributed among several levels of government, where a marked historical municipalism persists in a very specific geographical, demographic, and cultural context.

Cooperation is understood as the situation that arises when two or more government structures, voluntarily and in the exercise of their powers, assume specific commitments with the aim of achieving a common action. Intermunicipalism can be described as the set of initiatives and structures put in place by local bodies in order to cooperate when exercising their powers and in the joint provision of municipal public services, as well as performing tasks of common interest (Albet i Mas 2019). At this point, the definition, legal regulation, and the importance of this term are presented, in order to be able to determine the most notorious aspects of intermunicipal cooperation in Spain.

5.2.1 *Intermunicipality: A Controversial Definition*

Moreno Molina (2013: 216) defines *intermunicipalism* as the set of initiatives and structures put in place by first-level local bodies (municipalities) in order to cooperate when exercising their powers and in the joint provision of municipal public services, as well as performing tasks of common interest.

Toscano Gil (2013: 32) argues that the concept has emerged in recent years, as opposed to the classic term of supra-municipality, to allude to relationships that are established among municipalities in order to achieve common goals, emphasizing the voluntary nature of these synergies, unlike traditional supra-municipality, which was based on formulas built from verticality. Therefore, for the author, intermunicipality implies horizontality versus verticality, equality versus hierarchy, voluntariness versus obligation and cooperation versus coordination, flexibility versus rigidity, and little regulation versus dense regulation.¹

¹The concept of intermunicipality is included as such in the White Paper on Local Government Reform in Spain (2005).

Fernández-Figueroa Guerrero (2012: 42) states that intermunicipality is a type or form of interadministrative relationship that occurs whenever two or more municipalities meet/associate with each other or with other public and/or private entities. Thus, it is based on essential principles, such as cooperation, collaboration, and/or coordination, although their purposes are different depending on the thematic areas or services they encompass.

Therefore, intermunicipality implies the need for municipalities to exist, the presence of common interests among them, and the voluntary decision to share means in order to best satisfy all their interests. It is a matter, therefore, of achieving objectives that cannot be achieved individually or through the unilateral imposition of another entity. On the basis of these common characteristics, there are many possible intermunicipality formulas which will be analyzed later.

Being familiar with the specific responsibilities and the level of autonomy enjoyed by the local bodies that wish to exercise this cooperation is crucial in order to be able to understand new multilevel governance formulas, with greater emphasis on the distribution of power among the different territorial levels and on shaping power democratically (Díez Sastre 2019: 115). Governance, as an art or way of governing, is located at the crossroads of three processes: state, society, and market, involving the simultaneous and dialectical action of various institutions and social, economic, and political actors, in an integrated and coordinated way. This new paradigm is based on applying five basic principles: openness, participation, accountability, effectiveness, and coherence (White Paper on Governance 2001). Intermunicipal cooperation, in such multifaceted and fragmented realities, turns out to be one of the ideal mechanisms for governance to develop fully as a way of directing and managing public services that are increasingly in demand and also applying structural requirements of financial sustainability and economic stability.

5.2.2 *Legal Regulation*

At the European level, as Moreno Molina (2013: 216) states, intermunicipal cooperation has been structured in the form of functional partnerships and recognized and protected by the European Charter of Local Self-Government (CEAL). Article 3 enshrines the right of these entities, in the exercise of their powers, to cooperate and associate with others in order to perform tasks of common interest. The same precept regulates associations representing municipal interests for defending their local environment and political debate on these issues. Local cooperation operating on both sides of national borders is also recognized in a special way.² Article 6 of the Charter includes this content, which recognizes the right of municipalities to autonomously define their own administrative structures, allowing them to manage

² In the 1980 European Framework Convention on Transboundary Cooperation of Local Authorities, also known as the “Madrid Convention”.

them as efficiently as possible, referring both to the internal structures of local entities, as well as to external structures by analogy.

In recent years, the Spanish local system has been regulated through various legal instruments and has also undergone numerous reforms.³ However, all of them have been limited in scope, especially the last one in 2013, which adopted an exclusive economic perspective for what is a matter of constitutional order, of distribution of public power in the territory, and extremely important on a social level.

In Spain, the Spanish Constitution recognizes that the state is organized territorially into municipalities, provinces, and autonomous communities and that all these bodies enjoy autonomy to manage their respective interests (Article 137.1). Likewise, it contemplates the possibility of creating groups of municipalities other than the province (Article 141.3). In turn, Rivero Isern (1985: 662) argues that the complex model of State territorial organization designed in the Magna Carta is based on bodies integrating and interrelating harmoniously which, despite enjoying autonomy, are called upon to cooperate, by a constitutional imperative derived from the constitutional principles of solidarity, efficiency, coordination, unity, and autonomy.

Specifically, Article 138 regulates the principle of solidarity in order to achieve an adequate and fair economic balance among the different parts of the Spanish territory. Thus, the principle of solidarity acquires a new perspective, presenting itself as a guiding and modulating criterion for relationships between municipalities and provinces. On the other hand, the Constitution, in its Article 103, stipulates that all public administrations must act objectively to serve general interests and in accordance with the principles of efficiency, hierarchy, decentralization, and coordination. Based on this assumption, it would be difficult to achieve the intended coordinated and efficient action among municipalities without establishing an inter-administrative relational system of mutual cooperation.⁴ And, finally, the principles of unity and autonomy, which Rivero Isern (1985: 662) presents extracted from the Explanatory Memorandum on the Basic Precepts of the Local System as the constitutional principle of autonomy and the administrative principle of decentralization, cannot imply fragmentation of the public administrative power, “it simultaneously plays the principle of unity and on an administrative level is translated into those of

³The most important are the following: Law 7/1985, of April 2, 1985, Regulating the Bases of the Local Regime Royal Legislative Decree 781/1986, of April 18, 1986, approving the rewritten text of the current legal provisions on Local Regime; Law 11/1999, of April 21, 1999, amending Law 7/1985, of April 2, 1985, Regulating the Bases of the Local Regime, and other measures for the development of Local Government; Law 40/2015, of October 1, on the Legal Regime of the Public Sector; Royal Decree 2568/1986, of November 28, approving the Regulations on the Organization, Operation and Legal Regime of Local Entities; Royal Legislative Decree 2/2004, of March 5, approving the revised text of the Law Regulating Local Treasuries (published in the Official State Gazette no. 59, March 9, 2004); Organic Law 1/2010, of February 19, 2010, amending the organic laws of the Constitutional Court and the Judiciary; Law 27/2013, of December 27, 2013, on the rationalization and sustainability of Local Administrations.

⁴Law 40/2015, of October 1, on the Legal System of the Public Sector includes the regulation of inter-administrative relationships between the different levels of government and administration (Vilarta Reixach 2017: 50).

coordination and efficiency.” Thus, the relationship techniques between administrations should aim “rather at defining the framework and procedures that facilitate meeting and communication, even of an informal nature, for interadministrative collaboration and coordination, which are fundamentally voluntary and based on negotiation.” On the other hand, the different scope and meaning of regional autonomy (with legislative power) and local autonomy (without it) means a hierarchical relationship between local authorities and higher administrations is not possible.

The State is therefore competent to draw up the basic precepts of the local system and the autonomous communities, the legislation for developing this system. In addition, territorial planning comes under the autonomous community, which means it has the power to modify municipal boundaries and suppress or create municipalities, or other supra-municipal entities. Consequently, the lack of regulation including a minimum list of local entities’ powers leads to a certain differentiation in relation to the rest as regards the place they occupy in the political system (Montabes Pereira and Rosado Rodríguez 2005: 61). So far, the autonomous state legislator has contributed little to determining the scope of the constitutionally designed general competency model.

In recent years, the various reforms in a territorial organization aimed at adapting the latter to the principles of efficiency and administrative rationality in the provision of services have not solved the problems arising from administrative and political transformations (Ministry of Finance and Public Administration 2016). Since the 1978 Constitution established the need for provinces in the pluri-provincial autonomous communities, and for the islands in the archipelagos, acknowledging autonomy for both of them, the autonomous communities, exercising their powers on territorial organization and the local system, have created new intermunicipal bodies (metropolitan areas and *comarcas* (counties)), to which are added other intermunicipal bodies of a voluntary nature such as the *mancomunidades* (intermunicipal partnerships).⁵ We will see below that there are other formulas for intermunicipal cooperation today.

5.2.3 *Cooperation, Coordination, or Collaboration?*

As previously stated, when it comes to being familiar with how intermunicipal cooperation is produced and shaped with other constitutional parameters, it is also necessary to link its content to the basic principles of cooperation, coordination and collaboration because they tend to be confused (Carbonell Porras 2019: 53). Such principles regulate interadministrative relationships and are included in the Public Sector Legal System Law.

⁵The Basic Precepts of the Local System acknowledges the possibility of creating other entities (Article 42 et seq.).

Starting with the first, cooperation is generated when two or more public administrations, voluntarily and in the exercise of their powers, assume specific commitments for the sake of common action.⁶ Cámara Villar (2007: 83) maintains that, strictly speaking, cooperation has a qualitative scope and is related to the most modern conceptions of federalism. Thus, it can be understood as “a joint decision-making, a co-exercise of powers, and, consequently, co-responsibility of the actions carried out under that system.” As is shown by this statement, the power or matter involved in that interadministrative relationship, in order to be performed, implies joint action on the part of public authorities. In turn, Arias Maiz (2010) states that such cooperation is embodied in agreements, as an agreement of wills producing legal effects among the subjects that agree on them, effects that do not come from only one of them but from all of them. As the Constitutional Court has stated, the agreement—as a way of giving effect to the principle of interadministrative cooperation—although it has “an undoubtedly practical scope, is completely irrelevant for determining the legal framework regarding responsibilities in material matters.”⁷

As regards the second, coordination, Article 103.2 of the Spanish Constitution recognizes it as a principle of relationships among public administrations. This principle implies determining homogeneous lines of action and policies for these institutions. However, it does not involve modifying the established system of distribution of powers, neither as regards ownership nor exercise of those powers. Each institution involved in such relationships must keep its powers intact and the material scope over which these are exercised, thus: “it aims to integrate the part’s or subsystem’s diversity into the whole or system, avoiding contradictions or reducing dysfunctions which, if they subsisted, would impede or hinder, respectively, the very reality of the system.”⁸

Coordination⁹ is created when a public administration has the obligation to guarantee the coherence of the actions of others affected by the same subject for the achievement of a common result. Álvarez Rico (1982) argues that coordination is “an elastic vaporous concept, open to broad interpretation, whereby everyone states their own desires or ideas and, therefore, an instrument of marked effectiveness to obtain all kinds of political consensus.”

Comparing this coordination with the former cooperation, it can be concluded that while cooperation is voluntary and includes public administrations cooperating on an equal legal footing, coordination includes entities coordinated by an act, which have the directive capacity or a decision-making position, so that those who are related in this way will not have a legal position of equality.

Lastly, the general duty of collaboration is a requirement of the public authorities so the political-administrative institutions function correctly and achieve their

⁶Article 140.1.d) of the Public Sector Legal System Law.

⁷This is evidenced by the second Legal Basis of the Constitutional Court’s Decision 71/1983, of July 29, 1983.

⁸This argument is expressed in the second Legal Basis of the Constitutional Court’s Decision 32/1983, of April 28, 1983.

⁹Article 140.1.e) of the Public Sector Legal System Law.

purposes,¹⁰ which, moreover, seems to be logical. In this way, collaboration comes to be considered as a necessary resource for the harmonious exercise of powers by each body, “avoiding or providing solutions to possible frictions derived from the understanding of the scope of the respective jurisdictional titles” Cámara Villar (2007: 78). Thus, although it is not expressly formulated in the Spanish Constitution of 1978, “it does not need justifying in specific precepts because it is of essence to the model of State territorial organization introduced by the Constitution” (Cámara Villar 2007: 78).¹¹ In its negative dimension, collaboration forces every level of state power, in the exercise of its respective powers, to respect the general interests of the state as a whole. In its positive dimension, collaboration urges all the authorities to collaborate or to provide the aid and assistance that may reasonably be required or demanded by others, in the legitimate exercise of their powers. As stated by Tajadura Tejada (2002: 78), the configuration of collaboration as a legal-constitutional duty is what distinguishes it from coordination or cooperation, since “from the principle of collaboration obligations are inferred regarding the conduct of the different levels of power.”

Based on the above, it can be concluded that institutional cooperation, coordination, and collaboration constitute important tasks and challenges in political-administrative systems (Canales Aliende 2014: 467) and are essential to help define intermunicipal cooperation relationships. In these trends toward new models of shared power, negotiation is a constant feature that involves relationships of coordination, collaboration, and cooperation. From this perspective and based on the formulas adopted in the decision-making process, intermunicipal relationships can be instrumented through institutional or deliberative cooperation formulas, of a stable and permanent nature; contractual cooperation formulas, for several bodies to be involved in a common project; and integration formulas for collegial coordination, which require unanimity in the decision-making process (Moreno Molina 2013).

5.3 Intermunicipal Cooperation Formulas in Spain

5.3.1 *A New Vision: From Subjectivity to Functionality*

Municipalities must provide increasingly numerous, complex, and expensive public services, meet growing and diversified social demands, respond to the needs of an increasingly dispersed population, and face major demographic and geographic challenges due to the density of the population, and all this in a context of great uncertainty and change (Precedo Ledo 2006; Salvador Crespo 2007). The parameters that were used previously to define, organize, and evaluate municipal activity are now insufficient because society has evolved and the context has changed at

¹⁰Article 140.1.c) of the Public Sector Legal System Law.

¹¹Legal Basis 66 of Constitutional Court Ruling 118/1996, of June 27, 1996.

great speed. The development of intermunicipal cooperation is also linked to the problem of fragmented and dispersed local governments, which reveals a chronic lack of ability on the part of local bodies to ensure the provision of public services (Moreno Molina 2013: 215). Other authors such as Montabes Pereira and Rosado Rodríguez (2005: 61) affirm that the decentralization of a political system, whether it be for functional or territorial reasons, encounters serious coordination problems that need to be addressed.

In the last decade, there have been attempts to reverse this situation, such as the projects for merging municipalities, which have not been as successful as expected. In this sense, intermunicipal cooperation is seen as the least traumatic and practically the only remedy to a situation that seems to be both irrational and immovable, but which stems from the history and traditions of the communities. It follows from all these factors that nowadays local authorities are pushed almost irresistibly towards cooperation, collaboration, and even partnership.

Therefore, as Moreno Molina (2013: 215) argues, the traditional analysis of local bodies used to respond to a preferably subjective perspective, in which each municipality represented a unit that managed the affairs of more or less grouped populations, having no connection with each other. Now, however, new functional analytical perspectives are emerging, in which municipalities no longer have to work in isolation, but in line or in a network. Thus, in this cooperation procedure, local authorities find a solution to their problems, pooling their means and resources to benefit from incremental synergies.

5.3.2 Typology and Classification

In Europe, intermunicipal cooperation is presented in a great variety of legal forms, types, and regulations, depending on the constitutional and municipal tradition of each country. These intermunicipal cooperation modalities may be regulated exclusively by state legislation, only by sub-state legislation, or by both levels of government. In Spain, such cooperation is of a dual nature, since, at least under state legislation, intermunicipal partnerships and metropolitan areas are regulated as the only purely intermunicipal associative structures which are recognized as local bodies, but then the autonomous communities can regulate other formulas in their respective spheres of action. In order to establish a general classification, the doctrinal contributions of Moreno Molina (2013), Feria Toribio (2013) Toscano Gil (2013), and Fernández-Figueroa Guerrero (2012) will be contemplated.

Moreno Molina (2013: 217) makes the first classification of types of cooperation between “first level” local bodies: (a) associations representing municipalities, such as state or regional associations (e.g., the Spanish Federation of Municipalities and Provinces or the various associations at the regional level), whose main purpose is

to protect and promote their respective interests¹²; (b) cooperation between municipalities and other territorial public administrations, such as central, state or regional, even if it takes on specific organic formulas (such as consortiums); (c) cooperation between “second level” local bodies, such as provinces; (d) municipalities merging, since this phenomenon goes far beyond the purpose of intermunicipal cooperation; and (e) the technique of twinning between municipalities.

Feria Toribio (2013: 14) includes other associative formulas such as cooperation networks, consisting of three different typologies for this purpose: (a) normative-based cooperation networks are based on legal prescriptions for the development of certain public functions and activities that require multilevel cooperation and coordination, such as Land Management Plans or Natural Resources Management Plans; (b) induced cooperation networks have their origin in the need or obligation to cooperate in order to obtain certain financial resources from higher level administrations, such as those linked to obtaining European funds; and (c) voluntary cooperation networks, arising from the local initiative for developing their policies, responsibilities, and provision of public services, such as the different types of municipal partnerships and consortiums or strategic plans, among others.

Other authors, such as Fernández-Figueroa Guerrero (2012: 34), establish a very varied typology, based on several criteria:

- By virtue of who integrates them: they can be territorial: solely and exclusively involving territorial public administrations. In turn, they are classified as own, made up solely of municipalities (*mancomunidades*); improper, made up of municipalities, other local bodies, and/or other territorial public administrations; and mixed: non-territorial, public, or private entities may be part of them.
- Based on their legal nature: they can be 1) personified, constituted with their own government and management, such as differentiated local entities (province, county, metropolitan area, intermunicipal partnerships, consortiums) or as other differentiated personifications (inter-local companies, groups of public capital companies, foundations or private associations); and 2) not constituted, without their own differentiated government, such as joint management without differentiated constituted entities (networks of local entities, collaboration agreements, etc.).
- Based on the legal nature of its members: they may be public intermunicipalities (e.g., metropolitan area) or mixed intermunicipalities.
- Based on their “corporate purpose”: common political positioning or performing/providing works, services, and projects.
- By the territorial scope they affect: they can be regional, provincial (provincial council), regional (consortium), international, etc.

¹²These associations are also regulated by Article 10.2 of the European Charter of Local Self-Government.

As can be seen, a wide range of classifications exists; therefore, it is important to establish a more generic typology as regards the cases of intermunicipal collaboration that can be found in the Spanish legal system.

1. *Informal cooperation*

Municipalities may cooperate with each other *de facto* or assist each other spontaneously or informally outside a permanent legal or subjective framework. This is the case, for example, when a municipality helps a neighboring municipality when a fire or natural disaster occurs. This possibility is not governed by a precise or detailed material legal framework.

2. *Collaborative bodies*

Its configuration as a body when used for this purpose, with administrations from other territorial levels, such as the state or the autonomous community, and also its roles, which are merely deliberative or consultative. These bodies are very different to the idea of intermunicipality that has been discussed up till now.

3. *Agreements*

The interadministrative cooperation agreements result in the municipalities which participate committing themselves to cooperate, collaborate, and assist each other in specific fields or sectors (e.g., for the joint provision of public services such as transportation). These conventional formulas do not necessarily lead to the creation of new organizations but are the manifestation of a power or responsibility that is normally derived from the local bodies' legal personality and their full and complete capacity to act. They are governed entirely by administrative Law. They are more than intermunicipal agreements which organize pooling the interests of the parties signing the agreement and the purpose of such agreements can be manifold. A cooperation agreement can include non-municipal bodies and even private parties; however, in the latter case we cannot speak of interadministrative agreements. In addition, they may result in an organization being created, with or without legal personality. This would therefore be a different intermunicipal cooperation formula.

4. *Permanent organizations under public or private law*

First of all, we can name business companies. This subjective intermunicipal cooperation modality is very common and involves applying private Law formulas for actions related to managing certain public services such as energy or waste management. The actions of such a company are distributed among the constituent municipalities, according to variable criteria (size, population) or the respective financial outlay.

Secondly, legal entities under private Law, such as local foundations, with representatives of several entities on their board of trustees. National Law does not consider business companies or foundations to constitute genuine ways of intermunicipal cooperation under local legislation, but the municipalities may resort to these subjective formulas in the exercise of their capacity for self-organization and their capacity to act.

Both (business companies and legal entities) can serve to pool the municipalities' interests when they are used for this purpose. They are private legal entities which are mainly governed under private Law and are not public administrations, nor are they allowed to exercise administrative powers. These bodies are also set up for a wide range of purposes in the interests of their members and are recognized by local legislation. Moreover, they do not have to be limited to municipalities, but may also involve other public bodies and even private individuals.

Thirdly, there are specific public Law structures. The cooperating municipalities can create a structure with a public-legal nature and governed by administrative Law, which can be considered either as a local entity for all purposes, or as a public body without such a nature, or as an unincorporated organization. Within this large group, different typologies can be observed:

- Province: its creation based on grouping municipalities is mandatory as stipulated by the Spanish Constitution. It is not determined by a law of ordinary rank or another administration's decision. Its constitutional function consists in offering technical, economic, and material assistance to the municipalities. The province is different in nature to the municipalities, however much they are grouped together, and has traditionally been closer to the model of supra-municipality than to that of intermunicipality. However, it should also be taken into consideration.
- Common structures that lack legal personality, such as commissions, joint offices, etc.
- Associative structures that are considered as agencies and have the full legal capacity to carry out their specific tasks and responsibilities.
- Intermunicipal partnerships or consortiums: these are voluntary municipal associations. The consortium permits associations among different types of bodies, not only municipalities. Thus, it may refer to the province, but also the autonomous or state administration, and even private non-profit entities. In any case, for it to be a local consortium, there must be a majority presence of local entities and indicative of predominantly local interests. However, if intermunicipality means relationships among municipalities, the local consortium could only be considered as such in a broad sense, since it is not only municipalities that group together in the consortium. For their part, intermunicipal partnerships enjoy their own legal personality for the fulfillment of their purposes, and may exist indefinitely, or may be created only for a specific time and for the performance of one or more specific activities.
- Metropolitan areas or counties (*comarcas*): they may or may not exist. The decision to create a county or a metropolitan area is usually attributed to the autonomous community by virtue of local legislation (Tagarro Combarros 2021); hence, it does not normally respond to an initiative from the municipalities concerned. They can oppose counties being created, but not metropolitan areas; this decision is taken by the autonomous parliament, formalized by means of a regulation with

the status of a law. Therefore, the autonomous administration's decision alone would not be sufficient.¹³

Lastly, it should be emphasized that the phenomenon of intermunicipal associative cooperation is not a purely and exclusively internal matter of sovereignty, legislation, and domestic traditions,¹⁴ but can also be regulated at the external level. The Council of Europe's involvement in promoting cross-border cooperation is noteworthy, as regards the relationships between regional and local authorities on territorial borders for collaboration in carrying out works, services, and activities of any kind that are of common interest. This cooperation also contemplates cooperation that can be carried out by Local Entities in general and Spanish municipalities in particular with French and Portuguese municipalities. Therefore, it would also be considered intermunicipal cooperation, even though it goes beyond the borders of Spain Carbonell Porras (2010) (Table 5.1).

5.3.3 A Brief Outline of the Organization and Operation of the Intermunicipal Structures Created

In general, as Moreno Molina (2013) points out, certain common features can be observed in the creation, organization, financing, and control of the structures in charge of intermunicipal cooperation in Spain.

As for their creation, in states with profound political decentralization, national legislation is limited to establishing the general aspects for this procedure, aspects which can of course be supplemented by the autonomous communities' legislation. In accordance with the principle of voluntariness which governs intermunicipalism, the creation of specific administrative structures for intermunicipal cooperation depends on the decision of the municipalities concerned.¹⁵

The voluntary and spontaneous nature of intermunicipalism does not mean that administrative structures for cooperation can be created and put in place without the intervention of what are usually called "superior" administrations. As a general rule, public bodies involved in intermunicipal cooperation are established by virtue of the

¹³According to the Local Entity Register of the Ministry of Territorial Policy and Public Function of the Government of Spain (February 2022), from the total number of local entities existing in Spain (13.008), 8.131 are municipalities, 58 county councils, councils, 968 mancomunidades, 83 comarcas, 3 metropolitan areas, 3.683 minor local entities and 82 other types of entities. This shows the importance of cooperation.

¹⁴Recommendation 221 (2007) on intermunicipal cooperation, adopted by the Plenary Session of the Congress of Local and Regional Authorities (the second most important body after the Parliamentary Assembly within the Council of Europe's organization chart) at its session of June 1, 2007/44.

¹⁵In the case of Spain, the only provisions of basic state legislation that include this content are found in article 44.3 of Law 7/1985, of April 2, 1985, LRBRL. Likewise, article 35.3 of RDLEg 781/1986, of April 18.

Table 5.1 Total number of local bodies in Spain per autonomous community (2022)

Autonomous community	Municipalities	County councils, councils and local govern.	Mancomunidades	Counties	Metropolit. areas	Other	Minor local bodies	Total
Andalusia	785	8	82	–	–	1	34	10
Aragon	731	3	36	33	–	2	43	48
Asturias	78	1	16	–	–	2	39	36
Canary Islands	88	7	13	–	–	4	–	12
Cantabria	102	1	23	–	–	–	518	44
Castilla y León	2248	9	241	1	–	61	2210	0.770
Castilla-La Mancha	919	5	123	–	–	2	42	0.091
Catalonia	947	4	76	42	1	–	65	0.135
Valencian Community	542	3	61	–	2	–	7	15
Extremadura	388	2	58	–	–	4	22	74
Galicia	313	4	38	–	–	–	9	64
Balearic Islands	67	4	7	–	–	–	1	9
La Rioja	174	1	31	–	–	–	4	09
Madrid	179	1	54	–	–	–	2	36
Murcia	45	1	8	–	–	–	–	4
Navarra	272	1	62	–	–	4	346	85
Basque Country	251	3	39	7	–	2	341	43
Ceuta and Melilla	2	–	–	–	–	–	–	2
Total Spain	8131	58	968	83	3	82	3683	3008

Source: Author's own design, based on data taken from the Local Bodies Register of the Ministry of Territorial Policy and Public Function of the Government of Spain (February 2022)

simple or mere will of the participating municipalities; however, on occasions, they must also be recognized or authorized by one of these higher administrations, or at least be entered in a register managed by these authorities.

The internal organization of intermunicipal organisms and associative bodies is extremely difficult to systematize and explain since, in most European countries, it is determined by the municipalities which decided to partake in its creation. National legislation either does not usually establish an essential organization or is limited to very ambiguous generic rules. The basic organization usually consists of a monocratic representative body (president) and a direct management body (manager), as well as a deliberative/decisional collegiate body. This body is composed of members from the councils or assemblies of the participating municipalities, who are elected by them in numbers based on various proportional rules (percentage contributed to the new body's budget, number of inhabitants, number of councilors per participating municipality, etc.) or the egalitarian rule of one representative per associated municipality. The monocratic governing bodies of these associative bodies are directly elected by the municipal councils.

As for financing, national legislation determines the way in which the organizations and associative bodies are financed. Most of the intermunicipal cooperation structures have their own budgets and specific assets, distinct from those of the founding municipalities. The body's supreme deliberative and decision-making body takes decisions related to preparing and approving the budget. In addition, these administrative structures' budget is financed in whole or in part by financial contributions from the participating municipalities, which may be established in the founding agreement or in the statutes regulating the structure. In other cases, it is determined that the financing will be proportional to the number of inhabitants of the participating municipalities. Beyond this common note, the associative bodies may also obtain financial resources from different sources. Thus, in many countries, cooperative structures can usually collect rates or public fees by invoicing or charging for public services rendered, which are economic fees paid by the associated municipalities' inhabitants.¹⁶

Lastly, as regards control, in strongly decentralized states, this type of control, if necessary, is carried out by the autonomous community. As regards the control exercised over the associative body by the founding municipalities, this is evident and total. In Law, the former's "autonomy" cannot be referred to in relation to the latter's, since they are nothing more than an instrument serving the provision of municipal public services. Consequently, the municipalities can establish different types of control over the intermunicipal structures' activity (regarding efficiency or even opportunity in those matters that exceed certain thresholds or budgetary/management magnitudes).

¹⁶In Spain, the Law on Local Treasuries (Articles 150 et seq.) regulates the resources of municipal associative entities and establishes, in this respect, that municipal associations may establish and demand rates, public fees and special contributions, but not taxes. In many countries, cooperative structures can usually levy rates or public fees by invoicing or charging for public services rendered, which are economic rights paid by the associated municipalities' inhabitants.

These are only some of the general characteristics related to the organization and structure of intermunicipal cooperation groups. The specific regulations of each case will specify further precepts that develop or complement these most salient features.

5.4 Context, Importance, and the Future of Intermunicipality

5.4.1 The Structure of Intermunicipality in Spain

Spain is one of the countries where most intermunicipal formulas have been developed. There are also many factors that contribute to this fact. According to Moreno Molina (2013: 219), some of these factors are the following: (a) a high number of municipalities with few inhabitants and small size, which has contributed to the dispersed population in the territory.¹⁷ In turn, in those bodies where intermunicipalism lacks tradition, its diffusion has also been favored by the very small size of the municipalities; (b) the provision of public services, increasingly complex and to such segmented populations, becomes more and more burdensome from a technical and financial point of view; (c) following the latest local government reforms to provide a solution to the problem of fragmentation and smallness of municipalities, in some states the compulsory merger of tiny municipalities, which always faces strong opposition from the affected citizens, instead of promoting a more practical and less traumatic alternative, that being inter-local cooperation in the face of a local government reality that seems both irrational and impossible to evolve; and (d) the new and stricter parameters of efficiency, budgetary stability, and financial sustainability force us to reflect on the need to create new and “imaginative” formulas for the provision of public services, where intermunicipal cooperation seems a very interesting alternative in order to optimize public means and resources, while respecting local identity, tradition and culture.

Another factor that has a substantial influence on Spanish intermunicipalism is related to whether or not cooperation is voluntary, especially in a political-territorial

¹⁷In Spain, 80% of the population lived in cities and, in 2050, this figure will rise to 88%. In 2035, the forecast is that almost a third of Spaniards will live distributed between Madrid and Barcelona, reaching 33% if Valencia, Seville and Zaragoza are added. In turn, Spain will have more than 49 million inhabitants in 2033, 2.4 million more than in 2019, according to the INE, if fertility, mortality and migration trends are maintained. Thirty percent of the territory concentrates 90% of the population. 48% of the municipalities have a population density of less than 12.5 inhabitants per square kilometer -threshold at which the European Union considers the density to be low-. As a result, half of all Spanish municipalities are already at risk of extinction; in 14 Spanish provinces, more than 80% of all their municipalities do not have more than 1000 inhabitants; in just 15 years, 358 municipalities have joined the list of localities that do not have more than 100 registered inhabitants; and during the last year, 36 provinces have lost population due to a dynamic of demographic regression that continues to affect mostly rural areas (FEMP 2016).

framework as complex as that of Spain. Analyzing to what extent municipalities are completely free to decide or identify the sectors or public services in which they wish to cooperate or whether, on the contrary, national or autonomous legislation can limit this discretion or aptitude—determining or limiting the areas or sectors in which cooperation can take shape—is crucial. In this sense, the general rule applicable in Spain is that municipalities are free to decide the areas or public services in which they will cooperate with each other (Moreno Molina 2013: 221), although a kind of tutelage or guidance tends to be established from a supra-municipal level of government.

Thus, intermunicipal cooperation is basically a spontaneous and free *movement* among those entities that are willing to work together in certain public sectors, although at times such cooperation may be structured as a sort of recommended reaction to a governmental project to merge or modify municipalities that previously failed. Be that as it may, the state and the autonomous communities do not usually remain indifferent to intermunicipal cooperation, since they usually support, encourage and favor it with varying degrees of intensity. The voluntary and spontaneous nature of intermunicipalism is qualified by the intervention of other levels of government, which, although minimal, can jeopardize the principle of local autonomy.

In the author's words, creating cooperation structures among municipalities can be performed without any type of intervention on the part of higher administrations, either because it derives from a general supervisory power belonging to the municipalities, or for other reasons such as the exercise of their own powers. In Spain, and together with the "pure" structures of voluntary intermunicipal cooperation—such as the intermunicipal partnerships—there are also metropolitan areas, created, modified, and suppressed by the autonomous communities under their parliamentary law. The autonomous legislation which regulates the three metropolitan areas currently in existence—two in the Valencian Community and one in Catalonia—does not expressly establish the voluntary or more or less imposed nature due to the autonomous level of these structures, although the latter is implicitly predominant since the municipal initiative is not contemplated when these areas were created. They are, therefore, forced groupings of municipalities, agreed upon at the autonomous level.¹⁸

Thus, intermunicipalism is based on a "*right*" or a "power" of self-organization for jointly fulfilling responsibilities and providing services deriving from the legal provisions regulating local bodies. This right to cooperate and associate with other local entities is recognized, as such, in the legal texts regulating local administration, in addition to the specific legislation that each autonomous community may have that includes this power in its legal system.¹⁹

¹⁸At most, Article 43 of the Law of Local Regime Bases provides for a right of audience of the affected municipalities (but not in its proposal or initiative), as it establishes.

¹⁹As is the case in Spain's autonomous community regulations.

In view of the above, it can be argued that in Spain there is, strictly speaking, no uniform or even basic system regulating intermunicipal cooperation structures. The intermunicipal partnerships and metropolitan areas are governed almost exclusively by autonomous community law, except for concise legal provisions in basic state legislation. Therefore, the requirements to be taken into account when the former and other associative formulas are created, both of a material and procedural nature, are preferably regulated in autonomous legislation. In any case, it is left to the will and decision of the participating municipalities. The legal system of intermunicipal cooperation is thus essentially determined by means of the decisions taken by the municipalities participating in the associative structure, a will that takes the shape of intermunicipal partnership “statutes” or that of a different intermunicipal cooperation organization.

5.4.2 *Advantages and Disadvantages*

Why do local bodies resort to intermunicipal cooperation formulas? As Fernández-Figueroa Guerrero (2012) argues, intermunicipality entails its own governance, but not differentiated from the bodies that it is composed of. Therefore, it does not necessarily have to possess interests, responsibilities, and budgets different from those of its members, but rather the sum of them, which could lead to functions being duplicated.

However, it offers numerous advantages:

- It is a suitable institutional forum for reaching consensus, precisely because of the awareness that common goals are more important than individual ones. Moreover, the relative distance from the citizens, not being in the front line of the political debate, has led to a rapprochement of views that, in principle, seemed irreconcilable but that have managed to materialize in favor of the common benefit.
- Individual contributions have been made for joint results, applying the principle of solidarity in the results. The importance of networking is essential, even more so in the context of multilevel governance.
- The territorial proximity of its members has strengthened territorial cohesion and has served as an example for offering different forms of interadministrative collaboration that, in principle, were considered impossible to activate.
- It has promoted specialization in very specific public purposes and services, which has resulted in thorough managerial and operational knowledge; hence, the intermunicipal body created for this purpose has become a true expert capable of exporting knowledge and experience to other similar cases.
- The symmetry of legal forms (intermunicipal partnerships, consortiums) has enabled structures to be cloned, which facilitates the body’s internal and external knowledge and identifies a common and shared identity.

- So far, the creation of structures regulated by Public Law has prevailed in local entities, which avoids flights to private Law.

Thus, if two possible scenarios for the future of democracy are envisaged—one towards greater centralization and control and the other towards greater empowerment of local communities—although the second seems more improbable, even though it is the most desirable, because it is equitable and effective (Barbeito and Iglesias Alonso 2020: 710), intermunicipal cooperation can make the quality of public service provision and improvements in the political system's performance more viable.

However, not everything offered by intermunicipal cooperation formulas is positive. There are a number of disadvantages that need to be detected in order to further develop these partnership mechanisms, which can be divided into the following (Fernández-Figueroa Guerrero 2012):

- There is a worrying lack of public awareness of the intermediate local institutions' functions and responsibilities, creating a certain image of institutional delegitimization among citizens, who do not see them as anything more than mere associations with principles based on efficient allocation of resources and effectiveness.
- Some confusion and dispersion exist as regards their organic system and their statutes. Even in the case of bodies that ordinarily provide public services in a more efficient voluntary manner, such as intermunicipal partnerships and consortiums, they have never possessed an eminently technical nature, but have been underpinned by the political stamp in an attempt to control the organization. Any political interest detracts from the objectivity of decisions and increases distrust among the members, so that sometimes everyone is convinced that they have to cooperate together, but with a certain distrust towards the one who has the most decision-making power.
- Despite the generalization of local administrative law, practically all forms of intermunicipality are valid, as they are not on the government front, controls have become laxer and, above all, their formal obligations of budgetary and accounting management and responsibility, personnel selection rigor, or other important actions in municipal life.
- On some occasions, structures have been duplicated, since even though they operate based on criteria of effectiveness and efficiency, structures have been duplicated in some areas.
- Constant oversizing of structures occurs, usually due to the absence of rigorous studies for this purpose and of clear regulations that define and regulate them.
- An added difficulty of unilateral separation persists, planning must go into its creation so that its structure survives over time and is not affected by cyclical whims.
- Financing is a common problem. Few groupings have managed to rely on self-financing. Their starting point is usually to be found in a loss-making service for the municipality that joins with others in the same situation, intermunicipal partnerships, consortiums, metropolitan areas, and networks of municipalities, which

continue providing a loss-making service that is defrayed by all of them, only that the deficit is smaller due to adequate management of economies of scale. The fee that should be charged to at least manage self-financing the service is not charged, in general, it is much lower. The lack of payment of these contributions—ordinary and extraordinary—means that the body has to resort to private credit and, therefore, to the risk of indebtedness.

Lastly, intermunicipal cooperation structures also face difficulties as regards control:

- From a social perspective, these groups are seen as being too distant from citizens and as second-tier bodies. Neighborhood pressure for the provision of services continues to fall on the municipality, where neighbors maintain a more direct relationship with the government. Faced with these problems, the mayor suffers the pressures, but cannot provide unique solutions because he depends on a subsequent body over which he perhaps has no control or decision-making power because he is in a minority.
- From a political perspective, there are often confrontations that affect decision-making, although information about them has much less media coverage.
- From a legal and economic perspective, many of these associations have failed in their pre- and post-control systems, which is why it is vitally important to improve them.

5.4.3 *New Challenges*

The appropriate design of supra-municipal grouping formulas, regulating their contents, responsibilities, and resources by law, would mean a large part of the administrative functions that cannot be provided by the municipalities could be transferred to these bodies, without jeopardizing the political dimension of these bodies where all the interests of the integrated municipalities would be represented (Fundación Democracia y Gobierno Local 2011).

Citizens are not usually consulted when it comes to setting up an administrative structure for municipal cooperation. Moreover, the members of the governing bodies and executive bodies of these entities and associative organizations are not elected by the citizens either. On the other hand, intermunicipal associationism also implies a sort of voluntary self-assumption of decision-making areas by the participating municipalities, which to a certain degree means they are local bodies with “weakened sovereignty,” having ceded areas of responsibility and management to other administrative structures. For this reason, local councilors and politicians may be tempted to shirk their primary political responsibility by delegating the provision of public services in intermunicipal structures that do not belong organically to any municipality exclusively and that often seem to function as bodies far removed from citizens, in short, as opaque, irresponsible, and non-democratic bodies (Moreno Molina 2013: 243).

Politics is not separated from public life and activity. On the contrary, it also comprises cooperative activities, within and between societies, wherever human beings organize the use, protection, and distribution of human, natural, and other resources in the process of production and reproduction of its biological and social life (Leftwich 1984: 64). Although with both flaws and virtues, intermunicipal cooperation has proven to be a substantial element in shaping interadministrative and intergovernmental relationships, often even when more conventional mechanisms fail to do so.

Therefore, adapting the constitutional design to the weight, strength, and presence that local governments, perpetual guarantors of territorial structuring and founding, developing and expanding the Welfare State, are having and will have in the new era marked by close, immediate, and effective assistance FEMP (2021), intermunicipal cooperation is a fundamental incentive to evolve along these lines.

Esteve Pardo (2013: 27) affirms that the state is losing its dominant position held until now because it does not have the necessary means to ensure the welfare of citizens, while society is becoming stronger, but not in a harmonious and sustainable way, but rather serving the interests of a few and not the general interest. The aforementioned author goes on to point out that there is a need for strategic withdrawal of the state “of internal organization, and another of external projection, towards society, where the new model would have to show its effectiveness.” The new model of multilevel governance means it is essential to advance in these formulas of intermunicipal cooperation because they are the ones that can best connect society, the state, and the market.

Many authors argue that European intermunicipalism is at a real historical crossroads, driven by the economic crisis, globalization, and the phenomena of privatizing local public services. Comparative experience shows us how intermunicipal cooperation can be an alternative way of managing and directing the public sector, without the institutional system losing citizens’ support, proximity, and closeness.

As previously mentioned, the Constitution expressly includes two classic local governments (municipality and province), one of them (the province) with a clear vocation for intermunicipality (grouping of municipalities). The islands are also expressly reflected in the constitutional text as a local entity with a vocation for intermediate local government. But, together with these, other groupings of municipalities, and this is a crucial point, which are “different” to the provinces have appeared: on the one hand, counties and metropolitan areas, but also intermunicipal partnerships and consortiums. This whole institutional panorama must be rearranged under the shape of the province as the institutional framework that can offer greater coherence to the local political system and to intermunicipality itself.

