

SGI Sustainable Governance Indicators 2011

Spain report

Ignacio Molina, Oriol Homs, César Colino



Spain report

Ignacio Molina, Oriol Homs, César Colino

Prof. Ignacio Molina, Real Instituto Eclano, Madrid

Oriol Homs, CIREM, Barcelona

Prof. César Colino, Spanish Distance-Learning University, Madrid

Executive Summary

After a long period (1995 – 2007) of uninterrupted economic growth and satisfactory improvement in most policy sectors, the last two years in Spain have been extremely difficult from an economic perspective, and thus for the realization of sustainable policy results. These troubled times have not undermined the relatively acceptable quality of Spain's democracy, since the specific observable political deficits (such as the relative weakness of interest associations, a low degree of policy knowledge among citizens, the dominant role of party machines instead of individual politicians or the parliament, poorly functioning courts, the persistence of a somewhat significant level of corruption, and insufficient access to information) were already long established. However, policy outcomes in the labor market, the business sector and in social affairs have become much worse than two years ago. Although all developed countries are facing economic difficulties, Spain's circumstances are comparatively worse. The very negative effects of the international financial crisis have been destructively coupled in Spain with the collapse of a housing bubble that had fueled economic growth to a considerable extent since the mid-1990s.

Unemployment topped 4 million people in spring 2010, strongly affecting workers, in particular immigrants, women and young people. Statistics showing massive destruction of jobs are alarming with regard to the sustainability of public policies, not only for the social tension necessarily associated with a 20% unemployment rate (the highest rate in western Europe), but also for the difficulties this will imply in attaining fiscal equilibrium in the near future. After several years of budgetary discipline (and even a surplus from 2005 to 2007), the deep recession (marked by a decline of 3.7% in GDP in 2009) has produced a very fast deterioration in public finances. This is the consequence of a damaging combination of factors, including: (1) the dramatic fall in tax revenues, (2) the costs associated with various stimulus packages launched from 2008 to 2009, and (3) the need for increased spending on unemployment benefits and other social inclusion measures. Even if public debt remains at a safe level, within the EU limit, the public deficit now amounts to 11.5% of GDP. This budget deficit, together with the country's very substantial private debt levels and current account deficits (in both cases, among the highest in the OECD), is sign of a dangerous dependence on external funding. To complete the adverse panorama, the spread of a generalized distrust of southern European countries following fears of

a Greek default in early 2010 has caused financing difficulties, including higher costs for borrowing. As a result, an austerity program combining sharp cuts in public spending and increases in indirect taxation was finally put into place.

Nevertheless, even in this context of deep crisis, some positive assessments can also be made, demonstrating the robustness of the Spanish state. First, despite the seriousness of the economic situation and the presence of growing social inequalities (a relatively high share of young and elderly people are at high risk of poverty, while the fertility rate is still one of the lowest in the world, due in part to inadequate support for families and women), public services and welfare programs have worked well enough to avoid excessive social unrest. Second, the political elites and public opinion are now convinced that the country's economic model, too dependent until recently on the overheated real estate market, tourism and public works, has to be changed. With this shift, more attention to education, innovation and entrepreneurship is needed. Third, the crisis has shown that Spain has undeniably taken a role as a middle world power, as seen in the coordinated European and world initiatives responding to the financial crisis' various effects. Aside from the fact that Spain is now a permanent invitee to the G-20 summits, its turn at the rotating EU presidency in 2010 prompted active and intense international involvement. Finally, notwithstanding the political weakening of the minority socialist government and the confrontational opposition style of the conservative Popular Party (PP), basic institutional stability is secure (the Spanish Socialist Worker's Party (PSOE) won the 2008 elections, giving Prime Minister José Luis Rodríguez Zapatero a second four-year mandate until 2012). So far, the government has not only been successful in passing all the legislative proposals sent to parliament (some legislation is still waiting on the judgment of the Constitutional Court, but justices rarely decide rapidly, and the court rarely acts as a veto point), but also in implementing its major policy objectives. However, these policies showed did shift over time, and often proved timid or ineffective.

In contrast with the general picture of policy performance deterioration as a consequence of the crisis, some specific areas have in fact improved. For example, illegal immigration has decreased (to be sure, Spain is now a less attractive destination from a job perspective), while no significant xenophobic episodes involving foreign-born people already in the country (12% of the total population) have been reported during two years of a rapid rise in

unemployment. Internal security has also shown positive signs: The crime rate has diminished, and the fight against the Basque terrorist group ETA proved successful once the previous years' fruitless strategy of peace talks was abandoned. A third policy area in which results are to some extent positive is the environment; particularly with respect to the growing use of renewable energy, the decrease in CO2 emissions and a new land regulation limiting building excesses. Finally, research and education policies have at last become real priorities (the new Ministry of Science and Innovation promoted an ambitious National Plan on Research and Development and Innovation, and a variety of measures were launched aimed at improving educational performance). That said, the alleged commitment of the government to foster a new productive model based the knowledge economy has yet to be confirmed, and recent budget cuts in these areas (a part of the austerity program) are obviously worrying.

While policy performance has suffered significantly under the impact of the economic crisis, management capacity has remained relatively stable. It is true that this dimension is more structural by nature, but it is also noteworthy that the government has not tried seriously to improve either its steering capability or its organizational reform capacity. While high political coordination is still relatively achievable thanks to the Spanish democracy's constitutional and political features (a majoritarian system based on a single-party government and a powerful prime minister), the administration's internal structure and procedures of governing (which are rather fragmented and legalistic) do not favor the application of strategic vision during policy-making and implementation. The semi-federal nature of Spain, which has helped to improve the general governance capacity, has also promoted innovation and policy learning in several areas, and has definitely strengthened the legitimacy of the state since the 1980s. However, this too needs to be improved. Given that the 17 autonomous regions have overriding jurisdiction in many policy areas, the central government cannot fully guarantee the achievement of its objectives (especially in these regions governed by parties other than the PSOE). Finally, to complete the review of possible veto points or blockades in the policy process and reform initiatives, it has to be noted that relations between the executive and the judiciary have worsened in the past two years.

Strategic Outlook

During the period under analysis, from May 2008 to April 2010, Spain has not shown a remarkable reform capacity. This can be easily demonstrated when looking both at the government's hesitant response to the serious economic situation and to its limited capability to produce accurate estimates, thus delaying the adoption of effective measures. The initial reaction to the crisis, lasting through most of 2008, consisted in disregarding the problem as a temporary deceleration in the 15-year period of growth. Following this, in late 2008 and 2009, the government acknowledged the gravity of the slowdown and launched several fiscal stimulus packages (focusing on private consumption and the construction sector), but did not pursue structural reform aimed at fostering business competitiveness. Finally, beginning in 2010, the government's priority changed dramatically toward curtailing the large public deficit that had accumulated so rapidly. However, an internal debate in the government remains active between those who wish to concentrate deficit-reduction efforts on spending cuts, and those who also propose some rise in direct taxation. This policy will have costs, however. If the need to stop the public deficit from growing further now seems unavoidable, the resulting scarcity of funds might undermine the fragile recovery process, as well as efforts to promote a new growth model based on innovation and any ability to make additional improvements in social policy.

It is now clear that at least in the short term, austerity will deeply affect the prospects for future reforms. Nevertheless, even if reforms in "expensive" policy areas (such as education, innovation, social welfare, family support or infrastructure) will be restricted or delayed due to the adverse economic and budgetary conditions, the crisis may make possible other structural reforms that require political will rather than funding. Prime Minister Zapatero has probably learned from the mistakes of neglecting the crisis during 2008, and now seems committed to tackling job creation the weaknesses in Spanish business conditions. Because the economic situation is so critical, and most citizens seem convinced that unpopular reforms and some sacrifices are inevitable, it may be possible to take advantage of the momentum to facilitate a radical modernization of the Spanish economy.

While it is predictable that a fast reduction in public deficit levels will be achieved (since this is absolutely necessary in order to lower the

cost of government borrowing), it is unclear to what extent these structural reforms will succeed. It must be taken into account that some of these adjustment measures (such as increasing flexibility in the labor market, changes in the pension system and the retirement age, the depoliticization of public regional saving banks, and a broad revision of the functioning of the entire public sector) will require substantial political capacity, at a time when the government is far from its peak of economic or political power.

In fact, along with the constraints on governmental action imposed by the economic crisis and the associated deficits, the Spanish government is facing a growing political weakness. In principle, no new elections have to be held before 2012, but the socialist party (PSOE), which has held office since 2004, does not have an absolute majority in the parliament and has lost the capacity to negotiate with other minor parties during the last two years. The government also seems to have failed in its strategy of maintaining links with interest associations. Though it has tried to engage in systematic consultation with workers and employers as to the best way to deal with the crisis, no important socioeconomic agreements have been reached since 2008, and its good relations with the trade unions have been damaged. Finally, regarding wider societal support, the socialist party has trailed the main opposition party (the conservative PP) in all recent opinion polls, and although the opposition leader Mariano Rajoy is even less popular than Zapato and his program is quite vague, most Spaniards seem to have lost their faith in the prime minister's leadership and credibility. Early elections are not expected, but nor are they unthinkable; especially if the government fails to pass the annual budget in either of the next two years. The current governmental reform strategy may also depend on the proximity of elections and the delicacy of the socialist party's electoral prospects.

Notwithstanding all this, as the first half of 2010 has clearly shown, it can be argued that the most important future reforms in the Spanish governance and policy-making will not depend predominantly on national factors, but rather on external pressures such as private financial markets or political decisions taken abroad, in the EU and to a lesser extent the G-20. Thus, Brussels is not only a heavy influence on the short-term urgent reform agenda (i.e., the drastic reduction in the public deficit, or changes in banking regulation), but also on important long-term decisions. The EU 2020 Strategy adopted in spring 2010 (aimed at promoting reforms in education, innovation, entrepreneurship, social inclusion, climate change and energy policy) can actually be considered the official Spanish reform agenda for the

next 10 years. The 2020 Strategy is an ambitious program that overlaps with the governmental and societal commitment to changing the national growth model (which was dominated until 2008 by construction activities) in order to pay more attention to sustainability, competitive human capital and a more internationalized business sector. However, it remains to be seen whether this objective is taken seriously, considering the poor performance of the entire European Union, and Spain in particular, during the previous and quite similar EU Lisbon Strategy of 2000. Some of the measures necessary to reach the goals of the 2020 Strategy will be quite costly, and consequently will conflict with the current absolute priority of curbing spending. This is perhaps one explanation for the protracted nature of the parliamentary proceedings concerning the draft law for a sustainable economy, announced in summer 2009 but not passed as of the close of the review period. This draft focuses on objectives consonant with those in the 2020 Strategy, including improvements in productivity, social capital and environmental sustainability.

Apart from measures related to the crisis or to future economic or social policy performance, it is unrealistic to expect major reforms to be launched in the near future. The socialist party initiated a notable program of constitutional modernization in 2004, but some years after, no innovations may be expected in the institutional dimension given the unwillingness of the PP to empower the Senate, turbulent relations with the judiciary, and the very problematical conduct that has marked statutory reform in several autonomous regions (in particular, the process in Catalonia). Likewise, with regard to civil rights and political participation, the Zapatero government's activity during the first four-year mandate (pioneering gender equality, same-sex marriage, civic education in schools, and the depoliticization of public television) will probably be replaced by an avoidance of new controversial changes before 2012, even if some features of Spain's democracy do require radical reform measures (in areas such as party financing, media pluralism, the need to restore citizens' trust in the judicial system, and the fight against corruption). Nevertheless, the government has announced its commitment to pass a new law on religious freedom, to regulate the access to public information and to follow a more coherent and transversal security policy following a national strategy presented by Javier Solana.

With respect to the capacity of the executive itself, some innovations made in recent years (such as the introduction of regulatory impact assessments, and the creation of the National Agency for the Evaluation of Public Policies and Quality of Services (AEVAL)) may to

some extent improve steering or planning capabilities in the near future. Nevertheless, the government will continue to rely preponderantly on political mechanisms (such as the prime minister's extraordinary powers over ministers, highly disciplined parties, or the subordination of the parliament) in order to guarantee its internal coherence and the achievement of its most strategic priorities. However, no serious attempt to reform the general features of governance (for example, introducing a more rational administrative organization, encouraging scientific knowledge and external advice in policy-making, or reinforcing interministerial coordination beyond the legalistic hierarchy) will be promoted. Thus, the tendency toward some policy fragmentation, incoherence in communication, insufficient vertical monitoring of departments, and even undue influence over the policy-making process by private-sector groups is unlikely to be avoided. In short, Spain's reform capacity will continue to be characterized by a duality between a political structure that favors governmental dominance and an administrative structure that weakens collaborative coordination. During the implementation phase of the policy process, bureaucratic departmentalization will not be the only obstacle in transforming policy priorities into effective and coherent results. The often turbulent center-periphery relations of the Spanish semi-federal system may also serve as an occasional hindrance to achievement of the central government's ambitions. Even though a new regional funding system was adopted in 2009, tensions will certainly continue between the very centralist conceptions of the state and those regions reluctant to follow national standards or even to accept a vision wider than their own territories.

