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**SPATIAL PLANNING AND MULTILEVEL COORDINATION IN SPAIN<sup>(\*)</sup>**

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***Abstract***

Spain has very serious problems in terms of institutional coordination. This organisational weakness, a consequence of the extraordinary fragmentation of the institutional make up, is particularly noticeable in the area of territorial policy. The complete lack of institutional mechanisms allowing us to form binding political compromises orientated towards coordinating and rationalising territorial strategies means that we are witnessing in Spain the rapid escalation of disparate, divergent and even on occasion unsustainable medium-run development strategies and territorial models.

**1. Foreword**

The political decentralisation process that has been taking place in Spain since the early eighties has had a profound effect on the geography of political power. It has made it possible for the basic elements that guarantee the cohesion and strategic planning of territory now largely to depend on regional parliaments and governments: education and training, health and social services, town planning, natural resources, infrastructures, territorial and urban development, economic and residential activities, cultural heritage protection policies... However, this opportunity has not been acknowledged or taken full advantage of until the present day. Traditional cultural policies, typical of centralised States, have largely shifted to regional spheres, reproducing in each Autonomous Community a great deal of the inertia, attitudes and organisational and political routine and culture of the central administration. The final result is, with very specific exceptions, a disturbing level of segmentation in public policies and a fragmentation of the institutional map that makes it very difficult in the present context to overcome the current degree of institutional complexity and weakness. This circumstance also explains to a great extent the bewildered, hesitant position maintained by Spain in the gestation process of the ESDP.

The case of Spain is also an excellent example of how traditional policies still prevail over new territorial approaches. Some recent initiatives are still inspired by uncoordinated, compartmentalised and sectorialised traditional models and approaches,

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a far cry, therefore, from the guidelines proposed by European Territorial Strategy. This hinders the consolidation of a change of orientation in public policies that incorporates new elements into the discourse and affects both the contents and the priorities of policies and the ways and methods of ruling the territory.

Through their parliaments and regional governments, some Autonomous Communities have recently implemented new initiatives that anticipate new approaches, with varying intensity. Some cases are clearly inspired by the European Territorial Strategy. Nevertheless, they still have serious limitations of very diverse types (historical, cultural, political, normative, jurisdictional...). Inertia and management segmented into areas and levels of administration prevail over integrated views and strategic approaches.

## **2. Spatial Planning and Public Policies**

Along with an obviously productivist “territorial culture”, Spain has serious problems in terms of institutional coordination. The lack of efficacious institutional mechanisms for the development of public policies that affect the four administration levels with jurisdiction (community, central, autonomous and local) is one of the greatest obstacles for spatial planning in Spain. This deficiency is often a more serious obstacle than the budget availability itself.

There is great coincidence in identifying some of the most important shortcomings related with this problem: a) intergovernmental relations are not institutionalised; b) constant recourse to bilateral relations, not always with a sufficient degree of transparency, between the central government and regional governments, generates territorial tensions in the determination of objectives in the development of Plans and Programmes of general interest; c) there is a deficient regulation of agreements between the different levels of administration; d) the precarious *Sectorial Conferences* do not respond to “federal” models such as exist in other States in the Union with a similar degree of political decentralisation; e) neither horizontal Sectorial Conferences (made up only of representatives from autonomous governments) nor a *Conference of Presidents* have ever worked, although they are a fundamental part of the political culture of some federal States (Aja, 2003; VVAA, 2000).

The fact that there are no formal political coordination spheres that transcend purely sectorial meetings is highly significant. The Kingdom of Spain has not been capable of converting the Senate, now an anachronism and a politically irrelevant institution, into the institutional participatory space of the Autonomous Communities (the Spanish Constitution defines the Senate as the Chamber of Territorial Representation) by adapting its functions to the process of the transfer of political power received by these Communities in the last few decades. This circumstance makes it more difficult to achieve basic consensus regarding matters related with economic, social and territorial cohesion.

The great paradox about Spain resides in the fact that a State that might well be defined as “functionally federal” (Peces-Barba Martínez, 2002), lacks suitable spaces of political decision required by any European federal State, compound or with a high level of political power shared among administrations. It also lacks the “federal culture” (as we know, *foedus* means “pact”) necessary for the consensual participatory preparation of public policies. Our recent history as a centralised State goes a long way towards explaining the political attitude, inertia and routine of the central administration –and all the other administrations– during the last two decades. Governing in a compound, and consequentially very complex, State is much more difficult, but the constitutional block cannot be ignored or avoided but, with or without formal requests for decision between administrations, in any cases requires political cooperation between the different formal decision-taking spheres that are the *State* (Romero, 2002b).

