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Articles

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Intergovernmental Coordination in Portugal*

Koordynacja działalności jednostek władzy publicznej w Portugalii

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ABSTRACT

Relations between political units – levels of government – in a multilevel structure can be organized according to a range of institutions and processes. Intergovernmental relations suggest that the different levels of government interact with their political actors, namely executives, parliaments, or political parties. The research studies on this topic have concentrated attention on federal systems, and unitarian systems have been neglected. Next to that it must be stressed, that to exercise the competences of the decentralised levels there must be some sort of fiscal autonomy. Without fiscal autonomy, there can be no autonomy for subnational level of governments. Portugal illuminates this landscape. The intergovernmental relation or coordination between the Portugal mainland and the regional governments (Azores and Madeira) are mainly informal, so far. In this paper, we intend to explore and understand the role of political actors in such intergovernmental coordination and the institutional mechanisms they promote to that coordination.

Keywords: intergovernmental coordination; political actors; fiscal autonomy; Portugal

INTRODUCTION

Relations between political units – levels of government – in a multilevel structure can be organized according to a range of institutions and processes.[1] Intergovernmental relations suggest that coordination occurs primarily among the central government's executives and the constituent units.[2] In the last five decades, regions have enhanced their authority scope[3] and created a meso-level of government with a range of political powers over a diversity of policy areas.[4]

States are engaged in distinctive forms of transference of political authority and policy competences to the regional tier of government. Some countries have established a federal model (Germany), others asymmetric forms of federalism (Spain) and regionalisation (Italy, UK, Portugal, Finland), while some have engaged in modest forms of delegation of competences to specific regions (France). These major transformations of political authority, from the national to the regional

[1] F. Castro Moreira, *Governance of the Portuguese Sea – from Political Actors to Intergovernmental and Sectorial Coordination: A Legal Approach*, "Studia Iuridica Lublinensia" 2023, vol. 32(3), p. 306; W.C. Patterson, C.R. Mugan, *The Study of Intergovernmental Relations: A Review of the Field*, "Journal of Politics" 1999, vol. 61(1), pp. 227–249; W. Swenden, *Federalism and Regionalism in Western Europe: A Comparative and Thematic Analysis*, Basingstoke 2006, pp. 7–10.

[2] N. Behnke, S. Mueller, *The Purpose of Intergovernmental Councils: A Framework for Analysis and Comparison*, "Regional and Federal Studies" 2017, vol. 27(5), p. 509.

[3] M. Keating, *The New Regionalism in Western Europe*, Cheltenham 1998, pp. 7–8; L. Hooghe, G. Marks, A.H. Schakel, *The Rise of Regional Authority: A Comparative Study of 42 Democracies*, New York 2010, p. 53.

[4] M. Keating, *op. cit*., pp. 7–8; D. Hough, C. Jeffery (eds.), *Devolution and Electoral Politics*, Manchester 2006, pp. 14–15; G. Marks, L. Hooghe, A.H. Schakel, *Measuring Regional Authority*, "Regional and Federal Studies" 2008, vol. 18(2–3), pp. 111–121.

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level, show that in contemporary times the nation-state is no longer the primary form in which political authority is exercised, which in turn have posed distinctive challenger on EU policies and simultaneously on the decision-making processes at national, regional and local levels.[5]

In this paper, we intend to map and explore the role of political actors in such intergovernmental coordination and the institutional mechanisms they promote to that coordination in Portugal. We aim set-up the institutional arrangements on which the territorial units within the state interact and are organized, which political actors are involved in those interactions and the mechanisms used across all tiers. Firstly, we outline the theoretical approach to intergovernmental coordination. Secondly, we present some important issues on fiscal autonomy and fiscal decentralisation as important and closely interconnected concepts. Thirdly, we discuss the Portuguese institutional setting and then point out the mechanisms (formal and informal) that establish those interactions and cooperation. We adopt an in-depth case analysis, exploring and underlying the processes and competences of each territorial unit and the terms in which they might cooperate (institutional arrangements); the political actors that promote the cooperation and the mechanisms through which the intergovernmental coordination is established.