Finally, with regard to accountability and monitoring by the parliament or the audit office, no important changes can be clearly foreseen in the coming years. The majoritarian features of the Spanish democracy and the discipline of all political parties as a consequence of the electoral system will continue to result in the failure of the legislature to control ministries effectively. The politics of confrontation promoted by the opposition, the limited competence of Spanish interest groups and the Spanish public's relatively thin political knowledge (reflected in the dominant patterns of media consumption and the population's passive political participation, mostly restricted to voting in elections) will not help to improve the quality of the policy process.

Status Index

I. Status of democracy

Electoral process

Candidacy
procedures
Score: 8

Legal procedures for registering candidates and parties remain essentially flexible and inclusive (under Organic Law 5/1985). Parties must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office, including EU citizens in local and European Parliament elections. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and to those who have been convicted of a crime. Fair registration is protected by a number of guarantees, which are overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. Legislation on gender parity (Organic Law 3/ 2007) requires party election lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates.

That said, the legal regulation on political parties (Organic Law 6/2002, supported by both major parties, PP and PSOE) allows the banning of those parties that are “irrefutably” associated with “conduct...incompatible with democracy, prejudicial to constitutional values, democracy and human rights,” a provision linked to the fight against separatist terrorism in the Basque Country. This legal innovation, combined with judicial decisions, has led to the dissolution of the Basque extreme nationalist political organization Batasuna, and the recent dissolution or suspension of other minor parties directly or indirectly connected to ETA terrorism. The possibility of declaring a party illegal as a consequence of its members’ “repeated and serious” public defense or tacit support of terrorism in speeches and statements has raised questions as to how far political discrimination can go in excluding candidates with a radical ideology. However, during the period under consideration, two separate judgments established that the system is not discriminatory (under a unanimous ruling by the European Court of Human Rights on June 30, 2009), but that any disproportional restriction that violates the freedom of association or the right to participate will be overturned (under a ruling

by the Spanish Constitutional Court on May 21, 2009, in which the barring of the Iniciativa Internacionalista party from participation in the European Parliament elections was overturned as an interference with fundamental rights and freedoms). However, as these judgments suggest, some risk exists that the pressing social need that has led to this regulation may be used in the future for unreasonably preventing some candidatures.

Media access
Score: 7

The electoral law (Organic Law 5/1985) recognizes and regulates (articles 59 to 67) the access of candidates and parties to public television and public radio networks during electoral campaigns. This access is not exactly equal, but is plural and proportional (based on past electoral performance), and is strictly regulated through an allocation in minutes of free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties fielding candidates in at least 75% of the districts receive a free slot of 10, 15, 30 or 45 minutes every day, depending on their share of the vote in the previous elections. A similar system operates with regard to news coverage, where the time devoted to each party is also proportionally allocated according to the previous electoral results. Therefore, while new candidates or parties may find it difficult to win media access, the two major parties (PSOE and PP) enjoy some advantage, since they are the only ones that regularly draw more than 20% of the vote (i.e., the threshold established in law to obtain the maximum allocation of time). Whether fair or not, the allocation of these advertising slots and minutes of news coverage is guaranteed by strict Central Electoral Board (Junta Electoral Central) oversight. In fact, many journalists working in the public media are very critical of this rigid system, which subordinates the journalistic interest of the information to the firm allocation of time in order to guarantee proportional access according to the law.

Despite the existence of a similar regulation regarding private television networks (Organic Law 2/1988), access of the candidates to private television stations, radio networks and newspapers is not guaranteed. On the one hand, electoral ads are not free in these media, and on the other, access by candidates is much more unbalanced depending on the political ideology of the few communication giants that openly promote their favorite candidates. It could be said that, while the major private media companies exhibit a partisan political bias, the media system as a whole provides fair, or at least plural, coverage of different political positions, as in every other Western European country. Notwithstanding this fact, during the 2008 – 2010 period, the creation of several new small channels following the introduction of digital terrestrial television (DTTV) has exacerbated the politicization of the private television sector at the national,

regional and local level. As a reaction to this development, the Spanish parliament began in spring 2010 to discuss an electoral law reform that would extend to the private media the system of proportional news coverage, under the oversight of the Central Electoral Board, which is currently applied in the public media.

According to Article 23 of the Spanish constitution, all adult citizens of 18 years and older have the right to participate in public affairs, directly or through representatives freely elected in periodic elections by universal suffrage. The extent to which this right to vote can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register (Censo Electoral), which is as a rule updated correctly. There is ongoing debate over the possibility of extending suffrage rights to all legal immigrants. This development does not seem feasible in the near future, although EU citizens can already vote in local and European Parliament elections, and even foreign citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote in local elections. Finally, during 2010, the major Spanish parties started to discuss curtailing the local-election voting rights of Spanish migrants living abroad.

Citation:

Chueca Sancho, A. and P. Aguelo Navarro (2009). El derecho de voto de los extranjeros en España en perspectiva europea. Documentos Cidob, n. 19, Barcelona.

Voting and
registrations rights
Score: 10

Party financing regulation has been changed in recent years (Organic Law 8/2007) but this legal innovation has not eliminated the traditional enforcement and oversight problems associated with loans and donations to political parties. The Audit Office (Tribunal de Cuentas) is the body charged with auditing the political parties' accounts, but its members are appointed by the parties and are not sufficiently independent, as explained below. This body's reports, particularly the most recent publications, show that parties and their associated foundations in many cases do not follow proper accounting rules, do not respect spending thresholds in campaigns, do not publish accounts regularly, and do not specify the nature and value of private donations received. The Audit Office's sanction powers are inadequate, and the modest fines for infringements can be easily paid by the parties over several years through deductions from future contributions, thus serving little or no dissuasive role. Recent corruption scandals (e.g., the so-called Gürtel or Pretoria affairs)

Party financing
Score: 5

show that the financing of parties, particularly at the local level, attracted scarce supervision during the years of Spain's real estate bubble (particularly in the late 1900s and early 2000s), and was often linked with arbitrary changes in urban planning by local authorities. Various reports recently issued by international organizations such as the Council of Europe or NGOs such as Transparency International have criticized the opacity and impunity of party financing in Spain.

Access to information

Media freedom
Score: 7

After a long tradition of subordination to the government of the day, legislation (Law 17/2006) on the state public radio and television service has transformed Radiotelevisión Española into an autonomous corporation that guarantees neutrality and objectivity vis-à-vis the central government, with a reinforced oversight role for the Spanish parliament and the introduction of an independent audiovisual authority. From 2008 to 2010, despite the rapid political weakening of the Zapatero cabinet as a consequence of the economic crisis, the incumbent government respected this institutionally protected independence; an attitude which contrasts with the direct influence exerted by some regional and local governments over subnational public radio and television networks. Notwithstanding this, and with regard to political intervention in private broadcasting operations, it should be noted that the central government passed a decree law in August 2009 to license paid DTT services (oriented basically to the broadcast of pay-per-view Liga and Champions League football matches). This regulation was implemented against the legal advice of the consultative Council of State, and was aligned closely to the interests of a newly created communication group (Mediapro) which is ideologically close to the socialist party. Ironically, as the company most deeply harmed by the measure was the much more powerful and also ideologically center-left private communication giant Prisa, several conservative media organizations wound up praising this new licensing regime. Finally, a complete regulatory reform of the audiovisual sector was made in Law 7/2010, which was passed without the support of the main opposition party (PP). Throughout the period under review, this party has maintained a concerted alliance with the most conservative private newspapers, radio and television stations in what has been labeled as the "strategy of confrontation" against the government.

Media pluralism
Score: 8

A moderate level of diversification in media ownership has continued, a trend that has grown somewhat stronger over the last couple of years. Apart from a quite healthy regional and local media sector (certainly newspapers, which are a traditional feature of the Spanish

journalistic landscape, but today also including television and the Internet), diversified ownership structures prevail at the national level. To be sure, there are several giant media companies, each with an ideological bias, but the media market as a whole allows for a certain level of pluralism. If electoral behavior was compared with the spectrum of opinions actually published, very conservative positions would perhaps be shown to be overrepresented, and leftist positions somewhat marginalized. However, the most important media groups generally tend to cover a wide range of opinions, including post-materialist, social-democrat, liberal, Catholic and nationalist. There is no effective anti-monopoly policy in this field, but national public TV and radio networks (note that no public newspapers exist) have been relatively independent since 2006 (see Media Freedom) and help to compensate for some deficiencies.

The print media market is dominated by the Prisa Group (the publisher of the center-left *El País*, which is the most sold and most influential newspaper, but averages only 2 million readers), Unidad Editorial (which is owned by the Italian group RCS, and publishes the right-leaning *El Mundo*, with 1.3 million readers, as well as the most popular sports and economic newspapers) and Vocento (publisher of the conservative *ABC*, which is read by 750,000 people, as well as several other moderate or centrist regional newspapers such as *El Correo* in the Basque Country). Other groups include Prensa Ibérica (owner of several regional newspapers), Zeta (publisher of *El Periódico de Catalunya*, read by 800,000 people in Catalonia and Aragon) and Godó (publisher of *La Vanguardia*, based in Barcelona, with 750,000 readers). The electronic media market is quite similar to the print sector, since the two most-read political information websites are those belonging to *El País* and *El Mundo*, the two most popular newspapers.

The proliferation of TV channels at the national, regional and more recently local level has generated fierce competition for available advertising revenue. Public TVE, and the private groups Antena 3 (Grupo Planeta) and Tele 5 often swap positions with respect to audience ratings, with each generally drawing between 12% and 18% of television viewers. Tele 5 and the minor channel Cuatro (with a 5% to 9% audience share) are now owned by the Italian Mediaset (Silvio Berlusconi's group). Regional public television stations, the private group La Sexta (owned by Mediapro, which is ideologically close to the socialist government) and a wide range of channels that appeared following the implementation of DTT complete the spectrum. Some of these focus solely on news, including Canal 24 horas (public TVE), CNN+ (affiliated with Prisa, leaning towards the center-left) and several tiny conservative channels.

Finally, the radio market is dominated by two of the groups mentioned above: Prisa (with the popular and influential station SER, which draws 5 million listeners) and Grupo Planeta (with Onda Cero, with 2.5 million daily listeners). Radio Nacional de España (RNE), the private Cadena Cope (belonging to the Catholic Church) and Punto Radio (Vocento) are also important radio networks. In 2010, these generalist stations shared around 50% of the total audience, with the other half divided between thematic, mostly music-focused radio stations.

Access to gvmt.
information
Score: 5

Spain does not yet have a specific law to guarantee free and easy access to government information. The socialist party, which has held office since 2004, included the passage of such a law as one objective in its 2008 electoral manifesto, but the bill on transparency and access to information had not yet been approved by the Council of Ministers as of spring 2010. Citizen access to public information is partially regulated by specific legislation on administrative procedure (Law 30/1992), environmental issues (Law 38/1995, following a 1990 European directive), and is outlined in the constitution (Article 105 states: "The law shall regulate access by the citizens to the administrative archives and registers, except where it affects the security and defense of the state, the investigation of crimes and the privacy of persons").

However, access to government information is extremely difficult as a consequence of bureaucratic red tape and the rigid interpretation of exceptions and restrictions ("(D)ocuments can be withheld if the public interest or a third party's interest would be better served by nondisclosure or if the request would affect the effectiveness of the operations of the public service. Access can also be denied if the documents refer to government actions related to constitutional responsibilities, national defense or national security, investigations, business or industrial secrecy, or monetary policy. Access to documents that contain personal information are limited to the persons named in the documents. There are also restrictions for information protected by other laws including classified information, health information, statistics, the civil and central registry, and the law on the historical archives"). In addition, the legally allowable period for state response is too long (two months) to be practical. Moreover, enforcement and appeal mechanisms (either to the administration itself, to the Ombudsman or to the courts) are ineffective.

An extensive report published in October 2005 by Sustentia and The Open Society Justice Initiative Foundation (reported by Freedominfo.org) concluded that nearly 60% of requests filed under the auspices of Law 30/1992 went unanswered, and replies were discriminatory since the response depended on the identity of the

applicant. Of requests filed under Law 38/1995 on the right of access to information relating to the environment, only 30% were answered correctly, while 20% were answered late and the remaining 50% were never answered.

Citation:
-www.freedominfo.org

Civil rights

Civil rights
Score: 7

No substantial changes in the civil rights domain were evident during the 2008 – 2010 period. Spanish state institutions respect and protect civil rights, and rights guaranteed by the constitution and ordinary legislation are enforced, although some infringements may occur in practice. Considering that cases of mistreatment of illegal immigrants were reported during the 2000s, positive developments during the period under review here include the passage of new legislation on the civil rights and integration of foreigners (Organic Law 2/2009), and on the issue of asylum (Law 12/2009), improving legal protection for asylum seekers and immigrants.

On the other hand, during 2008 and 2009 it became clearer than ever that the systematic delays and the lack of adequate resources (both human and technological) in the Spanish courts are undermining the effective protection of fundamental rights. Prime Minister Zapatero has recognized the urgent need to modernize the functioning of the court system. Thus, the parliament passed new legislation aimed at improving civil and criminal proceedings (Organic Law 1/2009), while the Ministry of Justice has started to implement a modernization plan, the only government department allowed to increase public spending and personnel recruitment during 2010.

