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Candidate:

Federico Razetti

Tutor:

Prof. Maurizio Ferrera

Ph.D. Program Coordinator:

Prof. Antonella Besussi

Committee:

Prof. Luigi Bobbio; Prof. Nicole Bolleyer; Prof. Nicola Pasini

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List of Abbreviations

IGA	Intergovernmental Arrangement
IGR	Intergovernmental Relations
NHS	National Health Service
AACC	Autonomous Communities
CISNS	<i>Consejo Interterritorial del Sistema Nacional de Salud</i>
CPFF	<i>Consejo de Política Fiscal y Financiera de las Comunidades Autónomas</i>
INSALUD	<i>Instituto Nacional de la Salud</i>
LOAPA	<i>Ley Orgánica de Armonización del Proceso Autonómico</i>
LOFCA	<i>Ley Orgánica de Financiación de las Comunidades Autónomas</i>
LRJ-PAC	<i>Ley de Régimen jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común</i>

Italian Political Parties (1970-1992)

ADP	<i>Autonomisti Democratici Progressisti</i>
DC	<i>Democrazia Cristiana</i>
DP	<i>Democratici Popolari</i>
FV	<i>Federazione dei Verdi</i>
PCI	<i>Partito Comunista Italiano</i>
PLI	<i>Partito Liberale Italiano</i>
PRI	<i>Partito Repubblicano Italiano</i>
PSdAZ	<i>Partito Sardo d'Azione</i>
PSDI	<i>Partito Socialdemocratico Italiano</i>
PSI	<i>Partito Socialista Italiano</i>
PSIUP	<i>Partito Socialista Italiano di Unità Proletaria</i>
SVP	<i>Südtiroler Volkspartei</i>
UV	<i>Union Valdôtaine</i>
UVP	<i>Union Valdôtaine Progressiste</i>

Spanish Political Parties

AIC	<i>Agrupaciones Independientes de Canarias</i>
CC	<i>Coalición Canaria</i>
CDN	<i>Convergencia de Demócratas de Navarra</i>
CiU	<i>Convergència i Unió</i>
EA	<i>Eusko Alkartasuna</i>
ERC	<i>Esquerra Republicana de Catalunya</i>
ICV	<i>Iniciativa per Catalunya Verds</i>
IU	<i>Izquierda Unida</i>
PA	<i>Partido Andalucista</i>
PAR	<i>Partido Aragonés</i>
PNV	<i>Partido Nacionalista Vasco</i>
PP	<i>Partido Popular</i>
PR	<i>Partido Riojano</i>
PRC	<i>Partido Regionalista de Cantabria</i>
PSM	<i>Partido Socialista de Mallorca</i>
PSOE	<i>Partido Socialista Obrero Español</i>
UM	<i>Unión Mallorquina</i>
UPN	<i>Unión del Pueblo Navarro</i>
UV	<i>Unión Valenciana</i>
UPCA	<i>Unión para el Progreso de Cantabria</i>

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Abstract

Under the effect of both exogenous and endogenous pressures, the territorial organization of political power has been deeply transformed in many Western States. In such a context, intergovernmental relations (IGR) have become increasingly salient, adding (or redefining) a new dimension of politics within multi-tiered domestic arenas. Different institutional tools for managing transformed intergovernmental relations (Intergovernmental Arrangements) are both theoretically possible and empirically observable. In this dissertation, the causes and the consequences of these institutional structures are investigated in two neo-regional countries – Spain and Italy – in one of the public policy sectors most affected by the process of territorial re-scaling: health care. Grounded on a historical new-institutional perspective and based on the adoption of a Most Similar System research Design (MSSD), the comparative analysis explores firstly why, in spite of similar levels of health care decentralization, Intergovernmental Arrangements at work in this policy field in these two countries differ on many respects; and, secondly, whether these differences can account for variations in the processes of intergovernmental policy-making channeled through them. The analysis shows the relevance, for understanding IGAs' differences, of a set of factors at play in the early stages of decentralization: the degree of symmetry in the allocation of healthcare competences among subnational units as well as the kind of intragovernmental relations within the constitutive arenas; moreover, it suggests that the timing by which causal conditions come into play is a relevant question to be considered. By assessing the impact exerted by Intergovernmental Arrangements on IGR, and particularly on the kind of coalitions emerging in IGR processes, the analysis shows that, in line with previous studies in the field, the general question "do intergovernmental institutions matter?" can be positively answered.

Introduction

The territorial rescaling of the State and the re-definition of domestic Intergovernmental Relations: common trends, different solutions, different impacts?

During the last decades, under the effect of both exogenous and endogenous pressures, the territorial organization of political power has been deeply transformed in many Western States: in a more or less intense way, they appear to have been involved in an action of authentic re-shaping. Unfolding processes of State "de-structuring" and "re-structuring" have been the object of several contributions in the field of territorial politics and new-regionalism literature since the late 1990s.

One of the distinguishing characteristics of these macro-level institutional developments – besides the loss of sovereignty by States in favor of supranational organizations (the EU, in the first place) – appears to have been the growing relevance of sub-national governments (Marks et al. 2008). What used to be traditionally regarded as "periphery", as opposed to the "center" – in the frozen cleavage pointed out by Rokkan (Flora 1999) – seems to have gained a more and more "central" position in different stages of contemporary policy-making processes.

As is well known, in the wake of this full-blown territorial recalibration of the State, periphery does not act any more as a simple executor of decisions taken elsewhere at the top of the territorial hierarchy of power (i.e., central government), but tends to become a more active policy player. Decisions taken by subnational governments determine (or contribute to determine) not only the implementation mechanisms and criteria, but also the very content of the public policies offered to their constituencies.

Even if following different paths, these processes of State re-calibration have thus generally led to the emergence (or to the empowering) of new institutional-political actors within the State (local governments and, particularly, the Regions), paving the way to the establishment of new (or renewed) patterns of territorial

politics. The "invention" of regions (Keating, 1997) has led new, relevant political players coming on the stage: «regional institutions resulting from a territorial distribution of power, once created, take a life of their own and become the central structuring forces of territorial politics» (Lecours 2004, p. 86).

In settings characterized by a plurality of territorial jurisdictions, each endowed with a certain degree of political power, relations between these latter (Intergovernmental Relations - IGR; cf. § 1.5.1) are therefore likely to become increasingly significant, and to acquire specific political saliency, particularly in those policy fields more affected by the processes of political devolution. Even more so in the domestic arenas of former unitary polities (like Belgium, Spain, the UK or Italy, when looking just at Western Europe), where traditional mechanisms of coordination between distinct territorial levels of government – like strict hierarchy of levels and separation of tasks – have been more and more called into question, if not definitively overcome.

The emergence, within the States, of territorial levels as new actors, playing the role of front-line players in policy-making processes, has called increased attention by scholars to the setup and design of institutional systems dedicated to the management of these relations, both at the horizontal (at the same hierarchical) level and at the vertical (at different hierarchical) level, both in (strictly) federal and highly decentralized countries.

However, it is interesting to observe that, in spite of common trends towards the political strengthening of the subnational level by processes of regionalization (and even federalization), and despite common functional pressures calling for the establishment of institutional structures designed to cope with increasingly complex relations between territorial governments within the States (what I refer to as Intergovernmental Arrangements - IGAs; Bolleyer 2009) a vast array of institutional solutions for managing IGR – differing on many dimensions – is not only theoretically conceivable, but also empirically observable (cf. § 1.5.2).

For a long time, large part of the literature on these topics has preferred to stress similarities among systems, rather than investigating reasons and consequences of these observable institutional differences. Because of the prevalence of a sort of functionalist bias, the so called "policy imperatives" – portrayed, at once, as causes and effects of the processes of devolution – have been among the factors evoked most often in order to account, in a quite general way, for the increasing complexity of multi-level policy-making in many compound polities, as well as for the pervasiveness of intergovernmental relations.

By contrast, putting the analytical focus on the explanation of differences more than on of similarities – as made by a more recent wave of contributions in the growing literature on these issues – allows addressing two major, broad research questions, whose inquiry is the main goal of this dissertation. They might be

summed-up in the following way:

1. *Why do different systems opt for different Intergovernmental Arrangements?*
2. *Which is the impact (if any) of different Intergovernmental Arrangements on intergovernmental policy-making processes?*

As to the first question, it derives from the simple observation (when looking at many federal and devolved countries) of a quite high variance as to the characteristics of the extant institutional machinery designed to cope with (undoubtedly) increasingly complex Intergovernmental Relations. Such a variation is evident both from a *cross-national* perspective and – within each national system – from a *cross-sectoral* point of view. Hence, the question arises about which are the factors able to account for such variations: which political-institutional conditions do favor the emergence of certain Intergovernmental Arrangements?

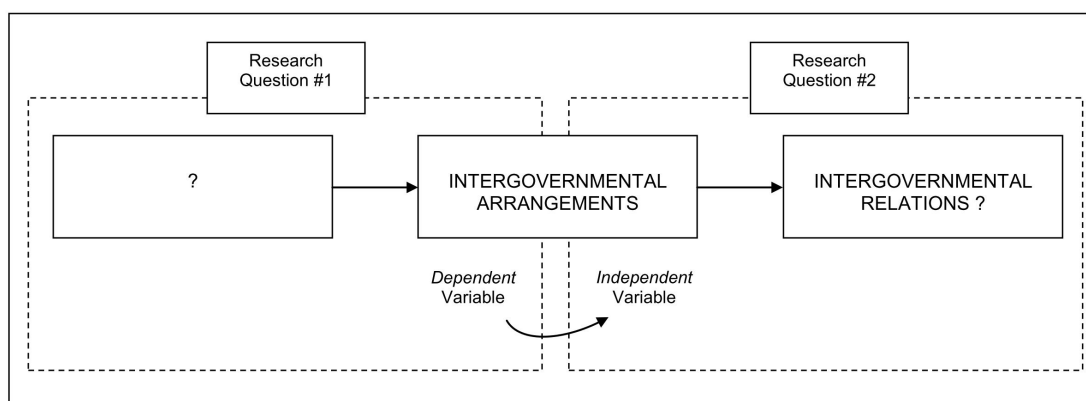
Such line of inquiry proves even more relevant in the light of the second question, which is logically connected to it. As I will argue, on the bases of the general theoretical insights provided by the new-institutional literature, it is indeed reasonable to expect that different institutional structures cannot produce "neutral" effects as to the ways in which political actors – the State and the Regions – do interact in multilevel policy-making. Put in other words: which are the consequences on multilevel policy-making of alternative ways of structurally channeling the relationships between territorial actors? Because of the quite scant literature on this point, this question – even if theoretically grounded – cannot be characterized but in more exploratory terms.

The logic of inquiry and the research strategy

As implicitly emerged from the previous paragraph, answering the two general research questions outlined above entails the adoption of two different approaches to explanation, or rather, a shift of the analytical focus when moving from the first to second one. In a nutshell, while in the first question the institutional machinery devoted to the management of intergovernmental relations (Intergovernmental Arrangements) is treated as the main *dependent* variable to account for, in the second question it becomes instead the main *independent* variable, possibly accounting for variations in multilevel decision-making (see Figure 1).

In both cases, the adoption of a qualitative comparative perspective seems the most fruitful explanatory strategy to be followed. However, the mentioned shift of the analytical focus also entails some change – when moving from the first to the second question – in the way in which the research strategy is conceived of as well as in the way in which the comparative research design is to be organized (see Anckar 2008).

Figure 1: The analytical focus shift.



Explaining IGAs' variety

The basic logic of inquiry underlying the analysis intended to answer the first general research question – *Why do different systems opt for different Intergovernmental Arrangements?* – may be portrayed as adopting a "causes-of-effects" approach of explanation (Brady and Collier 2004): the main goal is indeed explaining *why* particular empirical cases do present *different* outcomes (that is, different Intergovernmental Arrangements).

To this end, a robust methodological device is comparison through purposeful case selection. This means selecting cases displaying highest variance on the "dependent variable" (rather: the condition to be explained), while sharing as many (potentially relevant) conditions as possible (in order to take them under reasonable control). This is possible through the implementation of a Most Similar System Design (MSSD, Przeworski and Teune 1970, pp. 32-34).

As known, such kind of comparison – based on Mill's "method of difference" and mostly applicable for small-N situations – allows to focus the attention on a limited number of potentially relevant explanatory factors (hopefully, just one), while controlling for many other conditions. The underlying "logic of elimination" makes therefore possible to exclude as candidate causes for the variance in the observed outcomes any condition equally present in more than one case, as long as *similarities* across cases are logically assumed not to be able to account for *differences* across them (George and Bennett 2005).

According to Anckar (2008), the adoption of a MSSD is compatible, both in principle and in practice, with both a *deductive* and a *inductive* research strategy (Figure 2). The borders distinguishing the deductive from the inductive strategy are, in reality, much more blurred than theoretically supposed. Furthermore, when

speaking of explanatory exercises, it may be more appropriate to refer to *abduction* than to induction. Abduction, also known as "Inference to the Best Explanation", may be seen as relying on the following principle: "Given evidence E and candidate explanations H_1, \dots, H_n of E , if H_i explains E better than any of the other hypotheses, infer that H_i is closer to the truth than any of the other hypotheses" (Douven 2011).

The comparative research design I will implement to answer the first research question (*Why do different systems opt for different Intergovernmental Arrangements?*) may be thus qualified as an "abductive MSSD": the research process will indeed start by focusing on the *dependent*, more than on the independent variable. The goal is selecting cases so as to ensure variation on the dependent variable among systems which – under many relevant respects – appear quite similar: the relevant independent variable(s) or condition(s) will be then identified by means of falsification (of competing explanatory factors) through in-depth comparison.

Assessing the impact of IGAs on IGR

As sketched above, the move from the first to the second research question entails a shift of the focus of the analysis.

Analytically, once explained the reasons of their differences, Intergovernmental Arrangements are treated as the main condition or independent variable, possibly accounting for variations in multi-level policy-making. The explanatory goal – which is partly exploratory, due to the limited scope of the existing theoretical and empirical literature on this point – is assessing the impact (if any) of the institutional, organizational structures devoted to the management of Intergovernmental Relations on the process of actors' preferences aggregation. As argued above, the relevance of the first question largely depends on the relevance of the answer given to the second one.

Following again Anckar (2008), our second research question – *Which is the impact (if any) of different Intergovernmental Arrangements on intergovernmental policy-making processes?* – can be portrayed as a "Does X affect Y?" question. In contrast with the first question, the second one presumes a more *deductive* approach, meaning that «the independent variable has been identified in the beginning of the research process *by means of theoretical reasoning*» (p. 392, emphasis added). The main research interest is now on the *independent* variable. The ambition is indeed «to establish whether or not there is a causal relation between one specific independent variable and the dependent variable» (p. 392).

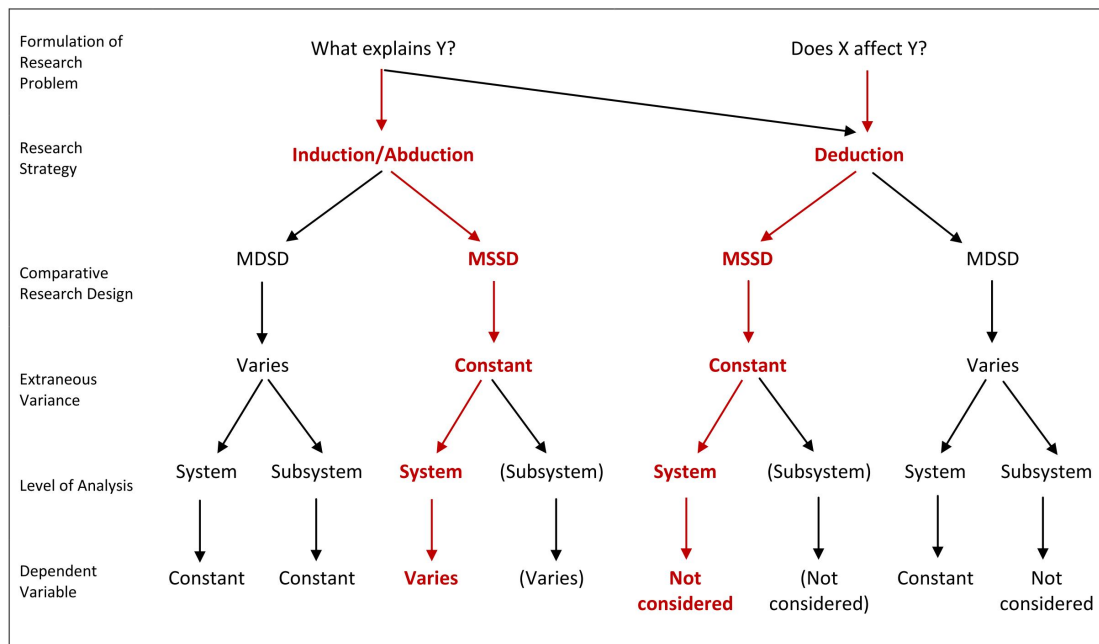
As it will be explained further (Chapter 1), Intergovernmental Arrangements may be theoretically expected to exert an influence on many, different aspects of intergovernmental decision making. Focus can indeed be placed primarily on the impact of Intergovernmental Arrangements either on the processes or the outputs

of such kind of policy-making.

What I will investigate is the impact of Intergovernmental Arrangements in structuring intergovernmental policy-making *processes*. In this light, the basic question addressed through the empirical analysis may be refined in the following terms: to what extent does the institutional structure of IGAs contribute, in a given country and in a given policy sector, to determine the kind of politics prevailing within the intergovernmental *policy-making arena*? More precisely: do different IGAs have an impact on structuring the kind of divide lines and actors' coalitions emerging during intergovernmental decision-making processes?

The adoption of a MSSD in the first phase of analysis (in order to answer the first research question) yields two methodological advantages. On the one side, it allows keeping under control many conditions virtually able to shape not only Intergovernmental Arrangements, but also – directly or indirectly – the policy-making processes carried out by means of these arrangements (under analysis in the second phase). On the other side, the implementation of a MSSD in the first stage makes it possible to select cases displaying enough variance with respect to the independent variable, whose impact is to be tested.

Figure 2: Comparative research design strategies. Source: adapted from Anckar (2008, p. 394).



Taking a new-institutional perspective

Both questions can be addressed starting, implicitly or explicitly, from different theoretical assumptions, and adopting alternative analytical perspectives. My view is that the theoretical and methodological insights provided by the "new-institutional" approach are particularly suited to address this kind of research questions.

Drawing on Immergut (1998), it is possible to identify three starting assumptions or theoretical tenets shared by all new-institutional lines of reasoning (their "theoretical core"): first – and in fundamental contrast to behaviourism – institutionalists assume that observable behavior does not reveal the "real" preferences of individuals, but it is conceived as strictly linked to the opportunities and constraints provided to them by the institutions in which they act: «behavior occurs in the context of institutions and can only be so understood» (p. 6); second, mechanisms of preference aggregation cannot be interpreted as neutral tools, whose function comes down to the mere summation of individual interests: in fact, aggregation devices do not simply reflect given interests, but contribute to shape and reshape them over time; third, and as a consequence of the previous points, every kind of (political) behavior is seen as somehow "biased" or "distorted", which implies a sort of normative commitment of the institutional approach towards the identification of ways of reducing this bias through institutional design.

Even if from different angles, new-institutionalism addresses a common set of questions, basically linked to the exploration of the *ways in which preferences expressed in politics (and their aggregation) are affected by the institutional context in which policy-makers operate*. This institutional context is intended, broadly speaking, as the web of "rules" – whether formal or informal – which, due to a minimum degree of stability over time, contribute to structure the political behavior of actors. As summarized up by Immergut (1998), the bulk of institutional analysis consists in the examination of these rules and norms, seen as the black boxes placed between «the potential political demands and the ultimate outcomes» (p. 25).

Within this perspective, it is common to identify at least three different new-institutionalisms¹ – rational choice; sociological or organization theory; historical – differing in: the more specific definition of 'institution'; the interpretation of the relationship occurring between the individuals behavior and the institutional context (the underlying agency theory); the explanation of the processes of institutional origin, stability, and change.

For the purposes of this analysis, I will assume a historical new-institutional

¹Here, I will not account for a newer type of new-institutionalism, often referred to as "discursive institutionalism" (Schmidt 2008): it may be interpreted either as a fourth, autonomous perspective, or as a complementary extension of the three older new-institutionalisms.

perspective. If rational choice institutionalism tends to adopt a "calculus approach" (for which actors are fundamentally strategic actors) and sociological institutionalism tends to rely on a "cultural approach" (for which actors are first of all "rule followers; Hall and Taylor 1996), the so called historical new-institutionalism is considered more eclectic on this point, insofar it tends not to make a definitive choice between the two rival agency approaches, but assumes instead a rather "agnostic" perspective (Steinmo 2008). What makes historical new-institutionalism distinct is not the way of conceiving agency but rather the manner of interpreting institutions as norms, rules, and procedures embedded in the «organizational structure of the polity or political economy» (Hall and Taylor 1996). The internal coherence of the approach is given by a particular attention accorded to the analysis of "institutional configurations" – in contrast to an interest for particular institutional settings often considered in isolation – and to long-term processes, unfolding their effects over time, in opposition to the investigation of short-term events (Pierson and Skocpol 2002). The concepts of "path-dependence" and "feedback effects" are often mobilized in order to causally account for institutional development and stability over time (Mahoney 2000b; Pierson 2000), while the concept of "critical juncture" (defined as the interaction of distinct causal sequences that join each other at a particular point in time) is commonly employed in order to explain both the origins and the rapid and unexpected transformation of an existing institution. Moreover, historical institutionalism focuses in particular on the role of power and on asymmetries of power relations, interpreted as intrinsically embodied in all institutional configurations. More precisely, the approach investigates the ways in which institutions concur in structuring conflicts and (unevenly) distributing power across different social and political groups: these latter are seen as endowed – because of differently designed institutional arrangements – with different degrees of access to policy-making processes. Institutions are indeed assumed to operate as powerful "filters".

In this light, (historical) new-institutionalism seems to offer the best suited theoretical tools in order to look at intergovernmental mechanisms as at those "black boxes" – placed between the political demands and the final outcomes – largely still to be opened. In this respect, Heinmiller (2002) remarks that, generally speaking, the adoption of a new-institutional perspective appears as clearly consistent with the study of intergovernmental policy-making: it does provide, indeed, a useful framework of reference, allowing researchers to explore and investigate the effects that intergovernmental institutions may produce on policy processes and policy outcomes. When taking this view, the basic, underlying assumption is that in polities in which more than one government can intervene in the definition and implementation of a policy, intergovernmental relations are likely to exert a "formative impact" on the policy itself (Heinmiller 2002).

More specifically, the emphasis put by historical new-institutionalists on the role played by the *institutions of the polity* and on their organizational structure in conferring on different actors (uneven) access to the policy-making process within the polity itself seems as particularly consistent with the analysis of institutional mechanisms of "interface" or of "filtering", involving different players such as the center and the peripheries, the State and the Regions, in territorially compound political systems. Do differently organized institutional arenas contribute to structure and shape Regions-Regions and State-Regions relationships? In case, which are the consequences on intergovernmental policy-making?

The fundamental insight provided by historical new-institutionalism, according to which institutions need to be analyzed not in isolation, but always taking into consideration their mutual relationships and their joint effects (the so called "institutional constellation") invites also to look closely at the entire system of intergovernmental relations, that is at both its vertical and horizontal articulations, as well as at their linkages. Not only that: shedding light on institutional constellations may prove particularly useful when trying to account for the characteristics of the Intergovernmental Arrangements under analysis. Differently stated, looking at the whole set of (potentially) relevant institutional factors defining the broader political context in which IGAs are embedded is likely to provide important evidence in order to make sense of their different structural features.

Healthcare policy in Italy and Spain

In the general framework of State de-structuring and restructuring evoked above, the principle of decentralization emerged as a real «cornerstone of health policy-making in numerous Western European countries. Once confined to the Nordic Region and Switzerland, decentralization from higher to lower levels of government has become a central principle of health policy in Spain and Italy, in a different context in the United Kingdom (to Scotland, Wales, and Northern Ireland), and to a lesser degree in France and Portugal» (Saltman and Bankauskaite 2006, p. 127). While the expansion of the Welfare State had been one of the major drivers of State centralization at least up to the end of the 1960s, since the 1970s the territorial parabola of social protection started to take an opposite path, towards increased decentralization (Ferrera 2005; Loughlin 2009).

As for other welfare policies in Western Europe, at least two different macro-stages of decentralization and devolution – differing on the scope of the powers accorded to the Regions in the field of welfare policies and on the political reasons underlying the devolutionary process – can be detected, roughly corresponding, respectively, to the "regional" (or weak regional) and "neo-regional" (or strong regional) waves of State rescaling (cf. Chapter 1).

Following Ferrera (2005), the first wave, which originally started in Scandinavian countries partially under the effect of functional pressures, occurred during the 1970s-1980s, leading to an initial transfer of tasks and competences from the center to sub-national levels of government, mostly in order to grant a better implementation of nationally-set policies. The second decentralization wave started instead in the early 1990s: for many reasons – spanning from increasing States budget constraints (also due to the fiscal requirements imposed by the process of European integration) to raising costs (determined by management inefficiencies, demographic changes, and technological innovations), from re-emerging local identities to changes in the internal logic of working of the Welfare State (more and more oriented towards service provision) – the principle of decentralization arose as a guiding principle of welfare policies and, particularly, of healthcare policymaking. The devolutionary reforms appeared in this phase more inspired by the desire, at once, to increase economic efficiency in the delivery of welfare services and to reduce the overall costs, also in a strategy of "blame avoidance" implemented by central governments: «'[p]assing the buck' to subnational governments had the obvious advantage of shifting on to local government the blame for unpopular policies of retrenchement» (Ferrera 2005, p. 174).

In such a framework, the principle of decentralization seemed thus embodying several advantages, allowing to set the necessary incentives towards greater competition in service provision (and, therefore, supposed higher allocative and productive efficiency), as well as towards increased fiscal responsibility of sub-national governments: «decentralisation has been perceived as a means to revamp the performance of health care systems and as a way to provide services that correspond to local needs and demands» (Mosca 2006, p. 113). Sub-layers of government, and particularly Regions, were consequently endowed with greater political, administrative and partially fiscal responsibilities in this field.

In many Western countries healthcare policy has thus become one of the fields in which decentralization has gone farthest.

In the tax-funded health systems of Southern Europe – particularly, in Italy and Spain – «administrative and managerial as well as many political (but not key fiscal) responsibilities were devolved from national to regional governments» (Saltman 2008, p. 104), in a process begun at the end of the 1970s, culminated at the beginning of 2000s, and still in progress. Today, about two thirds of regional budgets in Italy are devoted to healthcare, making this latter the most relevant policy sector under regional responsibility, in terms of resources absorbed and political visibility (France 2007). In Spain healthcare represents, as well, the first policy sector of regional competence: 90% of public expenditure in health policy is under regional control, the Communities devoting more than one third of their total budgets to this field (Moreno A.B. 2005).

The breadth of devolutionary processes occurred both in Italy and Spain in this policy field makes healthcare policy in these two countries particularly interesting to be explored in order to address the two research questions outlined above: the political saliency of Intergovernmental Relations is indeed likely to be relatively high in both national cases.

Moreover, from a methodological point of view, Italy and Spain display the advantage of matching many of the requirements imposed by the logic of the MSSD. As it will be explained more in depth, these two former unitary countries share indeed a number of theoretically relevant features, which, by consequence, may be considered as taken under control, while displaying, at the same time, a comparatively high degree of variation as to the system of institutional structures devoted to the management of intergovernmental relations. These structures, because of their differences, may be in turn expected to have a different "formative impact" on intergovernmental policy processes in the policy field under analysis.

As observed by Ferrera (2005) and McEwen and Moreno (2005), Spain and Italy (along with Belgium) have been moving roughly in the same direction: thoroughgoing decentralization, linked, at the same time, to endogenous politico-institutional dynamics and to the challenges of welfare state reorganization and European integration. As a result of institutional evolutions occurred through time, it can be argued that these two countries – both belonging to the Southern European model of welfare state (Ferrera 1996) and both historically characterized by the transition from a highly centralized, healthcare insurance-based arrangement to a strongly regionalized National Health System – have in common a comparatively high degree of decentralization in health care: in both cases, fundamental constitutional competences in this policy field are now shared between the national and the regional governments, and the actual management of the health system as well as the delivery of health care services fall (almost entirely) under regional responsibility. Furthermore, neither the Italian health system nor the Spanish one have been the object of re-centralization dynamics (e.g. Maino 2009): on the contrary, both «Italy and Spain are pursuing greater decentralization at the same point in time that Northern European countries are shifting away from decentralization in their health systems» (Saltman 2008, pp. 105-106).

Research sources and techniques

The comparative study of the historical development of intergovernmental arrangements in the healthcare policy sector in Italy and Spain, and the assessment of their impact on policy-making processes, will draw upon data collected from – and cross-checked through – multiple sources, so as to increase, whenever possible, the general robustness of the findings (George and Bennett 2005). Data provided by

secondary sources on IGR and IGAs (existing academic and gray country-specific literature) will be thus complemented with information provided by documentary analysis (minutes and reports of IGAs' meetings, texts of laws, IGAs' founding agreements and regulations, parliamentary speeches), interviews with IGR actors and country-experts (Richards 1996; Tansey 2007; Harvey 2011), as well as from an extensive review of newspapers' articles in both countries.

Data collected from these different sources will be then assessed, in the light of the hypotheses previously identified, through "case study" methods, and particularly by means of Process-Tracing techniques: these latter will allow to trace the observed phenomena (IGAs' and IGR variance) back to their most plausible causes (George and Bennett 2005). In such way, evidence coming from *cross-case* comparative analysis will be supplemented by *within-case* observations (Mahoney 2000a): this practice will make it possible to compensate for some limitations typically deriving from (strictly defined) cross-case comparative methods, as well as from underdeveloped theoretical speculations.

General outline

In order to address the two major research questions outlined above, the remainder of this thesis is organized as follows.

In Chapter 1 the theoretical, conceptual and analytical foundations of this comparative analysis will be discussed more at length. After having put the question into its broader historical and theoretical context, the meaning of the main "building-block" concepts – such as Intergovernmental Relations and Intergovernmental Arrangements – over which the entire analysis is to be constructed, will be defined, along with the selected analytical perspective. Once clarified such major theoretical and conceptual aspects, the existing literature on the issues under examination will be extensively reviewed: this will allow to derive two sets of hypotheses (each referring to the two above-sketched research questions) to be next tested through empirical analysis.

Based on secondary literature, documentary analysis and interviews, the essential features of the Italian and Spanish Intergovernmental Arrangements systems will be laid out, respectively, in Chapters 2 and 3. Taking a long-run perspective, the focus of the analysis will be put on the specificities of the historical paths which have led to current institutional outcomes.

The information contained in these two Chapters will be then the object of systematic, in-depth comparison in the following Chapter (4), looking for the most plausible explanation of differences observable in these two countries Intergovernmental Arrangements. To this end, the historical account offered in Chapters 2 and 3, integrated with additional evidence, will be systematically appraised taking

a more theory-driven perspective, based on the first set of hypotheses derived from the literature reviewed in Chapter 1.

The empirical test of the second set of hypotheses will be instead the bulk of Chapters 5 and 6. More specifically, a general overview of the IGR patterns prevailing, in the healthcare policy field, in the two countries will be the object of the analysis of Chapter 5. Two case studies of intergovernmental policy-making in Italy and Spain, selected according to the MSSD logic, will be then carried out in Chapter 6, in order to explore, from a closer perspective, the hypotheses connecting the IGAs features to the IGR processes. In this way, some light will be cast on the causal mechanisms through which differently organized IGAs contribute to shape intergovernmental relations in different contexts.

Conclusive remarks, theoretical and empirical issues to be addressed in a future research agenda will be eventually outlined in the last Chapter.

Chapter 1

Conceptual, Analytical and Theoretical Foundations

1.1 Introduction

The present Chapter will provide the analytical, conceptual and theoretical foundations of this analysis. After having put intergovernmental relations in their broader historical context, I will focus on the value of competing analytical perspectives (MLG and IGR) for the research purposes pursued in this work, and on the definition of the basic concepts which will be used. Then, through a review of the existing literature, two set of hypotheses will be derived, related, respectively, to the first and the second general research questions outlined in the Introduction.

1.2 The historical background: devolution of powers in Western European countries

The processes of "regionalization" occurred in many Western European countries are certainly to be qualified among the most relevant institutional developments occurred at the end of the 20th century.

Taking a long-run institutional perspective, Keating (1997; 2008), while noting that on the one hand the nation-state never monopolized political action in Europe in the past (the process of State-building having been far less complete than it was argued for a long time by large part of the literature), and that, on the other hand, it remains today a powerful actor, he also remarks that in the last thirty, forty years all large European countries (and some of the smaller ones) have put in place or largely strengthened systems of regional government. In this regard, it is possible to speak of a real process of "invention" of regions as new institutional subjects

(Keating 1997), even in contexts – like (formerly) unitary countries – historically characterized by high degrees of centralization.

As to the causes or surces of this trend, in the historical-institutional literature the so called "revival of peripheries" is generally explained as a consequence of the conjunction of multiple factors, both exogenous and endogenous to each country, both of functional and political nature.

As to the *exogenous* elements, the processes of economic integration (globalization) and, at a smaller scale, of European integration have been pointed out as the major forces driving the structural transformation under analysis (e.g. Loughlin 2009; Ferrera 2005; Caciagli 2003; Keating 1997). In a more and more open economic environment, the regional scale has been often portrayed, because of its supposed greater flexibility and its potential higher degree of sectoral specialization, as the best dimension for managing efficiently growing market competitive pressures, and to stimulate endogenous processes of economic growth. At the same time, the EU cohesion policies (most notably, after the 1988 Structural Funds reform) have been similarly identified as one of the major triggers for the empowerment of the so called "meso level" (the administrative and/or political level immediately below the national one): many contributions in the literature have indeed underscored the high polity-building potential of such European policies. The tightening of budget constraints on national governments since the early Nineties (particularly, since the Maastricht Treaty) has also played a part in making decentralization an interesting pathway to be followed, in order – theoretically, at least – to increase efficiency in public expenditure patterns¹, and to shift responsibility downwards in policy sectors more likely to be cut ("blame avoidance" strategies). As sketched in the Introduction, this has been particularly true in the field of welfare policies and, within this space, in the healthcare policy sector.

With respect to *endogenous* forces able to account for the observed macro-institutional reshaping of the State, several country-specific functional, political and institutional dynamics – both top-down and bottom-up – have been explored. The empowering of the meso level has been explained making reference to the end of centralizing dictatorships, the putting into practice of not implemented constitutional provisions, as well as the re-emergence of grass-roots local identities and nationalities, and of new territorial parties (also in reaction to the unfolding global trends sketched above) (Bobbio 2004; Caciagli 2003). The transformation of the welfare state itself, more oriented towards the provision of "tailored" services than towards the transfer of monetary payments, has certainly been pivotal in increasing pressures in the direction of increased peripheries' autonomy.

Exogenous and endogenous factors have jointly created a breeding ground for incentives in favor of territorial decentralization.

¹Consistently with principles advocated by the New Public Management - NPM supporters.

Keating (1997; 1998) interprets these two symmetrical processes – economic integration and re-emergence of the sub-national level – as producing, at the same time, forms of "de-territorialisation" and "re-territorialisation", "de-construction" and "re-construction" of the social spaces, at new spatial scales, both above and below the nation-state. As amply documented, these unfreezing processes have deeply contributed to the redefinition of the authority *within* the State, thus calling into question the very principle of "territoriality" (Ansell and Di Palma 2004). Following Loughlin (2009), it could be said that a «useful distinction that may be made [...] is between states as countries, clearly still in existence, and the state as the main locus of power and decision and it is this aspect of stateness which has changed. The reforms have succeeded in reshaping these states in the second sense and in reformulating their role and functions and their relationships both externally with other states and international organizations and, internally, with other levels of government and with their own societies and economies» (p. 56).

Empirical trends...

Diverse combinations of these exogenous and endogenous factors have led to different institutional outcomes.

Looking more closely at empirical evolutions, alternative "patterns of regional authority" developments may be identified. Following Marks et al. (2008) analysis, based on a data-set covering institutional reforms in 42 democratic countries over a long span of time (1950-2005, including different waves of reform), the presence is confirmed of a common trend, meaning that «there has been a marked increase in the level of regional authority over the past half-century. Not every country has become regionalized, but where we see reform over time, it is in the direction of greater, not less, regional authority» (p. 167). According to these scholars, over 384 reforms affecting regional authority occurred in the time period considered, 342 (that is almost 90%) have contributed to increase regional authority. Furthermore, consistently with the above-mentioned causal factors pointed out by the literature, the analysis shows that what the authors name the "identity effect" – linked to the «relative strength of a population's identity to the community encompassed by the jurisdiction» (p. 174), the "democracy effect" – by which dictatorships are supposed to have lower degrees of regional autonomy than democracies (though the reverse is not always true), and the "integration effect" – which points to the devolutionary pressures fueled by both economic and European integration, appear all playing a role, even if to a different degree in each case, in explaining cross-national and temporal variation in patterns of regional authority. Besides these empirical generalizations, two additional factors help accounting for the magnitude of change occurred in the regional organization of the State. Firstly, the population size of a country, which is shown to exert a functional con-

straint on regionalization: intuitively, small countries have «little space in which to squeeze an intermediate level of government between local authorities and national government» (p. 168; also Caciagli 2003). Secondly, the pre-existing level of regionalization itself: countries already characterized by relatively high levels of regionalization (like historical federal countries) seem to face a sort of "ceiling effect" (Marks et al. 2008), in consequence of which they do not have much room for further regional empowerment.

It should be furthermore remarked that current institutional settings of territorial authorities are the results of the layering of different "waves" of reform, implemented in subsequent periods of time. Schematically, at least two waves of regionalization can be identified. The first one, occurred during the 1970s and the 1980s, contributed to relax centralization in many formerly centralized polities, through the very creation of a new regional layer (Belgium, Denmark and Italy: 1970; France: 1964 and 1972; Norway: 1975; Spain: 1978 onwards) (Marks et al. 2008, p. 170). The second wave of regional reforms occurred instead in the 1990s, leading to a further increase of regional (administrative, legislative and, in some cases, fiscal) powers in many (regionalized) countries.

Among the large European countries, four emerge as particularly interesting: Belgium, Spain, Italy and the UK. In all these States – originally unitary centralized polities – the regional level has been gradually but strongly reinforced, even if according to different patterns. Italy, Spain and the UK have become highly devolved countries (Italy and Spain to a greater degree than UK, Spain and the UK in a more asymmetrical way than Italy), while Belgium, after a long and incremental process of transformation (occurred between 1970 and 1993), is now fully classified as a federal (asymmetrical) State.

... and theoretical developments: beyond the federal - unitary dichotomy

For grasping more finely the differences in the outcomes produced by dynamics of territorial re-scaling, it must be considered that one noteworthy theoretical consequence of the processes just sketched is the insight that the classical dichotomous distinction between federal and unitary forms of State has lost at least part of its heuristic power. As summed-up by Watts (2013), «many undoubtedly unitary systems have incorporated some territorial decentralization including federal elements. [...] [T]here are those political systems such as Spain, Italy and the UK that have evolved such a mixture of federal and unitary elements that their classification as unitary or federal has become a matter of debate» (p. 19). As a result, the classification of States into *either* federal *or* unitary categories would be impossible, these two categories being no more exhaustive nor mutually exclusive (Bobbio 2004).

Analytically, I thus concur with large strands of the comparative federalism

literature, according to which it appears now more correct to imagine the existence of a conceptual *continuum*, whose extremities are constituted by (ideal-typical) pure unitary and pure federal arrangements. The idea of a *continuum* makes it possible to identify different varieties of territorial organization, avoiding at the same time an artificial neat and static distinction between them (Watts 2008; Baldi 1999, 2003; Bobbio 2004).

In this line, if Elazar (1987) points to the distinction between *federal systems* and *federal states*, Watts (2008) similarly suggests the advisability of distinguishing *federal political systems* from *federations*. The first term refers to a broad category of political systems in which, in contrast to unitary systems characterized by a single central source of political and legal authority, there are two (or more) levels of government, thus combining elements of shared rule (collaborative partnership) through a common government, and regional self-rule (constituent unit autonomy) for the governments of the constituent units. This broad *genus*, according to Watts, encompasses a whole spectrum, a set of *species* of more specific non-unitary forms: «as in a spectrum, the categories are not sharply delineated but shade into one another at the margins» (p. 8). This explains why it may be reasonably argued that "federalism" can be understood as «a principle present [to different degrees] in every political system acknowledging some forms of autonomy (self-rule) to peripheral governments within a common government (shared-rule)» (Baldi 2007, p. XIII, translated). To summarize, "federalism" and "federation" cannot be anymore treated as synonyms (Burgess 2013, p. 46), as long as federal features can be traced out even in non-federal countries.

Consistently with these insights, a way of grasping different varieties of regional governments present in Western Europe is the one suggested by Keating (1998), according to whom it is possible to identify four alternative kinds of regional government, differing on the administrative-political "strength" accorded to the institutional expression of the meso-level.

In such classification, the weakest form of regional government is the one that can be found in case of "functional decentralization", a setting characterized by the establishment of *ad hoc* agencies for the fulfillment of specific tasks at an intermediate level (between the state and the local one): the regional agencies set up in the United Kingdom during the 1970s or in Italy and France during the 1950-60s, particularly for economic development and planning, may be considered as good examples of such kind of regional government (still fully consistent with the maintenance of a unitary setting). The next form of regional institutionalization is labeled by Keating as "weak regionalism", and points to those cases in which regional governments are «deconcentrated arms of central government» (p. 112): what we witness in these cases is a form of State deconcentration. Historically, this coincided with the "first regionalization wave" evoked above (1970s-1980s).

The term "strong regionalism" refers instead to cases – like the Spanish *Estado de las Autonomías* (State of the Autonomies) – located in an midway position, being the Regions neither a mere articulation of the central government nor political units fully comparable to federated entities. Eventually, the strongest form of regional government is the one we find in strictly federal countries. The categorization proposed by Keating puts in evidence, again, that «the distinction between federalism and the stronger forms of regionalization is becoming ever more difficult to make» and that «[r]ather than making a sharp distinction between federal and regional models of government, we can see them as a continuum, from the strongest, represented by the German federal system, to the weakest, represented by administrative deconcentration of the central state, or purely functional forms of decentralization» (Keating 1998, p. 113 and 114-116).

Relying on Baldi (1999; 2007) an operationally clearer distinction can be drawn between different forms of territorial organization of the State – "centralist", "regional", "neo-regional" and "federal" –, depending on the degree of what the author defines as "center-constraining potential" (c-c-p) present in each institutional setting. The advantage of this categorization consists in that it is based on an operationalization of the concept of federalism, intended as the degree to which constitutional and para-constitutional variables ensure the existence of mechanisms designed to prevent any center of power to freely and unilaterally alter the distribution of competences (Baldi 2007, pp. 30-31). The center-constraining potential is hold to be minimum in centralist states, where constitutional guarantees of the meso level do not exist; it is relatively higher in regional systems, where State centralism is instead constrained by the legislative power accorded to autonomous Regions (like in the case of Italy after the 1948 Constitution or the UK after Scottish and Walsh devolution); the constraints put on the center are even greater in so called "neo-regional" States – whose two more evident examples are today Spain and Italy –, in which Regions are accorded exclusive legislative powers and/or the possibility to take part to the national policy-making. Obviously, the center-constraining potential is maximum in federations (where the basic federal principles are entirely fulfilled), even if to different degrees in each case. In fact, in a sort of symmetrical trend, many historical federal countries have indeed moved in a centralizing direction (see § 1.5.1).

The overlaps between Keating's and Baldi's classifications, even if not complete, are quite evident. In Table 1.1, the outline offered by Baldi (2007) is integrated with the labels proposed by Keating (1998)².

In conclusion, some points seems to emerge quite clearly from the previous dis-

²Many other classifications are obviously available in the comparative federalism literature: for a more recent contribution on this issue see, for instance, Burgess (2013).

Table 1.1: The Federal-Unitary *continuum*

Keating (1998)	Baldi (2007)	Country
<i>Functionally Decentralized</i>	<i>Centralist</i>	France
<i>Weakly Regionalized</i>	<i>Regional</i>	UK; Italy (1948)
<i>Strongly Regionalized</i>	<i>Neo-regional</i>	Italy (2001); Spain
<i>Federal</i>	<i>Low c-c-p fed.</i>	Austria
	<i>Medium c-c-p fed.</i>	Canada
		Australia
		Germany
	<i>High c-c-p fed.</i>	US
		Switzerland

Source: Own elaboration. The ordering of countries is based on Baldi (2007).

cussion. As a consequence of subsequent regionalist waves, spurred by many different pressures, the meso level appears to have been institutionally strengthened, even if in different ways and to a different measure, in many Western European countries. From a heuristic point of view, these evolutions have definitively called into question the very usefulness of a dichotomous conceptual distinction between federal and unitary arrangements, inviting instead to look at more fine-grained categories of contemporary States' territorial organization.

Such considerations may be considered as one preliminary, fundamental step in the process of country case selection, as well as the premise of the conceptual and theoretical frameworks adopted for this analysis, which will be discussed in the next paragraphs.

1.3 Increasing interactions between levels of government

The historical background just sketched explains the increasing attention towards the systems of relations connecting several territorial governmental units jointly involved in the definition and provision of public policies, both at the same and at different hierarchical levels, both in (strictly) federal and non-federal countries.