In Spain, the high number of municipalities is the first obstacle for establishing effective coordination mechanisms that at the same time respect local autonomy and guarantee citizens the provision of a similar level of goods and services throughout

the territory²⁰; secondly, the need to promote intermunicipal cooperation formulas that allow municipalities, through the pooling of their resources, to achieve a similar level of service provision throughout the territory, or simply a better use thereof.

In short, the result of the territorial design of the state of autonomies leads to organizational pluralism, both horizontally and vertically, which requires coordination and cooperation formulas among the public actors involved to address common problems. This is the only way to be able to speak of good government and good governance.

5.5 Conclusions

1. A joint interpretation of Articles 103 and 137 of the Spanish Constitution is necessary to connect public administrations with the territorial organization of the state. The relationships between the different levels of government (local, autonomous, and central) can help to legitimize the system and help citizens to perceive the political-administrative framework of the country as an integrated system, at the service of the general interest and the system of full autonomy. Although from a qualitative and quantitative point of view, their power is different, it is only through the sum of their parts that a global and shared idea of community can be achieved.
2. In recent years, the main aim of local government reform processes has been to reduce the number of municipalities. However, the results do not seem to have met the initial expectations. Such attempts have taken place against the will of citizens and against the historical and cultural criteria of a strong intermunicipalist tradition. Moreover, the number of bodies and cooperation structures has continued growing in recent years. The fact that the population has roots in the municipalities should stimulate civic awareness, citizen participation, and the quality of democracy, essential elements of any political system. Therefore, the solution of structuring intermunicipality administratively and politically so that all of them are fully equipped to exercise clear powers and provide public services seems to be the most viable option.
3. The panorama of intermediate local governments in Spain offers a very varied and singular reality, with intermediate local structures that make up a complex institutional space pending a thorough review. The idiosyncrasy of municipal life means formulas are adopted and are clearly fragmented and poorly structured when it comes to designing policies and managing essential public services. There is a need to create a more rational and efficient local political-administrative model that offers minimum responses to all equally, guaranteeing in this process the principle of local autonomy.

²⁰In principle, this role corresponds to the provincial councils, but the regional governments have the power to create other entities of this type, always respecting the autonomy and institutional guarantee of the provincial entities.

4. Decentralization, understood as maximum proximity of public management to citizens, democratic legitimation, which calls for citizen participation in institutions and decision-making, and efficiency, implemented through adequate inter-administrative and intergovernmental coordination, constitute the basic elements of the conception of a Welfare State (Salvador Crespo 2019: 25). In a political-administrative scenario as hyperfragmented as that of Spain, intermunicipal cooperation can help in the sustainable and balanced management of the territory, respecting the history, culture, and traditions of the small communities that the state is composed of.
5. There is a need to support a concrete, concise, basic, and homogeneous regulation that structures intermunicipal cooperation throughout the state. This challenge forces the legislator, whether national or regional, to opt for a more operative and less subjective vision, as this is the only way to review territorial models in the face of the growing divergence between institutional spaces and institutional mechanisms that help to provide the best public service to an increasingly complex and demanding society.

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Chapter 6

The Governance Structure of Local Government Finances in Spain



Ángel Iglesias Alonso

Abstract Local governance has important economic dimensions and is related to the ability to raise revenue or receive transfers from central or regional governments. This dimension is also influenced by the impositions of local economic actors (business organizations or trade unions) on political decision-making processes stemming from the imperatives of capital accumulation, the control of expenditure by central audit bodies, and, more generally, the constraints on public spending determined by the macroeconomic policies of European and central national powers. In this context, local financing is a key element of local governance since local public policies and the provision of goods and services to citizens largely depend on the financial resources available. In Spain, local governments' financial sufficiency depends largely on central government and Autonomous Community governments. On the other hand, the heterogeneity of Spanish local governments means that, depending on the territory, there are different financing systems. For all these reasons, this chapter analyses the different financing systems with their structures and instruments and ascertains to what extent these systems also lead to differences in governance systems.

Keywords Local finance · Fiscal Federalism · Local taxation · Fiscal equalization · Fiscal rules

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6.1 Introduction¹

Financing instruments are means to an end and the financing of the local system is therefore dependent on aspects related to municipal responsibilities and the capacity of the different local governments to provide public services either on their own or in collaboration with other territorial governments. The problem of inframunicipalism in Spain is due to the difficulties which exist to design and introduce a financing system that accommodates the different needs of both small and larger municipalities. In this context, not all Spanish local governments are equal, nor do they provide the same services, nor is the economic cost—assuming equal provision—the same throughout the territory.

From the perspective of territorial distribution of power, Spain does not fit into the definition of a Federal State but is a highly decentralized country and its financing model follows the guidelines of the so-called fiscal federalism, although with its own specificities, with the existence of Autonomous Communities with different levels of responsibilities and the maintenance of certain territories that, for historical reasons, enjoy special systems in terms of their financing (Blochliker and Netteley 2015; Andrie et al. 2015). Moreover, most of the powers related to providing services related to the Welfare State (particularly education and health and a large part of social services) are held by the Autonomous Communities.

Comparatively, local financing models in countries with a territorial decentralization model like the Spanish one are structured around the distribution of powers among different levels of government (Zabalza and López-Laborda 2014). The specificity of the Spanish case is that local government powers are not clearly defined, which presents a governance problem as regards their financing system.

Besides, in a system of multilevel governance, it is essential that the structuring of a financing system for the public sector be approached from a global perspective that takes into account all the system's interrelationships (Martínez-Vázquez 2015; Shah 2007). This is not the case in the Spanish system, which has opted for a territorial regulation, so each level of government has its regulations and, in the case of Spanish local governments, it is the state legislator who regulates and establishes the local financing model, which is basically based on two pillars: on the one hand, transfers received from central government or the Autonomous Communities, which are only linked to the economic cycle when this decreases and requires measures to reduce spending, and, on the other hand, taxes or revenues of a smaller amount, but, when modified, have an important impact on citizens (IEF 2006; FEMP 2007; López-Laborda and Rodrigo Saucó 2014). This system generates a vertical (top-down) governance model when it comes to transfers, where both the State and the Autonomous Communities reserve the power of decision when contemplating increasing or reducing transfers (rather the latter), while certain taxes or public fees regulated by the local government are subject to a horizontal governance model, where the determination of their amounts is subject to the ability of local

¹I am grateful to Félix David Mejías Grosso for his help in compiling documentation in preparation for this chapter.

pressure groups to influence their design. On the other hand, some of these taxes which could be described as genuinely local, such as taxation related to urban development, are subject to economic cycles. In this sense, many Spanish local governments, during the economic bubble, including the real estate bubble, which lasted until the outbreak of the crisis in 2008, and with a favorable outlook of growing revenues linked to taxation on construction and real estate development, did not hesitate to expand their spending by increasing the design and implementation of new public policies and the provision of new services. The virulence of the global financial crisis that broke out at the end of 2007, which had its origins in the sub-prime mortgage crisis that generated a runaway and out-of-control real estate development, both in Spain and in most developed countries, brought this situation to a halt. In the case of Spain, the harsh austerity measures imposed by the European Union had a major impact on local government spending, even though this was significantly lower than spending by other public administrations.

In the context of the financial crisis and the distribution of financial powers between the different levels of government in Spain, this chapter will be devoted primarily to the analysis of the financial structure of Spanish local governments through the different financing instruments with which they count.

6.2 Global Economic Crisis and Local Finances in Spain

The international economic and financial crisis unleashed in 2007 resulted in a fiscal governance reform being launched across the European Union, which involved the demand for greater fiscal discipline of an unequal nature among countries but with a common objective, the control of their public debts, which implicitly meant that national decision-makers enjoyed less autonomy in fiscal policy.

In the case of Spain, coordinating its fiscal policy with those of its European partners resulted in internal adjustments affecting all levels of government, including local governments. Spanish local administrations currently manage 11.67% of public spending. Compared to other European countries with three levels of government, the weight of the Spanish local treasury is rickety. For example, in Germany, local governments manage just over 18% of public spending, in Switzerland 20%, and in Austria almost 16%.

Although Spanish local governments represent a low percentage in terms of total public spending, their financial dependence on central and regional governments means that any spending restraint measures affecting these levels of government have a major influence on local finances, especially when it comes to introducing spending restrictions. This has been the case since 2011 when the European Union enforced a set of legislative measures aimed at reforming European economic governance in terms of introducing greater rigor in budgetary stability requirements to avoid macroeconomic imbalances in the Eurozone and thus conditioning the domestic budgetary policies of member states (European Commission 2019, 2020) (Fig. 6.1).

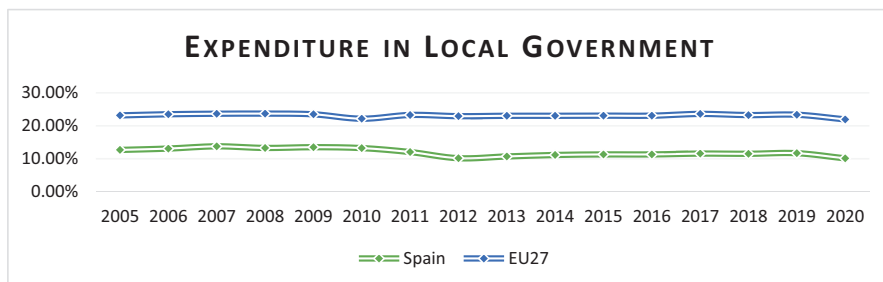


Fig. 6.1 Percentage of public spending on local governments in the EU in Spain. (Source: Eurostat Government Finance Statistics, OECD Fiscal Decentralization Database 2020)

As regards Spain, the reform of Article 135 of the Spanish Constitution (hereafter EC), which entered into force on 27 September 2011, has given constitutional status to the European principle of budgetary stability (AIReF 2017, 2018, 2020).

The excessive deficit procedure Protocol required of member states by the European institutions has varied over time, moving from an initial phase of certain severity and firmness in the demand for budgetary discipline to a subsequently less stringent principle of budgetary discipline (Doray-Demers and Foucault 2017). This laxation culminated in the advent of Covid-19 which required the EU and member states to mobilize an unprecedented number of financial resources (Hernández de Cos 2020).

The financial crisis that began in 2008 had an enormous impact on Spanish local finances and their governance system (Lago et al. 2020). On the one hand, until that time, a large part of local governments' tax revenues came from economic activity and, particularly in cities, from unbridled activity in the construction and sale of real estate. In the context of this unbridled activity in real estate investment and development, numerous cases of corruption occurred, mainly related to the financing of political parties, which had been found in the decisions of their local governments linked to their urban planning powers, additional sources of illegal financing. On the other hand, and although the consequences of the economic crisis have had different impacts on the Spanish local system, as well as the local public policies implemented to overcome it, local governments have also been affected by the lending policy of the banking system with the consequent paralysis or suppression of local investments based on bank credit. In addition, governance strategies based on public-private partnerships were also seriously affected, as local governments' business partners experienced the same difficulties in accessing bank credit. In addition to the obvious direct connections between the banking crisis and local governments, economic paralysis leads local governments to suffer many other consequences, be they direct or indirect. Basically, the downturn in economic activity reduces local revenues (both from taxes and state transfers and borrowing) and, alongside this, unemployment resulting from the economic downturn places new demands on local governments (especially those providing important social services) to spend on assisting the most disadvantaged (Debrun and Jonung 2019).

The increase in the risk premium on the part of the international markets exerted unprecedented pressure on the interest rates of Spanish public debt, the pressure that was transferred to the regional and local government debt, which, in addition to having an interest rate differential with the state debt, had greater difficulty in accessing the financial markets. This posed additional difficulties in refinancing their debt, subject, on the other hand, to strict control by the central government. All in all, the capacity of local governments to respond to the 2008 crisis was practically nil since this level of government does not have the tools to implement anti-cyclical economic policies, depending, therefore, both on the central government's general economic policy as well as the role that this level of government grants to local governments in overcoming the economic crisis (Kotia and Lledó 2016).

Lastly, from March 2020 onwards, growth forecasts and revisions have been conditioned by the health crisis caused by the Covid-19 pandemic. The pandemic has resulted in the greatest economic disruption in recent decades and the global pandemic scenario led the European Commission to apply the general safeguard clause of the Stability and Growth Pact in 2020, which was also extended in 2021. This measure allows member states to put on hold the fiscal consolidation path adopted before the crisis.

Following these guidelines from the EU authorities, the Spanish government approved suspending fiscal rules in 2020 and 2021, a measure that will undoubtedly have a positive impact on local finances.

6.3 The Distribution of Financial Power Among Central, Regional, and Local Governments

Contrary to what happens in more decentralized or federal countries, where the central government is responsible for financially leveling out the territories at the regional level and in turn the territories are then responsible for financing their local governments, Spain has opted for a system of governance in which local financing depends fundamentally on the central government. This institutional design has led local governments to prefer this dependence on central government and even to be wary of the Autonomous Communities, a situation that generates enormous dysfunctions given the heterogeneity of Spanish local governments. These dysfunctions include a lack of attention to diversity and, on many occasions, a lack of accountability in local public expenditure. In addition, the funding framework has not been updated in the last 15 years (Zabalza and López-Laborda 2017).

Within the framework of the commitments undertaken with the European Union, it is the central government that determines the most relevant aspects of the financial structure of local governments through the approval of the General State Budget, where the items that local governments will receive are not disaggregated since, unlike Autonomous Communities, there is no constitutionally recognized catalog of local powers. This catalog of powers must be deduced from the ordinary State and

Autonomous Community legislation. This situation prevents there from being a list of financial resources available to local governments to exercise their powers, which, as has just been mentioned, are confusing. In any case, the central government continues to retain most of the powers over the most important areas, including, for the purposes of this article, setting out the fundamental principles in matters of concurrent legislation, the power to coordinate the State Treasury, and the tax system. Legislative power is thus divided between the State and the regions. As a necessary premise, this constitutional design requires the intervention of the State legislator, who, to coordinate both treasuries, must not only establish the principles to which the State legislator must adhere, but also determine the general lines of the tax system, and define the space and limits within which the taxation powers of the State, the regions, and the local authorities, respectively, may be applied.

In this context, some local governments have taken it upon themselves to provide services and exercise powers that do not belong to them, which entails an increase in public spending which, in turn, cannot be covered by a completely static financing system, insofar as it does not automatically adapt to the new needs derived from taking on—*de jure* or *de facto*—these powers. This situation generates numerous conflicts that then have to be resolved judicially, thus becoming an important factor in the financial governance process.

This general model of governance is, however, qualified by the specificity of the Spanish local galaxy (Botella 1992) which, as has already been shown in the preceding chapters, is characterized by its extreme heterogeneity, not only in terms of the size of municipalities, but also in its territorial, social, economic, and cultural diversity. In addition, special systems of local financing exist in different Spanish regions, either for historical reasons, as is the case of the local governments that make up the three provinces of the Basque Country or Navarre, or for geographical reasons: the Canary and Balearic Islands have a special local financing system. The two large metropolitan areas that house the cities of Madrid and Barcelona also enjoy a special financial system.

6.4 The Original Framework of Financial Governance and Local Autonomy

Financial autonomy has its greatest exponent in the ability of local governments to establish their own taxes. In this respect, the Spanish Constitution in Article 133.2 expressly mentions the power granted to local governments to establish their own taxation system. Local governments need economic resources to develop municipal public policies, improve the provision of public services and citizens' quality of life, ensure population stability in the territory, and generate socio-economic development and economic diversification in villages, towns, and cities. In order to be credible, local autonomy needs its financial side, in such a way that the municipalities will only enjoy true autonomy if they have sufficient economic means to be able to exercise power.

However, Article 142 of the Constitution itself limits this financial autonomy based on the requirement of guaranteeing sufficient financial resources in order to attend to and fulfill their responsibilities, which does not prevent the principle of sufficiency from being integrated into the principle of municipal autonomy insofar as it constitutes a *conditio sine qua non* in order to guarantee the latter. The mention of financial adequacy and the meaning of its material scope has generated numerous and ongoing controversies which also have to be resolved by the judicial system and by the Constitutional Court, hence, once again, the judicial system becomes an important factor in terms of the financial governance processes affecting local governments.

The financial autonomy of local governments is recognized and guaranteed in Articles 137 and 142 of the Spanish Constitution. However, both articles contain a declaration of intent, insofar as their effectiveness depends on both the central government and the Autonomous Community governments. In fact, the Constitutional Court, through its rulings, has been reformulating the provisions of the law by attributing the central government the responsibility of making the financial autonomy of local governments effective, although the Autonomous Communities have progressively been providing resources to the local governments in their territory, but in an unequal manner and with criteria that vary depending on the Autonomous Community (Pedraja Chaparro and Suárez Pandiello 2015). Thus, local financial autonomy is limited in scope and subject to restrictions as regards both revenue and expenditure, revenue in particular, since the State, through State legislation, delimits and regulates all local government financial activity. This is so insofar as the budgetary policy is part of the general economic policy and is regulated by the State, as specified in the Constitution. In terms of political autonomy, local governments can make decisions about their priorities regarding which local public policies should be prioritized, but always within the budgetary framework set by the State, thus it is in matters of expenditure where financial autonomy is reflected. However, in this case too, this autonomy is subject to control and scrutiny for non-compliance with art. 135 of the Constitution, which establishes the principle of budgetary stability, which all territorial administrations must adhere to, and which lays out provisions to limit public deficit, in accordance with the margins established by the European Union in the last decade, hence the financial autonomy of local governments in Spain is framed within the dynamics of European governance regarding control of public spending.

Article 135, which has been included in the Constitution with the agreement of the two majority political parties in Spain and at the request of the European Union, forces local governments to maintain a balanced budget. Under exceptional circumstances (and the Covid pandemic has been exceptional), the same article foresees that those administrations may incur occasional deficits, but in any case, and as far as local governments are concerned, the central government is to determine the limits of the permitted structural deficit. However, local governments are subject to a double budgetary discipline. On the one hand, they are required to balance their budgets on an annual basis regardless of the economic cycle. This requirement does not apply to the State nor the Autonomous Communities, which are allowed to

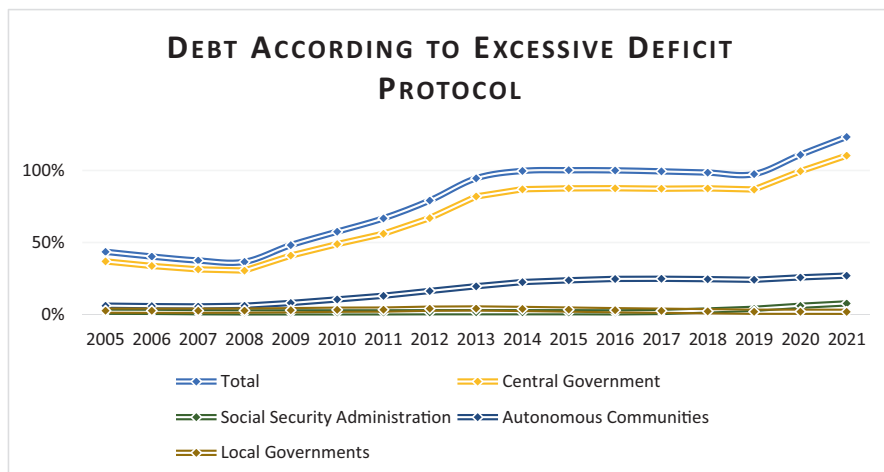


Fig. 6.2 Public Debt in Spain according to EU Excessive Deficit Protocol. (Source: Bank of Spain 2021)

adjust their structural deficits to the economic cycle. On the other hand, this discipline has in many cases resulted in surpluses in local public accounts, however, these surpluses cannot be used to develop public policies, and instead must contribute to reducing public debt, thus limiting local governments' financial autonomy (Fig. 6.2).

6.5 Structure of the Spanish Local Financing Governance Model

The structure of local government financial governance in Spain revolves around state law, the so-called Organic Law on Budgetary Stability and Financial Sustainability of 2012, which, together with the latest version of the Regulatory Law on Local Treasuries of 2004, constitute the backbone of local government financial governance. Needless to say, the objectives of the Budgetary Stability Law revolve around compliance with the deficit and expenditure rule targets imposed on the Kingdom of Spain by the European Union within the framework of the Stability and Growth Pact (European Commission 2021).

Basic state legislation provides for a mixed system of resources, made up of local taxes and revenues from transfers made by other treasuries, the State, and the Autonomous Communities, thus local treasuries benefit from State and Autonomous Community tax revenues. The structure is designed to achieve a balance between the various sources of financing: transfers, debt, and own taxes as regards both revenue and expenditure (SGFayL several years; OECD 2016). Revenue is obtained

from a specific combination of local governments’ own taxes along with state or regional transfers and borrowing, while the structure of expenditure is fundamentally oriented toward the provision of municipal services which, in Spain, gives local governments smaller weight in the benefits characteristic of the Welfare State (0.8% of GDP in social protection, health, and education, compared to 6.1% in the EU) (Ministerio de Hacienda 2022) (Figs. 6.3 and 6.4).

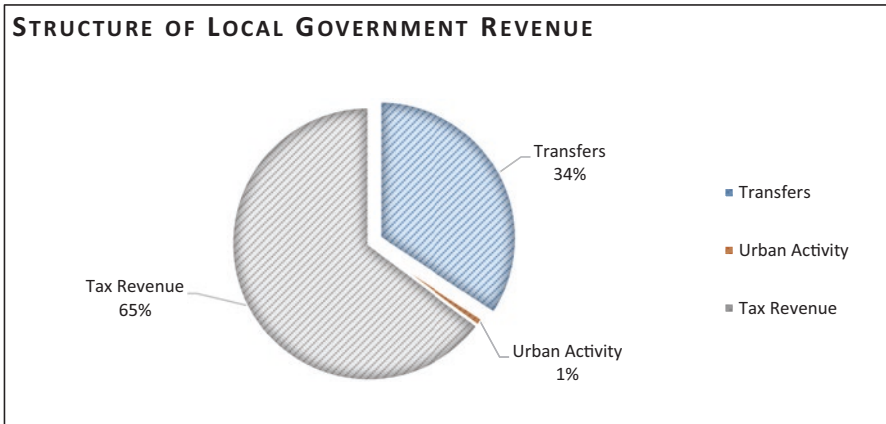


Fig. 6.3 Structure of local government revenue. (Source: Own elaboration based on Ministry of Public Finances 2021)

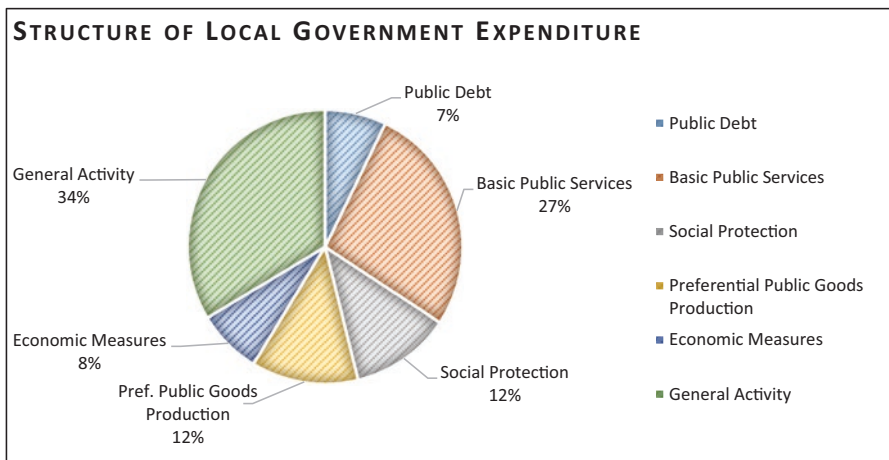


Fig. 6.4 The spending structure of Spanish local governments. (Source: Own elaboration based on Ministry of Public Finances 2021)

Table 6.1 Main local government revenues

<i>Tax revenues</i>	Taxes and surcharges payable on taxes levied by the Autonomous communities or other local entities
	Fees and other charges for public services rendered
	Special contributions as a result of improvements made by public administrations
<i>External revenues</i>	Transfers and other participation in the taxes of the State and the Autonomous communities
	Subsidies
<i>Internal revenues</i>	Revenue from assets
	Public fees
	Credit transactions
	Fines and penalties in the areas they are responsible for

Source: Own elaboration

Again, the heterogeneity of the Spanish local system means a general financing structure cannot be designed and applied to all local governments, for example, in small municipalities, Provincial Councils play an important role and around 70% of their expenditure goes towards actions carried out in small municipalities. However, more than 70% of transfers from these Provincial Councils go to municipalities with more than 20,000 inhabitants (Table 6.1).

6.5.1 Transfers

6.5.1.1 State Transfers

Transfers account for two-thirds of local government revenue and are generally unconditional. This system was introduced unilaterally by the State in 2004 and takes into consideration the size of the population as the main distribution variable, although it also takes into consideration whether the municipality is the capital of the province or the Autonomous Community together with the ability of local government to set its taxes. However, the system does not take into consideration the needs and evolution of the municipalities, which means that municipalities with the same needs receive very disparate funding and this does not resolve problems of equity.

Overall, the system of state transfers to local governments accounts for about 20% of local revenues, albeit its decreasing trend. Most of these transfers are, as already mentioned, unconditional, although it is the large cities that take the lion's share of state transfers. However, the mechanism also includes conditional grants, which are, in practice, a limit to local governments' fiscal autonomy.

Financing depends fundamentally on the central government through the mechanism of the State Revenue Sharing (PIE), which is based on dualistic criteria, such that in small municipalities equalization mechanisms are contemplated, while in

large cities there are no criteria. The system, where higher transfers (state or regional) take the population as the determining factor, generates inequities, and the collection of all these state taxes is reduced in times of economic crisis.

State transfers are channeled to small municipalities through the provincial governments (*Diputaciones*) and around 70% of their expenditure goes towards actions being carried out in small municipalities. Although more than 70% of transfers from the *Diputaciones* go to municipalities with over 20,000 inhabitants, they are not always the most important source of funding for small municipalities.

Therefore, Spanish local governments obtain the bulk of their funding from what is known as State revenue sharing (Álvarez García and Cantero Prieto 2013), thus municipalities with more than 75,000 inhabitants receive percentages based on the amount of personal income tax (IRPF) collected in their territory and a percentage of the VAT collected, both taxes being controlled by the State in terms of regulation, collection, and management. In this context, the real funding that local governments receive from these sources is, on the one hand, linked to the state's collection ability, which in turn depends on the economic cycle, and on the other hand, the existence of social and economic inequalities means that some local governments receive more than others. The design of the system means that this source of funding does not allow local governments to carry out long-term planning, and, on the other hand, it does not take into account the needs of each local government and nor does it allow for social, economic and territorial cohesion, but rather worsens it. For their part, the lower municipalities participate in the revenue derived from these taxes based on a state formula that weights them according to population, with a bias towards those with smaller populations Pedraja and Suarez Pandiello (2015).

Although the Provincial Councils can establish their taxes, the bulk of their funding is based on transfers from the State. This revenue, albeit minimal, is from State taxes. They also receive specific transfers according to various socio-economic criteria. A large amount of these resources is devoted to healthcare.

Collection of these state taxes is reduced in times of economic crisis (unless the tax system is reviewed), but the system also impedes local governments from making long-term plans (strategic planning) as the transfers depend on the State's revenue forecasts which, in a context of economic crisis, often show significant deviations, causing tensions between the State and local governments on account of the amounts due to them. Therefore, local governments suffer the consequences of economic crises (Fig. 6.5).

The distribution of transfers does not contemplate leveling criteria. It can also be seen that the share of State revenue does not take into account each municipality's characteristics. In the case of large cities, the ability to provide services is very different, and the distribution criteria accentuate the problems of inequality. There is, therefore, a transfer system that does not establish permanent amounts nor criteria for these amounts to be reviewed, nor does it consider criteria of necessity related to the powers exercised by each municipality, nor does it consider the tax resources that the municipalities obtain through their own taxes.

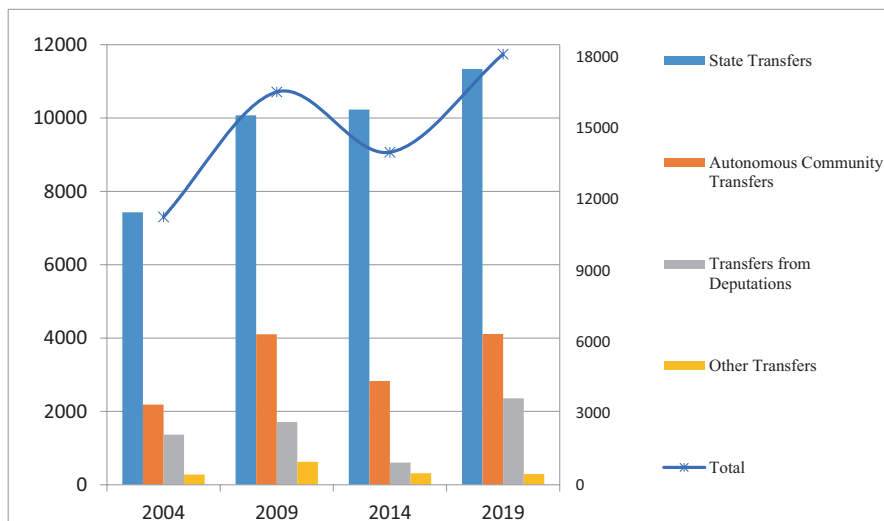


Fig. 6.5 Evolution of transfers to municipalities. (Source: Prepared by the author based on data from the Ministry of Finance and Public Administration 2020)

6.5.1.2 Transfers from the Autonomous Communities

There is a constitutional mandate for local governments to receive a share of the Autonomous Communities' taxes. However, this depends on each Autonomous Community's legislation as the diversity of the local map is enormous in terms of both the size of municipalities and the socio-demographic, economic, and cultural characteristics, among others. For example, the municipal map in Catalonia has nothing to do with Galicia or Castilla-León. Article 142 of the Spanish Constitution refers to the Autonomous Communities' participation in taxes. In practice, this has resulted in some of these communities providing a wide range of cooperation funds but, in general, of small amounts.

In practice, the relationship between regional and municipal treasuries is irrelevant, except for the communities of the Basque Country, Navarre, and the Canary Islands, and although Article 142 of the Constitution provides for the right of local governments to receive a share of the Autonomous Communities' revenue, reality is that the latter do not provide sufficient unconditional transfers to their local governments. The amount of revenue local governments receive from Autonomous Communities is minimal. In addition, the amounts allocated are very unequal and depend on the Autonomous Communities and their governments, who are responsible for determining the amount allocated for these purposes in the budgets.

Furthermore, the absence of legislative coordination on the part of the State has led to very diverse legislation on the part of the Autonomous Communities regarding the financing of their local governments. Moreover, where it exists, this

legislation is very poor and unstable and refers to contributions that, under various names, are not provided on a regular basis and are subject to disparate conditions (Cuenca García 2017). In some cases (Catalonia and Aragon) the financial contributions are aimed at a grouping of municipalities (*Mancomunidades*) or metropolitan areas (Barcelona). There is, therefore, a lack of generalization and, as mentioned above, the amount is small (the amounts are linked to the evolution of regional revenue), and most of these allocations made available to local governments are conditional, if not assigned to specific actions. The origin of these funds is both European (structural funds) and State within the framework of different State programs. In both cases, local governments, in the exercise of their local autonomy, cannot freely decide how to use these funds.

The absence of a fiscal governance framework that deals both with financing Autonomous Communities and local governments lead to these dysfunctions, to the detriment, above all, of local governments.

6.5.1.3 Self-Taxation

The constitutional and regulatory design of local financing contemplated two basic aspects: a system of transfers from the central government and the Autonomous Communities, to which we have referred in the previous sections, and a set of compulsory taxes of their own nature whereby local governments enjoy autonomy to determine some essential elements, such as determining taxpayers or the applicable rates, as well as the powers of inspection and verification, although not so much in setting the monetary valuation of the assets to be taxed. In the local financing reform proposals that have been put forward, emphasis has been placed on increasing the fees paid by citizens who use those services in those cases where they are easily identifiable. Some of these municipal taxes are compatible with regional taxes levied on the same service provision.

Local governments' ability to set their taxes allows them to design and implement their fiscal policy, if the collection of these taxes results in a significant percentage of total municipal revenues, however, this would only be the case in large cities. On the other hand, this ability is limited by state regulations that require technical-economic reports to be drawn up when setting or modifying a new tax and, based on which there is judicial control, therefore local decisions can be challenged. Furthermore, the use of this instrument is limited by the perception that citizens may have the existence of very high taxes in comparison with other local governments.

Most of these taxes do not consider the citizen's economic capacity and their collection can be jeopardized during times of economic recession, as has happened during the Covid-19 pandemic which, in the cities, has particularly affected small hotel and catering businesses, whose services, through the terraces, rely on the use of public space.

6.5.1.4 Real Estate Tax

Property tax is a tax of paramount importance, not only because of the revenue it provides to the municipal treasuries but also because of its legitimacy in that it is a tax accepted by a large majority of citizens. Moreover, it represents a stable income for local governments even in times of economic crisis. Decisions regarding this tax are taken by local governments and any increase in revenue through this tax has been received by citizens without protest. It is based on the cadastral value of the real estate, which is decided by the central government through the Ministry of Finance, which delegates certain cadastral functions to local governments by means of collaboration agreements. It is therefore a tax under shared management between central and local governments. Through partnership agreements between local and central governments, the latter has delegated powers to local governments for the management of various aspects of this tax.

The tax covers both urban and rural properties. It is an extremely important instrument for some local governments as it represents between 25% and 60% of their total revenue. However, it is also subject to central government control which is responsible for setting the cadastral values, which rarely correspond to the market values of the properties. This tax is also subject to judicial control.

Some property owners are exempt from paying this tax, such as the Catholic Church which, for historical reasons, owns immense real estate wealth but is exempt from paying this tax by virtue of the agreements signed between the Spanish State and the Vatican State in 1979.

6.5.1.5 Business Activity Tax (BAT)

The State holds the powers related to economic activity, but companies operating in each municipality benefit from local public policies and services.

This tax involves shared management between the central government and local governments. On the one hand, the state is responsible for setting the tax rates, to which may be added others of a purely municipal nature. The state is also responsible for collection and inspection, although in fact, it delegates some of these functions to local governments, particularly the inspection tasks related to the municipal quota. Some local governments have privatized this inspection work and sometimes assume responsibilities that do not correspond to them, which leads to disputes that, in any case, are resolved by the State's economic-financial courts.

The tax rates are set by the central government based on objective criteria without taking into consideration the economic activity of the business, thus posing numerous problems. Hence, during the COVID 19 pandemic and due to the mobility restriction measures imposed by the central government, many local businesses linked to small commerce have reduced their activity considerably and yet have been forced to pay this tax, despite their activity and income having been seriously reduced. This tax accounts for 3% of the total income of local governments and is

being questioned mainly because its payment does not correspond to the economic income.

This tax is managed by different administrations, which generates numerous problems and inefficiencies in the collection of the taxes as well as conflicts that have to be resolved judicially.

6.5.1.6 Capital Gains Tax on the Transfer of Real Estate

This tax is levied on increases in value on the transfer of real estate and is an important source of revenue for many local governments, particularly city governments. It is also based on the cadastral value. The tax is entirely up to the municipalities and is paid when a citizen sells, donates, or inherits a property. It is a controversial tax: In 2017 and 2019, the Constitutional Court declared some aspects of this tax unconstitutional. The last financial crisis unleashed in 2008 had a significant negative impact on the purchase and sale of homes. The fall in house prices has been so significant that the Constitutional Court, in a recent ruling, has practically annulled this tax. This decision will mean a drop in revenue for local governments that is yet to be quantified.

In any event, the management and collection of this tax require all administrations involved to exchange information on their management and collection. However, this cooperation among administrations does not satisfy the level required for efficient management, thus leading to continuous distortions and conflicts of interest that result in lower tax collection.

6.5.1.7 Public Fees and Prices

The rationale for raising resources through public prices is that local governments deliver public services that provide a utility to the citizens, Suárez and Fernández (2008).

Although these taxes have little revenue-raising power, they often also serve an extra-fiscal purpose and, above all, the degree of autonomy the municipalities possess to set and enforce these taxes is much greater.

In Spain, there are some local taxes that are optional for municipalities, i.e., they can decide, by means of the corresponding tax ordinance, whether to require them in their territory.

However, the state legislator regulates the essential elements of these taxes and provided for them in RDL 2/2004, which approved the Revised Text of the Law Regulating Local Treasuries. Local Treasury from a tax levied on real estate is crucial and varies depending on the territory and this tax is warranted since its benefits can be appreciated through the infrastructure and public services offered to citizens in the municipality.

On the contrary, the Spanish business tax has lost much of its importance as a result of the introduction of very general exemptions in Law 51/2002, mentioned

above,—for all natural persons carrying out economic activities and for legal entities whose net turnover does not exceed one million euros per year—which have blurred the tax, and serious doubts have been raised about the constitutionality of these measures, as well as the problem of compensating for the loss of revenue that this has meant for the local treasury. This last issue is not being adequately resolved in our country, with municipalities stressing that the specific compensatory measures being implemented through the general State budgets are insufficient and ultimately result in conflicts between the State and local authorities that end up in the contentious-administrative jurisdiction order.

6.5.1.8 Participation in Taxes Managed by the State

A territorialized criterion has been established so municipalities receive a share of personal income tax, VAT, and special manufacturing taxes. However, the subjective scope of the municipalities that can benefit from this resource has been limited, being restricted to those that are the capital of a province or an Autonomous Community when this is a single-province region and to those which, not being so, have by right a population of more than 75,000 inhabitants. Moreover, the percentage of Spanish municipalities benefitting from these taxes, compared with the percentage established in the German system, is negligible. Thus, for example, compared with the 15% share of German municipalities in personal income tax, Spanish municipalities that can count on this resource in their finances have a share of 1.6875%.

In the case of Spain, the municipal share received from the collection of State taxes or, as the TRLRHL calls it, the transfer of the collection of State taxes, is more of a testimonial resource than a real one from the point of view of the importance of tax collection.

In the Spanish model of local financing, there is no system of local financial compensation aimed at reducing the territorial imbalances in fiscal capacity between the different Local Bodies, although the TRLRHL contemplates as a resource for the Spanish local Treasury a generic (non-territorialize) share in State taxes that is structured through the corresponding transfer from the general State budgets and which is clearly aimed at satisfying the principle of financial sufficiency.

6.5.1.9 Borrowing

In a multilevel system, local governments' recourse to borrowing is limited by state public policies of budgetary stability, which in turn are limited by the austerity policies of the European Union.

Local governments may issue long-term debt or contract credit transactions, also for terms of more than 1 year, with banks, although within the limits set by the central government's general guidelines on budgetary stability, so that, for reasons of general economic policy, the central government may impose limits on local

governments' borrowing capacity. These limitations may appear in the State Budget or in any State law. In cases where, for reasons of cash shortages, local governments need to resort to short-term transactions, it is also the central government, through the Ministry of Finance, which, after assessing the financial situation of the local government in question, grants special authorization and sets the borrowing terms and conditions. Thus, the discretion exercised by the central government on municipal borrowing is evident. Many municipalities try to circumvent this financial control by the central government by setting up commercial companies or resorting to financial engineering transactions to hide their real indebtedness and thus escape central government control.

Debt is concentrated in large municipalities and in some, such as Madrid, for which figures are available, debt exceeds the annual budget by more than 140%. Other large cities are in a similar situation, however, no comparative conclusions can be drawn as there are no figures available. In any case and in relation to the total state debt, local government debt is less than 3.5% of that total debt.

In short, the state possesses significant capacity to control the recourse to local indebtedness in such a way that it does not even allow the drawing up of financial rebalancing plans for governments in difficulties, which would be a measure consistent with respect for local autonomy.

The differences among Spanish municipalities are the subject of this study, namely local indebtedness. There is something wrong when, as we shall see, and with data in hand, we compare the different levels of municipal indebtedness, and this failure is the joint responsibility of the State, the Autonomous Communities, and the local entities.

The use of the market for the issuance of public debt by local governments requires prior authorization from the central government, through the Ministry of Finance. This authorization is only granted after an exhaustive analysis of the local government's risk and level of indebtedness and its economic and financial plans for meeting the debt. The assessment criteria, therefore, depend on the central government and, in any case, authorization for a local government to resort to the market to raise funds will also depend on compliance with the budgetary stability objectives of the central, regional, and local territorial administrations.

As regards the budget stability targets set by the central government to comply with EU requirements, Spanish local governments have been more than meeting these targets, even showing surpluses. The management of these surpluses is usually agreed upon through the creation of task forces made up of the central government and the Spanish Federation of Municipalities and Provinces.