Political liberties
Score: 9

As noted above (see Candidacy Procedures and Voting and Registration Rights) in the electoral context, the 1978 Spanish constitution specifies political liberties that are respected by all state institutions. So-called fundamental rights and public freedoms (included in Section 1, Chapter 2, Part I of the constitution) receive special protection against infringements. These political liberties particularly protected against government (or even private) interference or violation include: (1) the freedoms of ideology, religion and worship on the part of individuals and communities, along with the guarantee that no one may be compelled to make statements regarding his or her ideology, religion or beliefs (Article 16); (2) the right to freely express and spread thoughts, ideas and opinions through words, in writing or by any other means of reproduction,

without any form of prior censorship (Article 20); (3) the right to peaceful unarmed assembly, with no need to notify local authorities in advance unless demonstrations are being held in public places, and no need of prior authorization (Article 21); the right of association (Article 22); the right to freely join a trade union (Article 28); and the right to individual and collective petition (Article 29).

There are some restrictions to the freedom of association and the right of petition in the case of members of the armed forces and the Guardia Civil police force, which is subject to military discipline (a recent piece of legislation, Organic Law 11/2007, sought to clarify the rights of Guardia Civil members, but they have not proved particularly happy with this new regulation).

Citation:

-Martín Sánchez, I. and M. González Sánchez, coords. (2009). *Algunas cuestiones controvertidas del ejercicio del Derecho fundamental de libertad religiosa en España*. Madrid, Fundación Universitaria Española.

Non-discrimination
Score: 8

In general terms, Spanish institutions continue to offer effective protection against discrimination on the basis of gender, ethnic or religious minority status, and sexual orientation. Nevertheless, there have been cases of discrimination against these groups reported, as well as more frequent cases of discrimination against immigrants, the disabled and the elderly. The Office of the Ombudsman annually reports several specific cases and denounces the governmental inability to prevent them.

Since 2007, the European Social Fund anti-discrimination program of has been implemented, and in early 2010 the government announced a bill aimed at improving the legislation on religious freedom. This bill is designed to avoid any discrimination against minority non-Catholics, although some technical problems, as well as resistance from the Spanish Catholic Church, have arisen during its preparation. During the period under review, two very important legal measures originally passed in the previous legislative term (Law 13/2005 legalizing same-sex marriage, and Organic Law 3/2007, on effective equal rights for men and women) have come into force without major problems. The first of these represents a path-breaking regulation in the southern European context, while the second one includes positive discrimination measures for women in political and business settings. However, according to a recent opinion poll conducted by the human resources company Adecco, 42% of Spanish businesswomen said that such legislation was ineffective in ensuring women equal payment and professional opportunities in the labor market.

Rule of law

Legal certainty
Score: 8

No important changes occurred regarding legal certainty in the period under review. The Spanish executive rarely makes unpredictable decisions, and normally acts on the basis of and in accordance with legal provisions. Spanish administrative law and practice is grounded in the principle of legal certainty (and, to a much lesser extent, the principle of transparency, as discussed under Access to Government Information). Strict legal interpretations may in fact produce some inefficiency in certain aspects of the administration, such as the rigid system of personnel recruitment, working methods that depend rigidly on clear departmental command rather than flexible cross-organization work teams, a preference for formal hierarchy rather than skills when making decisions, the reliance on procedure regardless of output effectiveness, and other such effects. In addition, the legalistic approach is also a source of abuse in some cases, since citizens are generally reluctant to appeal administrative acts to the courts as a consequence of the high costs and long delays associated with this process. Nevertheless, basic administrative law is consistent and uniform, assuring regularity in the functioning of all administrative levels.

It is true that subnational levels of administration engage in a higher level of discretion or even arbitrary action, for example concerning licenses for housing construction and in urban planning decisions. However, the recent collapse of the real estate bubble and changes to the land use planning regulations (Legislative Decree 2/2008) have helped inaugurate a trend of increasing legal certainty in this domain as well.

Judicial review
Score: 7

The Spanish judicial system is independent and has the capacity to make governmental and administrative activity take place according to the law. The administrative jurisdiction (jurisdicción contencioso-administrativa) regulated by the constitution and Law 29/1998) allows specialized courts to review actions taken by the government and administration, effectively ensuring legal compliance.

The administrative jurisdiction is made up of a complex network, including local courts (in the 52 provinces), regional courts (the administrative chamber of the highest courts of justice in the 17 autonomous communities), and national courts (the administrative chamber of the National High Court for special cases, and the administrative chamber of the Supreme Court, which is the last level of appeal). In addition, the Constitutional Court may review governmental legislation (i.e., decrees) and is the last resort in appeals to ensure that the government and administration respect

citizens' fundamental rights.

Nevertheless, courts have arguably shown some bias vis-à-vis the incumbent government. Because of the confrontational style of Spanish policy-making and the fact that judges may be independent but are not ideologically neutral, the judiciary's mandate to serve as a legal check on government actions can at some points be deemed politically obstructive. That is to say, conservative judges who side with the opposition PP party may be eager to frustrate the actions of a socialist government. For its part, the government has reacted against this judicialization of politics with a growing politicization of justice.

The appointment process for Constitutional Court justices is regulated by the Spanish constitution and by specific legislation on the Constitutional Court (Organic Law 2/1979, as amended several times; Organic Law 6/2007 was the last important amendment). The Constitutional Court consists of 12 members. Of these, four members are appointed by the Congress of Deputies, requiring a supermajority of three-fifths of its members, and four members by the Senate, requiring the same supermajority vote (following a selection process in which each of the 17 regional parliaments nominate two candidates). Additionally, two members are appointed by the government, and two by the General Council of the Judiciary (Consejo General del Poder Judicial, CGPJ). All 12 Constitutional Court members have a tenure period of nine years, with one-third of the court membership renewed every three years. Membership on the Constitutional Court is incompatible with any other office or business activity whatsoever.

The appointment process for Supreme Court justices is regulated in the legislation on the judiciary (Organic Law 6/1985, as amended several times; Organic Law 2/2004 was the last important amendment). The Supreme Court consists of five different specialized chambers, and all its members (around 90 in total) are appointed, requiring a majority of three-fifths, by the General Council of the Judiciary. The CGPJ is the governing authority of the judiciary, whose 20 members (judges, lawyers and other experienced jurists) are appointed by the Congress of Deputies and the Senate by a three-fifths supermajority vote, and have a tenure period of five years.

These processes include special majority requirements and are formally quite cooperative. Thus, in the case of the Supreme Court it involves: (1) the judicial associations (which nominate 36 candidates to fill 12 CGPJ positions), (2) the National Congress and the Senate, which appoint (again requiring a three-fifths vote) the members of the CGPJ, and finally (3) the CGPJ, which appoints the justices themselves (with a three-fifths majority vote, since the passage of legal reform in 2004). In the case of the Constitutional Court, regional

Appointment of
justices
Score: 7

parliaments nominate 34 candidates for a total of four positions, with the final appointees being selected by the Senate through a three-fifths majority vote. The other eight justices are appointed by three different institutions: the Congress of Deputies, the government and the CGPJ.

However, the truth is that this does not guarantee the independence of the judiciary. The various three-fifths majorities can be reached only through extra-parliamentary agreements between the two major parties (PSOE and PP), and this has led to a strong and growing politicization both among the members of the Constitutional Court and the CGPJ (the organ which appoints Supreme Court justices). All Constitutional Court justices and most members of the Supreme Court are quickly labeled as “conservative” or “progressive” justices by the media and politicians depending on the party that pushed for their appointment. Even if there is some formal guarantee of independence, neutrality is not expected and justices do not tend to be considered to be divorced from the ideology – or even the tactics – of the parties that suggested their appointment.

Citation:

López Aguilar, J.F. (2009). “Justicia y poder judicial: radiografía de una crisis cronificada.” *Nuevas Políticas Públicas: Anuario multidisciplinar para la modernización de las Administraciones Públicas*, 5, pp. 11-26.

Corruption
prevention
Score: 6

No major scandal connected to the central government surfaced in Spain during the 2008 – 2010 period. However, the perception of corruption increased as a result of several local scandals (particularly, the so-called Gürtel, Millet, Matas and Pretoria cases) that arose in the Mediterranean regions (Valencia, Catalonia and the Balearic islands) and to some extent in Madrid. Although there is some evidence of links between these scandals and illegal party financing, most have represented cases of personal enrichment linked to the Spanish property boom. Though these cases have only recently come under investigation, they actually occurred before 2008.

It is true that Spain’s rankings in international indexes measuring corruption have shown some deterioration, but again, this is primarily the effect of the recent emergence of old cases in the media and the courts, rather than a sign that the situation has actually worsened. In fact, the bursting of the real estate bubble, coinciding with the eruption of the 2008 economic and financial crisis, make it quite conceivable that corruption levels may even have declined. The 2008 reform of land use regulation, which limited local public authorities discretion in reforming urban plans and granting building licenses, may also have helped; but to be sure, this probable improvement is much more the effect of the economic cycle than the result of effective

enforcement of legal, political or public integrity mechanisms.

The fact that Spanish parties and citizens have demonstrated an incapacity to exclude effectively corrupt politicians from politics (e.g., 70% of mayors shown to be involved in corruption were reelected in 2007, and opinion polls do not show evidence of changes in electoral behavior after a scandal) means that the Spanish society and state cannot completely guarantee that officials will not exploit their offices for private gain. However, political corruption does not affect the daily lives of people (as might, for example, the practice of paying bribes to public employees), and most civil servants and politicians follow regulations to preserve the public interest, including legislation on conflicts of interest and asset declarations.

II. Policy-specific performance

A Economy

Economy

In the 2009/2010 rankings of the World Economic Forum on Global Competitiveness, Spain fell to 33rd place in the world with respect to economic competitiveness, from a rank of 29th the previous year. The government has taken a threefold approach in tackling the economic crisis: Firstly, short-term relief for families and companies was implemented through the so-called Plan E (the Spanish Economy and Employment Stimulation Plan). In addition to support for families, companies and the banking system and some employment measures, Plan E also features specific reforms aimed at modernizing the economy in key sectors such as transport, energy and telecommunications. Second, this modernization supplements a more ambitious approach toward structural reform of the Spanish growth model, in the form of the draft law for a sustainable economy (introduced in March 2010). This proposal focuses on three key dimensions: economic (through an improvement of productivity and competitiveness), investment in social capital and environmental sustainability. Finally, sharp spending cuts have recently been announced, aimed at reducing public expenditure by about €50,000 million in the course of three years (the so-called austerity program).

It is widely believed that the housing bust was only the tip of the iceberg in terms of problems with the national economy, since Spain has long suffered from excessive private consumption as well as high

Economic policy
Score: 5

levels of personal debt. The government has been criticized for making a belated, insufficient, patchwork and even incoherent response to the economy's underlying lack of competitiveness. However, if stopping the public deficit from growing seems now unavoidable, the resulting lack of resources might prove a serious hindrance to those structural reforms that require money (although it may also open a window of opportunity for unpopular structural reforms needed in the labor market, pension system and banking sector).

Citation:

Albentona, L. "Pertinaz sequia de reformas." El País, 5th of January 2010.
World Economic Forum. Global Competitiveness Report 2009-2011.
<http://www.weforum.org/pdf/GCR09/GCR20092010fullreport.pdf>

Labor market

Labor market policy
Score: 3

According to official data, unemployment has doubled in the last two years, strongly hitting workers in low-skill occupations, particularly immigrants, women and young people. Unemployment rose to more than 4 million people in February 2010, with a rate of 19.4%, nearly twice the euro zone average. On the other hand, a severe mismatch exists between workers' qualifications and job availability, with many highly skilled employees not making adequate use of their expertise and capabilities. The debate on labor market reform has focused on two primary issues: the inflexibility of employment regulations (particularly concerning layoffs), and the existence of a dual labor market in which some 35% of the workforce serves under temporary contracts and has no job protection, in contrast to the other highly protected 65%. This arrangement has held down both wages and permanent employment.

In 2009, the government put considerable effort into negotiating a social pact with trade unions and employers. Thus, the Agreement for Employment and Collective Bargaining 2010 – 2012 was signed in February 2010, featuring moderation in salary increases and limits to the use of temporary employment (although by spring 2010, this agreement could be viewed as having been superseded, since the government unilaterally decided to launch a much more radical labor market reform). Over the same time period, the Spanish government adopted a package of measures aimed at encouraging transition to employment, increasing geographical mobility and shortening periods of unemployment. These include the Extraordinary Plan for Orientation, Vocational Training and Labor Insertion; the Local Investment Fund; and Plan E's Special Fund for Employment and

Economic Reactivation, which was budgeted at €11 billion and was expected to result in the creation of 300,000 new jobs across the country. Most direct job-creation measures have taken place in the public and private construction sector; however, this risks reinforcing the roots of the crisis, while offsetting the moderate level of funding directed to alternative economic sectors that might better contribute to reform of the Spanish growth model. Initiatives aimed at reorganizing active employment policies have also been put in place, as well as incentives designed to smooth the transition from unemployment to part-time or self-employment. All in all, there are problems of intergovernmental coordination in this crucial field, with the central government retaining responsibility for financing unemployment benefits, while the autonomous regions run job placement services.

Citation:

“Spain’s official jobless total tops 4m” <http://www.ft.com/cms/s/0/afd5e4ac-0fe9-11df-b278-00144feab49a.html>

Enterprises

Enterprise policy
Score: 4

The Spanish business sector is relatively weak in terms of entrepreneurship and competitiveness, and companies tend to be disproportionately small (in 2008, only 14 Spanish firms were among the world’s 500 biggest companies), low-tech, and locally focused. Substantial red tape, high business set-up costs and high tax rates complicate things even further. Recent government initiatives such as the 2006 Business Promotion Plan have done little to rectify this situation, but the economic crisis has put more pressure on the government to tackle the flaws in Spain’s business conditions more radically.