From a functionalist perspective, on the basis of the existing literature, several sources spurring the need (or advisability) of exchanges between different governmental units may be indentified. Looking more closely at functional pressures,

mostly related to policy-making dynamics, it is possible to distinguish several kinds of purposes intergovernmental relations can fulfill or, differently stated, several kinds of policy issues requiring intergovernmental intervention. Four general goals of intergovernmental linkages may be identified (Keating 2012; Swenden and Jans 2007):

1. The first goal refers to the desire to attain policy harmonization or, at least, to reach an integrated approach to specific policy problems across different levels, despite formal allocation of competences. This may be particularly true when the issues at stake concern fundamental citizenship's rights: in this respect, the case of health policy may be especially illustrative.
2. The second pressure fostering the urgency of intergovernmental interactions may arise from the desire to solve "spill-over" problems, that is to deal with fundamental externalities issues, which – in spite of formal legal provisions – could hardly be efficiently tackled without changing the scale of public intervention (for instance, through the involvement of higher levels of government into the issue or by means of subnational units' alliances). Several scholarly contributions on this point, particularly in the field of (first generation) fiscal federalism literature, have clearly shown the risks virtually deriving from an allocation of competences to a non-optimal territorial scale: the overproduction of negative externalities, the underproduction of positive ones (like redistribution), a "race to the bottom" in regulatory and welfare policies are the most common perverse effects pointed out by theoretical and empirical elaborations (e.g. Oates 1999). From a fiscal federalism point of view, the normative goal should be a "perfect mapping", that is a clean coincidence of political-administrative jurisdictional borders with the effects of the policies under the authority of these jurisdictions. Real institutional arrangements, nevertheless, tend always to be much more complex, increasing (rather than reducing) the functional pressures towards cooperation between territorial levels.
3. Thirdly, exchanges between governments may be implemented in order to manage (possibly, even to prevent) potential conflicts over the formal distribution of competences, and to overcome them through political, rather than judicial means.
4. Finally – and strictly related to the first point –, as stressed by Keating (2012), the urgency of interactions may derive from the appearance of entirely new political problems, which, cutting across existent divisions of powers, force governments to mutually come into contact: from this point of view,

the existence of a web of intergovernmental relations may increase, over time, the flexibility, efficacy and adaptability of an institutional setting as a whole.

In this line, Agranoff (2007) remarks that «managing policies through cooperative intergovernmental processes has become a continuing concern with federalism of all types» (p. 249). Similarly, Watts (2008) observes that it is the «inevitability within federations of overlaps and interdependence in the exercise by governments of the powers distributed to them» that has required the different levels of government to «treat each other as partners. This has necessitated extensive consultation, cooperation and coordination between governments» (p. 117).

It is important to stress that – as it clearly emerges from the previous two quotations – the very notions of "inevitability" or of "policy-making imperatives" stand at the basis of many accounts about the emergence of intergovernmental relations, and the consequent need of multi-level cooperation, coordination and exchanges within decentralized settings (e.g. Inwood et al. 2011). In this vein, the supposedly unavoidable links between public policy dynamics and intergovernmental relations are often stressed.

In what may be defined as a basically functionalist perspective, the underlying idea is, in a few words, that the growing complexity of societies and public policies, as well as the empirical evident difficulty to separate – according to a legalistic and dualistic criterion – the competences of different jurisdictional levels, have made quite widespread the reasons spurring intergovernmental interactions just reviewed. Such a development can be seen, at the same time, as a consequence of the territorial re-organization of the State (leading, as seen, historical unitary and federal countries towards more similar patterns of institutional design), and as an endogenous cause of such a process (actual policy-making making dynamics having made necessary converging institutional adaptations and transformations).

It should be remarked, however, that the notions of "inevitability", "policy imperatives", "necessity", and the like, if not adequately qualified, may appear overly generic, if not misleading. What could be qualified as the "inevitability argument" seems, in fact, being more understandable if related to the emergence of similar functional pressures pushing for increased interactions between governments, than to the mechanistic, effective establishment and working of such relations. Otherwise, such kind of reasoning risks to conceal observable variations of the phenomenon across space and time.

1.4 Competing analytical perspectives: Intergovernmental Relations (IGR) and Multilevel Governance (MLG)

These considerations bring us to briefly explore two different (and partially alternative) streams of literature which can be seen as the natural candidates for framing this analysis. Indeed, although grown in different settings, they both share a common emphasis on the role played by interactions between governmental units and coordination mechanisms in policy-making within multi-tiered, compound political systems: the Intergovernmental Relations (IGR) and Multi-level Governance (MLG) approaches. In the next lines, I will try to underscore both the commonalities and the differences between these two analytical perspectives, as well as their advantages and shortcomings in relation to the research goals of this analysis.

The first body of studies (IGR) originated in the United States, within the broad field of comparative federalism and public administration studies, to account for and make sense of the ongoing transformations of the American federal system (e.g. Wright 1974). At the basis of this literature, there was in fact the awareness that the so called model of "dual federalism", suggested by legal scholars like Corwin (1950) to describe the constitutional-institutional design of the American federal system – characterized by a neat and clear distinction of competences and tasks between different levels of government – seemed definitively unrealistic: Corwin himself (1950), spoke, in this respect, of «an altered constitutional order» (p. 2)³.

Historically, this was interpreted as the result of an increased intervention (if not of an intrusion) of the federal government in federated states' affairs, for facing new challenges, linked to the economic crisis of 1930s, WWII, and the expansion of the Welfare State since the New Deal (see Obinger et al. 2005). Simeon (2002), who, echoing the "inevitability argument" just sketched, stresses the policy imperatives spurring intergovernmental interactions, argues for instance that, in spite of many differences still existing among federal countries, «intergovernmental re-

³The classical "dual federalism" model (also called the "coordinated authority" model, Wright 1995, or the "separation model", Bobbio 2004) normatively provides for two levels of government – central government and federated states – each of which must act exclusively in areas of its own jurisdiction, according to what set by the laws or the Constitution, through an allocation of competences as precise as possible. The institutional design must pursue as an overriding objective the avoidance of duplications and overlaps, supposed to only produce, as an effect, an increase of the likelihood of frictions between the different levels of government jointly involved in the same area. According to Elazar (1991), «the theory of dual federalism held that a proper federal system is one constructed on the basis of two separate spheres of authority – federal and state – that overlap only minimally where absolutely necessary» (p. 67).

lations have become ubiquitous and pervasive in all of them. This flows from the inevitable fact of interdependence among their constituent governments, a result of the complexities of the contemporary policy agenda and the impossibility, even when the inspiration originally was to create water-tight compartments, of drawing clear and separate lines of responsibility» (p. 91).

Symmetrically, in unitary countries, the emergence of intergovernmental relations may be seen as a consequence of similar policy-making dynamics (first of all the emergence and transformation of the Welfare State) as well as of the more recent processes of political devolution, often tending to rest more on the establishment of spheres of shared rule (through, for instance, the definition of wide areas of concurrent legislation) than of self-rule (Ruggiu 2006; Baldi 2007).

Wright (1995) suggests that these institutional dynamics have led, on the whole, to the establishment of different kinds or patterns of "overlapping authority", all characterized by a high degree of interdependence between jurisdictions and by relatively small areas of complete jurisdictional autonomy. As well known, the image adopted in order to illustrate the actual working of multi-level systems thus increasingly shifted from the so called "layer-cake" (in which – plainly speaking – all levels and tasks are pictured as clearly distinct) to that of a "marble cake", suggested by Grodzins in the 1960s, whose colors and tastes appear as definitively and inevitably mixed together, meaning that different governmental levels tend to be jointly involved in the same policy field.

Theoretically, as usefully suggested by Bolleyer (2009), within the very large and varied IGR subfield of studies it may prove fruitful to distinguish at least two different analytical perspectives: the "systemic" and the "policy oriented". This latter refers to the interpretation of Igr as «a factor which helps to account for the formation and implementation of policy across a range of separate jurisdictions», while from the systemic point of view, «Igr is the phenomenon to be accounted for» (p. 15). In the first case, intergovernmental relationships and arrangements are looked at as the independent variable, whilst in the second case as the dependent one.

It should be also remarked that, even if the Igr approach may prove helpful for casting light on and identifying different patterns of relations among governments, I perfectly concur with Trench (2006) when he points out – amongst the flaws most affecting this approach – the «profoundly empirical nature of much work on intergovernmental relations» and notes that the field is clearly «an area lacking theoretical debate but in need of it» (p. 224). In fact, the major weakness of the IGR literature is that many contributions in this area tend to be highly country-specific, comparisons (when implemented) usually being quite loose and not systematically built within an explicitly defined theoretical framework. Moreover, the field is affected by some terminological and conceptual problems, which

will be reviewed more in depth below (cf. § 1.5.1).

Before proceeding to examine basic IGR concepts, it appears worthy considering the second stream of literature I have previously referred to as relevant in approaching the issues under analysis: the Multi-level Governance (MLG) approach.

The conceptual tools as well as the vocabulary provided by the MLG literature, developed since the early Nineties to account for the unprecedented complex way of working of the institutional system of the European Union, have been later widely mobilized to describe and analyze the actual functioning of *domestic* decentralized arrangements, in the wake of the more general transformation of the role played by the State, whose control capacity over society would have been more and more unraveled, as a consequence of the conjunction of the exogenous and endogenous pressures previously reminded (Peters and Pierre 2001; Piattoni 2005).

As well known, the most basic definitions of "multi-level governance" point to the emerging set of «negotiated, non-hierarchical exchanges between [both public and private] institutions at the transnational, national, regional and local levels» (Peters and Pierre 2001, p. 131) or, differently stated, to the new ways of «reaching authoritative decisions, by trying to take into account the preferences and the abilities of decision-takers at different jurisdictional levels» (Piattoni 2005, p. 417, translated). Trying to identify a "common core" of the MLG approach, it might be argued that the analytical emphasis tends to be directed mainly towards the networks of informal relations set up by governmental and private policy stakeholders located at different territorial levels, as well as to the non-hierarchical nature of the exchanges occurring among these latter, within rather unstable institutional frameworks. As summed up by Peters and Pierre (2002), «relationships among institutions at different tiers of government in this perspective are believed to be fluid, negotiated, and contextually defined» (p. 3).

The employment of MLG approach and concepts to explain multilevel policy-making processes within the domestic arenas cannot appear as surprising, given the initial focus of MLG studies on Structural Funds and on their above-mentioned hypothesized impact on region-building within the EU member States. Moreover, given the quite broad nature of the concept – and, in a sense, of its vagueness – it may be easily stretched beyond its original focus, in order to look, more generally at the achievement of coordination patterns between formally sovereign and yet increasingly inter-dependent entities (Piattoni 2005). When employed in this way, the MLG approach seems really coming close to the above-sketched tradition of research, that linked to federal and intergovernmental relations studies: in a way, as observed again by Peters and Pierre (2002), the very novelty of the MLG perspective may easily appear overstated to those familiar with territorial politics,

Table 1.2: Types of MLG

MLG TYPE I	MLG TYPE II
General-purpose jurisdictions	Task-specific jurisdictions
Non-intersecting membership	Intersecting membership
Jurisdictions organized in a limited number of levels	No limit to the number of jurisdictional levels
System-wide architecture	Flexible design

Source: Hooghe and Marks 2003, p. 236.

comparative federalism and Igr literature.

The points of contact between the two traditions of research under analysis become even clearer by looking at a further distinction within the MLG field, suggested by Hooghe and Marks (2003), between two distinct, logically coherent types of multi-level governance: the so called MLG "Type I" and "Type II".

As summarized in Table 1.2, the first kind of multi-level governance refers to an institutional setting in which several functions are bundled together into a limited number of jurisdictions, located at a defined number of territorial levels, and designed to be stable over long periods of time. By contrast, the picture emerging from "Type II", more congruent with the logical consequences of fiscal federalism tenets reminded above, points to a context in which territorial jurisdictions are mainly functionally defined, so there is no *a priori* limitation to their number and no necessarily stability as to their design. In this view, jurisdictions, whose constituencies are often overlapping, must be sufficiently flexible in order to efficiently adapt to a frequently changing environment (ensuring, in this way, the previously evoked "perfect mapping", invoked by fiscal federalism theorists).

As it should appear clear from the previous discussion, the focus of MLG "Type I" can be considered as the strongest point of convergence between federal and IGR studies, on the one hand, and the newer MLG tradition of research on the other hand. Actually, as explicitly remarked by Hooghe and Marks (2003), «the intellectual foundation for Type I governance is federalism, which is concerned with *power sharing among a limited number of governments operating at just a few levels*» (p. 236, emphasis added). Basically, both perspectives – MLG (Type I) and IGR – imply and shed light on the existence of multiple interactions between a limited number of interdependent governments operating at different levels within multi-tiered political systems, and stress the complex nature of policy-making in such kind of compound institutional settings.

Nevertheless, drawing on Stein and Turkewitsch (2008), it is still possible to identify a number of major differences between the concepts employed in federalism and Multi-level governance literatures, as well as between their research focuses.

Amongst the most relevant, it should be stressed that while the MLG approach tends to be conceptually applied «to all levels and units of governance in any polity, differentiated either vertically (e.g. global, regional-supranational, national, subnational-constituent and local levels) or horizontally (e.g. public, private and voluntary third-sector organizations)» federal studies are more often focused on a limited number of jurisdictional levels (two or three) within a single State (that is, they take more commonly a domestic perspective) (Stein and Turkewitsch 2008, p. 13). Secondly, federalism tends to describe (and, normatively, to encourage) a relatively high degree of formalization of joint policy decisions between the different levels of governments; by contrast, MLG generally depicts a setting characterized by a higher degree of informality and flexibility. Finally, and, perhaps, most importantly, conceptual tools provided by federalism and IGR seem better able to seize both cooperative and conflicting or competitive patterns of interaction between the different units (either vertically or horizontally) than the MLG approach, where the emphasis seems to be put mainly on patterns of non hierarchical cooperation and mutual adjustment among actors.

This last point is in my view one particularly worthy to be considered, insofar, as shown for instance by Lecours (2004), in all devolved settings, the very creation of regional institutions «leads to patterns of territorial relationships (central-regional, inter-regional) which always present potential for territorial tensions», in addition to the fact that «regional institutions lead to the establishment of political systems which become new arenas for *power struggles*» (p. 86, emphasis added), the dynamics of which are, in turn, likely to affect the wider system of territorial relationships.

Moreover, the quite loose nature of the MLG concept has been the object of several critiques by a number of scholars: being too vague (undenotative), the concept would be prone to be overly "stretched" in order to indiscriminately describe «any complex and multifaceted political process» (Stein and Turkewitsch, 2008, p. 11) or to merely underscore that «no single centre has power to resolve conflicts» and that «coordination between levels must be achieved by an exchange of information and resources and by processes of negotiation and cooperation» (Benz 2000, p. 22). The risk, according to Keating (2008), would be even that the more debate around the term continues «the less enlightening it becomes» (p. 75).

Without trying to artificially over-emphasize the differences between the two strands of literature just reviewed (which, in a sense, seem to suffer from many common weaknesses), and keeping in mind the several above-mentioned points of overlap between them (in particular, the analogies between IGR and MLG Type I, which partially share the same object of analysis; on the possible interconnections between the two fields, cf. also Ongaro et al. 2010), federal and IGR studies appear

as providing clearer empirical referents, and an analytical framework more fitting with the research goals pursued through this analysis. Furthermore, in the light of the macro-institutional transformations described above (leading to a reduction of the distance between federations and federal systems), the risk of conceptual stretching, due to the well-known phenomenon of "concept traveling", seems to be kept reasonably minimized: as remarked by Trench (2006), «a virtue of Igr is that it is to be found in all federal systems, but also in many others. Thus, even what was (wrongly) considered to be a centralized or unitary political system [...] can develop a literature on Igr, to make sense of relations between central and local governments» (p. 226).

1.5 Defining building-block concepts

In other words, for my research purposes, while considering the multifaceted MLG literature as a rich source of theoretical propositions and empirical evidence, the IGR approach appears as more adequate. In particular, the concepts of "Intergovernmental Relations" (IGR) and "Intergovernmental Mechanisms" or "Arrangements" (IGAs) seem providing clearer empirical referents. Even if affected – as it will be explained in the next lines – by some degree of ambiguity (requiring a necessary work of clarification), these concepts, relying at a lower ladder of abstraction than those proposed by the MLG approach, are characterized by a fair amount of denotative power. Because a certain degree of confusion affecting the use of these basic terms, a work of conceptual clarification by reconstruction is suitable. In the remainder of this section, my purpose is to review the existing literature on the topic, in order to unambiguously define the concept of Intergovernmental Relations, as well as to grasp an operational definition of IGA through the identification, drawing on the existing contributions in the field, of its most relevant analytical dimensions: the degree institutionalization; the territorial scale (vertical or horizontal) at which they operate; the policy-sectoral or generalist focus of their activity (Bolleyer 2009).

1.5.1 Intergovernmental Relations (IGR)

As reminded by Wright (1974) and Agranoff (2007), the term "Intergovernmental Relations" (IGR) appeared as a neologism in the 1930s in the US. Since then, many definitions of the concept have been suggested in the literature.

Anderson (1960, p. 3), frequently considered one of the first authors who explicitly analyzed the concept, after having identified some relevant dimensions characterizing it (later developed more extensively by Wright, 1974), simply defined Igr as «an important body of activities or interactions occurring between

governmental units of all types and levels within the federal system» (quoted by Wright 1974, p. 1). At the most basic level and in its broadest sense, it might thus be simply argued that Igr are «relations among governments within a federation», as summed up, for instance, by Cameron (2002, p. 9). If defined in such a way, however, Intergovernmental Relations clearly risk to be as much undenotative as many definitions of the most recent concept of multi-level governance.

The often mentioned conceptualization elaborated by Wright (1974), with specific reference to the American federal system, allows going deeper into the concept, by identifying more precisely different distinctive features or defining dimensions of Intergovernmental Relations (Igr). Following Wright, the concept embodies five major dimensions.

Firstly, Igr refers to activities which occur within the federal system: federalism, in this view, is the legal-institutional context, not the totality of Igr (intergovernmental relations cannot be interpreted as a synonym for "federalism"). Secondly, the concept of intergovernmental relations must be «formulated largely in terms of human relations and human behavior» (p. 2). Intergovernmental relations do not exist as such, but are always carried out by individual officials located in different governing units: in Wright's words, «individual interactions among public officials is at the core of Igr»; this may be labeled as the "interpersonal dimension" of Igr (McEwen et al. 2012; León and Ferrín Perreira 2011). Thirdly, the term Igr does not refer to «one-time, occasional occurrences, formally ratified in agreements or rigidly fixed by statutes or court decisions»: it rather points to the «continuous, day-to-day pattern of contacts, knowledge, and evaluations of governmental officials» (p. 2), that is to the ongoing both formal and the informal working relationships «in institutional contexts». The fourth distinctive feature of Igr points to the role played by elected officials – mayors, councilmen, governors, legislators – as well as to the function exerted by administrators (bureaucrats). The fifth and last distinctive feature of Igr identified by Wright corresponds to the policy component or "policy core" present in intergovernmental relations: as clearly seen, the need of Igr tend to emerge as a way to serve policy programs. In the light of these remarks, Wright concluded that «the term Igr alerts one to the *multiple, behavioral, continuous and dynamic exchanges occurring between various officials in the political system*» (p. 4, emphasis added).

Several additional features, not explicitly mentioned by Wright, may help identifying further relevant dimensions characterizing Igr, by contributing to clarify its meaning. As long as the term refers to «all the permutations and combinations of relations among the units of government» (Wright 1974, p. 2), a basic distinction to be considered pertains to the hierarchical level or territorial scale at which relations between governments occur: if governments in mutual interaction are located at the same territorial level, intergovernmental relations are said to be

"horizontal", while if they are situated at different levels of the hierarchy Igr are said to be "vertical". Additionally, both vertical and horizontal Igr may involve all the governmental units, that is either the central government and all (or the most part of) the constituent components (vertically) or all (or the most part of) the constituent units (horizontally): in this case, Igr are "multilateral"; by contrast, if interactions concern only two players (vertically: the central government and one of the constituent units; horizontally: two constituent units), they are to be defined "bilateral".

As to the central actors in Igr, some additional clarifications are needed. Even if the literature seems unanimous in attributing to administrators a central role in Igr, many others may be considered as playing a part (more or less central) in inter-governmental relations. Trench (2008), for instance, includes among these actors: judicial courts (specifically, constitutional courts), which through their rulings, may exert a direct impact on the system of Igr; parliaments and "back-benchers", who would tend to play a greater role in presidential rather than parliamentary systems (where Igr are usually dominated by the executives: cf. § 1.5.2); specialized ministers and the heads of cabinets (whose involvement, according to Trench, tends to vary according to the political saliency of the issues at stake). Finally, political parties may play a role as actors in intergovernmental relations: however, the balance between territorial and partisan affiliation logics (one of the two possibly prevailing over the other) is a particularly complex question, which I will develop more extensively next.

All this considered, the often-quoted definition suggested by Agranoff (2004), according to whom the term 'intergovernmental relations' captures «the working connections that tie central governments to those constituent units that enjoy measures of independent and inter-dependent political power, governmental control and decision-making» (p. 26) appears at least as incomplete, given its exclusive focus on *vertical* relations, the lack of clarity about the *goal* of Igr, and the not-specification of its *actors*.

By contrast, a clear and convincing definition of Igr is, for instance, the short one proposed by Swenden and Jans (2007), who, offering a sort of minimal formulation of the concept, characterize Igr as «patterns of central-regional (vertical) or inter-regional (horizontal) interaction between different (levels of) government(s) within a state with a view of co-ordinating issues of mutual concern» (p. 1). This kind of characterization, while reducing complexity, displays several advantages. First of all, it clearly highlights the very *interactive* nature of the phenomenon under analysis: as seen, Igr are basically patterns of interaction, dynamic exchanges or, as put by Anderson, an important body of interactions. Also, it stresses the potential simultaneous working and saliency of both *vertical* and *horizontal* relations: Igr are not just federal-state or center-periphery interactions, but also interstate

or inter-regional relations: every analysis of Igr must hopefully consider both dimensions at the same time. Furthermore, updating Wright's view, this definition conveniently allows to grasp the occurrence of Igr not only in strictly federal countries, but «within a state», without further specifications. The "policy component" of Igr is also implicitly evoked (the goal of Igr being the coordination of «issues of mutual concern»), and the possibility of different "patterns" of interaction across different policy fields, even if not explicitly mentioned, is left open. Eventually, as to the main actors of Igr, the emphasis is put on the governments: even if this undoubtedly narrows the analytical focus, it points to the major relevant actors in the intergovernmental arena, particularly in parliamentary democracies (see § 1.5.2).

Such a way of conceptualizing IGR allows to avoid a certain degree of ambiguity, which instead surrounds (quite widespread) definitions of 'intergovernmental relations' present in the literature, tending to harmfully conflate into a single proposition distinct analytical dimensions, as clearly put in evidence by Bolleyer (2009, pp. 18-20). These dimensions are related, at once, to the interactive nature of the phenomenon under investigation and to its structural-institutional side: as put by Wright (1974), «federalism deals with the *anatomy* of the system, whereas IGR treats its *physiology*» (p. 2, emphasis added). Paraphrasing this sentence, it could be argued that several IGR definitions (or they ways in which the term IGR is employed) tend to blend together both the "physiology" and the "anatomy" of the issue under investigation.

As efficaciously summarized by Bolleyer et al. (2010), the term "relations" of the expression Igr can indicate, at the same time, numerous different referents. Firstly, it makes reference to «exchanges between governments» (operationally intended as the intensity of communication, the density of meetings or exchanges between governments); secondly, to «patterns of interaction» (whose indicators would be the regularity of meetings, the regularity of meetings between particular partners, dominant modes of interaction that might be more or less conflictual, more or less cooperative); eventually, the term "relations" might refer to those «structures that channel government interaction or intergovernmental processes» (whose relevant dimensions would be the composition of and the decision-making rules employed in intergovernmental institutions).

Keeping distinct these dimensions may usefully contribute to improve the level of analytical clarity when looking at the object of analysis (Bolleyer 2006; 2009). Equating "intergovernmental relations" to "exchanges between governments" does not seem problematic, even if extremely broad, considering the profoundly dynamic and interactive nature of the referent. Following Bolleyer (2009), the idea of "patterns of interaction" differs from that of "exchanges" basically because it presupposes a greater degree of regularity (as to the actors involved in the pro-

cesses or to the kind of official meetings between those actors) than the mere idea of exchanges. Anyway, this may be considered as a difference in degree, not in kind. By contrast – and for my research purposes more importantly – employing the term relations as a synonym for «structures that channel government interaction or intergovernmental processes» may easily appear misleading, if not logically inconsistent. In my view, the same term should not be employed to refer, simultaneously, to the relations occurring between governments (either as exchanges or as more regular patterns of interaction), and to the formal structures designed to channel these same relations.

It is for these reasons that I suggest, in order to focus less ambiguously on intergovernmental structures or "machinery", to employ the term "Intergovernmental Arrangement" (IGA), already introduced in the literature by Bolleyer (2006; 2009). In this way, I aim avoiding both the confusion deriving from the use of a single term with many different meanings (homonymy), as well as from the introduction of an unnecessary new synonym, likely to increase, rather than reduce, conceptual confusion (Sartori 1970). In fact, as shown by Bolleyer (2009), the fact that many existing Igr studies refer indiscriminately to all three mentioned dimensions at once, «without trying to separate one from the other» is openly «problematic, since each [dimension] has distinct implications for the way Igr are theorized and operationalized» (p. 18). I then follow the "Sartorian" rule, according to which it is always better to use one word for each meaning.

To sum up, by IGR I will refer to what McEwen et al. (2012) call the "intergovernmental dynamics", while by IGA I will mean what these authors call the "intergovernmental machinery". I will now turn to the analysis of this latter.

1.5.2 Intergovernmental Arrangements (IGAs) and Executive Federalism

If policy-making dynamics have increased the functional pressures towards the emergence of a web of intergovernmental relations and exchanges for policy coordination, the appearance of organizational channels of interaction in many countries has been interpreted, drawing on Hirschman's and Rokkan's categories, as the materialization of new institutional devices through which the "peripheries" – now endowed with higher "exit" options than in the past – have been given the way of exerting their "voice option" at the center of the political system (Ferrera 2005). Indeed, within the national arenas, «regions have increased their bargaining power *vis-à-vis* the central state and have tended to gain new institutionalized opportunities for voicing their interests and influencing policymaking at the domestic level, for example through the establishment of new specialist bodies for intergovernmental bargaining and concertation» (Ferrera 2005, p. 180; Ruggiu

2006). According to Baldi (2007), the development of «political and institutional channels which enable Regions to participate to national policy-making, with specific reference to the emergence of structures of intergovernmental cooperation and concertation» (p. 115, translated) can even be considered as one of the defining characteristics of the latest regionalist wave evoked above (along with increased legislative powers accorded to the Regions).

These "specialist bodies for intergovernmental bargaining and concertation" at the domestic level are captured by the term 'Intergovernmental Arrangement' (IGA). Notice that many synonyms can be found in the literature: Igr machinery, structures, arenas, bodies, institutions, forums, councils or conferences are the most commonly employed. All these terms essentially describe «the structures set up to channel [...] exchanges» between governments (that is Igr), within the domestic arenas (Bolleyer and Bytzeck 2009, p. 371).

While the term 'intergovernmental relations', as seen, pertains to all the combinations and permutations of relations, exchanges and contacts occurring among and between governments within a multi-tiered state, the term "Intergovernmental Arrangements" refers more narrowly to those organizational structures built up to institutionally channel formal IGR. All these formalized structures «perform the same general function, namely, to manage the interface between constituent units» (Cameron 2002, p. 9), in order to ensure the exchange of information, the attainment of agreements, the coordination of interdependencies, and so on (Baldi 2007). IGAs may thus be intended as those «arenas in which matters affecting intergovernmental relations are determined», as the «formal institutions for intergovernmental consultation and negotiation» (Watts 1989) or, similarly, as the «formal institutions [set up] to facilitate intergovernmental relations» (Watts 2008, p. 118). According to Agranoff, IGAs may be conceived as a primarily political-administrative tool for the management of IGR, alongside many other instruments (often empirically overlapping), respectively of more fiscal, economic and legal nature (such as fiscal policies, often used as incentive-levers; courts rulings, and so on; Agranoff 2007, p. 262) .

As remarked by Simeon (2002), while the emergence of IGR is a common phenomenon, «the institutions and processes that [federal] countries have developed to manage the intergovernmental relationship vary widely in several dimensions. They vary from country to country and within countries between different time periods and between different policy areas» (p. 91); likewise, it has been argued that «what is readily apparent [...] is that intergovernmental relations are a common characteristic of each federation. [...] The differences [are] particularly evident when examining the organizations each federation had developed to deal with intergovernmental relations» (Meekison 2002, p. 2). The same holds true for non-federal countries.

Before pointing out the most relevant dimensions or properties allowing to characterize and distinguish IGAs, it is necessary to specify that the focus here will be on those institutional arrangements in which the most relevant political (and administrative) actors are the governments, meaning by "governments" not the "jurisdictions", but the "executives" representing each jurisdiction. The reason of this choice simply derives from the empirical observation – condensed in the expression "executive federalism" coined by Watts at the end of the Eighties (1989) – that the management of intergovernmental issues in institutionalized arenas has increasingly become a matter of executives intervention, at least in parliamentary systems: «[i]n *all* the parliamentary federations [reviewed], the major instrument for the resolution of intergovernmental relations has been consultation and negotiation between the executives (and their representatives) of the different governments within these federations» (Watts 1989, p. 8, emphasis original). In other words, main participants to IGAs tend to be the representatives of different executives (both at the political and at the administrative level). Eventually, it should be also clarified, in order to further reduce ambiguity, that vertical IGA, to which executive representatives take part, are often mentioned in the literature as particular forms of "intra-state federalism" (alongside with alternative channels such as, among others, the legislative chambers of territorial representation).

In sum, for this research purposes, by IGA I do refer to *those permanent institutional boards, composed of representatives of executives placed either at the same or at different territorial levels, dealing with the management of intergovernmental relations, (mostly) within the domestic arena.*

Having clarified these points, IGAs can be classed considering different analytical dimensions, which also display empirical variation. Surprisingly – as rightly stressed by Bolleyer and Bytze (2009) – «despite their relevance, intergovernmental arrangements composed of subnational government representatives (and partially also their federal counterpart) [...] have neither received much attention nor have they been subject to systematic comparative research» (pp. 371-372). Similar remarks can be made with reference to arrangements composed of both national and subnational executives. An established classification or typology of such institutional bodies is therefore still lacking. Many possible dimensions may be employed and crossed in order to make sense of the IGA variety.

In Table 1.3, main Intergovernmental Arrangements at work in several Western federal and quasi-federal countries⁴, are reported according to two basic dimensions. From a preliminary point of view, indeed, a first distinction to be considered pertains to the territorial scale at which intergovernmental arrangements operate. IGAs can in fact be organized *vertically* or *horizontally*, depending on their membership and their goals. While in the former case they include both central and

⁴Extensively reviewed in Appendix A.

subnational level representatives, for the management of center-states or center-regions relationships, in the former case they are just composed of lower level units, concerned with inter-state or inter-regional coordination: in this respect, the Canadian First Ministers Conference (FMC) and the Canadian Council of Australian Governments (COAG) are good illustrations of *vertical* intergovernmental arrangements, while the Swiss Conference of Cantonal Governments (KDK) or the Austrian Conference of State Presidents (LHK) may be taken as examples of *horizontal* IGAs.

Secondly, as shown in the Table, both vertical and horizontal IGAs may be designed to cope with issues related to specific policy-fields or to deal with every kind of matter of mutual concern in IGR. In the first case, it is to speak of *generalist* bodies, while in the second case of *sectoral* or *policy-specific* arrangements. Several policy-specific arrangements exist, at the vertical scale, in Canada, Australia, Germany, Austria and Belgium; likewise, at the horizontal level, IGAs composed of subnational levels representatives in charge of a policy sector do convene in Canada, Germany and Switzerland.

While these two dimensions – the vertical or horizontal design, and the generalist or policy-specific focus – may help making sense, in a preliminary way, of the complexity and variety of existing intergovernmental arrangements, at a deeper level an additional dimension may be added.

In fact, insofar IGA are intended as the institutional arenas in which matters pertaining to IGR are determined, a crucial point is related to the rules, the organizational norms and resources structuring these arenas. From this point of view, the basic questions to be answered are thus the following: «To what extent are the institutions of intergovernmental relations built into formal governing structures? To what extent is the machinery of intergovernmental relations mandated by the constitution or by legislation? To what extent are the operations of the institutions themselves governed by explicit procedures and formal decision rules? Or are the institutions fluid and ad hoc, developing and changing according to the political needs of the participating governments?» (Simeon 2002, p. 92). Shortly, the point, strictly consistent with the theoretical perspective adopted here, is about the degree of *institutionalization* of IGAs. An empirical review of these bodies reveals indeed a high level of variance in what concerns this dimension: «IGR in a given country may be highly institutionalised, with formal structures and processes that channel intergovernmental activity, or it may be conducted in an informal, ad hoc fashion, depending heavily on the nature of the circumstances and the preferences of the particular political actors» (Cameron 2001, pp. 124-125).

The first conceptualization and operationalization of "institutionalization" with specific reference to IGAs has been introduced in the IGR literature quite recently by Nicole Bolleyer (2006; 2009). Her conceptualization – giving preeminence to

Table 1.3: Main multilateral IGAs in federal and quasi-federal western countries.

	Horizontal		Vertical	
	<i>Generalist</i>	<i>Policy-specific</i>	<i>Generalist</i>	<i>Policy-specific</i>
US	National Governors' Associations (NGA)			
Canada	Annual Premiers' Conference (APC), then Council of the Federation (COF)	Ministerial Councils	First Ministers' Conference (FMC)	Ministerial Councils
Australia	Council for the Australian Federation (CAF)		Council of Australian Governments (COAG)	Ministerial Councils
Germany	Premiers Conference (MPK)*	Conferences of Specialized Ministers*		Joint <i>Bund-Länder</i> Ministerial Conferences and Councils
Austria	Conference of State Governors (LHK)			<i>Referentenkonferenzen</i>
Switzerland	Conference of Cantonal Governments (KDK)*	Conferences of Cantonal Directors*		
Belgium			Concertation Committee	Interministerial Conferences
UK			Joint Ministerial Committee (JMC - plenary format)	Joint Ministerial Committee (JMC - functional formats)
Italy	Conference of the Regions		State-Regions Conference	
Spain	[Conference of the Governments of the Autonomous Communities]*		Conference of the Presidents	Sectoral Conferences

Source: Own elaboration.

Key: * = horizontal IGAs providing for the participation of federal/central level representatives; [] = met just one time.

structural rather than to resources aspects – relies on different assumptions. The first is that the level of institutionalization of an IGA «becomes visible in a process of internal institutional development» (Bolleyer 2009, p. 24), which materializes in a more complex internal functional distribution of tasks to different offices or subunits. Secondly, the institutionalization process is assumed to become visible by a process of external differentiation, through the establishment of boundaries towards other arrangements, in terms of functions exerted and material resources enjoyed.

On these bases, Bolleyer points out several indicators for categorically estimating the level of IGAs' institutionalization. An IGA is appraised to be institutionally weak when meetings between actors (governments) are regular, but lack a sound organizational infrastructure (that is able to constrain or structure to a certain degree individual actors' interests). Medium institutionalization is identified when an autonomous organizational infrastructure is present: the existence of an independent secretariat or of a statute can be seen as a possible manifestation of that. Eventually, an IGA is argued to be strongly institutionalized when indicators such as the adoption of decisions by non-unanimous rule (either by simple or qualified majority), the internal differentiation of the IGA into (stable) different sub-units with specific tasks (such as policy committees), the legal status of agreements reached within the IGAs and the high degree of specificity of such agreements (targeting specific problems rather than offering general statements) can be observed.

Such way of conceptualizing the degree of institutionalization of Intergovernmental Arrangements implies, consistently with the rational-choice approach adopted by this scholar, a sort of logical development of the institutionalization process. In fact, even if no element is to be considered as a necessary condition for the other, elements are nevertheless assumed to cluster together. As explained by Bolleyer (2009), indeed, «it can well be imagined that an IGA with its own secretariat fulfills mainly advisory functions and its members meet only ad hoc. Such combinations, however, should not occur too frequently since ad hoc contacts are equally possible and less costly without a secretariat» (p. 25). IGAs sets of features are thus assumed to be mutually and consistently related.

In my view and for my research purposes, it is not necessary to see IGAs' institutionalization features as logically mutually related. Relaxing rational-choice assumptions and broadening the scope of the analysis from institutions *voluntarily* set up in the intergovernmental arena to all (executive federalism) institutions devoted to the management of multilateral intergovernmental relations, it is possible to consider each element as not necessarily logically clustered to each other. If the point is about the measure to which «interactions between different governmental actors become regular and sustainable» (Colino and Parrado 2008, p. 7), then it is

reasonable to agree with McEwen et al. (2012) when they implicitly consider that the higher the number of indicators empirically observable, the higher the level of an IGA's institutionalization (p. 325). Similarly, León and Ferrín Pereira (2009) simply argue that «by institutionalization we mean the following elements: the existence of an internal regulation [...], the frequency of called meetings (the higher the frequency, the higher the institutionalization) or the existence of secondary level bodies» (pp. 62-63, translated).

On the basis of the existing research, I propose to systematize the indicators most commonly evoked in the literature as pertaining to the level of IGAs' institutionalization into different dimensions or – in Goertz's (2005) terminology – into four "secondary level dimensions". No one of these dimensions has to be seen neither as logically preceding another one, nor as a necessary condition for the concept of institutionalization itself. Rather, an additive logic may be seen at the basis of their combination. Following these principles, four clusters of indicators, related to as many secondary level dimensions, may be identified:

1. **Formal Basis.** This dimension refers to the existence or not of any kind of formalized document, specifying the establishment, the members, the functions, and the decision rules of a given IGA. Such a document may take the form of a constitutional provision (extremely rare), of a founding Law or of an internal regulation voted by the partners.
2. **Density of Contacts.** Besides the existence of a formal basis, many scholars agree on the importance of what may be called the "density" of contacts occurring in practice between the members of an IGA. As seen, the so called "interpersonal dimension" has been pointed out by many scholars as a major feature of IGR. Such density of interactions may, in turn, refer to different indicators: the frequency of the meetings (how often are IGAs meetings effectively called?) as well as to the regularity of such contacts (are meetings called irregularly, according to an *ad hoc* logic, or are they scheduled consistently with established temporal patterns?). The higher the density of contacts, the higher the level of institutionalization. As summarized by Simmons (2002), «an institutionalized forum would have *an established history of consistent interaction* among its ministers» (p. 291, emphasis added).
3. **Network of Bureaucratic and Technical Support.** An important dimension pertains undoubtedly to the availability, for the governments belonging to an IGA, of a structured network of bureaucratic and technical support, dedicated to the management of intergovernmental relations. As previously reminded, as already put in evidence by Wright (1974), the role of bureaucrats is to be considered as central when examining IGR. The existence of an autonomous Secretariat, dealing with preliminary issues and

practically organizing intergovernmental meetings following established procedures, as well as the differentiation of the IGA into technical specialized units (or secondary level units, composed by officials with a specific expertise in a given domain), may be interpreted as manifestations of relatively high degrees of institutionalization.

4. **Powers.** Even if, as argued before, all IGAs deal with the management of IGR issues, not all enjoy the same set of powers. Some IGAs are indeed endowed with true decision-taking powers (able, by consequence, to legally bind the parties), while others (the large majority, in practice) can exert a consultative power, or be even more simply devoted to activities of information exchange.

Obviously, while the concept of "institutionalization" refers to a *process*, the "level of institutionalization" refers to what could be called the stock of institutionalization that an IGA displays at a given point in time.

Crossing the three dimensions just reviewed – the scale of coordination, the generalist/sectoral design, the degree of institutionalization – allows to synchronously identify and compare different types of Intergovernmental Arrangements. Such kind of exercise may help to partially overcome the already reminded highly country-specific and unsystematic nature of much work on IGR and IGAs, enabling to make sense of the variety of the existing intergovernmental institutional arrangements operating in many different federal or quasi-federal countries.

1.6 IGR and IGAs as dependent variables: main hypotheses

As previously reminded, IGR studies may be labelled either as "systemic" or as "policy oriented", depending on whether IGR and IGAs are taken, respectively, as the dependent or the independent variable to be analysed. Even if much work on IGR has been, for a long time, highly a-theoretical and deeply country-specific, more recently some general theoretical hypotheses about the working of Igr have been (implicitly or explicitly) developed, mostly on the side of the "systemic approach". In this paragraph these hypotheses will be briefly reviewed, trying to put in evidence the assumptions on which they rely and the causal mechanisms which they presuppose. Due to the terminological confusion present in the field evoked above, some hypotheses seem to refer more to IGR intended as exchanges or patterns of interaction between governments (their cooperative or conflicting nature, their hierarchical or non-hierarchical management), while others appear more linked to the structural side of the phenomenon, that is to the development

of intergovernmental arrangements (and their degree of institutionalization).

This first set of hypotheses will be the basis for empirically answering our first research question: *Why do different systems opt for different Intergovernmental Arrangements?* However, as it will be explained next, many of the factors considered in these hypotheses are to be kept in mind also when considering the second general research question outlined in the introductory Chapter.

For illustrative purposes, these several hypotheses – while all broadly referring to institutional factors – may be clustered into three main groups, depending on whether the analytical focus is put specifically on the polity, the politics or the policy dimension supposed to affect IGR and/or IGAs (see also Bolleyer et al. 2010). The first group of hypotheses encompasses the propositions linking IGR to the institutional-constitutional architecture of the State and to its societal characteristics; the second group covers the hypotheses exploring the connections between the political and party system dynamics, on the one hand, and the intergovernmental relations and arrangements on the other hand; eventually, the third set of hypotheses explores the possible connections between the nature of policy fields and issues at stake, IGR and IGAs.

While some propositions or models present in the literature blend together different hypotheses at once, attributing to the variables under analysis either the role of independent or the role intervening factors, I will try to single out distinct hypotheses and detect the supposed effect of each variable taken in isolation (*ceteris paribus*).

1.6.1 The polity: the role of the institutional-constitutional structure of the state

Most of the hypotheses proposed in the literature, either explicitly formulated or implicitly assumed, tend to relate the nature of IGR and IGAs to the characteristics of the broad institutional-constitutional setting within which IGR occur, that is to the key-features of the polity. In an extremely recent contribution to the field (Bolleyer, Swenden and McEwen, 2014), the usefulness is stated exactly of bringing "classic institutionalism" back into the study of multi-level systems, looking in this way at the very basic elements of the legal and constitutional context within which both IGR and IGAs develop. From this point of view, different elements of the constitutional architecture of the State have to be taken into careful consideration.

First, the kind of competences allocation between territorial levels is normally supposed to play an important role in structuring both IGR and IGAs. It is often argued that, all other things being equal, the need of extensive vertical intergovernmental relations is higher in those systems in which a considerable part of the

central legislation is to be enacted by the subnational level (Watts 2008), or, conversely, that this need is comparatively lower when competences are attributed in an exclusive way to just one level of government (e.g. Bolleyer 2009; Bolleyer, McEwen and Swenden 2012). Shortly, the hypothesis is that constitutional provisions attributing exclusive competences to each jurisdictional level contribute to reduce the room for *vertical* IGR, while, symmetrically, shared competences, structurally increasing overlaps, tend to amplify the need/intensity of such relations. As long as the kind of competences allocation is considered as the pivotal feature distinguishing different kinds of federalism, the hypothesis may be reformulated (and often, it is), arguing that "dual federalism" reduces the incentives towards the establishment of a web of IGR and to its institutionalization (IGAs), while "cooperative federalism" increases them (see, for instance, Watts 2008). Looking at recent federal states, the best example of dual federalism (and of its consequences on IGR) is surely represented by Belgium (e.g. Popelier and Cantillon 2013; Swenden and Jans 2006).

Likewise, the allocation of competences – exclusive *vs.* shared – may also play a central part in the definition of the balance, at the system level, between *vertical* and *horizontal* relations. "Watertight compartments" division of responsibilities (like in the case of dual federalism and exclusive competences), while reducing the need of *vertical* IGR, could comparatively strengthen *horizontal* cooperation as well as the the institutionalization level of IGAs at work at this level: in such an institutional context, subnational governments would face stronger incentives to collectively organize in order to avoid appropriation of the competences by the center than in a vertically intertwined setting. Logically, the reverse should also be true: in presence of shared competences, the incentives towards institutionalized horizontal cooperation, mainly oriented towards the preservation of single units powers, should be comparatively weaker.

An additional key-variable pertaining to competences' allocation is the symmetry or asymmetry of the distribution of powers. An often considered hypothesis (e.g. Swenden and Jans 2007, McEwen et al. 2012) is, in this case, that symmetry would tend to favor (both *vertical* and *horizontal*) *multilateral* cooperation, while asymmetry – distributing political power in an unequal way among the constituent units, each likely to be willing to preserve it in different ways – would rather tend to favor *bilateralism* and flexibility: in this way, every single unit would guess to defend its own special prerogatives in a more effective manner. As summed up by McEwen et al. (2012), «the asymmetric distribution of competences between the devolved territories contributes to the perceived lack of benefits of [...] concerted action. In contrast, symmetry is more conducive to multilateral interaction, regular co-decision and the institutionalisation of IGR than asymmetry, which puts a strong premium on bilateralism and flexibility» (pp. 333-334). As an illustrative

example of such a tendency, it could be reminded that the *Memorandum of Understanding*, the official document regulating the relationships between the center and the regions in the UK – a highly asymmetrical devolved system – explicitly defines the recourse to the main multilateral IGA (the *Joint Ministerial Committee*) as possible only when a previous bilateral exchange at the ministerial level has proved to be unsuccessful in order to solve the issue at stake (see Appendix A).

Besides the kind of competences allocation, a second institutional variable often mentioned as potentially affecting IGR and IGAs is the nature of the second parliamentary chamber. With respect to this dimension, a frequently evoked hypothesis is that the centrality of IGAs in the management of IGR (more clearly: the degree of IGAs' institutionalization) should be higher the weaker the role played by the second chamber in ensuring effective territorial representation at the national level (e.g. Ruggiu 2006), and vice-versa. Vertical IGAs are, in a sense, depicted as functional equivalents of a federal senate (the German *Bundesrat* being its prototype). Such kind of argument is proposed, for instance, by Karlhofer and Pallaver (2013) when they argue that in Austria the Conference of State Governors (LHK), the main horizontal, generalist intergovernmental arrangement, «established itself as a lasting compensation for the second chamber's and state parliaments' weakness, and, in general, for the lack of an effective institutionalized body for the participation of the states in federal policy-making processes» (p. 48). This example makes it clear that the weakness of the territorial parliamentary chamber as a tool of regional representation at the center may be assumed to have an impact on the institutionalization of IGAs at both the vertical and horizontal level. From a logical standpoint, the reverse should hold valid: the stronger and more effective the second territorial chamber as a tool of intergovernmental management and territorial representation, the weaker the incentives favoring the set-up of alternative institutions for channeling IGR.