The second paradox lies in the fact that the conception that inspires many important political decisions related with territory is still based on a sectorial, productivist logic, when the current context calls for the design of sustainable territorial strategies. In this case, our *biography* as a State and the economic, social and cultural context explain the remarkable prevalence of political and economic *tempos* over social and environmental issues and the unsustainable conception inspired by Politics, Plans and Programmes (Romero, 2002a).

Given the numerous examples where forms fail and institutional devices are lacking, we might even wonder whether the Spanish State does not currently reflect a certain degree of stagnation and blockage in its development. The present situation is a source of uncertainty or even unnecessary institutional confrontation, which sometimes stems from the exhibition of styles, political attitudes tinged with a “jacobin” vision of the State, more proper of an extinct unitary State that has initiated a process of decentralisation of political power with few precedents in Europe.

This fact has a direct effect on all political policies that have territorial consequences. Sometimes because jurisdiction is not yet properly defined; in other cases, because the jurisdiction affecting a single sphere, both in different levels of administration and different areas of the same administration, adds a remarkable amount of complexity and confusion; in others, because of the lack of dialogue between territories with common problems and challenges.

### **3. An as Yet Incomplete Jurisdictional Delimitation**

The central role of the Constitutional Court in the process of constructing the Autonomic State and particularly in spheres related to territorial politics is the best example of the political and territorial tensions that exist. In view of the volume of appeals filed and the study of certain sentences related to territorial issues, it is evident that the process of great political decentralisation in such a short period of time is not and will not be an easy one. Particularly noteworthy is the difficulty the different central governments have in understanding the depth of the political process and, in

consequence, in fully assuming the political importance that the constitutional block (Spanish Constitution and Autonomous Statutes) confers on the Autonomous Communities precisely in three spheres that have a great deal to do with territorial cohesion: regional planning, social cohesion and environmental policies.

The centralising tendency of the central administration, with episodes that reveal an eloquent degree of institutional mistrust, has been a constant feature of the complex transition process from a unitary State to a compound State. The Constitutional Court has repeatedly pronounced ministerial laws, rules and orders partially or entirely unconstitutional, considering that the central government was clearly incurring on the powers granted exclusively to the Autonomous Communities in their respective Statutes of Autonomy.

In its role as demarcator of functions, here referring to those matters related to territorial policy only, the Constitutional Court has upheld that the constitutional duty of central government to establish basic legislation for all should be understood to mean establishing a legislative common denominator. Nevertheless, this legislation cannot reach such a level of detail that it hinders the legislative development reserved for the Autonomous Communities, running the risk of invading the functions that their respective Statutes award in each case.

In its early sentences, the Constitutional Court concentrated on the applicability of policies and established that in the territorial sphere of the Autonomous Communities, which have exclusive legislative jurisdiction in the matter, autonomous legislation has preference over State regulations, which are not invalid, but simply inapplicable in the territorial ambit considered. It later shifted from applicability to validity, and in sentences 15/1989 and 103/1989 affirmed that article 149.3 of the Spanish Constitution “...in no matter constitutes a universal clause attributing power to legislate about any matters in favour of the State”. In CCS (Constitutional Court Sentence) 147/1991, it explicitly stated that “...rules dictated by the State for the sole purpose of creating laws that supplement the rights of the Autonomous Communities on issues pertaining exclusively to same...” would be invalid. The sentence was considered to be compatible “...with the possibility of the State pronouncing norms of a merely supplementary character where it had powers over the issue”. However, CCS 118/1996 established that the State could not make merely supplementary juridical norms regarding issues in which it had shared jurisdiction, as that would constitute a breach of the constitutional order of jurisdictions by penetrating the sphere reserved for the Autonomous Communities by the Spanish Constitution and the Autonomous Statutes (Sánchez Villegas, 2001).

Some recent sentences, related to aspects like the planning of natural spaces, territory and the environment, town planning or infrastructures, are very representative and of great interest (Romero, 2002b). In short, the transition from a unitary State to a largely decentralised State has been marked by a series of features that could be summed up as an excessive desire for centralisation. This can be seen in the attempt to go beyond the

jurisdictional sphere reserved for the State by the Constitution in the drawing up of regulations, trying at times to hinder the Autonomous Communities from fully exerting their constitutional and statutory powers. On other occasions, the attempt to overstep jurisdiction has been from an autonomous level, upwards and downwards.

