

Chapter 4

Local Structure and Municipal Associations in Spain: Facts, Trends and Problems

José M. Ruano

Complutense University of Madrid, Spain

José Manuel Rodríguez Álvarez

World Bank, USA

ABSTRACT

The main feature of the Spanish local structure is its fragmentation. Although self-government principle is widely recognized in legal and constitutional terms, this fact makes local governments in practice to be subordinate to both central and regional governments and therefore lack adequate power, personnel and material resources to deal with both the compulsory responsibilities assigned to them and those voluntary services they decide to provide in their communities' interest. Since fragmentation is an obstacle to provide services efficiently, most local governments co-operate between them to create inter-municipal associations as an alternative to amalgamations that work in practice in an anarchical way whilst neither regions nor provinces are interested in strengthening municipalities fearing the emergence of a powerful institutional and political counterweight.

INTRODUCTION

After General Franco's death in 1975, the transition from dictatorship to democracy was conditioned by the recognition of self-government to certain regions, mainly Catalonia and the Basque Country. However, the result was the division of Spain in 17 Regions (named Autonomous Communities) each with its own elected Parliament and Government and responsible for most of the main public services provided to citizens, like education, health care, social services, culture, urban and rural development and in some places policing. Over the past 38 years many competences and functions have been devolved from the central Government to the Autonomous Communities spreading power and bringing decisions

DOI: 10.4018/978-1-5225-0320-0.ch004

closer to citizenship and setting up an intergovernmental structure more similar in its way of working to decentralised federal systems than to centralised unitary ones.

Unlike the Regions, the competences of local governments were not recognized in the Spanish Constitution of 1978. This fact left municipal governments in a subordinate position to the legislation of the State and the Regions, what was intensified by the weak features of the municipal institutions. Furthermore, the successive local reforms implemented by the State, fearing the intense opposition in rural areas and higher tiers of government, have never seriously considered the possibility of amalgamating inefficient municipalities, setting up instead a re-centralising scheme that put into question local self-government.

Spain currently has 8,122 municipalities, nearly 84% of them having fewer than 5,000 inhabitants. Taking into account this fragmentation, around 1,000 official associations between municipalities, known in Spanish as *mancomunidades*, have been created so far, essentially for reasons of economy of scale and as an alternative to municipal amalgamations in order to provide more efficient services, mostly in the 1980s and 90s.

This chapter, after presenting and analysing the Spanish municipal structure and the local reforms implemented by the State and its consequences, looks at the changing map of *mancomunidades* and their regional distribution. However, the difference between the number of officially created *mancomunidades* and the percentage of them that are really operational is a phenomenon that has not been analysed in Spain, and which distorts perceptions of the associative movement.

The chapter also analyses the types of services provided by *mancomunidades*, along with the numbers of such inter-municipal associations that provide each kind of service, explaining the reasons as to why they tend to focus on certain types of services (services with qualified labour or very expensive services because of the capital required).

Furthermore, the organisation and internal structure of these types of community associations, which always comprise representatives of the affiliated municipalities, with no directly elected members and no representatives of the opposition in most cases, present problems in terms of control, accountability and citizen participation.

In the last point of the chapter we try to answer why higher tiers of Government are not interested in promoting decentralisation at local level and how *mancomunidades* have proved to be limited instruments to improve efficiency in service provision.

THE SPANISH TERRITORIAL STRUCTURE

Municipal and, in general, local government in Spain is extremely fragmented, although the intensity of this fragmentation varies according to the different Regions. Table 1 contains information about the local entities that exist in Spain in January 2016, according to the Local Entity Register drawn up by the Ministry of Finance and Public Administrations.

According to these data, the territorial organization of Spain is characterized by fragmentation into a large number of small and scarcely populated local units. As said before, the total number of municipalities is 8,122, most of them (approx. 84%) having less than 5,000 inhabitants (see Table 2), and we must point out that 60% have less than 1,000 inhabitants. Furthermore, there are just 62 municipalities with over 100,000 inhabitants, which are the focus of local power in Spain and over half of them are located in just three Regions, named in Spain Autonomous Communities (Andalusia, Catalonia and Madrid). This creates an essentially rural local structure, which has remained practically without any changes since

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