The form of government – parliamentary *vs.* presidential – has also been pointed out, as previously seen, as an important element likely to shape both IGR and IGAs. According to Watts (1989; 2008), in parliamentary systems, IGR are likely to be structured in a more formal way through the institutions of "executive federalism" (higher institutionalization of IGAs around executives), while in presidential systems IGR are likely to be managed in more dispersed and less structured forms, as a sort of lobbying activity exerted by peripheral governments on single congressmen. The hypothesis is that channels of center-periphery relations are likely to be structured around the executives in parliamentary systems (where legislative power tends to be marginalized in many issues, the management of multi-level issues included), while in a context characterized by a greater dispersion of political power, such as in presidential systems (like the U.S.), IGR

channels are likely to be less institutionalized, and IGR to be carried out on a more dispersed and individual basis (see also Radin and Boase 2000).

Furthermore, the very distinction between strictly federal states and devolved states, apparently losing empirical saliency, is sometimes pointed out as potentially playing a role in shaping the nature of IGR and IGAs. According to this argument, *vertical* IGR would be more likely to be dominated by the central executive in devolved settings than in federal ones, basically because "power devolved is power retained". Under the so called "shadow of the hierarchy", subnational governments would play in devolved settings a minor role in IGR than the one played by constituent units in a federation (Swenden and Jans 2007; Bolleyer et al. 2010). The virtually always possible re-appropriation of devolved powers by the central government, due to the lack of constitutional guarantees, would always keep them in a state of subordination. Such a domination of the center would be visible at the level of both IGAs (their composition and decision-making rules) and of IGR. As to the first dimension, a vertical IGA could be considered as giving less room to hierarchical control by the center in case of consensus as decision-making rule, rotating chairmanship between the center and the regions, joint organization of the meetings. As to IGR, domination by the center would take the form of termination of center-regions conflicts by decisions taken unilaterally by the center.

Following this line of reasoning, Bolleyer, Swenden and McEwen (2014) propose a broader theoretical framework for analyzing IGR based exactly on the differentiation between "distinctive constitutional categories of multi-level government": federalism, confederalism, and regionalism. Here, the main hypothesis is that different territorial forms of State are likely to exert a varying impact on the nature of IGR, on the kind and degree of IGAs' institutionalization, on the relative impact of party political (in)congruence across central and lower-level governments on coordination processes, as well as on the long term constitutional evolution of competences allocation. A set of more specific hypotheses is derived by the authors. First, as a consequence of their equally, constitutionally protected status, lower-level governments of a confederation or a federation are expected to be more likely to engage in *multilateral* IGAs (both vertically and horizontally) than their equivalents in a non federal state (more depending on the goodwill of the center); to compensate for their weaker status, these latter should generally be more in favor of *bilateral* intergovernmental arrangements, apparently best suited to ensure them greater individual advantages. The second hypothesis suggests therefore that – in the long run – this kind of behavior by lower-level governments should favor an *asymmetrical* allocation and reallocation of competences in regionalized States, contrasting with a more *symmetrical* setting of confederal and federal systems (as seen, the set-up of asymmetrical settings would, in turn, favor the emergence of bilateral, rather than multilateral practices of intergovern-

mental relations). Finally, a more fine-grained interpretation of the above-evoked "shadow of the hierarchy" argument is proposed, implying that the constitutional subordination of lower-level units (and the related fear of an always possible unilateral withdrawal of competences by the higher level) in regionalized and confederal systems would lead the subordinated units to strategically "play down" partisan differences in their relations with the center; on the contrary, the absence of any hierarchy of levels in federal settings, removing the fear of any competence loss, would make IGR more exposed to partisan clashes (in case of incongruence, that is of non-coincidence between governments partisan compositions⁵). Following this line of reasoning, we should then expect, *ceteris paribus*, (vertical) IGR to be more exposed to inter-party confrontation in fully federal than in non-fully federal political systems.

When looking at "polity factors", the basic features of the units composing the polity may also be investigated as conditions potentially shaping actors' incentives towards intergovernmental relations. From this viewpoint, the number of constituent units can be seen as a possibly relevant factor, accounting for the strength of intergovernmental arrangements (at least, of those voluntarily set up). In a rational choice perspective, Breton (1996) argues that the higher the number of constituent units, the higher the transaction costs that could be reduced through the set-up of a collective organization. At the same time, coordination efforts to set up intergovernmental arrangements could be expected to be higher, the higher the number of participants. More recently, Boschler (2009) looks at the geographical smallness of regional jurisdictions as a possible variable explaining the relatively high degree of cooperation among Swiss cantons (if compared with horizontal cooperation in other contemporary federations). In line with fiscal federalism, the hypothesis is that the small-scale structure of subnational units would make horizontal intergovernmental cooperation particularly urgent. Because of reasons linked to economies of scale and increasing need of governmental specialization (due to more and more complex public policies), as well to spillover problems, smaller subnational units would be faced with greater incentives towards the practice of *horizontal* cooperation.

Eventually, the degree of societal homogeneity of the polity (or of "regional distinctiveness" of the component units; Watts 2008) may be assumed to play a part in shaping the nature of IGR and the level of institutionalization of IGAs designed to channel them: the higher the internal (cultural and economic) consistency of a society across territory, the more likely the emergence of multilateral cooperative relations and of structured channels of interaction among constituent units (*horizontal*), and between these latter and the center (*vertical*); conversely,

⁵I will come back more in depth on the concept of political intergovernmental (in)congruence in the next paragraph and, particularly, in Chapter 4.

the more inhomogeneous a society, the more likely the establishment of conflicting intergovernmental relationships and the setting up of relatively weak multilateral IGAs (Baldi 2009). Boschler (2009), for instance, finds higher degrees of horizontal cooperation among the Swiss cantons pertaining to the same linguistic community.

The hypothesized effects on IGR and IGAs of the "polity factors" just reviewed are summarized in Table 1.4.

1.6.2 The politics: partisan congruence

A second cluster of variables potentially affecting IGR and IGAs may be linked to politics dynamics. These factors are mainly related to the partisan composition of different governmental units involved in IGR, and, indirectly, to the main logics of decision-making internal to each participant government. While the hypotheses referring to the polity features seem to be, on the whole, in agreement as to their predicted effects, the consequences of politics variables on IGR and IGAs appear by contrast more contested, being subject to alternative expectations. Moreover, as previously reminded, many authors seem to diminish the role played by political parties in IGR, by highlighting the greater saliency of territorial rather than partisan affiliation of governments involved in intergovernmental activities, or by stressing the relevance of non-elected officials.

When looking at politics in the IGR field, the main variation to be considered pertains to the partisan composition of the interacting executives, and the related degree of "intergovernmental political (in)congruence" (Ștefuriuc 2009). This factor is assumed to yield consequences on different dimensions of IGR: the balance in the use of "intra-party channels" and "extra-party channels" like IGAs for dealing with IGR issues; the degree of IGAs' institutionalization; the cooperative or conflicting nature of patterns of IGR interactions; the role played by the central government, as a more or less dominant actor in vertical IGR.

Watts (2008) suggests, in passing, that the partisan congruence between the central and the subnational governments will tend either to make the central government position prevalent in their relation (domination), or to make intra-party channels more relevant than formalized patterns of interaction (IGAs; see also Swenden and Jans 2007). Symmetrically, in case of partisan incongruence, formal intergovernmental processes (those carried out through IGAs) would tend to become the major channels of interaction and negotiation (intra-party channels being lacking), while central government position could become less dominant.

By contrast, a concurring hypothesis is suggested by Bolleyer and Bytzeck (2009), according to whom, given intense disagreement over policy issues across governments due to distinct party compositions, and expecting that the internal politics of individual governments is a strong driving force of IGR, the set-up of relatively highly institutionalized IGAs will be unlikely since these latter tend to

Table 1.4: Polity factors: main Hypotheses

Variable	Value	IGR	Hypothesized Effects on: IGAs
Kind of Competences	Exclusive	Stronger incentives towards the establishment of <i>horizontal</i> Igr than of <i>vertical</i> Igr	Higher Institutionalization of <i>horizontal</i> Igrs than of <i>vertical</i> Igrs
	Shared	Stronger Incentives towards the establishment of <i>vertical</i> Igr than of <i>horizontal</i> Igr	Higher Institutionalization of <i>vertical</i> Igrs than of <i>horizontal</i> Igrs
	Symmetrical	Multilateral	Higher Institutionalization of Igrs (both horizontally and vertically)
	Asymmetrical	Bilateral	Lower Institutionalization of Igrs (both horizontally and vertically)
	Lower Higher		Higher Institutionalization Lower Institutionalization
Strength of Second Chamber	Federal	Weaker hierarchical control by the center – Multilateralism – Higher Politicization	Higher Institutionalization
Form of State	Confederal	Weaker hierarchical control by the center – Multilateralism – Lower Politicization	Higher Institutionalization
	Regionalized	Stronger hierarchical control by the center – Bilateralism – Lower Politicization	Lower Institutionalization
	Parliamentary		Higher Institutionalization (around executives)
Form of Government	Presidential		Lower Institutionalization (Igr as a "lobbying activity")
Number of Constituent Units	Lower Higher		Lower Institutionalization Higher Institutionalization
	Lower Higher	More Competitive More Cooperative	Higher Institutionalization Lower Institutionalization

be beneficial only in the long run. In other words, contrary to what expected by Watts, the level of institutionalization of IGAs should be comparatively weaker in presence of party incongruence than in case of party congruence. By the same token, it is reasonable to hypothesize that – unlike Watt’s expectations – the recourse to IGAs for dealing with IGR issues will be less intense when different actors are belonging to different political groups (plausibly, pursuing different policy goals) than when they, given partisan homogeneity, share the same policy objectives.

These hypotheses refer also to the expected effects of partisan congruence on the balance between the use of intra-party channels and IGAs: as seen, according to Watts, partisan congruence should make intra-party channels of communication more important at the expense of IGAs, while these latter would be activated mostly in contexts of partisan incongruence; by contrast, according to the second argument, the recourse to intra-party channels and to IGAs should go in the same direction, both being more (un)likely in case of party (in)congruence (McEwen et al. 2012).

A second set of hypotheses strictly linked to the first one and encompassing it, has been built – drawing on rational choice micro-foundations – by Bolleyer (2009). This argument clearly stands at the borders of what I have labeled as polity and politics factors. The latter are indeed seen as a consequence of the former. From this perspective, a decisive factor shaping the degree of institutionalization of IGAs pertains to the «internal nature of governments» (p. 29) involved in IGR. The internal nature of governments is hold to shape IGR actors’ incentives towards a stronger or weaker institutionalization of IGAs. The main hypothesis is based on the distinction between different forms of "power limiting democracies" – power sharing *vs.* power dispersion. Given predominantly majoritarian decision-making dynamics within the sub-states and the center (power dispersion democracy), the degree of institutionalization of IGAs (both horizontal and vertical) will be weak; conversely, given predominantly multiple power sharing within the constituent arenas (power sharing democracy), the degree of institutionalization of IGAs will be comparatively stronger. Different causal mechanisms are indicated as relevant. Firstly, majoritarian decision-making tends to increase the instability of «the interest configuration among the constitutive arenas»: one-party majority cabinets are indeed likely to turn-over frequently, making investments in institutions able to constrain individual governments’ will (IGAs) less convenient over time; secondly, the likelihood of party incongruence will be higher in presence of majoritarian or power-concentrating governments than in presence of power-sharing governments (where oversized coalitions are frequent): here, party incongruence is assumed to play a negative role with reference to the level of institutionalization (indeed, governments of different partisan affiliation, not sharing similar goals, would not face any incentive to mutually collaborate on a regular and constraining basis); thirdly,

the high governments' alternation probability, due to majoritarian decision-making systems, would favor "blame shifting" strategies (thus, reducing even more the incentives towards joint action with other governments); finally, "autonomy losses", virtually deriving from engaging in interaction with other governments, would be comparatively greater for «parties which govern alone and are unrestricted by a second chamber [like in power-concentrating, majoritarian systems] than for parties which govern in a coalition and face a strong upper house» (p. 36).

Obviously, the degree of political party-congruence can be assumed to shape not only intergovernmental structures, but the very nature of intergovernmental interactions: while congruence should be associated with «co-operative and cordial relations», incongruence should be instead be expected to be correlated with «more confrontational IGR» (McEwen et al. 2012, p. 328).

1.6.3 The policy: the conflict potential

A third group of hypotheses may eventually be linked to policy dynamics. As pointed out several times in the previous Sections, the literature on these topics underlines the strict linkages existing between policy-making dynamics and the emergence and management of IGR and IGAs. One could also conceive of the dynamic side of IGR as nothing but an essentially policy-making process involving many governmental jurisdictions within a polity. The so called "policy core" of IGR (Wright 1974) is therefore to be considered as a crucial element for explaining the patterns followed by IGR as well as the level of institutionalization of IGAs.

Distinguishing among policy sectors may be seen as theoretically relevant for at least two reasons. First, even if multi-level polities tend to be classified, as a whole, as either dual or cooperative systems (depending on the *dominant* kind of competences' allocation), within-systems variations do exist: while some (subject-related) competences will be attributed according to a dualistic rationale, other will be assigned in a less exclusive way, creating by consequence different incentives for both IGR and IGAs within the same polity (see above). Second, as known, different policies are likely to structure differently the (intergovernmental) power arena, and its dynamics. The basic assumption, based on Lowi (1964), is that the politics of IGR tends to be determined by its policy content: «As the policy literature emphasizes, each policy field embraces a variety of issues representing different interest constellations, inviting different patterns of conflict» (Mc Ewen et al. 2012, p. 334). Colino and Parrado (2008) go further, by arguing that the «institutional account is not satisfactory for explaining the nature of IGR or its sectorial or temporal variation» (p. 3), and that within-country, cross-sectoral IGR variations should even be expected to be higher than within-sector, cross-country variations. Looking at the impact of the policy on the politics of IGR allows to capture the coexistence, within the same system and the same subject-related

Table 1.5: Politics factors: main hypotheses

Variable	Value	Hypothesized Effects on:	
		IGRs	IGAs
Intergovernmental Political Congruence	Higher	Higher Domination by Central Government – More Cooperative and cordial	Competing Hps: 1. Higher Institutionalization (party politically congruent governments have strong incentives to a regular basis for pursuing shared goals); 2. Lower Institutionalization (party politically congruent governments may make use of intra-party channels of coordination).
	Lower	Lower Domination by Central Government – More Confrontational	Competing Hps: 1. Lower Institutionalization (party politically incongruent governments have little incentives to collaborate on a regular basis); 2. Higher Institutionalization (the lack of multi-level intra-party channels of communication makes the use of Igas more urgent).
Intragovernmental relations	Power-sharing		Higher institutionalization
	Power-concentrating		Lower institutionalization

policy, of different patterns of intergovernmental relations.

One possible way of focusing on the policy core of IGR is to look at the "conflict potential" present, to a different degree, in each policy field, depending on its nature (Swenden and Jans 2007; León and Ferrín Pereira 2011; McEwen et al. 2012). Following the fundamental Lowi's lesson (1964), the hypothesis is basically that IGR are likely to be conflict-driven when their object are re-distributive, regulatory or high politics (e.g. "constitutive" or constitutional) policies, whereas they are likely to be conducted along more cooperative and less confrontational pathways when they deal with more distributive issues⁶. For these reasons – as remarked by McEwen and al. (2012) – fiscal and welfare policies, because of their highly redistributive nature, are likely to be «prone to high conflict» (p. 334). Likewise, it could be hypothesized that intergovernmental issues characterized by relatively higher degrees of visibility and political saliency should be more inclined to conflict as well (particularly, to political confrontation).

A different hypothesis linking IGR dynamics to policy features underscores the importance of the relative weight of the *technical* and *ideological* content of the object of intergovernmental activity: accordingly, «intergovernmental cooperation will be [more easily] promoted over policy areas that involve high technical content, as ideological divisions among political representatives are less likely to emerge. If premiers negotiate over issues that have a strong ideological nature, multilateral cooperation is more difficult, because the potential for ideological divisions among sub-national governments and central government is higher» (León and Ferrín Pereira 2011, p. 518).

A further policy element virtually relevant for IGR and IGAs is the degree of "Europeanization" affecting the policy field under analysis. The hypothesis firstly advanced by Börzel (2000; 2002) implies that multi-level policies affected by high degrees of Europeanization are more likely to develop increasingly institutionalized, multilateral and cooperative forms of intergovernmental relations. Such a process refers both to the patterns of intergovernmental interaction, whose nature is supposed to become more and more cooperative (rather than competitive and/or conflicting) and multilateral (rather than bilateral), and to the organizational channels of interaction (IGAs), expected to become increasingly institutionalized. The main argument on which the hypothesis relies is that «in order to meet the challenges of Europeanization, the central government and the regions of dual federal states have to expand and build up mechanisms of intergovernmental

⁶Such a way of distinguishing types of public policies when studying IGR has been contested, for instance, by Conlan and Posner (2008): according to these scholars, it should be more fruitful to look at four alternative "pathways" of IGR policy-making, each structurally linking a specific kind of policy (e.g. categorical grant programs, comprehensive federalism reforms, federal mandates and so on) with specific kinds of actors, predominant decision styles and legislative dynamics.

cooperation that allow effective participation of the regions in the formulation and adoption of European policies on one hand, and facilitate the effective implementation of European policies by the regions on the other» (Börzel 2000 p. 22; Börzel 2002). One good example of such dynamics is surely represented by agricultural policy, undoubtedly one of the most Europeanized fields (through the Common Agricultural Policy): many empirical contributions seem indeed agreeing on the fact that, within different EU member countries, agriculture is the policy field in which the most formalized, cooperative and multilateral arenas of intergovernmental relations have developed. This has been the case, for instance, in Italy, Spain, Belgium (Beyers and Bursens 2006; Swenden and Jans 2007; Colino and Parrado 2008; León and Ferrín Pereira 2011; McEwen et al. 2012).

A seldom evoked hypothesis concerns, eventually, the urgency of the policy problems requiring an intergovernmental solution: as suggested by León and Ferrín Pereira (2011), «the probability of successful cooperation is higher on issues that require urgent coordinated intervention by the governments. When coordinated action is needed to prevent or mitigate a serious problem whose effects go over territorial borders, such as an epidemic or a natural disaster, the electoral costs of not intervening may prompt governments to reach an early agreement» (p. 518). Even if equating "successful cooperation" to the attainment of an agreement may appear reductive, the bulk of the argument is worthy to be considered, meaning that the so called "focusing events", suddenly turning governments attention towards the need of intergovernmental coordination, would contribute to increase the pressures for the establishment of a more cooperative pattern of interaction between territorial levels. As mentioned above, indeed, the urgency of intergovernmental interactions may derive from the appearance of entirely new political problems, which, cutting across existent divisions of powers, force governments to mutually come into contact (Keating 2012). Although not mentioned by León and Ferrín Pereira (2011), one could hypothesize the "focusing events" playing a role for explaining the genetic stage of IGAs: in other words, it appears reasonable to hypothesize that the establishment (or the strengthening) of a structured channel of interaction should be more likely to enter the governments agenda when the latter are faced with particularly urgent and unexpected policy problems, unlikely, by their nature, to be dealt with by any single government in isolation. Anyway, if in the long run intergovernmental patterns of interaction are largely dominated by the ups and downs of focusing events, their degree of institutionalization could not be considered as particularly high.

1.6.4 Summary

The review of the literature just presented allows to cast some light on the dimensions of both IGR and IGAs expected to vary, depending on the polity context in

Table 1.6: Policy factors: main hypotheses

Variable	Value	Hypothesized Effects on:	
		IGR	IGAs
Policy Type	Re-distributive, regulatory, constitutive	More conflict-driven	Lower institutionalization
	Distributive	More cooperative	Higher institutionalization
Policy content	Technical	More cooperative	Higher institutionalization
	Ideological	More conflict-driven	Lower Institutionalization
Urgency	Lower	More conflict-driven	Lower institutionalization
	Higher	More cooperative	Higher institutionalization
Europeanization	Lower	More conflict-driven	Lower institutionalization
	Higher	More Cooperative	Higher institutionalization

which they develop, the politics dynamics pervading them, and the policy issues to be dealt with. In summary, it is possible to conclude that IGR are likely to show variation along the following, major dimensions:

- Number and territorial scale of participant governments: as seen, IGR may indeed be either *bilateral* or *multilateral*, and may develop more on the *horizontal* or the *vertical* dimension;
- Style of interaction: this may be more *cooperative* or, alternatively, more *confrontational* (or *conflict-driven*);
- Equality of actors: vertical IGR may be *dominated by the central government* or develop on more *equal ground*;
- Level of *politicization*: both vertical and horizontal IGR may be driven or influenced, by the degree of political affinity (or lack of affinity) among interacting executives.

As to IGAs, both vertical and horizontal intergovernmental arrangements may vary in what concerns:

- Number and territorial scale of participant governments: bilateral IGR will be channeled through *bilateral* IGAs, while multilateral IGR will be channeled by means of *multilateral* IGAs;
- Level of *institutionalization*: as seen above, IGAs may be more or less structured.

Even if no explicit hypothesis may be found in the literature tracing the *generalist* or *policy-specific* nature of IGAs back to any potentially explicative factor, this variation should be nevertheless kept in mind.

1.7 IGR and IGAs as independent variables: main hypotheses

IGR and IGAs may also be considered as factors helping to account for the formation and implementation of a policy across a range of separate jurisdictions, that is for the features of the policy-making processes carried out and the outputs eventually generated by these processes. Whereas in the literature taking a "systemic" perspective it is possible to identify and reconstruct some quite clear hypotheses (explicitly formulated or implicitly assumed), few "off the shelf" hypotheses are instead available as to the supposed impact specifically exerted by IGR and IGAs on the nature of policy-making, and on its outputs.

While in the previous Section the possible impact of policies on IGR and IGAs has been considered, here the potential impact of IGAs on IGR will be highlighted. As sketched in the introductory Chapter, from our point of view, the goal is indeed to understand how differently organized Intergovernmental Arrangements may contribute to shape IGR, intended as the policy vertical and horizontal interactions among governments in compound institutional contexts. My basic assumption, based on new-institutional grounds, is that a central role is played by the degree and kind of institutionalization of the tools designed to cope with these intergovernmental issues: do intergovernmental machinery exert any "shaping effect" (or "formative impact": Heinmiller 2002; or "transformative impact": Bolleyer 2009) on intergovernmental interactions?

On the bases of the scant literature produced up to now on these issues, the hypotheses investigating the impact exerted by IGAs on IGR may be organized into two different groups, according to the dimension of IGR looked at: that is, its *process* or its *outputs*. Obviously, this is a quite schematic way of distinguishing the expected impact of IGAs on intergovernmental relations, as long as IGR outputs may be seen as nothing but the logical consequence of the kind of prior IGR process that generated them. From an analytical point of view, however, I do prefer to keep these two dimensions distinct, also in order to make clearer that my focus will be on the process side of the question. More specifically, to what extent does the institutional structure of IGAs contribute to determine the kind of *politics* prevailing within the intergovernmental *policy-making arena*? More precisely: do different IGAs have an impact on structuring the kind of actors' coalitions emerging during intergovernmental decision-making processes?

In the remainder of this Section, I will first review the hypotheses connecting IGAs' features to IGR outputs; then, I will address the issue of how IGAs may be expected to have an impact on IGR processes, and outline, starting from the literature just considered, a set of hypotheses to answer our second research question.

1.7.1 The impact of IGAs on IGR outputs: quantity and quality of agreements

A straightforward way of looking at the (potential) relationship between Intergovernmental Arrangements and Intergovernmental Relations is to investigate whether the former exert any kind of impact on the outputs produced by the latter. From this perspective, the basic hypothesis is that higher levels of IGAs' institutionalization should be conducive towards higher levels of intergovernmental cooperation. Such an impact can be assessed in different ways.

One possible research strategy is the one followed, for instance, by León and

Ferrín Pereira (2009; 2011). Looking at variations in the degree of cooperation among Spanish vertical intergovernmental policy-specific IGAs, these scholars have hypothesized, amongst others, the existence of a link between the degree of institutionalization of the IGAs, on the one hand, and the level of cooperation carried on within them, on the other hand. The level of cooperation is operationalized as the number of cooperation agreements achieved, in a given time period, in each arrangement. The hypothesis is then that the higher the level of institutionalization of an Intergovernmental Arrangement, the higher the probability of an agreement between its members. Empirically, these authors show that, after the (more or less technical) nature of the policy issues at stake, the level of institutionalization was mentioned by the IGR actors interviewed as the major factor facilitating (when high) or hampering (when low) the attainment of intergovernmental cooperation. The reason would be linked to the precious role played by the existence of what I have labeled "network of bureaucratic and technical support", and, particularly, of the so called secondary level units, by which political parties influence on IGR matters would be defused.

A related, but alternative research goal consists in putting the emphasis more on the quality than on the quantity of the agreements achieved within IGAs. Taking this path, Simmons (2002) and Bolleyer (2009) have empirically tested, based on new-institutional premises, the existence of a causal link between the level of intergovernmental institutionalization and the nature of the decisions taken in these arenas. Their results seem to point towards opposite conclusions.

Exploiting the differences in the organization among policy-specific ministerial conferences in Canada (cf. Appendix A), Simmons' analysis aims at assessing whether «a link is present between the degree of "institutionalization" or "formalization" of ministerial conferences and ministers' ability to develop compromise and consensus» (p. 286). The «surprising conclusion» reached by this scholar is that, in contrast to theoretical expectations, «greater institutionalization does not appear to result in compromise and consensus in ministerial decision-making either in terms of the process leading to the agreements or the effects of the agreements on policy development» (p. 287). The more institutionalized IGAs led, indeed, to not-binding, quite vague accords, imposing little commitments on the parties, while other contingent factors – such as the goodwill of governments involved, the personalities of interacting actors, developments and pressures specific to the policy sector and problem, and the like – would be more telling about the nature of the IGR outputs analyzed. In other words, what matters the most would be a set of hardly identifiable "intangible factors" (León and Ferrín Pereira 2011) surrounding IGR processes, more than IGAs features (particularly, their level of institutionalization).

In order to assess the relevance of the degree of IGAs' institutionalization as

a factor able to account empirically for the nature of IGR outputs (agreements), Bolleyer (2009) implements instead a cross-country comparison, exploiting differences in the level of institutionalization in different federal countries' intergovernmental arrangements. Her expectation is that «the institutional development of IGAs affects the quality of agreements drafted within them» (p. 171). More specifically, this scholar aims at assessing if and, in case, to which measure the level of institutionalization of intergovernmental machinery impacts on the capacity of intergovernmental agreements to constrain individual governments. The analysis focuses on the "constraining capacity" of non-binding agreements in Switzerland, the U.S. and Canada. Even if devoid of any legal force, indeed, non-binding agreements may vary as to the "sense of obligation" they generate in each governmental unit signing it. IGAs displaying a higher degree of institutionalization should produce more precise and more deep agreements (targeting unambiguous goals and specifying the tools to be employed for their implementation), while IGAs characterized by a lower degree of institutionalization should be leading to the draft of general and abstract accords. Unlike Simmons, Bolleyer finds empirical evidence supporting theoretical expectations, although attention is called to the possible direct effects played on IGR by the same institutional conditions shaping IGAs.

1.7.2 The impact of IGAs on IGR processes: policy learning, actors' coalitions and conflict lines

Looking at the impact exerted by the IGAs on intergovernmental relations may also mean to examine whether the institutional structures channeling such relations are able to account for the features of the *process* through which intergovernmental policy decisions are taken. As reminded above, from a broader perspective, the impact of IGAs on IGR processes may be seen as an analytical intermediary step, preceding the assessment of the "shaping effect" of the IGAs under examination on the eventual policy outputs: in both cases, indeed, the central question is about the capacity of intergovernmental institutions to exert a constraining power on individual IGR actors' behavior.

In a recent contribution to this field, Füglistner (2012) assesses, for instance, the impact of institutionalized *horizontal* intergovernmental cooperation on policy diffusion. Even if this latter can be interpreted as the final outcome of a longer policy processes, the ability to explain it as a consequence of learning rather than of alternative diffusion mechanisms (such as competition or imitation, possible even in the absence of any intergovernmental arrangement) depends on the analysis of the IGR processes conducted within the IGAs. As illustrated in Table 1.3, the Swiss horizontal intergovernmental landscape is populated by a high number of institutions. According to Füglistner, who explores health policy in this country,

the highly institutionalized horizontal IGAs collecting Swiss cantons in this policy field would provide «a fruitful environment for exchange, which, in turn, enhances policy learning and the spread of best practices» (p. 321). The basic causal mechanism underlying such hypothesis is that such IGAs would be places where regional ministries, because of their joint membership, can exchange information about their experiences about the implementation of policies, and formulate and reformulate their opinions as to the most effective ones, through a real process of policy learning.

Another way of assessing the possible shaping effect of IGAs on IGR policy processes – more directly consistent with the research question explored in the second part of this analysis – is to look for the existence of a relationship between the IGAs features and the "conflict lines" and "intergovernmental coalitions" (Grau i Creus 2000; Colino and Parrado 2008) emerging in IGR policy-making process carried out through them. Drawing on Grau i Creus (2000), a possible way of distinguishing intergovernmental coalitions consists in assessing to which measure «*the nature of the intergovernmental game [...] depend[s] upon the political party in charge of the different governments*», or, by contrast, to which measure a territorial perspective is prevalent, meaning that subnational units «take institutional positions towards the central government policies; that is, *notwithstanding the party in control in central government, the governments of the [regions] constitute the 'subnational level opposition'* (pp. 69-70, emphasis added). While this latter perspective would make intergovernmental conflict lines and coalitions independent of the the degree of intergovernmental political congruence among actors (see above), the organization of the arena according to partisan conflict lines would make IGR actors' coalitions dependent on the parties in office across governments.

The question is then: are divide lines and actors' coalitions emerging during IGR processes mainly organized around governments party or territorial affiliation? If so, can be IGAs considered as playing a role in shaping these coalitions?

As explained in the previous paragraph, IGAs' institutionalization may be expect to shape the final outputs produced by these means. Taking a step back and looking at causal mechanisms through which institutionalization is assumed to influence IGR may also provide useful hints in order to understand how IGAs may contribute to structuring conflict lines and actors' coalitions within these arenas. León and Ferrín Pereira (2011, pp. 518-19) list several mechanisms by which higher institutionalization of *vertical* IGAs should lead towards increased cooperation.

First, in these authors' view, effective intergovernmental cooperation is likely to be easier when decision-making processes are divided into specialized bodies with *technical expertise*: these bodies would indeed be less "permeable" to high politics and political parties logic of confrontation, which, as seen, is generally supposed

to reduce the likelihood of cooperation (obviously, in case of incongruence).

Second, and in line with the definition of IGAs' institutionalization introduced above, León and Ferrín Pereira suggest that the frequency of meetings between governments may play an important part in shaping the nature of the policy processes and the kind of prevalent orientations of participants: from this point of view, the hypothesis is simply that «the higher the frequency of meetings, the higher the probability of successful cooperation» (León and Ferrín Pereira 2011, p. 519). This would be due to the fact that a relatively high frequency and regularity of encounters (what I have called "density of meetings") would favor – by enhancing ties of trust among participants and making defection more costly – the adoption in negotiations of a "problem solving" mode (or decision style) rather than a "bargaining" one.

As explained by Scharpf (1988), "problem solving" is characterized by the appeal to common values, interests or norms, as opposed to "distributive bargaining", which is instead dominated by the appeal to the individual self-interests of all participants. In problem solving, the emergence of an orientation towards common interests and values «may facilitate voluntary agreement even when sacrifices in terms of individual self-interest are necessary and cannot be immediately compensated through 'side payments' or 'package deals'» (Scharpf 1988, p. 261). The emergence of such an orientation may be rooted in the perception of a common identity and/or of a common vulnerability, and while the preconditions of problem-solving are difficult to be created, they may be easily eroded (Scharpf 1988, p. 265). The problem-solving mode of policy-making is usually linked to the formation of a community of experts (a "policy community"), that is a quite stable network formed around common, shared orientations: these communities – according to Benz (2009) – may have the effect of "shielding" intergovernmental cooperation from the influence of parliaments and party competition. In their absence, or when exogenous shocks alter routinary paths of policy-making, IGR are instead more likely to be driven by partisan affiliation considerations.

León and Ferrín Pereira (2011) suggest eventually that cooperation between governments is likely to be fostered in presence of a formal basis of intergovernmental meetings (such a statute), defining the basic rules of working of the IGA, and/or of independent administrative bodies (such as a secretariat), endowed with the responsibility to prepare meetings and to carry out the follow-up of the discussions.

Trying to integrate the different insights just reviewed, it may be possible to lay out a set of theoretically-derived hypotheses from a "policy oriented" perspective, linking the types of IGAs (their features) to the kind of politics and degree of politicization characterizing the policy-making processes channeled through them.

In the light of these lines of reasoning, I first hypothesize that relatively high levels of IGAs' institutionalization should be likely to play down, to defuse the level of politicization of the IGR processes: conflict lines among the actors involved in IGR as well as their coalitions should be thus less likely to be organized around respective governments' party compositions, than in case of relatively lower levels of IGAs' institutionalization. In case of highly institutionalized intergovernmental arrangements, a community of policy experts, sharing a strong institutional memory is indeed likely to emerge. Frequent and regular contacts among IGAs members, following a set of established rules and procedures to solve IGR issues, should furthermore contribute to increase the level of mutual trust among them, irrespective of their partisan affiliation. Consequently, in such an institutional context, a "problem solving" style of decision-making is more probable to be followed than a bargaining one. The conflict line, in this scenario, will be therefore less likely to be structured along party lines: stalemates deriving from «heterogeneous partisan complexion of government at different levels of government» (Obinger et al. 2005, p. 45) should be expected to become a relatively unlikely intergovernmental scenario.

By contrast, in case of relatively scarcely institutionalized multilateral intergovernmental arrangements – lack of formal basis; low density of contacts; absent or scarce development of a network of bureaucratic support; few powers – it appears reasonable to presume that, *ceteris paribus*, the development of a common identity around "common values, interests and norms", strong linkages of trust among participants and a policy community reasoning mainly in technical terms, will be unlikely. Consequently, a "distributive bargaining" style of policy-making will be probably prevalent as a way for managing (State-Regions or Regions-Regions) conflicts. In terms of the degree of politicization of the IGR process, it may be consequently hypothesized that the IGR debate will be relatively more exposed to the influence of party competition: the conflict divide active within the IGAs will be more likely to be driven by IGR actors' respective political affiliations.

To summarize, given weakly institutionalized IGAs, I expect IGR carried out by their means to be more likely to be exposed to party politics dynamics, and vice-versa.

Secondly, the distinction between a *generalist* and a *policy-specific* design of IGAs appears as worthy to be explored as well. Scharpf (1988) calls the attention to the fact that sacrifices in terms of individual self-interest can be compensated by means of "side-payments" or "package deals". In this respect, I hypothesize that a generalist arrangement is more likely to favor the emergence of agreement among the IGR actors than a policy-specific one: indeed, while a generalist organization, making possible cross-sectoral exchanges and compensations, can widen the mediation spectrum between opposite stances, a policy-specific arrangement, which

does not allow for cross-sectoral exchanges and compensations, can by contrast be expected to exacerbate existing tensions among actors, included those driven by the partisan affiliation logic.

Some caveats are nevertheless necessary.

The first is that the hypotheses just illustrated refer to the potential impact of IGAs taken in isolation. However, it has been shown that in practice IGAs tend very often to work in a broader institutional constellation, including a plurality of IGAs, differing on several dimensions (vertical, horizontal, generalist, policy-specific: see again Table 1.3.). This means that looking at the role played by IGAs, particularly in vertical IGR, may entail to take into consideration both vertical and horizontal intergovernmental arrangements, as well as their interplay: in other words, IGAs "institutional constellations" are worthy to be taken into account. A high level of institutionalization and a generalist design of IGAs could be expected to defuse partisan conflicts both at the *exclusively horizontal* and the *exclusively vertical* level. However, it could be imagined that a vertical IGA, in spite of a comparatively high degree of institutionalization, could interplay with a relatively poorly institutionalized horizontal IGA, making partisan conflicts at the regional level spillover into the vertical arena. By contrast, the strengthening of the links among participants of an horizontal IGA, while appeasing the influence of respective partisan affiliation at that level, could be expected to increase the relative saliency of the "territorial" dimension in vertical IGR: a strongly institutionalized exclusively horizontal multilateral arrangement might indeed favor the formation of a "common front" of the regional level as such against the center, irrespective of political affiliations (a "subnational level opposition"; Grau i Creus 2000; Bolleyer 2006). From these considerations a third hypothesis can thus be derived: looking at a given country's IGAs *system* as a whole (that is, at combination of the arrangements at work within it), rather than at intergovernmental arrangements taken in isolation, an exclusively vertical IGAs system should be more likely to favor the emergence of party-partisan coalitions, compared with a system characterized by the co-presence of vertical IGAs (equally institutionalized) *and* horizontal IGAs: the existence of these latter could indeed be interpreted as a condition favoring the emergence of territorial, thus cross-partisan, alignments among IGR actors.

The second caveat to be kept in mind is that the hypotheses linking the features of IGAs and the level of politicization of IGR carried out within them presuppose a more general *ceteris paribus* clause. It must indeed be reminded that many other "background" or intervening conditions reviewed in the previous Section, different from IGAs features – ranging from the form of State to the kind of policy at stake to the degree of partisan (in)congruence among IGR actors – may be assumed as potentially equally relevant. The hypotheses just laid out try to "isolate" the

impact of IGAs: from a methodological point of view, this entails that the other "confounding factors" are to be kept under control. In other words, the potential shaping effect of an IGA on the IGR process can only be assessed comparing cases as most similar as possible in what concern all these alternative explanations.

The last caveat, strictly linked to the previous one, refers to the scope conditions limiting the applicability of the hypotheses under consideration: obviously, only IGR processed through IGAs should be expected to be shaped by these latter.

This Chapter has focused on main analytical, conceptual and theoretical issues of major importance when addressing intergovernmental relations and arrangements. The next two Chapters will focus on the historical development and the main features of the Intergovernmental Arrangements at work, respectively, in Italy and Spain. As shown in Table 1.3, in these two parliamentary, strongly regionalized States, different intergovernmental institutional constellations exist: whereas the Italian intergovernmental landscape is characterized by the presence of *generalist* IGAs both at the *vertical* and at the *horizontal* level, Spain is marked instead by the operation of both *policy-specific* and *generalist* intergovernmental arrangements (almost) exclusively at the *vertical* scale. By an in-depth analysis of these two cases, with a special focus put on healthcare policy, an assessment of the institutional strength of their respective IGAs will be possible.

Chapter 2

Intergovernmental Arrangements in Italy: Historical Evolution and Current Setting

2.1 Introduction

The evolution and functioning of intergovernmental arrangements operating in Italy, both at the vertical and at the horizontal scale, will be the object of this Chapter, which is divided into four main Sections, including this introduction.

In the second Section, the focus will be put on the *vertical* dimension of IGR and IGAs: it will begin by giving an historical account of the development of the institutional systems of cooperation between the center and the periphery. Special attention will be devoted to the establishment of the State-Regions Conference – the major vertical, generalist IGA currently operating in Italy – as an institutional way to limit the growing "sectorialization" of intergovernmental relations occurred in the previous decades. The institutional landscape prior to the establishment of the State-Regions Conference as well as its next, progressive transformation will thus be outlined. The evolution of the legal framework regulating the vertical Conference will be subsequently reconstructed. The outcome of this process, namely the set of tools and powers the Conference can currently use to play its role in multi-level decision-making processes, will be discussed in the third part of this Section, together with an illustration of the current organizational and functional features of the Conference. More specifically, taking into account both the regulatory framework and the established procedures consolidated in the course of its history, the working organization of the Conference will be highlighted. Qualitative and quantitative data on the activity carried out by the Conference over time will also be provided, with special attention to the relative weight of activity

related to the management of health policy.

The *horizontal* dimension of IGR and IGAs will be addressed in the third Section, where the role played by the Conference of the Regions – an exclusively regional self-coordinating body set up in the early 1980s – will be analyzed: after having reconstructed its origins, the basic rules governing its functioning and its organization will be the object of this part. The activity carried out by this horizontal IGA will be then examined.

The last Section will be concerned with the analysis of the dense network of relations occurring between the vertical and horizontal arrangements.

2.2 The vertical dimension of IGRs and IGAs

Although there is no doubt that the establishment of the *Conferenza Stato-Regioni* (hereinafter, State-Regions Conference) in 1983 represented a first step towards the systematic involvement of the regional system into the national decision-making circuit (for issues of "common interest"), and that this Conference represents today the only instance of effective multi-level institutional link in Italy, it is still useful to remember – also in order to clarify the institutional environment in which the Conference was inserted, and to seize the reasons of its birth – that other forms of interaction between the central and the regional level had been growing during the previous decades.

2.2.1 The constitutional framework

As in the vast majority of contemporary multi-level democracies¹, Italian vertical IGAs developed well beyond constitutional provisions.

The 1948 Constitution was indeed particularly weak as to the planning and design of tools specifically devoted to the management of intergovernmental relations. Besides some forms of regional participation to the exercise of State functions (like the involvement of the regional representatives into the appointment process of the President of the Republic), which «proved to be completely non influential as to their incidence on the final decisions» (Caretta e Barbieri 2007, p. 293, translated), the only institutional communication device between the Regions and the center provided for by the Italian Constitution was a Bicameral Parliamentary Commission on Regional Issues (*Commissione parlamentare bicamerale per le questioni regionali*). Even if this latter, according to the definition of intergovernmental arrangement adopted here (see § 1.5.2) should not be strictly considered as an IGA (its members were not representatives of central and regional executives)

¹On this point, see the overview of main IGAs at work in major Western federal and quasi-federal countries provided in Appendix A.

nor, more generally, as an arena of intergovernmental relations (significantly, its composition did not include any regional representatives, but an equal number of national deputies and senators), the Commission is still worthy to be mentioned since it was *de facto* conceived by the constituents as a tool for ensuring protection of local autonomy (and partially, it actually fulfilled this function, mostly after the first waves of decentralization occurred in the Seventies; cf. Griglio 2008). This provision was in fact the only institutional device designed in the Constitution in order to introduce in some way the regional "voice" into the national (legislative) arena.

Overall, therefore, the institutional tools envisioned by the Constitution for building channels of communication between the center and the periphery turned out to be particularly limited, even more so because of the lack of any strong provision concerning the involvement of the Regions neither into the appointment of the judges of the Constitutional Court, in charge – among other things – of the resolution of conflicts of competence both between the State and the Regions, and among these latter, nor into the process of constitutional amendment².

2.2.2 Emergence and evolution of Executive Federalism

Fragmentation and sectorialization: the "Mixed Organs"

It was thus not on the parliamentary front that major channels of vertical IGR developed: in the enduring absence of a chamber of territorial representation (often evoked and never implemented), vertical IGAs tended to consolidate, since the second half of the Sixties, around the national and regional executives, consistently with the so called "executive federalism" trends described in the previous Chapter (cfr. § 1.5.2).

In 1967, even before the establishment of the ordinary Regions (put in place only in 1970)³, Law no. 48 of February 27th provided for the creation, within the Budget Ministry, of an Advisory Interregional Commission (*Commissione Consultiva Interregionale*), composed of regional representatives and chaired by the Minister, to be consulted over economic planning issues (since 1978, its advices became compulsory). The establishment of such Commission is worthy to be remembered not as such, but because it did not represent anything but the first step of a full-blown process of proliferation of so called "State-Regions mixed organs" (*organismi misti Stato-Regioni*).

²Regional legislative assemblies (five, at least) were however accorded the right to call *referendum* to abrogate ordinary or constitutional laws passed by the national Parliament, if the constitutional revision had been passed by a less than two-thirds parliamentary majority (Section no. 138).

³I will focus more extensively on the regionalization process in Chapter 4, § 4.3.2.

These bodies, whose activities developed along with established practices of "procedural coordination", were characterized by: the policy-specific nature of their intervention; the occasional frequency of their meetings; the fragmentation of the State action, limited to that of the Ministries and central bureaucratic structures each time provided for by the sectoral laws at issue. The landscape of intergovernmental arrangements appeared thus dominated by «very loose and generic collaborative formulas and procedural models, not supported by any homogeneous logic, intervening in policy sectors and policy-making phases extremely varied» (Capotosti 1981, p. 900, translated). As remarked by Torchia (1990), the layout of the relations between the State and the Regions which gradually emerged as a result of the norms layered over time, between the end of the Sixties and the end of the Eighties, proved marked by a high level of disorder – as to the policy sectors in which a regional participation was implemented (even if tamely) and those from which the Regions were instead completely excluded –, and by a high level of non-homogeneity as to the functions and the membership of these mixed bodies.

In that logic, the law establishing the Ordinary Regions (no. 281/1970) provided for the creation of a new Interregional Commission (*Commissione Interregionale*), endowed with advisory powers on allocation criteria of a financial fund devoted to development plans. In the following years, this Commission would be provided with additional tasks.

Without any claim of completeness, it may be interesting to briefly mention some of the numerous mixed organs which developed in the following decades, in order to make evident the multiple, heterogeneous and sectoral nature of these IGAs as well as the concomitant lack of a unified arena of dialog between the regional and the central governments. It was particularly since the first regional legislative session (1970-1975) that a real explosion of vertical, sectoral IGAs occurred (Agosta 2008, p. 50).

In 1975 the National Council for Cultural Heritage and Environment (*Consiglio Nazionale per i Beni Culturali e Ambientali*) was established, chaired by the corresponding national Minister, and provided with advisory powers. Two years later a Central Commission for Employment (*Commissione Centrale per l'Impiego*) was created: it was accorded consultative powers over the "general lines" and implementation criteria of the employment policy. In 1978, a Committee for Council Housing (*Comitato per l'Edilizia Residenziale*) was instituted, made up of representatives from all the Ministries considered as subject-related (as many as thirteen) and one representative from each Region. In 1984 a mixed organ for transports policy, composed by several central ministries and only five regional representatives, was set up. In 1985 were funded the Show Business National Council (*Consiglio Nazionale dello Spettacolo*), composed of fifty-seven members (whereof just three

in representation of the Regions), and the National Council for Craftsmanship (*Consiglio Nazionale dell'Artigianato*): in this latter case, the regional point of view was expressed by the regional Councilors in charge of that policy sector as well as by the presidents of the Regional Commissions for craftsmanship. Finally, when in 1986 the national Ministry of Environment was established, a National Council for Environment (*Consiglio Nazionale per l'Ambiente*) was set up, chaired by the Minister and including all regional Presidents (see Table 2.1).