As part of the Plan E program, the government committed to reduce administrative charges paid by self-employed workers and companies to the Treasury by 30%. The government has also announced that it will streamline its procedures so as to make it possible to create a company in 24 hours, compared to today’s average of 14 to 19 days (the so-called Plan Empresa 24 horas). An omnibus law was passed in late 2009 adapting existing national regulations to the European directive on services. A plan was also introduced to promote freight transport by train. On the financial side, a new service was opened by the Official Credit Institute (ICO) aimed at making it easier for small and medium-sized enterprises to access credit. As part of the draft law for a sustainable economy (which had not yet passed in spring 2010), two new funds will be introduced in the near future designed to support public and private investment projects with the potential to

improve competitiveness in new technologies, the information-based economy, environment and energy. In addition, a reduction in social security contributions has been proposed. As a whole, the burgeoning array of new measures and initiatives produced on almost a daily basis is very difficult to summarize. Most fundamentally, doubts can be cast on the feasibility and impact of these measures, and on the presence of a clear underlying purpose. Meanwhile, only limited attention is being paid to longer-term issues such as competition in the telecommunications sector.

Taxes

Tax policy
Score: 6

In the last two years, decisions concerning tax policy have been strongly influenced by the economic crisis, with continuous changes overlapping or replacing one other. Arguably, the reform process has not been driven by a consistent underlying logic, but has rather followed an erratic and pendulum-like path.

Emergency stimulus measures were adopted shortly after the elections in May 2008, featuring several tax deductions and benefits, including an income tax rebate of €400 for every taxpayer, rapid refunds associated with investment in a permanent residence, and the elimination of the Property Increment Tax. However, if the priority at the time was to fuel short-term liquidity for families and businesses, curbing the public deficit became the government's sacrosanct goal just a year later. To that aim, more fundamental changes in the structure of the tax system will be set into motion over 2010 and 2011, designed to raise an extra €11 billion per year. Small and medium-sized companies will profit from a tax cut of 5%, intended to help stimulate the economy. Moreover, the abolition of the €400 tax rebate can in some senses be welcomed: Given its universal application, critics argued from the beginning that it would not ultimately benefit people in actual need. The increases approved for the VAT (from 6% to 8% for the reduced rate, and from 16% to 18% for the general rate) and for taxes on saving accounts (19% for savings up to €6,000, and 21% for sums over that amount) seem much more controversial: The VAT will negatively affect the already diminished rate of private consumption, and consequently might not result in substantial additional revenues. If we take into consideration that 61% of bank account holders have savings under €21,000, small savers are expected to become the big losers in this increased tax on savings.

Although fiscal pressure in Spain remains significantly lower than in Scandinavian welfare economies, Spanish taxation policies do not appropriately discriminate between groups with different economic capacity. And the fiscal reform summarized above seems to reinforce the deficiencies of the system in terms of inequity: It will not be the wealthier sector of the population, but medium- and low-income workers who will be penalized with comparatively higher tax wedges. Finally, measures to tackle tax evasion have to be strengthened.

Citation:

Las medidas de Política Tributaria del Estado frente a la crisis económica.” Presupuesto y Gasto Público 54(2009): 95-113.

Royo, Sebastián. ‘Reforms Betrayed? Zapatero and Continuities in Economic Policy’, South European Society and Politics, 14.4 (2009): 435-451

Budgets

Budget policy
Score: 4

After a decade of steady improvement in Spain’s public finances (with budget surpluses seen from 2004 to 2007), the economic crisis has pushed the budget into severe imbalance. Pump-priming in the last two years has led to a drastic increase in public spending, with public debt growing slightly in 2008 and more considerably in 2009. By the close of the review period, the overall budget deficit stood at 11.4% of GDP (more than twice the government’s gloomiest estimates).

Taking this into account, the announcement of the austerity plan only a month after closing the general budget for 2010 did not seem to take anyone by surprise. However, many economists are skeptical and have raised doubts as to its feasibility. According to the plan, an annual cut in spending of 4% will take the deficit down back to 3% of GDP by 2013. This level of spending cuts mostly corresponds to the plans of the central government, which has already announced that new hiring in the public service will be reduced by 70% in 2010. However, 20% of the cuts will have to be made by autonomous regional governments, a task that seems more difficult to achieve, given their spending records and their perpetual need for funds.

In addition, the plan depends on quick and significant economic growth, an estimate that is far too optimistic. All in all, the government has lost credibility with respect to its capability to produce accurate estimates. Whereas faulty calculations have led to inadequate macroeconomic policies, the government remains focused on expanding social expenditure and subsidizing unemployment rather

than creating structures supportive of long-term employment. In addition, spending pressures related to the aging of the population will keep rising, affecting the long-term sustainability of public finances.

Citation:

“Spain battles to shore up plan’s credibility” Financial Times, 25th February 2010.
Circulo de Empresarios. Presupuestos Generales del Estado 2010: Unas cuentas insostenibles. Octubre 2010.

B Social affairs

Health care

Health policy
Score: 7

Spain’s public health care system is faced with two pressing problems: restraining spending and improving quality. Health-care spending absorbed a third of state revenues in 2009, representing approximately 6% of GDP. Moreover, 32% of these expenses were associated with pharmaceuticals (compared to an EU average of 25%). Whereas the current economic crisis makes the situation difficult in the short run, population aging trends (in 10 years time, one out of five Spaniards will be over 65 years old), chronic disease proliferation, new and highly expensive treatments, and a general abuse of free medical appointments puts the sustainability of the system at high risk in the medium and long term.

This critical situation led to an unprecedented agreement between the central government and the autonomous regions in March 2010, aimed at saving an estimated €1.5 billion per year. Among other provisions, this plan will implement the so-called bill-in-the-shade system (that is, informing citizens about the costs of the assistance they receive, so to encourage reasonable use). A head purchasing office will be created, which regions will be able to join voluntarily in hopes of getting better prices from suppliers. Reference pricing for drugs will be recalculated downwards, and the use of generic drugs will be encouraged.

Beyond these issues, the quality of health care in Spain has deteriorated somewhat in recent years. According to the Euro Health Consumer Index, which compares health care systems in Europe, Spain has fallen from the 14th position to the 21st since 2005. The most recent report emphasizes deficiencies in patient rights and prevention. There is also significant interregional inequality. Waiting lists continue to grow, and the use of alternative private services has increased accordingly. In 2006, a Quality Plan for the National Health System was adopted. After three years, a report on this plan was

issued for the period 2009 – 2010. It included additional measures, but no detailed analysis of the results achieved during the previous phase was provided.

Social inclusion

Social inclusion
policy
Score: 5

Social exclusion remains a perennial problem for Spain: 20% of Spaniards already lived under the poverty threshold in the 2005 – 2008 period. In terms of social inequality, young and elderly people are at higher risk of poverty, while immigrants and some groups of women have been particularly affected by unemployment and/or precarious employment. If anything, the current recession has led to further impoverishment of vulnerable households, broadening the gap between these and the wealthiest sectors of the population. Spain's Gini coefficient is the highest within the European Union, and there is a 10-year difference in life expectancies between the top and bottom income percentiles.

The Spanish government's chief instrument in the fight against social exclusion is the National Action Plan for Social Inclusion. In the 2008 – 2010 period, this plan pursued a two-fold strategy: on the one hand, a broad-ranging policy of active social inclusion (through labor-market initiatives, income guarantee measures and improvement in the quality of public services); on the other hand, measures targeted specifically at immigrants and elderly. With respect to immigrants, the budget committed to implementing the Strategic Plan for Citizenship and Integration amounted to €1.5 billion for the 2008 – 2010 period. As for the elderly, the basic regulatory and institutional aspects of the National System of Dependency are now in place (including two new occupational certificates – Socio-Health Care for People At Home and Socio-Healthcare for Dependent People in Social Institutions – and the creation of the Territorial Council of the System of Autonomy and Care for Dependency). However, funding restraints have brought this program to a standstill in some autonomous regions. Most importantly, the Spanish central government lacks appropriate oversight mechanisms. Assessments are oriented toward examining progress in terms of budgetary execution or legality rather than in terms of the effectiveness of measures to reduce inequality.

Citation:

Navarro, Vincent. 2009. "Desigualdades Sociales en España"
<http://blogs.publico.es/dominiopublico/1590/desigualdades-sociales-en-espana/>

Families

Family policy
Score: 5

Although the government's Plan E includes a set of measures intended to support families and alleviate economic difficulties, few of these target women in particular. On the other hand, the "cheque bebe" (a €2,500 benefit payable to families for every newborn or adopted child) remains in place, although it may be eliminated in the near future). Some autonomous regions (such as Madrid and Asturias) have already suppressed or decreased their additional contribution to the cheque.

The Ministry of Employment is pursuing a campaign to ensure employers' compliance with legislation on wage equality, and discourages any form of discrimination in the workplace. Subsidies for maternity leave have been extended. Nevertheless, the paternity leave program receives minimal use, and further measures are needed to instill a culture of shared responsibility for child care. The moratorium in implementing the National System of Dependency (care of dependent people) does not make it easy for women to free themselves from the burden of family care. In general, timid governmental action and traditional gender roles deeply rooted in Spanish society keep women in an unequal position. The wage gap between men and women is 17% and the pension gap comes close to 20%. Women's employment rate is 51%, as compared to 68% for men.

Pensions

Pension policy
Score: 5

The pension system represents the largest single piece of social spending. It accounts for more than 30% of the state's budget and over 8% of Spanish GDP. The Socialist government has committed to an increase in pensions of between 3.4% and 7.2%. This increase should affect the minimum pension level, as the measures contained in the government's Plan E (see Economic Policy) include a rise in this amount larger than seen at other income levels. As a result, the task of poverty prevention has been addressed and partly accomplished. Nevertheless, the elderly remain among the most economically vulnerable people within the system.

On the other hand, the economic crisis has led to a steep decrease in contributions to the social security program. This, combined with the process of population aging –which is stronger in Spain than in any other European country – has reopened a much-needed debate on the long-term fiscal sustainability of the pension system (for example, the social security surplus declined by 41% in 2009 as compared to

the previous year). Early in 2010, the Socialist government proposed what amounts to a radical reform project. In line with discussions in other developed countries such as the United Kingdom, the proposal features a delay in the official retirement age to 67 years, a provision that would come into force in 2013. The minimum age to enter early retirement will be also increased, so as to limit use of this mechanism. At the same time, the contribution period taken into consideration in calculating the pension amount will be longer; and some changes are also planned to widow and orphan pensions.

Citation:

Castillo & Amigot. "Las claves de la reforma de las pensiones" *Expansión*, 29th of January 2010. <http://www.expansion.com/2010/01/29/economia-politica/1264758193.html>

Integration

Integration policy
Score: 6

In the past decade, some 5 million immigrants have arrived in Spain. In all, 12% of the population is now foreign-born. Apart from some western Europeans looking for a second home "in the sun," the bulk of immigration comes from poorer countries, typically consisting of young Eastern Europeans, Latin Americans and Africans in search of jobs and better living conditions. Spain has so far lived in harmony with these newcomers. It helps that the Treasury has for the most of the time benefited from their contribution to the social security system. In the case of Latin American immigrants, language and cultural links have been beneficial too. As for the Muslim population, although most of them are moderate and well-integrated into Spanish society, some radical groups involved in recruiting and fundraising for al-Qaeda have also been uncovered. The public perception of immigration has deteriorated somewhat recently as a consequence of the economic crisis; it is increasingly common to hear the argument that immigrants are no longer a source of revenues, but they are instead putting further pressure on the country's social services and public spending. However, taking account of the high unemployment rate, racial conflicts are in fact scarce in Spain, and the tendency toward integration on the part of immigrants seems positive.

In 2005, an amnesty was granted to more than one million then-illegal immigrants. Today, official government policy combines measures supporting integration (see Social Inclusion Policy) with more energetic steps to prevent illegal immigration. The Spanish government backed the European Pact on Immigration and Asylum, sponsored by French President Nicolás Sarkozy, and the Return

Directive on illegal immigration (known in Spain as the “Shame” Directive). It has also offered bilateral aid to several northern African countries if they agree to receive illegal immigrants deported from Spain. A program has been unveiled allowing migrants to draw their unemployment insurance benefits as a lump sum if they return to their home country and renounce their residence rights in Spain.

C Security

External security

External security
policy
Score: 8

Reversing the trend of recent years, defense expenditure has declined, with investment in military research and innovation being the area most significantly diminished. In spite of this fact, Spain scores close to the OECD average in terms of military capability and equipment sophistication. Experts and the general population have raised some criticism of military deployment in a large number of international missions with no clear relationship to Spain’s national interests (almost 3,000 soldiers are currently deployed in Bosnia-Herzegovina, Kosovo, Lebanon and Afghanistan, although the government decided unilaterally to withdraw troops from the NATO mission in Kosovo in 2009, due to its disagreement with the declaration of independence made by the young Balkan state).

The Spanish government is strongly committed to multilateralism, as exhibited by its role advocating for the recently adopted Internal Security Strategy for the European Union (aimed at establishing more effective tools for combating conventional and new threats) and its participation in Operation Atalanta (an EU military operation tasked with deterring, preventing and repressing acts of piracy and armed robbery off the coast of Somalia). Spain has also signed numerous multilateral agreements to strengthen counterterrorism cooperation on a political level. In May 2010, interior ministers from Spain, France, Portugal, Italy, Malta, Algeria, Libya, Morocco, Mauritania and Tunisia agreed to strengthen their exchange of information in order to prevent anyone accused of a terrorist crime from finding shelter in those countries.