THEORETICAL FRAMEWORK

In the last decades, Europe has become significantly more multilevel by shifting powers from the nation-state upwards to the EU and downwards to subnational units of government. Those twin processes – Europeanisation and regionalisation – empowered regional and local authorities (territorial autonomy) with systems of political representation, delegation and accountability, endowed with directly elected assemblies and executive powers, with their own civil services, that are responsible for decision-making over a range of policy areas.[6]

European countries are facing distinctive challenges, namely on immigration, climate change or economic policy, which are essentially multilevel in nature, leading governments at European, national, regional and local levels to closely collaborate and coordinate their policies across tiers of government (vertically), between units

[5] L. Hooghe, G. Marks, A.H. Schakel, *op. cit.*, p. 53.

[6] M. Keating, *op. cit*., pp. 7–8; J. Loughlin, *Subnational Democracy in the European Union: Challenges and Opportunities*, Oxford 2001; G. Marks, L. Hooghe, A.H. Schakel, *op. cit*., pp. 111–121; R. Dandoy, A.H. Schakel (eds.), *Regional and National Elections in Western Europe – Territoriality of the Vote in Thirteen Countries*, London 2013; T. Ruel, *Regional Elections in Portugal the Azores and Madeira: Persistence of non-Alternation and Absence of Non-State-Wide Parties*, "Regional and Federal Studies" 2018, vol. 29(3), p. 429; eadem, *Political Alternation in the Azores, Madeira and the Canary Islands*, London 2021, pp. 101–121.

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of government at the same level (horizontally) and across borders (trans-nationally).[7] Thus, coordination operates vertically, and we can analytically distinguish (1) state-regional relations, (2) state-municipal relations and (3) relations with the EU level; and horizontally, where we could identify the mechanisms and processes (1) within one country at different levels of government (horizontal regional relations or inter-municipal relations) and (2) relations between countries (cross-border relations).

However, policy coordination is not easily tackled. A range of actors are involved, from governments at different levels to political parties, bureaucrats, parliamentarians and/or stakeholders from the economy and civil society. All of them pursue necessarily conflicting interests and can enter geometrically varying alliances, which makes negotiations complex, burdensome and time-consuming.[8]

Intergovernmental coordination in multilevel systems corresponds to the coordination and cooperation amongst territorial units within the state. It involves firstly the elected executives, being local, regional or national – however, governments are not unitary actors. This addresses one of the two dimensions of intergovernmental coordination: vertical coordination, that is the relationship of cooperation between the territorial units within the state. In a multilevel structure, this relationship across territorial units can be organized in a range of ways, such as the second chamber, intergovernmental agreements, agencies, etc.[9]

Several multilevel systems have developed some effort to establish a formal structure of vertical coordination (balancing vertical power relations) and horizontal policy coordination across the bureaucracies' structures. Of course, the extension of coordination is linked to the competences of each territorial unit: self-rule and shared rule. It involves not just the formal meetings between government ministers and senior officials, but also public officials of varying levels of seniority and importance in a complex web of day-to-day interactions and exchanges of views.[10]

For example, in 2004, the Spanish state established the Spanish Conference of Presidents bringing together regional premiers of the 17 autonomous communities and their national counterpart,[11] or the intergovernmental councils in

[7] See N. Behnke, S. Mueller, *Policy Brief 1: Challenges and Opportunities of Intergovernmental Coordination*, November 2021, COST Action – Intergovernmental Coordination from local to European governance (IGCOORD), November 2021; N. Xhindi, N. Bessa Vilela, *Central Public Administration Authority at the Regional Level in Albania*, "Studia Iuridica Lublinensia" 2022, vol. 31(4), pp. 59–74.

[8] N. Behnke, S. Mueller, *Policy Brief*..., p. 3–4.

[9] Eidem, *The Purpose of Intergovernmental Councils*..., p. 509.

[10] D.S. Wright, *Understanding Intergovernmental Relations*, Pacific Grove 1982, pp. 8–22.