Health policy: the National Health Council For the purposes of this analysis, it is particularly important to notice that the setting-up of the new National Health Service (*Servizio Sanitario Nazionale*; see § 4.3.2) led to the establishment, in 1978, of the *Consiglio Sanitario Nazionale* (National Health Council), an intergovernmental body with specific competences in the policy sector at the heart of this work (Law no. 833/1978, Sect. no. 8). Both the composition and the powers of the National Health Council were perfectly consistent with the broader institutional landscape just sketched.

This *vertical, policy-specific* IGA was composed of one representative of each Region, in addition to those of an extremely high number of central Ministries, State organs and professional associations: three representatives from the Health Ministry; one representative from the following list of Ministries: Employment and Social Security; Education; Interior; Defence; Treasury and Economic Planning; Agriculture; Industry and Commerce; Merchant Marine; Scientific and Technological Research; finally, the directors of two organs of technical-scientific support to the National Health System (the National Health Institute and the Institute for the prevention and safety in the working environments), one representative from the National Research Council, as well as ten "experts" appointed by the National Council of Economy and Employment. In all, the National Health Council resulted composed of forty-seven members, of which twenty-one representing subnational governments.

This "mixed organ" – which would be working until 1993 – was accorded powers of consultation and proposal towards the Government as to the setting of the "general lines" of this policy sector, and the processing and implementation of the National Health (*Piano Sanitario Nazionale*) Plan, the major planning document in this field (in fact never implemented until 1993). Advices issued by the Council had to be compulsorily asked by the national Government also on comprehensive prevention programs, on the determination of the levels of health services to be guaranteed across the country, on the planning of health workforce requirement, as well as on the allocation criteria of the National Health Fund (*Fondo Sanitario Nazionale*), the basic source of financing of the entire NHS. As far as the actual functioning of this IGA is concerned, the hearings of some members of the Council,

promoted in 1984 by the Health Commission of the Senate (in the framework of a cognitive survey on the actual implementation of the National Health Service), prove particularly interesting in order to understand the working dynamics of this intergovernmental arrangement (Senato della Repubblica, 1984).

The representatives of the Council agreed to remark that, in spite of many efforts put in place by its members to make the Council the real governance arena of the new Health System, the Council had been suffering from many structural and organizational weaknesses: these were ranging from the insufficient staff employed in its Secretariat to the absence of a standing seat of its offices (they spoke in this respect of a "peripatetic activity" of the Council), from the confusion and overlap of powers with those of others advisory bodies (such as the *Consiglio Superiore di Sanità*) to the lack of consideration of its activity by the Government: «the advices issued by the Council – according to one of its representatives – remain in the offices of the Ministry of Health. I do not know of any advice ever arrived to the Presidency of Council and to all the Ministers» (Senato della Repubblica, 1984, translated). According to the Secretary General of the Council, during its first five years of life, this IGA, which had met in its plenary format 51 times, had not been supported by a "constant and routine" Secretariat activity; one of the persons in charge of the "Planning" Section of the Council said that, when writing the official "Report on the Health Status of the Country" (a document to be drafted by the Council), they had been forced to «act in an extemporaneous way, as people who start writing things without a structure, without an arrangement» (Senato della Repubblica, 1984, translated). The Government did not activate the advisory function of the Council in all the cases provided for by the law and, even when the Council was convened, it was given too few time to elaborate a "genuine" advice. As summed up by one representative of the social partners in the Council, this latter rested «on courage, on imagination, but certainly not on the identification of roles, of sufficiently adequate tools» (Senato della Repubblica, 1984, translated).

Still at the end of the Eighties the Italian intergovernmental arrangements system resulted thus overcrowded with a number of intergovernmental arenas, each endowed with a variety of assignments ranging from planning to management activities, and each with responsibilities either over broad general issues, pertaining to a whole policy sector, or over micro-issues, linked to very specific questions. Some common traits can nevertheless be identified. Besides the policy-specific design of these organs, coupled with the irregularity of their meetings, one of the most relevant features shared by these diversified arrangements appeared to be that very seldom the Regions were accorded the role of unique interacting subjects with the central Government: in most cases, they were indeed involved in systems of interaction in which the regional presence (either at the level of Presidents or at

the level of regional Councilors, always with consultative functions) proved to be watered down into a broader framework. The heterogeneous, hybrid composition of these "mixed organs" tended indeed to (confusingly) blend together various functions, such as the coordination between different levels of government as well as the concertation with the social partners (Desideri and Torchia 1986)⁴: the complexity deriving from such an organization of Intergovernmental Arrangements clearly emerges from data contained in Table 2.1.

Beyond sectorality and fragmentation: the genesis of the State-Regions Conference

The limits deriving from such a configuration of the tools designed for the management of State-Regions relations appeared increasingly evident to many actors since the second half of the Seventies.

Besides jeopardizing the unity of the central Government political and administrative orientation, the so called "sectoral powderization" of IGR and IGAs appeared to several observers as functional not to an effective involvement of the Regions into central level decisions, but rather to the implementation of what was defined as an "organicist regionalism": regional governments would have risked to end up playing the role of mere implementers of goals still largely defined by the center, the administrative structure of which, despite two waves of regionalization already occurred (1970-72; 1975-77), had remained largely unchanged (if not strengthened) (Bifulco 2006, p. 243). In other words, the then existing system of IGAs appeared as no more fitting the new institutional landscape, characterized by the emergence of the subnational units as relevant territorial players. The major attempt to go beyond these limits was carried out through the establishment, in 1983, of the State-Regions Conference – a *vertical* and *generalist* IGA – at the end of a «long and troubled» genetic path (Pignatelli 2006, p. 52, translated), marked by uncertainties and afterthoughts (Capotosti 1987). This path will be analyzed in the remainder of this part.

Its beginning is generally identified with the presentation to the Parliament, at the end of 1979, of a "Report over the Main Problems of the Administration of the State", elaborated by the then Minister for Public Administration, Professor Giannini. In the section specifically devoted to "State-Regions Relations", the Report urged the Parliament to become aware that the territorial logic embodied

⁴In the second half of the Eighties, Desideri and Torchia (1986) observed in this regard that «regionalization may have been perceived as a threat to traditional connections between [social partners] interests and administrative systems. Sectoral laws have thus decided to give reassurances that the connection between the State and the Regions would not exclude and, on the contrary, would take into account sector-based interests» (p. 124, translated).

in the 1948 Constitution had been definitively overcome, even "overwhelmed", as a consequence of the two occurred waves of regionalization:

«the State-Regions relationship consists no more in a control of legitimacy of the State over regional acts, or in a power of the State to limit, by means of its framework laws, the legislative powers of the Regions, in a context of separated levels [of competence]. The state of affairs is now characterized by reciprocal implications in planning activities and in those sectors of public interest in which functions are shared (health, housing, etc.); [the state of affairs is characterized] by concertation in all remaining fields» (Giannini 1979, p. 31).

In that Report, it was also significantly remarked that, despite this evolution, the State had not yet «put in place any means to activate, on clear and transparent bases, its relations with the Regions» (Giannini 1979). Neither clarity nor transparency could be considered as achieved by means of the then extant plethora of "mixed organs", which, due to their sectoral nature, were not able to effectively coordinate general interests.

In the next years, between the end of the Seventies and the beginning of the Eighties, different projects and proposals were advanced, all sharing the idea of the necessity to go beyond the fragmentation and sectorialization of the IGAs grown over time: the creation of a unitary seat of intergovernmental political coordination, able to translate into practice the cooperative principle, was by that time felt as necessary by many actors (Sandulli 1995). According to reforms' supporters, it was indeed indispensable to modify the meaning itself of the regional presence inside State organs, and, above all, to create a channel of communication characterized by open procedures, without any pre-established constraints, not only for the joint definition of planning goals, but to recognize more broadly the existence of a relationship between political (and not simply administrative) bodies, such as the State and the Regions were (Capotosti 1981).

In February 1980, the conclusions of a cognitive survey promoted by the Parliamentary Commission on Regional Issues mentioned above (Senato della Repubblica-Camera dei Deputati, 1980) stressed explicitly, for the first time, the urgency and utility of establishing – within the administrative structure of the Presidency of the Council – a "Standing Conference of Regional Presidents", so as to create an organic place for State-Regions confrontation. Regions were to be accorded in that way the possibility to have a part in: defining the general political line of the central Government action; allocating financial resources; setting the general goals of economic planning, and sharing decisions (of regional interest) related to the European Community (Mangiameli 2007). On July 10th of the same year, the Senate passed an order of business which – in line with the above-mentioned

proposals – committed the national Government to take all the necessary initiatives so that State-Regions relations were managed in a unitary, generalist seat, to be established within the structure of the Presidency of the Council of Ministers (Senato della Repubblica 1980).

Also in the light of these requests, at the end of 1980 a further ministerial research commission was established (the so called *Commissione Bassanini*), in charge of elaborating some proposals – even in the form of draft bills – about the overall, concrete redefinition of the whole system of Italian IGR. As to the identification of a new institutional arrangement for the management of center-periphery relations, the Commission proposed to create a "Permanent Conference", able to ensure and to promote over time the participation of the Regions to the elaboration and implementation of the "general political lines" of the central Government. This proposal also envisaged the suppression, and the consequent incorporation into the new Conference, of two of the above-reminded mixed organs: the Advisory Interregional Commission established in 1967 and the Interregional Commission created in 1970. If compared with the intergovernmental landscape described above, the project put forward by the Bassanini Commission might be considered, on the whole, as groundbreaking. The main goal – according to one of the members of that Commission – was «to allow the coordination, at the highest political level, of the exercise of state and regional functions, overcoming and preventing any form of sectorialization of these relationships» (Capotosti 1981, p. 903, translated).

This project, however, was never implemented: as stressed by Azzena (1999), «the resistances to according the Regions a role at least equal to the one written in the Constitution were still powerful, because of an ensemble of interests, both of political and bureaucratic nature, to put it mildly. And those resistances were directed, obviously, also towards the new body, still to be established» (p. 418, translated). The «statist concern to preserve the autonomy of the executive in defining its own administrative-political line» (Sandulli 1995, p. 840, translated) thus prevailed over the growing claims coming from the "regional front" and the more advanced proposals put forward in those years.

Such an ensemble of resistances materialized in the "Spadolini draft bill" (1982), which, while envisioning the establishment of a Conference for the management of IGR within the Presidency of the Council, was generally perceived as a clear come down if compared with the proposals put forward by the Bassanini Commission. First of all, this draft bill did not provide for the suppression and inclusion into the new organ of the existing interregional commissions; secondly, it accorded to the new organ powers for passing coordination acts exclusively in the administratively decentralized policy sectors.

Table 2.1: Main vertical Italian IGAs: date of establishment and composition.

IGA	Year	Members
<i>Commissione Consultiva Interregionale</i>	1967	National Minister of Budget and one representative of each Region.
<i>Commissione Interregionale</i>	1970	National Minister of Budget and Regional Presidents.
<i>Consiglio Nazionale per i Beni Culturali e Ambientali</i>	1975	National Minister of Culture; one representative for each of the following Ministries: Foreign Affairs; Budget and Economic Planning; Interior; Public Works; Agriculture and Forestries; Public Education; Industry; Scientific Research; one representative of each Region and ten representatives of the local governments, appointed among people with specific expertise in the field; eight University professors; fourteen representatives of the scientific personnel of the administration (three of which appointed by the most representative national trade unions); six experts of national reputation appointed by the Ministry.
<i>Commissione Centrale per l'Impiego</i>	1977	National Minister of Employment and Social Security; eight representatives of workers, four representatives of employers, one representative of each of the following categories: corporate executives; independent farmers; artisans; business owners; cooperatives (all appointed by the most representative national trade unions); several central Ministries Directors General (employment services, labor relations and social security, general affairs and personnel); five regional representatives chosen by the Minister among those designated by all the Regions.
<i>Comitato per l'Edilizia Residenziale</i>	1978	National Minister of Public Works; two representatives of the Treasury Minister; one representative of each of the following Ministries: Budget and Economic Planning, Employment, Scientific Research, Industry; Extraordinary interventions in Southern Italy, Agriculture and Forestries, Interior, Defense, Transports, Telecommunications, Culture; one representative of each Region.
<i>Consiglio Sanitario Nazionale</i>	1978	National Minister of Health; one representative of each Region; three representatives of the Ministry of Health and one of the following: Employment, Public Education, Interior, Defense, Treasury, Budget and Economic Planning, Agriculture and Forestries, Industry, Merchant Marine, Scientific Research; the Director of the <i>Istituto Superiore di Sanità</i> ; the Director of the <i>Istituto superiore per la prevenzione e la sicurezza del lavoro</i> ; one representative of the National Research Council; ten experts on health matters, appointed by the National Council of Economy and Labor, taking into account functional competences representativeness criteria.
<i>Conferenza Stato-Regioni</i>	1983	President of the Council of Ministers and Regional Presidents.
<i>Comitato presso il Ministero dei Trasporti e della Navigazione</i>	1984	National Ministers of: Transports, Treasury, Budget, Economic Planning, Defense, Public Works, Industry, Commerce, Craftsmanship, Merchant Marine, Tourism and Show Business, Extraordinary Interventions in Southern Italy, Scientific Research; five representatives of the Regions, appointed by the Conference of the Regional Presidents.
<i>Consiglio Nazionale dello Spettacolo</i>	1985	National Minister of Tourism and Show Business; one representative of each of the following Ministries: Foreign Affairs; Treasury; Public Education; Culture; State Participation; twenty-seven representatives of different categories of Show Business workers; one representative of the public television network, of the Italian theatrical Institution, of the copyright collecting agency, and of the <i>Ente Autonomo di Gestione per il Cinema</i> ; three representatives of the Regions, appointed by the State-Regions Conference; six representatives of the local governments, appointed by the <i>Associazione Nazionale Comuni Italiani</i> ; three representatives of the Provinces, appointed by the <i>Unione Province Italiane</i> .
<i>Consiglio Nazionale dell'Artigianato</i>	1985	National Minister of Industry; regional Craftmanship Councilors; Presidents of regional Commissions for Craftmanship; eight representatives of national craftmanship associations; four representatives of craftmanship workers; the president of the <i>Cassa per il credito alle imprese artigiane</i> ; the President of the <i>Unione italiana delle camere di commercio, industria, artigianato e agricoltura</i> .
<i>Consiglio Nazionale per l'Ambiente</i>	1986	National Minister of Environment; one representative delegated by each Region; six representatives appointed by the local governments (<i>Associazione Nazionale Comuni Italiani</i>) and three by the Provinces (<i>Unione delle Province d'Italia</i>); fifteen representatives appointed by the Minister of Environment among those proposed by national associations for the safeguard of environment; one representative of the National Research Council, one of the National Committee on Alternative and Nuclear Energies, and one of the National Agency for Electric Energy.

Source: Own elaboration.

Establishment and development of the State-Regions Conference: legislative framework

The outcome of such a complex genetic path came eventually on October 12th 1983, when the Government led by Bettino Craxi established – on administrative bases – the new *Conferenza Permanente per i rapporti fra lo Stato, le Regioni e le Province Autonome* (Standing Conference for the Relations between the State, the Regions, and the Autonomous Provinces; more briefly, State-Regions Conference) (D.P.C.M. October 12th 1983). The creation of this Conference by means of an administrative act – instead of a legislative one, as previously envisioned – was immediately pointed out by many observers as indicative of the scant conviction characterizing the decision taken by the Government: for this reason, the establishment of the Conference was defined as no more than "experimental" (Sandulli 1995).

In fact, the new IGA was accorded quite vague and abstract powers of «information, consultation, research and coordination over the issues of common interest for the State, the Regions and the Autonomous Provinces» (Sect. no. 1.1). The call of the Conference was entirely depending on the discretion of the Prime Minister⁵, who was also accorded the chairmanship of this IGA; furthermore, regional Presidents were defined as simple "guests": in legal terms, they were not necessary members of the Conference, as well as national Ministers possibly involved each time by the Prime Minister, depending on the subject-matters to be debated. What emerged was thus a «muted Conference» (Capotosti 1987, p. 360, translated) if compared with those envisioned in all previous proposals. The architecture of this new, *generalist* intergovernmental arrangement, presenting numerous structural and functional inconsistencies, was still entirely fitting in with a centralist and statist view of IGR (Ruggiu 2000, p. 860).

Notice also that in this same period the proliferation of mixed State-Regions organs showed no sign of decreasing (see again Table 2.1): such a dynamic may be easily understood as an indicator of the still little recognition accorded to the State-Regions Conference by many IGR actors as the privileged seat of political coordination between the center and the periphery, all to the good of the existing sectoral circuits between regional Presidents and Councilors, on the one hand, and national Ministers, on the other hand.

It was only five years later, in 1988, that the Conference was accorded a legal status. Law no. 400 of August 23rd (Sect. no. 12), pertaining to the overall reorganization of the Presidency of the Council, introduced a number of important innovations with respect to the composition, the powers and the organization of the Conference, marking a major step towards a full-blown transformation of the

⁵The Decree stated indeed that the President of the Council *might* convene the Conference.

role played by this vertical arrangement in the Italian system of intergovernmental relations. The relevance of this step for the "take-off" of the Conference was also confirmed by IGR actors interviewed for this analysis.

First of all, according to the new provisions, Regional and Provincial Presidents were no more considered as "guests", but as full-fledged members of the Conference. The Prime Minister was confirmed as the chair of the Conference and was accorded the possibility to "invite" other Ministers, depending on the subject-matters to be debated each time. Second, a minimal frequency of the meetings was set (once every six months), reducing in such a way the discretionary power of the President of the Council. Third, the competences of the Conference were defined more precisely. In addition to the vague assignments included in the 1983 Decree, Law no. 400 specified that the Conference was to be *consulted* by the central Government on the following issues: the general lines of the regulatory action of the Government in matters of direct regional interest; the definition of the national economic planning goals, as well on the objectives of financial and budget national policy; the general political line as to the elaboration and implementation of EEC acts impinging on regional competences; any other issue considered by the Prime Minister as worthy to be discussed within the Conference. Particularly important was also the provision about the institution of a permanent Secretariat Office, an administrative structure of support, fundamental for ensuring the ongoing workability of the system: significantly, it was to be partly staffed by regional officials. Eventually, Law no. 400 committed the Government, through a *delega legislativa* (a delegation), to enacting a series of legislative Decrees with the goal of rationalizing the existing, intricate web of policy-specific IGAs and, when necessary, to suppress them (with a consequent absorption by the State-Regions Conference of their competences). This process occurred at the end of 1989⁶.

The next regulatory step towards the consolidation of the Conference was the passage of Law no. 86 of 1989, 9th March (better known as "La Pergola Law", after the name of the then Minister for European Affairs), concerning the participation of the Italian State to the EEC legislative process and the procedures for the implementation of the European Community obligations. This new law provided for a call of the State-Regions Conference in a special format (the so called *Sessione Comunitaria*, "Community session"), exclusively devoted to the debate – at least every six months – over the aspects of the EEC policies of regional interest. In this special session, the activity of the Conference was of consultative nature, and

⁶By means of Legislative Decree no. 418 of December 16th 1989, which pointed out the *kinds* of tasks, attributed up to that moment to existing sectorial IGAs, to be transferred to the State-Regions Conference, as well as some assignments immediately transferred to this latter (advisory powers on: acts of sectoral and inter-sectoral planning; acts pertaining to the distribution of financial resources among the Regions or between these latter and the State; guidelines issued by the central administration on matters of regional competence).

advices could be given only on the legislative (and not administrative) acts of the Government. The Conference was required to give its advices both on the general criteria of elaboration of Community acts impinging on regional competences (ascending phase), and on the criteria and modalities by which the Community obligations were implemented in the Italian legal order (descending phase). It should be noted that the additional provision of a minimal frequency of meetings (in the Community format) contributed to further reduce the degree of discretion enjoyed by the Prime Minister in calling the meetings (whose minimal number was in that way set at four per year: two ordinary sessions plus two in the European format).

If the Eighties appear thus characterized by a number of key-legal interventions for the general development of the Conference, the early Nineties were rather marked by a «sectoral legislation, of alluvial nature, which [...] attributes to the conference a large number of functions» (Ruggiu 2000, p. 861, translated), expanding in fact its field of intervention. As shown in Figure 2.1, this period witnessed indeed an intense sectoral regulatory activity, which provided for an involvement of the Conference in specific, diverse decision-making processes. Although the tasks conferred to the Conference were still of consultative nature in most of the cases, it is nevertheless interesting to note that it is in those years that were contemplated the first legislative provisions of State-Regions "understandings" (the *intese*, which, compared with strictly advisory activity, entail a greater involvement of the Regions into the decision-making process; see § 2.2.3).

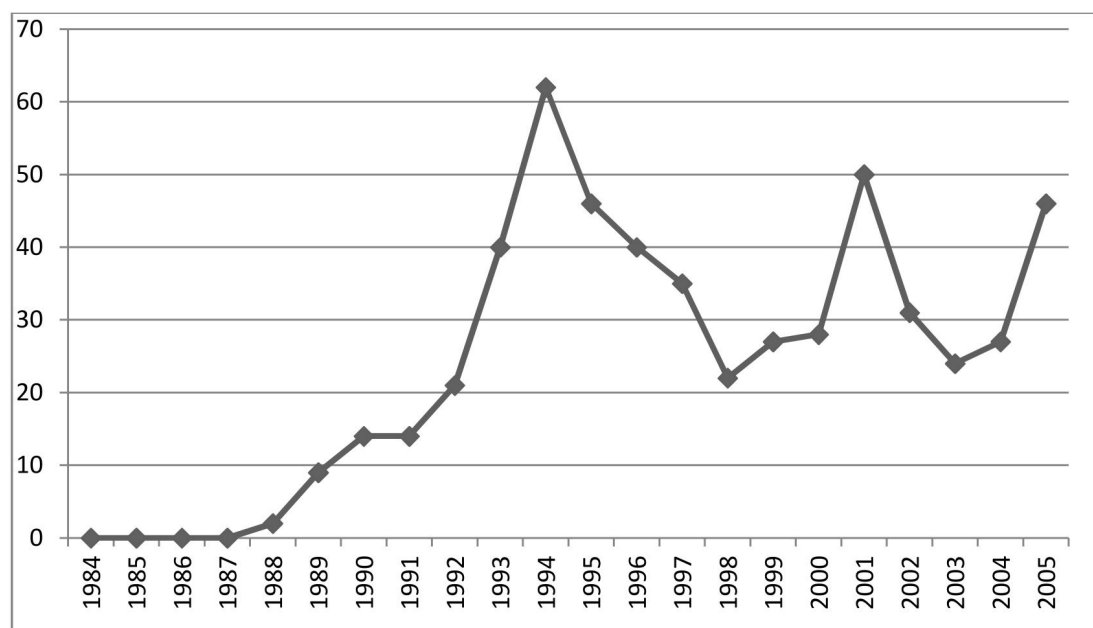
It should be also reminded that, in this period, the Conference was involved in a twofold process of internal reorganization. More specifically, a Decree of the Prime Minister (D.P.C.M. January 31st 1991) set the composition and the functions of the six General Committees in which the Conference had to be articulated⁷. In fact, the nature of the tasks attributed to these offices (basically preliminary activities) as well as their composition (one representative of the Ministry in charge of the sector at issue, and just four regional Presidents) made the Committees unable, from the outset, to support the Conference in its daily working in an effective way. This is why in 1992 a further Decree was issued to re-organize the Conference, establishing this time five Sectors, in turn divided into services⁸.

In these same years a significant ruling of the Constitutional Court (no. 116/1994) helped to dispel many doubts (relevant not only from a strictly legal point of view) about the ultimate nature of the Conference: whether it should be understood as a simple articulation of the central Government (as many legal provisions, such

⁷As reconstructed by Bifulco (2006, p. 246), these General Committees were in fact the State-Regions mixed organs not suppressed by the 1989 Decree.

⁸Institutional Affairs; Planning and General Services; Land, Environment and Productive Activities; Health Services, Social Affairs and Education; National Health Service Collective Bargaining; Archive of State-Regions mixed organs.

Figure 2.1: Trend of sectoral legislative acts conferring new tasks to the State-Regions Conference (1984-2005). Source: Ruggiu (2006, p. 291).



as the location of the Conference within the Presidency of the Council, allowed to suppose); if it should be intended as an expression of the regional level, or if it should be, eventually, considered as an arrangement endowed with its own autonomy. The Court, which was already intervened to underscore that the whole system of State-Regions relations should be inspired by the so called "loyal collaboration principle", argued that «the permanent Conference, far from being a body belonging to the State or Regions apparatus» was instead to be intended as «the privileged seat of confrontation and political negotiation between the State and the Regions, in order to favor collaboration between the former and the latter. As such – according to the Court – *the Conference is an institution operating within the national community* as a tool for implementing cooperation between the State and the Regions (and the Autonomous Provinces)» (translated, emphasis added).

As remarked by many law scholars, the norms layered during the Nineties, while largely broadening the scope of the Conference intervention and contributing to consolidate collaborative practices between the center and the periphery, tended to envision single, punctual interventions, which generally concluded with the fulfillment by this IGA of the specific tasks defined each time by the laws at issue. Such a situation made legitimate enduring doubts about the stabilization and working continuity of this IGA (Ruggiu 2006). This is why, in the framework

of a third wave of regionalization occurred in the second half of the Nineties, an attempt to overcome these weaknesses was implemented. An overall revision of the Italian IGR system, mainly based upon a clarification of the role played by the State-Regions Conference and the introduction of a new vertical IGA, was put in place. The State-Regions Conference appeared indeed in this phase as the unique body able to channel – without the need of resorting to complex constitutional changes – the exigencies of territorial representation expressed by the regional (and local) governments, in a particularly complex phase of institutional transformation of the State. Not only that, but the State-Regions Conference offered also the template for the introduction – despite the strong opposition shown on many occasions by the regional front – of a new Intergovernmental Arrangement aimed at involving in central Government's decisions also the municipal and the provincial level: the State-Municipalities and Local Autonomies Conference (*Conferenza Stato-città ed autonomie locali*) (1996).

The new State-Municipalities Conference was thus put alongside of the pre-existing State-Regions Conference, which was involved, in turn, in a significant reform, through the approval of a *Legge delega* (Law no. 59/1997). This latter represents the last, major step in the definition of the regulatory framework governing the Conference: according to some scholars, it might even be considered as the «legislative intervention which qualifies, in the sharpest way, the role of the Conference» (Allegrezza 2002, p. 15, translated). If many legislative interventions before 1997 had determined a «not at all linear evolution» of the Conference, the 1997 reform led eventually to «coherent solutions, making the Conference a seat of joint and equal collaboration [of the Regions] with the State, and adjusting the role played by the Regions» (Azzena 1999, p. 422, translated). In fact, it mainly contributed to define its role from a more general perspective.

Among the guidelines the Government had to follow in implementing this *delega*, it was established that: first, the powers and the functions of the Conference had to be strengthened through the provision of its participation to every decisional process of regional, interregional or infraregional interest, *at least by way of compulsory consultative activity*; second, State-Regions relations were to be simplified, by means of the concentration into the Conference of all the tasks still assigned to mixed committees, commissions and bodies (to be definitively suppressed); third, the subject-matters in which an *intesa* (i.e., an "understanding"; see § 2.2.3) was to be considered as necessary were to be specified, as well as the rules to be followed in case of non agreement; finally, the modalities and forms of Municipalities and Provinces participation to the Conference works should have been determined. These guidelines were later implemented in Legislative Decree no. 281 issued on August 28th 1997. Though not modifying neither its composition nor its general goals (still defined by Law no. 400/1988), this Decree contributed

to rationalize the diverse competences acquired through time by the IGA under analysis, and introduced some significant novelties, strengthening further the role played by this intergovernmental body (Carpani 2006; La Falce 1998).

Among the major innovations introduced in 1997, the compulsoriness of the consultative activity of the Conference over all normative initiatives (draft-bills, draft-decrees and so on) enacted by the central Government in the fields of Regional competence appears as particularly relevant. In such a way, indeed, the activation of the Conference was no more linked to the existence of specific legislative provisions, but was made "automatic" (at the minimum level of compulsory, not binding advices) whenever the Government was willing to intervene in sectors of regional competence. In this respect, it should be remembered that in 1988 Law no. 400 had not specified the necessity of the advices issued by the Conference: according to many scholars, in principle at least, the *pareri* could in fact be requested by the Prime Minister on a discretionary basis. Moreover, if before 1997 the advices were given almost exclusively on secondary, administrative sources, after the reform process the Conference proved to be directly acting in the legislative production of the Government, to the point that, in the opinion of some scholars, it would be even possible to accord to the Conference a full-blown role of "co-legislator" (Ruggiu 2006). As to the State-Regions mixed organs then still being in existence, the decree went on to suppress them, attributing their functions to the Conference.

Decree no. 281 also redefined the so called "Community session", confirming its minimal frequency of a meeting every six months and strengthening its interface function between the Regions, the national Government and the European Union. More specifically, the Conference, when called to meet in this special format, was asked to intervene in order to: connect the national political lines as to the elaboration of the Communitarian acts with the exigencies put forward by the Regions (ascending phase); to give an advice over the "Community Law" (*Legge Comunitaria*)⁹ (descending phase); to appoint the regional representatives within the Permanent Representation of Italy to the EU; to give advices – when requested by the Regions and with the consent of the Government – on administrative draft bills aimed at introducing in the Italian State principles of the Community Law or of rulings of the Court of Justice (in such a way, the Conference activity was no more limited, in this special format, to legislative acts). Eventually, the reform envisaged a fruitful collaboration between the Conference itself and the National Steering Committee (*Cabina di Regia Nazionale*)¹⁰ in order to ensure a full and

⁹The major legislative act, by means of which, every year, the legal rules produced at the European Union level are introduced in the Italian legal system.

¹⁰Established in 1995, the *Cabina di Regia Nazionale* is a structure operating under the Ministry of Economy and Finance to ensure the coordination and promotion of initiatives on the use of EU structural funds.

timely use of Community funds.

Finally, the 1997 reform arranged for the unification – as to the issues of common interest among the State, the Regions, and the "local autonomies" (i.e. municipalities, provinces and territorial associations of mountain regions) – of the State-Regions Conference with the above-mentioned State-Municipalities Conference. When called in this special format, the Conference is named *Conferenza Unificata* (Unified Conference)¹¹; its composition is nothing but the result of the summation of the members of the two distinct arenas¹². Compulsorily consulted on the Budget Law draft, on the annual Document of Economic and Financial Planning (*Dpef – Documento di Programmazione Economica e Finanziaria*), as well as on the draft legislative decrees concerning the transfer of administrative functions from the State to the local governments, the Unified Conference was also accorded the power to promote the attainment of agreements and understandings between the different levels of government.

More generally, it should be evident, in the light of previous considerations, that 1997 reform constituted an important stage in the evolution of the intergovernmental relations system of Italian regionalism (at least on the regulatory side), as long as it further contributed at consolidating «the exclusive and excluding character assumed by the [State-Regions] Conference as to the relations with the center, and [...] set the compulsory advisory activity as the minimum level at which regional participation [to the national policy-making] may be considered as sufficient» (Ruggiu 2000, p. 862, translated).

The State-Regions Conference after constitutional reforms

During the next decade, the Italian regional system underwent two considerable Constitutional reforms: they impacted indirectly, but remarkably, on the Conferences system.

On the one hand, the introduction of the direct election of the Regional Presidents (1999), while not determining any legislative change directly involving the State-Regions Conference, altered nevertheless its composition: Regional Presidents negotiating with the central government were no more expression of the Regional Councils (the regional legislative bodies), but administrators endowed

¹¹Note that the *Conferenza Unificata* is not to be intended as a third Conference, by a joint session of the State-Regions and the State-Municipalities ones.

¹²More specifically, its members are: the President of the Council of Ministers; the Minister of the Interior; the Minister of Regional Affairs; the Minister of Economy and Finance; the Minister of Infrastructures and Transports; the Minister of Health; the President of the National Association of Italian Municipalities (ANCI); the President of the Union of Italian Provinces (UPI); the President of the National Association of Mountain Municipalities and Communities (UNCEM); 14 mayors appointed by the ANCI; 6 Provincial Presidents appointed by the UPI; all the Regional Presidents.

by their constituencies with a full-blown direct investiture, and, by consequence, of higher political weight and political visibility¹³.

On the other hand, the amendment of Title V of the Second Part of the Constitution (Constitutional Law no. 3/2001), although not offering constitutional recognition to the Conference, had an impact on it, in different ways.

First of all, Law no. 3 provided for the strengthening of an alternative channel of intergovernmental communication, operating not at the executive, but at the legislative level: it envisaged indeed the possibility that, for a transitory period (before the possible establishment of a Senate as a parliamentary chamber of territorial representation) the statutes of the two houses of the Parliament would provide for the integration of the above-evoked Parliamentary Commission on Regional Issues (see § 2.2.1) with representatives of the Regions and local governments. Theoretically, they could be allowed the right to take part to all those parliamentary decision processes concerning local and regional governments' finance and matters of concurrent legislative competence. In cases of non agreement, the Commission could make use of a suspensive veto power. Until now, nevertheless, the possibility of reforming the Commission in such way has not been implemented by the Parliament.

If this reform option (if implemented) might appear as moving the barycenter of the center-periphery relations from the executive towards the legislative arena, it is still true that the Title V reform *de facto* impacted on the role played by the Conference in the opposite way, that is broadening the scope of its interventions, as a consequence of increased (and often badly defined) regional competences. As stressed by Carpani (2006), «with the coming into effect of the reform of Title V of the Constitution [...] the coordination ensured by the Conferences acquires a new role, to some degree [...] almost essential to the working of the system. A legislative and administrative system organized in such a way does not only reaffirm, but does increase the need of tools able to implement strong and efficient forms of collaboration between the State and the local governments» (pp. 146 and 150, translated). And even more so in the light of the "leveling" (*pari ordinazione*) of governmental levels principle formalized by new section no. 114 of the Constitution¹⁴.

Consistently with this new state of affairs, in 2003 and 2005, two important laws were passed, in order to enact the new constitutional provisions. The first one – the so called "La Loggia Law" (no. 131, June 5th 2003) – introduced the possibility of reaching, in specific circumstances, what is commonly defined as a "strong understanding" (*intesa forte*) between the State and the Regions, which, as

¹³On this point, see § 4.3.2.

¹⁴"The Republic is constituted by Municipalities, Provinces, Metropolitan cities, Regions and the State".

will be explained in the next Section, is a cooperation tool entailing a particularly deep involvement of the regional front into State decisions (cf. § 2.2.3). Moreover, the 2003 law improved the advisory role of the Conference: its advices must be taken on the drafting of Governmental decrees identifying the existing fundamental principles regulating matters of concurrent legislation¹⁵.

In 2005, Law no. 11, February 4th, canceled "La Pergola Law" provisions, updating the modalities of participation of the Regions to the elaboration and implementation of the Community laws, also in the light of the principle of "loyal collaboration", now included among constitutional tenets (Section no. 120.2)¹⁶.

Along with these legislative interventions, it should also be reminded the persistence of the above-evoked sectorial "alluvial lawmaking": a number of new legal provisions was indeed passed, paving the way to the provision of further cases of punctual intervention by the Conference. Even after the general norms contained in Decree no. 281/1997, the amount of sectorial laws passed each year – envisaging in different ways and for different reasons the activation of this IGA – may be defined as significant: it determined a full-blown normative "layering process", still in progress (Ruggiu 2006; see again Figure 2.1).

It must be finally reported that a draft bill, never passed, was advanced in 2006 by the then Ministry for Public Administration with the aim of rationalizing the working of the Conference. In 2011, a new draft (*Delega al Governo per istituzione*

¹⁵As a transitory solution, before the enactment of new national framework legislation.

¹⁶In particular, Law no. 11 provides that the Government presents all the European Union and Community measures and projects before the Conference of the Regions (cf. § 2.3); that the Regions must be promptly informed about projects touching on matters within their competences, and that they may express – within a specific time frame and by means of the Conference of the Regions – observations on such projects, in view of the formation of the Italian position in the EU. Regions may then request (the demand may be advanced by any single Region) the convening of the State-Regions Conference to reach an understanding on the draft Community legislation covering regional legislative powers. In this latter case, the State-Regions Conference may also request the Government to condition – at the Council of Ministers of the European Union – its acceptance of the project under discussion. In failure of understanding, however, the Government may still proceed with the activities aimed to implement Community acts. Law no. 11 further envisions that the Regions must be informed in advance by the President of the Council – during a special Community Session of the Conference – on the agenda of the next European Council. On this occasion, the Government must also inform the Regions about the position the Government intends to take in that forum; the Government is finally required to report to the Regions the outcome of the meetings of the European Council and the Council of Ministers of the European Union (with respect to matters falling within regional competence). Eventually, Law no. 11 (sect. no. 17) has confirmed that the special Community Session of the Conference has to be held, at least, every six months. In such a session, the Conference is required to express its advice on: the general guidelines as to the elaboration and implementation of Community legislation concerning regional powers; the criteria and procedures aimed to make the Regions compliant to the obligations arising from belonging to the European Union; finally, on "Community law" draft-bill.

e la disciplina della Conferenza permanente dei livelli di governo), pursuing a similar goal and envisioning the establishment of a unique Conference, embodying both regional and local governments, was proposed by the Government: as the previous proposal, the draft bill was not approved by the Parliament.

2.2.3 Powers, organization and functioning of the State-Regions Conference

Tools

Italian legal literature usually distinguishes – at least after the 1997 reform – two major kinds of State-Regions activity. The first one encompasses different forms of "participation of the Regions to the central Government activity" or, differently stated, of "collaboration of the Regions with the national executive". The second one, quantitatively secondary, consists instead in the "direct management" of a series of functions by the State-Regions Conference as such.

The first kind of activities may be divided, in turn, into activities of strict advisory nature and activities of "concerted co-management" (Ruggiu 2000).

Starting from the advisory activity, it basically consists in the issuing of *pareri* (advices) over primary and secondary legislative acts initiated by the central Government.

Parere. Central Government must take into consideration the advices issued by the Conference in a great deal of cases. As previously seen, the advisory activity constitutes the minimum, compulsory form of involvement of the Regions in all decisional processes initiated by the Government in fields of regional competence, in addition to all specific circumstances envisaged by sectoral laws. The Conference may also be consulted on whatever subject of regional interest the Prime Minister considers as opportune to debate within this IGA, also at the instance of the Regions. Notice that, while often compulsory, *pareri* are never binding – legally speaking, at least – for the Government, which remains, in the last resort, responsible of its own regulatory initiatives. As an established practice, advices issued by the Regions in the Conference may be distinguished into several categories: positive advices; negative advices; and "conditional" (positive or negative) advices (*pareri condizionati*). Conditionality is linked to the acceptance, by the Government, of specific, very detailed "amendments", put forward (collectively) by the Regions: in these cases, the Government may decide to immediately accept or refuse regional requests, or to evaluate them in a later stage. Furthermore, even when the regional advice is (fully) positive, the Regions may convey

"recommendations" (*raccomandazioni*) or "remarks" (*osservazioni*), that is requests of modifications, whose acceptance by the Government is nevertheless presented by the Regions themselves as non fundamental for their overall positive assessment of the measure under discussion. It should be finally reminded that in case the central Government should proceed to the adoption of a legislative act without having the time to previously take into account the Conference advice (because of urgency reasons), it must nevertheless get it later, following the approval of the act at issue by the Council of Ministers.

As to the forms of "co-management" activity, the available legal instruments are the following two: the *intesa* (understanding) and the *accordo* (agreement).

Intesa. The *intesa*, already envisaged by some punctual legislative provisions since the early Nineties, represents what legal scholars define as an activity necessarily occurring during the course of the proceedings (*atto endoprocedimentale*). In other words, the attempt to reach an "understanding" is considered as a *necessary* step within the sequence of a procedure aimed at enacting a State legislative or administrative act. It is an instrument whose primary aim is to guarantee – only in those cases provided for by law – a very co-determination by the State and the Regions, on equal footing, of the act at issue. Whenever a law provides for the reaching of an understanding, the Conference results in a way directly "projected" into the construction of the decision itself (Ruggiu 2000, p. 800). While the legal provision of an advice leads often to the emergence, *de facto*, of a negotiating practice between the State and the Regions before the formal issuing of the advice by the Conference (see § 2.4), the provision of an understanding "imposes" in a way the preparation and conducting of an intense negotiation activity among the partners (Carpani 2006), able to overcome – by the adoption of flexible and genuinely bilateral schemes – the rigidity of a non coordinated sequence of unilateral acts (Anzon Demmig 2008, p. 193). It is for these reasons that the *intesa* is generally qualified as the most effective and penetrating tool of regional participation to the elaboration of State acts (Anzon Demmig 2008). It is nevertheless true that, according to Decree no. 281/1997, the central Government, in case of non-achievement of an understanding within thirty days after the inclusion of the issue in the order of business of the Conference, is allowed (even if not obliged) to take the final decision unilaterally: in this case, it must simply provide a formal justification. Put differently, the central Government is always accorded the last word¹⁷. Eventually, as

¹⁷An exception to such provisions is however contained in the above-evoked "La Loggia Law" (2003). It has disposed that, whenever the Government is willing to promote the achievement of an understanding with the Regions in order to «favor the mutual harmonization of respective

in the case of *pareri*, an established practice is that the Regions may define an understanding as achieved, provided that the Government amends the text under discussion in a certain, specified way (*intesa condizionata*). In this case, the Government may (politically) commit to make the required changes (which, however, cannot be directly verified by the Conference).

Accordo. The *accordo* (agreement) represents instead a tool through which the State and the Regions can coordinate the implementation of their respective functions and carry forward activities of common interest, «complying with the principle of loyal collaboration, and pursuing goals of functionality, cheapness and effectiveness of the administrative activity» (Decree no. 281/1997, Sect. no. 4). The main goal of the *accordo* consists in the attempt to ensure the highest uniformity as possible in the policy fields devolved to the Regions, when sectoral laws do not provide for the attainment of an understanding. Usually, the prime mover is the State (Carpani 2006). The literature calls often attention to the discretionary and spontaneous nature of the agreement, whose achievement – in contrast with understandings – must not be provided by any law, being as such entirely dependent on the will of the partners (Pignatelli 2006, p. 56). It has also been remarked that agreements, far from being a marginal (administrative) tool, frequently acquire strong political salience¹⁸. Except in few cases, however, the State has no power in order to monitor the actual implementation of the agreements by the Regions. Agreements, in order to become enforceable, must indeed be adopted by each single Region (Carpino 2006).

Eventually, the "direct management" or deliberative activity of the Conference is constituted by the exercise of all those powers exclusively attributed to the Conference, as such not ascribable to any partner individually considered. When carrying forward direct management activities, the Conference "carves out" an autonomous position within the institutional system (Ruggiu 2000). As mentioned above, this kind of activity is nothing but a quantitatively marginal part of Conference action. It basically consists in: the determination of the sharing criteria for the financial resources attributed to the Regions by law; the sending of invitations and proposals to other State bodies and other subjects managing public functions or services; the appointment of regional representatives in other

legislations, as well as the achievement of unitary positions or the pursuing of shared goals», no time limits are imposed as to the attainment of the *intesa*: this is why these understandings are commonly defined as "strong" (*intese forti*), as opposed to those envisioned by the 1997 reform (*intese deboli*, weak understandings).

¹⁸In this respect, Carpani (2006, p. 71) mentions, for instance, the numerous agreements preparatory to the covering of the regional debts in the health care sector by the State, later transformed into decree-laws by the central Government.

organisms (for instance, the appointment of the regional members within the Permanent Representation of Italy to the EU, as well as in many national technical and advisory bodies)¹⁹. Furthermore, the Conference approves the guidelines for a uniform implementation of diagnostic-therapeutic workups at the local level, and – making use of its direct management powers – may formally establish Working Groups and Committees, for supporting the Conference functioning from an administrative point of view. This was an already long-established practice, then simply formalized in 1997 (Decree no. 281, section no. 7.2). In the exercise of co-management and direct management activities, the Conference is also enabled to use some "instrumental" assignments, such as the monitoring of the planning acts over which it has given its advices, as well as the data and information exchange between State and regional administrations.

Concluding, it must be remembered that the Italian Constitutional Court has clarified – on many occasions – that no decision taken by the Conference can be considered as legally binding for the central Government: such an eventuality would indeed entail an overturn of the legislative procedures designed by the Constitution²⁰.

Internal structure and working organization

The Conference composition is still the one established in 1988 by Law no. 400, which defines as members of this IGA the Prime Minister, which chairs it (unless delegation to the Minister for Regional Affairs, a very usual practice), and the Presidents of the Regions and Autonomous Provinces. Ministers in charge of the issues to be debated may be invited by the Prime Minister, who may also ask other representatives of State Administrations and Public Authorities to take part in the Conference, depending on the items included the orders of business of the meeting.

The Conference does not have its own seat, but meets in Rome behind closed doors either at *Palazzo Cornaro* (the Regional Affairs Department of the Presidency of the Council, which is also the headquarter of the Conference Secretariat Office) or in the *Sala Verde* (the Green Hall, traditionally devoted to meetings be-

¹⁹As will be explained, this latter function is essentially a task performed by the Regions.

²⁰Decree no. 281 does not provide for any consequences in case of non-activation of the Conference by the Government or in case of non-consideration by the Government of the advices and understandings issued by this IGA. However, according to several judgments of the Constitutional Court, national laws impacting on fields characterized by a strict overlap of regional and central powers must provide for an involvement of the Regions into the national decision-making process, by means of an advice or of an understanding of the State-Regions Conference, in order to comply with the constitutional principle of "loyal collaboration" (see Ruggiu 2011).

tween the Government and the social partners) of the central Government Palace²¹: such a physical location has been interpreted by some observers as the structural proof of the "material" dependence of this IGA from the Government. As already reminded, ordinary meetings must be called, by law, at least every six months (plus two European special sessions) and whenever the Prime Minister considers it as convenient, also taking into account the requests coming from the Regions. As a matter of fact, the frequency of meetings is much higher (cf. § 2.2.3).