The jurisprudence of the Constitutional Court, fundamental all these years, has been the best reflection of the serious misunderstandings that have arisen when interpreting the Constitution and Statutes from the viewpoint of institutional loyalty, the development of cooperation and coordination between administrations. The blockage now to be found in the Spanish High Court does not seem to indicate that these tensions have decreased with the passage of time, but rather that there has been an increase of territorial tensions. This negative circumstance in ensuring good spatial planning makes us differ from the evolution of other countries in the Union with a federal structure where the small amount of jurisdictional conflicts has been overcome by the existence of formal ambits of political decision and coordination between the different parties that constitute the State.

#### **4. Organisational Weakness and Territorial Policies**

The above mentioned organisational weakness, a result of the extraordinary fragmentation of the institutional map, is particularly visible in the terrain of traditional territorial policies and practically non-existent in the more recent field of strategic planning. For some time now, many of the inexplicable political duplicities, deficiencies and tensions arising all too frequently are calling out for an adjustment of the institutional map to the new reality of an Autonomous State that has practically culminated the process of transference from central to regional level provided in the political agreements reached by the PP and the PSOE in 1992. This new allocation of political power still lacks a genuine new agreement culture and sometimes even essential institutional loyalty.

At State level, the central government shows a vague recalcitrance about allowing autonomous and local governments (which are also the State) to participate in decision taking that affects the whole country. They are determined to continue monopolising relations with the European Union in their ascending and descending phases. As regards the relationship between regional governments and local administration, for example, there is a disturbing lack of coordination of territorial policies on a regional or metropolitan scale. This lack of coordination, beyond the abundant rhetoric about sustainable development or the announcement of legislative initiatives, must constitute Plans and Programmes, which currently impregnate the discourse of many political leaders, one of the first objectives of the appropriate administrations. If we are to solve the present situation of blatant territorial misgovernment, with as many territorial strategies as there are municipalities, and the ensuing negative effects on the sustainability of territories especially where there is great pressure and competition

concerning the use of land and water, there should be a greater attempt to try to introduce new forms of spatial planning.

Some examples that illustrate this fundamental deficiency are the failed development of policies for the planning and protection of coastal areas, the application of agri-environmental regulations, the proposal of a Spanish Strategy for Sustainable Development or the process of gestation, approval and perhaps the initial concretion of the so-called National Hydrological Plan.

The inefficiency of the three Spanish administrations with jurisdiction in **integrated coast management** is one of the best examples of the organisational weakness of the institutions. For some time now, there has been a call for the need to create sustainable territorial models on the Mediterranean coastline. The central Spanish government has produced initiatives for improving the planning of the coast. The different regional governments of Catalonia, Valencia, Murcia or Andalusia have come up with General Territorial Plans, Sectorial Strategies, Territorial Action Plans for the Coast, Guidelines and Coastal Territorial Planning Plans, Sustainable Territorial Models for the Coastal Space, all at a regional level, or Sustainable Territorial Models at a subregional level. However, with the exception of two experiments in land in the Ebro area and Almería, the fact is that there are as many territorial strategies as there are town councils –the real instrument of spatial planning is still the Local Urban Planning Scheme– and for some time now in many areas of the Spanish Mediterranean coast there has been a certain amount of very disturbing overexploitation and waste of resources, lack of control and irreversible deterioration of spaces.

The application of community **agri-environmental regulations** in Spain, dubbed by the Commission as “insignificant” and “disappointing” (European Commission, 1998:48; Romero, 2002a), partly explained by the openly “agrарist” and “productivist” social and cultural context that sees these measures as an “obligation imposed by Brussels”, has clearly shown that a great deal of the budget that Spain allocates for the development of agroenvironmental programmes has not been used because of a lack of suitable institutional coordination devices.

Many of what are known as *National Plans* or *Programmes* (for woodland, residues, erosion prevention or otherwise), published or currently being drawn up, are one more token of the inertia of a central administration that still brings out documents as though it were a unitary State. As we know, jurisdiction lies elsewhere in the State, in this case at a regional level, but the different departments of the central administration continue to produce documents that can have no effect whatsoever at territorial level. On the other hand, regional administrations also draw up their own Plans and Programmes without seeking beneficial coordination with other regional administrations and with the central State administration.