6.5.1.10 Vehicle Taxation

This is a tax that provides significant revenue for large cities, although large companies owning fleets of vehicles operating in a city often relocate their activity to avoid the higher rates required in large cities. It is a flat tax that is not proportional to the pollution parameters caused by each vehicle and is, therefore, a highly contested

tax. Although access to historic city centers has been restricted in some cities, no tolls have been introduced for road access to city centers. Similarly, although road traffic has a significant impact on environmental quality, no environmental taxes have been introduced for road traffic. There are some proposals to add a tax component to tax vehicles according to their environmental efficiency and contemplate their level of pollution.

6.5.1.11 Fees and Public Prices

The person who pays is the one who receives the service either for the private use of the public domain or for the provision of services. In a country such as Spain, which is the second largest tourist destination in terms of the number of visitors, the introduction of certain taxes, for example on tourist stays in certain large cities, has not been carried out, despite pressure from residents' associations in the central districts of large cities, which are the ones most affected by the massive influx of tourists. In some cases, special charges have been introduced after the European Union Court of Justice acknowledged the need for them, as is the case with the charges imposed on mobile telephone companies for installing infrastructures.

6.5.1.12 Public–Public Collaboration

The State is constitutionally empowered to approve financing measures for public works and local services, thus providing incentives for local investment.

In Spain, the State's governance of local investment has been organized through various State funds, which are instruments of State policy for economic promotion and reactivation and municipal governments or associations of local governments are responsible for putting them into practice. In some cases, the Autonomous Communities intervene, as in the case of Catalonia and Andalusia. The purpose of these funds is fundamentally to provide local companies with additional financing resources which, in the end, have an impact on maintaining or improving local employment, so that, in turn, the funds are used by local governments to contract works or services with those local companies most affected by a crisis. During the Covid crisis, this cooperation increased significantly.

6.5.1.13 Public–Private Collaboration

Governance processes implicitly involve the possibility of public-private collaboration in the provision of local public services, which entails private financing of certain local public services. In this context, in some Spanish local governments, although in a very incipient and modest way, new complementary forms of financing local public services have been introduced, particularly in the areas of culture

and sport, by means of crowdfunding in the form of donations and investments (Monterrey Meana 2013).

The idea of Business Improvement Districts has not crystallized in the local governments of large cities. There are some exceptions, but only in support of local commerce and for coordinating sales events, the use of public roads and campaigns to stimulate and promote commerce in different city neighborhoods (Navarro García 2019).

In large cities such as Madrid and Barcelona, task forces have been created to design public-private management plans in order to revamp shopping malls linked mainly to shopping from tourists and the levying of special taxes to finance common expenses.

The purpose of these partnerships is to improve urban spaces to attract visitors and improve conditions for the development of economic activities through the provision of common services that complement the public services provided by local governments (Villarejo Galende 2015).

Public-private collaboration is based around an Integral Plan promoted by the central government involving several central government ministries as well as several Autonomous Community departments, together with professional associations, higher education institutions, and the main Spanish local government association, which acts as an interlocutor with the central government.

6.6 The Accountability System

The Spanish local public sector is not only made up of local governments themselves but also of provincial councils, *comarcas*, groups of municipalities, metropolitan areas, and local entities with a territorial scope smaller than the municipality; hence, there are around 13,000 entities that have to account for their financial activity on an annual basis.

The existence of a municipal public sector with a multitude of unaccountable companies and public bodies makes transparency difficult.

No empirical studies exist which show that public spending by local governments is less efficient than that of the State or the Autonomous Communities.

Compliance with the requirements of budgetary discipline in Spain requires the establishment of a system of control. In principle, the national government is ultimately responsible for this control, in the exercise of which it must respect the autonomy granted to both the autonomous regions and local governments. Under these premises, the governance of financial control is carried out through the provision of financial information that local entities must periodically supply to the central administration or the regional administration, depending on who directly exercises financial supervision. These reports are generally drawn up by the municipal auditors, who are local council civil servants, but who have been previously authorized by the central government to perform this task.

Local governments are accountable both to the Court of Auditors and, where in existence, to external audit bodies set up by the Autonomous Communities. The Spanish Court of Auditors, which is formally an independent body of the central government, is entrusted with the external audit of the entire Spanish public sector's economic and financial activity, including the local sector. There are various coordination mechanisms between the Court of Auditors and the audit bodies of the Autonomous Communities for exchanging information and control methods that tend to be homogenized. There is a Local Entities Accountability Platform which is a web application widely used by local governments and which was launched to facilitate local government accountability. The use of information technology for accountability has meant not only improved accountability procedures but also increased transparency in local finance management.

Control focuses on municipalities with more than 75,000 inhabitants whose economic-financial plans are subject to joint central and regional government audits through regular financial audits.

Both the State Court of Auditors and the external audit bodies of the Autonomous Communities hold coordination meetings where common criteria are established for preparing the indicators that allow, firstly, comparative analyses of the economic-financial situation of local entities and, secondly, the sharing of management criteria, which facilitates assessing how effective public funds have been used in municipal investments.

Control in medium and small municipalities, in the absence of technical staff or interim staff with more party affinity than financial qualifications, local finance management is largely in the hands of elected officials who perform tasks for which they are not qualified and whose lack of control has led to numerous cases of corruption.

To ensure compliance with the European Union's tax regulations, Spain followed the path of other European countries and set up an independent Agency, albeit formally attached to the Ministry of Finance. The so-called Independent Fiscal Accountability Authority (AIREF) has a broad advisory board and experts from the scientific world. It is an instrument for monitoring strict compliance with the principles of budgetary stability which, as required by the European Union, was enshrined in Article 135 of the Spanish Constitution. To this end, it makes mandatory ex-ante reports on the budgets of the Autonomous Communities and local governments with more than 20,000 inhabitants undergoing financial stability problems. It also monitors the budget implementation, warning of any deviation from compliance with the rules. In addition to public expenditure reports, the Agency is also responsible, on behalf of the central government, for evaluating public policies and regularly publishes all reports and methodologies used. Local governments have an obligation to cooperate with the Agency by providing it with all information requested and to comply with its financial recommendations.

6.7 Reforming Local Government Financial Governance in a New Environment

The financial governance of local governments in Spain has been structured based on the decentralization processes that have been shaped to give meaning to the distribution of territorial power provided for in the 1978 Constitution, with an initial leading role for the central government that has been progressively replaced by the leading role of the Autonomous Community regional governments. This has led to a system of financial interdependence that is not always coordinated and suffers from major imbalances (Muñoz Merino and Suarez Pandiello 2018). These imbalances are due to local governments' financial dependence on the central government, which, combined with a lack of responsibility on the part of some local governments, has given rise to anomalous situations. Thus, in the wake of the economic growth generated by the real estate bubble, which produced unprecedented revenues for some local governments, especially in large cities, local governments have assumed improper powers that have become unsustainable with the advent of the economic crisis that began in 2008 and has been aggravated by the pandemic. The realities of the twenty-first century require governments to provide public services with the highest levels of quality and efficiency, and this requires the adoption of a tax system that recognizes the interdependence among administrations, which is why tax system reforms must be global, including central, regional, and local levels.

For the last two decades, the fiscal governance which regulates the financial activity of local governments is in crisis and there has been an ongoing debate in Spain about how to modernize the financial governance of local governments (CERFA 2017). However, no measures have been adopted to achieve this goal, mainly due to the absence of political will on the part of the central government. The Covid-19 pandemic health crisis and its social and economic consequences, still to be determined, together with European and national strategies on how to face the challenges of a hitherto unknown scenario, will necessarily imply radical changes in the system of local government financial governance.

In the Spanish model of local financing, there is no system of local financial compensation clearly aimed at reducing the territorial imbalances in fiscal capacity between the different Local Bodies, although the TRLRHL contemplates as a resource of the Spanish local Treasury a generic (non-territorialize) participation in State taxes that are articulated through the corresponding transfer from the general State budgets and which is aimed at satisfying the principle of financial sufficiency. Introducing an equity system constitutes the cornerstone of structuring the local financial governance system (Belmonte Martín 2013).

In general, there is a dysfunction between the responsibilities local governments are expected to assume and the existing financial framework in order to do so, with a chronic lack of financial resources (De la Fuente 2017). For example, many local governments have adopted proximity management for providing social services where no funding is available. The financial governance of local governments in

Spain dates back to 1988, and despite the subsequent reform in 2004, the framework is obsolete and insufficient. Within this framework, the pandemic has greatly aggravated the financial situation of many local governments. In any case, local governments, within the framework of state budgetary policy, have contributed to reducing the public deficit, having been the only administration to comply with the budgetary stability objectives. If responsibilities and tasks among Autonomous Communities, Provincial Councils (whose role in the local government system needs to be redefined), and local governments are not clarified, it is impossible to articulate a system of financial governance.

Financial governance has revolved around two phenomena: on the one hand, the central government has been proposing ad hoc financial solutions that include repeated commitments to make sufficient financial resources available and, on the other hand, many local governments have assumed powers that are not pertinent to them and have made inappropriate investments in times of economic prosperity that have ultimately generated enormous economic problems when the economic crisis arose. Thus, in the wake of a real estate bubble that generated huge revenues for local governments in large cities, they took on inappropriate powers that have become unsustainable with the advent of the 2008 financial crisis, which has been aggravated by the Covid 19 pandemic. Local government financial governance can be achieved by articulating a local tax system specific to the municipalities, with a greater or lesser degree of autonomy on the revenue side, but, above all, by guaranteeing a financial compensation mechanism and also state subsidies to ensure municipal financial sufficiency, which is not analogous to the Spanish local treasury situation (Suárez Pandiello, 2007, 2008).

The Autonomous Communities and the State have been the large defaulters, the local entities' debt levels are below those established by law and they have consistently met their deficit targets across the board in all these years. They are not the main culprits of the loss of credibility of an Organic Law that has undergone considerable damage, however, it cannot be denied that there are a series of tensions in the framework of local financing, of local finances, which have contributed to creating this framework of fiscal governance.

Since there are local governments in deficit and others with a financial surplus, and therefore municipalities in need and others with financing capacity, inter-municipal loans could be introduced.

From local governments and, particularly from the Spanish Federation of Municipalities and Provinces, the Spanish Local Government association, there has been a succession of proposals to reform local financing. In 2017, the central government promoted the creation of a Commission of Experts, mainly composed of academics, but its proposals have hardly been adopted.

These proposals concern both the strengthening of local governments' financial resources and their management (Instituto de Estudios Fiscales 2018). The proposals for reinforcement have to do with the need to link local financing with the financing of Autonomous Communities, promoting the exchange of information between the different territorial levels at both the political and management levels so that policies, strategies, and instruments can be designed to enable the formation of

multi-stakeholder partnerships to solve the difficulties at the different territorial levels of the financing chain. There is also a need to promote greater involvement of the private sector in the financing of territorial and urban development. The Spanish Association of Local Authorities has also agreed to create a political and technical commission, within the framework of the Federation's Local Finance Commission, to address negotiating local financing together with the financing of Autonomous Communities.

In terms of management, improving efficiency requires the implementation of strategic plans that contemplate expenditure and income in relation to local public projects and policies, and combine expenditure control with flexibility when undertaking certain investments. Small municipalities require technical assistance to manage their expenditure over the long term. The fragmentation and complexity of the local system require incentives for collaboration and even integration to favor more efficient public management and generate economies of scale in the provision of local public goods and services to best meet the needs of citizens.

6.8 Conclusions

The institutional framework embodied in the constitutional and legislative design of local government financial governance has many shortcomings that have become apparent over time. Firstly, the framework of rules incorporates local financing in a very diffuse way. It only guarantees financial adequacy. These shortcomings have become evident over the last two decades in the context of the global financial crisis and the austerity measures imposed on Spain and, more recently, the Covid-19 pandemic, which has strained the financial governance system by imposing adjustments on local governments but without resolving the shortcomings.

Secondly, the structuring of the territorial distribution of power has given priority to the development of Autonomous Communities. The effectiveness of local financing oriented to the needs of each territory depends on close collaboration and coordination between the Autonomous Communities and central government by developing mechanisms for the exchange of information in order to assess these needs. In a context of conflict and political polarization between the central government and some Autonomous Communities, this coordination becomes difficult. Local governments and Autonomous Communities are not on the same institutional level, which affects the financial governance of local governments. Successive reforms have not addressed the framework for financial interaction between the Autonomous Communities and their local governments, which still has fundamental shortcomings.

Thirdly, the financial governance system does not consider the economic cycle as a determinant of local public finances. Local governments, particularly those of large cities, have seen how in times of economic expansion they have assumed responsibilities that were not theirs. The response to the European Union's financial and sovereign debt crisis implied a reinforcement of budgetary oversight

mechanisms and, in the case of Spain, local governments were singled out by the national executive as responsible for wasteful spending, although their involvement in public expenditure was less than that of central government and the Autonomous Communities.

Fourth, it does not consider the heterogeneous and fragmented situation of the Spanish local galaxy as one of the idiosyncratic factors. The financial design has taken into consideration the joint situation and not those of the territories, which has led to mismatches between the needs of the center and the periphery. In contrast, the process of autonomous development has led to the existence of a multiplicity of autonomous regulations affecting local financing, resulting in a complex framework.

All in all, the Covid-19 health crisis and the need to provide local governments with emergency aid has meant that the central government has implemented new temporary and targeted instruments to address the most pressing needs of the pandemic and could represent a window of opportunity for the reform of financial governance.

The experience of the last decades, after the approval of the institutional framework designed in the 1978 Constitution, highlights the need for a change of paradigm in the design of local financial governance. However, this change is impossible to envisage, taking into account that, first, there is no general consensus on the need for it and, second, after an economic crisis, followed by another health crisis, Spanish public finances will deteriorate as a consequence of an expansive fiscal policy which, in the medium term, will mean, the implementation of adjustments that would involve greater demand for financial discipline from Spanish local governments.

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Chapter 7

Local Elections and Political Leadership



Jorge Crespo-González

Abstract Spanish local government grassroots are composed of 8.132 municipalities, which constitute fragmented, atomized, and diverse electoral spaces. The local government regulations establish an executive body, *the mayor*, characterized by great political and functional power *ad intra* and *ad extra* as regards the municipality. The mayor can therefore be depicted as a strong mayor with presidential overtones, thus providing an excellent base on which to project political leadership. Mayors emerge from the *councilors* of each municipality, who in turn are elected in competitive electoral processes, in which, on analyzing the electoral results in aggregate terms, factors such as nationalization, regionalization, and localism of the local party system appear, together with an incipient interdependence of factors, given the multilevel nature of governance in Spain. It is in this scenario that Spanish local leadership is inserted, which can be nuanced according to the importance of the municipalities and the personality of the mayor, allowing the mayor to be a true manager of interdependencies in a governance environment.

Keywords Local government · Municipal electoral system · Leadership · Mayor · Nationalization · Regionalization · Localism · Electoral Results · Governance · Spain

7.1 Introduction

Local elections in Spain, although unjustifiably, have occupied a secondary place in electoral research, which is more concerned with national or regional elections (Delgado 2010). Perhaps the premise that the local level of government enjoys less autonomy (albeit of an intermediate nature and similar to that of other European

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states) and the consideration of municipal elections as second-tier has contributed to this. This study seeks to mitigate that deficit.

This chapter aims, firstly, to provide an overview of the basic institutional aspects underpinning the municipal electoral system and then to analyze the electoral results of May 2019 (the last municipal elections held). Secondly, the aim is to promote reflection on whether the electoral results of local governments really respond to the logic of second-tier elections, whether or to what extent they effectively incorporate nationalization of the party system, what role the personalization of candidates plays, and what general assessment the electoral system deserves. Thirdly and finally, we would like to explore municipal political leadership and its importance in a governance environment.

To this end, the chapter will begin by describing the general aspects of the Spanish municipal level to subsequently analyze the institutional design of local governments with a view to describing what type of mayoral profile it creates, as this is a conditioning factor of local government political leadership. Next, the local electoral system will be analyzed (or should we say, more appropriately, systems, since the majority system coexists for municipalities with up to 250 inhabitants and the corrected proportional system for the rest) as a preliminary step to the study of the 2019 electoral results. Based on data, the Spanish local electoral system will be outlined, questioning some traditional positions on this matter, and lastly, the phenomenon of political leadership at the local level will be reflected.

7.2 The Spanish Local Level of Government: General Aspects

The local Spanish level of government is defined as being made up of a plural universe of institutions that, despite relatively uniform treatment from a regulatory point of view, are characterized by strong territorial fragmentation and diversity. For this reason, a detailed analysis would require examining the reality of thousands of entities that make up the local level of government (see Table 7.1), together with their territorial, social, political, and economic contingency factors, beyond the institutional isomorphism, each one of them responds to a specific reality that is difficult to extrapolate. However, this does not prevent us from drawing some operational lessons that may be an expression of processes that, to a large extent, affect all local authorities.

In general terms, in this chapter, a distinction must be made between local bodies whose governing bodies derive from electoral processes (municipalities and provincial councils) and those whose usefulness is fundamentally instrumental and are made up of representatives of the bodies interested in their existence. The political aspects dealt with here obviously focus on the former, but before moving on, there are other sources of complexity and diversity that should be highlighted:

Table 7.1 Institutional profile of the Spanish mayor: strong with presidential overtones

Profile	
A strong mayor from an institutional and organizational viewpoint	Directs the municipal administration and together with the plenary approves the structure Appoints heads of various areas Economic matters: Ordinary management, arranges credit operations with a limit, and promotes the budget Executes the plenary session agreements: Head of staff Exercises town planning powers Sanctioning body
With presidential overtones	Represents the City Council ad extra Appoints deputy mayors and members of the governing body Presides over and directs the supervisory body's sessions (plenary) and the collegiate bodies (e.g. governing board) Strengthened if the mayor controls the political party he belongs to at the local level Reinforced, in large municipalities, by the power to appoint trustworthy personnel and/or have at his disposal a support staff office In possession of the question of trust

Source: Own elaboration

Firstly, local governments have a dual profile: On the one hand, they are organizations that provide services and produce goods and, on the other, institutions of a representative nature that generate political identification. It is precisely this representative function, together with other aspects of a cultural nature, that has led to successive projects to rationalize local government, to reduce the number of municipalities, so their responsibilities are carried out more efficiently through economies of scale, has resulted in relative failure.

Secondly, it is important to highlight the territorial and demographic diversity of the municipalities since small rural-based organizations in demographic terms (the vast majority of them) are combined under the same umbrella together with others of an intermediate nature (populations with over 20,000 inhabitants) or other relatively large ones (populations over 100,000 inhabitants) and, finally, the large, highly populated cities (Madrid, Barcelona, Seville, Valencia, etc.).

Thirdly, the Spanish local government incorporates cultural aspects of Mediterranean municipal culture, especially French culture. This is evidenced by the similarity between our strong municipal fragmentation with that of neighboring countries (Portugal, France, Italy, and Greece until 1997), which differs greatly from that of Northern European countries and Great Britain, particularly committed to larger local units. This aspect has required the profusion of inter-municipal cooperation and collaboration formulas for the provision of basic services.

Fourthly, and as a product of the aforementioned municipal culture that frequently identified municipalities with population nucleus, a process of mythification of the constituted municipalities has arisen. It is true that they are the closest public organization to citizens and the one with which they can interact and

participate most directly; however, this does not justify their immutability. A quick historical review shows how the municipality in Spain went from being a system for organizing local interests or a legal association of all the people living in the same municipal district to forming a “natural” association of people and goods recognized by law (Calvo Sotelo’s Municipal Statute), and from there to constituting one of the institutions of Franco’s organic democracy (along with the family and the trade union). The “natural” consideration of the municipality implies that modifications tend to be seen as “unnatural” and result in stagnation (Olmeda 2017).

Lastly, the municipalities and provinces (together with the Autonomous Communities that are constituted) are recognized by the Constitution and enjoy autonomy for the management of their respective interests (Article 137 EC78). This does not imply that “autonomy” is the same for all since local governments have administrative but not political autonomy and therefore lack superior regulatory capacity and must adapt their actions to State and Autonomous Community legislation. Both municipalities and provinces have full legal personality, as well as representative and governing bodies (Articles 140 and 141 of the EC78). The basic structural aspects of the municipal sphere were introduced by Law 7/1985 of 2 April 1985, regulating the foundations of local government (LRBRL).

7.3 The Organization of Municipalities, Provinces, and Other Local Authorities. A Strong Mayor in a Presidential-Type System

In order to define the basis for political leadership in the local sphere, it is important to possess previous knowledge of the institutional powers the regulations grant to the most relevant bodies in accordance with the singularities of municipal and provincial organizations.

7.3.1 The Organization of Municipalities: A Strong Mayor in a Presidential Framework

The essential elements of the municipality are the territory, or municipal area, over which the City Council exercises its powers, the population, composed of all the people registered in the municipal register, and the organization, constituted by the government and the administration at its service. Here we will deal with this last element: the organization.

According to the Constitution and the LRBRL, municipalities possess some common bodies, which are required in all municipalities (the mayor, deputy mayor, councilors, plenary, and special accounts committee), and others that depend on the size of the municipality (*local government council*, in municipalities with a legal

population of over 5000 inhabitants, or those with fewer if their organic regulations so stipulate) or if they are considered to have a large population. Municipalities with a large population are made up of those with a legal population of more than 250,000 inhabitants, which are capitals of provinces, autonomous regions or seats of autonomous institutions, or those cities with more than 75,000 inhabitants with special circumstances, and their system includes specific bodies: a special committee for suggestions and complaints; bodies for citizen participation, among others.

For the purposes of this chapter, the most important bodies are those on which the executive power (the mayor and the local government board), or the supervisory power (the plenary), pivots. Note that the plenary does not perform all the functions of the “legislative branch” at other levels of government, since local regulatory powers are very limited and control functions over the executive are limited.

The figure of the mayor has traditionally been important in the Spanish Administration; even in the nineteenth century, he had, in addition to executive functions, judicial functions, which, however, he no longer possesses. Historically, his position was also strengthened by the fact that he was the State representative in the municipality, a role that no longer exists today.

The mayor is a necessary body and, despite the aforementioned, he has a privileged position in institutional architecture. Indeed, his status is trifold: representative of the municipality *ad extra*, a unipersonal body with its own functions as the mayor’s office holder, and he is part of and presides over the collegiate and political bodies, including the plenary. His political capacity is further reinforced by his ability to appoint deputy mayors and the councilors who form part of the local government body. It should be highlighted that the mayor’s functions as holder of the mayor’s office, which allow him to form his government team (among councilors and, in the larger municipalities, with the possibility of incorporating a quota of external people), direct the government and municipal administration, be in charge of personnel, direct and inspect municipal services, impose sanctions for disobedience to his authority or for infringement of municipal ordinances, among others.

The mayor may delegate functions to the deputy mayors and the governing body, except for convening and presiding over plenary sessions and local government body sessions, casting the deciding vote, arranging credit operations, heading the staff, issuing decrees, taking legal action, and approving urban development plans and aspects related to putting them into effect.

The deputy mayors, who are freely appointed and removed by the mayor from among the councilors, are responsible for replacing him in the event of vacancy, absence, or illness.

In municipalities with a large population, the mayor’s managerial or executive powers are limited as regards the aforementioned scheme and, instead, the law attributes them to a strengthened local government body (thus, for example, the local government body appoints or dismisses management positions, has the power to impose sanctions, grants licenses, approves the draft budget, etc.) but, nevertheless, the mayor’s authority is still present, since it is he who appoints and dismisses the members of the local government body at his discretion.

The plenary is the body made up of all the councilors grouped into municipal groups and is chaired by the mayor. Its main functions are to control and supervise the municipal government bodies, approve ordinances, regulations, and other general provisions, as well as the City Council's budget. It also has the power to elect and dismiss the mayor.

The relationship between plenary and mayor is not comparable to that between parliament and government. For example, the mayor presides over the plenary and performs the functions of directing and organizing the sessions, but he cannot dissolve it or call new elections. On the other hand, the plenary incorporates numerous, typically administrative or managerial powers, together with oversight of the municipal government's actions (Ruano 2002).

From the aforementioned, it can be concluded: the mayor is a strong figure from an institutional and organizational viewpoint, and from a political perspective, the local political system is presidential. Firstly, this is influenced by the important role the mayor has from an organizational and representative standpoint. He, therefore, constitutes the nodal point for City Council activity. Secondly, the imbalance that is produced in favor of his figure in his relationship with the plenary (the body that he presides over and directs), together with the ability to appoint the members of the local government board and deputy mayors and chair the rest of the collegiate bodies. Furthermore, and finally, these political roles are exacerbated if the mayor is also the secretary general of his political party (and the discipline this implies for the militants due to the mayor's ability to propose candidates) and if, as occurs in municipalities with a large population, he has at his disposal a support staff office with the personnel he trusts both on a personal and political level.

7.3.2 *The Organization of Provinces*

As a political-administrative body, the province in Spain has been recognized by the current Spanish constitution and has two basic characteristics: on the one hand, it is the demarcation privileged by the state administration for the provision of services in the territory through the peripheral or decentralized administration; and on the other, it is a local entity. For the purposes of this study, it is of interest as a local entity, and in this respect, its action focuses on the set of municipalities in its territory, with its own sphere of interests guaranteed by the constitution.

The organization of the province is similar to that of the municipality. Its governing body is called the *diputación* (council) and is composed of councilors from municipalities in the province. The basic bodies constituting this *council* are *the president, the vice-presidents, the governing body, and the plenary*, with functions analogous to those described for the municipality. This is so at least for the prevalent councils. However, it is important to highlight that there are some notable changes with regard to the historical territories of the Basque Country, successors to the

historical provincial councils of Alava, Guipúzcoa, and Vizcaya, which, apart from possessing the powers pertaining to the councils, are also directly responsible for managing the powers of the Basque Autonomous Community. These historic territories are organized internally into general assemblies (a representative body that oversees government action and has regulatory powers, which is a notable difference with respect to other local institutions), the deputy general (Head of Government), and the provincial council (government).

The provincial councils are indirectly elected bodies, as their political composition is established based on the results of the municipal elections. The number of deputies depends on the population, the lower threshold being 25 deputies for provinces with a population of fewer than 500,000 residents and the upper threshold being 51 for provinces with more than 3,500,000 residents. The election uses the judicial districts' demarcations for distributing deputies. Thus, once the municipalities have been constituted, the seats are distributed among each judicial district and a variable allocation depending on the votes cast in each of them. Within this framework, the provincial deputies are elected from among and by the councilors in that judicial district.

7.3.3 *Other Local Institutions*

As a local organization, *The Islands* possess certain special features. Firstly, the seven main islands of the Canary archipelago have an organization called the *Cabildo* (Insular Council), with its own president, which has the same functions as the provincial councils but is limited to the territory of its island. Given that the Canary Islands have two provinces, two insular *mancomunidades* (intermunicipal partnerships) have been set up over the islands, which function only as a representative body since the powers and resources of the provinces have been taken over by the Canary Islands Autonomous Community and are composed of the insular council presidents and chaired by the capital's insular council president. As regards the Balearic Islands, the situation is simpler since, as a single-province Community, the powers, personnel, and assets of the former *Diputación* (Council) were transferred to the Autonomous Community. Four Insular Councils were eventually set up as the governing and administrative bodies of the main islands (Mallorca, Menorca, Ibiza, and Formentera), which function along the lines of the mainland provincial councils and are made up of the same members who are elected to the Balearic Parliament (except the government and Parliament president) for those islands.

The Constitution also contemplates the possibility of Autonomous Communities creating *comarcas* (counties). This possibility has also been included in their own Statutes of Autonomy. As local entities, these counties possess their own legal personality for managing the prevalent interests of several municipalities located in an area with cultural, geographical, or economic affinities. When the county is created,

the Autonomous Community defines its territory, organization, powers, and resources. These counties' internal organization varies, although they usually incorporate a permanent commission headed by a president, together with a general assembly that functions as a representative body for the municipalities involved. There are currently 83 such counties.

The Autonomous Communities also have the power to create *metropolitan areas* as local entities composed of municipalities in large urban agglomerations where strong social or economic ties exist amongst the population nuclei. The aim is to improve joint planning capacities and coordination. They have a governing body in which the municipalities of the metropolitan area are represented and, at present, there are three of them.

With the aim of municipal powers being executed correctly, municipalities can voluntarily group themselves together into *inter-municipal partnerships* in order to achieve more effective and/or efficient management of certain services or works. They are regulated by their statutes, which set out their name, territory, municipalities, purposes, financial resources, operating rules, duration, and governing bodies, in which the municipalities involved are represented. It remains to be said that practically all municipalities form part of one or more of the 953 existing partnerships.

And finally, there are the *infra-municipal entities* or sub-municipal entities (EATIM), which, being part of a municipality and under a decentralized system, manage some matters or services pertinent to the residents of that infra-municipal population nucleus. The bodies' structure includes a mayor-type figure (usually called *alcalde pedáneo*) and a small collegiate body composed of people from the entity appointed in an open council or in accordance with the election results. Today there are still 3683 such entities (Table 7.2).

Table 7.2 Main Spanish local government actors

Type	Number	
Municipalities		8132
Provinces	50	38 under the common system
		3 historical Basque territories
		2 insular partnerships
		7 absorbed by single province Autonomous communities
<i>Comarcas (counties)</i>	83	Aragón: 33
		Castille and León: 1
		Catalonia: 42
		Basque Country: 7
Islands	11	7 <i>Cabildos</i> (Canary Islands)
		4 Insular councils (Balearic Islands)
Municipal partnerships		953
Metropolitan areas		3
Infra-municipal entities		3683

Source: own design based on the Local Entities Register. <https://ssweb.seap.minhap.es/REL/>. Accessed: 17 January 2022

7.4 The Local Political System

Those who wish to understand a political system in some depth should begin with the basic institutional elements that it is composed of and, in particular, the characteristics of the electoral regulations that affect it.

7.4.1 *The Local Electoral System and Electing the Mayor*

The local electoral system is closely linked to the national electoral model established in the Organic Law 5/1985, 19 June, on the General Electoral System (LOREG), and most of the modifications related to the local electoral regulations have taken place since that distant date. The changes introduced include the right granted to European Union citizens to active and passive suffrage, the system for electing the mayor once a vote of no confidence has been presented, the inclusion of the question of confidence, the rules that outlaw candidates who support terrorism, and lastly, those that seek to reduce political turncoatism in councilors, which consequently has repercussions on local government election results. All these modifications, which have not changed the basic electoral system, mean the system has adapted to the needs of the time; it can be said that some sectors are calling for more changes, such as, for example, the direct election of mayors, but there is insufficient consensus on the urgency of such changes, nor is it clear what advantages they would bring over the current model. A debate has also arisen regarding the indirect way in which the *diputaciones* (councils) are elected, which some regard as a democratic deficit that minimizes the political accountability of their leaders to the citizens.

As a result of the aforementioned diversity, strictly speaking, one could speak of municipal electoral systems, since there are different rules for municipalities with a population of less than 250 inhabitants, which, although in global terms represent a minute portion of the population, compared to the rest of the municipalities, nevertheless account for almost 30% of the municipalities.

Municipal elections are held on the last Sunday in May every 4 years (unless there are European elections in the year in which they are called. In this case, they are held on the same day) and take place simultaneously in the 8132 Spanish municipalities.

All Spaniards of legal age have the right to vote in municipal elections, and also European Union residents in Spain without Spanish nationality or citizens from other countries that reciprocally recognize the right of Spaniards to participate in their local elections (such as residents from Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Norway, or Korea). In the 2019 municipal elections, almost 400,000 European Union residents were able to vote (Navarro and Lopez Nieto 2020).

The same group has the right to passive suffrage, i.e. to be eligible for election as councilor or mayor, unless they come under the grounds for exclusion recognized

Table 7.3 Number of councilors per population segment

Resident population	Number of councilors
Up to 100	3
From 101 to 250	5
From 251 to 1000	7
From 1001 to 2000	9
From 2001 to 5000	11
From 5001 to 10,000	13
From 10,001 to 20,000	17
From 20,001 to 50,000	21
From 50,001 to 100,000	25
Over 100,001	1 more for each 100,000 residents or a fraction thereof, 1 more is added when the result is an even number

Source: Article 179 LOREG

by the LOREG (being president of courts or magistrates, senior officials of State institutions, being sentenced by final judgment to imprisonment), together with the aforementioned possibility of banning candidates and electoral lists that support terrorism.

Regarding the constituency, municipal elections favor the municipality. It is a plurinominal constituency in which a variable number of councilors are elected according to the resident population, in the terms set out in the following table (Table 7.3).

Naturally, in a local scenario, as territorially and demographically fragmented as the Spanish one, there is an array of different situations ranging from municipalities with up to 100 residents (3 councilors) to the macro-cities of Madrid (3.3 million inhabitants elect 57 councilors) and Barcelona (1.6 million elect 41 councilors). In any case, it is estimated that, in terms of the number of councilors, Spanish urban local corporations are of a small average size compared to other similar European ones, thus affecting the proportionality of the results.

Candidates contesting local elections can take the form of parties, federations, coalitions, or groups of electors, with closed and blocked lists of candidates, except for the smallest municipalities, which use a system of open lists. Candidates can reproduce the national or regional political system at the local level (which is most often the case), or they can incorporate independent candidates. This may lead to local political life being nationalized, i.e., being influenced by the national parties' political programs, as will be discussed later, because around 85% of the local vote is won by candidates incorporating the acronyms of national or regional parties, which is a high figure according to international experience. Electoral groups, formally detached from political parties, have had comparatively less weight than political parties, accounting for 16% of the councilors at the best of times.

The electoral threshold for representation is 5% of the valid votes cast, higher than the 3% that applies in other types of elections. This is undoubtedly intended to avoid excessive fragmentation that could jeopardize the governability of the municipality concerned, even if this is at the cost of restricting the diversity of representation.

The electoral formula is the same as that used for general or regional elections, proportional, with D’ Hondt’s formula.

The Spanish electoral system uses the indirect election formula to elect the mayor. During the session in which the corporation is formed, 20 days after the elections, the councilors proceed to elect the mayor. Therefore, the plenary session is constituted first, and the councilors choose amongst those candidates who are part of it and are at the head of the list. The one who obtains the absolute majority of votes is proclaimed mayor, either with the support of his political force alone or with the support of several others. If none of the candidates at the head of the list obtain an absolute majority, the councilor at the head of the list with the most votes is proclaimed mayor. If there is a tie, the mayor is elected by drawing lots.

It is therefore a model (see Table 7.4) that enhances the head of the list candidate’s personal profile. The model favor governability and has given rise to all possible government options: majority, minority, and coalition. Emphasis on the figure of the candidates at the head of the list, extremely evident in the electoral campaign, and recognizing their great abilities (as noted above), has led to talk of presidentialism in the local political system, but we will return to this later.

The introduction and use of the vote of no confidence in the municipal sphere were incorporated in one of the LOREG’s successive reforms. Its current regulation aims to mitigate the proliferation of these votes that have no chance of succeeding, organize their presentation and voting process, and, at the same time, limit the phenomenon of political turncoatism, having an impact on the municipal government. As regards the first aim, the vote of no confidence must be endorsed by the majority of the councilors in the plenary session; as regards the second, the rules for holding

Table 7.4 Summary of the municipal electoral system’s main elements

Elements	Answer
Frequency	Every 4 years on the fourth Sunday in may (except when coinciding with the European elections, then both elections are held on the same day)
Type of election	Direct for councilors and indirect for the mayor
Electoral formula	Proportional (D’ Hondt’s system)
Type of lists	Closed and blocked
Electoral threshold	5% of the valid votes cast
Special systems	Municipalities with less than 250 inhabitants: Majority system. Open council.
Constituency	The municipality

Source: Own design based on the Spanish electoral laws

a vote of no confidence are described in detail. The mayor is not allowed to obstruct the vote, and each councilor can only sign one vote of no confidence per mandate.

In any case, and despite the media coverage that usually accompanies these cases, votes of no confidence are relatively rare, since studies indicate that in the mandate in which they were most abundant, there were around 200 in the context of more than 8100 municipalities (Navarro and López Nieto 2020).

On the other hand, low-population municipalities (defined as those with up to 250 inhabitants) benefit from a special system. There is a significant number of this type of municipality (33%). They elect around 9000 councilors but barely exceed 1% of the Spanish population Navarro and López Nieto (2020).

It is important not to confuse this type of rural municipality with the entities. Their territorial scope is smaller than the municipality's and is a very common phenomenon in Spain. The Entities' electoral processes are regulated by the Autonomous Communities. The EATIM (infra-municipal entities) elections take place at the same time as the municipal ones. The institutions that are elected possess different names, depending on the territory they belong to (council, neighborhood council, parish, etc.), and the governing bodies are called *alcalde pedáneo* (village assembly) with a chairperson and spokespersons belonging to the neighborhood.

In municipalities with up to 250 inhabitants, the composition of the council elected is based on the majority system, which is also the case in municipalities operating under the open council system. In municipalities with up to 250 inhabitants, five seats are elected through open lists and the majority system with limited voting is applied (a maximum of four candidates can be voted for individually), and the five candidates with the most votes are elected; among them, the candidate with the most votes is proclaimed mayor (Delgado and Redondo 2020).

In municipalities that operate under the open council system, the mayor and neighborhood Assembly, of which all voters are members, are responsible for the municipal government and administration. This organization is deeply rooted in local customs and self-management traditions, thus replacing representative democracy with direct participatory democracy, since it is the citizens who directly make up the body equivalent to the plenary—the neighborhood Assembly. However, the municipalities operating under this system are very much in the minority among municipalities with less than 100 inhabitants since, for example, in 2016, only 29 of 648 municipalities with these characteristics in Castilla and León adopted this system, a region where this type of municipalities is particularly prolific (Navarro and López Nieto 2020).

7.4.2 The 2019 Municipal Election Results

The last municipal elections held in Spain took place in May 2019, the eleventh since democracy was restored in 1978. As is customary in this type of election, the turnout was lower than in the general elections and amounted to 65.19%, which is the average of the historical series (see Table 7.5).

Table 7.5 Percentage turnout and abstention in the 2011–2019 municipal elections

Data/Elections	2011	2015	2019
No. of municipalities	8084	8093	8121
Electoral roll	34,713,813	35,099,122	35,275,287
% Votes counted	66.16%	64.91%	65.19%
% Abstention	33.84	35.09%	34.81%
Invalid votes	1.69%	1.53%	0.92%

Source: own design based on infoelectoral.mir.es. Accessed 19 January, 2022

Table 7.6 Voting share of the main national parties in the 2019 local elections (of the 20 most voted parties: % and number of councilors)

Party/Year	2011		2015		2019	
PSOE	27.79%	21,766	25.02%	20,858	29.39%	22,341
PP	37.54%	26,507	27.06%	22,744	22.62%	20,364
Cs	–	–	6.55%	1516	8.73%	2787
Vox	–	–	–	–	3.64%	530
Podemos	–	–	–	–	0.93%	148
Izquierda Unida	6.36%	2249	2.05%	1038	0.79%	424
UP y D	2.06%	152	1.04%	128	–	–
Total of the 20 most voted parties	73.75%		61.72%		66.1%	

Source: own design based on infoelectoral.mir.es (Data has been selected from the top 20 parties by number of votes received nationally, so parties without data did not necessarily exist or did not run, but were not among the first top 20 parties)

The parties with the highest percentage of valid votes registered were the PSOE (29.39%), the Partido Popular (22.62%), and Ciudadanos (8.73%). The importance of national parties in terms of results would, in principle, suggest that local elections have undergone nationalization, despite the fact that national parties have lost some support in recent years, thus favoring the regional and local parties. In this framework, it is also difficult to assess where the party Podemos lies in the local election context. In some places, it runs under its national label, while in others, it accompanies regional or local parties or groupings. Thus, in the latter cases, the results could be considered to be part of the regional or local parties' framework. Considering the political formations that are among the top 20 in terms of the aggregate vote at the national level, there is a moderate decline in national parties, while regional and local parties have become stronger (see Tables 7.6 and 7.7). The strength of political parties or citizen platforms in the most important cities can also be seen. The Barcelona case is one example to be highlighted, where they have managed to gain access to municipal government (the case of En Comú Guanyem, an electoral platform headed by Ada Colau) by borrowing a vote from Ciudadanos. Also, in Madrid, where Más Madrid (a platform headed by a party with the same name called for a left-wing vote which was facilitated by Podemos when this party failed to stand on the city council lists) achieved a relative majority in the municipal elections, but not enough to govern, due to the support the Partido Popular's candidate received from Ciudadanos and Vox.