Whereas the Zapatero government continues to promote its initiative Alliance of Civilizations abroad, a long-needed initiative has also been implemented at the internal level to coordinate efforts in national security matters. Previously, the ministries of Foreign Affairs, Home Affairs and Defense worked separately, developing their own

strategies and plans. However, a proposal was announced in late 2009 to develop a general national security strategy, to be coordinated by former EU High Representative for the Common Foreign Affairs and Security Policy Javier Solana.

Internal security

Internal security
policy
Score: 7

In general, Spain performs satisfactorily in the field of internal security as compared to other European countries. Indeed, it scores comparatively low on general delinquency and homicide. According to official data, the crime rate decreased in 2009 (as compared to 2008), whereas there have been improvements in clearing outstanding cases. Nevertheless, the expenditure on public order and internal security has significantly decreased, and acute problems remain concerning domestic violence against women. Despite the introduction of GPS bracelets for domestic violence offenders in 2009, the technology is not yet broadly used, and more than half of abuses are never reported to the police in the first place.

In the last two years, the fight against the Basque terrorist and separatist group ETA has been successful, with the detention of its suspected ideological and operational leaders. Franco-Spanish field-level cooperation has intensified. Apart from ETA terrorism, the government of Spain and its citizens are concerned that the country remains a principal target of Islamic extremism. In order to face this new security threat, substantive police and intelligence efforts are now devoted to targeting terrorist recruiters and facilitators. Thus, for example, 65 suspected Islamist terrorists were detained in 2008.

In spite of these positive steps, the impact of the current economic crisis has contributed to an increase in the subjective feeling of insecurity, and public opinion continues to press for additional preventive measures.

D Resources

Environment

Environmental
policy
Score: 5

Spain's environmental policy outcomes are at best mixed. Despite a positive trend in the use of renewable energy, Spanish and European targets have not yet been achieved. Indeed, clean energy use remained under 8% of total energy supply in 2008, while the 2020 target of 22.7%, as proposed by the National Renewable Energy

Action Plan 2011 – 2020 currently under discussion, seems far too ambitious. The decrease in CO₂ emissions in 2008 and 2009 not only reflects a change in the national energy model, but also the effects of the economic crisis.

The government's concerns over a high level of energy dependency (Spain currently imports 100% of its oil, and approximately 81% of its total primary energy consumption) have led to the Energy Efficiency and Saving Action Plan 2008 – 2012. Among other provisions, this encourages the replacement of incandescent light bulbs with fluorescent ones, and holds financial incentives such as the Plan VIVE to promote innovative and environmentally friendly vehicles. The Spanish government is pioneering support for electric vehicles at the European level, as the Comprehensive National Strategy to Promote Electric Vehicles suggests. Moreover, it has shown itself to be seriously committed to adapting national policy to European directives in this field. As a result, the National River Restoration Strategy and the National Integrated Plan for Solid Waste Management 2008 – 2015 were recently approved, and a draft law to transpose the 2009 European Commission directive to enable environmentally safe capture and geological storage of carbon dioxide (CO₂) is currently under discussion.

On the negative side, it is not clear how effective the country's 2007 air quality strategy has been to date, and the interbasin water transfers between the Tajo and Segura rivers can be seen as a step backward in terms of water treatment policy, desalination and the "AGUA" program. All in all, important problems concerning water scarcity, deforestation and air pollution remain unresolved. Moreover, a pricing policy aimed at encouraging energy saving has not been sufficiently exploited. Environmental organizations have raised concerns that economic stimulus measures launched in 2008 and 2009 did not always take environmental impact into consideration.

Research and innovation

Spain has traditionally lagged behind its European neighbors in terms of research and innovation, and scores far below OECD averages on all R&D indicators. After some years of increasing investment in innovation policy, the financial and economic crisis has led the government to make regrettable cuts in public expenditure in this sector: The 2010 R&D budget was reduced by 15% as compared to the previous year's already diminished level. Nor has the crisis encouraged private investment. Thus, for example, Nokia – the top

European company from an R&D spending perspective – spends four times more than the top 21 Spanish companies put together. As a consequence, the Spanish research sector has experienced a brain drain of growing severity.

The alleged commitment of the government to supporting research and development resulted in the creation of the Ministry of Science and Innovation in 2008. This ministry quickly proposed a draft law on research, development and innovation (intended to improve researchers' professional career prospects, as well as the overall stability and efficiency of the system); a medium-term national scientific research, development and technological innovation plan (National RDI plan 2008 – 2011) and the Integral System of Monitoring and Assessment (SISE), aimed at overseeing public grant programs. At the regional level, it is worth noting the Catalonia government's 2010 – 2013 research and innovation plan (PRI), aimed at planning and promoting Catalonia's research and innovation, and at encouraging cooperation between research centers.

Overall, budgetary constraints are conflicting with the government's pledge to sponsor a new model of economic growth based on brainpower rather than on construction. Moreover, resources could be used more efficiently by enhancing mechanisms of intergovernmental coordination between the central government and the autonomous regions.

Citation:

-Rivera Alicia. "La ciencia, víctima del presupuesto." El País, 5th october 2009.

-http://sac.csic.es/ccoo/textos/AnalisisPGE2010_%20ImasDmasi%20.pdf

Education

Education policy
Score: 5

Although Spain remains below the EU average, expenditure on education grew in 2009 to reach 4.95% of GDP. Further increases have also been approved in the general state budget for 2010. Yet, additional spending will be irrelevant if it is not accompanied by improved spending efficiency and does not translate into better educational performance. In that regard, the last Program for International Student Assessment (PISA) report does not indicate successful results; quite the opposite, Spanish schoolchildren occupy the 35th place in reading comprehension, 32nd in mathematics and 31st in sciences in a comparison of 56 countries.

Moreover, school attainment has worsened dramatically, as shown by

a compulsory secondary education dropout rate that is now twice the EU average (31% versus 15%). This poses a fundamental challenge for equality, since low attainment strongly correlates to socioeconomic background, and is more frequent among children of immigrant families. Interregional inequalities have also risen both with respect to academic performance and per capita expenditure. In November 2008, the central and regional governments agreed on a plan aimed at reducing early school dropout (the Plan para la Reducción del Abandono Escolar Prematuro), which was also intended to strengthen links between compulsory education, vocational training and work. It is worrying that vocational training remains very unsuccessful, despite the comparatively high wages in many jobs requiring skills acquired through such training. In March 2010, the School 2.0 program was approved, with the goal of making new technologies a fundamental aspect of education, by developing computing infrastructure in conventional classrooms and providing all schoolchildren with a laptop.

The outlook for higher education is little better. Some privately run business schools are considered to be world class, but no Spanish university, either public or private, is ranked among the world's top 150. In general, universities are still academically driven and fail to respond effectively to emerging labor market demands. This combines with the large number of universities and campuses distributed throughout the country, which offer almost identical degrees. A process of specialization is urgently needed to make the university system sustainable and to enhance its quality. In this context it is worth noting the University Strategy 2015, an initiative shared by the state and regional governments and universities aimed at modernizing the country's higher education system, promoting excellence in research and training, and improving the system's international reputation. One of the main elements of the strategy is the Campus of International Excellence program.

Citation:

Consejo Económico y Social. 2009. "Informe sobre Sistema Educativo y Capital Humano." <http://www.ces.es/servlet/noxml?id=CesColContenido>

M01238769492789~S1347628~NInf0109.pdf&mime=application/pdf

"La crisis económica impulsa la fuga de cerebros españoles al extranjero" 20minutos.es, 26th of April 2010.

Mars, Amanda. "La educación no es gasto, es inversión." El País, 25th of April 2010.

Management Index

I. Executive Capacity

A Steering capability

Strategic capacity

Strategic planning
Score: 6

Although meetings between Prime Minister Zapatero and strategic planning staff are not frequent, the Prime Minister's Private Office (PM's Private Office) is a large advisory department which includes a research and analysis unit, and more importantly the Economic Office of the Prime Minister (formerly a separate department, but merged with the PM's Private Office in 2008). The director of the Economic Office is also the national coordinator for the implementation of the National Reform Program (the so-called post-Lisbon EU 2020 Strategy), and is thus quite influential in defining mid-term Spanish economic policy and goals regarding job creation, education, R&D, poverty and climate change.

The cabinet office or Ministry of the Presidency (Ministerio de la Presidencia), whose minister is also the first deputy prime minister, and the Ministry of Economy and Finance, whose minister is also the second deputy prime minister, are responsible for some strategic tasks as well, as they play a coordinating role with regard to the other ministries. Furthermore, during the preparation of Spain's turn in the rotating EU presidency (which took place in the first half of 2010), the Spanish government created a special unit and reinforced the horizontal powers of the Secretariat of State for the EU to define the strategic framework for the EU Council during 2010 and 2011, along with the Belgian and the Hungarian governments, the other two member states of the EU presidency trio.

Scholarly advice
Score: 6

Non-governmental academic experts do not have a dominant influence on Spanish decision-making. There are no formal and systematic meetings between external specialists and the government as a whole. Nor does the government rely on experts for advice on matters of political strategy.

However, university scholars and other researchers are often summoned by line ministries for consultation on economic and technical issues. This is particularly common as legislative bills are

initially being drafted, and as the impact of proposed legislation is being assessed. On the other hand, non-governmental experts wield considerable influence through debate in the media. Moreover, academic experts are often recruited for senior government positions, although this may be considered internal rather than external influence. Many members of the government in fact come from the academic world (a pattern more typical when the socialist party is in office, since the conservatives tend rather to select ministers and top officials from among businessmen and career civil servants close to the party). For example, just to mention some of the appointments made in 2009, Ángel Gabilondo is a philosopher who presided over a public university before being chosen as minister of education, while the new secretary of state for the economy, José Manuel Campa, taught in a prestigious business school and had no previous ties with the government or the socialist party.

Inter-ministerial coordination

GO expertise
Score: 7

The cabinet or government office (Ministerio de la Presidencia) and the prime minister's office (Gabinete del Presidente del Gobierno) are the administrative departments associated with the Spanish premiership that are tasked with evaluating line ministry proposals from a political point of view. These two bodies are from a functional and even physical point of view nearly one, and form the very powerful political core of the executive (often called the Moncloa, after the name of the main palace hosting the prime minister in the outskirts of Madrid). The economic dimension of ministerial initiatives are evaluated by the Economic Office of the Prime Minister (formally joined to the PM's Private Office in 2008) and by the Ministry of Economy and Finance, whose minister also acts as the second deputy prime minister. In general, these different units have ample staff with specific policy expertise, whose task is to substantively assess draft bills and other important sectoral initiatives to ensure they are compatible with the government's strategic and budgetary priorities.

The internal organization of the PM's Private Office vaguely reflects the various ministerial portfolios, although without achieving a comprehensive policy expertise that enables perfect oversight throughout the executive. Moreover, evaluations made by the advisors working in the PM's Private Office are not truly independent, since most of them are insiders. Nevertheless, and despite the extensive constitutional and political strength of the Spanish premiership, these units enjoy only limited administrative resources. Their relatively small size is perhaps explained by the hierarchical,

single-party nature of the Spanish government, in which it is not particularly necessary to monitor sectoral ministers from the center.

GO gatekeeping
Score: 8

Though the return of materials earmarked for cabinet meetings is not a frequent occurrence, the government office (Ministerio de la Presidencia) and the prime minister's office do have this power, applicable to all items on the basis of either formal or substantive considerations. The head of the government office (who is also the first deputy prime minister), which since 2004 has been Maria Teresa Fernández de la Vega, can reject initiatives in her position as chair of committee that prepares Council of Ministers meetings (the Comisión General de Subsecretarios y Secretarios de Estado). The powerful director of the PM's Private Office, José Enrique Serrano, can also return items, but only de facto, taking advantage of his proximity to the prime minister. This is typically done through informal instructions to the sectoral department responsible for the item. Finally, the minister for economy and finance, who is responsible for coordination on economic matters and chairs an important specialized cabinet subcommittee (the Comisión Delegada del Gobierno para Asuntos Económicos), also has also the capacity to accept or return any item submitted by a ministry on economic policy or budgetary grounds. Initiatives subject to this evaluation and possible return for reconsideration include draft bills and even internal appointments.

Line ministries
Score: 7

Although line ministries are formally autonomous from the government office and the Prime Minister's Private Office (PM's Private Office), these core executive bodies are regularly briefed by the ministries on new developments affecting the preparation of policy proposals. This consultation does not only focus on formal or technical issues, but on political and strategic considerations as well. This process takes place weekly, since representatives of all ministries gather at the cabinet meeting preparatory committee (Comisión General de Subsecretarios y Secretarios de Estado), which is held every Wednesday, chaired by the government office head and first deputy prime minister. Advisers from the PM's Private Office also participate in this committee and in other specialized cabinet committees.