The so-called **Spanish Strategy for Sustainable Development** drawn up by the central government is the last and perhaps best sample of the great distance that exists between

official rhetoric, with the uncritical incorporation of now “politically correct” commonplaces such as sustainable development and real public policies. The Consultation Document identifies to perfection where the real difficulty to apply the strategy in Spain lies: in the lack of cooperation and collaboration between public institutions and the lack of coordination in sectorial and horizontal policies at all levels. This is the fundamental fact if we take it into account that the jurisdiction regarding issues of social and territorial cohesion in Spain largely depends on regional governments and, to a lesser degree, on local administrations.

The role reserved for the central State administration may be important and efficacious if the method used respects the allotment of powers and, if possible, when starting to apply the Spanish Strategy, if an institutional framework of cooperation is set up and accepted by everybody. Otherwise, a new “obligation imposed by Brussels” will have been fulfilled but it will be a wasted opportunity limited to a new description of problems to be resolved (so often repeated that they are already well known) and the preparation of a list of policies to put into practice, in which the central administration will have no say because it will have no authority over them.

We must set at another level certain decisions taken by the central administration with a great territorial impact and which are nonetheless taken without the necessary consensus –at times without even consulting or advising regional administrations beforehand, although it is actually their province. Infrastructures provide us with a clear example of this. Nobody questions the fundamental role played by the design of infrastructures in territorial planning regulations. Spatial planning is a responsibility of regional governments in Spain. However, certain State infrastructure plans are put into practice by the central government without even consulting regional authorities. These are political decisions of which the regional administrations are only notified afterwards, in spite of the great negative or positive impact they will have on the respective territories. The example of railway infrastructure design in Spain and the decision-taking mechanisms are a token of a worrying lack of institutional cooperation.

The present situation in Spain gives rise to great uncertainty, because many experiences show that with the existing levels of segmentation, fragmentation, overlapping and lack of coordination divergence may well win the day over convergence. At a moment when the European Union is supporting a Territorial Strategy that favours the creation of sustainable development strategies, in countries like Spain the different administrations must seriously re-examine and update such matters.

##### **5. The National Hydrological Plan as an Example of the Lack of Institutional Devices.**

The development of the National Hydrological Plan (NHP) is a perfect example of how having parliamentary majorities may be a necessary but it is certainly not a sufficient condition for making decisions of a very complex nature and of territorial impact in a State with such a complex structure. Any initiative of such characteristics requires and

demands the existence of formal political-decision-making spheres the likes of which Spain still lacks. Not having them, we run the risk of being able to make democratic decisions at different levels, each protected by its own legitimacy, but which are partial or even contradictory decisions in the sphere of territorial policy.

Prior to taking political decisions of such importance, there should exist, as there exists in other federal countries such as Germany, Austria and Belgium, the formal instance for reaching political agreements of consensus which involve the joint responsibility of the relevant administrations of territorial policy. In the case of Spain, such a decision involves several ministries, seven regional governments, various county councils and dozens of municipalities, and all of them have some degree of power in territorial planning

The transfer of water towards certain areas of Southeast Spain from other areas in Spain is probably inevitable in order to remedy the critical irrigation situation in this area. But without some basic prior agreements, it is very likely that in the medium term not only will this not help solve the problem, but its implementation could actually irreversibly aggravate the current situation. As matters stand, a diversion of river water may be necessary, but it is not enough and certainly not a prior condition. It may be essential, it may well be viable from a hydraulic point of view, but it is very doubtful that it is sustainable from an environmental, economic and social point of view.

When we speak about hydrological plans in Spain, basically we refer to irrigation, although it is true that it is becoming more and more common to speak of residential uses in some areas that have gone far beyond a reasonable perspective of sustainability. One of the weakest points of the Plan is that at least a proposal to integrate it in the National Irrigation Plan was not presented, or better still, in the projection scenarios of irrigated surface in the different Autonomous Communities providing and receiving water. If we re-examine the National Irrigation Plan, the regional irrigation modernisation plan of the Valencian Community and the basin plans, we come to the conclusion that these regional zones should include the possibility of future irrigation expansion in the basin of origin and the commitment to reduce some current irrigation areas and limit them to residential use in the receiving areas. This possibility, the only real guarantee that the transfer may be beneficial for the sustainability of the whole system in the medium term, only exists if there is a political agreement or State pact between the different administrations involved.