[11] R. Agranoff, *Autonomy, Devolution and Intergovernmental Relations*, "Regional and Federal Studies" 2004, vol. 14(1), pp. 26–65; C. Colino, *Intergovernmental Relations in the Spanish Federal System: In Search of a Model*, [in:] *The Ways of Federalism in Western Countries and the Horizons of Territorial Autonomy in Spain*, eds. A. López Basaguren, L. Escajedo, vol. 2, Berlin–Heidelberg 2013, pp. 111–124.

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the UK.[12] The COVID-19 pandemic has exposed to all European countries in general, the challenges to achieve intergovernmental coordination across territorial units and difficulties to attain it. In Portugal, namely the Azores and Madeira regions they had total discretion to decide, implement and assess the results and implications of their decisions, independently from the national level. This situation, which contradicts the direction followed in other European countries, has posed a critical question: in contemporary times where more critical challenges emerge, and cooperation is critical across territorial units and policy areas, why do those regions remain apart from a formal intergovernmental structure of coordination?

The Azorean regional government followed a more national-oriented approach to the COVID-19 pandemic, adopting the same measures and applying them to the region, whereas in Madeira, the government has taken a regional-based orientation. The "pandemic crisis department" was centred in Lisbon (national level) where the research evidence was systematized, and the decisions were made according to scientific standards. Political party identification could help to anchor our expectations when we try to understand this situation. At the beginning of the first wave of the COVID-19 pandemic (2020), the Azorean government was led by the Socialist Party (the same at its national counterpart), whereas the Madeira cabinet, the Social Democratic Party was the ruler.

FISCAL DECENTRALISATION, AUTONOMY AND INTERGOVERNMENTAL COORDINATION

Fiscal decentralisation, broadly defined, is the transfer of powers, responsibilities and financial resources from the central (national) level to lower levels of government (subnational). It refers to the degree to which subnational governments have the power to raise revenues, to determine their expenditure priorities, and to manage their own financial affairs. In this context, it should be noted that, although the subnational government is the holder of power within its territory, it is not independent and fully autonomous, but, as part of the State, it is dependent on the State. It is therefore right to bear this fact in mind whenever we use the term "subnational authority". The primary purpose of fiscal decentralisation is to establish and maintain effective financing for subnational authorities, to exercise the competences of the decentralised levels and to carry out tasks that meet the needs of the local population. This purpose can be defined as the traditional view of fiscal decentralisation as conceived by authors such as C.M. Tiebout, R.A. Musgrave,

[12] See N. Behnke, S. Mueller, *The Purpose of Intergovernmental Councils…*, p. 511; N. McEwen, *Still Better Together? Purpose and Power in Intergovernmental Councils in the UK*, "Regional and Federal Studies" 2017, vol. 27(5), pp. 667–690.

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J.M. Buchanan and W.E. Oates.[13] Without fiscal autonomy, there can be no autonomy for subnational level of governments, as the European Charter of Local Self-Government makes clear.[14] An underlying principle of the Charter is that the funding of subnational units and government should be commensurate to its powers and that the subnational level of government should be autonomous in the allocation of its financial resources. Lower tiers of government should be designed to maximise compliance with the Charter's fundamental principles, leading to greater efficiency in the functioning of local government.[15] The Preamble to the Charter states that the right of citizens to participate in the conduct of public affairs is a democratic principle common to all Council of Europe member States. This right can be most directly exercised at the local level. The Charter contains, i.a., an area relating to the property and financing of subnational authorities and presents the guidelines or principles on how the subnational levels of financing should be formed, such as: adequacy, proportionality, self-financing and autonomy of fiscal resources, elasticity, balancing, intergovernmental cooperation, autonomy of decisions how to form and spent budget and possibilities of borrowing if needed. The basic premise of the Charter is that local jurisdictions must also be accompanied by adequate financial resources of their own and autonomy in the use of these financial resources.