A fundamental organizational aspect such as the institutional agenda setting is formally a competence of the Prime Minister (or of the Ministry designated by her)²². In fact, however, the established standard (political) procedure is that even the agenda setting process is considered as an object of negotiation between the State and the Regions, which advance their own requests, not individually, but collectively, by means of the Conference of the Regions, the regional multilateral horizontal IGA (cf. § 2.3) (Bin 2007). As plainly illustrated by the manager of the Conference of the Regions in charge of Health policy,

dates are agreed on a semester basis: so, the Deputy Minister for Regional Affairs and our President are in touch with each other and a six month calendar is made, providing for fortnightly meetings. The chosen day is Thursday. [...] Roughly, what is looked at is avoiding overlaps with the meetings of the Committee of the Regions, of which [Regional] Presidents are members. [IT4]

As to the identification of the issues to be jointly debated within the State-Regions Conference, 1997 reform provides that, besides all the cases in which the IGA is to be compulsorily consulted, the Conference is to be heard on whatever object of regional interest indicated by the President of the Council, «also at the instance of the Conference of the Presidents of the Regions» (Sect. no. 2.4). In practice, as reported by IGR actors interviewed, this means that the President of the Regions writes a letter asking the President of the State-Regions Conference for the inclusion of a given item on the agenda: generally, these requests are accepted [IT4]. One interviewed spoke of a "joint agenda" to describe the high degree of State-Regions "interpenetration" in such a process, while another stressed in this respect that State and Regions

are in a situation of almost equality: to be sure, the [central] Government is still the Government of the Country, and therefore has the responsibility

²¹There have been, however, some exceptions, such as the meeting held in Bruxelles (at the Permanent Representation of Italy to the EU) in April 1999.

²²According to Law no. 400/1988, «The conference is convened by the President of the Council of Ministers at least every six months, and in any other circumstance in which the President deems it appropriate, *also taking into account the requests of the Presidents of the Regions and Autonomous Provinces*».

of [giving] a political line, but the Regions experience every day the management of [health] services so there is not a ...let's say ... a prevalence [of one level over the other when setting the agenda] [IT3].

Regarding the procedures to be followed for the definition of the agenda, a circular letter addressed by the Ministry of Health to its Directorates-General specified in 2005 that three weeks to one month must be allowed, in all, for adding one item in the order of business of the Conference: the technical preparation of the measure to be debated requires indeed fifteen to twenty days, "insofar all Regions must be informed"; then, the order of business is to be sent to the Regions at least one week in advance.

All actors interviewed agree that, in most of the cases, the central Government does not misuse its formal agenda setting power, by including items on the agenda just at the last minute, in order to reduce the regional involvement into the process:

No, I can honestly say there is no such thing here. [...] Here, if such a thing happens, it is because there have been some technical problems. No, I just rule it out in the most absolute way: it never happened that this tool, this trick was used in a conscious way. [IT8]

In case of delays in the involvement of the Regions into the agenda setting, due to technical reasons (imminent deadlines set by law, for instance), the Regions generally ask for additional time, which is usually granted.

The internal working organization of the Conference results strictly linked to the activity of its network of bureaucratic support, such as the Secretariat Office, the Working Groups and the Committees (Pignatelli 2006).

The Secretariat Office of the Conference is especially worthy to be considered. Provided by Law no. 400/1988, it was established in 1989 (Prime Minister Decree February 16th) and further modified many times as to its functions and organization²³. Nowadays, the Secretariat, which according to the law «works directly reporting to and according to the orientations of the President of the Conference» (Decree no. 281/1997, Sect. no. 10), is structured into six policy-specialized

²³The measures of organization and re-organization of the Secretariat of the State-Regions Conference are, in chronological order and in addition to those already mentioned: the DPCM June 4th, 1992 no. 366 (which provided, for the first time, for the Secretariat to be divided into sectors); the DPCM October 26th, 1995 no. 589 (redefining both the number and the competences of sectors); the DPCM March 19th, 1999 no. 98 (specification of functions and redefinition of the powers accorded to each sector); the DPCM April 15th, 2000 (setting the maximum number of services at six, technical secretariat excluded); the Decree of the Secretary General of the Presidency of Council of Ministers of April 19th, 2001 (new division of responsibilities among sectors); the Decree of the Minister for Regional Affairs July 22nd, 2003 ("Organization and functioning of the Secretariat Office of the Standing Conference for the relationships between the State, the Regions and the Autonomous Provinces of Trento and Bolzano").

units, called *Servizi* (Services), and a Technical Secretariat, endowed with tasks of research and support to the activities of the Director General of the Conference.

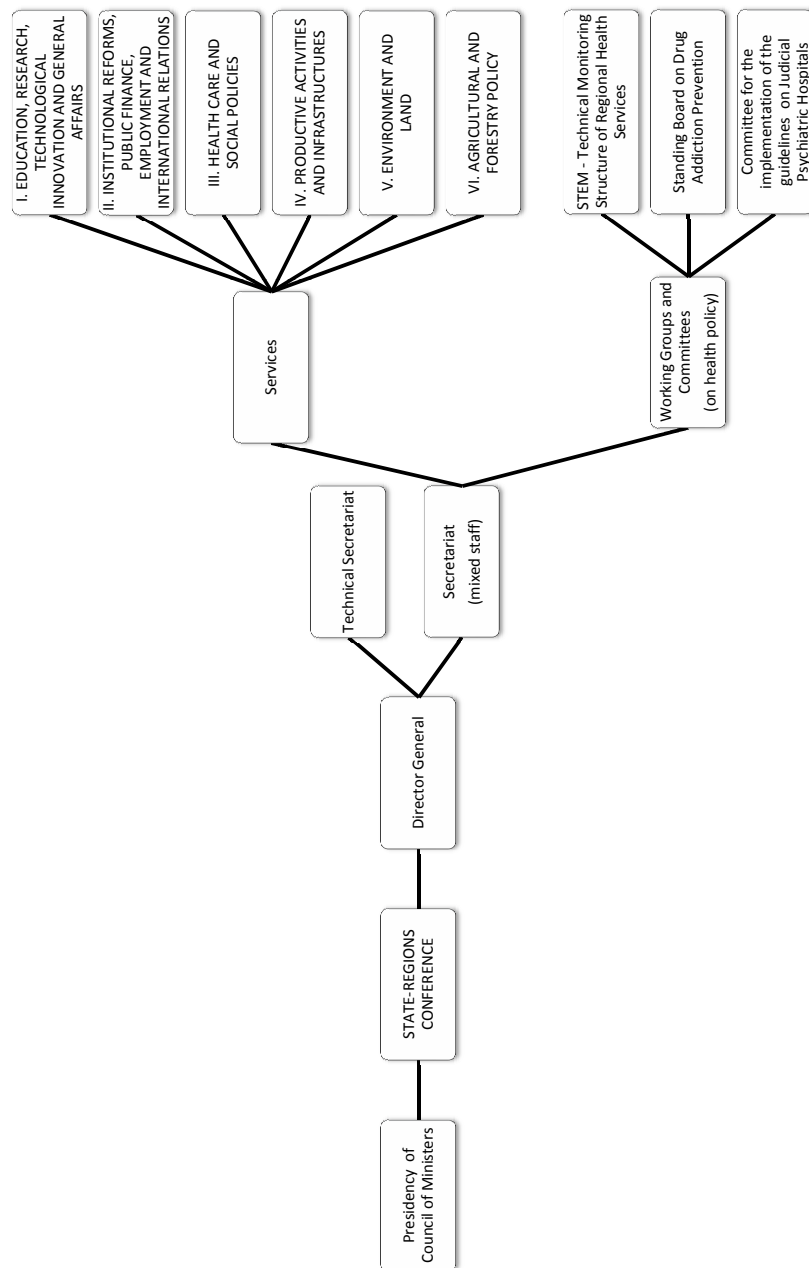
As shown in Figure 2.2, the Secretariat Services currently operating are the following ones: I. Education, Research, Technological Innovation and General Affairs; II. Institutional Reforms, Public Finance, Employment and International Relations; III. Health Care and Social Policies; IV. Productive Activities and Infrastructures; V. Environment and Land; VI. Agricultural and Forestry Policies. The existing literature identifies the Secretariat Office as a fundamental place for the actual management of State-Regions relationships.

This office is at least half-staffed by State officials and by regional bureaucrats for the remaining part. It is established within the Presidency of the Council and run by a Director General. Even if reporting directly to the Presidency of the Council from a structural point of view, the Secretariat implements an important support activity to the Conference, which makes it the fundamental tool through which the relations between the partners have been developing over time (Allegrezza 2002). It is indeed the Secretariat which ensures the fulfillment of all necessary administrative tasks, before and after the Conference meetings (such as preliminary activity, exchange of information and so on), and, most importantly, organizes the activity of Working Groups and Mixed Boards.

Concretely, the Director General of the Secretariat transmits the Government proposals of regional interest to the subject-related Service(s) of the State-Regions Conference, which, in turn, transmits them to each single Region as well as to the horizontal IGA (the Conference of the Regions; cf. § 2.3). The function of coordination granted by the Secretariat is not limited to the transmission, exchange and circulation of the necessary information, but consists also in the call and organization of "the so called State-Regions mixed technical boards" (*incontri tecnici misti Stato-Regioni*), in which take part representatives of the Ministries involved and of the Regions: here a full-blown negotiation process is started over the acts and measures to be then debated within the Conference in its plenary format. During this process, the documents are processed, modified and corrected by the central administration, which often tries to incorporate the amendments requested by the Regions in order to gain their consent. As described by the former manager in charge of the Health Care and Social Policy Service of the State-Regions Conference Secretariat, this latter plays (or was playing, at least up to the mid 2000s: cf. § 2.4) a role of "active coordination":

The Ministries sent [to the State-Regions Secretariat Office] the measures at stake. The measures to be examined in the State-Regions Conference, to be put on the agenda, were prepared by the Secretariat of the Conference according to the different subjects and, say, the preliminary activity was a deep investigation. The preliminary inquiry started from an analysis of reference standards, that is, what was the legal environment, the legal framework in

Figure 2.2: State-Regions Conference: organizational structure. Source: own elaboration from www.statoregioni.it.



which [these measures] were going to fit. Upon completion of this inquiry, the competent offices of the Ministries were summoned, the Regions were called and, say, a debate on the content of the measure initiated, and where there were any disagreements or situations to mediate, this mediation was carried out by the Secretariat Office. [...] The Secretariat Office was an active Secretariat, of inter-institutional coordination, [...] which sometimes even proposed solutions. [IT10]

Such an active coordination function run by the Secretariat Office of the Conference meant that full-blown, detailed amendments, on very specific points, are often drafted in a joint way by the representatives of the central Ministries involved and those of the Regions. The major goal of the Secretariat, in such a phase, was

to conclude in a positive way the preliminary inquiry of the measures at stake, and to bring them at the Conference. So the goal was: to bring [at the Conference] as many measures as possible and with a positive solution. [IT10]

This step is concluded by the drafting, by the Secretariat, of a memorandum about the work done and the legal framework of reference.

Decision-making rules

As to the decision-making rules of the Conference, it is important to stress that a punctual procedural discipline has been lacking up to now. Most part of the norms regulating the working of this IGA are defined by established procedures, since provisions provided on this point by the 1997 reform are characterized by an «evident uncertainty as to the formulation of the procedural rules regulating the modalities of decisions formation» (Catelani 2004, p. 549, translated). Such procedures tend to impose themselves even in the few cases regulated by law. Legal literature remarks therefore the high degree of "de-formalization" and informality characterizing the working of the Conference, which, moreover, is not accorded self-organizing powers: in other words, the State-Regions Conference cannot approve any internal regulation.

Of particular interest are the rules concerning the approval of decisions, as long as they allow to understand the centrality of the interaction dynamics between the State and the Regions (and among these latter), occurring before plenary Conference meetings are convened, and out of its framework (cf. § 2.3 and 2.4).

The *structural quorum* – that is the minimal number of attending members required for the meeting to be valid – is extremely low: *de facto*, usually, in addition the Prime Minister or the Deputy Minister, who chairs the Conference, just a couple of Regional Presidents take part to the encounters with the Government.

Customarily, one of the attending Regional Presidents is also the head of the Conference of the Regions (cf. § 2.3), and represents, acting as spokesman, the common position reached immediately before by the "regional front" in the horizontal IGA. On the basis of the established procedures, it is thus commonly argued that the presence of one representative for each part – one for the State and one for the Regions – are sufficient conditions for a meeting to be considered valid. In the light of these dynamics, it has also been remarked that «what is made and said in the Conference is not of direct interest for the Regions» (Bin 2007, p. 697, translated). Put differently, all this seems to indicate that the State-Regions Conference plenary meetings represent just the final step of a much longer decision-making process, which unfolds over time, also in other institutional places (particularly in the dense network of exchanges occurring between the State-Regions Conference Secretariat and the articulations of the horizontal Conference of the Regions).

All these considerations are strictly linked to the *deliberative quorum*, that is the minimal number of votes for a proposal to be validly passed by the vertical IGA. The 1997 reform provides indeed that – given central Government agreement – regional consent may be given by majority, when consensus among Regions cannot be attained (sect. no. 2): this is valid, however, only in case of direct management activities (which represent a small share of its work). As to all remaining cases (advices, agreements and understandings: quantitatively and qualitatively much more significant), provisions of Decree no. 281 are not at all clear. The established practice shows that, in fact, in the vast majority of cases, the Conference does not vote, but decides by consensus, since the Regions have already voted or anyway determined their own position (often, unanimous) within the Conference of the Regions: «The practice shows that the Regions as well as the Municipalities, the Provinces and the Mountain Communities [in the Unified Conference] tend to come to a shared position towards the Government, trying to find, when necessary, a mediation solution among themselves, just not to put in evidence differences and contrasts. [...] Moreover, [...] the central Government tries in every way to attain a shared position with the Regions and the local governments so that Conferences can decide by unanimity» (Pizzetti 1998, pp. 481-482, translated).

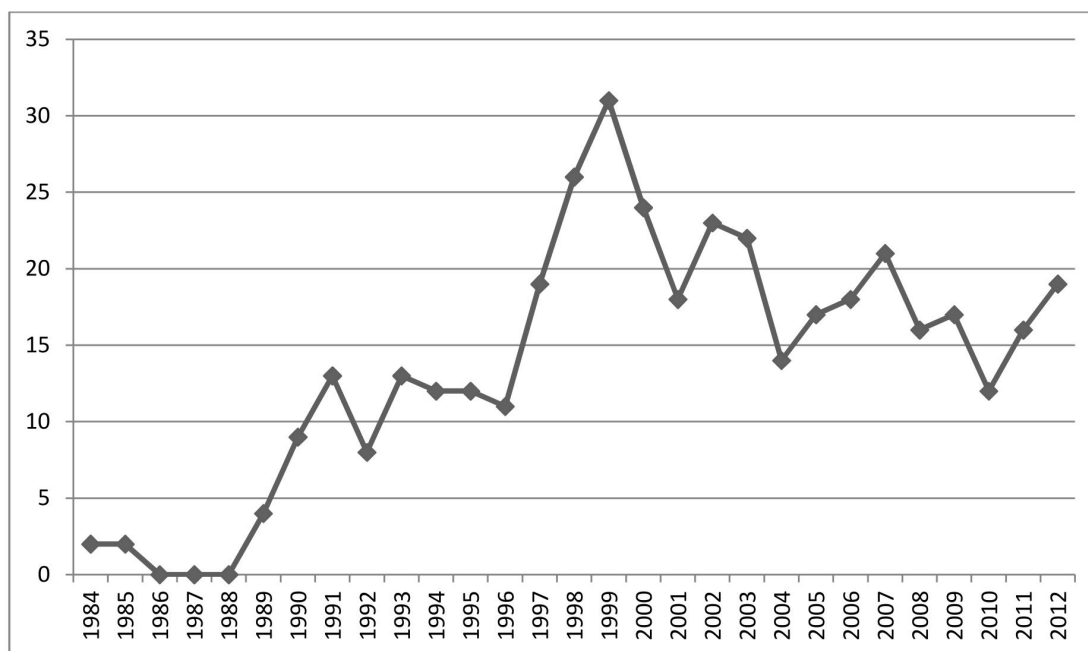
The activity

Taking into account the effective functioning of the Conference (particularly, its level of activity), it is possible to detect different temporal phases of institutional evolution of the vertical IGA under examination.

1984-1988: the Conference as a "phantom body"

As clearly shown in Figure 2.3, the first years of life of the Conference were characterized by an extremely low and irregular activity. Just two meetings

Figure 2.3: State-Regions Conference: Number of Meetings per Year (1984-2012). Source: own elaboration from www.statoregioni.it.



were celebrated in 1984 as well as in 1985, no one between 1986 and 1988. In fact, as seen, the 1983 administrative Decree establishing the Conference did not contain any reference to a minimum number of annual meetings to be celebrated. In its first five years of existence, the Conference was convened only in two years, as a proof of the discontinuity of its activity. This has been interpreted as the evident willingness of the central State to keep the Regions out of the formal decision-making circuit (Bifulco 2006, p. 247). Besides being infrequent and irregular, the bulk of the meetings activity was devoted – from a qualitative point of view – to communications, exchanges of information, and merely non-compulsory advices (Pignatelli 2006, p. 52)²⁴. This situation was partly due to the very weak nature of the above-reminded regulatory provisions, but also to the climate of mutual distrust still characterizing the relations between the State and the Regions. These dynamics led some scholars to define the Conference in this period as a nothing more than "phantom body" (Sandulli 1995).

²⁴As to the subject-matters debated in this first period, Carpani (2006) mentions: drugs; local public transport; agriculture; extraordinary State financial interventions in Southern regions; and the National Health System.

1989-1991/2: a "testing and adjusting" period

The temporal phase comprised between 1989 and 1991/1992 has been defined as a "transitory" or "testing and adjusting" period (Sandulli 1995). One of the actors interviewed for this analysis labeled such a period as "experimental" [IT3]. During these years, the number of meetings per year started to increase (as shown in Figure 2.3), passing from four in 1989 to eight in 1992, with a peak in 1991 (thirteen), also as a consequence, as previously reconstructed, of the suppression of many sectoral IGAs still existing. Among these latter, the National Health Council, whose advisory powers – those concerning the allocation of the National Health Fund included – were transferred to the Conference. In 1989, the first Conference in the Communitarian format was celebrated, while in 1991 and 1992 the Conference approved the first "understandings". More generally, as reconstructed by Carpani (2006), between the end of the Eighties and the early Nineties, the Conference was a tool of support to the administrative activity of the Government, even at a high level, being involved in issues related to economic and financial planning, or to the definition of the criteria used for the allocation of financial resources; strictly political issues, although not completely excluded from the agenda of this IGA, did not represent the ordinary aspect of the Conference working.

1992/3-1996: a period of stabilization

In this period, the activity of the Conference started becoming more regular and acquiring increased frequency: about one meeting per month was celebrated. Also as a consequence of multiple claims coming from the "regional front", in this phase a cooperative intergovernmental culture consolidated: the State-Regions Conference appeared in those years as the most appropriate seat where to translate such kind of governance culture into institutional practice (Pizzetti 1998; Ruggiu 2000). Besides the increased number of annual meetings of the Conference, the quantitative growth of its activity may be easily grasped by looking at the augmented number of acts passed each year as well as at the kinds of acts approved by this IGA (see Figures 2.4 and 2.5). From a more qualitative perspective, indeed, changes in the Conference activity are mainly linked to an increase of the understandings (*intese*) reached within the Conference (due to the provisions contained in a growing number of sectoral laws), as well as to the approval of the first agreements (*accordi*). Strictly advisory activity – full-blown hard core of the 1988 regulations – was anyway still quantitatively largely predominant.

1997-2001: a period of consolidation

The 1997 reform entailed the above-mentioned suppression of the still existing State-Regions mixed organs. This dynamic – along with the continuation

of the "alluvial" legislative intervention conferring new tasks to the Conference – contributes to explain the quantitative and qualitative growth of the activity carried on by this body. A noteworthy overall activity growth – in terms of meetings held and number of acts passed each year – can be clearly seen after the 1997 reform. Indeed, if one looks at the annual number of acts passed by this IGA will easily notice a steady increase since that year²⁵. As to the frequency of the meetings, it boosted, reaching an average of two meetings per month. Dispositions contained in Decree no. 281, defining advices as the minimum involvement of the Regions into the Conference work, clearly determined a neat increase of the strictly advisory activity (the issuing of *pareri*), which reached its peak in 2000 (see Figure 2.4). Because of the "generality and abstractness" of the cases in which its consultative intervention was defined as necessary, the Conference activity became thus particularly relevant, at least as to the scope of the acts over which a regional advice had to be formulated (Carpani 2006). In relative terms, an even more impressive growth can be recorded with respect to the "co-management" activities: the average number of understandings (*intese*) approved each year passed indeed from less than six in the previous periods (1990-1996) to almost fifty in the period under analysis (1997-2001). Equally interesting should be considered the trend of State-Regions agreements (*accordi*). Since, as already reminded, the *accordi* are not imposed by any law and, as such, are completely dependent on the spontaneous willingness of the partners, their number – always increasing between 1997 and 2001 (passing from five to twenty-five per year) – can be easily interpreted «as the most evident symptom of the strengthening of the Conference and of its recognition by the central Government» (Pignatelli 2006, p. 56, translated).

2002-2012: the Conference after constitutional reforms

As shown before, Constitutional reforms have had an indirect, but relevant impact on the working of the State-Regions Conference. This impact can be easily understood by looking at the data contained in the graphs. The number of meetings per year, after the peak reached in 1999, has been decreasing: this cannot be considered as surprising, considered the occurrence of administrative devolution in the second half of the Nineties, mentioned above. What may result as more interesting is that in the period under consideration the number of meetings celebrated each year by the Conference has never been lower than before 1997 (which means, on average, almost eighteen meetings

²⁵It should be reminded, with respect to this trend, that the Regions were then directly involved in the transfer of new competences and functions from the central Government towards peripheries mainly by means of the Conference.

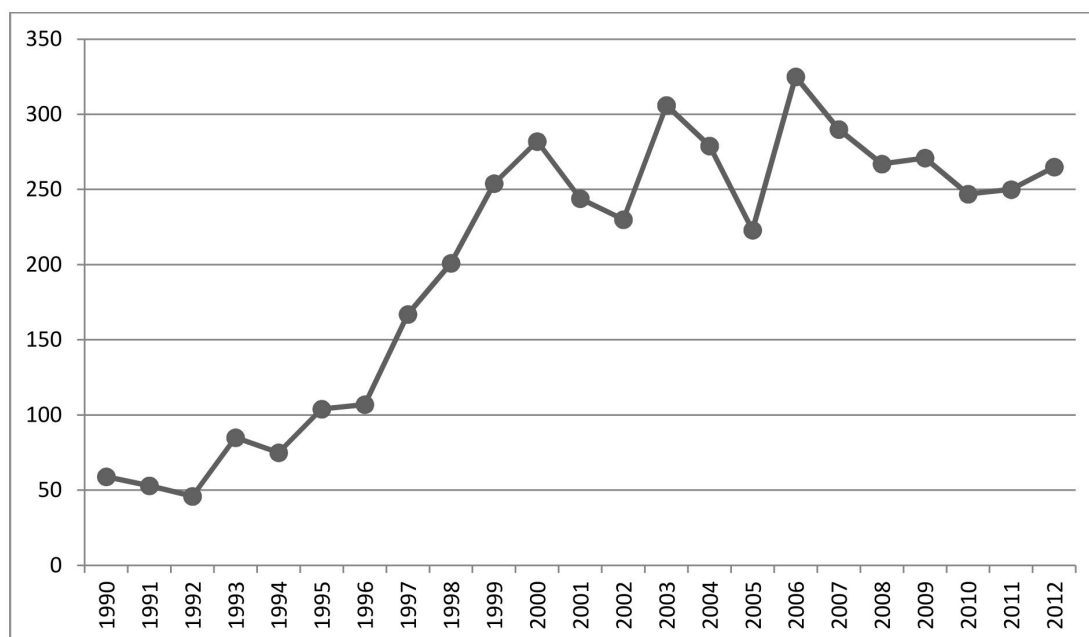
per year). Secondly, from a more qualitative perspective, it is possible to notice the stabilization of the number of agreements achieved, as a further proof of the strengthening of the Conference and of the willingness of both regional and central Governments to use it as a means of intergovernmental collaboration. Not only that: as put in evidence by the literature (e.g. Carpino 2006) and by several actors interviewed, after 2001 constitutional reforms, resorting to agreements has been seen, because of their peculiar nature (as explained, they are a sort of contract, which is consensual by definition), as the best way for preventing conflicts of competences between the State and the Regions. In the health sector, as explained by a former Director General of the Ministry of Health,

sometimes also a question of principle showed up, that is to say: "As the Title V [of the Constitution] provides that the State has exclusive jurisdiction only on the essential levels of health care, while the organization of services is under concurrent jurisdiction...". So the Regions said: "Although we agree, we cannot allow you to say that". So the question shifted from the content to the form. They said: "We [the Regions] will never support an "understanding" on a Ministerial Decree, since we will always tell you that the jurisdiction is concurrent, so you cannot make a Ministerial Decree [...] But, at best, we can make a State-Regions "agreement", in which we say the same things, but in the form of an agreement. [IT8]

Thirdly, it results particularly interesting that in the last four years of activity here considered (2009-2012), the number of understandings passed by this IGA has been – for the first time in its history – higher than the number of advices issued: in other words, the "co-management activity" has quantitatively exceeded the traditional major kind of intervention of the Conference, i.e. strict consultation, whose trend has been constantly decreasing between 2007 and 2011. Although it might be too early to assess this kind of evolution, it is still possible to notice, looking at the whole period under analysis (2002-2012), a general decreasing trend of advices along with an opposite trend of understandings. This is perfectly consistent with the new distribution of powers as defined by the Constitution, entailing a greater involvement of the Regions in a vast array of policy fields. The understandings may be thus possibly perceived – both by the central State and by the Regions – as an effective way, along with agreements, to respect the loyal collaboration principle and to prevent, as far as possible, legal conflicts of competences.

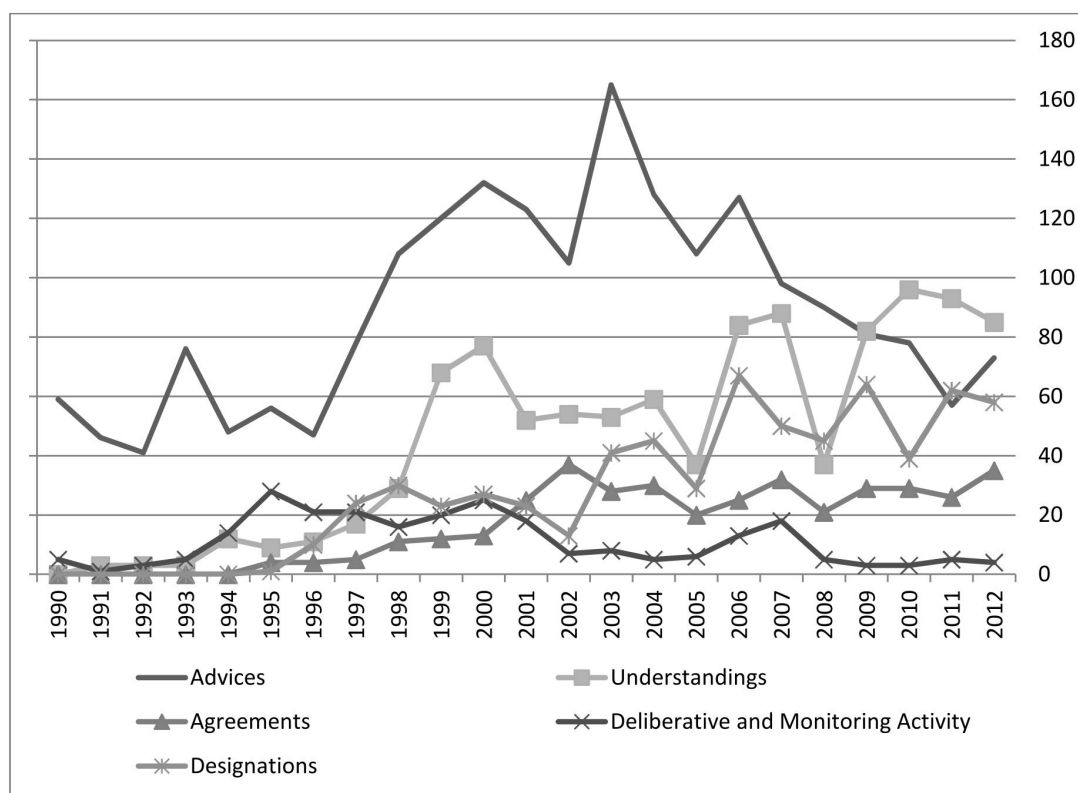
As a whole, these data, showing the quantitative increase of the workload carried out by the Conference (in terms of meetings held and acts passed) and its

Figure 2.4: State-Regions Conference: number of acts passed (1990-2012). Source: own elaboration from www.statoregioni.it.



qualitative transformation, allow some remarks about the gradual process of institutionalization in which the Conference has been involved. The data seem indeed to confirm that this body – well beyond the above-reminded regulatory framework and after an uncertain starting phase – has been actually able to impose itself as the central arena for the management of center-periphery relations in Italy, even exceeding in fact the role and the room of intervention accorded to it by the laws: bear in mind, for instance, that the minimal, compulsory number of Conference meetings per year is still set at four (Ruggiu 2006). All this appears to be clearly indicative of a gradual process of institutionalization of the Conference, increasingly recognized by the actors – both the Regions and the State – as the natural and privileged seat for multilevel institutional debate, even in the absence of strict regulatory requirements in such direction (consider again the case of *accordi*). As a further proof of the phenomenon under analysis, attention is generally called towards the existence of the above evoked whole set of rules and procedures – not of legal nature – governing the concrete functioning of the Conference and driving, within this latter, the behavior of elected officials and bureaucrats. Ruggiu (2006) speaks, in this respect, of the accumulation, over time, of what could be called "institutional memory" (p. 305).

Figure 2.5: State-Regions Conference: number of acts passed per kind (1990-2012). Source: own elaboration from www.statoregioni.it.



Health Policy Data and observations considered until now, however, do not allow, *per se*, to understand the relevance and the kind of the policy issues considered and debated within the Conference. These appear as extremely heterogeneous, both as their scope and as the policy field involved. The superseding of sectoral fragmentation dominating Italian IGR and IGAs before the establishment of the State-Regions Conference has made this latter a *generalist* intergovernmental arrangement in which measures pertaining to very different policy fields are addressed: «the vast array of acts debated – as remarked by Bin (2007) – are, in majority, pertaining to minute administration, while others represent deliberations of utmost political importance. Among these latter there are not only the advices on the Governmental drafts or regulatory acts, but also the wide variety of understandings and agreements» (p. 691, translated).

For the purposes of this analysis, it is relevant to capture how much of the Conference activity is specifically devoted to the management of health policy issues.

From a preliminar point of view, it is important to remember that, as a consequence of Decree no. 418, all the advisory competences of the *Consiglio Sanitario Nazionale* (cfr. § 2.2.2) – included those pertaining to the allocation of the National Health Fund – were attributed to the State-Regions Conference as early as in 1989. In 1993, the Council was definitively suppressed, with the consequent passage to the Conference of all its residual competences in health policy²⁶. It may also result interesting to note that, since the very beginning (even before the formal abolition of the National Health Council), the policy sector in which were contemplated the first provisions of "understanding" to be reached within the State-Regions Conference was health. The very first legal provision of an understanding was indeed envisioned in 1991 by Law no. 412 (December 30th), according to which health care levels as well as activity and organizational standards to be used to calculate the per capita financing parameter of each health care level had to be determined by the Government through an understanding with the Regions (Sandulli 1995). In 1992, it was then provided by Legislative Decree no. 502 (December 30th) that the State and the Regions should reach an understanding on the National Health Plan (*Piano Sanitario Nazionale*), in that moment the major planning act in this policy field: as seen above, before a simple advice by the Council was envisioned (something which, in fact, had never happened).

More generally, one can observe that the interventions of the Conference in matters related to health care and social assistance policies have represented, since its origins, a substantial part of its activities, both from a quantitative and a qualitative point of view (La Falce 1998).

Qualitative evidence supporting the centrality of healthcare policy in the Conference activities comes also from the interviews conducted for this analysis. As put, for instance, by one regional manager in charge of health policy during the 1990s and the early 2000s,

health, by itself [...] was always present, there was no meeting ... in every Conference, every three weeks, there could be one item on the agenda, could there be ten [...] everything goes there, even appointments [...] any example that comes to your mind [...] passes by there ... therefore, every three weeks, there is at least one argument, often, three, four, ten [related to health policy] [...] So true that [health policy] is absolutely the most substantive argument discussed in the Conference. [IT3]

Such kind of statements appears confirmed if one looks at how many meetings of the Conference have been devoted – in an exclusive or in a partial way – to the debate of problems linked to this policy sector, over the last decade. From an analysis of the orders of business of the Conference in the period 2001-2012

²⁶Legislative Decree no. 266, June 30th 1993.

the centrality of this policy field emerges indeed without any doubt: while just about 4% of the meetings have been *entirely* dedicated to the analysis of health policy-related issues (meaning that all issues in the agenda were linked to health policy), at least one item on the Conference agenda has been linked to health care matters in more than 94% of meetings held in the period of reference (Table 2.2). In absolute terms, this means that, on average, in only one meeting per year health policy issues have not been debated by the Conference. Furthermore, it may be interesting to observe that the relative number of meetings in which health care policy has been discussed has followed a quite regular pattern over time (being comprised between a minimum of 86.4% and a maximum of 100%): this makes clear that health care policy can be considered as a *constant* object of intergovernmental relations within this generalist IGA.

Table 2.2: State-Regions Conference: meetings with health policy items on the agenda.

Year	Meetings at least partially devoted to healthcare issues	Meetings entirely devoted to healthcare issues
2001	100%	6.25%
2002	86.36%	0%
2003	95.24%	14.29%
2004	100%	0%
2005	92.86%	0%
2006	94.44%	5.56%
2007	94.12%	0%
2008	92.86%	7.14%
2009	86.67%	6.67%
2010	100%	0%
2011	93.75%	0%
2012	94.74%	10.53%
Average	94.25%	4.20%

Source: own elaboration from documents available at: www.statoregioni.it.

While the indicator just discussed confirms the frequent and regular presence of health policy items on the Conference agenda (they are addressed, on average, once every three weeks), it does not provide any evidence about the *relative* importance of this policy field if compared to the overall activity performed by this Intergovernmental Arrangement: although regularly on the agenda, health policy could just represent a tiny share of the Conference work. In order to assess the relative weight of health policy in the State-Regions Conference activity, two more indicators may be taken into consideration: the percentage of intergovernmental acts involving health issues, as well as their kind, over the total passed by the Conference. In the period 2002-2012, 36% of the State-Conference acts were related

to health policy. Interestingly, the relative weight of health issues in the Conference, in terms of acts passed, appears as quite stable over the years, having being roughly comprised between 30 and 40% (for variations over time, see Figure 2.6)²⁷. Perhaps more interestingly, looking at the kind of these acts, it emerges that the "strictly advisory" activity (issuing of advices) has represented about 40% of the total, while the remaining 60% was instead linked to the so called "co-management" activity: understandings (35%) and agreements (25%).

Official data on the activity carried on by the Conference at the technical level are lacking. However, as a consequence of the high and always increasing number of legal provisions of agreements and understandings, entailing an activation of the Conference, the activities carried forward within technical boards prove relevant. According to some estimates, about three-hundred meetings are held every year (Vandelli 2004). This seems a quite reasonable estimate, in so far – as explained by one interviewed – for addressing each measure to be then discussed in the plenary sessions of the Conference *at least* one technical meeting is usually organized. As long health is concerned, according the former manager of the Health Policy Service of the Secretariat Office, the annual number of technical meetings addressing health-related measures ranged, roughly, between 150 and 200 [IT10].

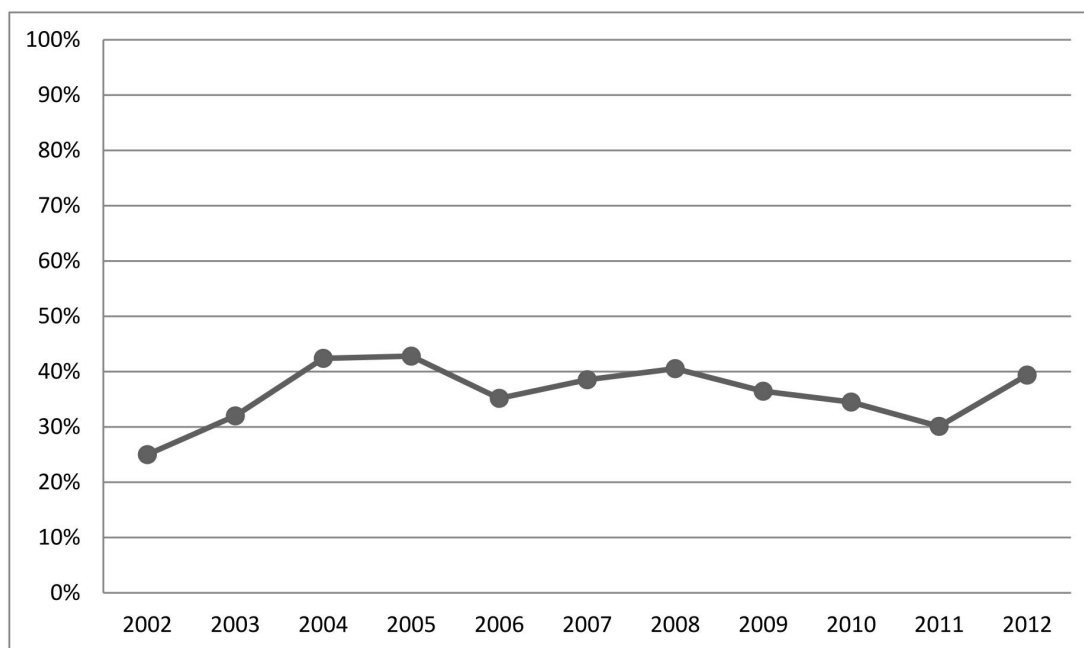
As a whole, data collected clearly demonstrate that healthcare policy constitutes a constantly present, qualitatively and quantitatively relevant share of the total activity carried out by the generalist Intergovernmental Arrangement under analysis.

2.3 The horizontal dimension of IGRs and IGAs

What has emerged clearly, although implicitly, from above is that in the Italian system of *vertical* Intergovernmental Relations a central role is played by the *horizontal* self-coordination body of the Regions: the Conference of the Regions and of the Autonomous Provinces (*Conferenza delle Regioni e delle Province Autonome*; hereinafter, Conference of the Regions). Indeed, it is not possible to fully understand the working organization of the State-Regions Conference (and of its Secretariat) without taking into account the exclusively interregional IGA, its origins and its functioning rules.

²⁷Percentages refer to advisory and "co-management" acts. As emerged from interviews, the appointment of regional representatives into State organs may indeed be considered as a strict interregional business: during the State-Regions Conference meetings, Regions simply communicate the names of the persons to be appointed as regional representatives in national or European bodies. Anyway, even taking appointments into consideration, the picture does not change significantly: on average, between 2002 and 2012, the percentage of acts related to health issues has been equal to 33% (ranging from a minimum of 24% in 2002 to a maximum of almost 41% in 2005).

Figure 2.6: State-Regions Conference: percentage of acts related to health policy (2002-2012). Source: own elaboration from www.statoregioni.it.



2.3.1 Emergence and evolution of Executive Federalism: the Conference of the Regions

The Conference of the Regions (originally named *Conferenza dei Presidenti delle Regioni e delle Province Autonome*, Conference of the Presidents of the Regions and of the Autonomous Provinces) was voluntarily established by Regional Presidents in January 1981, that is even before the administrative creation of the State-Regions Conference (1983).

According to its Founding Agreement (of strictly political rather than legal nature), the main goal of the new horizontal arrangement was «to give a contribution in order to overcome the inertial forces and resistances preventing the system of regional and local governments to fully express its potential contribution to the recovery and to the social and economic development of the Country»²⁸. More significantly from our point of view, the founding document stated unambiguously that this new Conference put itself as a "precursory initiative" to the establishment of a vertical IGA, a Conference of the Regional Governments within the Presidency

²⁸This document is available on the Conference of the Regions website: http://www.regioni.it/it/show-atto_costitutivo/show.php?id_pagina=18.

of the Councils of Ministers, as unanimously proposed by the Regions and by the Parliamentary Commission on Regional Issues (cf. § 2.2.2).

The content of this founding document is particularly worthy to be remembered since it enables to understand that, since its birth, the Italian horizontal IGA was mainly directed towards the establishment and, then, the management of direct relationships with the centre. Put differently, as remarked by Ferraro (2007), from the very beginning, the Italian horizontal Conference presented itself as an anticipatory initiative in view of the creation and functioning of a vertical, generalist IGA, through which the Regions – recognized as political actors – would gain access to the central decision-making circuit. The perceived need of an horizontal intergovernmental arrangement was thus linked more to the regional willingness to promote a stable and effective channel of *vertical* cooperation with the State than to foster exclusively horizontal intergovernmental relations. The pursuing of these latter was also partly hampered by the constitutional text, which did not provide for any kind of interregional cooperation, neither of procedural nature (through the signing of agreements), nor of organic nature (by the establishment of common intergovernmental arrangements), making the constitutional legitimacy of such practices uncertain (Ferraro 2007, pp. 707).

As to the membership of the Conference, the document designed a typical "executive federalism" arrangement, specifying that this horizontal IGA was to be composed by the Presidents of Ordinary and Special Regions²⁹ and of Autonomous Provinces. It was also decided that the Conference, which was defined as "standing", would normally meet every three months; its presidency would rotate among Regional Presidents.

Over the years, many different State laws have attributed to this IGA a number of relevant functions and tasks (for instance, the appointment of regional representatives within the Permanent Representation of Italy to the EU); nevertheless, the Conference has never been established by law, formally still being no more than a private law association. This has not impeded the Conference of the Regions to become a «crucial arena» (Ruggiu 2006) in State-Regions relationships, insofar it is within it that the above-evoked unanimity of the "regional front" is pursued (and often reached), through an intense negotiating and technical activity. As stressed by Bin (2002), the seeming regional unanimity resulting from the minutes of the State-Regions Conference often hides conflicts among the Regions, which have been previously settled within the Conference of the Regions: it is there, indeed, that Regional «Presidents clash, debate and bargain, producing, so to speak, "pre-decisions" which generally allow them to appear unanimous in the discussion with the Government» (Ruggiu 2003, p. 208, translated).

²⁹The distinction between these two kinds of regional government will be explained in Chapter 4, § 4.3.2.

2.3.2 Organization and functioning of the Conference of the Regions

Since 1984, the headquarters of Conference are in Rome, at the CINSEDO - *Centro interregionale di studi e documentazione* (Interregional Center for Studies and Documentation), an associative structure, created by the Regions themselves in 1981, provided with tasks of information and study, as well as of logistical and operational support to the Conference. While at the beginning this structure actually carried out analysis, research and documentation activities, as a tool of support to interregional cooperation, since the early Nineties the activities related to the strictly Secretariat functions have become largely predominant, due to the increasing frequency of regional Presidents' meetings (see Figure 2.8).

In order to ensure a stronger functionality of its own working, till then regulated exclusively by established procedures, in June 2005 the Conference adopted some internal rules of procedure (a *Regolamento*). As reported by different actors, these latter have not introduced significant novelties, if compared with practices established over the years in the actual functioning of the Conference (in many cases, they have basically increased the degree of precision of rules followed, up to that moment, in a more informal way). According to the rules formalized in 2005, the current internal articulations of the Conference of the Regions are the following: the Assembly, whose members are the twenty Regional Presidents, plus the Presidents of the two Autonomous Provinces; the President; the Vice-President; the President's Office; eleven policy Commissions.

The President – the so called "President of the Presidents" – is appointed by the Assembly of the Conference among its members, as the official spokesperson, at the State-Regions Conference and in all other institutional settings (such as the national Parliament or the EU), of the positions adopted by the Assembly. Without doubt, her public visibility has grown considerably due to the direct election of regional Presidents (2000). According to the *Regolamento*, in the first two ballots the President must be unanimously elected; from the third ballot on, an absolute majority is sufficient (but the vote, in this case, is kept secret). As a matter of fact, such an event has never occurred: all the Presidents of the Conference have always been elected unanimously.

The President, in charge for five years, is supported by a Vice-President, who – similarly to what occurs, for instance, in the National Governors Association in the U.S.³⁰ – is generally expression of the opposing political side (a relative majority is sufficient for her election), and of a different geographical area (Center-North vs. Center-South). The President's Office – integrated by three additional Presidents,

³⁰See again Appendix A. Interestingly, as reported in the Conference of the Presidents' website and confirmed by the Director General of this horizontal IGA, the NGA was actually taken as an institutional template when the Conference was created [IT6].

who are selected following the same geo-political criteria – assists the head of the Conference in preparing the preliminary inquiry of the issues to be debated within the Assembly. The five years long mandate of the President and of the Vice-President has represented a major innovation, if compared to previous established practices. Indeed, up to 1993, the Presidency of the Conference had been rotating among Regional Presidents in a quite irregular way, with the length of the mandate ranging from one to fourteen months; from 1993 to the end of 1997, the Presidency had acquired more stability, lasting regularly six months (following the template of the EU Presidency). However, as explained by the Director General of the Conference, this was «a not productive situation, because a President took the chair, and when he realized what needed to be done, she had to go away, because the six months were over» [IT6]. In the period between 1998 and 2000 it was agreed to elect just one President. *De facto*, the first five years long Presidency was inaugurated after the 2000 regional elections (the first direct elections of the Regional Presidents): the new President of the Conference received indeed, by tacit agreement, two consecutive mandates (2000-mid 2002; mid-2002-2005). The new Rules of functioning passed in 2005 simply ratified such a practice.

The meetings of the Conference of the Regions are called by its President, according to a six-monthly calendar previously agreed upon by its members, and anyway each time the State-Regions Conference convenes: usually, regional Presidents meet the day before or the same day; extraordinary meetings of the Conference of the Regions may also be organized at the instance of three Regional Presidents. The agenda is set by the President, but every President is accorded the right to propose to add some items on the agenda itself. In part, the agenda setting is not problematic, insofar it includes almost "automatically" all the items in the orders of business of the next State-Regions and Unified Conferences.