Table 7.7 Aggregate results of the top 20 parties in the 2019 municipal elections

Candidatures	Votes	% Valid Votes	No. of Councilors
PSOE-Partido Socialista Obrero Español	6,695,553	29.39	22,341
PP-Partido popular	5,154,728	22.62	20,364
Cs-Ciudadanos-Partido de la Ciudadanía	1,989,566	8.73	2787
ERC-AM-Esquerra Republicana de Catalunya-Acord municipal	829,005	3.64	3125
VOX	812,804	3.57	530
JUNTS	558,508	2.45	2804
MM-Más Madrid (municipios)	523,949	2.3	22
EAJ-PNV-Euzko Alderdi Jeltzalea-Partido Nacionalista Vasco	403,958	1.77	1055
PODEMOS-IU-EQUO-Podemos-Izquierda Unida-Equo	366,594	1.61	481
EH BILDU-Euskal Herria Bildu	348,359	1.53	1262
COMPROMIS MUNICIPAL-Compromis:Bloc-Iniciativa-Verde Quo	347,110	1.52	734
ECG-En Comú Guanyem	328,260	1.44	258
ADELANTE	303,530	1.33	529
PODEMOS-Podemos	212,962	0.93	148
BNG-Bloque Nacionalista Galego	194,365	0.85	456
I.U.-Izquierda Unida	181,083	0.79	424
AMUNT-Alternativa Municipalista	176,963	0.78	336
CCa-PNC:Coalición Canaria-Partido Nacionalista Canario	143,780	0.63	285
NA + -Navarra Suma	104,848	0.46	298
BCN Canvi-Cs: Barcelona pel Canvi-Ciutadans	99,452	0.44	6

Source: Own design based on infoelectoral.mir.es. Accessed 19 January, 2022

The Spanish electoral system, a corrected proportional system, as mentioned earlier, encourages pacts between political formations to achieve the necessary majority (normally an absolute majority) of votes from the councilors in the newly constituted plenary. The high degree of political fragmentation produced by the emergence of platforms and new political formations on the Spanish political chessboard, and enhanced by local casuistry, often leads initially to the candidate at the top of the most voted list not obtaining the votes of the absolute majority of councilors, which is why all kinds of pacts are encouraged. An example of the importance and profusion of pacts on the Spanish municipal map: of the 10 most populated cities in the country, seven are governed through pacts (see Table 7.8), and it is estimated that they have been used in around 1500 municipalities. The content of the pacts varies and is sometimes even picturesque, such as when they take place between representatives of forces that are diametrically opposed in ideological terms or when a kind of rotating municipality is established, in which each party supporting the municipal government governs for half of the legislature. The latter

Table 7.8 Agreements in Spain's most populated city councils

Municipio	Alcalde + apoyos	Ganador 2019	Gobierno saliente
Madrid	PP + CS + VOX	MÁS MADRID	AhoraMadrid
Barcelona	BeC + PSC + CS	ERC + BCN – NOVA – AM	BARCELONA EN COMÚ-E
València	COMPROMÍS	COMPROMÍS	COMPROMÍS
Sevilla	PSOE	PSOE	PSOE
Zaragoza	PP + CS + VOX	PSOE	ZGZ
Málaga	PP	PP	PP
Murcia	PP + CS	PP	PP
Palma	PSOE + MÉS + UP	PSOE	MÉS-APIB
Palmas de Gran Canaria, Las	PSOE + UP + NC	PSOE	PSOE
Bilbao	PNV + PSE	PNV	PNV

Source: <https://resultados.elpais.com/elecciones/autonomicas-municipales.html>. Accessed 19 January, 2022

has been agreed upon between PSOE and Ciudadanos (Alcobendas, Albacete, and Ciudad Real), Partido Popular and Ciudadanos (Badajoz), and between PSOE and Partido Popular (Cartagena).

The power of the national parties is overwhelming, especially in the most important municipalities, as shown in Fig. 7.1: of the 81 Spanish municipalities that are provincial capitals or with more than 100,000 inhabitants, the PSOE governs 44, the Partido Popular 16, and Ciudadanos 3, to which should be added some of those supported by Podemos and its confluences.

As previously mentioned, there are also clear divergences in some of the Autonomous Communities, which would seem to reflect a differentiated political culture, as is the case of the electoral map of Catalonia, the Basque Country, and to a lesser extent, Galicia. In these regions, parties of an autonomous nature are of great importance, be it due to their identity or cultural dimension.

Indeed, the electoral map of the Basque Country is very different from that of Spain as a whole, since the nationalist political forces comfortably exceed 60% of the vote, while the Basque Socialist Party and Podemos should not be considered mere local branches of the national parent parties. The purely national Partido Popular barely obtained 5.87% of the vote (Table 7.9).

The Basque case can be transferred to the electoral results in Catalonia. In this territory, the nationalist and Catalan nationalist forces occupy the leading positions. It should be noted that the Catalan Socialist Party, with its social democratic, Catalan and federalist ideology, is a party associated with the PSOE but not a local branch of the PSOE. Hence, the nationalist or Catalan forces almost monopolize the municipal vote, while the purely national parties obtain meager results: 5.11% for Ciudadanos and 3.11% for the Partido Popular (Table 7.10).

And of course, the contrast is stark when compared to what is happening in the rest of the country's Autonomous Communities, particularly in the country's

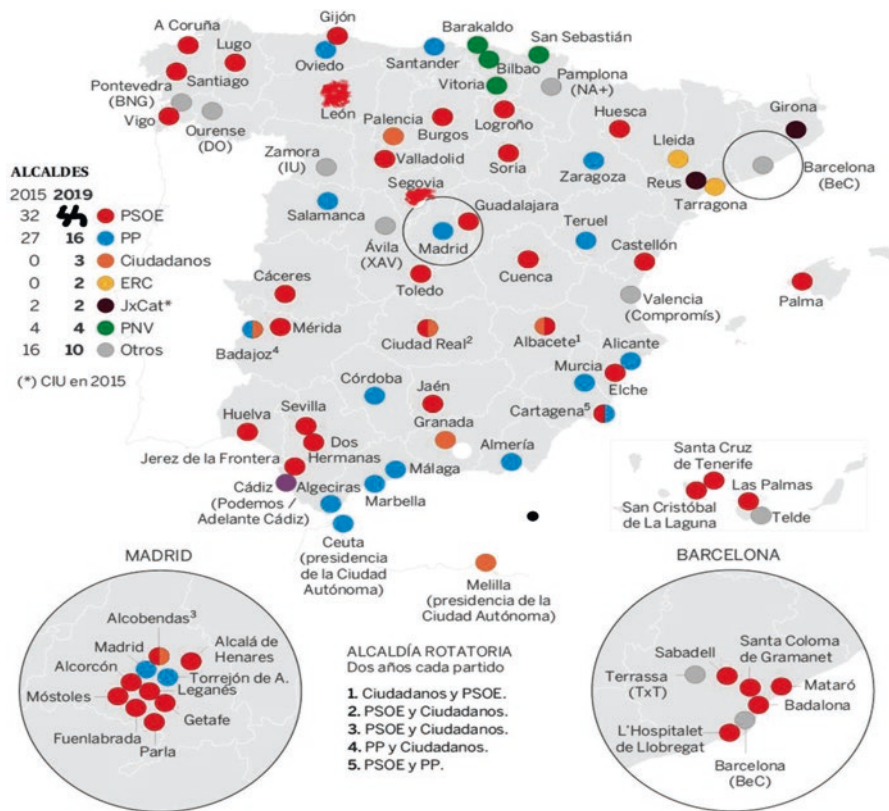


Fig. 7.1 The governments of Spain’s main municipalities. (Source: Reproduced from https://elpais.com/politica/2019/06/12/actualidad/1560357831_316667.html)

Table 7.9 Most voted parties in the Basque Country’s 2019 municipal elections

Party	Votes	%	No. of Councilors
EAJ-PNV	408,462	36.24	1057
EH Bildu	279,478	24.79	930
PSE-EE	181,489	16.1	228
PODEMOS, EZKER ANITZA-IU, EQUO BERDEAK	82,474	7.32	65
PP	66,192	5.87	55
PODEMOS-EQUO	4800	0.43	9
LVP	3885	0.34	12
AZK	2728	0.24	4
ZB	2087	0.19	5
ABOTSANITZ	1924	0.17	4

Source: Own design based on <https://resultados.elpais.com/elecciones/autonomicas-municipales.html>. Accessed 19 January, 2022

Table 7.10 Most voted parties in the Catalan municipal elections (2019)

Party	Votes	%	No. of councilors
ERC-AM	819,845	23.48	3107
PSC-CP	765,236	21.92	1315
JUNTS	537,463	15.39	2798
BARCELONA EN COMÚ-ECG	302,599	8.67	258
Cs	178,330	5.11	238
Capgirem BCN-AMUNT	121,274	3.47	335
PP	108,269	3.1	67
BCN Canvi-Cs	99,494	2.85	6
TxT	27,970	0.8	10
PODEMOS	19,736	0.57	18

Source: Own design based on <https://resultados.elpais.com/elecciones/autonomicas-municipales.html>. Accessed 19 January, 2022

Table 7.11 Most voted parties in Castille and León municipal elections (2019)

Party	Votes	%	No. of Councilors
PP	481,110	34.82	6685
PSOE	448,411	32.45	3836
Cs	137,719	9.97	745
VOX	33,134	2.4	64
IU	26,409	1.91	54
UPL	20,039	1.45	152
TOMA LA PALABRA	20,038	1.45	24
PODEMOS	16,514	1.2	27
XAV	14,614	1.06	80
C.BIERZO	5587	0.4	25
PODEMOS-EQUO	5327	0.39	8
P.P.SO	4658	0.34	78
IL	3825	0.28	7
GP	3651	0.26	11
AHORA DECIDE	3320	0.24	97
IU-TOMA LA PALABRA	3266	0.24	24

Source: Own design based on <https://resultados.elpais.com/elecciones/autonomicas-municipales.html> Accessed: 19 January, 2022

interior. In Castile and León, for example, the aggregate vote in favor of the national parties is simply overwhelming, despite the emergence of some nationalist or autonomist parties, such as the Unión del Pueblo Leonés, which has a certain presence in one of the provinces, or other minor local parties (Table 7.11).

In short, we can conclude that the Spanish municipal political map generally incorporates elements of political nationalization but without ignoring the fact that there are Autonomous Communities with their own singularities, since they are dominated by parties other than those at the national level, and where even the national-level parties do not always constitute mere organizational extensions of

their main label, but formations that enjoy broad autonomy. To complete the picture, it should be noted that in recent years electoral platforms have emerged, made up of different parties and citizens' movements, which have successfully competed in some cities and municipalities. It is to be expected that this movement will increase as the so-called Empty Spain (large areas of the country suffering a serious process of demographic, economic, and social regression) becomes aware of its situation and of the need to organize itself on a political level to reverse this situation.

7.4.3 Main Features of the Local Political System. The Impact of Local Political Leaders

In the following lines, the aim is, on the one hand, to depict the local political system and, on the other, to qualify some of the common areas that are identified, both academically and socially, as typical of the Spanish local government political system, including their consideration as second-tier elections, profoundly nationalized and presidentialized. To conclude, a brief assessment of the Spanish municipal electoral system will be performed.

7.4.3.1 Second-Tier Elections?

Municipal elections have generally been conceptualized as second-tier elections, meaning that they are subordinate to political factors at other levels of government, especially the national level, and that citizens show less interest in them.

In Spain's case, considering local elections as second-tier is perhaps too simplistic. The importance of these elections is supported by a number of factors: firstly, and of great significance, is the fact that these elections determine who will occupy the governing bodies of more than 8100 local governments, and indirectly, the governing bodies of the provincial councils; secondly, an agenda contemplating specific interests is gradually being incorporated and linked to the great global challenges (especially in urban municipalities); and, finally, it is the area in which citizen participation is most direct and simple, anticipating to a large extent the social changes and preferences that will later be perceptible on a political plane at other levels of government. On the other hand, if we take as an indicator the percentage of the census that has voted in the Spanish congressional elections compared to the municipal elections, we find that, although there is a higher turnout in the general elections, the difference is not overwhelming, and is in line with comparative experience (Table 7.12). Thus, these relevant factors suggest that considering local elections as second-tier should be reviewed along with adequately weighing their importance in the Spanish political system.

Table 7.12 Participation in the general and municipal elections (% of the electorate that voted)

General elections	Municipal elections
66.23% (Nov. 2019)	65.19% (May 2019)
69.67% (Dec. 2015)	64.91% (May 2015)
68.94% (Nov. 2011)	66.16% (May 2011)

Source: Own design based on infoelectoral.mir.es

7.4.3.2 Nationalization of the Local Political System?

Somewhat related to the conceptualization of local elections as second-tier is the idea that the local political system is subordinated to national political factors. This postulate is based on the importance of national-level parties in the distribution of the municipal vote in the terms discussed above. In principle, this would imply that national interests prevail over local interests and that there would be an intense identification between local results and the local party system, with respect to national results and the national party system; hence, local governments would become an extension of the competition between national parties. However, this position, based on the analysis of aggregate data, does not take into account basic aspects that require further research. Firstly, because addressing the importance of the results of the various parties is different from understanding the processes by which voters vote for one candidate or another and whether or not factors exogenous to membership of a national party exist. Secondly, because it is clear that in the territory of some Autonomous Communities, rather than nationalization, we should speak of regionalization of local politics (especially in the case of Catalonia and the Basque Country). And lastly, because it does not take into account the importance of local platforms, parties, and candidates in electoral results. In other words, the conclusions that emerge from the analysis of the results in aggregate terms lead us to assumptions about the nationalization of electoral results that are highly nuanced (Carrillo 1989, 1997).

One indicator for discerning whether an election responds to national criteria is to understand the issues the political agenda and the electoral discussion focus on. There is little empirical evidence on this, except that obtained in the 2011 and 2015 Andalusian elections, in an Autonomous Community in which the nationalization of the results in aggregate terms is verified, shows that the electoral discussion, as felt by citizens, largely focused on local issues, and much less on national or regional ones (Ortega-Villodres and Recuero-López 2020). This leads us to think that when citizens cast their vote, they are not swayed by the national party component but rather by the fact that the electoral process deals with local issues, leading to a strong personalization of the candidates, who, in turn, are attached to national-level parties.

Thus, while studies have traditionally emphasized the predominant influence of national (nationalization), regional (regionalization), or local (localism) aspects on municipal electoral results, the Spanish situation is more complex. In fact, several of these factors may be present simultaneously, but the data also suggest, in line

with the Spanish system of intergovernmental relationships, that there is a growing awareness of the interdependence of the levels of government with respect to the most important public policies. Thus, national, regional, and local or interdependent logics could appear in a local electoral process without being mutually exclusive, although one of them usually prevails.

7.4.3.3 Presidentialization or Personalization in the Local Political System?

It should be immediately clarified that “presidentialization” of the main candidates in elections is conceptually different from the conception of the local political system with presidentialist overtones in the terms explained in Sect. 7.3.1 of this chapter. In the latter case, the aim was to emphasize the institutional strength enjoyed by the mayor with regard to the oversight and control body (the plenary); in presidentialization, however, the emphasis is placed on the candidate and the conduct of a particular campaign for him or her in which the candidate imposes himself or herself on the institutional logic and has a high degree of autonomy regarding the party. In the Spanish local world, this phenomenon is reinforced by the proximity of the candidate to the voters and by-elections being identified with the act of electing a mayor and not so much with the configuration of the corporation from which the candidate emerges.

Delgado and Redondo (2020) consider that, in the Spanish case, the degree of presidentialization decreases as the size of the municipality increases, perhaps due to the difficulty of direct contact and the greater consideration of party political programs in more populated municipalities.

On the other hand, there is a more transverse process than presidentialization: personalism understood as that personal or direct relationship between voter and citizen that dilutes the “party” factor, and which is detected in small, medium, and large municipalities. This personalization enhances the possibility of independent candidacies emerging and succeeding.

Presidentialization and personalization of politics are concurrent phenomena but not synonymous. Spanish local elections incorporate a high component of personalization, but they have also progressively incorporated features of presidentialization in specific cases. In municipal elections, ideological factors and party identification exert less influence, which is both a cause and a consequence of personalization and allows for presidentialization Delgado and Redondo (2020).

7.4.3.4 Assessment of the Local Electoral System

Elections are of great importance for the peaceful survival of democratic societies and are therefore part of their institutional capital. The role of democratic elections is to generate participation, produce a representation, provide governance, and offer legitimacy (Torrens 2006).

Spain's municipal elections, after more than four decades of democratic existence, have contributed to generating participation, bringing out the political preferences of citizens, who can choose between different political programs or simply exert political influence.

Municipal elections have generated representation, helping to select and elect local political elites and, indirectly, the rest of the levels of political power, as multilevel political careers starting from the municipal level are frequent (Jerez et al. 2019). Such representation reasonably reflects the pluralism of local society.

Municipal elections have fulfilled their function of providing local governments with sufficient political support, with an opposition that controls their action and providing general direction to municipal public policies.

Lastly, municipal elections have contributed to legitimizing the political system, either by facilitating political socialization and the shaping of political culture through the interaction of the political elite with public opinion or by generating public acceptance of the political system, political parties, and government.

Although these functions are performed, this fact should not lead to a complacent view of the electoral system, as there are aspects that could be improved (Magre and Bertrana 2020). Among them, it has been criticized that in some cases, it does not allow the candidate from the most voted list to govern, which leads to situations in which there are pacts between councilors from different minority lists, with very different programs, but who agree under different formulas (coalition, selective support without forming part of the municipal government, etc.) to support a mayor who does not come from the most voted list. The majority of the political forces have proposed direct election of the mayor through a majority system (PSOE) or a system of rewarding the majority candidacy (PP) (Navarro and López Nieto 2020); however, they have not achieved a sufficient degree of consensus to modify the regulations. On the other hand, serious criticism comes from the analysis of the degree of proportionality of the two electoral systems applied in the municipal world. In principle, although there is always a deviation, proportional formulas provide a more accurate approximation to the principle of equality (one person, one vote) and the representative ideal. An analysis of the data (see Table 7.13) shows that the Spanish municipal electoral system tends towards a notable disproportion, essentially derived from the concentration of population in a small number of municipalities (according to the INE (National Statistics Institute), in 2015, 85% of municipalities in Spain had fewer than 5000 inhabitants, concentrating 16% of voters; while municipalities with more than 2000 inhabitants account for 3.5% of municipalities and concentrate 65% of voters). In this sense, the data offered by Delgado and Redondo (2020:334) show how disproportion increases with the number of inhabitants. This derives from the design of the distribution of councilors by population brackets since the ratio of inhabitants per councilor ranges from 33 per councilor (municipalities with up to 100 inhabitants), to 57,989 inhabitants per councilor in the city of Madrid.

Table 7.13 Inhabitant/councilor in the municipal electoral system

Inhabitants per municipality	Councilors according to LOREG	Inhabitants/Councilor	Electoral system
Up to 100	3	33	Majority
101 to 250	5	20, 2–50	
251 to 1000	7	35, 8–1428	Proportional
1001 to 2000	9	111, 2–2222	
2001 to 5000	11	181, 9–4545	
5001 to 10,000	13	384, 7–7692	
10,001 to 20,000	17	588, 3–11,764	
20,001 to 50,000	21	952, 4–2381	
50,001 to 100,000	25	2,000, 1–4000	
More than 100,000	25+ an additional one for every 100.000 inhabitants	Variable depending on population	
Barcelona	41	39,920	
Madrid	57	57,989	

Source: Delgado and Redondo (2020), completed with Barcelona and Madrid data in 2021

7.5 The Importance of Local Leadership

As regards some of the international literature, Rallings and Thrasher (2003) argue that local candidates may have greater importance than they have been given in the past. Firstly, because the local level is a favorable setting for dual voting (voting for a candidate of a different party than the one voted for in the national elections), especially since the local candidate is often known directly. This suggests that local candidates of national parties tend to identify with or differentiate themselves from their party, depending on whether they see the party label as beneficial or detrimental. This would make it possible for local citizens to vote for candidates from parties different to those voted for in other elections, not so much because of the electoral label but because of the leader who represents them at the local level. Local leadership, therefore, is a critical factor in determining the vote, which does not indicate that it excludes other elements (nationalization, regionalization, etc.), the prevalence of which will be in accordance with the context and the hierarchy of issues (local, regional, or national) that appear relevant during the electoral process. Thus, as indicated above, we would be talking about local politics but in an interdependent framework of policy arenas.

A recent study Ortega-Villodres and Recuero-López (2020) makes a meritorious effort to analyze some of the dimensions related to the electoral process and the study of voting motivations. This study looks at the local elections in Andalusia in 2011 and 2015, and although the results are not totally applicable to the whole of Spain, they are nevertheless a valid approximation for drawing general conclusions, especially when the 2015 data already include the presence of the emerging parties: Ciudadanos and Podemos. Andalusia also has the advantage of being one of the few Autonomous Communities (along with Catalonia, the Basque Country, and Galicia)

that is not obliged to hold its municipal elections in conjunction with the autonomous elections, which would avoid excessive “regionalization” of the electoral debate, and which also incorporates in the electoral surveys questions on national and local leaders in the electoral context.

In the analysis, firstly, from the point of view of the aggregate results, it can be verified that the percentage of the vote for national parties is high, which would support the nationalization of the local political system. However, this does not necessarily indicate that voters mainly follow national criteria when casting their ballots, as the vote could have been induced by local factors or thanks to local candidates. The analysis of the process (individual, the authors call it) provides further evidence of the factors that help voters move from preferences to votes. Aspects such as the issues that dominated the electoral campaign in the municipalities become essential, since focusing on national, regional, or local issues could condition the direction of the vote. The results indicate that, contrary to what might be expected, citizens largely perceive the election campaign to have focused on local issues (57.9% and 64.1%), while those who consider that the political debate was monopolized by national issues only amount to 22%.

The study’s findings show that in the local elections analyzed, voters were strongly influenced by local candidates and to a lesser extent by national and regional leaderships. The results show the great importance of local leaders, who are not necessarily subordinate to the electoral influence of leaders at other levels. That said, there is also evidence to support the interdependence between levels of government, for if local leaders condition the vote, the rest of the leaders also have an influence (especially if it is a question of prioritizing the vote between parties of the same ideological spectrum).

Another noteworthy aspect of local leadership is its role as a gateway, a learning tool, and a mechanism for promotion within the political world. The analysis of the biographies of politicians at other levels of government shows that a significant proportion of them began their political life as councilors (for example, two of the last three Spanish government presidents began as councilors: Pedro Sánchez in Madrid City Council and Mariano Rajoy in Pontevedra City Council). IGR studies (Crespo-González 2021; Stein 1984) show the importance of public officials having had multilevel political-administrative careers since, in addition to providing a better knowledge of the grassroots reality, it generates a relationship culture more prone to cooperation and shared management, a real Achilles’ heel of polycentric political systems, with a strong internal distribution of power.

The aforementioned makes particular sense as regards the figure of the Spanish mayor. The leadership of the mayor, regardless of his personal characteristics, which can undoubtedly play favorably in the most charismatic cases (for example, Abel Caballero in Vigo City Council), is based on a solid institutional and social position. In the first place, as is well known by now, thanks to the strength that the regulations grant him with respect to the municipal political and administrative organization (what we call a strong mayor profile with presidential overtones), the position he occupies in the municipal society he serves, particularly regarding the citizens, their associations, businesses and the rest of the public administrations at

the various levels of government. Some mayors tend to project their actions beyond the municipality and participate in the municipalities' federations, in regional cooperation bodies, in the different supra-municipal cooperation bodies (local partnerships, consortiums, etc.), provincial councils, and in very specific cases, may extend their influence to the meetings of the sectoral conference for local affairs, the National Commission for Local Administration, or even the European Community institutions. Therefore, although in varying ways, depending on the personality of the mayor and the power of the municipality, he/she plays an important role as manager of interdependencies within and outside the municipality, facilitating State governance.

7.6 Conclusions

The main findings from the analysis carried out are the following:

Firstly, to speak of a local political system is to evoke the existence of more than 8100 municipalities or grassroots local governments, very different in terms of context, population, and powers. It can therefore be affirmed that it is an extremely diverse system, fragmented and, in terms of percentage, dominated by small municipalities of a rural nature.

Spanish local legislation designs a profile of a strong mayor with significant powers over appointments and internal organization and, although with certain nuances, holds a privileged position with regard to the control and oversight body (the plenary) since he presides over it and regulates its sessions. However, he does not have the power to dissolve it nor to call elections, and a vote of no confidence can be proposed against him. This asymmetrical power in favor of the executive body, together with the political powers of the incumbent and ad extra representation of the City Council, produces a presidential-type effect that has been highlighted in the literature.

The aggregate treatment of the municipal election results of 2019 reflects a situation dominated by the national parties (especially the PSOE and the PP, and to a lesser extent Ciudadanos, Podemos, and Vox). However, the profound regionalization of the municipal map in the Basque Country and Catalonia should be highlighted, where nationalist or regionalist parties obtain a very large majority of support. The rest of the country, especially the country's central areas, responds to the general pattern of great strength enjoyed by the national-level parties, as opposed to the nationalist or regionalist parties, which obtain a low proportion of the vote, with the relative exception of Galicia.

A careful analysis allows us to clarify or question some old assertions about the Spanish local political system. Firstly, it is debatable whether it can be called second tier or level because the differences in participation compared to other first-tier electoral processes are not so relevant; moreover, it applies to more than 8.100 different local governments, a strategic level of local government actively participating in issues on the global agenda and advance towards achieving the Sustainable

Development Goals (SDGs). Secondly, the nationalization of local electoral results has been questioned, as there is evidence that autonomous and local factors also have a decisive impact, and because an interdependent vision of the political system is gradually gaining ground, as a large part of public policies have a multilevel component. Thirdly, it has been found that Spanish municipal elections are strongly influenced by the personal factor (personalism) and, to a lesser extent, by presidentialization.

The Spanish electoral system, which has undergone certain reforms since the 1985 LOREG, has been able to adapt to the context while maintaining its fundamental elements, thus encouraging participation, generating representation, providing government, and offering legitimacy, which are the predictable aspects of any healthy electoral system.

Finally, it can be concluded that the institutional and organizational design of local governments, together with electoral legislation, favors a very ad intra powerful and ad extra interactive mayoral profile, which allows them, especially those belonging to medium-sized and large municipalities, to participate in policy networks and cooperative bodies between levels of government, an aspect that configures them as managers of interdependencies and allows them to set their own profile. In addition, local politics, together with training, induction into the public sector and contacts, often provide leaders with the possibility of a political career at other levels of government, which could ultimately improve the integration of the RGI system.

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Chapter 8

Citizen Participation and Democratic Innovation in Spanish Local Governance



Roberto L. Barbeito and Ángel H. Iglesias Alonso

Abstract Through a documentary methodological strategy, which includes academic literature, official documents, and reports compiling experiences, this chapter examines the change in the structures of citizen participation that has taken place in Spanish local governments as a result of the transformative pressure exerted by new political actors and their experiences of democratic innovation over the past decade. The text presents the general features of the Spanish model before and after this change and also offers a panoramic view of the peculiarities exhibited by the participatory experiences of social and democratic innovation deployed by these new actors in local communities and governments. The chapter concludes that, in a uniquely favorable context, Spanish local governments were quite permeable to the transformation of the participation model, turning it into a transversal policy that fosters participatory democratic innovation. However, it is not clear whether this new policy (the so-called local participatory governance strategy) will withstand the change in the political cycle.

Keywords Local government · Local communities · Social movements · New political actors · Participation · Participatory governance · Spain

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8.1 Introduction

So far this century, general diagnoses have been accumulated on the crisis of liberal representative democracy, at least in its current version, dominated by the logic of the market, the media system, and digital platforms. The list of works, the reasons they provide, and the foreseeable consequences they anticipate are long, as a simple review of some of the most cited reveals: i.e., Crouch (2004, 2020), Mair (2013), Castells (2017), and Mounk (2018). With disparate approaches and explanatory factors, these types of contributions tend to coincide in pointing to the growing gap between the interests of representatives and the represented as a central element of the crisis. This gap is reportedly severely weakening citizens' control over the political decision-making process, with the consequent deterioration of both the effectiveness and legitimacy of democratic regimes. Consistent with these analyses, a comprehensive compilation of research conducted worldwide over the last 50 years shows, in fact, the highest levels of citizen disaffection towards democratic institutions ever recorded, including in rich countries and older democracies (Foa et al. 2020). Empirical evidence also reveals the global advance of political polarization and distrust, coinciding with the decline of political freedoms and rights (Repucci 2020).

The deterioration of liberal democracy is often interpreted as evidence of the structural limitations of the electoral logic and representative institutions of today's nation-states to manage complexity (Dahl 1989), but it is also interpreted as an effect of a broader systemic crisis induced by neoliberal globalization (Posner 2011, Mason 2015). In this line of thought, the crisis of the democratic process would have been accelerated and intensified by the global financial crisis of 2008, the Great Recession, and the austerity policies that were implemented in many countries under the pretext of resolving it, in confluence with the political effects exerted by the media system and digital platforms (Gil-Calvo 2018).

Whatever the depth and nature of the crisis of liberal democracy (according to Schumpeter, a competition between elites for the electorate's vote), it seems to have contributed to the spread and strengthening of paradoxical political trends. On the one hand, it has favored the global rise of populism (especially the radical far right), as well as the widespread deployment of technocratic governments and policies by mainstream parties (Barbeito 2020; Barbeito and Iglesias 2021). On the other hand, however, the crisis has stimulated the demand for democratic renewal, with more participatory and deliberative practices guided by the principle of self-government (Castells 2015).

This demand for democratic renewal has been carried out, especially by new types of political actors, made up of a huge and heterogeneous spectrum of social movements and activists, neighborhood groups, private organizations, and individual citizens who have been coordinating efforts with quite varied motivations, with the protests against austerity and structural reforms being a key rallying point for their demands and proposals (Mason 2013).

Beyond the classic framework of social movements as agents that mobilize resources to make demands visible and influence policies, these new political actors are behind the proliferation of numerous hybrid projects and experiences of social and democratic innovation, combining methods of direct, representative, deliberative and participatory democracy, which are rapidly evolving through daily practice. In general, these experiences seek to solve concrete problems but also to develop decision-making methodologies whose first field of application is the movements themselves. The ultimate goal, however, is often to transfer these practices of social innovation to the realm of politics, as democratic innovation, not only to put pressure on governments so that their demands are met but also, and above all, to promote democratic practices more akin to the idea of self-government. So much so that Della Porta (2020) has suggested that these new actors, who advocate democratic innovation based on social innovation, constitute the main hope for a genuine renewal of democracy, thus overcoming the rigid corsets of liberal institutions so that both the scenario of populism and that of oligarchy and technocracy can be avoided.

The experiences of social and democratic participation and innovation deployed by these new political actors take place mainly at the level of communities and local governments, especially in urban spaces, although the initiatives are often highly integrated with national and international networks of exchange of experiences and pooling of resources, often relying on digital technologies (Sorice 2019).

In Europe, many of these initiatives seem to have been well received by local governments, perhaps to mitigate the protests in the context of the Great Recession and austerity policies. Although long before this adverse context, European local governments had been pioneers in gradually opening up to citizen participation, as set out in the European Charter of Local Self-Government (Iglesias and Barbeito 2021). The European position is also coherent with the push that, since the 1990s, has been made by numerous international organizations to place the participation of citizens and local communities and governments as an indispensable axis of action for the solution of global problems. This pressure coincides with the application of new models of governance in the field of public administration (with a neoliberal bias), which emphasize collaboration between levels of government and between political, social, and business agents.

Spain is an eloquent case of these transformations. In the context of the Great Recession, the large-scale citizen protests commonly known as the Indignados, or 15-M Movement, took place. These protests had a marked political purpose: to denounce the deterioration of representative institutions and propose a profound democratic renewal guided by the principles of self-government or radical democracy. In 2015, just 4 years after the first protests, the demands began to be channeled politically through the access of very diverse citizen candidacies to local governments across Spain, giving rise to the self-styled 'governments of change.' Combining digital and non-digital means, these local governments incorporated into local politics numerous participatory and deliberative projects that had been tried before within social and citizens' movements and which maintained strong collaborative links with other experiences inside and outside Spain. A decade after

those protests began, the new political actors have lost some of their institutional presence and strength in Spanish municipalities. However, they managed to generate a new sensibility of openness towards genuine democratic innovation on the part, at least, of local governments, which have incorporated many of their demands (channeling them institutionally) through the new paradigm of local participatory governance.

This chapter examines precisely the change in the structures of citizen participation that has taken place in Spanish local governments as a result of the transformative pressure exerted by new political actors and their experiences of democratic innovation over the past decade. The text presents the general features of the Spanish model before and after this change and also offers a panoramic view of the peculiarities exhibited by the participatory experiences of social and democratic innovation deployed by these new actors in local communities and governments. The main objective is to observe how these innovations have been received in local governance policies and strategies. For a proper contextualization, the chapter includes a clarifying exposition of the conceptual and historical framework of democratic innovation and citizen participation.

The methodological strategy adopted is documentary. It combines the analysis of specialized academic literature with information produced by different relevant official sources (Spanish Federation of Municipalities, URBACT City Labs of the homonymous European Union program, InnoLabs Network of the Ibero-American Science and Technology for Development program) and relevant non-official sources: collaborative digital platforms maintained by new Spanish and European policy actors (ciudadesdelcambio.org, constelaciondeloscomunes.org, dcntproject.eu), as well as one of the most prominent international data collection projects and international resources (participedia.org).

8.2 Citizen Participation and Democratic Innovations at the Local Level

As advanced in the introduction, participation is often mentioned as a remedy or relief to the loss of legitimacy affecting representative democracy, although it is also sometimes proposed as a way to promote the effectiveness of outcomes. The demand for greater participation is in fact often interpreted as one of three characteristic citizen responses to the crisis of democracy in its current form (Sorice 2019), often referred to as audience democracy, market democracy, or post-democracy. The other two citizen responses would be, on the one hand, apathy, which, in turn, would lead to anti-political attitudes; and, on the other hand, the demand for greater control over representative institutions, either by appealing to technical corrections that favor the accountability of representatives or by introducing some simple tools of direct democracy (referendums, citizen initiatives). In contrast, the participatory

response proposes active citizenship, that is, a broad and effective engagement of citizens in the political process, particularly in policy-making.

Indeed, the concept of participation is extremely confusing. Depending on who postulates it, participation can imply different purposes and methods of selection and decision-making, complementary or antagonistic to representative democracy. A brief conceptual clarification is therefore necessary, which also extends to the concept of democratic innovation since, as will be seen, this is closely linked to the promotion of participatory practices.

8.2.1 The Meaning of Citizen Participation

Every model of democracy involves some form of citizen participation. In a representative democracy, fundamental participation is confined to the right to vote in competitive elections and to political activism within parties and other representative institutions. These are responsible for producing public decisions. Consequently, citizens' participation in decision-making is indirect, as decisions are made by representatives once elected through citizens' electoral participation. This is what is called conventional participation through personal or collective representatives (Sorice 2019). Indirect participation is what makes the gap between representatives and represented possible. Periodic competitive elections, subject to the logic of the market for votes, lead to a struggle for the visibility of the political offer and encourage citizens to adopt the role of passive consumers of the political spectacle. Politics is thus left in the hands of the managers of visibility, who are fundamentally the media and digital platforms, in such a way that they themselves become decisive active political actors (Gil-Calvo 2018). On the other hand, electoral logic forces representatives to be permanently concerned with maintaining or improving their position or make decisions thinking about their future outside the representative activity, even if this harms the interests of those they represent.

In the majoritarian model of representative democracy, participation can also be exercised, but in a complementary and very limited way, through direct voting, or support by means of signatures, so that citizens can express themselves univocally on an issue on the political agenda (or to set a new one). This is the case for most referendums and citizens' initiatives. This kind of plebiscitary direct participation tends to be consultative, not binding, and is preferably used when there is a particularly controversial issue to be decided or when it involves changing the rules of the political game. It is also a resource to mitigate political disaffection when citizens denounce the gap between the interests of those who present and those who are represented. Hence they are often included as a tool in the repertoire of democratic innovation, as will be discussed below.

Sometimes, when levels of electoral participation or political activism within representative institutions are very low, or when politicians are the object of strong popular rejection, other, more engaged forms of participation are considered. These initiatives are usually a response to pressure from citizens themselves, individually

or organized collectively, and have tended to come under the heading of nonconventional participation because they do not involve the election of representatives or policies through voting. The term unconventional participation has historically been applied to a very varied repertoire of citizen complaints and protests that were hardly regulated by the public authorities. Since the last third of the twentieth century, however, more peaceful forms of protest have been integrated into the political process through various formulas of democratic innovation: citizen surveys, concertation between representative governments and formally constituted interest groups, the design of mini-publics to assess or suggest policies. On the other hand, the more violent forms of protest (or simply the more conspicuous ones) gave rise to even less formalized formulas for participation, which, as will be seen, in recent years have also been integrated into the set of practices of democratic innovation.

Academic literature often contrasts participation with deliberation. So much so, participatory democracy is often referred to as something substantially different, even opposed, to deliberative democracy. This distinction has usually been justified because, while the former emphasizes participation as a source of legitimacy, the latter focuses on decision-making procedures that can foster effective outcomes (Sintomer 2019).

The deliberative democracy approach (advocated by such prominent authors as Habermas and Rawls) does not question representation (i.e. the indirect participation of citizens) but rather posits itself as a complementary set of decision-making procedures that should be gaining practical ground within representative democracy (Sintomer and Ganuza 2011). Dahl (1970) argued that deliberation should be based on a small selection of citizens (preferably by means of a representative sample of the population, or at least a randomly selected set) who would be provided with the necessary resources to develop their deliberation in the best possible conditions of contrast and reflection. As will be seen, the practice of deliberation shows that it is also compatible with other selection methods: self-initiative, nonstatistical representation of interest groups, and choice. With regard to the method of decision, it is also open to various possibilities: majority vote, transactions, and negotiation, although the preferred methods are usually convergence or consensus. In other words, deliberation assumes that citizens, if they are well-informed and have an environment conducive to dialog and reflection, can overcome their own prejudices and arrive at significant attitudinal and preference changes through the dynamics of the deliberative process. What is important is that all participants have an equal chance to decide and, as far as possible, have an equal chance of being selected to enter the deliberative process.

The participatory democracy approach, however, stresses the intrinsic value of direct participation. The supreme objective is to include as many citizens as possible in the decision-making process as openly as possible (ideally, those who freely wish to do so). Of course, the approach is committed to political equality, in the sense that all citizens who so wish should be able to participate in decision-making and their decisions should carry equal weight. However, this approach is often not as careful about guaranteeing the conditions of access and the resources required to make competent, contrasted, dialogued, and reflective decisions. The methods of

selection and decision-making, as well as the results obtained, are important aspects but secondary to the main one: that any citizen affected by a decision should be able to participate in the decision-making process if they really want to and that their decision-making power should be equal to that of others.

Participatory democracy is often confused with radical democracy. The latter is not really a defined model but simply expresses the aspiration for self-governance, based on the assumption that this requires both broad direct citizen participation in the decision-making process and decision-making methods that facilitate well-informed and contrasted discussion under the common principle of political equality (Sintomer 2017). Consequently, the aspiration for self-governance (so-called radical democracy) serves to guide both deliberation and participation, which shows that these are not conceptually antagonistic approaches. Albeit with varying emphases, deliberation and participation pursue higher quotas of self-governance and wiser decisions. In fact, this is possibly the majority assumption today among practitioners of democratic innovation, even among those who promote fundamentally participatory formulas: to contribute to both the legitimacy and the effectiveness of the democratic process, starting by stimulating the former and trusting that, given the right conditions, the latter will emerge (Sintomer 2019). Ultimately, this presumption refers back to the relationship of mutual dependence already suggested by Lipset in his classic work.

8.2.2 Democratic Innovation: Meaning and Repertoire of Practices

A widely cited definition identifies democratic innovation as the set of institutions and technical procedures that are specifically designed at the levels of government to increase and deepen citizens' participation in decision-making (Smith 2009). This definition presumes that innovation is promoted top-down. As will be discussed in more detail in the next section, this need not be the case. Rather, it can be anticipated that, so far this century, democratic innovation has been driven mainly in the opposite, down-top direction, at the initiative of new socially-based political actors. They have pushed for their innovations to be taken up by established mainstream governments, but they have also introduced them themselves by contesting elections through new parties or citizens' candidacies and finally reaching positions of government. These two avenues of pressure seem to explain to a large extent the burgeoning development of open government initiatives in recent years, within the framework of which democratic innovations have developed.

Sorice (2019) identifies six common components that are presumed to be part of any experience of democratic innovation: inclusiveness, popular control, conscious decisions, transparency, efficiency, and transferability of results. The same author notes that they are also components of the various developments of Open

Government, a form of governance of administrations that is more transparent and collaborative with individual or collectively organized citizens.

When it comes to evaluating democratic innovation experiences, Sorice synthesizes the criteria provided by the specialized literature and proposes a scheme of five criteria to estimate the effect or result of those innovative experiences on each of them. Specifically, the effect on the following should be examined: (1) participation (both with respect to inclusivity—access to the innovative process—and significance (whether the innovation has contributed to shaping the agenda-setting or policies); (2) the perceived legitimacy of the political system as a whole; (3) deliberation (whether it fosters rationality, mutual respect, and the use of argued proposals in the political system as a whole); (4) effectiveness with respect to the achievement of broader common interests than those of the innovative experience; (5) citizens' civic-mindedness and active engagement.