On the other hand, any proposal for a new transfer should be based on a thorough analysis of the only experience of this type that has been put into practice so far: the transfer of the Tagus-Segura. Although the political context in which it was carried out was completely different, some elements can be very useful. Recent studies of the matter allow us to come to some conclusions that are crucial in this case: a) everyone admits that the exploitation was deficient; b) the volume of water diverted is only 40% of the amount originally intended; c) the expectations initially aroused when the transfer was first announced and the carelessness and lack of control exerted later by the

authorities –at all times and at every authoritative level– ended up creating a problem that is much greater than the one it was supposed to solve, exacerbated by a diversion to which a second one is now to be added in the affected area, with a view to expanding it to neighbouring zones; d) the history of the Tagus-Segura transfer has demonstrated the degree that interterritorial political tensions can reach in the new Autonomous State, regardless of the majorities in each parliament.

It is easy to see the worsening of the situation in the Segura irrigation area, an irreversible environmental deterioration in some places and a clear risk of the collapse of a productive territorial model, which, under the passivity and collusion of many heads of different administrations, has increased the irrigation surface uninterruptedly until the present time, although the degree of intensity has decreased somewhat in the last few years.

We now know the political tensions and conflicts and the territorial and environmental consequences of the Tagus-Segura transfer, the only experience of great diversion works in the past that we can refer to and which took place in the same socioeconomic and political context as a new diversion will. How can we be sure that a future diversion is not going to trigger a similar process, albeit of greater dimension and importance, to the one created by the Tagus-Segura transfer? How can we be sure that the irrigation surface will not be again increased in an uncontrolled, irrational and anarchistic manner in the next decade? Who can guarantee, and in what way, that the intended quantity of the excess resources from the Ebro will reach their receiving basins, contrary to what occurred in the Tagus-Segura transfer? Could it be that the infrastructure planned – costing a huge amount of money– will be carried out and much less water will actually arrive? Who can guarantee that the management be performed with greater security than the previous transfer?

The present political and institutional framework cannot guarantee the proposal of the Hydrological Plan. Recent experience supports this asseveration: since the transfer was announced, there has been abundant transformation –uncontrolled or tolerated– of dry lands and perforations, all with the passivity of the authorities of Hydrological Confederations and the heads of the three autonomous administrations jurisdiction in the geographic Southeast area. Suffice it to say that the price of drilling in the Segura district has soared since the possibility of the transfer was first announced.

We find exactly the same situation in some regions of the Valencian Community. Recent amendments in forestry legislation by the Valencian government are giving rise to legal and illegal transformation of dry lands. The situation is even worse in the case of Murcia, where there are many transformations and breaking up of new grounds without any control, and the case of irrigation in Almería is perhaps even more unsustainable.

In conclusion, there are too many expectations, now renewed and increased, that are leading to an increase of perforations in the hope that these transformations in private

irrigated lands may have access to waters from the diversion. A similar process to the one put into practice with the diversion of the Tagus-Segura has initiated.

On the other hand, the basin providing the water, cannot be expected to share the approach of the Plan: no obligation to save water at any level, to prevent political reticence from getting in the way of the execution of the transfer. It is not comprehensible or acceptable that in the present context of European agriculture and with the future frameworks of environmental regulation and quality control of water the documentation of the project of a Hydrological Plan should state that "...the users of the Ebro may operate their systems as they see fit". In a rational discussion at State level, the administrations in charge of implementing this strategic decision should assume their responsibilities and face up to reality, even though they do not have the unanimous support of society. It is common knowledge that the reserve laid down in the Plan for industrial uses and the expected increase of irrigation in Aragón are a long way away from being a logical viewpoint in the current post-productivist context and the restrictive framework provided in Agenda 2000, which is, in turn, the result of a new framework for the trade of agricultural produce accepted by the European Union under the WTO. It is an absolute anachronism to base the region's future expectations – political and economical– on the expansion of irrigated lands. And a plan that calls itself hydrological and national cannot be indifferent to the provisions established in it and their consequences, but, in the interest of the country, should reflect a more rational consensual stance as regards this basin plan, the agreement with the government of Aragón or the growing expectations bilaterally agreed upon with the government of Castile-La Mancha.

These issues, which are central, cannot be resolved by bilateral agreements allowing each party involved to do all they have planned to do in the future on condition that they allow the other party to do the same thing. In the case of Aragón and Castile-La Mancha, it is literally reflected this way in the law passing the Hydrological Plan. In the case of Valencia, Murcia and Andalusia, the establishment of limits to the expansion of irrigated lands formally stipulated in the Plan, is a mere formality without any territorial transcendence in the present context.