Intergovernmental coordination and fiscal autonomy are two important concepts in the context of fiscal decentralisation and local self-government. Intergovernmental coordination refers to the cooperation and collaboration between different levels of government, such as central governments, regional governments and local governments. Effective intergovernmental coordination is critical to ensuring the efficient and effective provision of government services, particularly in areas such as infrastructure, public safety and social welfare. Fiscal autonomy, on the other hand, refers to the ability of local governments to raise and spend their own revenues, independent of central government control. Fiscal autonomy is important because it allows local governments to respond to the unique needs and priorities of their communities, and to allocate resources in a way that is most effective and efficient.[16] However, there can be tension between intergovernmental coordination

[13] C.M. Tiebout, *A Pure Theory of Local Expenditures*, "Journal of Political Economy" 1956, vol. 64(5), pp. 416–424; R.A. Musgrave, *The Theory of Public Finance: A Study in Public Economy*, New York 1959, pp. 359–364; J.M. Buchanan, *An Economic Theory of Clubs*, "Economica" 1965, vol. 32(125), pp. 1–14; W.E. Oates, *Fiscal Federalism*, New York 1972, pp. 112–115.

[14] See Article 9 ("Financial resources of local authorithies") of the Law on the Ratification of the European Charter of Local Self-Government (Zakon o ratifikaciji Evropske listine lokalne samouprave, MELLS), 1996, https://www.uradni-list.si/1/objava.jsp?sop=1996-02-0052 (access: 7.12.2023).

[15] M. Finžgar, Z. Oplotnik, *Comparison of Fiscal Decentralization Systems in EU-27 According to Selected Criteria*, "Lex localis – Journal of Local Self-Government" 2013, vol. 11(3), pp. 651–672.

[16] M. Hacek, *Financial Autonomy of the Slovenian Local Government*, "Journal of Comparative Politics" 2020, vol. 13(2), pp. 86–98.

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and fiscal autonomy, particularly when it comes to issues such as revenue sharing, tax policy and the allocation of resources between different levels of government. For example, if central governments retain too much control over revenue-raising and spending decisions, local governments may not have sufficient resources to provide essential services to their communities. On the other hand, if local governments have too much autonomy, there may be a lack of coordination and cooperation between different levels of government, leading to inefficiencies and duplication of services. Therefore, it is important to strike a balance to ensure that local governments have the resources and flexibility they need to provide effective services to their communities, while also promoting collaboration and coordination between different levels of government. Effective intergovernmental coordination and fiscal autonomy can lead to more responsive and effective governance, improved service delivery and greater citizen participation in the conduct of public affairs.

In Portugal, intergovernmental coordination and fiscal autonomy have been important issues in the context of fiscal decentralisation and local self-government. Portugal has established a system of multi-level governance that involves cooperation and collaboration between different levels of government, including the central government, regional governments and local governments. This system is designed to ensure that government services are provided efficiently and effectively and that resources are allocated in a way that is responsive to the needs of different communities.[17] At the same time, Portugal has also sought to promote fiscal autonomy for local governments, recognizing the importance of local decision-making and resource allocation in ensuring effective governance and service provision.[18]

The country has implemented several measures to promote fiscal autonomy, including the establishment of inter-municipal communities (IMCs) and the provision of new sources of funding for local governments. The IMCs, which were established in 2013, are voluntary associations of municipalities that work together to provide shared services and to coordinate regional development. The IMCs have been successful in promoting inter-municipal cooperation and in improving the efficiency and effectiveness of local government services. In addition, Portugal has introduced new sources of funding for local governments, such as the Municipal Investment Fund, which provides financing for local infrastructure projects.[19] The government has also implemented reforms to the property tax system, giving local governments greater autonomy in setting tax rates and collecting revenues.[20] Over-

[17] OECD, *OECD Territorial Reviews Portugal (Portuguese Version)*, Lisbon 2008.

[18] See Law no. 75/2013 of 12 September – Law of Local Finances (Lei das Finanças Locais), https://dre.pt/web/guest/pesquisa/-/search/519532/details/maximized (access: 28.11.2023).

[19] OECD, *Multi-level Governance Reforms: Overview of OECD Country Experiences*, Paris 2017.

[20] Law-Decree no. 63/2015 of 23 April – General Regime of Taxes of Local Autarchies (Regime Geral das Taxas das Autarquias Locais), https://dre.pt/web/guest/pesquisa/-/search/67735979/details/maximized (access: 28.11.2023).