The repertoire of democratic innovation practices subject to implementation and evaluation is enormous, and most of them have been deployed at sectoral or local levels. The aforementioned author proposes a classification into five main groups:

Mini-publics are a well-known type of democratic innovation. They are inspired by the proposal of Dahl (1970), who imagined them as an instrument of deliberative democracy, complementary to electoral representation, designed to encourage decisions that are more representative of social diversity, but, above all, more competent and thoughtful. In particular, they are proposed as a counterfactual strategy to general public opinion polls, seeking to avoid two risks: (a) the issuance of not very competent judgments due to the lack of contrasted information; and (b) the issuance of judgments biased by the particular interests (conscious or unconscious) of individuals or groups. Meticulously designed by experts, especially American and German, some of them have been patented and replicated hundreds or even thousands of times. This is the case, in this order, of citizen juries, consensus conferences, and deliberative polls (Sintomer 2019). They are usually applied in collaboration with governments and public administrations, but in a sectoral and consultative manner and with little or no continuity in the same space or for the same topic.

Mini-publics are conceived and implemented as experimental tests, in order to confirm whether certain theoretical assumptions are fulfilled in practice. They usually aim to test the circumstances and procedures that favor more consensual and competent outcomes. They focus on key points, such as the methods of selection of participants, the means of access to information, the objectives, times and spaces of deliberation, and the method of final decision. Participation is less of a concern for them, although they try to guarantee a certain social or at least stakeholder representativeness in the selection of participants. Therefore, they often use random selection techniques. Decision-making can follow different methods (majority voting, compromise, and negotiation), but convergence by common minimums or consensus is the norm.

Participatory Budgeting As the name suggests, participatory budgeting aims to directly involve citizens in the implementation of public policies that involve concrete action and a concrete budget. It corresponds more closely to the participatory democracy approach. With very diverse versions, it is possibly the most widespread and widely used democratic innovation since the beginning of the century, especially at the local level (Sintomer and Ganuza 2011). It pursues a twofold practical objective: (a) to bring citizens closer to their institutions, involving them in governance; (b) to implement policies that are more in line with citizens' needs or desires.

Participatory budgeting emerged at the end of the twentieth century in Latin America, linked to local communities and governments. The pioneering experience took place in Porto Alegre (Brazil), where, later on, the first World Social Forum was also constituted, a space (in person and virtually) that catalyzed the collective action of social movements and citizens from all over the world, united by their criticism of neoliberal globalization. Participatory budgeting soon became widespread throughout the world, especially in local governments in America and Europe. Unlike mini-publics, there is no patented model, and each experience adapts its procedures to its own practical needs. The selection of participants is usually open to both stakeholder groups and individual citizens, sometimes gathered in a common assembly. The method of decision-making is usually by majority vote.

Referendums and Citizens' Initiatives are part of the so-called plebiscite formulas of direct participation, which involve a decision by means of a vote. Historically, they are instruments used in a complementary manner within electoral representative democracy to decide on highly controversial issues or issues that affect the rules of the game. In fact, they are usually included (and therefore regulated) in constitutional texts and electoral legislation. In such cases, they do not usually require deliberation or active citizen participation. They are considered a democratic innovation when they are used for participatory purposes. In such a case, they sometimes involve deliberative processes or at least structured public information and discussion processes. They can also be used in combination with other innovations, such as participatory budgeting.

Collaborative Governance is a development of the ideas of governance that gained ground in the 1980s under the New Public Management model. Induced by neoliberal policies from the Anglo-Saxon world, this model promoted collaboration between public institutions, civil society, and private companies under principles of decentralization, outsourcing of services, and business-like management. Collaborative governance seeks transactional or negotiation agreements between stakeholders. It has evolved into more social and less economic versions, opening up to the idea of open government and, finally, participatory governance.

Digital Platforms The use of digital media, and specifically digital platforms, is often singled out as a democratic innovation. This is known as e-government. However, these tools seem hardly appropriate as genuine democratic innovation since what really defines them is the use that is made of them. In fact, the term

e-government actually hides three very different models of administrative management: managerial, consultative, and participatory. For the managerial model, digital media are simply a one-way, top-down information tool. For the consultative model, digital media facilitate more effective policies because they serve to listen to and interact with citizens and, above all, with stakeholders, although the whole process is centrally planned and coordinated by the corresponding government or administration. Finally, for the participatory model, digital technologies are at the service of genuine democratic innovation, i.e., they can be used to develop any of the democratic innovations described above.

8.2.3 Ways and Actors of Participation: The Waves of Democratic Innovation

Experiences of democratic innovation have had an uneven evolution and practical development. Sintomer (2019) describes the existence of two major waves at the global level. The first originated in the 1970s, in academic circles in the United States, while the second started in the first decade of the current century and has a less defined territorial origin, because it spreads across several continents almost simultaneously. Of course, both waves share the goal of improving the democratic process, reducing the gap between representatives and the represented and its various consequences. The fundamental counterpoint lies in the unequal social dynamics that surround them and hence their actors and approaches.

The first wave was promoted by expert, top-down advocates of the deliberative approach through various forms of consultative mini-publics. The implementation of their (usually proprietary) designs involved a wide range of public and private institutions, including private foundations, interest groups, and formally constituted associations, including professional ones. Perfectly compatible with the New Public Management and managerial and governance models, thousands of mini-publics (mainly citizen juries and consensus conferences) have been developed over five decades. However, their effect on policy, on social change, and, ultimately, on improving citizens' living conditions has been minimal, if not nonexistent. This is perhaps explained by the experimental nature of the designs and the nonbinding nature of the decisions taken, as well as the lack of continuity and, ultimately, their underlying elitism. After all, the goal pursued by the mini-publics was rather academic: to demonstrate that democratic decision-making could be improved by the intervention of deliberative mini-publics.

The second wave has a markedly different profile. It draws a down-top trajectory, led by social and citizens' movements, including NGOs, research centers, and formal and informal interest groups. Although their preferred space of action is urban, they are interconnected in complex collaborative networks at national and international levels. The implementation of participatory budgeting by these groups in local governments can be considered the beginning of the democratic innovation

experiences of this second wave, closely linked to the struggles against neoliberal globalization. The crest of the wave, however, was reached in the wake of the social protests that took place around the world in the context of the Great Recession and austerity policies.

Beyond their specific demands, the backbone of this second wave of protest movements was their democratic radicalism, in the sense that they demanded greater levels of self-government in order to reduce the gap between the interests of the representatives and the represented (Barbeito and Iglesias 2021). Their common purpose was to empower citizens by effectively incorporating them into binding decision-making processes so that policies could be more representative of their interests and needs. Hence its emphasis on participation rather than deliberation, insisting on the criteria of maximum inclusiveness (openness of the process) and horizontality (equality in decision-making).

As much or more than participatory, this second wave presents a hybrid approach (Sintomer 2019; Sorice 2019), as its promoters use all kinds of selection and decision-making methods. In fact, they indiscriminately incorporate preexisting tools (mini-publics, participatory budgets, referendums, citizens' initiatives, ...). But they do so with full creative freedom, adapting these tools to the needs of each problem and context. Similarly, they combine face-to-face and virtual spaces to establish information, transparency, consultation, participation, deliberation, or decision-making actions.

Unconcerned with guaranteeing the purity of procedures, the practical aim of the actors of this second wave is to solve concrete social problems and to act on social change by proposing innovative solutions, especially in local communities (Sorice 2019). In other words, they promote social innovation through practices that include decision-making procedures guided by the idea of self-governance. Subsequently, they try to transfer these practices to political institutions as a form of democratic innovation. They do this in two main ways: (a) by constituting themselves as new parties or citizen candidacies; (b) by collaborating with established governments, benefiting from the collaborative frameworks enabled by the paradigms of governance and open government.

8.2.4 The Reception of Citizen Participation and Democratic Innovation in Local Governance

The second wave of democratic innovation seems to have marked a turning point in democratic evolution and citizen participation processes. This is despite the backlash of radical right-wing populism and the revival of mainstream parties and technocratic politics after the Great Recession and global social protests. On the one hand, this wave has demonstrated its capacity to engage citizens in the political process and to achieve effective results. Some examples are particularly telling, such as the experiences of Iceland and Ireland. Hard hit by the effects of the

financial crisis, these two countries undertook successful constitutional reform processes at the beginning of the last decade using hybrid forms of democratic innovation, driven by citizens' movements and NGOs, which were necessarily embraced in the face of widespread popular discontent against representative institutions, and particularly against mainstream parties and politicians. Other striking examples of this inflection are the new political movements and parties that have emerged around the world as a channel for social innovation and democratic innovation practices. In Europe, the cases of 15-M and Podemos (Spain), Syntagma Square (Greece), Nuit Debout, and République en Marche (France), or Génération Nomination (Switzerland) are well known. Mainstream parties and even nonpolitical associations, which have incorporated many elements of democratic innovation, have not been left out of this wave of democratic innovation. Experiences have been documented all over the world, albeit with widely varying ambitions, paths, and continuity.

On the other hand, the second wave has been decisive for the consolidation of national and international networks to share knowledge and resources, both from the social and governmental spheres. This is the case of participedia.org, a global crowdsourcing platform for researchers, activists, practitioners, and anyone interested in public participation and democratic innovations, funded by the Canadian Social Sciences and Humanities Research Council (SSHRC) Partnership. It is also the case of new schemes of collaborative digital democracy and governance, such as wiki democracy and wiki government, which consist of the pooling of open digital public resources to share legislation and public policies, promoted by some local governments in conjunction with social movements.

Although there have been some striking experiences at national and regional levels of government, second-wave democratic innovation is mainly evident at the level of cities and local communities. Indeed, the greatest permeability to citizen demands for participation and renewal has come from local governments. Possibly this has been favored by several factors. Paradoxically, one may have been the pressure exerted by international organizations to act on global problems based on local democratic action, coordinated with other agents and levels of government. This push is very clear, and increasingly so, from major UN program such as Agenda 21, the Millennium Development Goals, and Agenda 2030. European local governments were early in their receptiveness to this decentralized but coordinated strategy. This was made clear in the Aalborg Charter, which has been expanded with successive agreements and municipal cooperation networks until reaching the URBACT program and the signing of the Leipzig Charter, which makes citizen participation explicit as one of the four pillars on which local policies in Europe must be based. Very recently, this program has promoted the URBACT City Lab initiative to promote citizen participation through the implementation of democratic innovations. Of course, as far back as 1985, citizen participation had already been considered an essential component of the European Charter of Local Self-Government, but at that time, no concrete mechanisms for its development were contemplated, and it was always conceived through the intermediation of representative associations of stakeholders and citizens.

Another factor that may explain the opening of local governments to citizen participation and citizen innovation experiences may be the effect caused by New Public Management in local administrations during the previous decades. This model (privatizing, mercantilist, and individualizing) set in motion the idea of governance, and with it, the need to incorporate stakeholders in management and decision-making (Wollmann and Iglesias 2011). Eventually, the idea of stakeholder was extended to the individual citizen, a circumstance that the new social movements have been able to take advantage of. This process resulted in a more participatory vision of governance, which is what lies behind the various open government and, more recently, participatory governance projects.

More factors can be mentioned. Very clearly, the urban roots of social movements and the greater proximity of local governments to citizens. Indeed, many of the concerns of social movements are concrete urban problems that urgently need to be solved and which fall within the immediate competencies of local governments or at any rate are related to them. These problems include the design and use of urban spaces, housing, public services (transport, waste, and security), as well as social and educational services. Finally, local governments' greater receptiveness to citizen participation and democratic innovation could be a way of meeting these demands before they can be expressed—and affect—higher levels of government. Under this assumption, local governments could be acting as a protective barrier to other levels of government, preventing citizens' demands for democratic renewal from reaching them because they are satisfied at lower levels.

Of course, local governments do not always welcome pressure to embrace citizen participation in the form of democratic innovation. The responses draw a considerable spectrum, depending on ideological assumptions, administrative cultures, and interests of the actors involved, as already observed by Sintomer and Ganuza (2011) at the beginning of the second wave in the case of participatory budgeting. In any case, the Open Government paradigm has flourished in the last decade, following the memorandum of the same name approved by the Obama administration in 2009 and which, in the Ibero-American countries, gave rise, in 2016, to the Ibero-American Charter of Open Government. According to the latter, this new administrative principle refers to the set of mechanisms that contribute to public governance and good government, based on transparency, accountability, collaboration and innovation, and broad citizen participation, including in the public policy decision-making process.

8.3 Overview of Citizen Participation and Democratic Innovation in Spanish Local Governments

With the logical nuances derived from cultural and institutional idiosyncrasies, as well as from the economic situation, over the last 40 years, local democracy in Spain has shown trends similar to those in most European countries:

decentralization, the preeminence of mayors to the detriment of collective bodies, broad competences in the provision of essential public services, externalization, privatization, internal competition, multilevel and multisectoral external collaboration (Wollmann and Iglesias 2011; Iglesias and Barbeito 2021). As seen in other chapters, the peculiarities of the system include the extensive powers of the autonomous communities and intermediate (regional) entities that have ownership of many local competences that are nevertheless exercised by municipalities.

Citizen participation in Spanish local governments is also within European patterns, including a fundamental change: the transition from a face-to-face-institutional model to a digital-individual model. This change has taken place in little more than a decade due to a confluence of multiple factors, including neoliberal globalization and cultural change, the generalization of digital technologies, and the evolution of the governance model inspired by New Public Management toward the open government paradigm. An unexpected but decisive factor is also the massive entry of new political actors into Spanish municipal governments in 2015, constituted as a political channeling of the large-scale citizen protests known as 15-M, or the Indignados movement. The following pages present this evolution up to the current local participatory governance strategy agreed by Spanish local governments through the Spanish Federation of Municipalities and Provinces (FEMP).

8.3.1 The Two Major Phases of Citizen Participation in Spanish Local Government

In Spain, the principle of citizen participation has been constitutionally protected (art. 23) since the restoration of democracy (1978), recognizing citizens' right to participate in public affairs, directly or through representatives. However, it is at the local level where direct citizen participation has been most developed, both from a legislative and applied point of view. With regard to legal protection, it is worth pointing out the promulgation, in 1985, of the Law of Bases of the Local Regime, as well as the ratification, in the same year, of the European Charter of Local Autonomy, being one of the first countries to sign it. Both texts expressly include the right to direct and indirect participation. The Law of Bases, in fact, defines municipalities as the basic entities of the territorial organization of the State and as immediate channels for citizen participation in public affairs (art. 1). The same Law (art. 18) considers it a citizen's right to participate in municipal management, although without detriment to the representative bodies (art. 69). Despite this legal protection, it was not until 20 years later (in 2005) that mandatory procedures were defined to effectively regulate citizen participation in local institutions. And this was done, rather, from informative and consultative approaches, timidly opening up the possibility of more active forms, such as participatory budgets.

A great leap forward was precipitated in the spring of 2015, following the accession to the local government of new political actors, in the form of very diverse

citizen candidacies derived from social movements and citizen protests. The same year saw the creation of the FEMP's Network of Local Entities for Transparency and Citizen Participation. In 2016, the Ibero-American Charter of Open Government was signed, which, in practice, serves to expand ties between Ibero-American local communities regarding the promotion of participatory democratic innovation. Two years later, in 2018, the update of the Standard Organic Regulations on Citizen Participation was approved. The latter regulation is a fundamental milestone in the protection and effective promotion of citizen participation and democratic innovation in its various approaches. Under the name of local participatory governance, it gathers, systematizes, and institutionally channels principles of action and innovative experiences developed in previous years by the new political actors.

Since the restoration of democracy, effective citizen participation in Spanish local governance has gone through two major phases, with a long and imprecise transition period. The first phase lasted until the turn of the century and was characterized by very limited citizen participation, despite the legal protection of the principle. It was mediated by collective actors (the formally constituted neighborhood associations in the municipalities or provinces) and was oriented towards information and consultation, above all through the constitution of permanent spaces for face-to-face representation (the sectoral councils). These spaces were used to assess the effect that public policies could have on local stakeholders and, consequently, to try to adjust them. In addition, legislation allowed (and still allows) the intervention of neighbors in municipal plenary sessions with a voice but without a vote. Participation, rigidly institutionalized, was thus situated within the channels established by local governments, which implied redistributing municipal or provincial power by limiting it to spheres that could be controlled by the elected authorities (Navarro 1999). Of course, local governments had (and still have) many ways of influencing neighborhood associations, such as funding or making public resources available to them, and could establish an informal system of stratification between them.

It should be noted, however, that citizen participation was seen at the beginning of that phase as a secondary issue for local governments and, in fact, the regulation and practical extension of citizen participation was mainly the product of pressure from social agents (trade unions, companies, but, above all, neighborhood associations) (Canal 2017). This explains why, by the end of the 1980s, most Spanish city councils had already developed some kind of regulation of citizen participation (Brugué et al. 2003), although the framework regulation of local citizen participation at the state level was resisted until 2005, as mentioned above.

In the final years of the last century, the first phase entered a long transition to a new one, with a broader and more active approach to citizen participation, and more permeable to democratic innovation. At least two factors can be cited to explain the gradual change of phase, one external and the other internal to local administrations. The first was the response to citizens' growing disaffection with representative politics, which motivated local governments to bring citizens closer to the administration, involving them in the direct management of some resources and policies through various systems of collaboration. Another was the implementation of new

governance criteria in local management, supported by the European Union and other international organizations under the neoliberal paradigm of the New Public Administration.

This gradual opening is what will lead, in 2005, to the regulatory specification of local citizen participation policies, common to all municipalities and provinces, with certain important nuances depending on the size and administrative consideration of the locality. This regulation already included the possibility of democratic innovations that implied more direct, active, and individualized participation. It also opened the doors to the participatory budgets that a few progressive local councils were implementing, following in the wake of Latin American experiences and their expansion to other European countries (Sintomer and Ganuza 2011). This long period of transition was accompanied by studies that urged local governments to open up policy-making to citizens, not only through formal representative associations but also through free individual initiatives.

The second phase itself is characterized by an approach to participation that is very open to the direct participation of citizens through a wide variety of methodologies, a product of the democratic innovation experimented with by the new political actors. This new phase, assumed and promoted as such by local governments through the FEMP, calls itself participatory governance and is characterized by favoring individual participation and the decisive use of digital technologies for all kinds of purposes: informative, mobilizing, deliberative, and decisional.

Along with the factors that led to the transition to the second phase, the latter is also the product of a series of precipitating circumstances that manifested themselves during the second decade of the current century, such as: (a) the spread of interactive digital media through mobile devices and the digitization of administrative management; (b) the drive for transparency, citizen participation and collaboration with civil society and corporations advocated by the open government approach launched by the Obama administration in 2009; (c) pressure from major international organizations, which see the collaboration of local communities and governments as an indispensable support for tackling global problems, helping to implement Agenda 30 and its concretization, the Urban Agenda; (d) the immense citizen disaffection towards politicians and representative institutions in the context of the Great Recession and, particularly, the entry of new political actors into local representative institutions, who promoted a multiplicity of experiences of social and democratic innovation, using both face-to-face and digital media intensively and indistinctly. These converging forces generated the necessary synergies to lead to a disintermediated model of citizen participation, in which multilevel and multisectoral collaboration is established mainly through digital technologies.

8.3.2 New Political Actors and Experiences of Democratic Innovation in Spanish Local Communities and Governments

Spain is an outstanding example of both huge urban social protests (the world-famous 15-M movement, or the Indignados) and new political actors channeled through representative institutions, most notably Podemos. The two (closely related) processes occurred in the context of the Great Recession and austerity policies, which provoked widespread frustration and desire for change among the Spanish population (Funes et al. 2020). However, as with many other protest movements in other countries, beyond economic demands, there was a fundamental and proactive political demand for democratic radicalism (Barbeito and Iglesias 2019). The protests denounced the gap between the interests of the representatives and the represented and proposed, instead, a democratic renewal that would involve the direct participation of citizens in the definition of public policies.

The protests enjoyed strong popular support and high media and digital visibility. At their core were, first, young university students, highly familiar with digital technologies, who were disgruntled by the expectations of the job and life insecurity. They were soon joined by other young people and activists from the alternative left and a wide variety of social and urban movements united by their criticism of neoliberal globalization. Many other citizens, of all ages, with no political or social experience joined the assemblies that were held in squares and neighborhoods all over Spain.

The assemblies were face-to-face, in public spaces, and open to the free participation of any citizen. Decisions were taken by consensus, although they had no binding character and only affected the movement (specifically, the corresponding assembly). The agenda was set by the most committed regular members. Many enjoyed some kind of digital support for communication, mobilization, or documentary information, preferably with free software platforms. With this dynamic, the assemblies played a mission of socialization and collective political learning and were also the axis of many experiences of social and democratic innovation in an attempt to solve mainly urban problems (housing, design, and use of public spaces, transport, environment, health, education, ...).

After a couple of years, many internal tensions arose regarding the effectiveness of the assemblies and whether it was preferable to take advantage of the mobilization to enter the representative institutions and propose a new, more social, transversal, and democratic policy. In the end, the institutional route prevailed due to the emergence of Podemos and other small politically organized groups that ran in the European Parliament elections in May 2014, winning surprising electoral support. This success led to the end of the assembly movement and its complete channeling through a multiplicity of political groups and citizens' candidacies that were highly territorialized and made visible in the media in the cities and provinces but with hardly any resources or organization.

In the spring of 2015, new political actors ran for municipal elections, and many managed to reach the local governments of the most significant Spanish cities, including Madrid and Barcelona. It was the end of the 15-M assembly movement and the beginning of the so-called cities of change (local governments led by new political actors). However, both from the point of view of their internal organization and local government action, the new political actors tried to maintain the principles of radical democracy and citizen empowerment (Ibarra et al. 2018). Accordingly, they generally established participatory methods in order to favor inclusivity and horizontality in decision-making processes on some urban policy issues.

Such practices of participatory democracy and democratic innovation were a continuous source of internal tension and external weakness, harshly criticized by the mainstream media and mainstream parties. It also had paradoxical effects, such as the high centralization of some significant new actors around the figure of a few media leaders, both at the national level and at the local and intermediate levels. Nevertheless, the new local governments persisted in their aim to empower citizens by supporting a wide range of participatory initiatives of democratic innovation that emerged from social and neighborhood movements. Convinced that democratic radicalism and empowerment begin with local proximity policies, democratic innovation in many cases became an instrument at the service of social innovation (Pradel and García 2018). In turn, the two innovations (social and democratic) were put at the service of the local development that had already characterized 15-M since its origins (Calvo et al. 2013). In no small part, these ideas were the product of an intense dialog with social movements and new political actors in Latin America that originated in the late 1990s and had been consolidated in the first decade of the new century (Paño et al. 2019).

The orientation of the new political actors towards local development benefited from coinciding with the establishment of the United Nations New Urban Agenda (Habitat III), a key chapter of the 2030 Agenda on sustainable development (Huete and Merinero 2021). This reinforced the political objectives of social transformation but also strengthened the connection of the new local Spanish political actors with other similar actors, both nationally and internationally, but mainly with countries in Latin America, Scandinavian Europe, and Southern Europe. This integration generated great synergies for sharing developments and resources and added to those they had already generated as social and neighborhood movements.

There are no reliable records of participatory experiences of social innovation and democratic innovation in Spanish municipalities. Despite this difficulty, it is possible to have an approximate picture based on the consideration of a number of bibliographical sources that mention, in turn, a selection of particularly striking experiences. The works of Martí et al. (2018), Masbooungi and Petitjean (2019), Michelini (2019), Pradel and García (2018), and Arnal and Sarasa (2020) have been used here. The information from these sources can be complemented by the experiences listed on the Atlas of Change web portal, created by the Cities of Change network (ciudadaesdelcambio.org), as well as by those collected by the FEMP (2018) within its report on the local participatory governance strategy. Considering all these sources, it is possible to identify around a hundred and a half very diverse

experiences in terms of the territory and duration covered, the subject matter, the methodology applied, or the main actor driving it. For most of the experiences, the information provided is minimal, although some are studied in depth.

FEMP (2018) classifies the experiences promoted by local governments into six groups: schools for citizen participation; open budgets; participatory processes in policies and service provision; institutional collaboration and cross-cutting dialog; child and youth participation; and experimentation, collaboration, and co-creation. This classification does not cover the whole repertoire of experiences, but it does clarify those that have had more institutional presence and support. It is defined on the basis of the methodologies used. On the other hand, the Atlas of Change, which also refers to experiences supported by local governments, uses a thematic classification based on the type of objective pursued by the experience. It thus defines nine thematic orientations, all linked to the Urban Agenda: redistribution, commons, habitat, right to the city, social rights, economy, feminism, urban ecology, and good governance. This last theme, which refers to democratic innovation, includes 29 experiences out of a total of 75 listed in the atlas. The other themes are more related to social innovation. The cities indicated in this source with the greatest number of experiences of democratic innovation are rather provincial capitals (A Coruña, Cádiz, Córdoba, Barcelona, Madrid, Oviedo, Cádiz, Palma, Pamplona, Santiago de Compostela, Valencia, Valladolid, and Zaragoza), and reflect that, territorially, the innovations were present, at least, in a very significant part of medium-sized and large Spanish cities. However, again taking into account the FEMP report (2018), it is clear that democratic innovation also spread to smaller cities, also in other autonomous communities, such as Murcia and, above all, the Basque Country.

One of the most ambitious participatory experiences of democratic innovation developed by local governments, if not the most ambitious, both in Spain and in the international context, was the Decide Madrid open government project, which lasted 4 years. Its exceptional nature is justified both by the public resources provided; the size of the potential population involved (over three million people); and the cross-cutting nature of participation, open to any issue, and the possibility of participating in the entire process (agenda setting, deliberation, decision) under equal conditions and with a binding nature in accordance with the majority principle (Iglesias and Barbeito 2016, 2020). This project exhibited features that coincided with those of other cities: a combination of digital and face-to-face means, individualized inclusivity and horizontality of decision-making methods, collaboration with civil society, the right to participate for any registered resident from the age of 16; differentiated participatory processes for matters that affect the city as a whole and its internal units (districts and neighborhoods). Although it lacked time to materialize, the project was to include citizen advisory councils selected under stochastic principles.

Despite its achievements, the project revealed some of the limitations that similar projects have repeatedly encountered: rejection by the media and mainstream parties; a very small number of concrete problems solved (in this case, and for the city as a whole, only the definition of two important urban public spaces, participatory budgets and a couple of issues related to mobility and urban pollution); low

effective participation, compared to electoral participation (the most successful experience managed to involve around 25% of the population in the final decision-making part, but most of the experiences barely involved more than 2% of the citizens who had the right to participate). Moreover, although the project was based on individual participation, it did not manage to prevent stakeholders (civil associations, companies) from defending their positions better than that of individual citizens because stakeholders have greater organizational resources.

Possibly the biggest limitation of the Decide Madrid open government project was the interruption of its continuity (it lasted 4 years). The project came to a standstill due to the change of local government after the municipal elections of 2019. This is a fundamental difficulty of all participatory projects, as has happened in Spain and all over the world: the brake posed by the ups and downs derived from representative logic. This logic also complicates internal agreement within local governments occupied by new political actors, as there is inevitable internal competition for positions and political leadership.

Moreover, the set of democratic innovation experiences deployed in Spanish local governments since 2015 shows similar features to those of the second global wave of innovation mentioned in previous pages: down-top initiatives (since the local governments that promoted them were new political actors coming from social and neighborhood movements), focused on practical problem-solving; hybrid methodologies, involving both methods and conceptual assumptions characteristic of both representatives, participatory and representative democracy.

Although local governments led by new political actors have been weakened after the 2019 elections, they exerted decisive pressure to profoundly change the citizen participation strategy of Spanish local governments, turning it into a transversal axis of local management and proximity policies. This result is summarized in the concept of local participatory governance. It is true that such a strategy could also be seen as a product of mainstream parties' efforts to recognize, but also to limit, the de-institutionalizing effect of the new urban political actors.

8.3.3 Spanish Local Governments' Response to New Political Actors: The Participatory Governance Strategy

The participatory and democratic innovation experience accumulated by the new political actors in the second decade of the current century explains the participatory governance strategy undertaken by Spanish local governments through their national federation (FEMP 2018). An indirect proof of the permeability of this new strategy is that it has been designed with the outstanding collaboration of a private non-profit entity: the NovaGob Foundation, which defines itself as an ecosystem of public innovation, a spin-off of the Autonomous University of Madrid, which is composed of a professional social network of public employees and practitioners, comprising some 15,000 Spanish and Latin American members, who collaborate to improve

public management in their corresponding countries. The strategy has also benefited from the InnoLabs Network, funded by the Ibero-American Science and Technology for Development program, in which Argentina, Brazil, Chile, Colombia, Spain, and Mexico participate. These are probably the countries that have been sharing experiences of citizen participation and democratic innovation at the community and local government levels in the Latin American world for the longest time.

The current participatory governance strategy is expressly declared to be the product of three factors: (a) the generalization of digital technologies within the administration and among citizens; (b) the principles of transparency, participation, and collaboration postulated by the open government paradigm; and (c) the new social movements that took shape around major social protests and from which new political actors emerged.

The promoters of this strategy justify it as helping to tackle the crisis of democratic disaffection in terms of both legitimacy and effectiveness. The basis of this justification is that participatory governance is a model of shared and therefore co-responsible management that promotes shared knowledge and collective intelligence, assuming that the extent and variety of actors and individual citizens, in combination with the possibilities of digital technologies, produce more legitimate and efficient decisions.

Specifically, the participatory governance strategy is defined on the basis of three basic features that were already present in the experiences of social and democratic innovation led by the new political actors. These are:

Priority e-Participation. E-participation is presumed to promote inclusiveness but also access to information, deliberation, and decision-making. Digital innovations include the design of digital platforms for participation, which should take into account the following criteria: the suitability of free software or private platforms, depending on cost, development possibilities, and community-building possibilities; respect for sovereignty; and the functionalities it brings together. Likewise, any digital development must consider political and legal security, the rules of operation, the subject matter, the time frame, the availability of modular tools, the possibility of digitizing all the documentation necessary to make decisions, and the creation of a continuous and referential space, as well as the legal and administrative consequences that the process and its results may have.

Encouraging individual participation. The strategy proposes moving from collective action to connective action, assuming that individual contributions and votes are a more efficient means of aggregating knowledge, social diversity, and the visibility of demands than contributions through collective representatives. In this sense, the strategy incorporates the rights of proposal and hearing also on an individual basis, lowering the minimum age for participation in any process to 16 (in Spain, the minimum age for exercising the right to vote and electoral representation is set at 18).

Flexibility of regulations. It is established that the regulations should establish criteria and minimums for action, as well as provide certain instruments for coordination and evaluation, instead of establishing rigid structures that may hinder or distort participatory objectives. It is thought that through this regulatory flexibility, it will be easier to adapt participatory action to the needs of changing situations and contexts.

For the participatory governance strategy, citizen participation is not an end but a method of decision-making, elaboration, implementation, and evaluation of public policies that incorporates the citizenry's vision. It seeks broad and plural

participation in all phases of public policy design and decision-making but is always complementary to electoral representation. It argues that this methodology allows for more creative and decisive processes than those that could be carried out independently by political representatives or representative associations.

More than on theoretical or normative grounds, this strategy justifies the active participation of citizens as a method that enables the achievement of several practical objectives: strengthening the closeness between public decision-makers and citizens, improving the available knowledge of the organization, improving the information available to citizens, introducing new issues and alternatives in the local political agenda, increasing the effectiveness of public policies, accountability, facilitating early detection of errors and accountability.

The adoption of participatory governance impels local governments to consider participation as a transversal task, which serves as a support for the rest of the areas, favoring learning and continuous adaptation. The strategy assumes (but does not specify) that this objective implies a great challenge in terms of budget, personnel, and the constitution of units specialized in participatory processes.

To foster knowledge sharing and collective intelligence, the strategy proposes the networking of actors and territories. Among other measures, this is articulated through two legal instruments, which can operate both in person and digitally. On the one hand, the constitution of a special Commission for Suggestions and Complaints is envisaged, a body competent to hear complaints and claims submitted by citizens. On the other hand, three types of participatory bodies are set up, which may vary according to the size of the municipality (common regime or large population): strategic participation bodies (the city's social council), territorial and decentralized management bodies (municipal boards, in the common regime, and districts, in large populations); and sectoral participation bodies (sectoral councils).

The participatory governance strategy assumes the relevance of the varied repertoire of methodologies deployed by new actors, especially those that are not proprietary. They are grouped according to the objective they pursue:

Inform: Websites, transparency, and open government portals, open data, questions to authorities.

Consult: Public consultations, focus groups, surveys.

Engage: joint workshops, deliberative polls, dynamic virtual discussion forums.

Collaborate: citizen advisory committees, consensus-building techniques, citizen laboratories, crowdsourcing.

Empowering: participatory budgeting, binding consultations.

All of them are proposed as an expandable repertoire of procedural resources that must be adapted to the objectives, actors, and circumstances of each participatory process. However, five criteria are proposed to facilitate the choice: planning and programming, delegation of power, consensus, analysis of the organization, and analysis of the environment.

The participatory governance strategy developed by local governments in response to the innovations of the new political actors does not only aim to contribute to defining local public policies. It borrows from these actors and from the social movements from which they originate, the determined intention to also contribute

to building social ties and identities. In other words, to build community, integrating individual and collective social agents from all walks of life and deploying policies that express, in a coordinated manner, the problems and aspirations of the territorial levels below the municipality (the districts and neighborhoods). Notwithstanding all the aspirations pursued, the participation strategy openly admits that innovations have two clear limits: (a) they must respect cultural and institutional diversity, and they must not break with the main model of liberal representative democracy. Two limits are often overstepped by new political actors that are not allowed in institutionalized participation through local governance, even if it is this strategic approach to participatory governance.

8.4 Conclusions

The Spanish case is an excellent example of the capacity for institutional transformation that new socially based political actors can exert on improving the legitimacy and effectiveness of democracy through citizen participation and democratic innovation in communities and local governments. This also shows that local levels are a particularly suitable space for promoting democratic improvements that can subsequently be extended to other levels of government, according to a long-standing assumption (Dahl 1970, 1989) and one that is now beginning to be widely considered (Sorice 2019).

As we have seen in the preceding pages, there are many contextual factors that can contribute to explaining the success of the transfer from social innovation to democratic innovation. But we must reiterate the importance of the confidence of the new social movements (now also new political actors) about the possibilities of participation in democratic renewal, as well as the multiplicity of innovative experiences that are closely integrated into national and international collaboration networks. In other words, a significant part of success is part of a genuinely global response to democratic renewal. In the case of Spain, the high level of integration achieved with similar actors and experiences in Ibero-American and European countries is particularly noteworthy.

Curiously, the participatory governance strategy adopted by Spanish local governments does not mention self-government as a guiding principle of municipal policy, nor does it allude to the democratic radicalism that animated the new political actors when their action was circumscribed to that of social movements. In fact, the strategy clearly warns that participatory democracy should be understood as a complement to representative democracy, favoring legitimacy and effectiveness, but that any kind of rupture should be rejected. Even with this caveat, it is clear that the new strategy opens up a wide range of possibilities for the effective improvement of levels of self-government in terms of real citizen participation and socially based democratic innovation.

Despite the successful transfer of social innovation experiences to the institutional framework, in the form of democratic innovation, defining a new, innovative

and ambitious model of citizen participation, at least a couple of questions remain unanswered, and only time can resolve them. The first concerns the effect that an individualized approach might have on political equality. In the current state of knowledge, it is still too early to know whether connected action can become a better means than collective action to promote social welfare and genuine democratization of political, economic, and social structures. As long as strong social inequality persists, the risk of political atomization and, consequently, the unequal chances of developing effective, sustained, coherent, and efficient participation (benefiting those with more time and resources) should not be underestimated.

The second question concerns the likelihood of persistence of the participatory governance strategy. On the one hand, the question arises as to whether it can be sustained despite foreseeable changes in the political cycle. Without going any further, the new political actors in Spain seem to have weakened as social movements, but they have also lost much of their representation in local governments after the 2019 elections, and many of their projects have been paralyzed. On the other hand, even if the strategy is maintained but lacks strong leadership, there is a risk that institutional inertias will dilute the supposed flexibility and innovation that guided its launch. It is to be hoped, however, that the opening up of Spanish local governments to citizen participation and democratic innovation induced by new political actors has already created a sufficient critical mass for the process to be irreversible, even if its trajectory may be up and down.

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Chapter 9

New Local Public Management



Antonio Díaz Méndez

Abstract The new public management paradigm and tools emerged in the Spanish local administration in the last quarter of the last century, swiftly adapting to the decentralized state model emanating from the 1978 constitution. At the same time, a welfare state was created and arrived late in Spain and partly took shape in municipal services (social, cultural, and sports). Quality management acted as a lever for modernizing and deploying this management paradigm up till the great recession (2008), thus leading to a new era marked by economic, social, and environmental sustainability. The emergence of the information era and a relational or entrepreneurial model (Mazzucato) shaped new needs, particularly focusing on offering security and well-being to citizens in the face of major environmental uncertainties, such as pandemics or climate change. Given this situation, approaches such as New Local Management need to update and at the same time deploy new values and tools, as well as construct intelligent and collaborative governance for the transformative management demanded by twenty-first-century citizens.

Keywords Quality · Transformation · Sustainability · Transparency · Excellence · Integrity

9.1 Introduction

The so-called new local management paradigm emerged in the Spanish administration in the last quarter of the last century, finding an excellent rearing ground in an expanding local administration from the advent of democratic councils and the 1978 constitution.

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New local management penetrated rapidly on the back of the necessary growth of public employment in the municipalities, the deployment of local autonomy, and administrative decentralization.

After the industrial era, which brought about the advent of the liberal state and the rule of law and a bureaucratic administration solidly based on a Weberian organizational model, the emergence of a nascent and growing service era was taking place (in Spain), corresponding to the welfare state, which, in order to be managed correctly, needed a managerial and service model, such as the one represented by that new local management paradigm.

Its natural evolution has led to the progressive implementation of “quality management” in local councils during the 1990s and up to 2008, which has been one of the characteristic features of the successive waves of modernization that, in terms of reforms, have been consolidating the institutionalization of public policies and services in Spain and Latin America up to the present time, where efficiency, sustainability, and transparency will continue to be the main vectors of change.

Economic, social, and environmental sustainability is present in the administration’s current vision. However, the consequences of the economic crisis, together with the prominent emergence of cases of corruption in the public sphere, leave us with a legacy of a legal model biased towards strict *ex ante* internal control of public spending, together with a strong drive for transparency and permanent accountability to citizens, all of which directly affects some basic parameters applied in local management.

The change of era we are experiencing—accelerated by the pandemic—with the incursion of the information age is leading to the emergence of a state and administration evolving towards new paradigms that necessarily transform local management. The entrepreneurial state model already pointed out by M. Mazzucato, which some of us prefer to call the relational state, needs and encourages an administration that can provide both security and well-being to citizens.

To this end, new local management needs to deploy other tools in order to shape the transformative management demanded by twenty-first-century citizens: integrity and anti-fraud plans, open management of local big data, agile and humanized digital administration, organizational redesign, and intelligent and collaborative governance that knows how to take advantage of collective intelligence. All of this is necessary to provide the innovative and transformative impetus needed at this time.

9.2 The Emergence of Local Administration Management Culture

Like so many other changes, the concern for *Management* in the Spanish public administration, beyond the incipient *Administration of Powers*, developed during the Franco dictatorship, can be linked to the emergence of the democratic stage in

the last quarter of the last century, after the 1978 Constitution, the state of autonomy and the new legislation on local government (Law 7/1985 of 2 April 1985, Regulating the Rules of Local Government) were approved, a product of the new territorial configuration of the state as a result of the aforementioned changes. The impetus for change in Spanish society in those years also came naturally and perhaps in a pioneering way to the local councils, which took on a significant role in shaping the incipient model of the welfare state in Spain, albeit years behind most of the European countries around us.

After the advent of the industrial era at the end of the nineteenth century, the liberal state model of law had been developed, characterized by a fundamentally bureaucratic administration and one of the powers, well depicted and defined at the time by WEBER. It is in the postindustrial era, which we could characterize as the *service era*, where the welfare state model in the West was extended and grew, that the social need clearly arose to find ways to manage these public services more effectively. The latter are essentially composed of professional organizations, and it is here that a management approach is linked to organizational theory, and more specifically to “*Business Management*,”¹ which gains value and contemporary significance. It is at this time and in response to this need that management emerged in the public administration sphere, including local public administration.