However, even if the primary role of the government office and the PM's Private Office is horizontal coordination, their administrative resources are limited, and the first deputy prime minister and prime minister's advisers cannot be briefed on the whole range of government activity. Therefore, they normally focus on each ministerial department's most important sectoral developments, as well as the prime minister's particular interests. These interests include foreign, EU and defense policy; economic measures associated with the financial crisis; reforms to the regional statutes of

autonomy; relations with the unions; and justice and home affairs. Consultation between the PM's Private Office and the rest of the government could be compromised if line ministers fear that the prime minister and his advisers might act as an unwelcome filter of ministry proposals. Equally, line departments may seek to influence the prime minister's advisers in order to secure backing at a higher level. Nevertheless, all legal proposals are sufficiently vetted by the government office before they are drafted as laws through: (1) the setting of the cabinet meeting agenda and (2) the centralization of all legislative relations with the parliament.

Cabinet committees
Score: 8

Apart from the weekly cabinet meeting, Spain's only cabinet committee composed exclusively of ministers is the so-called Foreign Policy Council (Consejo de Política Exterior) which meets no more than twice a year. This council is governed by royal decrees 1412/2000 and 1389/2007.

Similarly, there is not a strong tradition of ministerial committees (composed of several ministers and individual non-cabinet members such as secretaries of state), in the Spanish administration. With the exception of the Committee for Economic Affairs, no other committee meets regularly or helps to prepare the Council of Ministers meetings. From 2004 to 2009, only other two committees existed, but since April 17, 2009 (and according to the Royal Decree 639/2009), there are in theory eight specialized ones (known formally as Comisiones Delegadas del Gobierno). These ministerial committees respectively deal with economic affairs, emergency situations, relations with autonomous regions, scientific research and technological development, immigration, climate change, gender equality, and development aid. Until December 2010, a ministerial Committee for the Spanish Presidency of the EU also existed.

The ministerial Committee for Economic Affairs normally meets on Thursdays to review and schedule economic or budgetary interministerial coordination. This committee is chaired by the minister for economy and finance (who is also second deputy prime minister). The other members of this committee are five ministers with responsibilities in economic areas (including territorial policy, infrastructure, employment and immigration, industry and trade, and environment and agriculture), the secretaries of state for economy, finance and budgeting, and the civil service, and the director of the PM's Private Office. A representative from the Ministry for Foreign Affairs and the secretary of state for the European Union are also summoned when EU issues are discussed. This committee effectively filters out or settles issues a day before the cabinet meeting, but only discusses economic issues.

Senior ministry
officials
Score: 9

Senior ministry officials (the Spanish junior ministers, known as secretaries of state, and leading civil servants in the 17 ministries, known as undersecretaries) effectively prepare the cabinet meetings. They meet every Wednesday in a preparatory committee (the so-called *Comisión General de Subsecretarios y Secretarios de Estado*), two days before the weekly Friday Council of Ministers meeting. All issues arrive in time to be reviewed and filtered first by this committee. The government office, directed by a minister who is also the first deputy prime minister, chairs the meetings of this preparatory committee in which all draft bills, all appointments and any other ministerial proposals are discussed and scheduled as a part of the cabinet agenda. The government office also collects and circulates all relevant documents for the cabinet meeting among line ministers.

A provisional agenda (known as the “black index”) is published a week before the cabinet meeting. On Tuesday mornings, senior PM’s Private Office officials assess the relative importance of agenda items on the black index and identify where there are likely to be divergent positions. Thus, the Wednesday meetings of the preparatory committee perform an important gatekeeping function in returning problematic proposals to the appropriate line ministry and forwarding the remaining proposals to the cabinet (now classified into two indexes: the green index, which covers ongoing administrative matters, and the red index, for issues which are more political either by nature or because a lack of ministerial consensus). Nevertheless, although the senior ministry officials effectively filter out and settle almost all issues, allowing the cabinet to focus on strategic policy debates, the truth is that important political discussions in the Spanish cabinet are rare.

Line ministry civil
servants
Score: 5

Although departmental fragmentation is high in Spain, or perhaps precisely because of this, there is no tradition of interministerial administrative coordination. To be sure, the role of high-ranking civil servants (normally the so-called *subdirectores generales*) is crucial in the preparation of policy proposals within every line ministry, but their subsequent involvement in horizontal coordination with other ministries is very limited. In fact, and as a consequence of the difficulties of interministerial coordination, every ministry tends to act within its area of competence or jurisdiction, avoiding proposals which may involve other ministries. Although many administrative committees formally exist, in practice these committees do not coordinate the drafting of policy proposals or decision-making between different ministries. As administrative committees do not tend to work efficiently, they have fallen by the wayside and now usually simply facilitate the exchange of information or try to settle jurisdictional conflicts.

Informal
coordination
procedures
Score: 7

In Spain, the weakness of formal coordination among ministry civil servants (see Line Ministry Civil Servants) is to some extent compensated for by relatively effective informal procedures. When administrative coordination is needed because interministerial problems are real and cannot be solved by invoking vertical hierarchy, informal contacts or meetings between officials of the various ministries involved are organized. Many policy proposals can in fact be coordinated in this fashion (ad hoc working groups are rare but may also be created). As Spanish senior civil servants are clustered into different specialized bureaucratic corps, informal mechanisms rely often on the fact that officials involved in the coordination may belong to the same corps or share a network of old colleagues.

At a more political level, informal coordination procedures include weekly meetings of an inner core of ministers politically close to the prime minister. These meetings, held every Monday morning have been dubbed “matins” by journalists, and among others include the three deputy prime ministers and the ministers of the interior and for Infrastructure. Relations with the party governing structure are channeled through the prime minister himself (who is secretary general of the PSOE) and post-2009 Minister for Infrastructure José Blanco, the party’s deputy secretary general.

RIA

RIA application
Score: 3

In July 2009, general regulatory impact assessments (RIAs) were established for the first time in Spain by Royal Decree 1083/2009. Previously, Law 30/2003 had already introduced a gender impact assessment (GIA). The new law facilitated the RIA process by specifying a general procedure to be applied across content area. The decree emphasized the contents of RIAs performed on draft legislation must address economic and budgetary considerations as well as any other relevant aspects, such as environmental impact, gender equality concerns, and any possible effect for disabled people.

Because this is a relatively new obligation, it is difficult to determine precisely how effectively impact assessments have been performed thus far. With respect to gender impact assessments, longer application does not necessarily reflect satisfactory results. In some occasions, the GIA has been efficiently used; in others, it seems to have been a formal requirement fulfilled by the public administration by simply asserting the legislation would not produce any differential impact from the perspective of gender.

Needs analysis
Score: 3

RIA has just been introduced in Spain, and it is not yet possible to assess how effectively this activity deals with needs analysis.

Alternative options
Score: 3

RIA has just been introduced in Spain, and it is not yet possible to assess the extent to which it effectively considers alternative options.

Societal consultation

Negotiating public
support
Score: 7

Until the emergence of the economic crisis in 2008, and the realization of its serious consequences in terms of the public deficit and the destruction of jobs, the Spanish government held the engagement in social dialogue high on its agenda. This took place most prominently with the two main trade unions UGT and CCOO, but also with the leading business association CEOE and other civil society organizations. However, though facilitating acceptance of government policies among social actors continues to be an important goal, its main priorities have changed to focus on the launch of structural reforms and adjustment measures (affecting the labor market, the pension system and public employee salaries) which are strongly opposed by the unions. Thus, the government is becoming less successful at motivating economic and social actors to support its policy, and by the close of the survey period in May 2010, UGT and CCOO had begun signaling that a general strike was likely. Regardless of this general trend, line ministries still tend to consult with the economic and social actors important in their various sectoral areas, both private (businesses, trade unions, NGOs, Catholic Church associations, environmental groups) and public (other ministries, autonomous regions, parties), in the course of making decisions. The extent and success of this consultation in preparing policy initiatives depends on the particular sector. In some cases, consultation and exchange of views is institutionalized through advisory bodies that exist in various policy areas.

Policy communication

Coherent
communication
Score: 7

The government tries to speak with one voice. A communication office (Secretaría de Estado de Comunicación) exists within the government office, led by First Deputy Primer Minister Maria Teresa Fernandez de la Vega, who also serves as the government's primary spokesperson. The communication office is responsible for coordinating all the government's information policy both internally (through a consultation procedure with the ministries, and by providing a press service for the entire public administration) and also externally (by informing the mass media of the government's

activities). The communication office and the spokesperson try to conduct coherent communication planning (and ministries tend to align their statements and press releases with government strategy). In addition, in August 2007 the government unified its institutional image under a single logo that must be used in the communication campaigns of all ministries.

Nevertheless, contradictions do occur from time to time. Two of the most important examples include the absolute lack of coordination between the ministries of Defense and Foreign Affairs with respect to the withdrawal of Spanish troops from Kosovo (announced in March 2009 as a consequence of Spain's opposition to Kosovo's declaration of independence from Serbia), and several declarations by the minister of employment and immigration on the possible contents of the labor market reform, which were subsequently denied by Deputy Prime Minister for Economic Affairs Elena Salgado. In addition, Deputy Prime Minister for Political Affairs Fernández de la Vega, who has performed the double role of governmental communication coordinator and spokesperson since 2004, has somewhat diminished her political profile within the executive in the last two years.

B Policy implementation

Effective implementation

The Spanish government has been relatively successful in implementing its major policy objectives. Two main obstacles stand in the way of better performance: the weak mechanisms of coordination among autonomous regions (i.e., the 17 autonomous regions are responsible for implementation in many policy areas, and the government cannot fully guarantee the achievement of its objectives) and the fragmentation of sectoral policy networks (which include private groups and even line ministries more oriented toward their individual institutional or ministerial interests than to governmental strategic objectives).

Despite these constraints, internal executive power has gradually been redistributed in favor of the prime minister and the generalist ministries during the last 35 years, thus creating conditions under which a coherent set of major objectives can be developed, and policy priorities successfully achieved at the national level. This centralization and strengthening of coordination has been used to promote a transformation of the welfare capitalist model in Spain, which was linked to extreme fiscal austerity and dirigisme until 1975. The growing power and autonomy of the government as a whole has

Government
efficiency
Score: 7

Ministerial
compliance
Score: 8

also benefited from EU membership since 1986.

In principle, both from a legal and a political point of view, the organization of the Spanish government provides very strong incentives for all ministers to implement the overall government program rather than seeking the sectoral interests of their individual departments. The prime minister's powers over personnel is extraordinary; not only because of articles 99 and 100 of the constitution, which stipulate that parliamentary confidence rests personally with him and his comprehensive government program (all other members of the cabinet being appointed and dismissed by the king at the individual prime minister's proposal), but also as a consequence of the fact that all Spanish prime ministers in the last 30 years have simultaneously been the strong leaders of very disciplined parties (and all have presided over single-party governments). Prime Minister José Luis Rodríguez Zapatero is no exception, and has the capacity to impose his views in the cabinet and party meetings he chairs, and to dismiss those ministers he does not consider able or willing to implement the government's program.

However, the fact that the Spanish government's hierarchical organizational devices provide these potentially strong incentives does not necessarily ensure that ministers always subordinate their sectoral self-interest to the general interests of the government. In fact, perhaps with the exception of former Deputy Prime Minister for Economic Affairs Pedro Solbes (who was critical of some prime ministerial economic decisions), many recent dismissals were motivated neither by a lack of compliance nor by improper implementation of the government's program. The reasons behind retaining a given cabinet member are not clearly connected to policy evaluation, and in fact, an amicable relationship with the sectoral network of interests around the line ministry is usually a very practical way to receive a positive judgment from the prime minister.

Monitoring line
ministries
Score: 7

The cabinet or government office (Ministerio de la Presidencia) and the PM's Private Office (Gabinete del Presidente del Gobierno) shadow the activities of all line ministries, but this monitoring by the GO or the prime minister cannot completely guarantee that no sectoral ministry will ever prioritize vertical over horizontal interests.

The government office monitors the activities of line ministries only through weekly meetings, while the PM's Private Office oversees the flow of political and sectoral information, and keeps the prime minister abreast of the activities of all government line ministries. The PM's Private Office thus plays a key role in interdepartmental monitoring, but its resources are limited and it has no direct involvement in coordination (only the prime minister or the deputy prime ministers are entitled to play this role).

Monitoring agencies
Score: 8

Until 2006, the Spanish administration did not have true executive agencies, although around 150 semiautonomous public bodies (formally known as organismos autónomos, or entidades públicas empresariales) existed. The regulation on state agencies for the improvement of the public services (Law 28/2006) allows the transformation of those administrative organs into genuine executive agencies (nine agencies have already been created in areas such as scientific research, migration, theatre and music, meteorology, development cooperation and air transport security). Thanks to this legislation, agencies are now able to function more flexibly, with increased administrative and financial autonomy and fewer bureaucratic constraints. The relationship with the government is maintained through programs planned throughout the year. The government exercises full control of these agencies by monitoring the agencies' level of program execution. Agency funding depends on performance, so agencies have adequate incentive to implement programs. Furthermore, the recently created AEVAL (an executive agency itself, dealing with public policy evaluation and services quality) prepares an annual report for parliament that evaluates the agencies' activities (first report was published in January 2009).

Despite these improvements, the majority of old executive bodies are not covered by this new regulation, and the process of transforming them into agencies was stopped in April 2010, following generalized cuts in public spending. Ministries can generally monitor the activities of their subordinate semiautonomous bodies to ensure they act in accordance with government policies. However, ministers sometimes have difficulties in effectively monitoring the largest and most important ones (such as the National Institute of Social Security in the case of the Ministry of Employment and Immigration, or the Taxation Agency in the case of the Ministry of Economy and Finance).