The functioning of the Conference is organized according to a quite complex internal structure³¹.

The eleven policy Commissions, mentioned above, are of political nature, and are made up of all the regional Councilors in charge of related subject-matters. One of these Councilors is appointed by the Assembly as the Coordinator of the Commission (he or she is the so called *capofila regionale*, that is the Regions' leader), while another one – generally, as for the President and the Vice-President, of different partisan affiliation – is designated as Vice-Coordinator for the same matter. It is the Assembly of the Presidents which, once an item has entered

³¹From an organizational point of view, the Conference has undergone several transformations over the years. While during the 1980s there were not formalized and stable forms of policy coordination, it is since the early 1990 that the Conference started to organize its work by splitting into policy areas. Each "Area" was then divided into units dealing with more specific matters. One Region was selected as overall coordinator of each Area, while other Regions were responsible of the corresponding matters (1992-1997).

the Conference agenda (either on the initiative of the Regions themselves or as a consequence of its inclusion on the agenda of the State-Regions Conference³²), allocates it to the policy-related Commission.

The works of these Commissions – which follow highly stabilized procedures, also thanks to the ongoing technical support provided by the officials and managers from the Region in charge of coordinating each Commission – are particularly important, since they systematically "intersect" the works undertaken by the State-Regions Conference Secretariat (Carpani 2006, p. 144). When looking at health policy, two Commissions emerge as particularly relevant: the one devoted to Health (Commission no. VII) and the one dealing with Financial Affairs (Commission no. II). Due to the strictly intertwined nature of these issues, these two Commissions can also meet in a joint format. As a general rule, according to the Conference regulations, the Commissions must convene at least once a month, and must be called with a minimum advance notice time of six days.

Even if not provided for by the *Regolamento*, for each Commission there is, at a lower level, an "Interregional Technical Committee" (*Coordinamento Tecnico Interregionale*), composed of all the highest regional administrative managers responsible for the policy area at stake (generally, the regional Directors General in charge of it). The coordination of such Committees is a task attributed to the same Region in charge of the corresponding political Commission. Such Committees are called by the Commission after that this latter has been entrusted by the Assembly of the Regional Presidents with a specific item to be prepared. It is interesting to notice that the secretariat functions (such as keeping the minutes of these technical meetings) fall on the Region in charge of the Commission and the Committee, and not on the Secretariat of the Conference of the Regions. One former regional Director General of Health interviewed for this research defined the activity carried on by the technical Committees as an «an underground part, always getting very little visibility, but which is very influential» [IT1]. Such Committees were formally established, although in slightly different forms, in the early Nineties (Toniolo 2009). This may be seen as a form of high administration coordination, ensuring a link between the strictly political level (Presidents and Councilors) and the strictly technical one: as clearly put by one former coordinator of the Interregional Technical Health Committee,

It is not that Directors General are technicians, and just technicians. They also ensure the translation of the political constraints of their Regions, which they know very well. So, they know where one can get, how far one can get, and how far one cannot get. [IT9]

These Committees may, in turn, rely on the technical work carried on by the

³²Which, in turn, as it was illustrated, tends to be jointly defined with the Conference of the Regions.

so called "Technical Groups", which operate at an even lower, purely technical-administrative level. These Groups – which may be established on *ad hoc* or permanent bases – are composed of regional officials and managers with a specific expertise in the field at issue. As for the Committees and the Commissions, there is one regional coordinator (generally, a Director General) for each Technical Group, but she is not necessarily issued from the same Region in charge of the corresponding Commission and Committee. This feature allows Technical Groups to develop their activity on an ongoing basis, their composition not changing according to the geo-political criteria sketched above. Generally, officials who take part to these works are selected from all the Regions when the issue at stake is of general relevance, while when matters to be debated are of a more limited scope, just a subgroup of Regions is chosen, because of a particular knowledge of those Regions in the field. In the framework of Commission no. II (Health) several Technical Groups are at work in a stable way: the most relevant ones deal with patients' interregional mobility; pharmaceutical issues; financial issues; emergency care; psychiatry; safety in working environments, prevention. Because of the complexity of the subject-matter, each Technical Group may, in turn, be articulated into further subgroups. The Technical Group devoted to Prevention, for instance, is then organized in subunits, respectively in charge of: vaccines; food hygiene; veterinary medicine; health education, and so on. The overall coordination of all these Technical Groups (and their articulations) must be ensured by the Coordinator of the corresponding Committee.

Once completed, the preliminary work conducted by these Technical Groups is reported to their respective Committees. If the Committee agrees, the issue is then reported to the subject-related policy Commission, that is to the regional Councilors. Such a report is generally made by the regional Director General who has been in charge of preparing the document to be discussed. If the technical work is not approved by the Councilors because of contrasts among the Regions, technicians are generally given some more time in order to revise the document and put forward a new, hopefully shared proposal. When the agreement is found among Councilors, the issue comes eventually back to the Regional Presidents, which are always given the last word on everything. The conclusions reached by the Commissions are indeed to be approved (and, where necessary, to be discussed) by the Assembly in its plenary format: once passed by the Assembly, these conclusions become the official position of the Regions (to be then spent, for instance, in the State-Regions Conference). As explained by the Director General of this Conference, the intensive work previously done by Councilors and technicians makes it possible to accelerate "tremendously" the final decision-taking by the Presidents. Extensive debate during plenary meetings occurs indeed just in few cases.

As to the Secretariat Office of the Conference, it is articulated into seven policy-

related Offices. It is managed by a Secretary-General and her staff, composed by 27 managers and officials. In comparative terms, this is a quite remarkable equipment: the Swiss horizontal IGA (the Conference of Cantonal Governments), often quoted in the literature as one of the most institutionalized interregional IGAs (Bolleyer 2006; 2009; Bolleyer and Bytzeck 2009), has an almost identical staff (in quantitative terms; cf. Appendix A). These managers and officials support the preliminary works of the Conference and all the coordination activities. Several organizational tools have been developed over the years by the Secretariat Office of the Conference, in order to make as easiest as possible the full participation by the highest number of Regions to every Conference activity. To this end, an on-line information system has been build up (the so called *Conferenza virtuale*, "Virtual Conference"), which allows Presidents and a number of selected officials from each Region to access, whenever they want, the Conference agenda. In this way, they can follow the update of each item on the agenda itself (participants, development, results of the technical preliminary activity, and the like), to download the documentary material employed by the technical groups in charge of the issues, and so on³³. In order to reduce costs and favor the largest involvement of the Regions in the complex decision-making chain described above, since 2005 Commissions, Committees and Technical Groups (but not the Assembly) can also meet by conference call (an option in fact frequently used).

More generally, the main goal of the Secretariat is to grant the overall "regularity" of the procedures followed during all this complex decision-making process. As significantly put by the Director General of the Conference,

we only have the task of ensuring the Presidents for the *regularity of all the procedures*. Our task is a bit as the one of the officials of the House, of the officials of the Senate, isn't it? They do not enter into the merits. [IT6]

This does not mean that the managers of the Conference Secretariat policy-related Offices, who take part in all the meetings, do not know the subject-matters in depth and, if asked, abstain from giving advices and even driving the debate when a solution is to be found. However, the Secretariat "core business" is, first of all, to ensure the full regularity of decision-making procedures.

Decision-making rules

As to the rules of decision-making, the *Regolamento* sets the *structural quorum* at one third of the Presidents (that is, eight); the *functional quorum* requires, instead, unanimity, when agreements (*accordi*) and understandings (*intese*) with

³³For an example of the supervision of the entire decision-making process ensured by the Secretariat Office of the Conference, see Appendix C, Figure C.1.

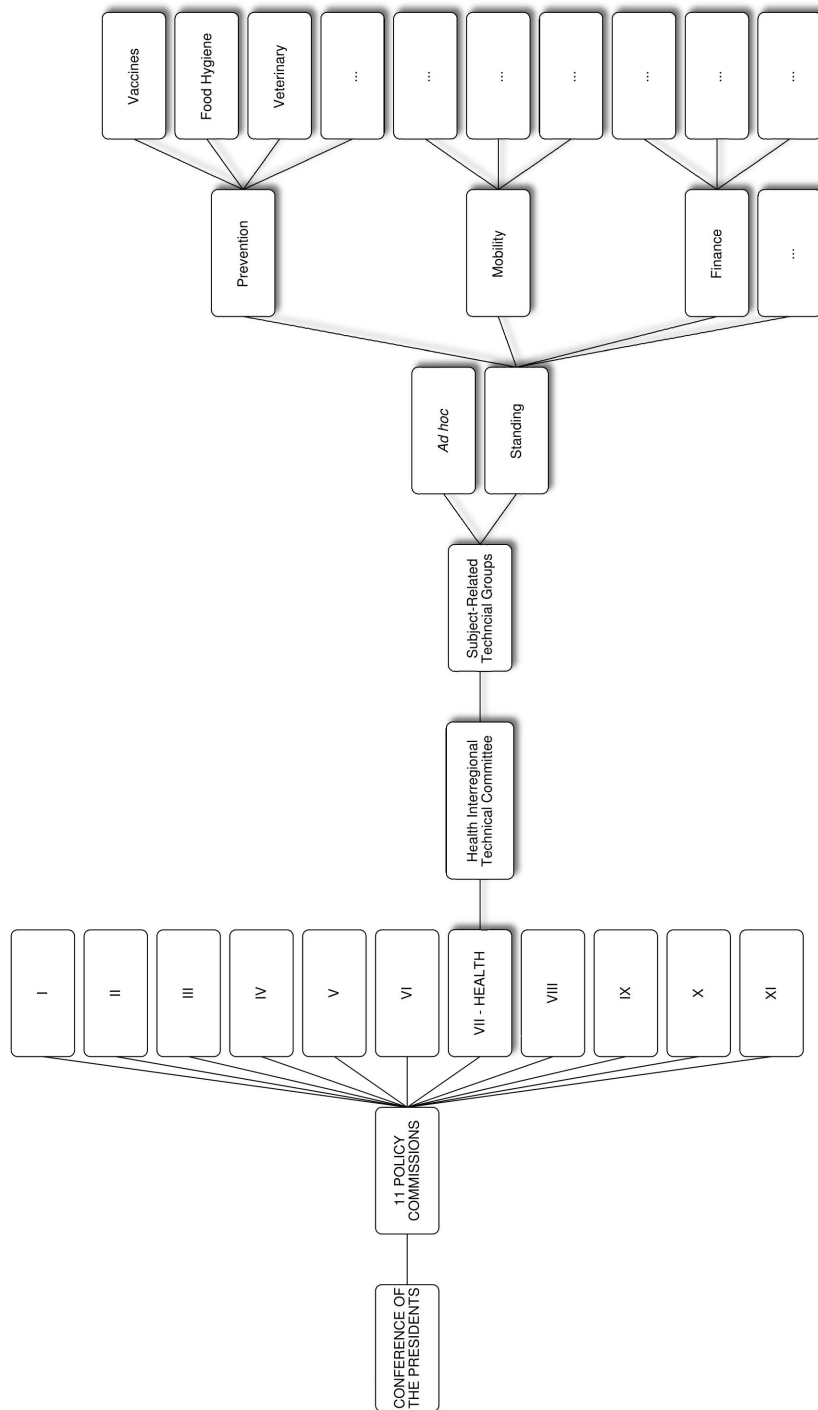


Figure 2.7: Conference of the Regions: organizational structure.

the central Government are to be debated; consensus is required also when the President and the Vice-President have to be elected (but, as seen, just in the first two ballots)³⁴. Unanimity is also required in case of amendment to the internal regulations of the Conference, as well as in case of official stances of the Conference on general (political) issues (not under direct regional responsibility).

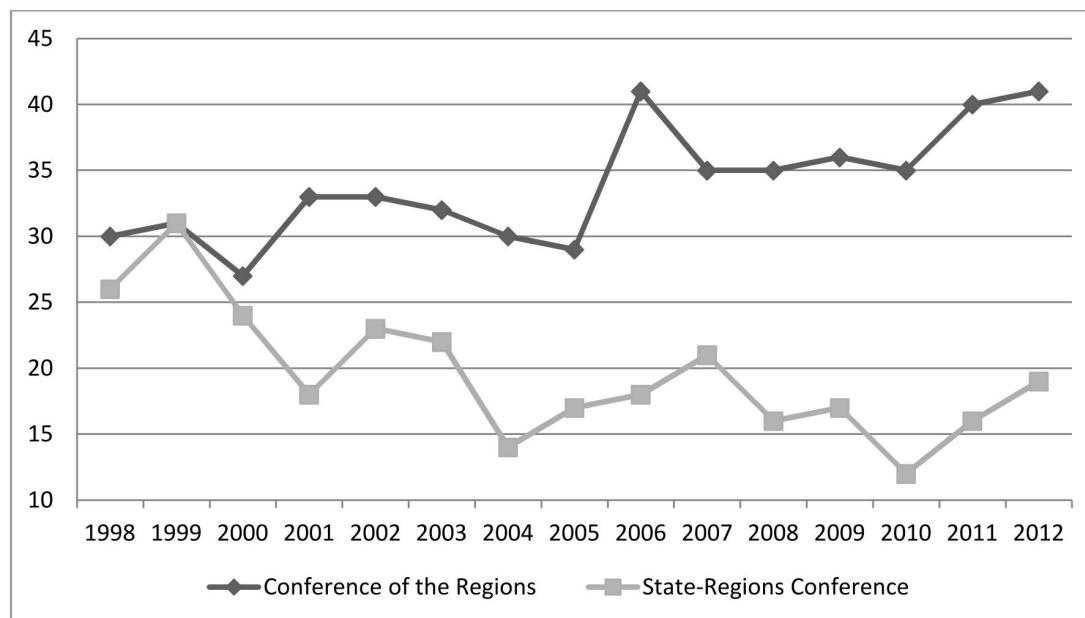
The possibility of majority vote is however left open when advices to be given on a State measure (*pareri*) are debated: the internal regulations of the Conference state indeed that, in case of advices to be given towards "constitutional bodies", this horizontal IGA can take a "diversified" stance. In other words, some Regions can give a positive advice, while others a negative one. Eventually, decisions by majority can be taken in case of internal resolutions, particularly when designations of regional representatives into State bodies are the point at issue. Anyway, actors interviewed for this analysis tend to regard majority voting, even when possible, as a quite remote hypothesis. This appears supported by empirical evidence. Looking at the advices given by the Regions on State acts in the State-Regions Conference in the period 2003-2012, it is indeed easy to remark that the great majority of these advices – either positive or negative – was issued in unanimous way: over a total of 1005 advices given by the Conference of the Regions, just 20 were "diversified" (that is, about 2%).

As a proof of the existence of internal rules for managing contrasts, interestingly, when appointments of regional representatives are at stake, the Regions, in case of disagreement, tend to resort to what could be defined as an established "conflict resolution" procedure. An internal, confidential document sets indeed the number of representatives to which each Region is entitled. Such a number – defined as "theoretical representation" – is proportional to the demographic weight of each Region (plus two representatives for each one). Next, the (constantly updated) number of representatives actually belonging to each Region is reported (this is the so called "actual representation"). Disagreements on the appointments among the Regions may thus be settled by making reference to the difference (positive or negative) between these two numbers (such a difference is called "degree of representation satisfaction"). These rules can obviously be disregarded whenever regional Presidents find an alternative, shared solution³⁵.

³⁴In this case, nineteen Presidents must attend the Conference.

³⁵This procedure is followed in case of appointments of regional representatives in State organs classed by the Conference itself as of "higher relevance". For appointments of regional representatives in State organs as of "minor relevance" (basically because of the more limited powers attributed to them by law), the procedure consists in that the names of the persons to be appointed are selected by the Director General of the Conference of the Regions: if no regional President questions his proposal within a given time limit, this proposal is approved by tacit agreement.

Figure 2.8: Conference of the Regions: number of meetings, compared with those of the State-Regions Conference (1998-2012). Source: own elaboration from www.regioni.it and www.statoregioni.it.



Activity

As to the actual activity carried on by the Conference of the Regions, it is interesting to note, from a general point of view, a relatively high frequency of its plenary meetings³⁶. As shown in Figure 2.8, in the time period considered (1998-2012)³⁷ the number of meetings celebrated each year by the Conference has been lower than thirty only on two occasions, 2000 and 2005 (significantly, years in which regional elections took place). Moreover, in the whole period under analysis, the average number of plenary sessions per year has been equal to almost thirty-four, clearly higher than the number of State-Regions meetings (equal to almost twenty). Notice also that that while the number of State-Regions Conference meetings, as observed above, has tended to decrease, the number of sessions of the Conference of the Regions, on the contrary, has been increasing over time (see Figure 2.8).

As regards the groups and subgroups described above, the frequency of their meetings varies according to the subject-matter. Official data on this point do

³⁶Particularly if compared to its equivalents in many other countries: see again the overview offered in Appendix A.

³⁷On the official website of the Conference of the Regions – www.regioni.it – information on meetings is available from 1998 onwards.

not exist. However, actors interviewed reported a quite high frequent activity of the Health Interregional Technical Committee, which would meet, on average, a couple of times per month; Subject-related Technical Groups would be called even more frequently (once a week, on average).

Health Policy Because of the *generalist* nature of the Conference of the Regions, the same question arises as for the State-Regions Conference, namely which is the actual weight of health policy over the whole set of questions addressed by this intergovernmental arrangement. To answer this question, available data make possible to compute, as previously done for the vertical arrangement, the share of meetings whose orders of business included health policy among the issues to be debated. As shown in Table 2.3, in the period of reference (2001-2012), on average about 77% of the meetings have addressed at least one issue related to health policy, while little more than 8% have been exclusively dedicated to the analysis of health matters. Compared with the results about the meetings of the vertical IGA exposed above, one can notice, on the one hand, a lower percentage of meetings at least partially devoted to health care: this can be easily explained by considering that the horizontal Conference addresses all the issues to be then treated both in the State-Regions and in the Unified Conferences; on the other hand, one can note a higher share of encounters dealing *exclusively* with health care policy: this can be seen as a good indicator of the centrality of this policy field for regional actors within their Conference.

Table 2.3: Conference of the Regions: meetings with health policy items on the agenda (2001-2012).

Year	Meetings at least partially devoted to healthcare issues	Meetings entirely devoted to healthcare issues
2001	78.80%	6.06%
2002	75.57%	6.06%
2003	78.79%	3.13%
2004	82.76%	3.45%
2005	79.17%	4.17%
2006	90.32%	16.13%
2007	64.86%	0.00%
2008	54.54%	3.03%
2009	76.19%	27.50%
2010	80.64%	3.13%
2011	75.00%	10.00%
2012	89.19%	16.22%
Mean	77.15%	8.24%

Source: own elaboration from documents available at: www.regioni.it.

2.4 The interactions between the vertical and the horizontal dimensions

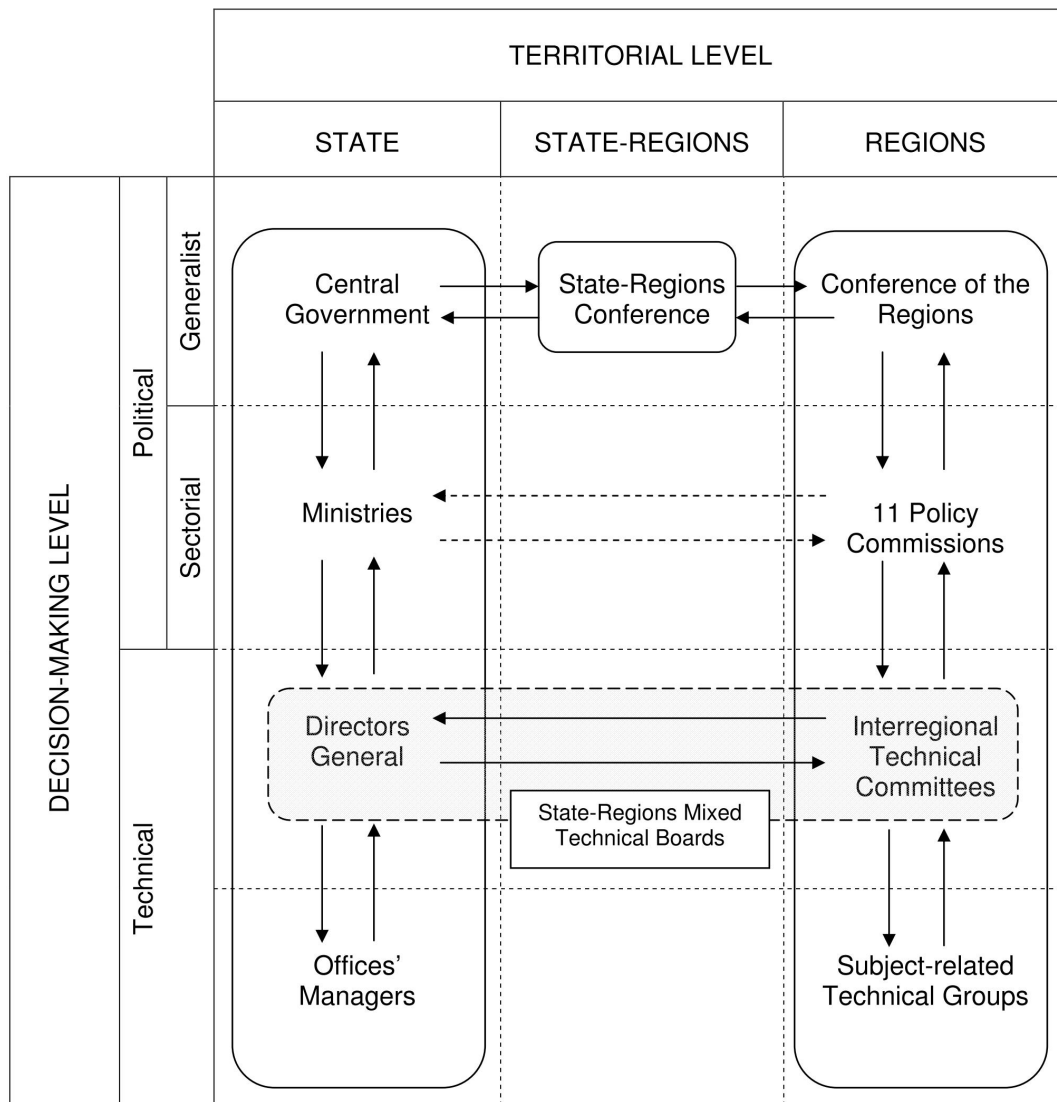
As it has been shown in the previous sections, the Italian system of Intergovernmental Relations may be defined as characterized by a high level of interdependence of the vertical and the horizontal dimensions of IGAs. To sum up, such a complex and dense network of interaction is represented, in a simplified way, in Figure 2.9, combining territorial and decision-making levels. The territorial scale has been divided into three parts: the exclusively central level, the exclusively regional level, and the one in which these two levels do actively interact; the decision-making level has been in turn schematically divided into several spaces: the political level may be conceived as the highest one (which may then be broken up into generalist and policy-specific levels); hierarchically subordinated, there is the technical/administrative level.

As seen, the initiative to debate an IGR issue may come either from the State or from the Regions. As a matter of fact, the initiative is taken most of the time by the State, because of the high number of cases in which the activation of the State-Regions Conference is made compulsory by law, as previously explained. Generally, the intention to debate a certain issue is informally announced by the central Government well in advance of the introduction of that item on the official State-Regions Conference agenda.

Once all the political actors have been informed on this intention, two preliminary decision-making processes are concurrently activated. From the side of the (exclusively) State level, such a process involves, from a political point of view, the competent Minister or Ministers, which then rely on the technical-administrative structures of their departments (Directors General, managers, etc.). From the side of the (exclusively) regional level, the Assembly of the Presidents of the Regions discusses the point at issue, and each President has the possibility to stress his own Region's priorities. The case is then assigned to the competent Policy Commissions, which, as seen, are supported, in turn, by several technical bodies (Interregional Technical Committees, Subject-related Technical Groups, etc.). When the technical work carried out by these second (third, and fourth) level bodies is politically agreed by the corresponding political Commission, the Regions have «a basic document, sufficiently shared at the level of the Regions» (as an interviewed put it; [IT3]) from which they can start a second round of technical negotiation, this time with the State, that is with ministerial representatives.

Such a bargaining phase takes place in the so called "State-Regions Mixed Technical Boards", organized by the Secretariat Services of the State-Regions Conference. It is there that – as seen above – this vertical IGA Secretariat plays what was defined as an "active coordination" function. Discussions occurring in these meet-

Figure 2.9: Vertical and horizontal dimensions of Italian IGAs: a simplified representation of the interaction network.



ings concern very specific points of the measures under consideration. Obviously, any change in the measure in question has the potential to alter the balance initially found on both sides. This is why such processes are generally described by IGR actors as extremely complex, laborious, demanding, and time consuming. State and regional technicians must indeed always check the political feasibility of any effect of their bargaining activity on the measures under examination. As a general rule, and as confirmed by all actors interviewed for this analysis, just when both sides agree, the item is officially included in the order of business of the State-Regions Conference: «no topic is discussed by the Conference, without having been previously "digested" by an extremely detailed, meticulous technical preparation» [IT8]³⁸.

As a consequence, most of the time, measures at issue are simply "validated" during the plenary session of the State-Regions Conference. This explains why, as put by one former Regional Health Director General, «in fact, in the State-Regions Conference there is no discussion, no debate ever» [IT3], and according to another one, «the Conference is not a . . . very useful forum for an in-depth analysis [of the measures to be discussed], for a discussion on the merits. It is a formal situation in which measures are ratified, and one says: "Yes, we agree", "Yes, we agree", or "No, we do not agree".» [IT9]. It is in this latter case that the Conference may become a full-blown arena of actual political debate between the Regional Presidents, on the one hand, and the representatives of the central Government, on the other hand: in such circumstances, the final decision on the disputed issue may be delayed or, when time limits have expired, may be unilaterally taken by the central executive.

To be thorough, it is important to notice that – according to what reported by several actors interviewed – since the second half of the 2000s the interactions between the State and the Regions, even if not taking place outside of the network just described, would have been more and more unbalancing towards the regional side.

As summed up in a revealing way by one of the actors interviewed for this analysis, from the regional point of view

the State-Regions and the Unified Conferences matter very little: they matter very little in the sense that there, there is not a debate, but it is merely taken note of the stance that the Regions have previously assumed in another location [this is, in the Conference of the Regions].

[...]

³⁸Such a practice was officially reported in the above mentioned 2005 Circular Letter of the Health Ministry as the standard procedure to be followed: it was indeed stated that items are added on the Conference agenda only when the technical preparatory work has been positively concluded.

The Conference of the Regions is taken in regard as much as, if not more, than the State-Regions Conference, because it is known that *here* is the decision point, *here* the regional stance is formed. [IT6]

The State-Regions Mixed Technical Boards are sometimes pictured as something pretended more by the State-Regions Secretariat than by the representatives of the regional front:

[The Conference of the Regions] is related to the State-Regions and to the Unified Conferences as to the items on their agenda. But if it wants to have a direct relationship with a Ministry, it does not turn to the State-Regions Conference and says: "I would like to have a relationship with ...". The State-Regions Conference tends, especially at the bureaucratic level, to say: "It's up to us to organize everything, let us do it. Why are you bypassing us? Why are you going to talk, say, with the Ministry of Public Administration? Meetings are to be done here". [...] However, we do what we want. [IT6]

The State-Regions Secretariat would have thus come to play a less central part in the final definition of the content of the measures at issue. In the wake of the progressive strengthening of the interregional IGA (particularly, through its complex internal structuring and increased activity; see again Figure 2.8), indeed, two, interrelated processes would have occurred.

Direct relationships between the Health Minister and the regional Health Councilors would have been growing over the years. As reported by several actors, informal meetings between the Minister and the regional Councilors (at least those representing the "most active" Regions) have become a quite common and frequent practice. Furthermore, contacts at the political level would be paralleled by an intense work carried out at the technical level, outside the formal network of the State-Regions Conference Secretariat. Either on input of the Minister or on their own initiative, indeed, Directors General from the Health Ministry often set-up *ad hoc* mixed State-Regions technical working groups in order to formulate in a shared way the measures to be then passed by the Conference. This is partly due to the high level of technicality of the matters to be addressed. Such practice was defined as an "extremely useful shock-absorber" during the decision process [IT8]. Even if the State-Regions Conference Secretariat is still accorded the last word in the technical preparation of the Conference's meetings, the scope of its intervention may result as narrowed: documents prepared by these mixed technical working groups can indeed be seen as technical material largely "pre-chewed".

Chapter 3

Intergovernmental Arrangements in Spain: Historical Evolution and Current Setting

3.1 Introduction

The institutional morphology of the Spanish intergovernmental arrangements system appears as quite distinct from the one described in Chapter 2 as characteristic of the Italian case. As it will be highlighted, contrary to Italian IGR, Spanish intergovernmental relations have tended indeed to develop mostly along the *vertical* dimension, leaving *horizontal* cooperation almost devoid of any significant stable, institutionalized arena: as clearly stressed by García Morales (2006), «collaborative relations are formalized mostly – and sometimes almost exclusively – at the vertical scale. This is a trend [...] that has consolidated to the point that it represents *a distinctive feature of the Spanish system*, compared to most politically decentralized countries of the European surroundings, where horizontal collaboration – for us almost nonexistent – is not only very common, but is seen as natural» (p. 11, translated, emphasis added). Moreover, in contrast with what happened in Italy, the process of sectoralization of State-Regions multilateral relationships was not significantly reduced over time, becoming on the contrary another defining feature of the Spanish system as a whole. Finally, it must be stressed that in Spain, since the beginning of the process of decentralization, IGR have been channeled through both multilateral and bilateral intergovernmental arrangements, which still coexist.

The existing literature clearly shows that the main locus of institutionalized, multilateral intergovernmental relations is represented by the *Conferencias Sectoriales* (Sectoral Conferences), a set of IGAs, composed of representatives of the

Central Government and Autonomous Communities' executives, each with a focus, as their name clearly implies, on a specific and delimited sector of public policy. These Conferences are the basic, most used tool of institutionalized cooperation and coordination between the Central State Administration and the Autonomous Communities. As to bilateral relations, the major instrument of cooperation between any single regional government and the center is constituted by the *Comisiones Bilaterales de Cooperación* (Bilateral Cooperation Commissions).

The remainder of this Chapter is organized, with necessary adaptations, as the previous one. In the second main Section, after having located the Spanish intergovernmental system within its more general constitutional framework, I will follow the historical evolution of *vertical* IGAs, since the transition of the country to democracy and the beginning of the decentralization process. The genetic path of *policy-specific* vertical arrangements will be thus reconstructed. A specific focus will be given to the organizational features and the actual functioning of the two Sectoral Conferences dealing – directly or indirectly – with health care policy in Spain: the Interterritorial Council of the National Health System (*Consejo Interterritorial del Sistema Nacional de Salud*) and the the Fiscal and Financial Policy Council (*Consejo de Política Fiscal y Financiera*). The description of the vertical dimension of IGAs will be then concluded by taking into consideration the role played by the recently established Conference of the Presidents (2004), a *vertical* but *generalist* arrangement, as well as by the Bilateral Cooperation Commissions. The third Section will conclude this Chapter by highlighting the weakness of the *horizontal* arrangement of intergovernmental cooperation currently present in the Spanish intergovernmental system.

3.2 The vertical dimension of IGRs and IGAs

3.2.1 The constitutional framework

Similarly to what was observed for the Italian case, it must be remarked that intergovernmental cooperation in Spain lacked any clear and explicit bases in the Constitution (1978).

As stressed by Colomer (1998), in the Spanish Constitution «there are few institutions that promote cooperation between the central government and the regional governments in Spain, a part from the arbitration role played by the Constitutional Court» (p. 49). The *Tribunal Constitucional*, provided for by the Spanish Constitution (Title IX), was legislatively established in 1979 by Organic Law no. 2. It was given power over the conflicts of competence between the State and the Autonomous Communities and among these latter (section no. 161): to this end, four of its twelve members were to be appointed by the Senate among

those proposed by the legislative assemblies of the Autonomous Communities. Overall, however, not differently from what happened in Italy, the "means of voice" accorded by the Charter to the Regions in the central decision-making proved to be particularly weak (Börzel 2000, p. 24).

Note that the lack of any constitutional provision about vertical cooperation may appear as even more remarkable as long as the model of competence allocation envisioned by the Constitution itself seemed naturally leading to the necessity of establishing some forms of cooperation among territorial institutions, the competences being mostly allocated according to a sharing regime (Ruiz González 2012, pp. 288-89; Ruiz González 2013, p. 1).

3.2.2 Emergence and evolution of executive federalism: the Sectoral Conferences

The major tool for the management of multilateral vertical intergovernmental relations in Spain is represented by the so called Sectoral Conferences. In the absence of any unambiguous reference in the 1978 Spanish Constitution to whatever principle of territorial cooperation and, even more so, to any specific IGA to ensure it in the government practice, the constitutional jurisprudence and the legal doctrine contributed, very early, to stress the urgency of establishing such a principle, and to outline some templates of institutional territorial collaboration, paving the way to the concrete regulatory design of current vertical IGAs (Ceccherini 1999, pp. 907-908). The constitutional coherence of the introduction of such kind of institutional tools with the simultaneous implementation of the so called "State of the Autonomies" project was generally justified appealing to (a quite extensive interpretation of) Sections no. 103.1 and no. 149.1.18 of the Spanish Constitution.

The first one made a reference to the fact that the Spanish Public Administration – in the "objective pursuit of the general interest" – must behave according to the general principles of efficacy, hierarchical order, *decentralization*, *deconcentration* and *coordination*. The second Constitutional section of reference was the one listing the competences exclusively attributed to the central State: among these powers, there was the responsibility over the "basic rules of the legal system of Public Administrations". It has been observed that section 149.1.18 was the object of a particularly liberal interpretation by the Spanish Constitutional Court, which *de facto* stretched its meaning in order to give constitutional legitimacy not only to inter-administrative but also to political relationships between governments, as those actually carried out in the Sectoral Conferences (García Morales 2009, p. 47).

In fact, the actual development of the extant tools for the management of State-Regions relations was implemented well beyond any explicit constitutional

provision and, as in many other national cases (Italy included), not on the parliamentary front. Indeed, despite the formal role attributed by the Charter to the upper house¹, and consistently with many other comparative experiences, Spain, since the start-up of the State of the Autonomies, took the route of "executive federalism", as a pragmatic way to give answers to emerging policy needs, due to increasing overlaps between governments in the effective exercise of constitutional powers (García Morales 2009, p. 46).

The necessity of some institutional tool for managing the relationships between the State and the subnational units, already evident to many observers and policy-makers, led, just two years after the approval of the Constitution (1978), to the establishment of the first Sectoral Conference, the *Consejo de Política Fiscal y Financiera* (Fiscal and Financial Policy Council). Informal meetings between central State Minister and Autonomous Communities Councilors had already taken place. This arrangement, whose first official meeting was celebrated in 1981, was provided for by Organic Law no. 8/1980 (Sect. no. 3) about Autonomous Communities' financing (*Ley Orgánica de Financiación de las Comunidades Autónomas*, LOFCA). The establishment of this Council is worthy to be remembered because, apart from its specific relevance for this analysis (see below § 3.2.3, and Chapters 5 and 6), it represented nothing but the first attempt to regulate the issue of multilateral IGR in Spain, through the specific adoption of a *policy-specific* template of multi-level cooperation. As specified by that Law, the Conference was to be composed of a number of central Ministers – the ones in charge of Treasury, Economy and Territorial Administration – and by the Budget Councilors of each Autonomous Community. The body was accorded both consultative and deliberative powers in the field of its competence.

A couple of years later, in 1983, a new Sectoral Conference was established, with the aim of coordinating State and regional actions, this time in the field of agricultural policy (*Conferencia Sectorial de Agricultura y Desarrollo Rural*). Differently from what happened in the first case, this new IGA was established in a more spontaneous way, that is not by law.

In this same period, in parallel with the establishment of the first Conferences, numerous rulings of the *Tribunal Constitucional* contributed to define the cooperation principle as fully consistent with the general territorial architecture of the State laid out by the Charter. Particularly, in 1982, two rulings of the Court – nos. 18 and 64 – stressed the legitimacy and even the suitability of the practice of intergovernmental cooperation within a complex and compound State as Spain. In the first ruling, the Court defined cooperation as «implicit in the essence itself of the territorial organizational form of State introduced by the Constitution», as

¹I will discuss the role of the second parliamentary chambers both in Spain and in Italy in Chapter § 4.

such not requiring to be specifically provided by any punctual constitutional provision. In ruling no. 64, the constitutional judges went one step further, adding that an «opportune collaboration» between the Administration of the State and that of Autonomous Communities would be "advisable", in order to get fair policy solutions; they stated moreover that «this collaboration [...] is necessary for the good functioning of the State of Autonomies, included [in the matters located] on the borders of constitutional and statutory distribution of respective competences» (cit. in Corcuera Atienza 2002, p. 5, translated).

Despite the legal tenets specified by the Court, the next regulatory steps in the attempt to regulate the institutionalized management of Spanish IGR followed a more bumpy path, characterized by a persisting mood of conflict and mistrust between the central State and the subnational units (called Autonomous Communities), which were gradually established². Such a mood emerged particularly in the period between 1981 and 1983, when the central State tried to "adjust" the starting decentralization process triggered by the Constitution. In fact, as stressed by Aja (1996), the reform of the territorial organization of the State proved to be, without a doubt, one of the most intense and hard tasks to be pursued in the starting phase of the new Spanish State.

Evolution of the Sectoral Conferences: legislative framework

In 1982, a project of Organic Law of Harmonization of the Autonomic Process (*Ley Orgánica de Armonización del Proceso Autonómico*, better known by its acronym: LOAPA) was passed by the Spanish Parliament, as an implementation of the so called Autonomic Pacts (*Pactos Autonómicos*), a political agreement, signed by the Socialist Party (the PSOE) and the Center Party (the UCD) in 1981. It had been elaborated in the light of a Report produced by a Committee of experts on autonomies led by the academician García de Enterría³.

The goal pursued through these Pacts was to "redirect" the starting Autonomic process, without nevertheless directly emending Title VIII of the Constitution (the one devoted to the "Territorial Organization of the State")⁴. In this way, the two major nation-wide parties were basically trying «to contain the pressures for decentralization by mutual cooperation» (Colomer 1998, p. 47). The LOAPA project envisioned indeed that the national Government could enact basic legislation in

²Because of the "open" nature of the Constitution, the Spanish regional units were not established all at the same time: for a more detailed reconstruction of such a process, see § 4.3.2 and Table 4.3.

³This working group had produced, in May 1981, a Report entitled *Informe de la Comisión de Expertos sobre Autonomías* (Report of the Commission of Experts on Autonomies).

⁴A constitutional amendment would have indeed implied to follow an extremely complex and long procedure, as designed by Sections nos. 166-168 of the Spanish Constitution.

matters reserved for the Communities, and that, in case of contrast with autonomic legislation, national norms would prevail.

For the purposes of this analysis, what is relevant to stress is that, among many other things, the LOAPA contained the first effort to design a common legal framework of reference for regulating and giving legal support to the raising phenomenon of multilateral intergovernmental cooperation and, particularly, of Sectoral Conferences. In their Report, the experts on autonomies had indeed argued that, despite the lack of any explicit constitutional reference about rules governing the relations between the State and the Autonomic powers, it was evident that the State of the Autonomies needed some "binder elements" – like cement or clay in architectural works – in order to ensure its own cohesion and prevent its own collapse (cit. in Tornos Mas 1994, pp. 71-72). In that Report, the experts also added that some specific "technique" had to be introduced into the institutional system in order to make effective the abstract principles of cooperation and participation. Among these techniques, the Report made explicit reference to the institutionalization of "Conferences of Ministers and Councilors" in charge of different policy fields: as seen, the *Consejo de Política Fiscal y Financiera* as well as the *Conferencia sectorial de Agricultura*, already in place, could offer a template in such direction.

The Constitutional Court, however, declared large part of the LOAPA as unconstitutional. This obliged the national Parliament to transform the survived part of that law into a new law, called *Ley de Proceso Autonómico* (Law on the Autonomic Process), eventually approved in 1983. Along with later Law no. 30/1992, this is to be considered, despite its many and evident weaknesses, as one of the pillars of the legislative framework of reference regulating Sectoral Conferences.

As to these latter, the new law did not envision anything but the same section originally contained in the LOAPA, since the *Tribunal Constitucional* – explicitly asked on this point by the claimants – acknowledged in ruling no. 76/1983 the full constitutionality of this kind of intergovernmental tools, as designed by that law. The Court stated indeed that, in order not to impinge on the prerogatives of the Autonomous Communities, the Conferences were to be conceived of as «bodies of meeting with the goal of examining common problems and debating the appropriate lines of action [to be taken]». In this light, according to the *Tribunal*, Section no. 8 of the LOAPA (regulating Sectoral Conferences) could not be considered as incompatible with the division of powers set by the Spanish Constitution: in fact, it confined the scope of Conferences' activities to nothing more than the mere "exchange of points of view and common analysis of the problems of each sector, as well as of the planned actions to address and solve them". It is important to remark that, in this way, the Court – while clearly confirming the constitutional legitimacy of the Conferences – also introduced specific constraints to the design of the Conferences themselves, by neatly circumscribing the scope of their legiti-

mate activity. The ruling of the Constitutional Court stressed, indeed, that these new intergovernmental arrangements «could not replace the bodies of Autonomous Communities, nor could their decisions nullify the decision-making powers of these latter».

All this contributes to explain the «limited meaning of the collaborative formulas» provided for by Law no. 12/1983 as well as by following legislative interventions (Corcuera Atienza 2002, p. 7). As remarked by Montilla Martos, the current regulation of Sectoral Conferences developed, partially, in the shadow of the conflict on the LOAPA project, and of ruling no. 76/1983: a sort of "LOAPA syndrome" (2006, p. 99) – making the Communities highly suspicious *vis-à-vis* any central Government intervention in IGR – would have affected the next evolution of the regulatory framework of the Conferences.

As a result of all this complex and troubled process, section no. 4 of Law no. 12/1983 (Sects. nos. 1 and 2) simply stated that «in order to ensure at all times the necessary coherence and the indispensable coordination in the action of public powers, Sectoral Conferences, composed of the Councilors of the Autonomous Communities and the sector-related Minister or Ministers, will meet, under the presidency of one of these latter, in a regular and periodic way, at least twice a year, with the goal of exchanging points of view and examining together problems of each sector, as well as the planned actions to address and solve them». As specified by Section no. 2, the call of meetings would be made by the sector-related Minister, both in case of ordinary meetings and in case of extraordinary ones, celebrated to deal with issues that could not be delayed. In this latter case, the call could be formulated at the request of each of the members of the Conference. In this respect, it should be noted that, in the above-mentioned ruling, the Constitutional Court had argued that these functional and structural features of the Conferences – particularly, those pertaining to their presidency and the power to call them, questioned by the regional claimants – did not necessarily entail a hierarchical superiority of the central State over the Communities.

As observed by García Morales (2009), this first design of vertical IGAs appears evidently as characterized by an «extraordinary prudence» (p. 47), due to the difficulty for the Central State to set up the necessary tools for the management of IGR, without, at the same time, being suspected of unconstitutional interference in the Autonomous Communities' affairs.

It is within this very vague and general regulatory framework that – in the period between the second half of the Eighties and the early Nineties – a number of new Sectoral Conferences (more than ten) grew up, leading to a full blown process of proliferation of vertical IGAs, doomed to continue until today. As it is clear from the information contained in Table 3.1, the progressive layering over time of different sectoral IGAs was the result of a largely non coordinated process,

rather characterized by the introduction of quite distinct organizational templates (e.g. as to the membership) as well as by the use of different normative tools. While some of these Conferences were created by a State law (either organic or ordinary) some others born more spontaneously, without any specific legal basis, aside from those provided by Law no. 12/1983; similarly, if some of these bodies provided themselves quite early with internal regulations, defining their basic rules of working and organization, some others never passed them or waited for a long time before adopting them. As pointed out by Corcuera Atienza (2002, p. 8), the genetic process of the Conferences in this period was ultimately characterized, at the same time, by partiality (as to the policy sectors covered) and fragmentation (as to the organizational template adopted). Sectoral Conferences were thus gradually established in the fields of tourism policy (1984), fight against drugs (1985), education policy, consumer policy (1987), housing, transports, environment, European affairs (1988), social affairs (1990), and cultural policy (1992). The set up of the new National Health System in 1986 led to the creation of the Interterritorial Council of the National Health System, the Sectoral Conference in charge of addressing intergovernmental issues related to health care policy.

In face of these developments, during the Eighties, some reform proposals were advanced, particularly from the academic community, with the aim of reducing the growing fragmentation of the IGAs system.

Among others, a new Report on Autonomies (*Informe sobre las Autonomías*), edited in 1988 by Professor Joaquín Tornos Mas and other scholars, called the attention towards the necessity of reorganizing the extant mechanisms of territorial collaboration (Tornos Mas 1988). In their view, the goal should have been to substitute a model of IGR which had started to be managed through bilateral contacts (see § 3.2.5) with one, more transparent, grounded on stable contacts between the State and the regional level as a whole. In spite of the proliferation of Conferences, indeed, multilateral cooperation remained, in the practice, particularly weak: as observed by García Morales (2006), the *Ley del Proceso Autonómico* and, before of it, the failed LOAPA Project had «led to reluctance, low confidence in cooperative techniques, and even to a certain perception of [multilateral] vertical collaboration as a way of maintaining shares of State influence in regional spheres, rather than to see its true potential as a means of participation for the AACCC to general decisions [to be defined] with the State» (p. 12, translated).

Many of these reform proposals and suggestions were later included in Law no. 30/1992 of November 26th over the Legal Regime of the Public Administrations and the Common Administrative Procedure (*Ley de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común*, also known by its acronym: LRJ-PAC). The approval of this law marked the beginning of a new phase in Spanish regionalism and intergovernmental relations (Aja 1996, p.

Table 3.1: Sectoral Conferences established between 1980 and 1992.