The reasons why this set of methods for improving productivity, tools for establishing processes, and dynamics favoring innovation moved from the business sphere to form part of *Public Management* had a lot to do with the situation of the administration itself in the 1980s. In this period, public administration was being questioned internationally with the emergence of ideas promoted by the *Chicago School of Economics*. This school “put emphasis on public action, not precisely (or not only) in terms of the objectives related to intervention but also in terms of the means, from which, according to these principles, a comparative advantage was derived in relation to private action, once its practical implementation had been evaluated.”²

Both at a general and local level, the fact is that there was a widespread perception that, through the existing legal systems in each country, the administration was lacking in efficiency when it came to fulfilling the purposes that society had entrusted to it. This opened up a period wherein the public administration was characterized for its lack of legitimacy, which, together with the state as a whole, became the object of numerous reforms.

At a local level, these reforms coincided in many cases with a period of expansion and budgetary growth and of services that had hitherto been nonexistent or extremely underdeveloped, due to the incipient and late nature of our welfare state: social, cultural, sports, education, and, in general, citizen services. Well into the

¹Fayol, R. for the first time defines Management Science in his “Administration industrielle et generale,” published in 1916.

²Guillem López Casasnovas et al. (2003).

1990s, Spain found itself in a fiscal crisis which had already been experienced in Europe.

A rethink was needed to face challenges such as budgetary rebalancing and increasing international competition, typical of the incipient globalization. The main implication of this was the demand for public administrations to adopt a more active role in promoting economic activity. In this context, society gave great importance to effective problem solving and the efficient use of resources when assessing public administrations. This conditioning factor has been exacerbated up to the present day by the fact that citizens are less inclined to accept increases in public spending, without this leading to administrations having to stop addressing new needs and expectations.

Thus, the administration was faced with the dilemma of providing more and better services with ever-tighter resources in a context of growing expectations, which is very typical of postindustrial societies. On top of this, the public administration had to start adapting its structures to the incipient process of technological change. However, far from being prepared for the changes brought about by the new challenges in the 1980s and 1990s, administrations continued to respond to the Weberian *ideal type*, a model which, historically, was essential for them to be institutionalized but which resulted in them being totally immersed in bureaucracy, where compliance with regulated administrative procedures took precedence over them performing their actual activity.

During this period, developed countries faced similar types of pressures that forced them to undertake state reforms and, specifically, those related to traditional administrative structures Pollitt and Bouckaert (2004).³

9.2.1 New Public Management: The Importance of Clients and Results

In view of the situation, an administration that sought to revalidate its legitimacy needed to introduce a new management perspective, in keeping with the spirit of the times. This new perspective came to be known as new public management (NPM)⁴ and it appeared back in 1987 when the OECD published a document of unique relevance, given its subsequent repercussions, “Administration as a Service, The Public as Client.”⁵

This document established the following starting point: “It is now commonplace in all OECD countries for administrative reforms not to be carried out by improvising all at once and in a short space of time. Comprehensive reforms often lead to unachievable goals and frustrating results because they affect too many interests.

³ Pollitt and Bouckaert (2004).

⁴ *New Public Management*.

⁵ OECD (1987) *Administration as a service, the public as client*.

Reforming the Administration, on the other hand, is a daily task. There is no single measure or set of measures that will work the miracle of transforming the Administration and turn it into a paradise. The strategy recommended by the OECD regarding this issue, and which is standard practice in almost all countries, consists of acting on a small number of decisive elements related to the problem, but doing so radically, in depth, so that its expansion force has a positive impact on the others.” In this way, and to sum up, the public administration approached its modernization by adopting the paradigm of NPM, with quality management being one of its main strategies.

One of the *decisive elements* introduced by NPM, embodied in the various OECD⁶ recommendations, was to identify the user as the main focus of the administration’s activity, or in other words, consider the traditional person being administered as a “client.” All of this was based on the administrative organization focusing on aspects such as effectiveness and efficiency, but *quality management applied to public services* took on a strategic dimension. In principle, NPM was to induce possible quests for more efficient alternatives, in terms of cost or quality of service, rather than direct provision being offered by public administrations. Moreover, there was the issue of addressing the need for administrations to demonstrate their accountability by informing society of the relationship between the resources used and the results obtained.

A clear orientation towards citizens and all these elements significantly affected organizational structures and especially service provision processes. Considering the citizen as a customer to put the focus on public service provision, which from that moment onwards had to take their needs and expectations as a reference point, implying a shift from a purely administrative conception to becoming totally involved in *management*. NPM emphasized accountability for results rather than accountability for input or process.⁷ Moreover, it led to different management techniques from the private sector being introduced into the public sector.

With a certain time lag, public administrations were being brought into line with the business world, where Taylorism, known as “*scientific organization of work*,” was qualified and corrected when the concept of “*human resource management*” was introduced, which, among its approaches, included intervention in the intangible elements present in organizations, especially employees’ motivation and commitment, which play an important role in contemporary management culture.⁸

Max Weber already hinted at the relationship between administrative bureaucracy and industry when he stated that “a perfectly developed bureaucratic mechanism acts in relation to other organizations in the same way as a machine act in relation to non-mechanical manufacturing methods.” It would not be too bold to assert that, just as the world of the industry moved from the mechanical assurance

⁶ See OECD’s successive Public Management Committee (PUMA) reports.

⁷ Speklé and Verbeeten (2009).

⁸ Ingham G. (2010). *Capitalismo*. Madrid, Alianza Editorial.

of assembly lines to quality circles, it could be that the Weberian public administration has supplemented the assuring and stability-generating but the impersonal procedure by adapting to citizens' flexible and changing expectations. In any case, the venturesome encounter between quality management and public administration implied a first challenge: "(...) it is important to recognise those public sector values which tend to seek the highest possible quality within the framework of the administrative culture and to adapt them. However, at the same time, it is a question of adopting a concept that has emerged from the industrial sphere and adapting it to the area of service provision and to the peculiarities of each organization" (Villoria 2010).

As regards Spanish local administration, its complexity is influenced by the structural features of the so-called Spanish local plant, characterized according to data from the National Institute for Statistics (INE, municipal census as of January 2022) in the following table (Table 9.1).

On the other hand, based on the population size, it can be seen that of the 47,344,649 inhabitants in Spain, 40% of the population (39.9%) lives in the 64 municipalities with more than 100,000 inhabitants. As can be seen further on, this is extremely relevant data when considering the new local public management's impact on the Spanish municipalities, which is mainly going to occur in these municipalities with the highest population rates (Table 9.2).

Table 9.1 Population according to the size of the municipality (Spain 2022)

SPAIN: 8131 municipalities
4991 with less than 1000 inhabitants
2378 with between 1001 and 10,000 inhabitants
611 with between 10,001 and 50,000 inhabitants
87 with between 50,001 and 100,000 inhabitants

Table 9.2 Population percentage as per municipality type (Spain 2022)

SPAIN: 47,435,597 inhabitants
39.9% live in the 64 municipalities with more than 100,000 inhabitants
13.1% in municipalities with between 50,001 and 100,000 inhabitants
26.8% in municipalities with between 10,001 and 50,000 inhabitants
17.2% in municipalities with between 1001 and 10,000 inhabitants
3% in municipalities with less than 1000 inhabitants

9.2.2 *Quality Management as a Modernization Strategy: Deploying and Formalizing the New Principles Behind the New Management Model*

Thus, in public administrations and under the banner of *NPM*, *quality management* seemed to become necessary due to its ability to respond to administrations that had to re-legitimize themselves based on the provision of more and better public services and acting in accordance with efficiency criteria.

Local councils applied and developed this model rigorously and in a matter-of-fact manner and found fertile ground above all in the areas of sociocultural services and in the structures of trusts and autonomous bodies with a clearly managerial focus. Also, in more traditional areas where the exercise of local power is most evident, such as the granting of licenses or administrative processing services, or citizen services, which will resonate with standardization and normalization tools such as ISO 9000 and in global quality and management models (EFQM).

In other areas of public administration, particularly the general state administration, given its increasing distance from the direct provision of services and its indirect action, which focused more and more on governance in a composite state where the autonomous regions have been gaining weight, *NPM* was incorporated in a more superficial way. Although it had some importance from the time the Basic Statute of the Public Employee was enacted or with the creation of the Public Policy Evaluation State Agency (AEVAL) at the beginning of the 2000s, from 2008 onwards, quality management and the evaluation of public policies were progressively relegated, and yet, throughout this process of adaptation, the *quality management* approach was able to have an impact on public administration, leading to an extremely important cultural change: a shift from *administration* to *management*. This is not merely a terminological difference. *Administration* means direction, organization, being in charge of a matter, or more specifically, government, the exercise of authority or command over a territory and the people who inhabit it. *Management*, on the other hand, means acting to achieve something. In this sense, public management is an approach that uses managerial techniques to increase the cost-effectiveness of public services. As can be seen, these are not synonymous terms. Quality management was very important in that it contributed greatly to opening up public administrations to modernization and reform processes. Specifically, quality management contributed to the following areas:

Firstly, two basic concepts were incorporated: “*citizen-customer*” orientation and *continuous improvement*, as criteria inspiring management of public services. Quality management began to endow *public management* with a dynamic nature as

opposed to the static nature that underpinned the previous paradigm. Citizens' demands and expectations change (generally upwards), so the administration had to adapt to these changes. To do so, it had to be managed taking into account decision-making and planning processes, the way operational processes work, and above all, bearing in mind the relationship between effectiveness and efficiency, the final results in relation to the resources invested.

Secondly, quality management provided public administrations with a common language for management, a language that also coincided with that used in the private sector, thus initiating a permanent transfer of knowledge and a current of collaboration between the two sectors, which has led to the *current public-private collaboration strategies* in the form of “partnerships” or joint projects, an aspect implicit in the *new management* principles.

Moreover, quality management contributed to professionalizing the public administration, implementing improvements, and measuring results, progressively incorporating the main elements for evaluating public policies and programs. In the case of public services, managers began to bear in mind the idea of integral quality in the services they were producing and whether they were in line with the objectives.

In a way, the theoretical framework of quality and the continuous improvement of processes, applied to public administration, and more specifically to local administration, has standardized, formalized, and provided greater conceptual rigor, as well as supplying the practical toolbox needed to deploy the new management approach in the administration.

9.3 Rise and Fall of the Principles, New Local Management Values and Tools: From Citizen Orientations to the Predominance of Control

If the new management partly deployed along with quality management succeeded in transforming the public administration, it was itself transformed as a management paradigm. Within the public administration, several phases have been experienced in a cycle that, since the nuance and certain “humanization” of the initial assumptions of *NPM*, has given rise to substantial progress in improving and democratizing access to public services.

The phases of this cycle, in the case of local administrations in Spain, can be summarized as follows⁹:

- 1st phase (1985–1995): Emphasis on efficiency and citizen orientation, pursuing, improving, and extending new services to citizens.
- 2nd phase (1995–2008): Focus on improving organizations' global performance and the pursuit of excellence.

⁹The consigned years are only a guideline and differ from country to country.

- 3rd phase (2008–2020): Emphasis on efficiency, sustainability, and transparency in the management model.

9.3.1 First Phase (1985–1995): Efficiency and Citizen Orientation

During this first phase, quality initiatives in the public sector were congruent with an orientation towards the citizen-customer and improvements in performance, which is included in the public sector reforms of numerous European and Latin American countries, under the influence of the OECD, with reforms being carried out for institutional restructuring and development, which generally started with establishing management norms and improving the public sector and civil service.

In order to understand the impact of quality management on improving efficiency and savings in local public administrations, it is necessary to bear in mind that both elements are the result of a dual component that could be defined as *assignative* and *social*. The first refers to the relationship between assessing the result and the cost of achieving it (what the Anglo-Saxons call *value for money*).¹⁰ The second is directly related to equity and, when evaluated, must take into account the public administration's direct or indirect contribution to the social and economic development of the country.

Thus, the challenge for the public administration consists in achieving a combination of desirable levels of economic and allocative efficiency, dedicating the necessary financial, economic and social resources to this end. Or, in other words, to ensure that the investment that society makes, both in terms of budget and opportunity cost, from a social perspective (regardless of its valuation by the market), is justified by the results achieved.

In this way, in order to carry out an adequate assessment of efficiency in public administrations, it is necessary to go beyond merely economic criteria, using tools capable of assessing both intermediate outputs (the activity carried out by administrations and their products) and outcomes (direct or indirect general results in terms of social welfare).

It would suffice to take a slow look at the recent past to see how, in this period and in general, local public administrations have been able to multiply and diversify their social, cultural, sports, or public services, have become more citizen-oriented, and have improved their management. In just a few years, they have gone from counters to managing services via the Internet.

Considering that quality management applied to public administration has been based on the conscious decision to link ends and means for the effective, efficient,

¹⁰OECD 2010. *PUBLIC ADMINISTRATION AFTER "NEW PUBLIC MANAGEMENT"*. Series: Value for Money in Government.

and equitable provision of services, it could be affirmed that it has been a very useful theoretical-methodological tool in this first stage of the cycle.

9.3.2 *Second Phase (1995–2008): Improving Performance and the Pursuit of Excellence*

In 1998, a document presented at the III CLAD International Congress critically reviewed the initial assumptions regarding NPM, emphasizing its illustrative nature and the importance of *implementation*. It stated the following: “after a decade and a half of *New Public Management*-oriented reforms in some OECD member countries, there are many indicators about what to take and what to disregard from *New Public Management*. The ideological debate that has taken place has conceived *New Public Management* as an end in itself which defines a desirable state of Public Administration, in terms of structure, how it works and results. However, the evolution of *New Public Management* shows that it has rather to be understood and used as a set of principles that can provide the basis for solving some specific problems in certain sectors of Public Administration if they are properly implemented.”¹¹ In this eminently pragmatic sense, for other authors, the service quality initiatives constituted a useful framework within which the most successful reforms could be developed.¹²

In the Spanish local sector, a notable transforming and standardizing impulse is given by the quality management guides and edited and disseminated by the Commission for Modernization, Quality and Participation belonging to the Spanish Federation of Municipalities and Provinces (FEMP) (www.femp.es), which is distributed to different population size segments of Spanish municipalities.

Quality models thus reach a certain level of development. According to the official organization AENOR (magazine no. 374, November 2021), Spain is the 5th country in the world and 3rd in Europe in ISO 9001 certifications with 60,617 certified workplaces. Although AENOR does not publish precise data on the number of ISO certifications issued in local administration, there are certifications from important city councils in our country, such as Logroño, Alcobendas, and Malaga, among others. Other types of certifications have also been issued, such as environmental ISO 14001, food safety, energy management, and others. As regards municipal areas, the most frequent certifications are in tourism and beaches, public service, environment, economic promotion-employment, and licenses.

However, the quest for re-legitimation by the public administration demanded not only efficiency in service delivery. Growing social expectations pushed public

¹¹Ormond D. y Löffler. E. Corrected version of the document presented in the III CLAD International Congress on State Reform and Public Administration, held in Madrid, Spain, from 14 to 17 October, 1998.

¹²Shand David and Amberg Morten (1996).

administrations to establish mechanisms to promote public policies and interventions, based on their continuous improvement, conveying trust to citizens in the way institutions work as guarantors of social rights and as efficient service providers. It is precisely in this area where quality management has shown itself to be an approach capable of providing methods and tools with a great impact, already tested in the private sector and which, after their timely adaptation to the public sector, have begun to produce appreciable results. Not to mention tools of a smaller scope, the so-called Excellence Models, both the European model sponsored by the EFQM (*European Foundation for Quality Management*) and the *Ibero-American Excellence Model in Management*,¹³ promoted by the Ibero-American Foundation for Quality Management (FUNDIBEQ), allow a combination of factors such as internal and external communication, corporate culture, leadership, strategy, planning and process, and resource management.

The *Excellence Models* have become the most characteristic tool of quality assurance applied to the public sector. They have been used on many occasions in a wide variety of public bodies, leading to the identification of numerous improvements in all of them.

The aforementioned models facilitate a global and objective vision, as well as the administration's managers assuming responsibilities, as they contribute to forging an integral approach to consensus in organizations in the form of a "hermeneutic" constructed from the phenomenology of management. The most notable positive impacts of the use of Excellence Models in public organizations are the following:

- They help public sector managers in their organization to perceive how plans, programs, processes, and activities are their responsibility and are part of the rest of the organizational activities.
- They incorporate research and analysis in the priority areas of the structure of public organizations, with the aim of identifying the main cause-effect relationships between decisions, processes, programs, and the results obtained. There is a proliferation of measurements, studies, and surveys of both quality perception and user satisfaction regarding the different services.
- As a result of the above, the models provide clues to address aspects of management that until then lacked a global approach and were only managed in an unstructured way and independently from the rest of the organization: for example, the necessary policy of alliances or supplier management which, in many public administrations, was not addressed in a comprehensive manner.
- Finally, the Excellence Models have facilitated integrating environmental analysis (studies and research) and institutional analysis (internal diagnosis), breaking traditional bureaucratic "autism," and establishing permanent links between administration and society.

¹³The different excellence models which exist worldwide are grouped in the *Global Excellence Models Council (GEM)*.

However, the fact that Excellence Models exist does not necessarily mean that public organizations use them, nor that they are adopted as a reference. There may even be administrations that take the fundamental concepts defined in a model for granted, but this does not result in an effort to approximate them. For this reason, an organization's adherence to a model tends to be verified in order to check whether an organization is in fact moving forward or backward in relation to it. This is why the models not only serve as a reference but have also been complemented by developing external *evaluation and recognition systems* for excellence, which help to reinforce the implementation of quality assessment and make the most advanced organizations aware of them.

The real impact of these models in the Spanish local public sector has been analyzed in depth in "*La gestión de la calidad total en los Ayuntamientos españoles. Modelos y experiencias*", by Manuel Gerrero Cuadrado. This research documents **63 cases of Councils with ISO model and 61 with EFQM, CAF model** or their own model.

The main conclusions are the following:

50% of Spanish councils have not introduced quality management
 35% have introduced some quality initiatives
 15% believe quality management has been introduced to a fairly high or high level.

However, if we analyze the councils according to the number of inhabitants, especially in **cities with more than 100,000 inhabitants**. (40% of the Spanish population), the data is as follows:

25% have not introduced quality management
 43% have introduced some quality initiatives
 32% believe quality management has been introduced to a fairly high or high level.

In short, based on the data and conclusions of the aforementioned study, it can be concluded that the extent of total quality in Spanish local councils is low, although it increases notably with the population size of the municipalities, especially in cities with more than 100,000 inhabitants. Nevertheless, "the opinion of local councils on the usefulness and benefits of applying quality management is overwhelmingly positive, and up to 76% affirm they have a budget for quality initiatives". However, at the time of the study (2011), there was already a clear risk of localized atomization in introducing and developing quality management.

In any case, during this period, there was a progressive institutionalization of these policies at a national and international level: ministerial decrees and orders,

sectoral governmental conferences, congresses and conferences on modernization and quality sponsored by transversal bodies and federations of municipalities, quality and innovation awards from national and international bodies such as the UN or the OECD, etc., among other measures.

From the above, it can be concluded that quality assurance, with the Excellence Models, has contributed three fundamental dimensions for public organizations in this second phase of the cycle described above:

- The first is that it has provided a solid reference for management, providing guidance on the objectives and mechanisms that public administrations should incorporate on their way toward excellence in management.
- The second is its evaluative dimension, insofar as public administrations have an instrument to check, measure, and compare their progress in relation to the “ideal” offered by the model through its different criteria. This comparison already includes the permanent transfer of knowledge between the public and private sectors.
- Finally, the Excellence Models have led to mechanisms being put in place for recognition in public administrations, something which a few decades ago seemed improbable, to say the least. Partaking in a recognition process can be the additional leitmotif for a public body to improve its management system or to involve its managers.

9.3.3 Third Phase: 2008–2020. Efficiency, Sustainability, and Transparency

9.3.3.1 Efficiency: Echoes of Crises and the Great Recession

As mentioned above, thanks to the promotion of new management and the quality tools, local administration has been able to provide itself with a new discourse that has allowed it to relegitimize itself and enhance its activity, not only as a mere producer of public services, but also as an entity responsible for facilitating a necessary framework for equitable economic development and generating prosperity. A public administration, moreover, is capable of fostering institutional stability, the credibility of commitments between the different economic actors, as well as favoring the conditions for competition.

At the same time, cyclical economic crises and especially the great recession of 2008 have highlighted the need to establish priorities and periodically readjust the public administration’s “catalog of products and services,” what to do and how to do it. This entails overcoming certain clichés or commonplaces that have become outdated and unacceptable, such as, for example, the generalized and indiscriminate free provision of all kinds of services (known as “totally free”).

On the other hand, the new management’s discourse, nuanced in its deployment by quality policies in public administrations, has served to provide public managers

with a reference of values: not only citizen orientation and willingness to incorporate society's needs and demands into the administration, but also savings, efficiency, and cost awareness.

Improving the efficiency of public management is essential in times of crisis: on the one hand, it makes it necessary to prioritize and adjust services to the demands and needs of citizens with fewer resources, and on the other, it enables public policies themselves to be sustained. In fact, public policies are only sustainable over time if there is a broad public consensus on their effectiveness, efficiency, and equity. If this consensus breaks down, institutions and policies become vulnerable in situations of crisis, where it is necessary to ask citizens who have the means to do so to make a greater effort to finance the public sector.

It is not surprising, in this context, that some authors dared to characterize these times as “the era of government through performance management.”¹⁴

In the years following the great recession of 2008 and motivated by the “conservative” response this crisis received from the Union and the European institutions, public administrations internalized the need to guarantee their economic sustainability and even reflected this need in their basic legal system. In the case of Spain, this took shape in 2011 with the *express reform* of article 135 of the Constitution, which was strongly contested, and which established the principle of budgetary stability. The public policies of austerity and efficiency clearly marked those years, causing many more adjustments than in-depth reforms in the administrations. On the whole, local governments responded with greater elasticity and speed than other levels, eliminating or drastically reducing their structural deficits. However, the principle of budgetary stability and restrictions on public employment replacement rates will have observable consequences in the deterioration of the quality of public services, as well as in the increase of social inequalities (OECD Economic Outlook, Volume 2021 Issue 2).

However, the most widespread definition of sustainability with a holistic and integral vision (economic, social, and environmental) comes from much earlier, from the already distant report *Our Common Future*, according to which sustainable development is that which “*meets the needs of present generations without compromising the ability of future generations to meet their own needs.*” In addition to the three aspects mentioned above, sustainable development has three levels of application and analysis in the public sector, depending on its impact:

- Public organizations’ performance
- The effects of policies and public services in general.
- The actions of all affected interest groups or interests including public bodies.

The combination of these two triangles (dimensions and levels) means that sustainability must be considered in an integrated way, so that sustainability modeling studies need to have indicators that, on the one hand, assess the interaction between

¹⁴Bouckaert and Halligan (2008).

the social, economic, and ecological-environmental dimensions and, on the other hand, facilitate a dynamic approach to the continuum of public action from the macro level of policy to the micro level of organizational management.

9.3.3.2 Social and Environmental Sustainability

When defining a sustainable public administration, the first question which is very difficult to answer is: what is the minimum level of quality required for the provision of a service by the public administration? The answer involves agreeing on nothing less than what is meant by “quality of life,” which encompasses such complex elements as the needs to be met and the influences on these needs of different cultures and ways of life. Thus, for example, the expectations of most citizens in a developing country about their public services may be very different from those of most citizens in an advanced country. Without aspiring here to answer such a difficult question, at least two theses can be advanced: first, that the concept of sustainability in public administration is closely linked to the level of development of the country and its public services. The second is that public administration sustainability is about future solidarity, durability, and long-term efficiency and should therefore not be understood and focus excessively on one of its three facets, the environmental one. This side of the triangle is unsustainable if it is not combined with the other two: the economic and the social. The social dimension of sustainability has an “external” aspect, referring to society in general, and an “internal” one, relating to the people within the organization. With regard to the first aspect, a sample could be given with the Human Development Index (HDI) of different countries obtained by the UNDP (United Nations Development Programme) in 2004, represented in terms of electricity consumption per person.

This index is a reasonable measure of the quality of life in different countries. It involves three different variables: the quality of health, measured by life expectancy at birth; education, which is assessed by the adult literacy rate combined with enrolment at primary, secondary, and tertiary levels; and the economic standard of living measured by per capita income in dollars, corrected by the purchasing power parity, which takes into account the difference in the cost of living in each country. It is therefore a complex indicator that contemplates different aspects of people’s lives.

For their part, the people in an organization are one of the decisive elements in guaranteeing the sustainability of the organization itself. In this sense, sustainable organizations must be concerned with ensuring employees’ skills and innovative spirit are developed and also encouraging their social and environmental awareness, for which they must manage strategies and actions that facilitate performance, involvement, well-being, and respect for diversity.

Public administration also has the opportunity to serve as a lever in introducing a new type of ecological and environmental values in society through exemplary action. It is perhaps the best placed institution to bring about this change towards social patterns that are also more nature efficient.

Specifically, this reflection is fully applicable in the world of local management, given the broad powers in the field of territorial development—through urban planning—and with a wide margin of self-financing as regards the local public treasury.

In September 2015, the United Nations General Assembly adopted the 2030 *Agenda for Sustainable Development*. It is an action plan for people, planet, and prosperity, which also aims to strengthen universal peace and access to justice. There are 17 goals and 169 targets that provide a clear strategic framework that is perfectly applicable and scalable in local administrations. The extent to which bringing this framework into existence and deploying it is possible and assessable depends on how well local organizations make use of models of excellence and transformation. Thus, it is easy to align this agenda with the local strategic plans underway or the management and management by objectives (MBO) systems already in place in all local councils and administrations that have adopted management and quality tools. Once again, we find the right “breeding ground” in local administrations that have a culture and models inspired by new management models and their deployment of quality tools.

When it comes to measurement, quality management can facilitate the task. There is a remarkable variety of sustainability measurement frameworks (GRI, IWA4, ISO/DIS 26000). It would be advisable to develop a common sustainability measurement framework based on approaches that are already widely used, thus designing a “soft” sustainability framework for public administration, suitable for internal assessment and external reporting. This instrument should be able to integrate sustainability into the performance management system of any public body and could be compatible with the use of the Excellence Model.¹⁵

In recent years, and linked precisely to the measurement of SDGs, common measurement and comparison frameworks are being developed around them, sponsored by the Spanish local bodies’ Network for the 2030 agenda. Four hundred and seventeen local bodies already form part of the network, which altogether encompasses 26,155,146 inhabitants, representing more than 50% of the Spanish population.

9.3.3.3 Transparency, Democratic Quality, and Open Government

The loss of public confidence in institutions has been constant in the first two decades of the twenty-first century, as attested by the different surveys and barometers of the *Centro de Investigaciones Sociológicas* (CIS) (Sociological Research Centre) during this period, where concern and criticism of the *political class and political parties* have been appearing as one of the country’s main problems (after unemployment and the economy). This is happening both nationally and internationally, as witnessed by independent and nongovernmental organizations such as *Transparency International*, which have been collecting and reflecting this data in

¹⁵Parrado and Loffler (2011).

studies such as the Global Corruption Barometer, which measures the evolution of corruption in different countries.

What at first seemed to be a political problem is now being transferred to the administrative sphere and to the whole institutional framework that supports public policies. Corruption will result in disastrous consequences, provoking a new factor of delegitimization and the need for new public policy responses, which will come about through *transparency and open government policies*.

This is how *national open government plans* came into being, which include successive commitments made by public administrations to reinforce transparency and accountability, improve participation, establish public integrity systems, and train and raise awareness of open government among citizens and public employees. These efforts eventually culminated in Law 19/2013 on *Transparency, Access to Public Information and Good Governance*, which in turn affected regional legislation in subsequent years.

At the local management level, it resulted in the approval of the *code of good local governance*, sponsored by the Spanish Federation of Municipalities and Provinces (FEMP), along with promoting transparency and open data portals, transparency protocols, and a set of tools (ethical codes, risk analysis, treatment of conflicts of interest in the different public procurement procedures, etc.), which constitute a system of integrity. The aforementioned were fostered and developed more favorably in those organizations that had designed quality and excellence systems, implementing the NPM principles.

At the local level, the results of these public policies find a reference for observation and a certain degree of “external evaluation” in the transparency indexes, published annually by some NGOs and other organizations that serve as a reference and incentive for these initiatives. Up till 2017, among the most accredited was the one drawn up by Transparency International Spain (Annex 1) and, more recently, those published by independent and nongovernmental organizations such as INFOPARTICIPA or DYNTRA (Annex 2). Likewise, in the observatory of the Smart Cities Network (RECI) website, we find references to 12 good local practices in the use of technologies for the intelligent development of cities. Buenas prácticas—Red Española de Ciudades Inteligentes (reddecidadesinteligentes.es).

9.4 Conclusion: Mission and Values for a New Transformation

The administration’s vision still contemplates economic, social, and environmental sustainability; however, the consequences of the economic crisis, together with the strong rise in corruption cases in the public sphere, leave us with a legacy of a legal model biased towards strict Internal Control of public spending, which is faithfully reflected in the current regulations that condition the day-to-day work of the administrations (Law 9/2017 on public sector contracts, thus transposing the European

directive, or RD 424/2017 that regulates Internal Control in local public sector entities). All this together with a strong—and necessary—impulse to transparency and permanent accountability to citizens, which directly affects some of the basic parameters for implementing the new local management model, reduced public sector managers' agility, autonomy, and powers, reinforcing bureaucratization and increasing both internal and external controls.

The change of era we are experiencing—accelerated by the pandemic—means that we have already gone from the emergence to the total deployment of the *Information Age* and the corresponding *digitalization*. This has generated and led to the appearance of a state and administration evolving towards new paradigms that necessarily transform local management.

Following the COVID-19 pandemic, there has been an increase in teleworking and the number of services that have become part of e-Government. Although this is positive news, leading to progress in defining telework and e-Government processes under development for decades, it has also had some perverse effects that will have to be analyzed, such as no longer being able to access face-to-face public administration services, which may contribute to increasing the technological gap.

Lastly, with the boost provided by the European Next Generation funds, it should be noted that the Recovery, Transformation and Resilience Plan, “*España Puede*,” contains component 11, Investment 3, promoting the local bodies' digital transformation and modernization (EELL), and is aimed at improving both administrative processes and procedures as well as digital skills and available resources, to improve citizen service and actively contribute to the success of public policies aimed at the major transformations in Spain. A total allocation of 391.4 million euros is foreseen for local bodies in the yearly budgets up to 2023.

The model of the entrepreneurial state enunciated by M. Mazzucato, which some of us prefer to call the relational state, is already showing its different slants, more or less conservative or progressive, but in any case, it needs and favors a renewed administration that is capable of providing both security and well-being to citizens, rethinking the administration (Ramió 2021).

To this end, the new local administration currently needs to deploy new tools that will shape the transformative management demanded by twenty-first-century citizens. These tools must be based on clear references, both for citizens and for public employees, an aging and largely unmotivated group.

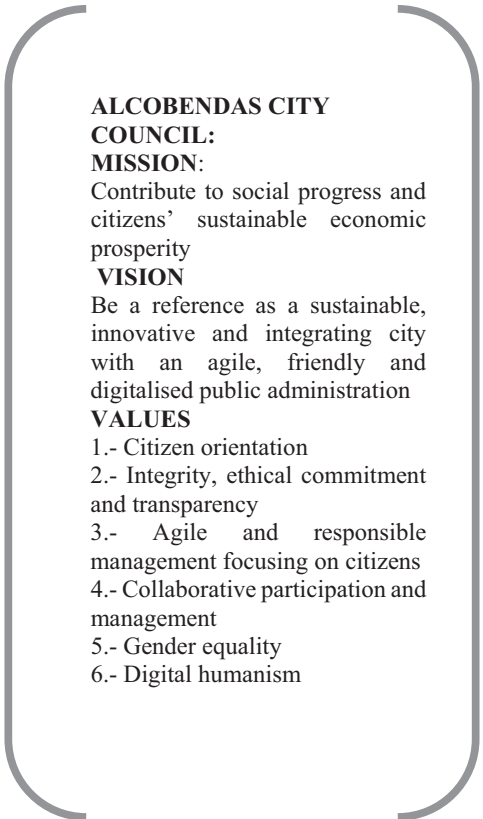
The changes taking place in society call for a need to find a clear mission, a renewed vision, and values in line with current times. Many organizations—both public and private—must reflect on and express their mission as a starting point for guiding their employees. This is also required by the new excellence models. In large organizations such as administrations, it is also necessary to explain the purpose of our work and why it is important, thus giving direction to the strategy and reinforcing a sense of pride for belonging to the public sector.

The same applies to values. Along with “citizen orientation,” which has been the main reference since the appearance of new management and quality policies, it is necessary to add the contributions that have been changing our corporate culture all these years: the need for agile and responsible management focused on results,

participation, and collaborative management or integrity and ethical commitment (together with transparency), which has been shown to be a necessary vector of change in recent years. Finally, it is essential to start introducing and asserting emerging values such as gender equality and digital humanism.

All these aspects should be contemplated in order to foster a new innovative and transformative impulse that is so necessary at this time.

Some advanced local organizations have begun to redefine these issues, while at the same time analyzing and reviewing their corporate culture, a culture that no longer has the vigor of the years when new management was promoted and quality systems were the main novelty.



**ALCOBENDAS CITY
COUNCIL:
MISSION:**
Contribute to social progress and citizens' sustainable economic prosperity

VISION
Be a reference as a sustainable, innovative and integrating city with an agile, friendly and digitalised public administration

VALUES

- 1.- Citizen orientation
- 2.- Integrity, ethical commitment and transparency
- 3.- Agile and responsible management focusing on citizens
- 4.- Collaborative participation and management
- 5.- Gender equality
- 6.- Digital humanism

Based on this analysis and review of culture and the updated mission, vision, and values, there is a need to undertake renewed transformation plans and strategies that will have to be structured around new axes and different lines of work:

- Organizational redesign and simplified processes.
- Redesign spaces to meet the new needs of citizens and employees (digital assistance, co-working, and teleworking).

- Updating strategies and objectives, incorporating transparency, integrity, and anti-fraud measures.
- Automation of internal processes (RPA), open management of local big data, and artificial intelligence impact analysis.
- Digitalization: user-friendly, assisted, and humanized electronic processing.
- Cultural change is analyzed and managed. Retaining and attracting talent, preparing generational change, and digitizing workforces.
- Intelligent and collaborative governance that knows how to take advantage of internal and external collective intelligence.

Lastly, it would be worth reflecting on and adding a chapter on the evolution of the regulatory framework in recent years, especially during and after the pandemic, as well as the impact of the progressive and intense digitalization produced during COVID-19, which some authors have begun to analyze.

It is not the purpose of this chapter; however, it is worth noting that the intensity of the regulatory production and even the extraordinary reformist vocation of the Spanish legislator in this last period has once again highlighted the need to match regulatory reforms with the real possibilities and priorities in day-to-day management. In most cases, reform will not materialize unless public resources are strengthened, increased, or reallocated. Important innovations such as the introduction of the Minimum Vital Income (IMV) have once again highlighted something that we have known since Crozier wrote that “one does not change by decree.”

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Chapter 10

Covid-19 and the Response of Local Governance in Spain



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Abstract In Spain, the unexpected arrival of the global pandemic caused by COVID-19, however, its impact being of a local nature, came at a time of weakness for local governments, which have not yet recovered from the consequences of the austerity policies derived from the 2008 financial crisis and which, in Spain, have particularly affected the local level of government. In a decentralized political-administrative system such as the Spanish one, the spread of the virus beyond any political and administrative borders has led to the need to rethink its local governance system. In this context, the purpose of this contribution is to give an account of the initial impact of the pandemic on the existing local governance networks in Spain, in their various degrees of institutionalization, focusing our analysis on the public, private, and third sector actor networks created “ad hoc” to face the public healthcare emergency aspects, as the foreseeable social and economic impacts, among others, are yet to materialize. We will look at the reasons behind creating these networks, their impact on existing networks, their main drivers and leadership, the innovations they have introduced, the challenges derived from coordination and management between public and private actors in an emergency, and the existence or lack of democratic control in decision-making processes. Our preliminary analysis will be based on the study of data so far collected from public actors (central, regional, and local governments), private actors (business organizations), and third sector actors (neighborhood associations). As far as possible, and the situation permits, this analysis includes interviews with critical public and private actors involved in the governance processes of the health crisis, as well as citizens, for they are the ultimate recipients and the party affected by the measures taken on the pandemic.

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10.1 Introduction

Among the consequences of the COVID-19 pandemic in Spain, the economic and social crisis is brought to the fore. A huge challenge for local governments, when they were still recovering from the most restrictive and recentralization policies. A situation aggravated, moreover, by the proliferation and concurrence of anti-system trends and groups. On the other hand, there is an indisputable opportunity to strengthen these bodies because they are the administrations closest to the citizens, which are always coordinating the immediate social services. Circumstances in which these local governments have overcome all these obstacles, by exercising their civic leadership, improving the provision of essential services, and designing innovative strategies to face the health challenge. Thus, by promoting and coordinating efforts among the different local actors, innovative solutions have been created to optimize local resources in the face of the effects of the pandemic. In this course of action, many towns and cities, with large political fragmentation, have been able to reach the necessary consensus among all coalitions to progress in introducing measures to address the problems of the current epidemiological situation. To all intents and purposes, in this chapter, we would like to highlight the role of the local authorities, although initially the central government assumed the leading role, taking all the necessary measures in health, economic, and security matters. This was accomplished, despite the consequent criticism from the Autonomous Communities, due to the attempt at encroaching on their powers. In general, the response to the pandemic has been a challenge at all levels of government, but especially for local authorities, which has required very special courses of action, highly differentiated from those of other catastrophes: floods, fires, earthquakes, or eruptions such as the one that occurred on the island of La Palma in the Canary Islands.

When managing the previous natural disasters, the central government provided the resources, which were coordinated by the Autonomous Communities to support the actions of local governments. Local governments are responsible for reporting damages to the other administrations in order to obtain the necessary assistance. In this respect, the pandemic, unlike a natural disaster, cannot be easily defined (Kusumasari et al. 2010). In this case, local governments have been forced to respond to the effects of an unprecedented health and economic crisis in a context of austerity and already scarce material, financial, and human resources.

Local governments in Spain provide essential health services that have been crucial in combating the virus, preventing its spread and ensuring that, at all times, citizens were guaranteed the necessary basic services. This was pointed out by the OECD in its April 2020 report on the territorial impact of COVID-19, which highlighted the work of regional and local authorities, being responsible for lockdown measures and designing recovery policies. There it was appreciated that although

the role of local governments was more discreet at the beginning, they have at all times been responsible for the provision of basic services, transportation, waste management, care for the most vulnerable citizens, and sustaining the municipalities' economies. Basically, local governments have a privileged position in the framework of proximity services, being more familiar with the personal needs of their neighbors. Therefore, municipal authorities have had to offer immediate responses to the challenges of this multidimensional crisis.

In addition to the above-mentioned repercussions, there are also institutional repercussions. The coronavirus crisis has influenced governance relationships at all levels, territorial levels, and relationships with a civil structure. Given all these circumstances, while work was being performed, it has been necessary to reinforce coordination and collaboration using innovative resources. Thus, municipal plenary sessions have been replaced by remote meetings, which have affected citizens in different ways. In general, these governments have acted as implementers of the measures taken by the central and regional governments, adapting the emergency measures to their specificities, so that the responses of the central and regional governments have been contextualized according to the needs and conditions of civil society.

Thus, this chapter examines the set of public policies and the relationships between municipalities, with other levels of government (autonomous and state) and with other external actors to understand their influence on shaping organizational activities in the new situation. Here, we will focus on the influence of the pandemic on the development of local political activity and the impact of economic and health measures taken at the regional and national levels. Specifically, we will also address the consequences of the pandemic on aspects of good governance such as transparency, accountability, corruption, and the maintenance of public order. Subject matters studied in this work have been performed with a prospective and descriptive methodology of documentary review of local and regional governments and the national association (Spanish Federation of Municipalities, FEMP). The main objective was to systematically understand the responses of the Spanish local government level to the challenges of the pandemic. Finally, while recognizing the enormous differences at the Spanish local level, we will focus on the opportunities arising from the pandemic, since the role of these bodies is extremely relevant in managing the crisis and recovery process, in spite of the remarkable scarcity in their resources.

10.2 Local Governance in Spain in a Context of Multiple Crisis

Local governments in Spain, affected by the austerity policies of the 2008 economic crisis, have been forced to face an extra-systemic crisis. A crisis that, given the diversity and heterogeneity of Spanish local governments, has had a very different impact in each territory.

Beyond the differences, the emergence of the COVID-19 crisis has made it necessary to rethink the more short-term local government strategies. Managing the crisis and its uncertainties has forced them to invest their political and management energies in the search for a response to the emergencies that have arisen. Thus, the challenges confronted in the face of the unknown have led them to modify local government priorities, given their citizens' needs and demands.