Citation:

-AEVAL, 2009. Informe al Congreso de los Diputados de la Actividad de las Agencias Estatales, 2008. Madrid, Ministerio de Administraciones Públicas. http://www.aeval.es/comun/pdf/calidad/informe_agencias_2008.pdf

Task funding
Score: 7

Although Spain can be considered a semi-federal system, the very high degree of regional decentralization has been occasionally associated with deficiencies in the process through by which tasks are delegated. Thus, competences have in some cases been transferred to the regions in the absence of adequate funding sources. The existence of such unfunded mandates may indicate the lack of a previous impact assessment (as, for example, during the difficult implementation of the ambitious 2006 law to support care of dependent people). However, this in some cases may be part of a

deliberate political aim by the center to weaken the new autonomous governments by reducing their spending discretion. It is also true that since the 1980s, and particularly since the late 1990s, regions have enjoyed some power to raise revenue in order to counterbalance this insufficiency of funding, but they have tended not to use this power for fear of political costs.

In December 2009, the general funding system of 15 of the 17 autonomous Spanish regions was profoundly revised (the Basque Country and Navarre have a distinctive privileged system of funding, since they collect all taxes and then contribute to the general expenses of the state by transferring a fixed amount to the central government). Because of the 2009 reform in the general system, the 15 regional governments affected will receive roughly an additional €11.7 billion to fulfill both their independent devolved powers and the delegated tasks. While the main force behind this change was the pressure exerted by the more affluent and populated regions (and particularly by Catalonia, after the approval of its new statute of autonomy in 2006), no region rejected the final agreement reached through bilateral and multilateral negotiations (however, the conservative People's Party and some peripheral nationalist parties voted against the reform in the final parliamentary vote). The debate on the criteria by which solidarity funding should be allocated between regions and territories continues to be intense in Spain.

After this reform, the central government has increased the capacity of the richer and more populous regions to fulfill most of their tasks adequately (giving the autonomous governments more access to taxes collected in their territories as well as to new revenue-raising powers). At the same time, interregional redistribution to the poorer, less populous or outermost regions has been preserved, taking into consideration a variety of factors.

In practice, however, this funding system may produce growing divergence, depending on each region's revenue-collecting capacity. For their part, local governments (with responsibility for roughly 15% of total public spending in Spain) are without doubt inadequately funded given their responsibilities, but municipalities have less political power than regions to improve the system.

Citation:

Institut d'Economia de Barcelona. 2009. Informe sobre Federalismo Fiscal en España'09. Barcelona, IEB.

Constitutional
discretion
Score: 6

The central government usually enables the 17 regional governments to use their substantial autonomy fully and (as an additional feature of the semi-federal nature of the highly decentralized Spanish system), the Constitutional Court protects the regions in cases of formal or de

facto unconstitutional interference. As discussed above (see Task Funding), the decentralization process has not always been characterized by loyalty to the center, and in some cases the central government has reduced the scope of discretion of the new autonomous governments (at times inadvertently, but also in deliberate attempts to weaken them politically).

From 2008 to 2010, some regions (particularly Catalonia and the Basque Country) complained about several initiatives of the center that had reduced their economic capacity and political autonomy. For example, the active involvement of the central government in policy areas such as housing, care of dependent people or even culture has been criticized. Fiscal measures (such as some aspects of the Spanish Economy and Employment Stimulation (Plan E), or the recently approved restrictions on regional public deficit and public debt), the strengthening of the central level government thanks to the EU integration process, and an expansive interpretation of what framework legislation involves (even including administrative regulations) are often mentioned by the regions as having undermined their autonomy. In the last two years, some laws passed by the central parliament encroach on or overlap with regional laws, leading to political conflicts which ultimately will have to be resolved by the Constitutional Court. Nevertheless, the limitations imposed by the government on regional autonomy may be in accordance with the constitution, while tending toward continued centralization.

National standards
Score: 5

The Spanish central government is in principle committed to ensuring that regional governments meet uniform national standards for public services, but it is not completely effective in this aim. In some cases, regional governments design and implement their own public policies without following clearly defined national standards. As a result, there may be some variation in the quality of public services offered by Spain's regions. In general, minimum standards are set by basic national legislation, but are not afterward enforced. In fact, instruments of enforcement vary greatly according to policy field, with education and the pension system perhaps being the best defined areas, while housing, family policy and social care are among the most heterogeneous. The formal administrative method for monitoring the provision of services by the autonomous regions through supervision (the so-called *Alta Inspección*) has not been effective.

C Institutional learning

Adaptability

Domestic
adaptability
Score: 8

The Spanish government has largely adapted its domestic structures to agreements made at the international and supranational level, although this adaptation has not always been implemented effectively. The most important impact has been produced by European Union membership, which has included such significant developments as the monetary union, the internal market, access to EU funds, the Lisbon Agenda (now renamed the EU 2020 Strategy), the forthcoming launch of the External Action Service and the different sectoral aspects of EU law (competition, environment, transport, justice and home affairs, etc.). The coordination and adaptation of the Spanish government to the EU is mainly the task of the Secretariat of State for the EU (an efficient department within the less efficient Ministry of Foreign Affairs), which successfully managed the country's turn at the rotating EU Council presidency during the first half of 2010.

For obvious reasons, and considering the economic predominance of the EU agenda, the Prime Minister's Economic Office (dealing with the post-Lisbon agenda) and the Ministry for Economy and Finance also have important responsibilities in terms of cooperation among ministries on EU matters. More generally, all line ministries have to some extent Europeanized their organizations, although most ministries lack units dealing specifically with the European Union, and interministerial coordination among them is weak. Links with subnational levels of government (since the European Union has a strong impact in many policy areas handled by the autonomous regions) are made through the network of intergovernmental councils or conferences (*conferencias sectoriales*), but this system offers considerable room for improvement if it is to better address the effects of the European Union on policy formulation and implementation. Nevertheless, the latest Internal Market Scoreboard, issued in March 2010, showed that Spain had decreased its deficit with respect to the transposition of EU directives (less than 1% of directives had not been transposed to the Spanish domestic legal order), achieving its best result ever.

The government has also responded to other international developments (such as NATO membership and the Kyoto Protocol). In 2009, it created the Secretariat of State for Climate Change within

International
coordination
Score: 8

the Ministry for Environment and Agriculture, as well as the Coordination Unit for International Terrorism some years before.

Since 2008, Spain has actively participated in the international coordination of joint reform initiatives such as the response to the financial and economic crisis (as one of the leading EU member states, and as a guest at the G-20 summits held in Washington, London, Pittsburg and Toronto). It has participated in international forums and actions responding to challenges such as climate change (including the 2009 Copenhagen summit), energy supply, illegal migration (in part through bilateral agreements in Northern Africa), global terrorism (mainly through transatlantic relations), and peacekeeping (with Spanish troops deployed as a part of UN, NATO and CFSP missions in Afghanistan, Bosnia-Herzegovina, Lebanon, Somalia, and until 2009, Kosovo). This international engagement was particularly active during the second half of 2009 and the first half of 2010, coinciding with the preparation for and exercise of the country's EU Council presidency.

In recent years, the Spanish government has actively favored a multilateralist approach, but has also pursued a specific set of goals through its international cooperation (including economic development in the poorest countries of Latin America and Africa, institutional strengthening of weak states, a death penalty moratorium, gender parity, access to water, etc.). This broad agenda is among the current government's most prominent priorities, and after several years of increases in spending on bilateral and multilateral initiatives, Spain reached its highest level ever in international development aid during 2008 and 2009 (around €5 billion, or 0.45% of its GDP), the seventh-highest level of aid among the world's donor countries according to the OECD annual report. In some initiatives (such as humanitarian aid after the 2010 Haiti and Chile earthquakes, or the United Nations Development Fund for Women) Spain is even the world leader. However, despite Spain's relatively recent democratization and the high international reputation of its transition to democracy, the country is not particularly active in supporting democracy abroad or in adopting a hard-line behavior vis-à-vis authoritarian regimes.

At the diplomatic level, Spain cosponsors the UN-affiliated "Alliance of Civilizations" initiative, and generally acts as a medium-sized world power with global interests, although these are concentrated in the Western Mediterranean and Latin America. In the latter region, Spain takes advantage of its cultural, historical and more recent economic and business links (institutionalized today in the Ibero-American

Summits), playing a fundamental role as a bridge between the European Union and Latin America.

Citation:

-OECD Development Aid Committee Report "Development Aid at its highest level ever in 2008"

-UNIFEM's 2009-2010 annual report,

Organizational reform capacity

Self-monitoring
Score: 5

The capacity to formulate institutional governing arrangements in Spain are both constitutionally and de facto concentrated in the powerful prime minister. Without any legal constraint, he personally decides on the organization of the core executive and the portfolios of ministries. This means that an overloaded prime minister cannot devote much attention to the most effective way to manage those arrangements, and can monitor only sporadically to ensure the current ones are working. Though Prime Minister Zapatero has introduced alterations in ministries' portfolios, names and jurisdictions, often without a previous impact assessment, the internal structure of the administration has remained almost unchanged, as have the institutional procedures of governing.

The three deputy prime ministers (respectively dealing with political, economic and territorial affairs) may also contribute to self-monitoring, but they do not genuinely focus on ensuring the appropriateness of governing mechanisms. They are embedded in a highly legalistic framework, which is very difficult to transform lacking strong political will. In fact, a very important reform initiative (the "Joan Prats report," after the name of the expert who chaired a government working group on this issue) was not even considered for discussion once submitted to the government in 2008.

Citation:

Sevilla, J., ed. 2010. La reforma de la Administración General del Estado. Madrid, PWC.

Institutional reform
Score: 5

The main changes in the institutional governing arrangements during 2008 – 2010 were related to Zapatero's two important reorganizations in ministerial portfolios. The rules of procedure and the work formats of the cabinet, the core executive, the PM's Private Office and the ministerial advisory staffs, as well as the management of relations with parliament and the conduct of public communication, have been nearly untouched. One reorganization of note was the formal merger of the Prime Minister's Economic Office and the PM's Private Office in

2008. The ministerial committees were also rearranged in 2009, but the new configuration in nine committees, most of them without regular meetings, is very recent and has not yet had an impact on governing.

The prime minister's tendency to introduce alterations in ministerial portfolios, names and jurisdictions cannot be assessed as positive from the perspective of improved capacity or a long-term orientation. In 2008, the Ministry of Environment was merged with the Ministry of Agriculture, while the Ministry of Education received jurisdiction over social policy and sports (although only one year later, the social policy area was relocated to the Ministry of Health, and the management of sports was peculiarly placed under the direct responsibility of the prime minister). Two new ministries were also created in 2008 (the ministries of Gender Equality and Science & Technology) while the experienced Ministry of Public Administration disappeared in 2009, divided into a unit dealing with civil service policy (given to the government office) and a new ministerial department on territorial policy, whose minister was ranked as the third deputy prime minister for party political considerations rather than for organizational strategy reasons. None of these changes, which were made without a previous assessment based on expert opinion or external advice, have substantially improved the capacity of the government to take and implement political decisions, although there has not been a noticeable loss either (in fact, after every change in portfolios, the internal structure of the administration has remained almost unchanged).

It is interesting to note that even given the government's comparatively weak parliamentary position after the 2008 general elections, the unit dealing with parliamentary relations (the *Secretaría de Estado de Asuntos Constitucionales y Parlamentarios*) has not been reinforced. The process of transforming the semiautonomous administrative bodies into executive agencies was also stopped in April 2010, and the decision to reduce some high-ranking administrative units (secretaries of state and directors general) was motivated only by the need to curtail public spending.

II. Executive accountability

D Citizens

Knowledge of government policy

Policy knowledge
Score: 5

In general, most Spanish citizens are little interested in politics (including the details of government composition or power struggles), and are thus little aware of specific policies as well. According to a variety of polls, levels of interest in politics have remained stubbornly low, and expressions of complete disinterest in politics are more widespread among Spaniards than among citizens of any other West European country. As an approximate average of different results found in several national and regional opinion polls conducted recently by the official sociological research institute (Centro de Investigaciones Sociológicas, CIS), only about 5% of Spaniards declare themselves to be very attentive to political events (and 25% to be somewhat interested), while 40% describe themselves as little interested and 30% do not care at all. Less than 20% of Spaniards follow politics by reading newspapers regularly, as compared to a Western European average that fluctuates near 65%.

Citation:

Montero, J.R and M. Torcal, eds. 2006. Political Disaffection in Contemporary Democracies. London, Routledge.

E Legislature

Legislative accountability

Obtaining
documents
Score: 8

According to Article 109 of the Spanish constitution and the Standing Orders of the Congress (Article 44, No. 1), both the plenary and the parliamentary committees may request any kind of information or help they may need from the ministries, or from any other authorities of the central public administration or the autonomous regions “for the better fulfillment of the parliamentary duties.” Requests for any such desired information are made through the speaker.

The information and documentation requested from the government

must be made available within a period not exceeding 30 days and in the most suitable manner to the applicant. If this is not done, “the legally justified reasons preventing the supply of such information” must be provided. This legal margin allows the government not to deliver some important documents (for example, on the grounds of secrecy) or to deliver them incomplete or late to the parliamentary committee. Furthermore, although every member of a committee is in principle entitled to request any information or document, they only can do it “with the prior knowledge of their respective parliamentary group.” Access to documents may also vary depending on the ministry.