Any initiative in this field cannot ignore the present reality of the Autonomous State. It should involve and bind all the administrations that are the State. However, the drawing up of the Plan, its approval and the political consequences are a better token than any other issue of State of the great deficiencies that exist in Spain as far as coordination is concerned.

Coordination, cooperation, prior knowledge of the whole scenario, co-responsibility, the creation of institutional tools are, in this case, fundamental. Because the proposed plan cannot and must not aspire to become the structuring element of a territorial strategy for the Spanish Mediterranean coast to resolve present and future problems. It is not enough that the Spanish parliament should approve it. The framework of political decision to deal with the problem in its complexity –and this is a very relevant political issue that

deserves complex solutions— resides in another jurisdictional sphere that goes beyond the possibilities of a single parliament and the central government. It requires the cooperation and commitment of the regional governments because it is to no avail that the plan should state that the irrigated surface in the receiving basins are not expected to undergo an increase without strategic planning undertaken by all those involved. The National Hydrological Plan will test the power of resolution of a compound State where the geography of political power obliges public policies to be coordinated at several levels, to be understood, in other words, although only out of a need to share the responsibilities commended to each level.

If the transfer planned were implemented as it stands without any guarantee of evolution towards reducing the expectations of expanding the irrigated area in some cases and a reduction of the perimeter in others, the consequence might be a lack of equilibrium of the whole system and not just the Southeast area. For that reason, it would be essential to reach political agreements and specific commitments as a necessary prior condition in order to go ahead with the diversion initiative, from the Ebro or anywhere else.

If it is to be of real national interest, a strategic decision of this importance needs to face up to the situation as a whole and make joint decisions. Otherwise, the result of developing decisions already made would be just a sum of public and private decisions with a great impact on the territory and a negative end result. The possible and necessary State agreement cannot rest on the unlimited concession of everything that each party may request, motivated by the pressure of the towns and sectors of each area or even less for electoral reasons. A matter of State such as we are considering here must be above party strategies and parliamentary majorities —thence precisely the difficulty and complexity involved— and not mortgage future situations.

The social debate aroused once again by this Hydrological Plan takes place in much more critical conditions than ten years ago for the same geographic area of the Southeast. It should be feasible that the present urgency should not prevent having to reopen these issues in a few years' time, but in much more dramatic conditions and with greater economic, social and environmental importance. If it cannot be done in an orderly, rational and sustainable way, it might be wise to postpone the political decision until conditions make it possible to guarantee a future scenario that affords greater security.

On the other hand, the plan addresses the serious environmental consequences of the processes caused by the overexploitation of aquifers but does not address the no less serious situation caused all along the Mediterranean coast by nitrate contamination. As neither in this plan nor in the basin plans are any measures contemplated, the quality of aquifers will worsen in the future, involving a greater and greater health hazard for a great deal of the population on the coast. Official information from both the Ministry of the Environment and some regional governments are evidence of the worrying situation of aquifers on the Mediterranean coast.

In spite of the many exceptions and extensions included in it, the Directive about the quality of water for human consumption clearly expresses the obligation of the member States to adopt coercive measures to restore the quality of waters for human consumption, clearly stating that "...priority must be granted to actions taken to rectify the problem at its source". The source is agricultural contamination, and although other States and many regional governments in the Union adopted measures and policies to improve the situation some time ago, Mediterranean countries have hardly taken any such steps.

This plan is the perfect realm to include also commitments of plans and regulations seriously addressing this issue at regional level. And it must not only be seen as an "obligation imposed by Brussels" but as a measure to preserve and protect the health of people in an area that cannot decide to condemn its aquifers for several generations.

The reasons why there is no citizen awareness of this serious problem are common knowledge. But the fact that there is no social pressure does not exempt the politician from the different administrations involved from incorporating commitments and schedules related to this matter on an occasion such as the drawing up of a hydrological plan.

We know that the agri-environmental regulations of Mediterranean countries is not yet, politically speaking, an important issue. The profound inertia of productivist logic prevails. If we compare it with the level of perception of the problem of water contamination by nitrates that exists in the North, we can say that it is not a matter that worries the people. As we can see if we follow the discourse of public leaders, political and professional organisations, the media, collectives..., the context is still mainly "agrarian". Farmers and the "agricultural sector" as a whole still monopolise the discourse, still enjoy the trust of the majority and are politically dominant. They are socially legitimised.