At the beginning of the pandemic, decisions were centralized in the central government ministerial departments and were carried out by the Autonomous Communities, thus relegating the role of local governments to the background (Velasco 2020). However, many local governments took initiatives without coordinating with the other levels of government in the face of the need to deal with the most urgent issues, as occurred with nursing homes where mortality was very high. Policies and measures to deal with health crises have been adopted by the central government and by the autonomous communities' governments, but local governments have been best situated to implement them, adapting them to local circumstances (Analistas Financieros Internacionales 2020).

Regarding the above, we can highlight the different stages of crisis governance, following a model of stages, as detailed below:

At the first initial phase, local governments collaborated with the central and autonomous governments in adopting health measures, making equipment and spaces available for the construction of field hospitals. At the time of the rupture in the globalized economy, supply chains resulted in a shortage of basic products in order to be able to face the pandemic, such as masks or protective equipment. In this context, many municipal governments were able to coordinate collaborations with local companies for the urgent manufacture of these products, although improvisation was the norm because they did not know how to manage the situation and were trailing behind the decisions of regional and central governments.

In this first phase, the action of local governments was certainly decisive through emergency social support measures, such as opening soup kitchens or financial aid to residents who had lost their jobs or suffered a sharp reduction in their purchasing power. Actions related to information, disinfection of public spaces and streets in the cities, and the promotion of free public transport have also been important. At the same time, the collaboration of the municipal police with the state police and, where they exist, with the regional police in restricting mobility and in maintaining order has been of capital importance. Support to small businesses, seriously affected by the mobility restriction, and in particular, the hotel and catering sector, was materialized by granting direct aid or modifying the fiscal payment calendar.

In the second phase, when the successive waves of Coronavirus occurred, local governments, in coordination with the central and autonomous governments, took charge of introducing the measures adopted at higher levels, in addition to carrying out actions of their own initiative, such as promoting and creating solidarity networks with the collaboration of the local associative structure. These were aimed at meeting the neighbors' basic needs and supporting the work of tracing and monitoring the infection (Carnicero 2020). These were crucial times for coordination between the different administrative levels and to prevent delays and mismatches in

meeting the challenges that arose. Thus, in those regions with greater institutional maturity and better governance practices, the best solutions for determining the most urgent measures were implemented (Farinós 2005).

Thus, in this second phase, the role of organizations such as the FEMP (Spanish Federation of Municipalities and Provinces) was crucial. This Federation participated in negotiating agreements to allow local governments to use their financial surpluses that had previously been immobilized during the austerity policy stages.

Finally, in the third phase, the recovery phase is dealt with. In this respect, we can highlight the large capacity for consensus reached in local environments between governments and opposition groups. This was not achieved at the regional and state level. In some local governments, as in the case of Barcelona, the agreement between the various municipal groups was accompanied by the creation of specific structures for coordinating and managing recovery policies. In other cases, the implementation of citizen participation processes for the joint elaboration of recovery programs has also been observed.

In short, although the social costs of the pandemic have yet to be determined, the events will require local public policies for social protection to be strengthened, which will involve citizen networks' collaboration in order to provide support to the most vulnerable sectors of the population. The associative structure has definitely played a vital role in the implementation and maintenance of initiatives linked to the development of essential social services.

10.3 Covid-19 and Short-Term Governance Strategies

The lines of action to deal with the situation created by the emergence of the coronavirus were previously developed within the framework of the 2017 National Security Strategy of Spain, which is not only an adaptation of the European Union 2016 Global Strategy for Foreign and Security Policy but is also inspired by the UN International Strategy for Disaster Risk Reduction (United Nations 2016). In these strategies, pandemics and epidemics are understood as one of the main challenges to national security and contemplate policies, protocols, and courses of action to address such risks (Spain 2015) and (Morales 2017). In this respect, the creation of a Civil Protection Service is highlighted, its procedures being located among the security strategies of bottom-up actions, at the same time that the responses to a pandemic would be located in a downward leaning or top-down trend. This is a set of issues for which local governments usually have Civil Protection systems to provide responses to emergency situations and are linked to regional and state services in a very unequal relationship, depending on each municipality's reasons with such authorities (Llorente and Ruiz 2020, pp. 72–95).

In this context, the declaration of the state of alarm on March 14, 2020, by the central government, involved the immediate mobilization of all central, regional, and local administrations to address the tasks to deal with the pandemic. A set of economic, security, and health measures were implemented, including support to

local governments for the protection of the most affected and disadvantaged population.

At the urban level, rapid response alliances were built between the local government and the concurrent actors in the same area, which made it possible to: (a) mobilize local companies for the manufacture of urgently needed goods, such as the manufacture of masks and breathing aids, (b) create new solidarity networks in favor of the most vulnerable groups, (c) collaborate with scientific institutions to promote research projects aimed at developing proposals to address the various aspects of the pandemic, and (d) strengthen international city networks, through which governments have cooperated for the transfer of knowledge, generating alliances through the city networks already in place (Calviño 2020).

These measures, given the unprecedented situation, were taken, at first, on the spur of the moment. In this respect, the regional governments were responsible for coordinating the actions, although it was the local governments, as the administration closest to the citizen, through their mayors and managers, who provided leadership and technical assistance to deal with the first emergencies (Barke et al. 2010).

In the thousands of local governments in rural areas, geographically isolated, with an aging population and a lack of resources, mayors have played a major role in protecting their neighbors and guaranteeing the provision of minimum services to the population.

10.3.1 Strategies and Measures in Local Public Healthcare

Although the bulk of healthcare responsibilities in Spain are held by the Autonomous Communities, some local governments provide basic healthcare services. In this situation, the pressure of demand for these services has increased tremendously. In a way, local governments were confronted with the need to guarantee the supply of materials and personal protective equipment, which in the context of the first instances of the pandemic were very scarce and difficult to find.

In this sense, coordination with the Autonomous Communities has taken place in two ways. First, local governments have been in charge of providing citizens with the means of protection, and second, it has been the local governments, with in-depth knowledge of the characteristics of the population living in their territory, which has collected information that has been transferred to the provincial and regional governments as well as to the central government. This is especially related to the most vulnerable sectors of the population and those most affected by the health catastrophe. This is especially related to the most affected by the health catastrophe among the most vulnerable population: people living in poverty, working poor, persons with disabilities and other marginalized groups.

Among the most important actions in terms of health protection were the provision of personal protective equipment during the health crisis to the most disadvantaged groups and to the workers of essential services and the performance of tests for tracing the infection. In this respect, it is also worth mentioning the construction

of field hospitals, the use of teams and equipment to carry out disinfection activities, the cleaning of public and private buildings, and waste management during the lockdown. In small municipalities, mayors have been responsible for the distribution of hygiene and sanitary resources or for bringing food and medicines to infected neighbors. In this context, it is also worth mentioning the information provided to citizens through the municipal media, including the fight against fake news.

In this way, it was demonstrated how local governments, with hardly any responsibilities in public health matters, have implemented proximity actions to face the health challenges in their territory. This proven capacity and skill legitimize local governments to advance in assuming responsibilities or to co-participate in the provision of public goods related to health (Suarez and Pedraja 2020).

10.3.2 Strategies and Measures to Save the Local Economy

As in other European countries, the economic recession resulting from the health-care crisis has been unprecedented. This recession and its immediate consequences have been evident in Spanish cities and towns. While there are still high percentages of the informal economy, the pandemic has accentuated economic inequalities. In general, the Spanish economy is highly dependent on tourism, and therefore, the pandemic has had a very negative impact on those cities and towns where economic activity is exclusively sustained by tourism.

The recurrent disagreement between the central government and many regional governments regarding the decisions to be taken has not been replicated at the local level. In most cases, local government and opposition have been able to reach agreements to modify municipal budgets, redirect already approved items, and identify the most affected sectors of the economy. Thus, shock plans have been established in the hotel and catering industry as one of the hardest hit sectors, promoted by the regional and provincial governments to be implemented by local governments. Measures were also agreed upon to support municipal markets and urban public transport to guarantee supplies. In rural governments, support for food producers to maintain supplies to the cities has been crucial.

Measures have been taken to delay the payment of local taxes by the most affected sectors, although the inactivity of many businesses has meant a significant reduction in their income. In addition, other measures have been based on the granting of soft loans, exempt from interest payments, to some retail businesses in many communities.

Within this framework of cohesion, there has also been a tendency towards consensus when preparing proposals to be submitted to other administrations and to obtain regional or national funds. In several Autonomous Communities, by means of collaboration protocols, regional, provincial and local governments have agreed to join forces and coordinate their efforts to continue offering economic aid, especially to small and medium-sized companies. Economic recovery strategies have been agreed upon with the Autonomous Communities and have been supported by

all political parties, social agents, and regional municipal federations (Suárez and Pedraja 2020)

This cooperation between regional, provincial, and local governments has been reinforced during the successive waves of the pandemic by the creation of ad hoc task forces, with representatives from all the administrations, in order to design the most homogeneous and effective measures possible.

10.3.3 Social Protection Strategies and Measures

Spain's local governments have significant powers in the area of social protection, aimed primarily at the most disadvantaged groups and those most affected by the pandemic. The lockdown decreed by the central government had a major impact on the lives of families and individuals. The closure of schools has meant not only a burden on families but also an increase in the education gap. Many local governments are responsible for the provision of services related to early childhood education. Telematic support in education for families without digital resources (Cabrera 2020, pp. 114–139). Gender-based violence rose during the confinement with increased demands for help, support, and protection from local councils. Distancing and lockdown measures have generated an increase in psychological pathologies, which are having and will have an important impact on the municipalities.

On the other hand, the health, economic, and social crisis has had an important impact on immigrants, as many of them, in order to survive, have their sources of income in the informal economy, which has been greatly affected. It is the local governments that have had to deal with these emergency situations. This is normally dealt with in coordination with nonprofit citizens' organizations of social interest.

10.3.4 Public Order Measure

Most local governments have been in charge of ensuring compliance with the measures (lockdowns, control of group meetings, etc.) taken by the central government or their autonomous community government, ensuring that citizens and businesses complied with the measures in force and imposing sanctions on offenders. In several Spanish local governments, there have been public order disturbances and unauthorized demonstrations, not precisely by the most affected and vulnerable sectors, but by well-off sectors of the population, mainly linked to sectors of the extreme right, who saw an opportunity to weaken the government (Malagoda and Amaratunga 2015). Regulating the use of public space has generated unrest and protests. In the cities where these disturbances have occurred, it has mainly been the local governments, through the municipal police and in coordination with other state security forces, who have been responsible for ensuring public order (Peaces and Weimer 2020).

10.3.5 Urban Planning Measures

The coronavirus has changed priorities. The decrease in activities during lockdown has resulted in a significant drop in environmental pollution, prompting many local governments to reconsider urban planning policies.

The crisis unleashed by COVID-19 has forced city governments to rethink their urban planning practices. Lockdown showed higher disease incidence rates in the poorest and most densely populated low-income neighborhoods. The construction of such urban environments, developed in the 1950s and 1960s, was deeply flawed in terms of design and the resources employed. In almost all cases, housing built at that time was not very functional, was of low quality, lacked important services, and had very limited dimensions (Cora 2022). Thus, as a matter of imperative necessity, this has led to the creation of commissions with the participation of the private sector, revising the plans and urban development standards for the urban regeneration of the most impoverished and densely populated neighborhoods (Honey-Rosés et al. 2020).

With all of the above, rapid tactical urban planning actions have been put in place to allow the physical distance between people and to improve air quality and noise levels. Such actions could include expanding pavements, increasing cycling lanes to promote walking and cycling, adapting parks and public spaces, adapting public transport, and reducing speed limits. Useful initiatives to facilitate the social and spatial inclusion of all citizens, allowing better access to health and social protection services, to better cope with the impact of the pandemic. Achievements among which we can highlight are the installation of services for tracking and preventing contagion, creating and developing services to deal with destitution, and adopting measures for retirement homes or those for highly dependent people.

These are all areas in which the Spanish Federation of Municipalities and Provinces (FEMP) and the associative corporations of municipalities in the Autonomous Communities have played a fundamental supporting role in the local management of all these issues. This task has been carried out by disseminating best practices, promoting active learning amongst communities related to lockdown measures, and creating protocols and mechanisms for immediate response to the challenges of these situations.

10.4 Citizen Participation

One of the first initiatives taken by the Spanish government to deal with the pandemic was the adoption of exceptional measures, such as the imposition of severe confinement of citizens to their homes. This was done to try to slow the spread of the virus and to avoid collapsing health services. Compliance with the state of emergency meant a halt to community life, which required the cooperation of citizens, assuming the consequences of such a political initiative, which limited fundamental

principles such as freedom of movement. In many towns and cities, these circumstances were addressed by introducing solidarity initiatives in order, firstly, to deal with the consequences derived from the halt in all citizens' daily activities and the situation of loneliness and isolation. These initiatives have mainly made use of technological platforms. For example, the local government of Barcelona, through its citizen participation platform, made it easier for citizens to put forward proposals on leisure, culture, sport, and psychological care to deal with the situation of loneliness. For its part, the local government of the city of Madrid also opened a portal, within its participation platform, to promote neighborhood solidarity and even opened a telephone line to deal with the most pressing situations of loneliness.

The local government of Zaragoza set up a specific platform to coordinate all the proposals from citizens who volunteered to offer help to their fellow citizens. Along the same lines, many other local governments have developed databases of local actors (citizens, businesses, and third sector organizations) offering all kinds of help. It goes without saying that the use of these digital platforms to connect the most isolated citizens has not been possible in small municipalities, where technology has been replaced by the direct and personalized support of mayors and councilors, as well as neighbors themselves (García et al. 2020, pp. 76–85).

However, above all, the pandemic has led to the unprecedented increase or growth of new citizens in vulnerable situations, with unprecedented rises in unemployment rates in the most economically depressed districts and communities. This is a situation in which neighborhood networks have played a key role by providing direct assistance to groups at risk of exclusion and informing local governments of the priorities to be addressed while at the same time demanding their intervention on this set of issues. Clearly, in the most unequal neighborhoods, the role of local civil society has been crucial. Thus, with the intervention of neighborhood associations, some local governments have set up processes to better monitor the social needs that have arisen, responding quickly to the most urgent situations. In this task, of course, neighborhood associations have acted as a genuine solidarity network for the groups most affected by the health crisis, replacing, together with NGOs and food banks, municipal action where it has not been forthcoming. With municipal social services overwhelmed, in some neighborhoods, the action of local residents has replaced that of the municipal social services, weaving alliances between the different civic organizations operating in the neighborhoods. These dynamics have strengthened relationships between the actors in this inter-municipal network, giving rise to a better framework for collaboration on important support issues such as the enforcement and maintenance of perimeter closures in various neighborhoods and municipalities (Hermosilla 2021). Finally, it is important to highlight the uneven strengthening of citizen participation. In some communities, participation has been enhanced by digital resources, but in others, the pandemic has meant a setback to citizen participation in the debate of matters of common interest (González and Piñeira 2020).

10.5 Intra-organizational Governance

In the vast majority of Spanish local governments, there are no institutionalized protocols for dealing with health crises of the scale of COVID-19. This lack of protocols has been replaced by mayors and councilors assuming leadership when forced to make decisions in a situation with high levels of uncertainty. The pandemic has undoubtedly introduced greater agility in decision-making processes, which in some cases, as has also happened at other levels of government, has led to breaches of the law. This leadership by political elites has been accompanied by greater participation of public employees in decision-making processes to provide solutions to the challenges posed, which was previously unprecedented. A widespread practice to deal with the first effects of the pandemic was the creation of crisis management committees, of varying compositions and functioning, but with the participation of elected officials and public managers from the different areas of municipal action. Organizational structures aimed to put actions into effect in the local territory itself, in coordination with the respective provincial and autonomous governments. Organizational courses of action whose support, in some cases, has been of vital importance in the face of a lack of public resources. In general, the special plans have been published on the websites of the local councils. The duration and effectiveness of the crisis committees have been uneven for various reasons.

To achieve all this, in a short space of time, local elected officials and public managers have been forced to introduce innovations in the functioning of government and local public management, creating dynamics to generate information and mobilize the necessary resources to put new ideas into practice, seeking collaboration between the different units of the municipal bureaucracy. All this occurred when the disease was at its peak, the majority of local officials and employees being affected in some way. This situation is extremely difficult in small municipalities with scarce human resources, where activity has to be suspended frequently. In any case, within their specific contexts, the implementation of strategies for the collaboration of different units in the planning, management, and control of actions to respond to emergency situations has been notorious. Likewise, benchmarking processes have taken place through the adoption of best practices carried out in other governments. The national association of municipalities (Spanish Federation of Municipalities and Provinces) and existing regional associations have also played a major role in disseminating these practices.

During the pandemic, local governments have been forced to find unprecedented solutions to respond to pressing needs. This has required collaboration, integration, dialog, and coordination with local civil society for the coproduction of public services. Vital to this has been the adoption of structures to improve the exchange and creation of knowledge and information in the delivery of public services (Oubiña 2020). If a vital component of innovation is the coproduction of public services, the pandemic has acted as a catalyst for citizen participation in the coproduction of alternatives to needed public services.

Changes in the functioning of government have included the organization of plenary sessions and telematic meetings for inter-municipal cooperation, facilitated with the financial and technical support of the provincial councils. In the field of management, the necessary technological tools for teleworking have been introduced, implementing innovative systems in a short space of time. This led to the need to modify the basic regulations of local systems, facilitating hybrid work, face-to-face and remote, with new organizational measures and for reincorporating public workers after the first wave. On the other hand, the need for coordination to provide cross-cutting responses has strengthened project and program management, and in some municipalities, communication strategies with public employees have been strengthened (Barbeito and Iglesias 2020). This has led to the gradual reform of organizational structures with the creation of new interdepartmental task forces and the emergence of new forms of management, typical of the innovative exercise of leadership in the public administration environment.

In view of the unprecedented exceptional nature of these events, innovative projects have been launched to collaborate with local civil society and thus strengthen communication with these bodies. Thus, administrative and public procurement deadlines have been extended, and citizens have been assisted in the digitization of procedures. These are important issues that have had a beneficial effect on the redesign of municipal administrative organizations and the functioning of their equipment (Colom 2020).

In all of the above, it is important to note that small municipalities have not been able to respond well because they lack administrative support. For something as important as the procurement of materials needed to deal with the pandemic, they have been completely hampered by a lack of resources. For example, the absence of civil servants prevents the drafting of procurement specifications, and the lack of secretaries and auditors in small towns makes decision-making processes extremely difficult. Moreover, where they exist, the profiles of the workers in the small municipalities do not match those required to deal with the problems that arise. In addition, they lack e-administration; hence, they are unable to send information to other administrations, such as the central and regional administrations, in order to coordinate with one another.

As regards inter-municipal cooperation, it should be noted that it has not worked since its instruments, such as the inter-municipal partnerships, are created to exclusively perform specific services (e.g., waste collection). Moreover, the nonexistence of utilities in provincial governments has prevented the provision of services in the aforementioned small municipalities. Ultimately, in many cities, the actions of the sectoral and/or territorial councils have been strengthened, which has made it possible to consolidate governance between the local public sector and its associative movement, as well as its third sector social organizations.

10.6 Managing the Crisis and Accountability

As has been pointed out, the emergency situation caused by the pandemic led to more flexible contracting procedures for acquiring protective material for people and consequently less stringent control instruments. This situation does not justify space being created for impunity and opacity conducive to corruption. The pandemic has forced local governments not only to make emergency contracts with the private sector but also to enter into emergency agreements with other public administrations. In this context of relaxed procedures to deal with a collective emergency, even stricter accountability is required than in normal situations. A control of accountability, focused on monitoring networks for decision-making and the provision of public services, involves the obligation to inform, explain, and justify its appropriateness to the different bodies involved, in order to seek their approval and legitimization (Bovens et al. 2014). Accountability-based decision-making consists of explaining to citizens what public administrations do. In this respect, it should be noted that they serve not only to justify actions, as just mentioned, but also to accept and take into account citizens' criticisms of their management.

One of the dimensions of accountability is that public decision-making processes must conform to legality and established procedures. During the pandemic, inevitably, the urgency of constant decision-making necessitated the simplification of complex legal processes. As a result, some municipalities have created parallel structures, escaping accountability controls and giving rise to the irrational and inefficient use of public resources (Cortés 2020). Thus, the cases in which the urgency of obtaining health material, in an efficient manner and in a context of shortage of supply, has led to acquisitions that are out of line with the provisions of the regulations in force and hence stand out in this respect. This has also been recurrently observed in the recruitment of human resources.

On the other hand, the absence of knowledge for decision-making on basic issues, such as the control of virus transmission, has required the incorporation of external actors into decision-making processes to provide information and evidence to generate intervention alternatives. In addition, the pandemic has required not only additional resources but also the reallocation of preexisting resources to meet the multiple and varied demands. To compensate, many of the local governments have implemented and/or strengthened their accountability systems during the pandemic by creating specific transparency portals for the management of the crisis derived from this health situation. In this regard, some of these spaces have limited themselves to publishing data on the pandemic in their community, but most have also served to communicate decisions, actions, and measures to citizens, including the use of public funds and citizen collaboration instruments. By creating specific tabs on their transparency portals, local governments have facilitated access to their contracts that the crisis has forced to be processed through emergency procedures. In this way, detailing the procedures followed and the justification for their need has facilitated the citizenry's detailed control.

In short, during the pandemic, local governments introduced innovations in terms of accountability. Not only in the area of public procurement by making more extensive use of e-procurement but also by using electronic means to manage decisions and explain them to citizens through electronic portals. In this sense, the pandemic has contributed to strengthening the culture of transparency and accountability in local governments.

10.7 Covid-19 and Long-Term Governance Strategies

The pandemic has shown that local governments have been at the forefront of public response. They have become a key reference in providing essential services and protecting or assisting citizens in vulnerable situations, offering alternatives to those who have been most severely affected by the lockdown measures.

Territorial disparity has meant that not all local governments have been affected by the crisis with the same intensity. Undoubtedly, what has happened leads to the need for rethinking governance models in the long term. All this will have to be done, even in a context of recovery whereby citizens will demand the provision of public goods and services in different dimensions and the strengthening of local governments to manage uncertain scenarios. The heterogeneity of the Spanish local level and the different impacts of the pandemic in the various territorial spheres will require highly diversified responses for each place, which will only be possible to arbitrate through the implementation of specific local governance processes. In the context of the Covid-19 crisis, local governance has been inscribed in the national recovery framework, which was designed through the publication of a royal decree at the end of 2020. This national recovery plan, in turn, submitted to the European Union institutions, must contemplate our local public administrations as the basic driving structures of this general dynamic. Naturally, in this driving action, the recovery policies would implicitly include a strengthening of local governance. All in all, it is important to highlight the absence of these aspects in the political recovery agenda, which has been maintained to date (Romero and Alejo 2021, pp. 147–168). In practice, local governments still do not have the necessary protagonist for this recovery. It is true that the European recovery funds earmarked for the Spanish state are good options for developing expansion processes and progress in governance.

It should be noted that these recovery policies are framed in the context of the 2030 Agenda in its various axes, economic, social, environmental, and a transversal one, which is governance, to which the European Union first made reference and to which several European states, including Spain, adhered. Governance is therefore considered an essential instrument for the implementation of the different objectives of the 2030 agenda. From the point of view of local governance, this 2030 agenda serves as a strategic reference for local action by setting a 10-year time frame. This means that local governments are forced to face the challenges they already had in the Agenda and future challenges.

To meet these present and future challenges, Spain will receive not only traditional EU social and regional funds but also recovery funds. Given the multilevel governance system of the Spanish state, it is likely that part of these resources will be managed by local authorities.

There is no doubt that the multiple emergency measures introduced to fight the pandemic have had negative effects on local finances, mainly because of their heavy dependence on central government transfers. It is therefore essential for local governments to participate in planning and managing the European Next Generation reconstruction funds that are earmarked for Spain, as the second largest recipient of funds, to the tune of 140 billion euros. The participatory governance of these resources includes lines of action in the field of sustainable renovation of housing and buildings; environment; education policies and vocational training; new economy of cities and modernization and digitization of European administrations. Arranging the plans to be presented for these funds to materialize will be carried out jointly by the Autonomous Communities and local governments (municipalities and provincial governments).

In this respect, the pandemic has highlighted the quality of public space and housing in cities, as well as the need to redefine their planning to make them more humane and, at the same time, to combine the need for social distance, giving value to the concept of the neighborhood (the 15-min city). All this is associated with an aspect residents find attractive, that is, the availability of the necessary proximity services to satisfy the vital needs of a citizenry in its complex diversity (nurseries, primary education, basic health services, and basic social services for the elderly, among others). A set of issues where all matters linked to redefining the way of life of neighborhoods should not be forgotten: the development of the third sector, the promotion of intellectual and cultural activity and life, the development of the social economy, and the opening of new opportunities for civic participation in the redefinition of the city (Delgado and López 2020, pp. 294–303). Political ways of the proceeding would be very useful for large-scale social integration in the design of local public policies, as well as in the design of resilience strategies, where all these dynamics would be greatly favored by innovative participation mechanisms and the use of ICTs (Iglesias and Barbeito 2021).

In the future scenario of the pandemic, there are opportunities for revamping rural and natural spaces based on the analysis of the needs of rural people. These analyses can only be effective if the municipalities are given the capacity to put forward proposals to the regional and central governments. These proposals must be based on the best knowledge of their environment, understanding the perspective of the urban space and mastering the demographic and social dimensions. Small municipalities are ideal for the development of a creative economy and new technologies offer extremely good alternatives for education, health, transport, and services for the elderly. They can be used to promote the conditions for continuing to inhabit the territory and, to this end, it is essential to set up local governance processes adapted to the rural environment, provided that the associative bodies of the municipalities, the districts, the inter-municipal partnerships, the provincial government and all the agents and structures of local development adapt to the new demands (Bornioli 2022).

10.8 Conclusions

At a time when it seems that the pandemic is subsiding at the global level, serious dysfunctions can be observed in the multilevel governance systems of centralizing decisions in the European Union. Delays in the reaction of EU institutions and member state governments have led to this situation. Some indicators from the more decentralized countries show greater effectiveness in the face of the crisis. Above all, in the first instances, when the fragmented logics of the different levels of government agendas to face the emergency were juxtaposed. A framework where local governments had to act immediately in the face of a health emergency, providing citizens with health-related protection instruments while preserving the provision of essential public services.

In a multilevel governance system such as Spain's, the local governments' capacity to respond to the crisis has proven to have important advantages, as they have a great deal of knowledge about local actors because they are in contact with them. Their broader knowledge of this reality, given their proximity relationships, and their greater empathy with the interests of those affected, place them in an advantageous position to resolve the challenges posed by the pandemic. They can thus provide better and more efficient support to citizens with their policies in the face of COVID-19 and the crisis unleashed by it, giving rise to a reevaluation of the work of these political powers and administrations. Thus, where the regional and central governments were slow to arrive or were inoperative, everything had to be tackled by the existing local authorities. Although the pandemic has revealed many of the latent shortcomings of the Spanish local system, the challenges posed by the pandemic have demonstrated the value of local authorities and their administrations. Local governments have played an important role in promoting and coordinating the efforts deployed in their sphere of action, coordinating the different local actors, and strengthening the framework for inter-municipal action. The coordinating role of the Spanish Federation of Municipalities and Provinces and the Regional Federations of Municipalities should be highlighted. They have stood out mainly as inter-municipal mediators and mediators with governments at other levels and in the dissemination of experiences and good practices as far as international spheres through institutions such as the United Cities and Local Governments.

From the above mentioned, it has become clear that the most effective have been those that already had strongly entrenched governance structures. The pandemic has only reinforced their governance model, although it has also brought to light the weaknesses of the Spanish local system in general, revealing the problems of implementing public policies and the unfinished processes of reforming local governments and their integration with regional and central governments. In relation to the latter, during the pandemic, there have been collaborative relationships, but also tension between the different levels of government. These dynamics tend to persist in the post-covid era because managing the health crisis has often brought to the surface and strengthened the existence of contradictory trends. Situations created by

the conflict of powers and the dependency relationships imposed by the remnants of the pandemic amongst central, autonomous, and local authorities.

However, the influence of the pandemic on this whole set of inter-institutional relationships must be studied. In several cases, it has contributed to a loss of confidence in public action, but in others, ignorance has led to collaboration being strengthened. Thus, despite all these barriers, vertical linkages and coordination have been strengthened and have become essential in the development of territorial, environmental, economic, social, and educational policies. This mechanism has been reinforced, moreover, by the great impetus given to relationships between public authorities and civic actors in local environments. Clearly, despite all this, multilevel governance has grown considerably and has demonstrated its importance, which deserves to be maintained. In crises, local governments have shown themselves to be in a better position to coordinate collaboration between central and regional governments and civil society. In doing so, they have presented themselves as the best way to address the necessary central and regional policies in partnership with local civil society. Issues where only tentative improvements are required for the development of the civil structure of neighborhoods and social associations in general.

All in all, it is important to note that crises can be taken advantage of because they offer opportunities to improve everything. They accelerate the changes underway and increase the value of working together towards common interests. In this case, they also contribute to redefining municipal powers and their financing. In general, the pandemic has been a threat but also an opportunity for constructing and strengthening the idea of citizenship and consolidating local autonomy.

If anything has been revealed by the pandemic, it has been the weakness of small municipalities (80% of the total), which have very little capacity to respond to emergency situations and need state and regional support. The lack of resources in these communities increases the perception of existing inequalities. The health crisis has also highlighted inequalities in cities, which may have been exacerbated by these events.

In short, even in the absence of further empirical research to confirm this, it has been observed that the pandemic has led to local governance being revitalized to a certain degree, with the creation of new networks of varying degrees of formality. In order to face the uncertainties about the duration, depth, and consequences of the crisis unleashed by COVID-19, it is necessary to reach new agreements which can only be achieved through local governance processes. There is an urgent need to reinforce the operational, functional, and financial capacities of local governments in their work in the face of the complexity of future scenarios. Scenarios in which more agile models of open and participative governance will be essential, where responsibilities are diluted in the cooperative concurrence of all possible public actors in the design and review of the strategic plans to be developed. Integration formulas and procedures in the debate on matters relating to the common interest can only be developed by integrating those most affected, involving them as participants in the mechanisms of deliberative democracy on this set of issues.

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Chapter 11

Local Autonomy in Spain: The Place of Spanish Municipalities in the Multilevel System of Government



Carmen Navarro and Esther Pano

Abstract This chapter reflects on the position of local governments in the Spanish political system and on their autonomy, its evolution, patterns, strengths, and weaknesses. It first defines the context of the emergence of autonomous local governments in the democratic transition of the late 1970's and describes their evolution through the successive legal reforms of the Local Government Act together with their implications. Measured by the Local Autonomy Index, Spain offers a case of medium levels of autonomy from a European perspective, with relatively high levels of organizational and legal autonomy but weak points when it comes to the functions and competences that municipalities can exert. And there are still some issues to be tackled in order to fully comply with the obligations of the European Charter of Local Self-Government as the last report issued by the Congress of Local and Regional Authorities of the Council of Europe has remarked.

Keywords Local autonomy · Local government · decentralization · Multilevel governance

11.1 Introduction

The Spanish model of decentralization to local governments has traditionally been grouped with other Southern European countries with which it shares features. In typologies of vertical power relations that look at how competencies are distributed among levels of government and at the political power of local governments in

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relation to upper levels of government, Spanish local governments have been included in the so-called Franco group (Hesse and Sharpe 1991). With strong political mayors representing the interests of the community *vis-à-vis* higher governmental levels but a relatively limited scope of functions, local governments are placed in the multilevel governance system with a medium level of autonomy. Typologies of vertical power relations reflect the topic of local autonomy.

Typologies allow for comparative analysis. But individual cases that make up types present singularities and evolve over the years. Spain has belonged to Southern Europe types since the late 1970s when democratic municipalities emerged in the political system. But unfolding the evolution of Spanish local governments over the last 40 years means describing a landscape of several changes along the years, with steps forward in the reinforcement of autonomy as well as some setbacks.

For instance, for a proper understanding of the components of local autonomy, we have to go back to the late 1970s, when Spain successfully culminated—after 40 years of an authoritarian regime—its democratic transition with the approval of the 1978 Constitution that opened the door to the longest period of democratic, political, and economic stability the country has experienced to date. And the fact that the decentralization process that occurred simultaneously with other three processes of deep change—democratization, Europeanization, and the building of a welfare state—has to be taken into account for a full understanding of the evolution of local autonomy. Municipalities gained political decision-making power over sectors they already administered in fields in which central administration had previously maintained broad control and capacity for intervention. Spain joined supranational and international organizations that, among other outputs, led it to sign the European Charter of Local Self-Government in 1985 and be subjected to its obligations (Iglesias and Barbeito 2018). And since 1996, the capacity to develop welfare state policies reached the local sphere following the economic expansion of that period (Navarro and Velasco 2015).

Despite all these deep changes, the new political system did not bring change to the local map, and heterogeneity and fragmentation remain one of the most striking features of the local government system. Although most of the population currently lives in large cities, there are 8131 municipalities, and this figure has been more or less stable for the last half a century, with a slight increase over the last years. The majority (60%) of the local units have under 1000 inhabitants, while 84% of them have populations below 5000. Processes of amalgamation undertaken in most European countries have been considered politically unfeasible here (Velasco and Viver 2012). As the chapter will identify, this trait has an impact on local autonomy.

This chapter aims to assess the place of Spanish local governments in the multilevel governance system. It implies reflecting on local autonomy and its evolution, its patterns, strengths and weaknesses, and the position of Spanish municipalities in local autonomy indexes. It is organized as follows. In the second section, we identify the trends and milestones in the attainment of local autonomy. In the third section, we analyze the position of Spanish municipalities according to the Local Autonomy Index (LAI). And in the third section, we look to the future by pointing to the main challenges that local self-government faces ahead.

11.2 Evolution of Local Autonomy in Spain 1979–2020: Constitutional Recognition and Main Milestones

Local governments are scarcely mentioned in the 1978 Spanish Constitution. However, the very few articles devoted to decentralization towards local governments refer to granting their autonomy. Of the 169 articles in the constitutional charter, only four cover aspects related to the nature and political status of local governments. Articles 137 and 140 guarantee local autonomy to municipalities and establish the main features of their political organization. Article 141 defines provinces as local entities and determines that their territorial borders can only be modified by wide majorities in the Parliament. Finally, article 142 declares that local governments should have enough resources to perform their functions and activities. These four principles offer the main constitutional interpretation of the notion of local autonomy: existence, capacity, and resources.

– *The constitution and the foundations of the system*

The particular structure of the decentralized Spanish state means that both the central state and the autonomous communities (regional level of government) share powers in local regulation. This involves that both levels of government have the capacity to approve regulation of local government, but the autonomous communities must respect the Spanish frame law. This feature results in a rather intricate legal framework composed of the regulations of the autonomous communities and the national law. Therefore, although the principle of autonomy is constitutionally and legally guaranteed, the aggregation of regulations leaves a narrow space for particularities in local performance. However, local entities have managed to find ways to adapt their organization, structure, and outputs to the singularities of their territories within these limitations.

The principles contained in the Spanish Constitution are developed by the Local Government Act (Law 7/1985), which, in the first article, already declares that municipalities and provinces enjoy local autonomy. The first four articles of this central piece of local polity include different elements related to the implementation of the principle of autonomy. According to the law, the legislation of the state and the autonomous communities must ensure that municipalities, provinces, and islands can intervene in all matters that directly affect their interests. This supposes attributing powers and management capacity to local governments, in accordance with the principles of decentralization, proximity, effectiveness, and efficiency, and strictly subject to budgetary stability and financial sustainability regulations. The law specifies, in article 4, different responsibilities and capacities assigned to municipalities and other local entities (provinces, islands, and inter-municipal cooperation arrangements).

The original text of the Local Government Law approved in 1985 already presented strengths but also weaknesses related to the exercise of local autonomy (Sosa Wagner 1989; García Roca 2000; Font i Llovet 2008). The subsequent reforms readjusted the notion of local autonomy. The 1985 text of the law establishes

capacities to decide the structure of the entity and make service delivery decisions related to the local public services. Municipalities can approve regulations in the areas they have powers that can affect citizens or other social actors, and they can also organize their internal structure. They are able to develop activity in a wide range of areas. The plenary decides the political structure in terms of responsibilities in the councils and their link with the institution—this involves the area of responsibility, time commitment to the tasks and salary—and the composition of the different bodies. The plenary can modify the allocation of powers among the bodies and the capacities can be delegated and assigned differently. This means that powers assigned to the plenary can be delegated to the Mayor or the Local Government Board, which acts as a cabinet.

The plenary approves the municipal budget, the mechanisms of human resources management, and the participation in inter-municipal associations or other cooperation tools. The mayor also has relevant executive powers, and, in fact, the system has often been qualified as a strong mayor type (Mouritzen and Svava 2002; Navarro and Sweeting 2015). These factors compose an entity with capacities to organize the structure and develop services and policies. The regulation establishes a range of compulsory services and a list of activities that may be provided depending on the number of inhabitants. This means that some services must be delivered, but the city councils can develop other services not included in the list. Article 25 of Law 7/1985 includes the powers and functions; article 26 establishes the public services; and article 28 contains a general clause that allows city councils to implement almost any kind of policy. Indeed, article 28 stated that municipalities could carry out complementary activities to those of other public administrations, particularly those related to education, culture, strategies for women's equality, housing, health, and environmental protection.

Therefore, according to the original text of the law, municipalities had wide capacities and powers and could carry out the activity in many different areas and policies. However, the main problem at this point was, and is, related to funding and financial resources. In other words, municipalities could, theoretically, implement a wide range of different policies, but the system does not guarantee enough resources to ensure this provision. The introductory section of the law declares that local entities need sufficient resources that enable them to satisfy their needs and procure the services that citizens require. Article 105 details that municipalities would be provided with sufficient resources to fulfill the purposes of local entities. Despite that, the funding system of local entities in Spain has always been considered scarce (Font i Llovet 2008), and municipal associations have often claimed an increase in financial resources and capacities. This demand has constantly been in the debate about local government reform and, in fact, has been addressed differently over the years depending on the political and economic context.

Since its adoption in 1985, Law 7/1985 has gone through several reforms.

- *The 1999 and 2003 reforms: Adjusting legal and organizational aspects of local autonomy.*

In the process of the reform of 1999 (Law 11/1999), financial factors were present in the debate but abandoned in the final text. The reform reinforced a presidential model of government, strengthening the figure of the mayor and included a more restrictive regulation of the no-confidence motion against the mayor. One of the most important novelties was the creation of special access for local entities to the Constitutional Court to defend local autonomy. This is a complex and long procedure, but it is supposed, at least, to be a mechanism to express an aggression toward the self-rule principle.

The reform introduced by Law 57/2003 was aimed at including measures for the modernization of local government. The introduction of this second reform highlighted the need for mechanisms to enable flexibility and manage the diversity of the municipal map (big and small municipalities). In fact, it was originally known as “the law of large cities” due to the fact that it contained particular clauses to address the needs of big size municipalities in terms of population. The definition of the concept of “large city” caused many problems in the context of the Spanish municipal map, and the final classification included different kinds of cities depending on many factors, such as being the capital of a province. As a result, the law did not end with the uniformity of the system, and the system for larger cities supposed, in fact, a more demanding regulation that included the obligation to create districts and the need to establish new governing bodies. The reform did not mention any aspect related to powers and funding that were considered the main issues concerning local regulation.

In fact, the reform was aware of its limitations, and the introduction declared the need of a new Local Government Act, which could constitute an adequate instrument to introduce reforms aimed at the rationalization and modernization of local government. In the framework of this consideration, in 2005, the government launched the “White Paper for a Local Government Reform” as a preliminary preparation for a new Local Government Act.

The text recognized the need for a single model of basic organization, but that should be flexible and respectful of the power of self-organization (Lucarelli et al. 2005). The white paper intended to establish safeguard mechanisms to protect local powers from the interference of other levels of government. Namely, there was a general recognition of the self-rule principle as declared in the European Charter of Local Autonomy; the document also determined a list of municipal and local powers that implied a substantial increase to the former catalog. Thus, the State acted as a guarantee granting full freedom to exercise political initiative to municipalities as long as the area was not reserved for another level of government, particularly to autonomous communities.

Due to the political and economic context, the white paper as preparatory studies for a new Local Government Act did not have any subsequent evolution. This interruption in the development of the reform had relevant and decisive consequences. Indeed, the general narrative until this moment was based on the need of a better protection of local powers, a more adequate funding system, and a wider interpretation of the concept of local autonomy. This was a particular “municipalist momentum” in Spanish politics, and there was a general consensus about the need for more

local powers, a clear defense of the principle of subsidiarity, and a better system of funding that could grant more resources to satisfactorily fulfill the new tasks and functions. The following years would suppose a turning point not only in the narrative but also in the facts and actions regarding the reforms of local government.