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all, Portugal's approach to intergovernmental coordination and fiscal autonomy has been characterised by a commitment to multi-level governance and collaboration, while also promoting local decision-making and resource allocation. According to the OECD study, adopting this approach has resulted in better and responsive governance and intergovernmental coordination, enhanced service delivery and increased citizen involvement in public affairs.[21]

INSTITUTIONAL SETTING – THE ABSENCE OF FORMAL STRUCTURE OF INTERGOVERNMENTAL COORDINATION

Portugal underwent a process of decentralisation and/or regionalisation with the third wave of democratisation in 1974.[22] The vertical organization of the state was established by the 1976 Constitution along two tiered subnational systems: the regional level through the autonomous regions (Azores and Madeira) and the local level with 308 municipalities and 3,095 parishes.[23] Regional autonomy[24] assigned to the Portuguese regions (*regiões autónomas*) includes a system of representation with directly elected parliaments (*assembleia legislativa*) and regional cabinets (*governo regional*),[25] their own civil service and decision-making autonomy over a wide range of policy areas.[26]

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[21] OECD, *Decentralisation and Regionalisation in Portugal: What Reform Scenarios?*, Paris 2020.

[22] T. Ruel, *Madeira Regional Elections 2015: A Polity Tyrannized by Majorities or the End of an Era?*, "Regional and Federal Studies" 2015, vol. 25(3), p. 313; eadem, *As Regiões Autónomas (Açores e Madeira) nos debates parlamentares da Assembleia da Republica (1975–2015)*, Lisbon 2017; eadem, *Regional Elections…*, p. 429; eadem, *Political Alternation…*, pp. 45–57.

[23] See eadem, *Political Alternation…*, pp. 429–435. The administrative reform of the state held in 2013 (Lei da reorganização administrativa do território das freguesias – Law no. 11-A/2013 of 28 January) determined some amalgamation arrangements at the parish level. At municipal level this intent was postponed. Additionally, a supra-municipal structure emerged (in the mainland): inter-municipal communities (*Comunidades Intermunicipais*), which are a cooperative arrangement of public service delivery of local policies in a coordinated approach of issues that goes beyond municipal borders (see F. Teles, *Local Governance and Inter-Municipal Cooperation*, New York 2016). In terms of scope these entities are administrative and non-elected bodies, composed by the mayors (aggregated by geographic area). Moreover, the mainland territory is organized according to NUTS II (Norte, Centro, Lisboa, Alentejo and Algarve) through the regional coordination and development committees (Commissões de Coordenação e Desenvolvimento Regional) which shapes the deconcentration of the state in the territory (mainland). The regionalisation process across the mainland remains as "wishful thinking" issue. In the referendum held in November 1998, two thirds of voters rejected the reform.

[24] Regional autonomy refers to the right of a regional government to affirm its own will and its own laws. See W. Riker, *Federalism: Origin, Operation, Significance*, Boston 1964.

[25] The legislature is dominant. The executive branch is dependent on and responsible to the legislative branch.

[26] T. Ruel, *Madeira Regional Elections 2015…*, p. 320; eadem, *As Regiões Autónomas…*, pp. 429–434; eadem, *Regional Elections…*, p. 213.

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Portugal is a unitary state with some decentralised structures. The regional level with the two regions – Azores and Madeira – is the expression of the re-scaling of political authority within the state. The local level assumes an important tier of administrative capacity in the coordination and implementation of the major competences decided at a national level, in the territory. The regional level of government has legislative and self-rule powers that ensure their political authority over their territory.[27] The local tier is not enclosed by this institutional framework. They have administrative decentralisation with the allocation of planning and coordinating responsibilities.[28]

The Portuguese system is characterised by the absence of formal intergovernmental cooperation among regional/territorial units (executive actors). Whereas, cooperation exists at a legislative level, where shared rule intervenes as intermediary on this relationship. This means that in some issues legislated by the national parliament, the legislative process imposes the right to hear (*direito de audição*) the regional assemblies on those matters.