The environmental problems that attract the citizens' attention are more related with contaminating activities taking place in rural areas, but have nothing to do with agriculture. As we can see from the proposal of the Hydrological Plan, on the one hand, in the social debate there is a predominance of demands for water for irrigation and, on the other, there is concern about specific or singular natural spaces, normally with biological-type protectionist alternatives. Different organisations and associations express their concern about the impact on the environment caused by projects of great infrastructures that run through well-conserved spots. The volume of the Hydrological Plan devoted to such issues that shares this partial, incomplete view is basically focused on studying the impact of the layout of the route on the landscape or protected areas –or those officially pronounced protected. These are issues that arise in rural spaces, but the source of contamination or aggression is "external", unconnected with farming or livestock activities. But the fact that they are not part of the main concern of the people and that, as a result, directives and regulations are ignored *de facto* does not mean that

there is not a very critical situation that should be taken very seriously into account in any hydrological plan.

## **6. A New Territorial Culture? An Initial Evaluation of the Territorial Strategy of Navarre.**

For the first time in Spain, the regional government and the parliament of Navarre have initiated a political process that reveals a desire to overcome traditional views of territorial planning in favour of a strategic conception based on the new territorial culture arising from the guidelines of the European Territorial Strategy (Plaza, I.; Romero, J.; Farinós, J., 2003). This challenge accepted in the public sphere, instead of being limited to mere paperwork or a pure rhetorical invocation without any transcendence whatsoever, which is always possible, particularly in public politics in Latin countries, has followed a rigorous preparation process.

This circumstance is doubly important if we take into account the scant degree of Spain's implication in the drawing up of the ESDP. The Spanish State has had little institutional involvement in the changes put into practice in Liège. The Liège proposal represents a shift towards a strategic, multilateral view with cooperation on many levels. It corresponds to a new territorial planning style advocated by countries like Holland or France, a very far cry from the traditional normative, regulatory character of other planning systems.

For many different reasons, although they have largely been related to recent sentences pronounced by the Spanish Constitutional Court, other regional administrations have totally or partially modified the legislative framework regarding territorial planning, but the new regulations still include traditional views very much oriented towards urban planning. In other cases, certain plans or guidelines have been developed on a regional scale, for example in Andalusia, Aragón, Asturias, the Balearic Islands, Catalonia or the Basque Country, whose final concretion will determine the real scope of the initiative in question. More recently, the Autonomous Communities of Madrid, Valencia and Andalusia have supported initiatives somehow inspired, at least partially, on the guidelines of the European Territorial Strategy, although it is too soon to venture an evaluation of their efficacy and territorial impact. On the whole, we could say that in Spain too, slowly but surely, a conception of public politics has begun to emerge, affecting territory that sometimes incorporates aspects of this new territorial view. If this is so, we could say we are at the beginning of a new stage where the influence of principles prepared "from the top" may be beneficial for territorial cohesion in Spain. Nevertheless, it is also true that at times these initiatives may be limited to a mere exercise in rhetoric, with no content, full of untranscendental references to the sustainability of the territories.

The *Final Document* of the Territorial Strategy of Navarre –with the legal precedent of the old regional law of territorial and urbanistic planning of 2002, published at the beginning of 2004 (Navarre Government, 2004)– deserves special attention because its

form and subject matter are different from other processes and initiatives undertaken in Spain to date. With a modern approach, it reveals the intention to start an open, consensual process from scratch and without motivation arising from transposing or reviewing any earlier regulations, given the need to provide a suitable answer on a regional level to the more and more complex and uncertain process in a more and more globalised context.

The references to the application of the principle of subsidiariness, the need to attend to new forms of participation and implication of the different actors present in the territory and the wisdom not only of lessening the distance between citizens and government, but of changing the type of relationship between them (Brugué; Gomá, 1998) are a token of the new period represented by the Territorial Strategy of Navarre in the field of public policies in Spain.

There are four outstanding inspiring aspects: a) establishment of mechanisms by which the different parties involved participate in decision-taking processes; b) greater sensibility regarding the importance of the specific contexts; c) consideration of those who have less capacity for organisation or fewer resources, and d) growing preponderance granted to the networks of actors and the vertical and horizontal forms of cooperation.