– *The 2013 reform: The impact of austerity measures on local governments.*

The financial crisis and the austerity measures related to it drove a new reform of the Local Government Act that would bury the aspirations for more powers of local governments. In fact, it was rather common to include in the “memorandums of understanding” of the different grant packages a particular clause about territorial reforms (Navarro and Pano 2019; Lippi and Tsekos 2019). Indeed, the first announcements of the content and intentions of the reforming law showed that this text had to be framed according to the indications of European and international organizations. Thus, the conductive line was clearly dominated by an overall objective of ensuring the financial sustainability of the local institutional network. In fact, according to the Spanish government estimations, the new measures would contribute to a total saving of 8000 million euros in public funds (Magre and Pano 2016). The process of drafting and negotiation was tortuous, and the final text differed notably from the preliminary drafts. As the objectives were focused on savings, one of the main points of the reform was related to a rearrangement of services and competences and what could be called a “de facto” rescaling process. Another relevant objective announced in the statement of purposes of the law was to stimulate the development of the private sector into the provision of public services. In fact, the text says literally, “to promote private economic initiative and avoid disproportionate administrative interventions (...)”. It is difficult to say to what extent this was only an aspiration. Actually, the rest of the law did not include effective measures in this line; however, the will of the legislator was clear.

The modifications related to essential and compulsory local services were minor in terms of the content of service. In some cases, nuances could be identified in the definition of certain services, and in other cases, some services that were already infrequent were deleted from the list. The main aspect introduced by the new law regarding basic services was related to the principal responsible for the provision. The new text entrusted the second tier, namely the province, with the coordination of the provision and management of all municipal public services for all municipalities of less than 20,000 inhabitants (90% of a total of 8117 municipalities). It is difficult to delineate the precise meaning and extent of the term “coordination,” but according to the text, it should be interpreted as control and tutelage. In other words, the competences may have been transferred “de facto” to the second tier. Besides, the ministry was supposed to retain the capacity for the final decision on this matter.

The noncompulsory services were more strongly affected. The law was determined to remove the option of developing this kind of local activity. According to a strict interpretation of the law, municipalities were no longer allowed to deliver nonmandatory services. In fact, article 28 of Law 7/1985, which contained the general authorization to intervene in many different fields, was suppressed. In addition,

all services related to education, health system, and social services had to be transferred to the autonomous communities, though they could be decentralized again, ensuring sufficient funding. Funds and resources of the municipalities related to these services were supposed to be transferred to the autonomous communities. In other words, the main measures included in the new law related to tasks and functions implied: (i) a slight reduction of minimal and essential services; (ii) introduction of coordination and tutelage of provinces, which could suppose a rescaling process; (iii) attempt of elimination of nonmandatory services; and (iv) transfer of welfare services to the autonomous communities. The law also introduced limitations on the role of councilors and their salaries, the number of advisors and other political staff, the regulation of the cost of public services, and it increased the controls on financial and budgetary procedures.

The old problem of lack of funding was addressed by the opposite approach to the previous regulation. That is to say, instead of increasing resources, the law aspired to reduce municipal activity. The reaction of the local institutional network to this reform was clear and politically biased. Municipalities from political forces different from the party in the national government appealed to the Constitutional Court to protect local autonomy. Different autonomous communities also appealed to the Constitutional Court, claiming that the State had interfered with their powers. The reaction showed that many actors considered that the reform eroded local autonomy and introduced centralization trends in the institutional system. In fact, although the reform was approved and is still in force, municipalities did not introduce dramatic changes in their activity. Nevertheless, the narrative had dramatically changed, and some mechanisms would remain operating as a strong limitation to municipal activity.

– *Local management during the pandemic: Recentralization or proactivity and scarcity of resources. Will the pendulum swing back?*

In the period between 2013, the year of the passing of the law, and 2020, the situation seemed to stabilize in a rather precarious position. In fact, local councils were not allowed to use budgetary surpluses, and this generated a sort of municipal savings, which they were also not allowed to use freely. At the same time, there were also strong limitations to enrolling more professionals and increasing structural expenditures. In this framework, the COVID emergency exploded. The central state used strong constitutional mechanisms that implied a centralization of powers during the most difficult moments and tried to use the municipal savings. This, again, generated a strong negative reaction from local institutions, and the central government had to rephrase this measure. Another aspect that generated reaction was related to the borders of the different locks down. These decisions were taken by the central government and the autonomous communities but had consequences on the territory. The establishment of a border implied the prohibition of the movement of people from one municipality to the other, and this had high economic and social impacts. Municipalities did not have any specific mechanisms to participate in these decisions. Local authorities also did not have any specific information about the

detailed health information of COVID-19 in their area. They only had access to general figures about transmission of the illness, but they did not have specific personal data due to legal reasons. Municipal officials were supposed to control movement of citizens and activity in the streets, but they were not equipped with any special capacity.

Concurrently, during the emergency, municipalities were very active in promoting actions and implementing policies headed to address the needs of the citizens. Some of the policies questioned in 2013, such as social services, proved essential, and the local system was particularly committed to providing different responses to social needs. In fact, municipal social services were the few public services that remained open to the citizens in the lockdown periods. Local authorities had responsibilities for enforcing the exceptional regulations and also offering spaces and resources to other levels of government. However, the degree of activity varied a lot depending on the profile of the council and also on the capacity. While the city of Barcelona, for instance, provided emergency lodging to vulnerable citizens and other facilities, other city councils did not have the means to offer any exceptional care. That is to say, the reaction of municipalities showed sharp differences depending on their characteristics and taking into account the features of the Spanish municipal map, this may imply that many local governments did not have the capacity—“de facto” autonomy- to implement any special measure.

In sum, as seen in this historical description, local autonomy in the Spanish regulation is based on Constitutional protection, which is a formally strong guarantee. However, despite this legal safeguard, the complete composition of the regulation and the lack of funding indicated that there would be some difficulties in implementing the self-rule principle. Even under these circumstances, from the 80s until the end of the first decade of the twenty-first century, there was a sort of general agreement about the need for more mechanisms to ensure local autonomy. Indeed, all the political actors concurred on the need for better funding, although the precise system was never defined, and stronger protection of functions and legal capacities. The zenith of this process, and actually turning point, was the elaboration of the white book of local government that was supposed to offer the basics for a new local government legal framework from a more municipalist perspective. The withdrawal of this project supposed a pause that would not be reversed. The financial crisis implied a decentralization trend that affected mainly local government and a limitation of its capacity to act. Covid-19 emergency appeared when the effects of these measures were still noticeable. After a period of exceptionality, it seems that local governments may recover some prominence. However, it is still uncertain whether these circumstances may change the pendulum swing and go back to a municipalist trend. For the moment, it could be said that the future narrative about local autonomy is still on hold.

11.3 Measuring Local Autonomy in Spanish Municipalities: the Local Autonomy Index (LAI)

Measuring the degree of political decentralization of municipalities in a country and comparing it with other political systems is a complex task. Not only are there different positions about the components of local autonomy and their relative importance, but also the task of measuring itself confronts challenges.

The literature on vertical power relations between local governments and higher levels of government offers several attempts to measure quantitatively the degree of local autonomy of political systems. Sellers and Lidstrom (2007) propose an empirical measure of autonomy based on the capacities of local governments and links it with the development of the welfare state. More recently, the so-called Local Autonomy Index (Ladner et al. 2019) has made its way with a new and comprehensive methodology based on five dimensions or core aspects of autonomy and operationalization in eleven variables or indicators (Table 11.1). This index allows gauging the level of local autonomy in any territory under study.

Despite the heterogeneity of the local map (large and small municipalities) and the fact that autonomous communities have regulation powers over local governments, the Spanish case shows a high degree of uniformity among municipalities when it comes to measuring local autonomy according to LAI. The most notable

Table 11.1 Local autonomy index. Dimensions and variables

Dimensions	Variables
Institutional	Institutional depth. The extent to which local government is formally autonomous and can choose the tasks they want to perform
Functional	Policy scope. The range of functions (tasks) for which local government is effectively responsible
	Effective political discretion. The extent to which local government has real influence over these functions
Financial	Fiscal autonomy. The extent to which local government can independently tax its population
	Financial transfer system. The proportion of unconditional financial transfers to total financial transfers received by the local government
	Financial self-reliance. The extent to which the proportion of local government revenues are derived from own/local sources (taxes, fees, and charges)
	Borrowing autonomy. The extent to which local government can borrow
Organizational	Organizational autonomy. The extent to which local government is free to decide about its own organization and electoral system
Intergovernmental	Legal protection. Existence of constitutional or legal means to assert local autonomy
	Administrative supervision. Unobtrusive administrative supervision of local government
	Central or regional access. To what extent local authorities are consulted to influence higher level governments' policy-making

Source: Ladner et al. (2019) adapted

differences arise in relation to municipalities' size, which affects some aspects of the functional and financial dimensions (small municipalities tend to have less scope for action and are more dependent on conditional transfers). The next lines describe how Spanish municipalities behave in each of the five autonomy dimensions.

– *Institutional autonomy.*

From the institutional perspective, Spanish municipalities have a relatively high degree of autonomy. The constitutional recognition of local autonomy and the “right to intervene in all matters directly affecting their interests” granted by art. 2 of the Local Government Act reflects the depth of institutional autonomy. Before 2013, municipalities were granted with the so-called residual clause that allows them to exert the general capacity to “complement the activity of other levels of government, particularly in the fields of education, housing, youth, culture, the promotion of women and others” (art. 28 Local Government Act).

However, the 2013 Law 27/2013 of Rationalization and Sustainability of Local Administration brought changes in institutional scope. By establishing precise mechanisms for the exercise of local government powers under the principles of budgetary stability and financial sustainability, it aimed at limiting municipal action by, among other strategies, abolishing the residual clause of article 28. The LRSAL pursued, among others goals, clarifying municipal powers to avoid duplication of other administrations according to the principle of “one Administration, one competence” and ensure financial control and more rigorous budgeting. From this reform on, although municipalities can still develop new tasks to complement the activity of other levels of government, this will only be possible if the municipality has a healthy economic situation and as long as the municipal activity does not produce duplication. But regardless of this relevant change in municipal polity, almost a decade later, municipalities have found their way to implement new measures, and the reform has not managed to affect the institutional core of Spanish local governments (Medir et al. 2017).

– *Functional autonomy.*

Regarding the range of functions where local governments are effective in the delivery of the services, the Spanish case as a whole shows an illustration of medium involvement, whereas it drops to low levels when we only consider the case of small municipalities.

Despite the growth of municipal action experienced from 1996 onwards (Navarro and Velasco 2015), its real scope needs to be put into perspective. Many of the tasks carried out by local governments refer only to partial aspects of a policy field or imply a weakly financed sphere of public intervention. This is definitely the case in health and education, where municipalities play only a residual role. A greater municipal presence can be found in other welfare policies, such as social assistance or care for the elderly, where municipal action is more intense but lacks the consistency or funding found in other European countries. It should not be forgotten that, on the one hand, the Spanish welfare system is comparatively underfunded by European standards (Guillén and León 2011) and, on the other hand, although local

spending has increased in absolute terms over the years, its share of public spending is still very limited, representing only 17% of the total financial resources on public hands. Analyzed by sector, the involvement of municipal governments in key public policies would follow the following patterns:

- In the field of education, municipalities are only responsible for the maintenance of public schools. Over the years, large municipalities have tended to implement programs in complement areas of education (e.g., after-school activities, music and art schools, adult education programs, or programs to combat school failure). When implemented, these activities represent a remarkable field of local action and it is highly appreciated by citizens.
- In the health sector, local governments are strictly limited to public health protection issues (disease control and prevention, trade control, etc.). Primary or specialized health care services are the responsibility of the regional level of government.
- On the contrary, social services are mentioned in the 1985 Law as one of the compulsory fields for local action in municipalities with more than 20,000 inhabitants. The reform of 2013 reduced the scope of this policy, referring only to the assessment and information of the social needs of residents and emergency care of people at risk of social exclusion.
- Child and elderly care functions (nursery schools 0–2 years, home care) are part of the policies that local governments enact to complement other levels of government. As in the case of social assistance, there is no uniformity in the supply or resources devoted to these services. In terms of distribution, some municipalities have their own departments and resources, while in others, these services are provided by supra-municipal authorities or in inter-municipal cooperation schemes. In general, the larger the municipality, the more possibilities it has to develop a consistent and autonomous policy in this sector.
- Housing policy—understood as the provision of decent housing for low-income families—is in general an extremely underdeveloped field of public action in Spain. The legislation allows municipalities to have their own policies, but only a few (the larger ones) implement programs in this sector. It is more common to see local authorities signing agreements with regional governments to finance building rehabilitation, provide rental assistance, provide mortgage arbitration services, or rental intermediation between landlords and tenants.
- In the field of urban planning, local responsibilities are far-reaching. The wide degree of discretion and room for maneuver of local authorities in this area is unknown in other European systems. Regardless of their size, local governments are fully responsible for both permit issuing and urban planning. Regional governments formally have a supervisory role, but the Constitutional jurisprudence has traditionally ruled, limiting their activities to the control of legality, in order to preserve local autonomy.
- In what concerns transport services, only municipalities with more than 50,000 inhabitants are obliged by law to provide public transport services. In the case of smaller localities, public services—if offered at all—tend to be coordinated by

supra-municipal governments or in cooperation through inter-municipal bodies. Transport is usually provided by private or public companies or consortia operating a monopoly on a network of lines connecting population centers.

- Security in public spaces and civil protection are also local responsibilities, and local police supervise traffic, parking, monitor and guard municipal buildings, and enforce local ordinances, but the legal framework greatly limits their functions.

– *Fiscal autonomy*

Turning to the economic dimension, Spanish municipalities enjoy a relatively high level of financial autonomy. Spanish municipalities have the autonomy to levy their own taxes on the population. However, this power is limited by the fact that both minimum and maximum values are set by the central government. Property tax is the main tax for raising own resources in the hands of municipalities. It accounts for approximately 28% of all local nonfinancial revenues and 22% of all revenues (Ministerio de Hacienda y Función Pública 2020).

As far as the system of financial transfers is concerned, unconditional transfers from other levels of government dominate. They are calculated according to population size, with some correction factors that benefit larger municipalities on the premise that they bear greater spending responsibilities. As for conditional transfers, most of them refer to grants for specific investment projects or some services provision. In municipalities with populations of less than 5000 inhabitants, the relative weight of conditional transfers is higher (Ministerio de Hacienda y Función Pública 2020).

With respect to the financial self-reliance variable (which assesses the extent to which local economic resources come from own resources), more than half of municipal spending is financed by municipal own resources, specifically from local taxes (property tax, vehicle tax, and tax on construction activities and works) and user fees (Ministerio de Hacienda y Función Pública 2020). For municipalities with less than 5000 inhabitants, this percentage reaches only 48%.

In terms of borrowing autonomy—or the degree to which local governments can borrow without control by higher authorities—conditions have become more severe in recent years. Following the financial crisis, the central government passed specific legislation in 2010 to reduce the public deficit and prohibit municipal access to long-term borrowing (Article 14, Decree 8/2010, 20 May) and imposed conditions for short-term borrowing. This measure was extended until the end of 2012. Thereafter, only local governments in a sound financial situation can borrow for capital investment (without prior authorization) and up to a limit. Municipalities borrowing more than 75% of their revenues require external authorization, and those borrowing more than 110% are severely limited.

– *Organizational autonomy.*

This dimension of autonomy assesses the extent to which local government is free to decide about its own organization and electoral system. Municipal assemblies (councils) are made up of directly elected councilors who elect the mayor. In addition, local authorities (a) hire their own staff, (b) fix the salary of their

employees, (c) choose their organizational structure, and (d) establish legal entities and municipal enterprises. All these traits combined to throw an overall positive evaluation of organizational autonomy. Maximum levels of this dimension are not reached because local governments cannot modify any aspect of the electoral system nor call for elections.

– *Intergovernmental autonomy.*

Intergovernmental aspects of autonomy assess the different types of interactions between local governments and other levels of government. They can refer to relations in the courts (legal protection), administrative interactions (administrative supervision), or political access to upper decision-making processes.

To guarantee legal protection, the Spanish Constitution grants autonomy to local governments to settle disputes in ordinary courts. In addition, a reform introduced in 1999 granted municipalities the right to appeal to the Constitutional Court when local autonomy was threatened. However, the requirements for the latter are extremely demanding (it has to be backed by 1156 municipalities that combined 6.5 million inhabitants), which makes this type of appeal extremely rare.

Regarding administrative supervision, although Spain belongs to a public administration culture grounded in administrative law and influenced by structures inspired by the French legal model, it does not share with other Southern European countries the existence of extensive administrative supervision. After the Spanish Constitution was adopted and local autonomy recognized, the control of local governments' acts was strictly judicial and only based on the legality of their actions and never on its expediency.

Finally, access to other levels of government is channeled through formal and informal mechanisms, and the influence of local governments on decisions by upper levels of government is relatively low. Local interests are formally represented in formal intergovernmental arrangements, such as the Committee for Local Issues (*Conferencia Sectorial para Asuntos Locales*) represented by the Spanish Federation of Municipalities and Provinces (FEMP). But the voice of the local world has limited influence. Political parties are the organizations through which the local world channels its demands and the most successful ones. As Agranoff puts it (2010), it would be a mistake to regard intergovernmental cooperation just by looking at the formal institutions. In the Spanish case, formal mechanisms are not the only means of intergovernmental cooperation, not even the most relevant. Party channels are crucial to understanding government-to-government interactions.

11.4 Looking Ahead: The 2021 Council of Europe's Assessment on Local Self-Government

Having assessed the position of Spanish local governments in the multilevel governance system by reflecting on the notion of local autonomy in the country, its evolution, and the specificities of each of its dimensions, this last section focuses on the

challenges ahead. The Congress of Local and Regional Authorities of the Council of Europe facilitates this task as it has recently issued a Report on the application of the European Charter of Local Self-Government in Spain (Council of Europe 2021). The monitoring report conclusions point to an overall positive evaluation. Spain is generally fulfilling its obligations with regard to the Charter. Nevertheless, it also points to two Charter's principles that confront resistance to a full implementation. When it comes to the scope of local self-government and the financial resources of local authorities, the report observes that some of the obligations are only partially respected. Table 11.2 identifies the particular aspects of articles 4 and 9 of the Charter in which the rapporteurs have found resistance to full completion.

The conflicting points identified refer to some aspects of the scope of local self-government and local financial resources that deserve some attention. Regarding the scope of local self-government, issues arise with regard to articles 4.2, 4.4, and 4.6. On the side of local financial resources articles, 9.2 and 9.6 are the ones that offer resistance.

According to article 4.2, local authorities must have the right to exercise their initiative on matters not explicitly excluded from their competence by law and have full discretion in exercising the initiative. Although the reforms enacted in times of austerity limited the possibility for municipalities to undertake new services, it did not ban it. But, as on many other issues, there are enormous differences between the bigger towns and the small municipalities in exerting the right to exercise their initiative. The lack of financial and human resources in small municipalities limits their capacity to launch new actions dramatically. This situation is particularly acute in the territories where there are no provincial governments to support services in small local governments (non-insular uni-provincial Autonomous Communities).

Table 11.2 Principles Charter's obligations

Charter's obligations	Level of completion
Constitutional and legal foundation for local self-government (art. 2)	Fully complied
Concept of local self-government (art. 3)	Fully complied
Scope of local self-government (art. 4)	Fully complied 4.1, 4.3, 4.5 Partially complied 4.2, 4.4
Protection of local authority boundaries (art. 5)	Fully complied
Appropriate administrative structures and resources (art. 6)	Fully complied
Conditions under which responsibilities at the local level are exercised (art. 7)	Fully complied
Administrative supervision of local authorities' activities (art. 8)	Fully complied
Financial resources of local authorities (art. 9)	Fully complied 9.1, 9.3, 9.5, 9.7, 9.8 Partially complied 9.2, 9.6
Local authorities' right to associate (art. 10)	Fully complied
Legal protection of self-government (art. 11)	Fully complied

Source: Own elaboration from Congress of Local Authorities (Recommendation 465)

Therefore, considering these limits in the scope of local self-government, article 4.2 would be only partially respected in Spain.

A similar phenomenon affects the interpretation of article 4.4, which provides that “powers given to local authorities shall normally be full and exclusive and that they may not be undermined or limited by another, central or regional, authority except as provided for by the law.” But the problem of the delimitation of competences in Spain—which was raised in the previous report in 2013 and asked for a revision of the system of division of competences according to the principle of subsidiarity, with the aim of avoiding duplications—remains unsolved. The attempt carried out by the national government in 2005 set in the White Paper on the Local Government Reform that included a new division of competences between levels of government as a solution for this problem did not succeed in being passed in the Parliament. The problem persists, and consequently, article 4.4 of the Charter is not fully respected in Spain.

Article 4.6 deals with the right of local authorities to be consulted for matters that concern them directly. This right has been reinforced in the last years when several Autonomous Communities have set up principles and formal bodies to reassure this right in the reforms of their Statutes. But this improvement has not reached the national level concerning the highest mechanism of Intergovernmental Relations at the national level, namely the Conference of Presidents (*Conferencia de Presidentes*), where the Spanish Prime Minister meets Presidents of Autonomous Communities. The Conference of Presidents has become a key intergovernmental body for dealing with the pandemic, and representatives from local governments (representatives from the Spanish Association of Municipalities and Provinces) have only been invited very recently to the meetings. Its participation is not legally guaranteed; therefore, article 4.6 is only partially respected in Spain.

Article 9.2 establishes the basic principle of the sufficiency of financial resources. The so-called “principle of commensurability” requires that local authorities have financial resources in proportion to the responsibilities assigned to them by law. The demand to change the current system of local funds in Spain has reached a high consensus. It is particularly acute in the lack of financial resources in small and depopulated municipalities reflected in the lack of resources to address the needs of the residents in terms of social services in particular. A new system that includes the calculation of transfer criteria such as geographic dispersion is pointed as one of the alternatives to address this problem. Also, the report notes that the persistence of the transfer of powers to municipalities and the insufficient financial equalization procedures or equivalent measures to correct the effects of the unequal distribution of financial resources between smaller and larger municipalities have not been solved. Finally, article 9.6 requires consultation of local authorities on the way in which redistributed resources are allocated. Although the local representation in the newly created intergovernmental body to monitor the implementation of the EU funds Next Generation (*Conferencia Sectorial del Plan de Recuperación, Transformación y Resiliencia*) means a step forward, there is still a long way to improve in this aspect of financial autonomy.

Looking ahead, for the complete fulfillment of the charter of local self-government obligations, Spain will have to address the following:

- The need to grant local authorities the right to exercise their initiative in any matter which is not excluded from their competence, with particular attention to small size municipalities.
- The confusion of responsibilities among levels of governments by clarifying the division of powers.
- The demand for providing appropriate formal mechanisms for consultation of local authorities.
- The requirement of guarantee that transfers of powers are followed by transfers of financial resources.
- The specific situation of small municipalities ensures greater management support and a system of equalization between municipalities so poorer municipalities have access to more transfers.

11.5 Conclusions

This chapter has traced the evolution of local autonomy in Spain over the last four decades, analyzed its dimensions, and taken stock of the current situation.

The evolution of local autonomy in Spanish regulation has gone through different stages. The first period would be related to the establishment of this principle in the Constitution in 1978. The development of the local regulation, namely the Local Government Act (Law 7/1985), and the design of the legal framework, including the regulation of the autonomous communities, already showed the problems of implementation and the scarcity of effective capacity of local government. The source of the difficulties was twofold. On the one hand, related to the legal definition and the detailed regulation of the operation of local government that left small room for autonomy. On the other hand, the lack of clear functions and tasks and, fundamentally, the insufficiency of funding and financial resources left local autonomy as a theoretical principle but without effective mechanisms.

During the 1990s and the first decade of the twenty-first century, there was a general agreement about the need for a new legal framework that could ensure the capacities of local government. During this period, which can be considered a second stage, every reform was supposed to solve the problems related to tasks and funding, but none of them effectively addressed these issues. In fact, the last reform in 2003 mentioned the need for a deeper change. This was supposed to be explored in the White Paper of local government, which analyzed different options and proposed a model based on self-rule capacity. This became, actually, the turning point to the third stage, based on recentralization.

Indeed, financial crisis and austerity measures implied the implementation of territorial reforms with a narrative focused on economic sustainability and economic control. The results were a restrictive reform that limited the capacity of

municipalities. Funding was not going to be a problem as long as municipalities would have fewer tasks and functions. The effects of these austerity packages were still evident when COVID-19 exploded. After the first period of emergency actions and strong centralization by the central government, the local government proved to be essential in the provision of services and in contact with citizens.

For the moment, we cannot identify the fourth stage yet. The restrictive regulation is still formally in force, and there is not a new reform in the horizon. The atmosphere of crisis and emergency leaves local government reform outside the agenda, but the unsolved problems are still there. In spite of this, municipalities always find ways to act, particularly the larger cities, which usually have more resources but also more serious social problems.

Measured according to the Local Autonomy Index (LAI) tool (Ladner et al, 2019), Spain offers a case of medium levels of autonomy from a European perspective, with relatively high levels of organizational and legal autonomy but weak points when it comes to the functions and competences that municipalities can exert. And there are still some issues to be tackled in order to fully comply with the obligations of the European Charter of Local Self-Government as the last report issued by the Congress of Local and Regional Authorities of the Council of Europe has remarked.

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Chapter 12

Conclusions



Ángel Iglesias Alonso

Abstract As announced in the introduction, the purpose of this work has been to describe and analyze local governance in Spain based on the contributions of various specialists who have shown the specificities of the local governance system in Spain. Faced with a wide range of problems, the authors have focused on the aspects considered to be the most relevant.

In this context, the purpose of this last chapter is to synthesize the main general and specific conclusions in the light of arguments made in each of the chapters, which reinforce the idea of the importance of local governance for deepening democracy and improving the effectiveness of local systems.

These conclusions also point to some recommendations for policymakers and lay the foundations for future research on local governance.

Keywords Intergovernmental relations · Intermunicipal cooperation · Decentralization · Municipal mergers · International cooperation

In this book, we have endeavored to give an account of the local governance structures and dynamics in Spain but also to offer proposals that clarify and facilitate research in the sphere of local governments both in Europe and in other latitudes. All its chapters have been written from a social scientist's perspective, aiming to promote reflection and discussion on local governance in Spain. Such, then, has been the aim of these pages.

As could not be otherwise, the local public sector architecture in Spain has been shaped by the process of the arrival and consolidation of democracy in Spain, after a long dictatorship with its consequent changes in the political-administrative system of territorial distribution of power, derived from a process of progressive decentralization. In this process, local governments have been acquiring sufficient autonomy to develop their own governance processes, involving their citizens and

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social and economic actors in designing and implementing local public policies, which have contributed to increasing citizens' well-being, thus consolidating local governments as bodies which ensure general interests are satisfied and contribute decisively to shaping a free and democratic society. Therefore, there is a need for an adequate local system structure and organization to satisfy these essential functions.

However, as has been made clear in the different chapters of this book, the process, which involves considerations of different types, has many positive aspects, but it also has some negative ones. There are political, social, and demographic aspects that need to be considered, among others in order to be able to conclude its positive and negative characters.

First of all, it should be taken into account that, in the process of reforming the State towards progressive decentralization, the Autonomous Communities' power and responsibilities grew exponentially without being matched by a profound transformation of local governments, which were subordinated to what the central and regional governments subsequently decided in terms of their institutional development. The expected consequence is that both levels of government have drastically reduced the potential of local governments. It can therefore be said that the Autonomous Communities have been strengthened and, in a parallel fashion, the local governments have been weakened. So much so that, today, all public policies and services associated with the Welfare State are still in the hands of the Autonomous Communities. There are exceptions, however, insofar as there is a certain sensitivity on the part of some of the latter in favor of strengthening the local autonomy of the local governments located in their territory, and they recognize the need to adapt the regulations to the singularities of each territory, whether rural or urban, thus creating the conditions to underpin the design and implementation of governance processes appropriate to the characteristics of each territory.

It is a fact that the unequal and dichotomous distribution of the population throughout the territory of the State with, on the one hand, large metropolitan agglomerations and, on the other, depopulation in the interior of the country amounts to multiple dysfunctions which prevent the design and implementation of local governance processes in which to frame public policies and strategies for the provision of local public goods and services that have a positive impact on citizens' quality of life.

This leads us to highlight another key aspect of local governance, which is that its design and implementation require multiple and commendable efforts on the part of the municipality's political-administrative elites. The local political elites that emerge from local elections are a fundamental pillar in implementing governance processes that require stability in local governments, which is why there are proposals for reforming the local electoral system to improve both the legitimacy and the representativeness and stability of local governments. Proposals range from the direct election of the Mayor, through the joint or separate election of Mayor and councilors, to the introduction of a two-round system that guarantees strong and stable governments and even setting up constituencies in the districts of large cities, which would strengthen local democracy, bringing local politics and management

closer to the citizen, reinforcing the executive profile of the Mayor as the director of municipal policy, government and administration.

The hegemony of the large political parties, together with the emergence of small local parties, has led to problems of corruption and turncoatism, which prevent them from leading local governance processes. Furthermore, government-opposition relations are hindered by the difficulties in the opposition's control of the municipal government through, for example, the setting up of committees of enquiry on specific issues, as well as the difficulty encountered by the opposition to access information and request the appearance of the governing bodies to hold them accountable. In a similar vein, there is the problem of administrative elites, with many of the managerial posts being taken over by discretionary appointments introduced by the political party in power, which in most cases leads to a de-professionalization of the administration. All of this is accompanied by the corresponding systems of control and accountability.

It is clear that the municipal government is responsible for managing the municipality in its entirety, within the framework of the strategic decisions approved in the plenary, and it is therefore up to the municipal government to lead the governance processes within the context of cooperation with the political parties that make up the opposition in the plenary and intergovernmental coordination with the central government and the government of its Autonomous Community. Although the central government has a so-called National Commission for Local Government, which is bilateral in nature between the national government and local governments, this institution has not, to date, served to foster relations between the State and local governments. On the other hand, and given the important role played by the Autonomous Communities, there is no tripartite forum among the central, autonomous community, and local governments, which would be the appropriate framework for setting about most of the pending issues that have been addressed by the authors in the various chapters of this book. To this end, a Sectoral Conference for Local Affairs was set up within the central administration in 2005 as an instrument of intergovernmental cooperation among the State, the autonomous communities, and local governments, with the creation of various task forces specializing in the major challenges facing Spanish local governments and the proposal of consensual solutions based on negotiation among the three territorial levels. The truth is that, since its creation in 2005, this body has barely met on a couple of occasions, remaining in a state of inaction. Similarly, there have been proposals for the creation of a conference of cities to deal with the specific problems of large local governments, but it has never been designed nor carried out.

The most representative association of local governments at the state level, the Spanish Federation of Municipalities and Provinces (FEMP), has without much success been advocating the presence of local governments in the so-called Sectoral Conferences, forums in which the central government and the Autonomous Communities sit and where most public policies are agreed upon. To give an obvious example, in the chapter on local financing, the financial difficulties of local governments have been highlighted. Their presence at the sectoral conference

dealing with the fiscal and financial policy should have served to take into account the shortcomings and demands of local governments in terms of financing.

As regards inter-administrative cooperation, there is a whole plethora of agreements among the three levels of government whose purpose is to include local governments in all those decision-making processes which, although not their own responsibility, have to do with territorial planning, although the participation of local governments is minimal and varies depending on the Autonomous Community where they are located. The truth is that, beyond specific collaboration agreements and ad hoc task forces, there are not enough stable structures for formal relationships between the different levels of government. Even so, within the central administration, there is a Directorate General for Local Cooperation whose main activity consists in compiling data that would provide an insight into the local administration situation in Spain. This database would be at the service of all administrations and citizens and would contribute to the better design of local public policies. It is true that this body has contributed to compiling information of interest, but it is also true that the pandemic has highlighted the lack of accurate information needed to act efficiently in health crisis situations. Finally, with regard to inter-administrative cooperation, it remains to be seen how local governments will participate in the management unit (General Secretariat of European Funds) created by the central government to implement projects financed with these funds.

Faced with the strategic challenge of opening up to the outside world in search of partnerships, in recent decades, Spanish local governments have undertaken intense activity in international relations. The international presence of local governments has served on numerous occasions to guide the policies and actions of both the central government and the Autonomous Communities. In the field of cross-border cooperation, some local governments have set up collaboration processes with other local governments in Portugal and France as instruments for the governance of common problems affecting cross-border local governments.

In the field of conflict resolution among the different territorial levels, Spanish local governments are guaranteed, in accordance with the standards set out in the European Charter of Local Self-Government, access to the Constitutional Court for cases of conflict related to the defense of local autonomy. However, this access refers fundamentally to laws passed by the national parliament or the Autonomous Communities' parliaments. It would be desirable that, in defense of local autonomy, governments could also file appeals against decisions that are embodied in regulations and administrative decisions of a lower rank.

With regard to the distribution of powers, there is definitely an urgent need for a final clarification on the distribution of powers between the Autonomous Communities and local governments and a regrouping of those powers most closely related to proximity services in local governments. This would include making local governments responsible for social services and dependent care. It would be necessary to increase local governments' powers to deal with those benefits associated with the Welfare State and those closer to citizens, such as social services and dependent care. This increase is possible if both the central government and Autonomous Communities governments delegate these powers, and they would

have to be accompanied by sufficient funding by local governments having a share of some of the state taxes, so that these powers could be effectively exercised. It goes without saying that, in order to clearly define the framework of powers, the Autonomous Communities' collaboration would be necessary and, with the aim of providing public service to the citizen, a consensus on models of governance would have to be reached, thus avoiding the enormous fissures produced by the unequal development of Autonomous Communities and town councils, bearing in mind that local governments have comparative advantages for the provision of proximity services, particularly in the provision of social services. Although there are problems common to both rural and urban areas, large urban conurbations such as, but not limited to, the cities of Madrid and Barcelona should enjoy special status, and their powers should be strengthened in terms of transport and communications, together with a share of state revenues. Both cities are at the epicenter of metropolitan regions with more than 6.5 and 5 million inhabitants, respectively, and are in the position of competing with other European metropolises of the same size to attract investment and international consumers and, consequently, to compete in all aspects and respond to global challenges. They therefore need to be provided with sufficient resources, especially since achieving the objectives of the 2030 Agenda depends, to a large extent, on the actions carried out, due to their size and density, in the metropolitan regions to promote progress in the sustainable development objectives.

That is to say, through a second decentralization, to complete and reformulate the development of the institutional architecture of Spain by local governments assuming many of the services and programs performed by the communities, which therefore guarantee and reinforce the local autonomy provided for in the European Charter of Local Autonomy and in the Constitution itself, as well as the adequate financial sufficiency for the services and resources provided by all the entities that make up the Spanish local system, including the provincial councils, the island councils, and the municipalities. Local governments in Spain are responsible for managing approximately 14% of public spending, a percentage that has remained constant in recent decades and which is insufficient to cover the public services provided by local governments within the framework of their powers. Territorial decentralization has not been accompanied by a corresponding decentralization in public spending, and this is a hindrance to local governance. Governance in revenue and expenditure management is particularly problematic for small municipalities, which have hardly any management capacity and are forced to rely on the Provincial Councils, which are responsible for assisting municipalities with less than 20,000 inhabitants.

The Provincial Councils, which in Spain constitute the second tier of local government, are essential instruments for local governance insofar as small municipalities without capacity depend on their support and have specific needs, including specialization and management capacity, which could not be met without the collaboration of this second tier of local government, thereby contributing to strengthening local autonomy. This second level of government, which only exists in those Autonomous Communities that are made up of more than one province, is in a position to lead governance processes for inter-municipal cooperation, networking,

and concerted action in search of optimizing the use of the resources provided by the various actors. However, it should also be taken into account that the Provincial Councils' reputation has been damaged by the fact that the election of their deputies is indirect and, as a result, they have become, to some extent, institutions at the service of the political parties in order to position their members, hence the need to contemplate the direct and democratic election of the Provincial Council Plenary.

Precisely, and as the authors have shown in their chapters, one of the problems of Spanish local governments is the existence of thousands of small municipalities where even the provision of basic services becomes unviable. While in several European countries, the merger of municipalities has been a constant in recent decades, in Spain, fragmentation causes atomization whereby small municipalities, located mainly in rural areas of inland Spain, are unable to provide basic services and, at the same time, do not have the administrative infrastructure to manage a minimum of responsibilities. Demographic, territorial, and cultural obstacles on the one hand and, on the other, the difficulty of proving that the benefits outweigh the negative consequences in terms of loss of democratic representativeness, efficiency, and social shaping have prevented the municipal structure from being modified. The fact is that nearly 90% of Spanish municipalities have less than 5000 inhabitants. This situation causes, to say the least, an unequal geography of vital opportunities. It is a fact that, although there have been several attempts at modernization, for sociocultural, political, and geographical reasons, the reform of the municipal structure in Spain, by merging municipalities, as has occurred in other European countries, has not been and probably will not be possible. Since this municipalism with low management capacity perpetuates, it will have to be replaced by collaboration and inter-municipal cooperation mechanisms through various instruments, where governance plays a key role both in metropolitan areas and in depopulated Spain.

However, the merger of two municipalities in the region of Extremadura has very recently taken place through a process of citizen participation that has culminated in consulting the citizens, who have given their favorable opinion. In a way, this is a historic event, and it is to be hoped that if, following this merger, after a process of popular consultation, which is ultimately an instrument of local governance, the citizens perceive that more and better services are provided and, as a whole, more vital opportunities for their neighbors, it can serve as a reference for other territories to launch merger processes, giving residents an opportunity to voice their opinion about their own future.

From this point of view, citizen participation is another of the pillars of local governance to strengthen the mechanisms of direct democracy in local governments. The empowerment of participation mechanisms for designing local public policies is a key factor in local governance in order to achieve agreements that allow local governments to address the challenges and changes they face.

A relevant aspect to be highlighted is the importance of local public management for implementing governance processes and, particularly, local managers capable of performing the functions required by networked management, both externally and internally. Earlier we referred to the fact that the direct election of the Mayor would make it possible for Mayors to shape their own executives but also to appoint

professional public managers. Local government administrative organizations need to respond to the complex problems of their environment, something that management along the lines of a bureaucratic organizational culture is not capable of doing. While it is true that, with the exception of local governments in small rural municipalities, human resource management has improved in recent decades, there is a lack of a managerial civil service with higher levels of professionalism to meet present and future challenges. The response to complexity requires highly skilled local public employees led by public managers with sufficient skills to work transversally with other units within or outside the organization by forming highly skilled teams for project and program work and linked to objectives. The management of European funds is an opportunity to introduce the necessary innovations in local management to overcome the classic bureaucratic departmentalization.

Along with strengthening local public management, digitalization represents an opportunity for local governments, in one respect, by empowering local democracy to be more open, transparent, and participatory, but also for automating processes and collecting and analyzing data together with other actors in order to design local public policies that improve citizens' quality of life. The crisis generated by Covid-19, with the intensive use of teleworking or the management of the aforementioned European funds for recovery, presents a window of opportunity for empowering e-democracy and e-administration. Undoubtedly, digitalization is an opportunity for small municipalities as an instrument to ensure the population remains stable in the territory and the consequent avoidance of depopulation and desertification of rural Spain. Nonconventional solutions are required in rural areas, including modifying behavior shaped by existing structures. The emergence of leaderships that promote local governance processes to involve local public and private actors in development initiatives is essential.

Although the financial framework remains stable, local governments have slightly increased their available financial resources through transfers or their own taxes. The health pandemic we are still experiencing has highlighted the fragility of the Welfare State model in Spain and the need to revitalize it. The Covid-19 crisis is not just a health crisis; it is also an economic crisis that will force us to rethink public financing and the fiscal reforms that should accompany it, all in an unfavorable context as a result of the recent war in Europe, which has disrupted plans for social and economic reactivation in the European Union, which will now have to invest resources to alleviate health, economic, and humanitarian crisis. In this situation, the role of local governments as the closest administration is vital if no one is to be left behind. After all, in times of crisis, local public policies represent a lifeline to meet the closest social needs. The presence of the Spanish Federation of Municipalities and Provinces in the Sectoral Conference on Transformation, not only with a voice but, for the first time, with a vote, represents an important milestone for local governments to be useful in the recovery and stabilization process of towns and cities in Spain.

The overlapping crises, of enormous magnitude, require unprecedented international collaboration and, within decentralized states, the capacity of the different territorial authorities to reach transversal agreements among themselves and with

civil society. Certainly, in this context, strong local governments can contribute to responding to the challenges arising from the new order forced to emerge from the huge and unexpected recent crises that were thought to have been overcome. Most likely, the 2030 Agenda represents a framework of opportunities to determine the action of Spanish local governments and to implement it through local governance processes, as supported by the various Commissions of the Spanish Federation of Municipalities and Provinces and proposed in the Network of Local Entities for the 2030 Agenda, which is responsible for the coordination of local governments for achieving the Agenda's development goals. Currently, more than 375 local governments are part of this network, where more than 26 million people live.

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