Conference	Law of Establishment	Date of Establishment (or First Meeting)	Date of Approval of Internal Regulations	Members
<i>Consejo de Política Fiscal y Financiera de las Comunidades Autónomas</i>	L.O. 8/1980	01/07/1981	20/08/1981 (last amendment: 17/01/2012)	National Minister of Treasury and Public Administration and Budget Councilors of each A.C.
<i>Conferencia Sectorial de Agricultura y Desarrollo Rural</i>		28/07/1983	13/12/1995 (last amendment: 12/11/2009)	National Minister of Agriculture and Councilors of Agriculture of each A.C.
<i>Conferencia Sectorial de Turismo</i>		06/07/1984	19/12/1995 (last amendment: 21/10/2004)	National Ministry of Tourism; Secretary of State of Tourism and Councilors of each A.C. (or the maximum administrative official in the field).
<i>Conferencia Sectorial del Plan Nacional sobre Drogas</i>		11/04/1985	09/03/1998	National Ministers of Health, Justice, Education and Culture, Employment and Social Affairs, Home Secretary; Secretaries of State of Treasury, Economics, Relationships with the Parliament; a representative of the Government for the National Drugs Plan; AA.CC. Councilors in charge of the subject matter.
<i>Conferencia Sectorial de Educación</i>	L.O. 8/1985	25/11/1986	22/07/1999	National Minister of Education and Councilors of Education of each A.C.
<i>Conferencia Sectorial de Consumo</i>		12/01/1987	10/11/1997 (last amendment: 02/03/2011)	National Minister of Health and Consumers; four representatives of the Ministry of Health and Consumers; one representative of the following Ministries: Agriculture, Public Administration and Presidency of the Government; AA.CC Councilors in charge of the subject matter.
<i>Consejo Interterritorial del Sistema Nacional de Salud</i>	Ley 14/1986 and Ley 16/2003	07/04/1987	20/12/1993 (last amendment: 15/07/1996)	Health Councilors of each A.C. and the same number of representatives of the Administration of the State (1986-2002) – National Minister of Health and Health Councilors of each A.C. (since 2003).
<i>Conferencia Sectorial de Vivienda y Urbanismo</i>		19/10/1987	30/09/2008 (last amendment: 22/07/2013)	National Minister of Infrastructures and one Councilor for each A.C.
<i>Conferencia Nacional de Transportes</i>	Ley 16/1987	14/06/1988	29/12/1988	National Minister of Transport and AA.CC Councilors in charge of the subject matter.
<i>Conferencia Sectorial de Medio Ambiente</i>		29/11/1988	27/02/1995 (last amendment: 29/07/2009)	The National Ministry of Environment; <i>Secretario general técnico</i> of the Minister for Environment and the Councilors of those AA.CC. provided with competence in this matter
<i>Conferencia para Asuntos Relacionados con la Unión Europea</i>	Ley 2/1997	22/12/1988	05/06/1997 (last amendment: 15/04/2010)	The National Ministry of Public Administration; Secretary of State for Foreign Policy; Secretary of State for the UE; Secretary of State for Territorial Administrations; one Councilor for each A.C.
<i>Conferencia Sectorial de Asuntos Sociales</i>		20/03/1990	26/07/1990 (last amendment: 23/06/1997)	National Ministry for Employment and Social Affairs and one Councilor for each A.C.
<i>Conferencia Sectorial de Cultura</i>		16/11/1992	04/07/2005 (last amendment: 14/07/2008)	National Ministry of Culture, Undersecretary of Culture, the Secretary of State of International Cooperation and one Councilor for each A.C.

Source: own elaboration from MAP (2013).

135).

As previously reminded, this law is generally considered as the second basic pillar as to the definition of the regulatory framework of reference of institutionalized, multilateral intergovernmental cooperation in Spain. It constituted the (partial) legal transposition of the political content of the Second Autonomic Pacts (*Segundos Pactos Autonómicos*), the new agreement achieved by the Government then led by the socialist Felipe González, the Popular Party (PP) and the Socialist Party (PSOE), on the management of the ongoing process of decentralization (February 28th, 1992)⁵. Besides defining the framework for the transferral of thirty-two new competences from the State to the Autonomous Communities – with the significant exception of health care – in order to reduce the extant asymmetry among Autonomous Communities (see § 4.3.2), the new Autonomic Pacts intervened to systematize the complex network of multilevel relationships.

These two processes – the progressive leveling of the Autonomous Communities' powers and the empowerment of the multilateral tools of intergovernmental cooperation – were seen as sharing a common logic, insofar the huge differences in the powers enjoyed at that time by different regional governments was considered as one of the main factors hampering the effective working of multilateral cooperation. In fact, «[a]t the beginning of the 1990s, it had become obvious that, until then, and despite the implementation of several Sectoral Conferences based on the Law on the Autonomic Process, multilateral cooperation [...] was quite limited» (González Gómez 2008, p. 133, translated). This regulatory intervention tried thus to give a boost to the development of multilateral cooperation by means of the strengthening of the Sectoral Conferences.

Looking more closely at the content of the Second Autonomic Pacts, it must be remarked, first of all, that Section no. 2 was significantly entitled *El desarrollo del principio de Cooperación*, the improvement of the cooperation principle. This latter was here defined as a "shaping" tenet of the relationships between the State and the Autonomous Communities, a principle even «consubstantial with the good functioning of the Autonomic State». Consequently, the necessity was acknowledged to find an agreement between political parties on the general guidelines to be followed to "make more dynamic" the effective implementation of such a tenet.

As to the institutional mechanisms or "techniques" for managing intergovernmental relations, the 1992 Autonomic Pacts – while acknowledging a part to bilateral relations (defined as "complementary" to multilateral IGR, and useful to solve issues concerning a single Community) – pointed mainly to the development of the Sectoral Conferences, meaningfully pictured as the «*usual and ordinary means*, in

⁵The text of the Pacts is available on the IDP - *Instituto de Derecho Público* website: http://www.idpbarcelona.net/docs/recerca/ccaa/pdf/documentos/acuerd_auton_gob_psoe_1992.pdf.

terms of institutional relations, in order to combine the actions of different Public Administrations» (emphasis added). As a further proof of the little relevance of the Conferences up to that time, it was stated that they had to be reformed in order to be made «effective working bodies, endowed with their own life and content». It was also argued that the set-up of these intergovernmental arrangements in the policy fields still lacking intergovernmental tools would be suitable, as well as the elaboration of internal regulations for the Conferences still devoid of them.

Consistently with this view, the Pacts pointed out the necessity to increase the degree of institutionalization of these IGAs, acknowledging, at the same time, the opportunity of leaving large margins of manoeuvre to the IGR actors involved. On the one hand, they made reference to the fact the establishment of each Conference as well as the definition of its internal rules of functioning had to be left to the willingness of its members. On the other hand, some general criteria were nevertheless listed in the Pacts. Firstly, Conferences could be accorded both consultative and participatory powers (granting, in this way, the very participation of the Autonomous Communities to State tasks and common policies); secondly, all the Autonomous Communities should attend the meetings of the Conferences; thirdly, Conferences working should be based on the consensus of the partners, agreements being approved, as a rule, by unanimity (although, in a somewhat contradictory way, the possibility was left open for the Conferences to identify some specific cases in which agreements could instead be adopted by majority vote).

In line with political (and organizational) principles contained in the Pacts, Law no. 30/1992 specified the basic features of Sectoral Conferences, leaving more specific details to be settled by each single IGA. Even if according to some observers (e.g. Tornos Mas 1994), this regulatory intervention did not make significant innovations in respect with provisions contained in the 1983 law, it is important to stress that – differently from what provided for up to that moment – Section no. 5 of this new law pointed out a number of fundamental organizational rules, such as those concerning the agenda setting or the transmittal and sharing of information among administrations before the meetings, as well as the procedure for the approval of agreements within the Conferences. The primary goal of such law was to finally provide some order into a field in which intergovernmental tools had been growing almost out of any general and common framework of reference (García Morales 2006, pp. 12-13).

More specifically, according to the 1992 LRJ-PAC, the general goal pursued through these institutional tools was, as already stated in 1983, to "ensure, at all times, the necessary coherence in the action of Public Administrations and, where necessary, the indispensable coordination and collaboration" (Sect. no. 5.1). The Conferences could be called for the exchange of points of view among the State

and the Communities, and for the common examination of the problems of each policy sector and of the means designed to address and solve them. As it should appear evident, this definition did not add almost anything to that provided nine years before⁶.

The biggest novelties were instead to be found in next subsections (nos. 2 and 3). Firstly, subsection no. 2 – while confirming the pivotal role of the central Ministers as to the presidency of the Conferences and to the call of their meetings – specified that these latter should be scheduled "early enough", and that should be provided with an order of business and, "where necessary", with the documentation required for their prior preparation by the actors involved. Secondly, subsection no. 3 regulated for the first time the procedures to be followed for approving agreements (*Acuerdos*) within the Conferences. More specifically, Law no. 30 established that agreements should be signed by the sector-related Minister or Ministers and by the equivalent regional Councilors. Where appropriate, agreements could be then formalized under the denomination of *Convenio de colaboración* (agreement of collaboration). All other agreements achieved within a Conference would merely enjoy the status of political declarations. Finally, in conformity with the guidelines contained in the Autonomic Pacts evoked above, Law no. 30/1992 provided that the specific regime of each Conference was instead to be established by its own agreement of institutionalization and its own internal regulations.

As reported in Table 3.2, the years immediately following the passage of this regulatory framework were marked by the creation of several new Conferences (this time, no one by means of a legal founding act) in those policy fields still lacking any kind of vertical IGA (as explicitly envisioned in the Pacts). Furthermore, in this same period, many Conferences, included some of those established in the previous stage, provided themselves with internal regulations, defining in this way their internal regime and basic rules of working (see also Table 3.1).

In 1996, provisions included in the *Ley de Medidas Fiscales, Administrativas y del Orden Social* (no. 13/1996, section no. 136) contributed to reaffirm the

⁶Interestingly, according to some scholars (e.g. Tornos Mas 1994, p. 78), such a definition of the Sectoral Conferences was vague enough to leave open the possibility to qualify as Conference even all those meetings (lacking any organizational stable support) occurring between the Minister or Ministers in charge of the issue to be debated and the representatives of the Autonomous Communities, for the common examination of the problems of the policy sector at issue and of the means to solve them. In other words, on the bases of the definition provided by that law, under the label of "Sectoral Conference" could have been placed both regular and stable meetings (in that case, Sectoral Conference would be full-fledged Intergovernmental Arrangements, as such provided with a minimal level of institutionalization) and more occasional meetings between State and regional administrations. The Law, indeed, did not state that Sectoral Conferences were established as bodies, but simply that central and regional organs of Government could convene in meetings called "Sectoral Conferences".

Table 3.2: Sectoral Conferences established between 1993 and 1997.

Conference	Law of Establishment	Date of Establishment (or First Meeting)	Date of Approval of Internal Regulations	Members
<i>Conferencia Sectorial de Infraestructuras y Ordenación del Territorio</i>		10/03/1993	No Internal Regulations	Members of the central Government and of the AA.CC. executives.
<i>Conferencia Sectorial de Industria y Energía</i>		14/04/1993	20/01/1994 (last amendment: 24/02/2009)	National Minister for Industry and Energy; Secretary of State of Industry; Secretary General of Energy; Undersecretary of Industry and Energy; one Councilor for each A.C.
<i>Conferencia Sectorial de Pesca</i>		29/09/1994	16/04/1996 (last amendment: 11/04/2011)	National Minister for Agriculture and Fishing and one Councilor for each A.C.
<i>Consejo Consultivo de Política Pesquera para Asuntos Comunitarios</i>		15/06/2000	Internal Rules of the <i>Conferencia Sectorial de Pesca</i>	National Minister for Agriculture and Fishing and one Councilor for each A.C.
<i>Conferencia Sectorial de Igualdad</i> (formely: <i>Conferencia Sectorial de la Mujer</i>)		13/02/1995	16/09/1997 (last amendment: 16/03/2011)	National Minister of Labor and Social Affairs and one Councilor for each A.C.
<i>Conferencia Sectorial de Comercio Interior</i>		08/05/1995	No Internal Regulations	Secretary of State of Trade and one Councilor and Director General of each A.C.
<i>Conferencia Sectorial de Empleo y Asuntos Laborales</i>		23/07/1996	08/04/1997	Minister of Labor and Social Affairs; the <i>Secretario general técnico</i> of the Ministry and one Councilor for each A.C.
<i>Conferencia Sectorial de la Pequeña y Mediana Empresa (PYME)</i>		14/05/1997	No Internal Regulations	Secretary of State of Industry and one Councilor and Director General of each A.C.

Source: own elaboration from MAP (2013).

centrality accorded to the Sectoral Conferences in the Spanish system of IGR. That law provided indeed for the involvement of these IGAs in the management of the credits existing in the Spanish National Budget, for the implementation of Joint Plans and Programs (cf. § 3.2.3) concerning competences constitutionally and statutory attributed to the Autonomous Communities⁷.

Eventually, the legislative framework regulating multilateral intergovernmental cooperation in Spain was later further modified by new regulatory provisions contained in Law no. 4/1999, which intervened to amend the 1992 LRJ-PAC on various points, included those pertaining to the management of IGR. In Title I of that Law (*De las Administraciones Públicas y sus Relaciones*, On Public Administrations and their Relations) was included the tenet – elaborated by the Spanish

⁷In these fields, an involvement of the Autonomous Communities in the management of the funds related to joint plans and programs was necessary, in order to avoid an intrusion of the central State – through the so called spending power – into genuinely regional competences. In practice, this entails that every year Sectoral Conferences must find an agreement, before March 15th, on the allocation criteria of the financial resources at issue as well as on the resulting distribution; moreover, if the Administrations represented within the Conference consider it necessary, they can also approve the description of the goals and activities of the Joint Plan or Program. Such legal provisions basically formalized and generalized to all Sectoral Conferences what had been already provided, since 1990, by the internal regulation of the Conference for Social Affairs (MAP 2004).

constitutional jurisprudence – of "institutional loyalty", pictured as the guiding principle to facilitate the relations among different public administrations. As to the Sectoral Conferences, the innovative scope of this legislative intervention was again actually quite limited, consisting essentially in the addition of some elements of clarification and systematization to the basic regulatory framework already settled in 1983 and 1992. The above-evoked doubts about the ultimate nature of the Conferences – whether they should be intended as mere occasional meetings between the State and the Autonomous Communities (even without any continuity over time, as some regulatory provisions allowed to hypothesize), or as stable, permanent arrangements – were definitively ruled out: Sectoral Conferences were indeed labeled – together with Bilateral Cooperation Commissions – as "organs of cooperation". The Conferences were thus represented as institutional bodies, to be jointly established by the regional and the central Administrations, and characterized by a multilateral composition (at the level of State and regional executives) and by a policy-specific field of intervention.

On the organizational front, the 1999 law restated that the internal regime of each Conference had to be defined by the founding agreement and the internal rules of procedure of the Conference itself. More interestingly, it is important to mention that Law no. 4/1999 envisioned the possibility for the Conferences to create Commissions and Working Groups – the so called "second level organs" – particularly important in order to support the concrete technical and administrative activity of these IGAs (Sect. no. 5.6). As to the presidency, the power to call Conferences' meetings, the timing of these latter, the procedures of agreements formalization, the 1999 reform did not introduce any novelty with respect to the rules established in 1992.

As shown in Table 3.3, the process of multiplication of vertical, sectoral IGA has not stopped in the last years: by contrast, between 1999 and 2012, fifteen new Conferences have been created in as many policy-related fields.

3.2.3 Powers, organization and functioning of healthcare policy Conferences: the CISNS and the CFFF

From what discussed above, it should be evident that the Spanish vertical IGAs landscape is characterized by an high fragmentation. This explains why, according to many Spanish scholars it is extremely difficult to give an overall assessment of Spanish Intergovernmental Arrangements.

Sectoral variations are in fact apparent: as summed up by León and Ferrín Pereira (2009), «these organs differ greatly in their degree of activity and level of institutionalization. Some are called occasionally and others stand out for their intense activity. While some organs do not have technical support, others rely on a

Table 3.3: Sectoral Conferences established between 1999 and 2012.

Conference	Law of Establishment	Date of Establishment or First Meeting	Date of Approval of Internal Regulations	Members
<i>Conferencia Sectorial del Juego</i>		05/05/1999	05/05/1999	National Minister of Interior and one Councilor of each A.C.
<i>Conferencia Sectorial en materia de Administración de Justicia</i>		23/10/1999	23/10/1999	National Minister of Justice and one Councilor of those AA.CC. provided with competence in this matter.
<i>Conferencia Sectorial de Política Patrimonial</i>	Ley 33/2003			Still to be defined. The Conference has never been called.
<i>Comisión Nacional de Salvamento Marítimo</i>	Ley 27/1992 and RD 1217/2002	14/03/2006		National Minister of Infrastructures; Subsecretary of Infrastructures; one representative of each of the following Ministries: Interior, Defense, Agriculture and Fishing, Environment (all at the level of Director General); the Director General of <i>Política Autónoma</i> of the Ministry of Public Administrations; the Director General of the Merchant Marine; one Councilor for each A.C.
<i>Conferencia Sectorial de Administración Pública</i>	Ley 7/2007	17/12/2003		Representatives of the Central Government, of the AA.CC. executives and of the local governments.
<i>Comisión de Recursos Humanos del Sistema Nacional de Salud</i>	Ley 16/2003; RD 182/2004 and RD 892/2006	16/06/2004		National Ministry of Health; Health Councilors of each A.C.; the Subsecretary of the Health Ministry; the Directors General of: Human Resources; Economic Budgetary and NHS Cohesion Services; Ministry High Inspection; one Director General of each of the following Ministries: Economy and Finances; Education; Employment and Social Affairs; Public Administrations. The General Health Inspector of the Ministry of Defense.
<i>Conferencia Sectorial para Asuntos Locales (CSAL)</i>	Ley 7/1985 and Ley 57/2003	17/01/2005		National Minister of Public Administrations; one Councilor for each A.C. and representatives of the local governments, appointed by the <i>Federación Española de Municipios y Provincias</i> .
<i>Conferencia Sectorial en Ciencia y Tecnología</i>		24/02/2005		Still to be defined. The Conference met just one time (2005).
<i>Consejo de Política de Seguridad</i>	LO 2/1986	28/02/2005		National Minister of Interior; one representative of each A.C. and as many representatives of the central State, appointed by the Government.
<i>Conferencia Sectorial de Telecomunicaciones y Sociedad de la Información</i>		26/10/2005		Still to be defined.
<i>Consejo Territorial del Sistema para la Autonomía y Atención a la Dependencia</i>	Ley 39/2006	24/02/2005	22/01/2007	National Minister of Employment and Social Affairs; one representative of each A.C.; representatives of different ministerial Departments (the AA.CC. representatives must however represent the largest share of members of this Conference).
<i>Conferencia Sectorial de la Inmigración</i>		09/07/2008	09/07/2008	Secretary General of Immigration and one Councilor of each A.C.
<i>Conferencia Sectorial de Cooperación Internacional para el Desarrollo</i>		28/10/2009	08/09/2010	National Ministry of Foreign Affairs and Cooperation; the Secretary of State of International Cooperation; the Secretary of State of Territorial Cooperation; the Director General of Planning and Evaluation of Development Policies; one representative of each A.C.; three representatives of the local governments, appointed by the <i>Federación Española de Municipios y Provincias</i> .
<i>Conferencia Sectorial de Energía</i>	Ley 2/2011	11/05/2011	22/06/2011	National Ministry of Industry, Tourism, and Trade; the Secretary of State of Energy; the Director General of Energy Policy; one Councilor of each A.C.
<i>Consejo de Políticas del Juego</i>	Ley 13/2011	21/06/2011	28/07/2011	National Minister of Economy and Finances; one Councilor of each A.C.; representatives of the central State (as many as the regional ones).

Source: own elaboration from MAP (2013).

stable structure where second level bodies perform an extensive work of preparation and follow-up of the subjects dealt by the conference, in addition to produce agreements on decisions of more technical nature» (p. 42, translated). IGAs sectoral variation proves clear if one look both at the structural organization of Sectoral Conferences and at their actual level of activity. Aja (2008), for instance, states that just about fifteen Conferences, over a total of more than thirty, can be considered as actually working: many of these IGAs, in fact, have never been called, or have met too few times to be considered as operating arrangements (González Gómez 2008). Starting from similar remarks, Colino and Parrado (2009) divide the Sectoral Conferences into four groups, according to the average frequency of their plenary meetings. Since their establishment thirteen met less than once per year (the Conference on Gambling, for instance, met just one time, while the *Conferencia Sectorial de Política Patrimonial* was never called); four met, on average, less than twice per year; six Conferences were called less than three times each year, while a group of seven *Conferencias* met more frequently: the IGA which was convened more times is the one devoted to Agricultural policy (which, as seen, tends to be an highly europeanized sector and as, such, likely to spur more formalized intergovernmental relations; cf. § 1.6.3), with an average of more than nine meetings per year.

Among the Conferences characterized by a relatively intense activity we find the two whose work impact on healthcare policy: the *Consejo Interterritorial del Sistema Nacional de Salud* (CISNS; Interterritorial Council of the National Health System) and the *Consejo de Política Fiscal y Financiera de las Comunidades Autónomas* (CPFF; Council of Fiscal and Financial Policy of the Autonomous Communities).

As long as the legal tools through which the State and the Communities may sign an intergovernmental agreement are basically the same in all sectors, I will first describe these tools; then, I will focus separately on the two health policy-related Conferences, in order to describe more in depth their organizational structures as well as their actual way of functioning.

Tools

Convenios de Conferencia Sectorial (Sectoral Conference Agreements). The *Convenios de Conferencia Sectorial* are the unique properly multilateral kind of agreement between the Central State Administration and the Autonomous Communities envisioned in the Spanish legal system. Provided for by Law no. 30/1992 (Sect. no. 5.5), they are simply defined as agreements signed by the Minister or the Ministers in charge of the issue to be debated, and the equivalent Councilors of the Autonomous Communities (the members

of the Sectoral Conference at issue). Legally binding for the subscribers, these agreements should be then formally communicated to the Senate and published in the Official Journal of the State and of the Autonomous Communities. In fact, despite the attempt to give a boost to multilateral cooperation through the legal provision of such kind of agreement, the *Convenios de Conferencia Sectorial* have almost never been used.

Convenios de Colaboración Vertical (Vertical Collaboration Agreements). The *Convenios de Colaboración Vertical* are instead the most frequently used legal tool of intergovernmental cooperation in Spain. They are agreements between the Central State Administration and one or several Autonomous Communities. These agreements are characterized by an high degree of freedom of contract. Their basic legal framework is defined again by Law no. 30/1992 (Sects. nos. 6 and 8), which identifies some basic, necessary requirements this kind of *convenio* must fulfill. The *convenios* must indeed specify: the organs subscribing the agreement itself; the competence exerted in it by each Administration; the financing sources of the agreement; the actions agreed by the partners to implement it; the necessity (or not) of establishing a body for its management; its temporal validity (prorogations being always allowed); its termination for other reasons. Once passed, these agreements are valid for the signing partners and must be communicated to the Senate and published in the State and Autonomous Communities Official Journals. The major problem is that the phase following the signature of the agreements may be qualified as a *terra incognita* (García Morales 2009, p. 175), in the sense that the actual implementation of the *convenios* is left to the goodwill of the actors: in fact, many agreements include the provision of follow-up commissions, but there is little information about the actual role played by these structures. Furthermore, the law merely recognizes the existence of *convenios*, without specifying additional features or the differentiation of these agreements into distinct types. Differently from Italy, an established typology is thus lacking (Benzo Sainz 2004). As a matter of fact, it is nevertheless possible to distinguish different kinds of agreements (even if according to largely overlapping criteria). First of all, even if the *convenio* may be formally intended as a primarily bilateral tool of cooperation (theoretically opposed, as such, to the *convenio de Conferencia Sectorial* described above), in practice large part of these agreements have a genuinely multilateral nature, as long as the same *convenio* is bilaterally agreed by the National Minister in charge of the issue and all (or a large part of) the Autonomous Communities. In other words, what is informally called *convenio-tipo* or *convenio de suscripción generalizada* (standard or general subscription agreement) is nothing but a "photocopy agreement",

that is the same text (sometimes, with minor amendments) for all the signing regional governments. This largely explains the extremely high number of Collaboration Agreements signed by the State and the Communities each year. According to the Ministry of Finance and Public Administration, between 1978 and mid 2012 15.345 *convenios* were reached by the State and the Autonomous Communities (MAP 2012). As reminded by García Morales (2006), «the *convenios*, although subscribed bilaterally, are the last piece of a previous cooperative process, starting with the decision of a Sectoral Conference and/or the development of a *Plan* or *Programa Conjunto*» (p. 19, translated). Secondly, looking at the content of these agreements, scholars tend to stress that, in a large majority of cases, these agreements are tools mainly used to transfer financial resources from the Central State towards the Autonomous Communities, or to complement the financing of these latter (in this case, they are often referred to as *convenios con compromisos financieros*, that is agreements with financial commitments). According to the data provided by the Minister of Finance and Public Administration, in the period 2006-2011 the intergovernmental agreements involving transfer of financial resources from the State to the Communities have represented, on average, almost the 74% of the total amount of *convenios* (MAP, 2007-2011a; 2012). Thirdly, when new *convenios* simply amend some features of previously subscribed agreements, they are defined as *acuerdos*. These latter may be, in turn, divided into prorogation agreements (*acuerdos de prórroga*), modification agreements (*acuerdos de modificación*) and development agreements (*acuerdos de desarrollo*) (MAP 2011). Prorogation agreements just aim to extend the temporal validity of a *convenio*; modification agreements are instead intended to modify some contents of a *convenio*, without, nevertheless, determining a major alteration of this latter; finally, the goal pursued through development agreements is to clarify some aspects defined in a too general way by a *convenio* already in force. Eventually, as provided by Law no. 30/1992 (Sect. no. 6.4) *convenios* are called *Protocolos generales* when they do nothing but establish political guidelines to be followed by each Administration for the implementation of a policy in a matter of common interest, or set the general framework and methodology for the development of cooperation in an area of inter-jurisdictional competence or in a matter of mutual interest. Differently from the agreements considered above, these *convenios* are not binding for the partners.

Planes y Programas Conjuntos (Joint Plans and Programs). The Joint Plans and Programs are a particular legal tool of cooperation between the State and the Autonomous Communities, provided for the first time by Law no.4/1999, according to which "the General State Administration and the Administra-

tion of the Autonomous Communities may agree to implement Joint Plans and Programs of action for the achievement of common objectives in matters of concurrent jurisdiction". In this case the role of the Sectoral Conferences is formally recognized, as long as only "Sectoral Conferences are entitled to take the initiative to agree on the realization of Joint Plans and Programs, on the approval of their contents, as well as the monitoring and the multilateral evaluation of their implementation". The "approving agreement" (*acuerdo aprobatorio*) at the basis of these Plans and Programs must indicate the goals of common interest to be pursued, the actions to be put into practice by each Administration, the material and personnel contributions given by each partner, the commitments on providing financial resources and, finally, the duration of the Plan or Program, as well as the mechanisms designed to monitor, evaluate and, where necessary, modify it. Eventually, provision is made that additional *convenios de colaboración* may be subscribed, in a bilateral way, in order to "complete" the approving agreement as to those points deserving bilateral specification. Once signed by the Administrations involved, the Plan or the Program (which may be considered as synonyms) are legally binding for these latter. It should be reminded that before being provided by Law no. 4/1999, Plans and Programs had been already informally used, having become an established practice in the Spanish system of IGR even before the 1992 Autonomous Pacts. García Morales (2006) remarks that, despite the above reminded legal provisions, Plans and Programs are still a weakly regulated tool, about whose effective working little is known: «Plans are approved by the Sectoral Conferences, which are also in charge of their monitoring, but we do not know precisely the degree of participation of the Autonomous Communities in elaborating the Plan, that is which influence ability they do have in determining its contents or whether, by contrast, the Plan is presented by the State as an adhesion contract that the Autonomous Communities simply ratify» (p. 18, translated).

After having outlined the evolution and the features of the general reference framework of Spanish IGAs, as well as the common legal tools of intergovernmental cooperation, I will focus now on the two vertical IGAs specifically concerned, in a direct or indirect way, with the management of health policy: the *Consejo Interterritorial del Sistema Nacional de Salud* (the Interterritorial Council of the National Health System) and the *Consejo de Política Fiscal y Financiera* (the Council of Fiscal and Financial Policy). Because of the fragmentation typical of the Spanish system, it is indeed necessary to look more carefully at each single Conference.

The Interterritorial Council of the National Health System (CISNS)

As mentioned above and reported in Table 3.1, the *Consejo Interterritorial del Sistema Nacional de Salud* (CISNS) was among the first vertical IGAs established in Spain: it was created in 1984 by the then Minister of Health, Ernest Lluch, and later formalized in 1986 by the law establishing the new National Health Service (*Ley General de Sanidad*, General Law on Health: no. 14, April 25th) as a forum of interaction between the Central Government and the Autonomous Communities, with the main function of ensuring general health coordination (Moreno Fuentes 2009). The Council was thus established immediately after the failure of the LOAPA project, within the very loose legal framework resulting from Law no. 12/1983.

As to the composition of this arrangement, Law no. 14 simply provided that the *Consejo* – to be chaired by the Minister of Health and Consumer Affairs – would include, besides one representative of each Autonomous Community (the regional Councilor in charge of health policy), an equal number of the Central State Administration representatives (seventeen). These latter were issued from a quite long and varied list of Ministries as well as from the *Instituto Nacional de la Salud* (INSALUD, National Health Institute)⁸. At the beginning, there were ten representatives (with the minimum rank of Directors General) issued from the Ministry of Health and seven from other ministerial departments, directly or indirectly related with health issues. These departments varied through time, including: Defense, Finance, Interior, Education, Employment and Social Affairs, Agriculture, Public Administration, Economy, Science and Technology. Between 1996 and 2002, the number of the representatives of the Health Ministry was even a minority within the Council, as a consequence of a reorganization (and a downsizing) of that Ministry (Rey del Castillo 2001). An Advisory Committee (*Comité Consultivo*), structurally linked to the CISNS, and composed of an equal number of delegated of the most representatives trade unions and employers organizations, was also created in order to introduce the voice of the social partners into the Health System.

The Council was defined as the «permanent body of communication and information of the various health services, [that is] among themselves and with the Central Administration» (Sect. no. 47). To this end, it was endowed with the tasks of coordinating, among other things, the basic guidelines on procurement policy and on contracting of pharmaceuticals and other health goods and services, as well as the basic principles of the personnel policy. Planning functions were also assigned to the Council, such as the approval of State-AACC Joint Health

⁸As it will be explained in the next Chapter, the INSALUD was the central agency, directly depending on the Health Ministry, in charge of the management of regional health systems in all those Autonomous Communities still not provided with full health policy powers (cf. § 4.3.2).

Plans. Moreover, the Council had to be "informed" by the Central State about the contents of the Integrated Health Plan (*Plan Integrado de Salud*), a planning document embodying State, Autonomic and Joint Health Plans, along with their financing sources: in this respect, the Council could make remarks and advance proposals. The seventh final disposition of Law no. 14 stated that the Council would approve its own internal regulations. These latter provided for the creation of Commissions and Working Groups (well before the 1999 reform), in order to address with specific issues: as it will be explained, such a possibility led to a real proliferation of second level bodies, which rapidly grew up to more than fifty.

Rico (1998, p. 348) highlights the high level of similarity between the Spanish *Consejo Interterritorial*, designed by Law no. 14, and the Italian equivalent, the *Consiglio Sanitario Nazionale* (cf. § 2.2.2), set up just six years before in a similar context (the transition from a insurance-based to a universal system of health care): in fact, the Italian IGA would have been taken as a real template by Spanish law-makers.

Such organization of the CISNS lasted up to 2003, when a new national law, reforming the entire Spanish Health System, called *Ley de cohesión y calidad del Sistema Nacional de Salud* (National Health System Cohesion and Quality Law; no. 16, May 28th 2003), was passed by the Parliament.

As a result, the Interterritorial Council is currently governed by the provisions included in that law (Ch. X, Sects. nos. 69-75), and by the new internal Regulations (whose approval was envisioned by the law itself), adopted by the Council immediately afterwards.

The Council – the highest coordination body within the Spanish NHS – is now defined as the «permanent organ of coordination, cooperation, communication and information of [regional] Health Services, [that is] among these latter and with the State Administration; its goal is to enhance the cohesion of the National Health System through the effective and equitable guarantee of citizens' rights throughout the State» (Sect. no. 69). Its mission should consist, in general terms, in contributing to the planning and evaluation of the Spanish NHS. More concretely, according to the law, the CISNS shall meet, discuss and, where appropriate, make "recommendations" on matters such as: essential functions as to the configuration of the Spanish NHS; the development and updating of the health benefits basket; the maximum waiting list times; the identification of the reference centers of the NSH; the definition of the safety and quality requirements of health centers; the ensuring of equal access to drugs by citizens; health research; the development of an integrated health information system; the coordination of public health policies; the definition of general criteria on public financing of drugs and health devices; the establishment of criteria and mechanisms in order to ensure the financial sufficiency and equity of the system (significantly, the law specifies that this function

must be exerted by the CISNS "without prejudice to the powers of the Council of Fiscal and Financial Policy": cf. § 3.2.3). The CISNS is also required to *advise* on Autonomic Health Plans as well as on the formulation of Joint Health Plans and the Integrated Health Plan. It shall also exert a *coordination* function on matters related to public health, personnel policy, as well as on those matters on which international agreements have been reached or the EU has a competence. Eventually, the CISNS may exert a *cooperation* function, by promoting agreements between different health administrations in order to get shared goals or by developing common criteria for implementing joint health measures.

Internal Structure and Working Organization Major innovations introduced by the 2003 reform are related to the composition of this vertical IGA. According to the *Ley de cohesión y calidad*, indeed, the members of the CISNS are now the National Minister of Health and Consumer Affairs, which still chairs the Council, and, for the Autonomous Communities, the regional Councilors in charge of health policy. In other words, the Council is no more made up of an equal number of central State and Autonomous Communities' representatives, but by seventeen members representing the regional level (plus the two Autonomous Cities of Ceuta and Melilla) and just one member in representation of the central State.

The Conference meets usually in Madrid at the Ministry of Health and Consumer Affairs, even if the possibility of holding meetings in alternative locations is left open by the internal Regulations⁹.

The CISNS is articulated into different formats: the Plenary session (*Pleno*); the Delegated Commission (*Comisión Delegada*); the technical commissions and working groups.

The plenary format – including the President, the Vice-President, the health regional Councilors, and the Secretary of the Council – meets on the President's initiative or when requested by one third of its members. In any case, it should meet, at least, four times per year. As it will be shown, this requirement has not always been met (see Figure 3.2). Plenary meetings can also be attended by the Undersecretary of Health and Consumer Affairs and by the Director General of Cohesion and High Inspection of the NHS (they are not accorded the right to vote). Further representatives of the Central State Administration as well of the Autonomous Communities' Administrations may also be invited by the President of the CISNS as guests, whenever their expertise is considered as useful for the examination of the issues to be debated. Finally, the Chairmen of the Commissions in which the Council may be organized must attend the plenary meetings, in order

⁹In 2005, for instance, the CISNS plenary meetings were convened, respectively, in Sevilla, Oviedo, Santander, and Logroño (CISNS 2006).

to inform the Council about the conclusions of their works.

As in the Italian case, the agenda setting is formally a competence of the President of the IGA (that is, the central Minister of Health). According to internal Regulations, the members of the Conference must be informed about next meetings at least seventy-two hours in advance. While, as seen, the actual working of the Italian State-Regions Conference is based on a largely jointly-defined agenda, the Spanish case looks quite different: as reported by all actors asked on this point, the process appears as largely dominated by the central State Administration. A former advisor of the Minister of Health described the agenda-setting process in this way:

The agenda, as a general rule, is set by the Ministry [...]. However, the repeated requests of the AACCC to include a given topic could also (but not always) force the Ministry to incorporate a particular item [into the agenda]. There are also items that are included by consensus. The date is set by the Ministry, but taking into account the availability of the regional representatives. For example, Sectoral Conferences generally are not organized in the days in which different Autonomous Communities celebrate their Councils of Government. The documentation, too, is circulated by the Ministry. [SP6]

Very similarly, a former autonomic Health General Director stated that «the agenda, the dates and the documentation are managed by the central Government, the Ministry of Health, although the Autonomous Communities can propose issues to be included into the order of business of the CISNS»[SP10]. It should also be added that, at least in the early years of functioning of the Council, a certain inertia characterized regional representatives, rarely proposing issues to be included in the CISNS order of business (Rey del Castillo 1998).

Even if the internal Regulations of the Conference clearly state that "the Plenary will meet at the call of the President, by her own initiative or when requested by at least one third of its members", in 2005 the then Minister of Health repeatedly refused to convene an extraordinary meeting of the Conference, in spite of a request coming from seven Communities. They had to legally appeal against such an attitude of the Minister, who was eventually forced by two Courts (the *Audiencia Nacional* and the *Tribunal Supremo*) to call the required meeting (on this point, see § 5.3.2).

As far as the circulation of the information necessary for the preparation of the meetings is concerned, CISNS is no exception in respect of a quite common practice in Spanish Sectoral Conferences (León and Ferrín Pereira 2009): on the basis of the evidence provided by informants, it is indeed clear that the central Government often makes use of so called "tactical delays", meaning that documentation is sent to the members of the Conference – particularly, the regional representatives –

just before the session takes place. This clearly limits the possibility for regional representatives of defining a position on the issues to be then discussed with the Minister. A former Secretary of the Council confirmed the use of this practice, which, according to a former Director General of the Health Ministry, could be even defined as an "habitual" central Government strategy in the organization of the CISNS meetings.

The designation of the Council's Secretary is also proposed by the Minister and ratified by the Plenum: as a rule, since 1996 this function is attributed to the *Secretario General de Sanidad* (Health Secretary-General), the highest administrative office immediately below the Minister. The Secretary attends the plenary meetings with voice but no vote. Autonomous Communities are instead entitled to appoint, among their representatives, the Vice-President of the Council, who substitutes the President in her absence and exerts all the functions delegated to her by the President. The charge may be renewed every year. As set by the internal Regulations of the Council, the Vice-President must be voted at least by an absolute majority, provided that thirteen members attend the meeting. This appointment is generally unproblematic, insofar the established practice consists in a rotation among Communities according to the order of the dates of approval of their respective Statutes of Autonomy.

The activities of the Council are operationally supported by a Secretariat Office. Its functions – of technical and administrative support to the CISNS (both in the plenary and second-level formats) – are granted by an Office of the Ministry of Health (the *Unidad de Órganos Colegiados del Sistema Nacional de Salud*), reporting to a Directorate-General of the same Ministry.

Figure 3.1 illustrates the basic organizational structure of the CISNS.

The Delegated Commission – a novelty introduced in 2003 to increase the effectiveness of this IGA¹⁰ – is the major second level organ of the Interterritorial Health System Council. The Commission is composed of the Health Secretary-General (who chairs it), by a representative of each Autonomous Community at the level of deputy Councilor (or equivalent), and by a representative of the Ministry of Health and Consumer Affairs (with secretary functions). As for the Plenum, the Vice-President of this Commission, according to Law no. 16, is to be appointed among the representatives of the Autonomous Communities. The Delegated Commission acts as a "support and previous discussion body" in preparing the plenary meetings of the Council, and should perform all the functions delegated to it by the Council itself. The Law defines the Commission as a "body of technical and administrative coordination" (Sect. no. 74).

¹⁰In this respect, Rey del Castillo (1993ab) remarked that the absence of an intermediary level between Councilors and technicians contributed to the emergence of conflict on final decisions agreed at the technical level.

To this end, the *Comisión Delegada* is accorded the power to establish Sub-commissions and Working Groups necessary for the fulfillment of its tasks. Technical Commissions and Working Groups may also be created directly by the Council. As to the Technical Commissions, their composition, their functioning and their specific tasks depend on the rules established each time by the Council itself. Working Groups are instead to be composed of technicians issued from the Health Ministry and the Autonomous Communities, as well as by other "experts" in the field: these groups must reach a concrete and clearly specified goal, always within a defined period of time. Such second and third-level bodies deal with specific issues, such as those related with public health (vaccines, occupational health, flu monitoring, and the like), transplants, information systems, and so on. The activity of each body is coordinated by the central Government, generally by means of the corresponding Directorate General of the Health Ministry: the Permanent Commission of Pharmacy, for instance, is coordinated by the Directorate General on Pharmacy and Medical Devices. The same applies to the other technical bodies dependent on the Council. The members representing the Autonomous Communities are the equivalent regional Directors General¹¹.

Eventually, the Advisory Committee (*Comité Consultivo*), established in 1986, is now defined as the «body, depending on the Interterritorial Council, by which the social involvement into the National Health System is made effective, in a permanent way, and trade unions and employers' associations may institutionally participate» to the NHS (Sect. no. 67.2). To this end, the Advisory Committee is composed of six representatives of the State, as many representatives of the Autonomous Communities, four representatives of the local Administration, eight representatives of trade unions and eight of employers' associations. The functions attributed to this body are quite vague, ranging from tasks of information to those of advice and proposal over matters of special interest for the functioning of the NHS, on health drafts laws, CISNS' agreements impacting on rights and duties of the patients, and so on.

Decision Making Rules It has already been highlighted that Law no. 14/1986 defined a very loose regulatory framework in what concerns the working rules of the Council. Furthermore, as reported by Rico (1998), up to the mid-1990s explicit decision-making rules were not provided by the internal Rules of the CISNS. However, the established practice seemed to be, since the outset, the rule of unanimity. According to the provisions contained in the *Reglamento* passed in 2003 and currently in force, the *structural quorum* requires the President, half plus one regional Councilors and the Secretary to attend the Conference. In this case, ac-

¹¹In Figure 3.1 just Commissions and Working groups having displayed minimal working continuity in the last ten years have been reported; cf. § 3.2.3).

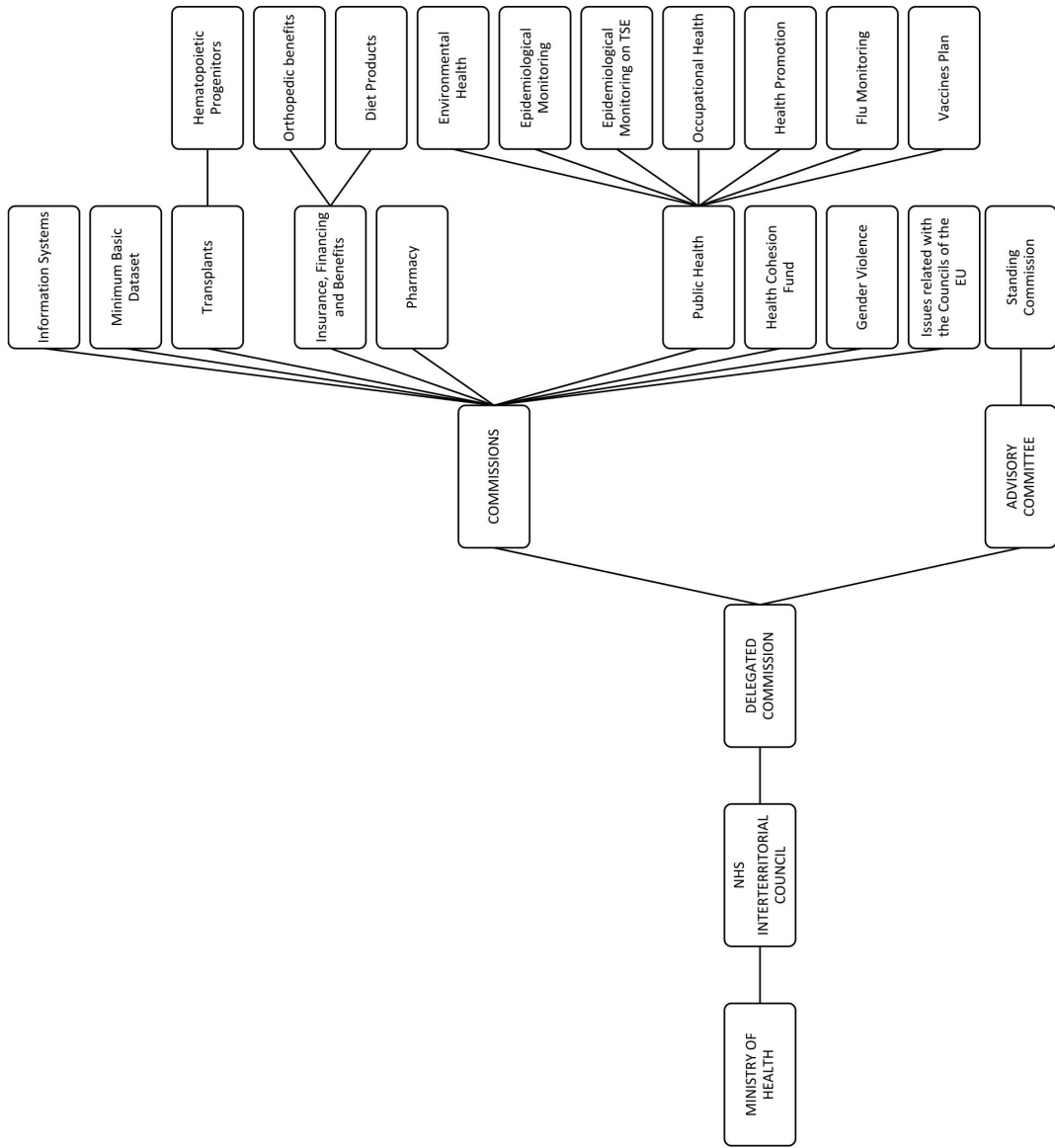


Figure 3.1: CISNS: organizational structure.

ording to Section no. 73 of the NHS Cohesion and Quality Law, the Council may adopt agreements, which shall take the form of recommendations (*recomendaciones*): these are to be passed, where appropriate, by consensus (*deliberative quorum*). The CISNS may also approve agreements of cooperation (*acuerdos de cooperación*) in order to carry out joint health actions: these agreements have to be formalized as *Convenios del Consejo Interterritorial del Sistema Nacional de Salud*.