On the other hand, the Final Document of the Territorial Strategy of Navarre clearly reveals a desire to fit in perfectly with what could be defined as a new period in local public policies:

- It fully incorporates the idea that regional and local levels are no longer bit players or links to serve as a vehicle for public policies from another level, but, politically and economically speaking, leading actors.
- However, it reflects the growing complexity of agendas at the level of mesogovernment in its economic, social, urbanoterritorial and environmental dimension.
- It supports a strategic approach and integrated rather than sectorial proposals.
- It proposes integrated supramunicipal and regional approaches in order to overcome the excessive institutional fragmentation that exists on a local scale.
- It incorporates key elements like institutional cooperation, local development, social welfare, economic promotion, territorial development and territorial cohesion.
- Part of the application of the principle of impartiality, between territories, between people and between generations.
- It shows preference for developing a balanced, polycentric urban system.
- It is not limited to a strictly regional ambit, but proposes lines of institutional cooperation in several directions and on several scales.

- On the basis of an excellent job in generating synthetic indicators, it includes the necessity to incorporate evaluation indicators and create a follow-up observatory of public politics.

Thus the Territorial Strategy of Navarre is very different from other initiatives adopted in Spain to date. In others we can see how traditional policies still prevail over new “territorial approaches”. In the case of the Territorial Strategy of Navarre, we can speak of the appearance of a turning point in the terrain of public politics. It incorporates in the discourse new elements that affect both contents and priorities of policies and the form and methods of territory government.

The *Final Document* of the Territorial Strategy of Navarre does not attempt to offer a closed territorial view or model. On the contrary, it presents itself as an integrating instrument on a regional scale incorporating the new style of territorial development planning advocated by the European Territorial Strategy. Its main strong point resides in the very way it is drawn up, discussed and, where necessary, approved by consensus, first by a broad network of social actors present in the territory and finally by the different democratic representatives present in the regional parliament. It is an open document, in which everyone participates and which is widely debated, whose greatest virtue resides in the fact that it aspires to become a reference for the structuring of public politics with territorial coherence for the next twenty-five years, regardless of the composition of the executive power at any given moment. If the essential degree of institutional commitment is achieved, the whole list of Guidelines and objectives of the Territorial Strategy of Navarre is very likely to be successful in the medium term. The greatest challenge will be to manage to overcome the inertia of the regional administration, achieve social consensus and increase the level of supraregional coordination.

## **7. Conclusion**

The Spanish State has undergone a profound restructuring, recomposition and decentralisation process. In less than a quarter of a century, it has gone from being one of the most centralised States in Europe to having many distinguishing features of the federal States in the Union. This change, so remarkable and as yet incomplete, has not been accompanied in time by the indispensable creation of institutional ambits of political decision between the appropriate administrations. As a consequence, institutional and territorial tension still exists and has been accentuated in some cases. The time elapsed has not made it possible to develop in an acceptable manner the culture of institutional pacts and coordination, an essential element in this case for cooperation between the different levels that constitute the State and whose authority has a great territorial influence. So much so that it is at the present time one of the greatest obstacles that Spain must face up to in the terrain of public policies. The most outstanding consequence is a high degree of institutional conflict and a certain sensation of territorial misgovernment.

The Spanish State has not yet shown a sufficient amount of involvement and commitment to the principles that orient European Territorial Strategy either. Some of the initiatives with the greatest potential, such as the preparation of the Spanish Strategy for Sustainable Development, have been reduced to mere formalities without any repercussion whatsoever.

On the other hand, this historic process of concession or, in some cases, reinstatement of political power from the central government to regional and, to a lesser degree, local authorities has permitted initiatives of great importance in territorial government to be carried out. We could say that an interesting perspective lies ahead in Spain if new, renovated territorial policies are implemented at a regional level. In this case it is the right level, both as regards opportunity and efficacy and because in that part of the Spanish State reside a great deal of the attributions that can guarantee that we advance towards desirable scenarios that make the basic aims of development and prudent management of the territory compatible: competitive and more balanced territories, more united socially, accessible and connected and environmentally more sustainable.

This real possibility does not seem to have prospered so far, but in general sectorial conceptions persist as opposed to integrated approaches, and a territorial view on a regional and supramunicipal scale has great difficulty in prospering, as it comes up against more traditional conceptions of territorial planning. Majority political and territorial culture largely explains the current situation. Only a few recent initiatives attempt to use a new approach, although it is too soon to venture an evaluation because they are still at an early stage of development. Among the most recent initiatives, it is worth mentioning the preparation of the approval of the Territorial Strategy of Navarre, which may become a good instrument to move forward towards a renovated view of territorial development and a referent for other regions.

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