Nevertheless, documents are generally delivered in time and in full, with only some occasional de facto ad-hoc limitations.

Article 110 of the Spanish constitution and Article 44, No. 2 of the Standing Orders of the Congress (the lower chamber of the Spanish parliament) state that parliamentary committees “may summon members of the government” to ask them questions. This also means that ministers and top officials are entitled to attend committee meetings and to be heard, and they may also request to be allowed to attend. The only legal limitation to this mechanism of control is that an individual deputy cannot initiate a summons (this requires 70 deputies or one-fifth of the members of a committee). Initiatives are subsequently voted on (in the Bureau of Congress and the Board of Spokesmen), and once approved, ministers “shall appear before such committee” to report on matters relating to their respective departments.

Thus, ministers are obliged to attend and to answer questions raised in these hearings. Of course, the party supporting the government, which is always disciplined and easily able to get a majority of votes, may reject some of the requirements made by the opposition, but in practice the mechanism of summoning ministers is used very often, with rejections being quite rare (although the timing of the minister’s appearance can be controversial for some sensitive and very politicized topics). Ministers are regularly summoned by the committees overseeing their policy areas (see Task Area Coincidence), and it is even quite common for ministers themselves (who have parliamentary advisors in their private offices) to voluntarily request attendance at a hearing in order to report to the parliament on decisions or events affecting their policy concerns.

In conjunction with the preparation of the 2010 Spanish EU Council presidency, the number of appearances by ministers and other officials to provide in-depth information concerning their European agendas significantly increased.

Summoning
ministers
Score: 9

Summoning experts
Score: 9

The standing orders of the Congress and the Senate state that parliamentary committees may request, through their respective speakers, “the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee.” University scholars, think-tank experts and other researchers are sometimes invited by the parliament for consultation on specialized issues. In principle, the rights of parliamentary committees to invite experts are not limited by any legal or de facto constraint, although it is also true that it remains unclear whether a person who is not a member of the government can refuse a request to attend a regular parliamentary committee session (in the case of inquiry committees set up to investigate specific questions, it is set in law that “any person” summoned must give evidence and information).

Task area
coincidence
Score: 8

There is nearly exact correspondence between the number and task areas of the 17 ministries and those of the Congress’ 19 regular legislative committees. In fact, the restructuring of ministerial portfolios in 2008 and 2009 was immediately mirrored by a reorganization of the composition and names of the permanent legislative committees in both the Congress and the Senate. The only exceptions are the International Development Committee, which does not match up with any particular ministry, and the split of the task areas for the Ministry of Economy and Finance into two different committees: Budget, and Economy and Finance. For all the others, each parliamentary committee corresponds to one existing ministry. In the case of sports (an area under the direct responsibility of the prime minister), the parliamentary committee in charge is Education and Sports, which also oversees the Ministry of Education. The Constitutional Committee, apart from other functions as its name denotes, monitors the activities of the government office (Ministerio de la Presidencia), which has had responsibility for public administration policy-making since 2009. The Senate has 21 regular parliamentary legislative committees (the two additional ones deal with autonomous regions and local government).

Nonetheless, even if the task areas of parliamentary committees and ministries fully coincide, the legislature fails to monitor ministries effectively on the basis of factors which are connected to the much broader structural features of the Spanish parliamentary system such as the electoral system, party discipline or the constitutional powers of the executive.

Citation:

<http://www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision>
<http://www.senado.es/legis9/comyponen/index.html>

Audit office
Score: 8

Article 136 of the Spanish constitution regulates the audit office (Tribunal de Cuentas or, literally, Court of Audit) as the organ that exercises the function of auditing the state's accounts and the financial management of the whole public sector. This office is accountable primarily to the parliament, although is not an integral or exclusive part of it. The offices' members are appointed by a qualified majority agreement of the two main parties, and thus may not be sufficiently independent, particularly when auditing the political parties' accounts (see Party Financing).

State and public sector accounts are submitted annually to the audit office, which sends an annual statement of its auditing activities to the parliament, identifying where applicable any infringements that in its opinion may have been committed, or any liabilities that may have been incurred. According to the 2009 statement, 90.9% of all state public sector organizations (including the central public administration, the executive agencies, and the state-owned enterprises) delivered their 2008 accounts to the audit office for inspection, although only 48.9% did so within the ostensible deadline. The audit function, which politically connects the audit office with the parliament, refers to the subjection of the public sector to the principles of legality, efficiency and economy, in connection with the execution of the revenues and expenses budgets. The results of the office's procedures are expressed in reports, motions and notes addressed to the parliament, through the Joint Committee of the Congress and the Senate for Relations with the Audit Office.

Citation:
<http://www.tcu.es/uploads/1857.pdf>

Ombuds office
Score: 8

Article 54 of the Spanish constitution establishes the Office of the Ombudsman (Defensor del Pueblo) as a high commissioner's office, whose holder is appointed by the legislature to respond to requests, and to protect and defend basic rights and public freedoms on behalf of all citizens. He or she is authorized to supervise the activities of the government and administration, expressly forbidding any arbitrariness. The ombudsman is elected by both houses of parliament for a five-year period (thus, not coinciding with the legislative term of four years) by a qualified majority of 3/5. The office is not subjected to any imperative mandate, does not receive instructions from any authority (including the parliament), and performs its functions autonomously. The officeholder enjoys immunity and inviolability during his or her time in the post. During the period under review, the ombudsman appeared several times in

parliament.

The Ombudsman's mandate covers all central government authorities, the autonomous regions (the Constitutional Court recently annulled an article of Catalonia's 2006 statute of autonomy rejecting the capacity of the Spanish Ombudsman to monitor the Catalan autonomous government) as well as local governments. The Ombudsman is authorized to appeal before the Constitutional Court and may also initiate any habeas corpus proceeding. The ombuds office publishes annual reports for the parliament and "monographic reports" on particular themes, as well as recommendations regarding the public administration's legal duties toward citizens. According to the last annual report, submitted to the parliament in October 2009, the Ombudsman handled nearly 25,000 complaint cases; most of them related to the functioning of the Spanish judiciary, the worrying growth of the prison population, some cases of alleged abuse by the police, the need for better protection of undocumented migrants, inefficiencies in education grants and scholarships, the bureaucratization of the health care system, the slow implementation of the Dependency Law, or errors detected in the levy of taxes.

The advocacy role of the Spanish Ombudsman is limited by several factors: (1) a lack of resources, (ii) inadequate collaboration on the part of some public administrative departments, and (iii) its incapacity to ensure that the administration complies with its recommendations.

Citation:

www.defensordelpueblo.es/documentacion/informesanuales/Informe2008.pdf

F Intermediary organizations

Media

There are at least two daily news programs on all main TV stations that coincide with lunch and dinner prime time (that is to say 14:00/15:00 and 20:30/21:30). These are followed every day by close to 70% of the population. Even if TV channels have their political leanings, news programs are fairly objective and balanced, since it is not a common practice in Spanish TV journalism to mix opinion-based or "op-ed" statements along with information. Quite long "infotainment" debate programs are broadcast every workday morning, and some evenings as well. While political programs tend to be superficial on private TV stations (focusing on talk shows and polarized arguments rather than contextualized analysis or

Media reporting
Score: 7

substantive reports), the public television (Televisión Española (TVE), a ratings leader that has gained much objectivity and political independence from the government since the mid 2000s) produces some high-quality programs, particularly during the weekends (although often relegated to time slots with relatively small audiences), analyzing government decisions, parliamentary affairs and international relations events. According to the most recent ratings as of the time of writing, pure news channels (TVE 24 horas and CNN+) are followed by only a 2% share of the total TV audience. The main radio stations devote much more than seven hours a week to information on government decisions. Even if they are in general quite ideologically biased (with the participants in the radio debates blatantly biased in favor of or against the government), all main radio stations have a morning program combining background news and political debate (normally from 6:00 to 10:00), two afternoon/evening programs restricted to a straight news format (from 14:00 to 15:00 and from 20:00 to 21:00), and a late night one (from 22:00 to 24:00) which reproduces the mixed style of the morning programs with some in-depth information and much infotainment controversy. There are also daily radio programs of reasonable quality focused on business, and therefore on economic policy-making.

Parties and interest associations

Party competence
Score: 8

During the last general elections, held in 2008, the only two “major” Spanish parties (the PP and the PSOE, since no other party was supported by more than 10% of voters) did comply with the requirements of plausibility and coherence. The fact that the Spanish party system is actually a two-party one makes it quite plausible that either might take office. It is even usual that one of the two parties may enjoy an absolute majority, and indeed, in the current Spanish parliamentary system’s 33 years of existence, all governments have been single-party ones without need of coalition with minor parties. Thus, electoral manifestos may easily become governmental programs, and because of this major parties not only devote a lot of energy to their preparation, but also tend to be careful when making electoral proposals. These therefore tend to be realistic and moderate.

Nevertheless, coherence or consistency (not making internal contradictions) is easier to achieve than plausibility (providing diagnosis, defining policy goals, suggesting measures and foreseeing expected impact). It is also interesting to note that the two main parties’ electoral programs manifested more substantial differences

along policy lines than similarities, contrary to the hypothesis of ideological convergence. Those differences were usually perfectly consistent with the ideological images developed by PSOE and PP along the left-right continuum and the other subordinate cleavages they tend to represent: more or less conservative in religious/moral issues and more or less federalizing along the center-periphery division. In addition to this, electoral offers have mainly been stable with respect to each party's ideological emphases (PSOE focuses on rights, welfare and modernization while the PP looks to security, entrepreneurship and family values). From 2008 to 2010, both parties strengthened their particular think tanks (the social-democratic Ideas Foundation and the conservative FAES).

Association
competence
(business)
Score: 7

The two most important Spanish trade unions (UGT and CCOO) and the largest employers' association (CEOE) tend to propose reasonable, relatively moderate and feasible policies, although they obviously have partial and rather ideologically infused viewpoints about the reforms needed to deal with the post-2008 crisis. This was demonstrated during the difficult negotiations with the central government over labor market reforms and the best strategy to reduce the staggering unemployment level.

Unions and business groups have improved their substantive competence in the last years through specialized research, contacts with scholars, and their own training centers and foundations that help them to identify the causes of problems and analyze policy effects while taking long-term interests into account. Nevertheless, they find difficulty in proposing strategic and structural socioeconomic reforms. UGT is associated with the Fundación Francisco Largo Caballero, CCOO with the Fundación 1 de Mayo, while employers, apart from the training centers linked to the CEOE, have recourse to the *Círculo de Empresarios* and the *Círculo de Economía* (based in Catalonia) think tanks. The chambers of Commerce and Industry also promote training at all levels within business (for example, through the Business Training Institute IFE).

Other economic private groups include some farmer's associations (such as COAG and ASAJA), the national federation of fishermen's associations, some consumers' associations (CEACCU and UCE) and the Spanish confederation of cooperative business. Most of these are too small and sectoral (or in some cases do not enjoy enough autonomy vis-à-vis the political parties) to have competence on their own to propose reasonable policies. However, they are sometimes able to make high quality and independent diagnoses, appraisals or proposals.

Association
competence
(others)
Score: 6

The competence of social interest groups, environmental groups and religious communities is somewhat limited in Spain. Despite some characterization of Spain as a corporatist regime with a complex civil society, the truth is that interest associations (economic and noneconomic) are relatively weak, and are not generally able to overcome the majoritarian style of governance or the autonomy of state actors in establishing policy priorities and controlling decision-making processes.

Apart from the unions and the business interests' associations (see Association Competence), not many social groups have the will or the capacity to invest resources in producing "reasonable" policy proposals. For example, women's associations are remarkably weak; the organizations representing immigrant workers or the minority religious communities are still very young; and even more surprisingly, the supposedly powerful Catholic Church has no research unit or think tank capable of technically supporting its discourse in policy areas such as education, family or moral issues.

Representing exceptions to this rule are the leading environmental groups (e.g., *Ecologistas en Acción*, *Greenpeace España*, *WWF/Adena*, etc.) and some NGOs devoted to human rights or international development (*Amnistía Internacional*, *Intermón-Oxfam*, etc.), which rely increasingly on academic expertise. As is evident, many are in fact local divisions of international associations. These groups tend to influence policy-making through publicity and political pressure, but their policy recommendations are often based on research undertaken by their own expert staff. They also organize technical seminars and issue publications aimed at shaping the public opinion. Their policy suggestions are sometimes taken into consideration by the government, although many of their proposals are not politically feasible because of their understandable impracticality.

Finally, the promotion during the last years of government consultative committees in policy sectors such as education, international development, environment, migration and more, in which broad social interests have to be represented, is fostering the creation and strengthening of nonprofit associations focused on specific policy areas, with a national perspective that may generate substantive policy know-how in the future. In some cases, trade unions are the societal groups that perform this task.

Citation:

Encarnación, Omar. 2008. "The Dark Side of Success? A Civil Society Deficit" In *Spanish Politics*. Cambridge, Polity Press.

This country report is part of the Sustainable Governance Indicators 2011 project.

© 2011 Bertelsmann Stiftung

Contact:

Bertelsmann Stiftung
Carl-Bertelsmann-Straße 256
33311 Gütersloh

Dr. Daniel Schraad-Tischler
daniel.schraad-tischler@bertelsmann-stiftung.de

Najim Azahaf
najim.azahaf@bertelsmann-stiftung.de