To some extent, effective and formal cooperation amongst territorial (regional) units is established *vis-á-vis* the legislative branch. The relationship and cooperation amongst governments (national and regional) is still mediated in informal ways. In this context, the absence of effective vertical coordination schemes is expected. Party channels appear to be the driving mechanism for intergovernmental interaction amongst the territorial units. In the context of the Portuguese system, where regionalist parties do not exist, the state-wide parties are the link of those interactions. Partisan congruence also could assume a critical role in the absence of the formal mechanisms of intergovernmental coordination. That is, when the same political party shares the power at national and regional governments, more effective coordination exists across the territorial units. Regarding the local level, municipalities interact and cooperate with the public agencies across the territory and their national associations (Associação Nacional de Municípios) *vis-à-vis* the national government. These associations are the intermediation channel that establishes cooperation with local and national governments. So far as we understand those institutional structures, at the local level the cooperation is straightforward and more effective, given the narrow scope of authority owned by the municipalities.

CONCLUSIONS

We explored the role of political actors in intergovernmental coordination and the institutional mechanisms they promote for this coordination in Portugal. We have indicated the institutional arrangements on which the territorial units within the state

[27] Eadem, *Political Alternation…*, pp. 75–82.

[28] F. Teles, *op. cit*., pp. 73–91.

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interact and are organized, which political actors are involved in those interactions and the mechanisms used across all tiers. Portugal is a unitary state with some decentralised structures; the local and the regional level with the two regions – Azores and Madeira – is the expression of the re-scaling of political authority within the state. The local level assumes an important tier of administrative capacity in the coordination and implementation of the major competencies decided at a national level, in the territory. The regional level of government has legislative and self-rule powers that ensure their political authority over their territory. The local tier is not enclosed by this institutional framework. They have administrative decentralisation with the allocation of planning and coordinating responsibilities. The Portuguese system is characterised by the absence of formal intergovernmental cooperation among executive actors. Whereas, cooperation exists at a legislative level, where shared rule intervenes as an intermediary on this relationship. To some extent, effective and formal cooperation amongst territorial (regional) units is established *vis-á-vis* the legislative branch. The relationship and cooperation among governments are still mediated in informal ways. In this context, the absence of effective vertical coordination schemes is expected. Party channels appear to be the driving mechanism for intergovernmental interaction amongst the territorial units. In the context of the Portuguese system, where regionalist parties do not exist, the state-wide parties are the link of those interactions. Regarding the local level, municipalities interact and cooperate with the public agencies across the territory and their national associations *vis-à-vis* the national government. These associations are the intermediation channel that establishes cooperation with local and national governments. At the local level, the cooperation is straightforward and more effective, given the narrow scope of authority owned by the municipalities. Next to that we shortly explored how fiscal autonomy helps to improve intergovernmental coordination and provision of public goods and services. Although there is still a substantial gap to fill, Portugal made a few steps forward toward a balance to ensure that subnational authorities have the resources and flexibility they need to provide effective services to their communities.

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ABSTRAKT

Relacje pomiędzy jednostkami politycznymi – poziomami władzy publicznej – w strukturze wielopoziomowej mogą być zorganizowane według szeregu instytucji i procesów. Stosunki między podmiotami władzy publicznej oznaczają, że różne poziomy władzy publicznej wchodzą w interakcje ze swoimi aktorami politycznymi, tzn. organami wykonawczymi, parlamentami czy partiami politycznymi. Badania w tym zakresie zwykle dotyczą ustrojów federalnych, a pomijane są systemy unitarne. Należy przy tym stwierdzić, że realizacja kompetencji na poziomach zdecentralizowanych wymaga pewnego stopnia autonomii finansowej. Bez niej trudno jest mówić o samodzielności jednostek władzy publicznej na poziomie niższym od krajowego. Portugalia jest tego przykładem. Relacja czy koordynacja jednostek władzy publicznej pomiędzy zasadniczą częścią Portugalii a rządami regionalnymi (Azory i Madera) ma jak dotąd charakter głównie nieformalny. Niniejszy artykuł ma na celu zbadanie i zrozumienie roli aktorów politycznych w ramach takiej koordynacji działań władz publicznych oraz wspieranych przez nie mechanizmów instytucjonalnych.

Słowa kluczowe: koordynacja działalności jednostek władzy publicznej; aktorzy polityczni; autonomia finansowa; Portugalia