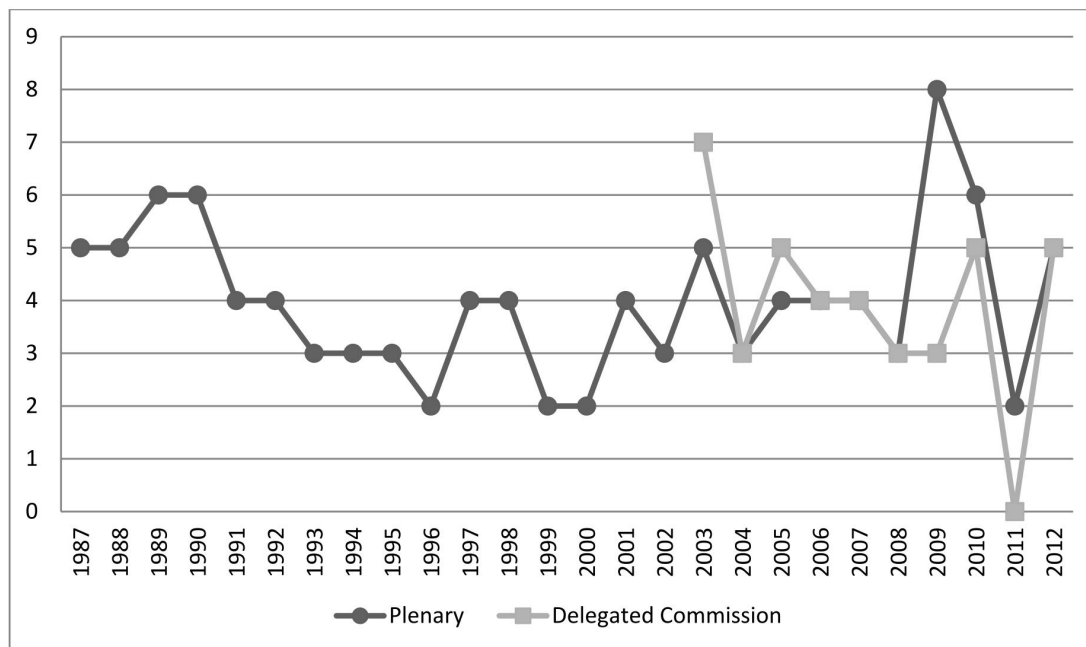
Activity As seen, the minimal frequency of the Council activity was set, since the beginning, at four plenary meetings per year. Even if between 1987 and 2012 it met, on average, exactly four times per year, on many occasions the formal requirement was disregarded, the activity of the *Plenum* having been highly irregular. In fact, as shown in Figure 3.2, the CISNS met just two times in 1996, 1999, 2000 and 2011, and just three times in 1993, 1994, 1995, 2002, 2004 and 2008. Between 1987 and 2002 the activity trend was, on the whole, decreasing. In this respect Rico (1998) interestingly remarks that

[a]lthough this development could also respond to the timing of the implementation process of the health reform, it seems mainly to reflect a gradual reduction of the role that this organ plays in the formulation and implementation of health policy. In fact, the reduction in the number of meetings coincides with a parallel, declining trend as the political relevance of the topics discussed in the plenary sessions of the Council (p. 351, translated).

Moreover, most of the subjects addressed by the CISNS during its first ten years of life were other than those envisioned by its founding law. While topics such as procurement policy, contracting of pharmaceuticals, personnel policy were only marginally treated, Public Health emerged as the main subject-matter of discussion within this IGA. Furthermore, many of the items on the agenda were related to the joint analysis (often consisting in simple information exchange) of draft bills and decrees (Rey del Castillo 1993ab, 1998).

If one looks at the average number of plenary meetings celebrated each year before and after the 2003 reform, one will notice a slight increase (from 3.75 to 4.4). However, this can hardly be interpreted as an indicator of an increasing institutionalization, insofar as it is mainly due to the peak occurred in 2009 and 2010 (when, respectively, eight and six plenary meetings took place). By contrast, such a trend may be seen as suggestive of a rather low level of institutionalization. The intensified activity of the CISNS in that period was indeed linked to the management of a transitory, specific issue (a "focusing event"): the so called "flu pandemic" (in 2009, four plenary meetings were entirely devoted to this issue).

Figure 3.2: CISNS: number of meetings (1987-2012). Source: own elaboration from Ministry of Health website (<https://www.msssi.gob.es/organizacion/consejoInterterri/actividad.htm>) and CISNS (2003-2012).



Furthermore, the irregularity and the quite low frequency of the plenary meetings do not appear to be compensated by a higher degree of regularity and frequency of the major second level body of the Council, that is the Delegated Commission, in charge of "preparing the ground" of next, first-level encounters: with two exceptions (2003 and 2005), indeed, this Commission has met, on many occasions, even less frequently than the *Plenum* (2009, 2010, 2011). This latter was convened less than four times in 2004 (3) and 2011 (2).

At a lower level, however, several Commissions and Working Groups have been established, over the years, for addressing specific issues from a technical standpoint.

The possibility of establishing such arrangements was provided by the first Regulations of the Council, passed as early as in 1987. Between that year and 1993 a full-blown explosion of Groups and Commissions occurred, leading to the creation of more than 50 bodies within the CISNS. Most of them proved in fact poorly operative, if not completely inoperative. This is why in 1993 the total number of these bodies was reduced to ten. Their level of activity proved again highly variant, depending on the subject-matter addressed. The most active Commission was the one dealing with Public Health, as well as the sub-commissions reporting

to it¹². The attitude of the corresponding Ministerial Departments, in charge of the effective functioning of the different Commissions, was crucial for the actual development and working of these bodies (Rey del Castillo 1993ab, 1998).

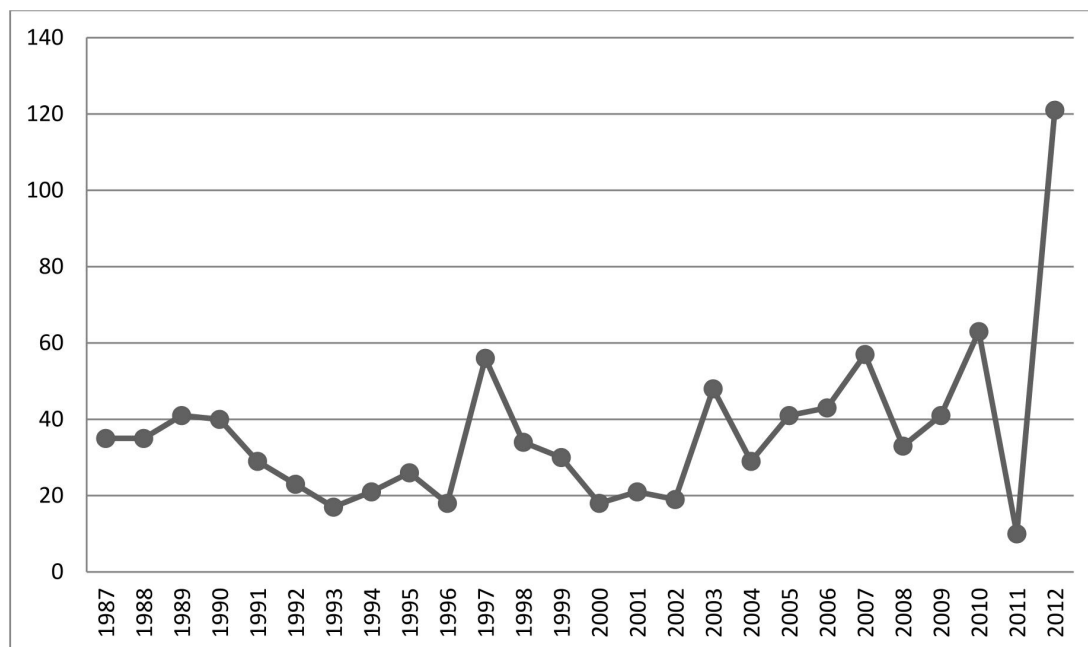
Looking now at the period following the reform of the Council (2003-2012), in all more than thirty bodies have been in function, including both permanent and *ad hoc* arrangements. Their working modalities do not seem to have changed significantly, if compared with the previous phase (CISNS 2004-2013). Some of these bodies were called just a few times, and their life only lasted one or two years. Considering instead just those Groups and Commissions which have been working over a minimum period of three years, it is possible to notice that the two most active technical bodies were the Commissions dealing, respectively, with Public Health and Pharmacy. The first one met more than one hundred times in the period under consideration, even if more than 40% of these meetings was celebrated in one year (2009) because of the above-evoked pandemic flu: without such a bias, the usual frequency of meetings of this Commission is of about eight encounters each year. Similarly, the Commission on Pharmacy met on, average, almost seven times per year. All other Commissions and Groups have displayed a much lower frequency of encounters, ranging to almost four (Working Group on Epidemiological Monitoring, depending, in turn, on the Commission on Public Health) to less than one meeting per year (this is the case of highly specific Groups, such as the one devoted to the monitoring of the so called "mad cow" disease). Bodies displaying higher frequency of meetings tend also to carry out their work on more continuous bases (convening at least once a year).

As regards the agreements reached by the CISNS, their trend is shown in Figure 3.3. A part from 2011 and 2012, the annual number of agreements has fluctuated within a fairly wide range, roughly comprised between twenty and sixty¹³. It is to be noted that acts labeled as "agreements" (*acuerdos*) are, in fact, extremely diversified: they range from agreements in the strict sense of the word, to the mere approval of the minutes of the previous meetings, from the creation of new Working Groups to the appointment of autonomic representatives into mixed State-Communities organs (internal acts). According to the data provided by the page of the Health Ministry website devoted to the Council, between 1987 and 2004 agreements in the narrowest sense of the word were about two thirds of the total (63%). Due to the lack of any clear, established criteria for categorizing agree-

¹²According to data reported by Niort (2003), between 1987 and 1999, the Commission on Public Health would have treated 41% of the total items addressed by the Commissions, followed by those treated by the Commissions on Human Resources (14%), Pharmacy and Transplants (11% both).

¹³The peak observed in 2012 (121 agreements) seems largely due to the extremely low number of agreements (10) reached during the previous year, when just two plenary sessions had took place.

Figure 3.3: CISNS: number of agreements (1987-2012). Source: own elaboration from Ministry of Health website (<https://www.msssi.gob.es/organizacion/consejoInterterritorial.do>) (1987-2004); CISNS (2006-2013).



ments as full-fledged agreements or as internal acts, it is not possible to replicate the analysis for the period 2005-2012. Anyway, a qualitative analysis of the annual Reports on the Council activity allows to confirm the continuity of such trend. As in the previous period, Autonomous Communities are basically "informed" by the Government about draft-bills and decrees on health issues. Real agreements are often related to the annual approval of the allocation criteria employed to distribute small funds of the Health Ministry, targeted towards very specific health questions, such as the prevention of HIV, the fight against smoking, and so on.

The Fiscal and Financial Policy Council (CPFF)

The second vertical IGA impacting on health policy is the one dealing with the coordination of fiscal and financial policies. In fact, as implicitly emerged from above, the CISNS has no power to debate major financial issues pertaining to the Spanish NHS, such as the definition of financing mechanisms or the setting of regional health needs. Because of the policy-specific design of Spanish IGAs, these matters are debated separately by another sectorial (but transversal) multilateral Conference, the one in charge of the coordination of fiscal and financial policies. As

shown in Table 3.1, the Fiscal and Financial Policy Council (*Consejo de Política Fiscal y Financiera de las Comunidades Autónomas*, CPFF) was even the first vertical IGA established in Spain (1980). Its first meeting was celebrated as early as in 1981, when only three regional Statutes of Autonomy had already been approved (see § 4.3.2).

The basic legal framework regulating such IGA is still the one designed by Organic Law no. 8/1980, defining Autonomous Communities' Financing regime (*Ley Orgánica de Financiación de las Comunidades Autónomas*, usually referred to by its acronym, LOFCA).

According to provisions contained in that Law, the CPFF is the coordinating body of the State and the Autonomous Communities on fiscal and financial matters. It is composed of the national Ministers of the Economy and Treasury and Public Administration, and of the regional financial Councilors.

The functions attributed to the Council are related to: the coordination of the State and Autonomous Communities budgetary policies; the analysis and assessment of the allocation criteria of the Interterritorial Compensation Fund¹⁴; the analysis, the elaboration and, where appropriate, the revision of the methods used to calculate the costs of the functions transferred to the Autonomous Communities; the assessment of the reasons justifying the perception, by each Autonomous Community, of budget allocations, as well as the equity criteria followed for their revision; the coordination of the debt and public investment policies.

As a consequence of Organic Law on Budgetary Stability (*Ley Orgánica complementaria a la Ley General de Estabilidad Presupuestaria*), passed in 2001 by the Spanish Parliament to fulfill the requirements deriving from the European Growth and Stability Pact, the CPFF has come to play a key role (formally, at least) in this area. The Council must indeed produce and vote, every year, an advisory Report on the GDP growth rate set by the Government for the next three years, prior to the official decision by the central executive. A similar advisory Report must also be prepared and voted by the CPFF members on the budgetary stability goal set by the Government for the whole of the Autonomous Communities: then, the Budget Minister and each single Community must negotiate – within the CPFF but in a bilateral way – the budgetary stability goal for each single regional government. Notice that the Council is called to play a part also in case of non fulfillment of these budgetary stability objectives by one or more Communities: it is indeed within this Intergovernmental Arrangement that non-complying Regions must present their "Economic-Financial Recovery Plans" (*Planes Económico-Financieros*).

¹⁴Provided for by Sec. no. 158.2 of the Spanish Constitution, the *Fondo de Compensación Interterritorial* is a fund which should be allocated to the Autonomous Communities with the aim of reducing interregional economic unbalances, by means of investment policies.

More generally, the CPFF is accorded the power to deal with every aspect related to the financial activities of the Autonomous Communities and of the State Treasury, needing, by their nature, a coordinated action between the State and the Regions.

Internal Structure and Working Organization The internal structure and the working organization of the CPFF are largely defined by the provisions included in the internal Regulations of the Council itself. The LOFCA stated, indeed, that, in order to grant the "proper functioning" of this IGA, the Council should approve its own rules. These were originally prepared by a Working Group, specifically established for this task, and were unanimously passed on August 20th, 1981 (Calvo Vérguez, 2012)¹⁵.

The *Plenum*, as seen, is comprised of the members of the national and regional executives in charge of fiscal and financial policy, plus the central Minister of Public Administration¹⁶. Plenary meetings, chaired by the national Minister, are convened by this latter by his own initiative or when requested by, at least, one third of the members of the Council. In any case, the mandatory minimum advance notice for plenary meetings is set at seventy-two hours, while the minimum frequency of these meetings should be of twice per year. In addition to convening and chairing the meetings, the President is entrusted with the task of representing the Council in front of the Administration of the State and of the Autonomous Communities; signing the resolutions passed by the CPFF; ensuring the compliance with its internal rules. As in the case of the CISNS, the Vice-President is to be appointed by the Autonomous Communities among their representatives: she remains in office for one year, and cannot be re-appointed in the next two years.

In order to address specific issues, the *Plenum* can establish *ad hoc* Working Groups, composed of officials appointed both by the State and the Regions: their specific rules of functioning are to be set, each time, by the Working Group founding agreement.

One Director General issued from one Office of the national Minister of Economy and Public Administration – currently, the *Secretaría General de Coordinación Autonómica y Local* (Secretariat General of Autonomic and Local Coordination) – acts as the Secretary of the Council: she must prepare the meetings (both of the plenary sessions and, in case, of the working groups), take the minutes of these meetings (to be then approved by the Council), prepare an annual Report on the activity carried out by the Council. She must also attend plenary meetings,

¹⁵Since then the Council Regulations have been amended many times: in 1983; 2000; 2001; 2004; 2006; 2008 and 2010. Its basic structure and its basic decision rules, however, have not been significantly transformed.

¹⁶Since 2001, the Budget and the Public Administrations Ministries have been merged.

where she can take the floor, but cannot vote. Notice that this Office is in charge not only of the CPFF Secretariat functions, but of many other tasks.

Decision-making Rules While, in many respects, the organizational structure of the CPFF resembles that of the CISNS, decision rules are completely different. In contrast to the CISNS, indeed, the CPFF deliberations (which, again, take the form of "recommendations") are not necessarily taken by consensus. Provided that half of the members attend the meetings, in the first vote decisions may be taken by a two-third majority (of the members); starting from the second ballot, an absolute majority vote is sufficient to pass a recommendation.

It is important to remark that, according to the Council Regulations, the vote of the central State Administration weighs exactly as the whole of the Autonomous Communities votes: in other words, this means that the 19 Autonomous Communities and Autonomous Cities have a total of 19 votes, as many as the representatives of the State. By consequence, in the first ballot an agreement may be passed with the favorable vote of the State and of 7 Regions (26 over 38 votes); from the second ballot, for the State is sufficient getting the consent from just one of the 19 Autonomous Communities to pass an agreement (20 over 38).

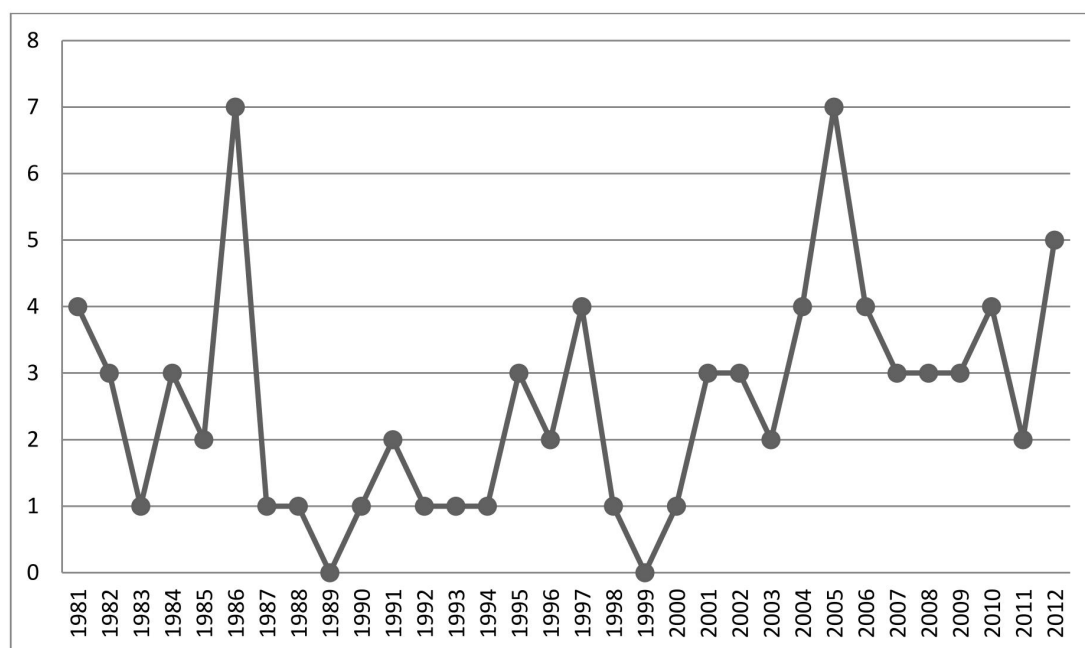
As a matter of fact, the approval of deliberations by majority is a quite common practice within the Council: measures on the agenda are often approved with the consent of the State and of a subset of Autonomous Communities, on the one hand, and the abstention or the dissenting vote of the remaining Regions, on the other hand (I will come back on this point in § 5.3.2).

Activity As seen, the minimal frequency of CPFF *Plenum* was legally set at two meetings per year. However, as shown in Figure 3.4, this provision was not met on many occasions during the 1980s and the 1990s (notice that in 1989 and 1999 the Council did not convene at all). Since the early 2000s, at least two meetings per year have been celebrated, as requested by law. In the last ten years (2003-2012), the CPFF met, on average, almost four times per year, even if in a quite irregular way, the number of annual meetings having ranged from two (2003 and 2011) to seven (2005).

On the whole, the activity trend of this IGA appears as largely related to the management of contingent issues (Cicuéndez Santamaría and Ramos Gallarín 2008): for instance, the approval in 1986 of the new model of common regional financing required the celebration of seven meetings, as much as in 2005, when an agreement on the allocation of additional funds for health financing was to be found. The relatively higher frequency and regularity of meetings characterizing the CPFF since the early 2000s may be largely explained as a consequence of the legal provisions contained in Organic Law no. 5/2001 on Budgetary Stability

mentioned above.

Figure 3.4: CPFF: number of meetings (1981-2012). Source: own elaboration from MAP (2011b, 2013).



As to the second-level bodies of the CPFF, neither the LOFCA nor the Council internal Regulations provide for the establishment of *permanent* Commissions. The *Plenum* is, however, accorded the power to set up temporary, *ad hoc* Working Groups. In the last ten years, six Working Groups have been operant under the Council umbrella. As a whole, their activity cannot be considered as particularly intense: in total, about seventy technical meetings were organized in the period under consideration (CPFF 2004-2013; see Table 3.4). In the light of the foregoing remarks, it should not be surprising that the Working Group displaying the highest continuity over time and the highest frequency of annual meetings (four on average) was the one dealing with Budgetary Stability (*Estabilidad Presupuestaria*). The remaining bodies, because of their *ad hoc* nature, met only sporadically and, very often, over a limited span of time. This was the case, for instance, of the group in charge of elaborating a methodology in order to implement the "Institutional Loyalty" (*Lealtad Institucional*) principle provided for by the LOFCA: it met just twice in 2003 and once in 2005, but it was never able to agree on a common working method (CPFF 2006). A Group created in order to address the existing financing problems of the AACC, in fact, never met as a group: its activity basically consisted in that several Communities sent their written remarks on that matter to

the Council. Other groups – such as the one tasked with Health Spending Analysis (*Análisis del Gasto Sanitario*) and the one established in order to assess the impact of the growth of the Spanish population (*Población*) on regional spending – were more productive: they both prepared a final Report (although not shared by all participants; see Chapter 6), to be then discussed by the Council¹⁷. It should be also remarked that they met very few times: the Group on Health Spending was called just eight times (three in 2005 and in 2006, two in 2007), while the unit on Population Growth met thirteen times over four years (two times in 2004, four in 2005, and seven in 2007). Eventually, a Group on the Sustainability of Public Finance met five times, just in the year of its foundation (2010).

Table 3.4: CPFF Working Groups: number of meetings (2003-2012).

Working Group	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<i>Estabilidad Presupuestaria</i> [2002]	2	4	4	4	6	3	3	5	2	7
<i>Lealtad Institucional</i> [2002]	2		1							
<i>Población</i> [2004]		2	4		7					
<i>Análisis del Gasto Sanitario</i> [2005]				3	2					
<i>Problemática del Vigente Sistema de Financiación</i> [2006]										
<i>Sostenibilidad de las Finanzas Públicas</i> [2010]								5		
	4	6	9	7	15	3	3	10	2	7
Total (2003-2012)	66									

Source: own elaboration from CPFF (2004-2013).

Key: [] = year of establishment of the Working Group.

3.2.4 A new vertical, generalist IGA: the Conference of the Presidents

As seen, the policy-specific design of vertical multilateral IGR and IGAs can be considered as one of the defining features of the Spanish intergovernmental arrangements system. Contrary to what happened in Italy, in fact, the *Estado de las Autonomías* has been devoid – during its first twenty-five years of existence – of any vertical *generalist* multilateral arrangement (such as the Italian State-

¹⁷Until 2005 inclusive, the Group on Health Spending was formally dependent on the Conference of the Presidents (see § 3.2.4): it is for this reason that no meeting is reported in Table 3.4 in 2005.

Regions Conference) including all the central and regional heads of government. Up to 2004, the Presidents of the Autonomous Communities had never met all together (except in Bruxelles, at the Committee of the Regions, or in some celebration with the royal family; Aja 2006, p. 789). According to many IGR Spanish scholars, «one of the most striking deficiencies in the formalized system of vertical cooperation in the State of the Autonomies has been the absence of a mechanism devoted to political dialog at the highest level between different public authorities in order to enable a coherent functioning of the State» (Ruiz González 2012, p. 300, translated; Gálvez Muñoz and Ruiz González 2013)¹⁸.

The first proposals to create such kind of IGA in the Spanish system had been put forward in the early Nineties. At the academic level, the establishment of a vertical, generalist IGA had been proposed by Professor Albertí in 1993 (Gálvez Muñoz and Ruiz González 2013). At the political level, it had been the then Popular President of the Galician Autonomous Community, Manuel Fraga Iribarne, to envision, in his intervention at the Senate General Commission of the Autonomous Communities, the set-up of a "Conference of the Presidents": the so called "Iribarne Proposal" envisioned the institutionalization of a *vertical* and *generalist* intergovernmental arrangement characterized by regularity of meetings (to be called, at least, every six months), and the power to adopt binding agreements by consensus¹⁹.

Ten years later, in 2004, the issue came to the floor: the creation of a Conference of the Presidents (*Conferencia de Presidentes*) was indeed included by the socialist Prime Minister Zapatero in his electoral manifesto (PSOE 2004, p. 60) as well as in his inaugural address to the Parliament. The socialist leader pictured the constitution of such an IGA as a way to increase – along with the reform of the Senate (in fact, never occurred) – the overall efficiency of the complex intergovernmental system characterizing the Spanish State:

[...] I do want to establish a Conference of the Presidents, gathering all of us in charge of the Governments of the whole State and of each of the Communities. A Conference whose first meeting I would like to celebrate during the last trimester of this year. A Conference which shall be the suitable complement to a reformed Senate. Thanks to the effective activity of both forums, it will be easy to address the reform of the interterritorial cooperation tools, and to implement the participation of the Autonomous Communities into the formation and expression of the State will in the European Union. In this way, we will improve the participation and the coordination of all public powers, of all Public Administrations (Cortes Generales 2004, translated).

¹⁸For a broader comparative perspective about the possible combinations of vertical and horizontal arrangements, see also Table 1.3.

¹⁹«Una idea de Fraga de la que recela el PP», *El País - Edición Impresa*, December 14th 2009.

It appears important to stress that, as in the case of first Sectoral Conferences in the Eighties, the creation of this new Conference was again the consequence of an essentially top-down initiative, that is wished for and autonomously taken by the central Government (Gálvez Muñoz and Ruiz González 2013).

The actual establishment of such an IGA was preceded by a public debate over the definition of many major features of its design, even including the vertical or horizontal nature of the Conference. The Government finally opted for a vertical, standing arrangement, to be – at the beginning, at least – only minimally regulated. Another contested issue pertained to the relationships to be possibly established between the new Conference and the existing Sectoral Conferences (should the new IGA be conceived as hierarchically dominant over them?) (Aja 2004).

While many of these questions were still open, the first meeting of the *Conferencia de Presidentes* was finally called by the Prime Minister on October 28th, 2004.

Internal structure and working organization

In the Conference celebrated in 2009, internal Regulations were passed, as required by the main opposition party (the PP) and promised in 2008 by the then Prime Minister in his second inaugural address to the Parliament²⁰. Such rules have contributed to clarify some basic organizational and functional aspects of the Conference, which had been working, up to that moment, following extremely informal procedures.

The Conference is defined as the highest body of *political* cooperation between the central Government and those of the Autonomous Communities, operating according to the above-mentioned principle of "Institutional Loyalty". As in typical "executive federalism" arrangements, the members of this Conference are the Prime Minister (who chairs it) and the Regional Presidents (who, significantly, must attend *in person* at the Conference); the Minister in charge of Regional Affairs acts as Secretary of the Conference.

As to the tasks attributed to this vertical IGA, they are delineated in quite vague terms: the *Conferencia de Presidentes* shall indeed debate on the "general lines" of public policies, on joint actions of strategic relevance, and on all those issues relevant for the State of the Autonomies, affecting both State and regional competences; more generally, the Conference will operate to strengthen the cooperative relations between the State and the Autonomous Communities, as well as to "encourage and drive" the work of the Sectoral Conferences and other intergovernmental arrangements.

²⁰Furthermore, the Prime Minister committed himself to calling the Conference in order to reach "concrete agreements" with the Autonomous Communities on: gender violence; educational system; climate change; Cortes Generales 2008

In respect to the agenda setting procedures, during the first meeting (2004), largely devoted to the institutionalization of the Conference itself, it was agreed that meetings should be called regularly, at least once per year. 2009 Regulations specified that the Conference is to be convened by the Prime Minister, who is also accorded the power to set the order of business, the date and the place of the meetings (generally, the Senate); extraordinary meetings may also be organized, on the initiative of the Prime Minister or at the request of the majority of the Autonomic Presidents.

From an organizational point of view, it may be interesting to remark that, up to the last encounter (held in 2012), the Conference lacked any administrative, standing structure of support such a Secretariat Office (no agreement had been found on this point in 2004): these tasks were in fact carried out, as informally established in the first meeting, by officials of the Ministry of Public Administrations, while the Minister was responsible of the overall preparation of the encounters. The lack of any infrastructure supporting in a stable way the activity of the Conference led some scholars to speak not only of informality, but of real "improvisation" as to the actual working organization of the IGA under consideration (e.g. Aja 2006; 2008).

The internal Rules passed in 2009 aimed at reducing these dynamics, by creating two structures supporting the activities of the Conference: a Preparatory Committee (*Comité Preparatorio*) and a Standing Secretariat Office. Coordinated by the Minister to Regional Affairs and composed of all the regional Councilors responsible for territorial issues, the Preparatory Committee is in charge of analyzing the items to be then discussed, and of preparing the documentation necessary for organizing the plenary meetings of the Conference; items not addressed by the Committee can nevertheless be included in the order of business by the Prime Minister, as well as by one third of regional Presidents. The Committee is supported by a Standing Secretariat, reporting, in turn, to the Ministry of Regional Affairs. For the analysis of "common interest issues", the Conference has also the power to establish *ad hoc* Commissions and Working groups. Even if not formally provided, such a possibility had already been used by the Conference in 2004, when a Working Group on health care spending had been created (cf. Chapter 6). In 2007, another Group had been established with the task of elaborating the Conference Regulations. In 2009, the Government proposal of creating two more Working Groups in order to address the economic crisis was instead rejected, because of the opposition of the Autonomous Communities led by the Popular Party. In the last meeting (2012), Presidents agreed on the creation of two new Working Groups, which, however, should work not within the Conference itself, but under the subject-related Sectoral Conferences.

Tools and decision-making rules

Consistently with the eminently political nature of this intergovernmental arrangement, the acts adopted by the Conference of the Presidents are to be intended as political compromises, devoid, as such, of any legal power (Gálvez Muñoz and Ruiz González 2013): the main Conference goal is indeed not to adopt legally binding decisions, but rather to reach political agreements on issues of particular relevance to the State of the Autonomies. Two kinds of acts are envisioned in the Regulations: the Agreements (*Acuerdos*) and the Recommendations (*Recomendaciones*). Agreements have to be passed by consensus (provided that two thirds of the regional Presidents attend the Conference), while Recommendations can be approved with the consent of the Prime Minister and, at least, two thirds of the attending regional Presidents (they commit only the subscribers).

Activity

Despite the great emphasis publicly given to such initiative by the central Government, and its undisputed innovative nature in the Spanish intergovernmental context, the Conference has been playing, up to now, a basically symbolic role. In sharp contrast with the "effective activity" of the Conference wished for by the then Prime Minister Zapatero, the actual functioning of this IGA has been highly irregular and characterized by a very low intensity. In the period comprised between 2004 (year of foundation) and 2012, only five meetings have been celebrated, instead of nine as initially agreed by central and regional Presidents. In four years – 2006, 2008, 2010, 2011 – the Conference was not called at all. Moreover, each session was organized following a quite different format.

The first one was devoted to the institutionalization of the Conference itself, to the participation of the Autonomous Communities to the Communitarian institutions, as well as to the problems related to healthcare financing. Presidents, as seen, agreed on several organizational features of the Conference. However, no agreement was found on the establishment of second-level bodies nor of a standing technical Secretariat. The second meeting of the Conference of the Presidents, of particular interest for this analysis, was called in September 2005: it focused entirely on problems related to healthcare financing. As will be explained in more detail further on, at the end of this meeting, the members of the Conference were not even in agreement on whether the Conference had produced any decision or not (cf. § 6.4). The third meeting was celebrated two years later (January 2007) to address water, research and immigration policies: a "Joint Document" on Research, Technological Development and Innovation was passed by the Conference, which also agreed on the establishment of two new Sectoral Conferences (respectively, on Water and Immigration; see Table 3.3). In December 2009, the fourth

Conference focused on gender-based violence problem, and dealt with the issuing of the internal Regulations of this vertical IGA. For the first time, representatives of the social partners took part in the meeting. The documents approved by the Conference were the Agreement on the internal Regulations, and a couple of Declarations on the Spanish Presidency of the EU and gender violence; however, no agreement was reached on other relevant issues on the agenda (employment, sustainable development, etc.). Eventually, the last Conference meeting, held in 2012, centered on public deficit reduction.

In total, up to now, the Conference has issued two agreements, three Declarations and one "Joint Document"²¹.

The high irregularity of the meetings celebrated so far, coupled with their extremely low frequency, the limited number of issues debated by the Conference, together with the high informality characterizing its functioning, certainly contribute to explain a certain skepticism of the Spanish literature about this Conference and its role in the system of Spanish IGR. Up to this time, the approval of the internal Regulations does not seem to have introduced any relevant change into the actual working of this IGA.

3.2.5 The Bilateral Cooperation Commissions

Even if this analysis focuses mainly on multilateral IGAs, and multilateral IGR may be considered as «the most developed and stable form of cooperation between the State and the Autonomous Communities» (García Morales 2009, p. 54, translated), the description of the Spanish vertical IGR landscape would prove highly incomplete if bilateral intergovernmental arrangements were not mentioned.

Since the beginning of the State of the Autonomies, indeed, multilateral cooperation carried on by means of the Sectoral Conferences has been paralleled by bilateral cooperation conducted in so called Bilateral Cooperation Commissions (*Comisiones bilaterales de cooperación*). Such Commissions, which can be defined as *vertical, bilateral* IGAs established for addressing intergovernmental issues involving the State and one single Community, may in turn be divided into *generalist* and *sectoral* arrangements.

The generalist Bilateral Commissions were gradually created between 1983 and 2000, as shown in Table 3.5. It is easy to note that first bilateral Commissions were created between the State and the Communities provided, since the beginning, with a broad range of powers (the historical nationalities, Catalonia, Basque Country, Galicia, Navarre plus Andalusia). By contrast, many of the remaining

²¹Some of these documents are available on the webpage of the *Secretaría de Estado de Administraciones Públicas* (of the Minister of Public Administrations), in the section devoted to the Conference of the Presidents: http://www.seap.minhap.gob.es/es/areas/politica_autonomica/coop_autonomica/Confer_Presidentes.html.

Table 3.5: Bilateral Cooperation Commissions: year of foundation.

Year	Autonomous Community
1984	Navarre [1982]
1987	Basque Country [1979], Catalonia [1979], Galicia [1981], Andalusia [1981]
1988	Murcia [1982], La Rioja [1982]
1989	Balearic Islands [1983]
1990	Aragon [1982], Canaries [1982]
1991	Cantabria [1981]
1992	Castile-Léon [1983], Extremadura [1983]
1993	Asturias [1981]
1995	Ceuta, Melilla [1995]
1996	Castile-La Mancha [1982]
2000	Valencian Community [1982], Madrid [1983]

Key: [] = year of establishment of the Autonomous Community.

Communities lacked of bilateral IGAs with the State for several years after their establishment. Since 2000, all Communities have a generalist Bilateral Commission²².

By means of these IGAs, the State and the Community in question are given the possibility to jointly debate and analyze issues of mutual concern, but also to reach intergovernmental agreements (*convenios*) and implement joint actions for addressing specific problems. Transfers of new powers from the State to the Communities are generally managed making use of these Commissions.

The basic, common legal regulatory framework of Bilateral Commissions was set only in 1999 by Law no. 4, reforming the 1992 LRJ-PAC. As seen, in 1992 the Second Autonomic Pacts tried to give a boost to multilateral cooperation. In such a framework, Bilateral Commissions were defined as the tool to be used when the specific issues of each Community cannot be addressed by means of Sectoral Conferences: «Bilateral Cooperation Commissions are the most effective instrument for the continuous exchange of information, for negotiations and agreements, in order to address the needs arising from the geographical, cultural, linguistic peculiarities or from the statutory provisions of each Community»²³. However, no provision was included in the next LRJ-PAC concerning the regulation of such Commissions.

It was thus only in 1999 that Bilateral Cooperation Commissions were finally

²²On the differences in the competences accorded to the Autonomous Communities, see § 4.3.2.

²³The text of the Pacts is available on the IDP - *Instituto de Derecho Público* website: http://www.idpbarcelona.net/docs/recerca/ccaa/pdf/documentos/acuerd_auton_gob_psoe_1992.pdf.

given (a minimum) legal basis. The reformed LRJ-PAC stated indeed that bilateral IGAs – to be composed of members of the central Government and of one regional executive – are called *Comisiones Bilaterales de Cooperación*: they must be created by means of an agreement, setting, in turn, the basic features of the Commission itself (Sect. no. 5.2). After a reform passed in 2000 (Organic Law No. 1/2000), Bilateral Commissions have been also legally accorded a function of conflict prevention: they can, indeed, reach agreements for the preventive resolution of contrasts between the State and a Community on the constitutional legitimacy of a State or a regional act.

Eventually, in the last years, the role of some Bilateral Commissions has been legally strengthened. Five Communities – Catalonia, Andalusia, Aragon, Castile and Leon, and Extremadura – have indeed included the Bilateral Commissions in their new statutory provisions: in this way, these *Comisiones* have become part of the so called "Constitutionality Block".

Internal structure and working organization

Although each Commission is ruled by its own founding agreement and its own internal Regulations, these latter tend to be quite similar (Ramos Gallarín 2008, pp. 158-160). As to the members of these Commissions, they are always representatives issued from the central and regional executives. Some of them are standing members of the *Comisiones*, while others change depending on the issues to be debated. In representation of the State, the standing members are the central Minister of Public Administrations, who chairs the Commission; the Secretary of State for Territorial Cooperation; the representative of the central Government in the Autonomous Community at issue; the Director General of the Ministry of Public Administrations, along with an official from the same Ministry, who acts as Secretary. Communities are instead represented by the Vice-President (or the councilor in charge of Institutional Affairs), who co-chairs the Commission; the Budget Councilor as well as the managers of the Community's Legal Advisory Office and of Parliamentary Relations (Ramos Gallarín 2008).

The agenda is jointly defined by the State and the Community in question, and the call of meeting can be required by both actors; in no case internal regulations provide for a pre-scheduled or minimum frequency of the meetings.

Sub-commissions and Committees may also be established by mutual agreement between regional and central representatives.

Activity

Coming to the activity of these bilateral arrangements, it has been remarked that, on the whole, «in spite of some stereotypes spread by Spanish and foreign scholars

on the prevalence of bilateral means of collaboration or interaction, a detailed analysis of data shows that bilateral cooperation organs have been not a widely used tool, and, in any case, much less used than multilateral ones» (Colino and Parrado, 2009, p. 207, translated).

For most of the Communities, indeed, the activation of the Bilateral Commissions has been highly sporadic. In some cases, the Commission was even called just once, on the occasion of the founding meeting (Castile-Leon and Madrid), or twice (Extremadura). Just a subgroup of Communities has used Bilateral Commissions more frequently: Navarre, Catalonia, Andalusia, Basque Country and Canaries (Colino and Parrado, 2009). However, even in these cases, the frequency of meetings has been, on average, lower than twice per year. After the above-evoked 2000 reform, the bulk of the activity carried on through these bilateral arrangements has been related to the conflict prevention function (Ramos Gallarín 2008).

It must be finally added that some Communities have created, in addition to the generalist Bilateral Cooperation Commissions, vertical bilateral arrangements for addressing policy-specific issues: it is the case of Bilateral Commissions on Taxation (in the Basque Country and Navarre)²⁴; on Security (in the Basque Country, Catalonia and Navarre); on European Issues (in the Basque Country, Catalonia and Canary Islands); on Immigration (in Catalonia and Canary Islands). With the exception of those dealing with taxation, the remaining Commissions appear in fact to be characterized by an extremely low degree of activity (Colino and Parrado, 2009).

3.3 The horizontal dimension of IGRs and IGAs

As mentioned in the introductory Section to this Chapter, the extreme weakness (not to say the complete lack) of Spanish IGAs at the horizontal level is often presented by scholars – together with the absence, for several decades, of any vertical and generalist arrangement – as a peculiar trait of this intergovernmental system. In its first thirty years, the Spanish State of Autonomies had indeed been lacking of any kind of horizontal intergovernmental arrangement: interregional collaboration might be reasonably characterized as "precarious", if not "almost inexistent" (García Morales 2006). In sharp contrast to what happened in Italy, intergovernmental relations – of both multilateral and bilateral nature – developed and were channeled exclusively along the vertical dimension. Until the end of the 2000s no horizontal intergovernmental arrangement was thus set-up.

²⁴These Autonomous Communities, as it will be explained (cf. § 4.3.2), enjoy a special fiscal regime.

As it was the case for vertical intergovernmental relations, the Spanish Constitution did not offer any legal support to the establishment of any kind of horizontal IGA. The Charter envisioned nevertheless the possibility, of "procedural" collaboration between the Communities (that is the possibility to reach formal, horizontal agreements; Sect. no. 145.2). In the opinion of many Spanish legal scholars, however, such constitutional provisions would have hampered, rather than facilitating, horizontal relations, because of the high complexity of the (ill-defined) mechanisms envisioned for formalizing such agreements (e.g. García Morales 2006; Ruiz González 2012)²⁵.

Such a situation persisted until the end of the 2000s, when some changes occurred in the Spanish horizontal intergovernmental landscape.

In 2008, a group of Autonomous Communities – the six which had reformed their "Statutes of Autonomy" between 2006 and 2008²⁶ – started to organize a series of meetings, with the aim of «working together by establishing horizontal mechanisms of cooperation» in order to implement the autonomic powers deriving from their newly amended Statutes²⁷. In the first meeting, which took place in Zaragoza in July 2008 on the initiative of Aragon, the representatives of these Autonomous Communities commonly declared the necessity to find a solution to the lack of any meeting and collaboration forum among Autonomous Communities²⁸.

After this first encounter, regional representatives met seven more times: one more in 2008; three times in 2009 and as many in 2010. These meetings were called *Encuentros entre las Comunidades Autónomas para el desarrollo de sus Estatutos de Autonomía* (Meetings among the Autonomous Communities for the Implementation of their Statutes of Autonomy). The initial group of Communities gradually expanded, coming to include also regional governments without a reformed Statute of Autonomy, such as La Rioja and Castile-La Mancha (March 2010); Madrid, Galicia and the Basque Country (July 2010); Cantabria, Murcia, Navarre and Extremadura (October 2010).

In the last *Encuentro*, the Autonomous Communities eventually agreed to transform these meetings into a full-fledged *horizontal, generalist* intergovernmen-

²⁵Two different kinds of interregional agreements are envisioned by the constitutional text: the *acuerdos de cooperación* (to be authorized by the national Parliament) and the *convenios de colaboración* (to be simply communicated to the Parliament). The difficulty to distinguish between these two kinds of agreements and the evident willingness of the center to keep interregional cooperation under (strict) control are often pointed out by Spanish scholars as factors undermining horizontal cooperation in that Country: paradoxically, from a legal point of view, it would be easier, to the Autonomous Communities, reaching international cross-border agreements than interregional accords (García Morales 2006, pp. 32-33).

²⁶Andalusia, Aragon, Castile and León, Catalonia, Valencia and Balearic Islands.

²⁷Press release of the Meeting held in Zaragoza, on July 9th, 2008. Document available at: <http://www.conferenciacomunidadesautonomas.org/encuentros.html>.

²⁸*Ibidem*.

tal arrangement: the so called Conference of the Governments of the Autonomous Communities (*Conferencia de los Gobiernos de las Comunidades Autónomas*), defined as the «main body of coordination and cooperation among regional governments, without the participation of the State, promoting the development and the right coordination of shared competences for the benefit of citizens»²⁹. More specifically, the main objectives pursued by the new horizontal IGA were to promote the collaboration among Autonomous Communities and between these latter and the central Administration, as well as to facilitate the celebration of the vertical Conference of the Presidents.

To this end, regional representatives adopted a document containing highly detailed "Rules of Working and Organization".

Internal structure and working organization

According to these Rules, the horizontal Conference – a voluntarily horizontal cooperation tool – is articulated into *Plenum*, Presidency and Standing Secretariat.

The *Plenum* is composed of members of the regional executives: notice that they are not the Autonomic Presidents. The possibility is envisioned of inviting representatives of the National Government to attend the meetings of the Conference.

As to the Presidency, the Conference should be chaired by a representative of a regional government for a six-month period: the Presidency should be supported, as for the secretariat functions, by the administrative structures of its own Community, in charge of preparing and calling the meetings. In order to monitor the agreements adopted and stimulate their actual implementation, as well as in order to circulate the preparatory documentation between the Communities, a Permanent Secretariat was also established.

This IGA should meet twice a year (during the first week of March and the first week of November). Extraordinary plenary meetings may be convened, at the instance of at least nine Communities. Policy-specific meetings may also be organized. Each encounter should be prepared by a technical commission, whose membership must include one representative from each Community (at the level, at least, of Director General). Working Groups and Commissions may be established by the *Plenum*.

The agenda setting process was regulated in minute detail. Plenary meeting must be called by the Community chairing the Conference, giving a very long advance notice (about two months); after that moment, each Autonomous Community can propose items to be included into the order of business of the meeting (this phase should last about two weeks); as a third step, the Secretariat of the

²⁹Press release of the Meeting held in Santiago de Compostela, on October 25th, 2010. Document available at: <http://www.conferenciacomunidadesautonomas.org/encuentros.html>.

Conference should call the technical commission, in charge of preparing a proposal of order of business, in the light of the political feasibility and technical state of advancement of each of the items previously proposed; then, each Community must elaborate its own position on the order of business proposed by the technical commission; at the end of this complex process, the Community chairing the Conference can eventually set the agenda, about one week before the date of the plenary meeting.

Tools and decision-making rules

Deliberations may concern both the adoption of cooperation agreements (*convenios* or *protocolos de colaboración*; see above) and of joint statements on general political issues (*declaraciones políticas*). In the former case, if consensus is not reached, decisions may be taken by majority (provided that the remaining Communities do not vote against; in this case, agreements apply only to signatories). In the latter case, unanimity should be the rule, even if statements may also be adopted as the official stance of the Conference when fifteen Communities agree. In no case documents approved by the Conference can be considered as legally binding.

Eventually, it may be interesting to remark that the last section of these Rules provides for the procedures to be followed by the Communities wishing to opt out from the Conference.

Activity

Considering the whole period of organized interregional cooperation (that is, 2008-2011), several declarations (10) and cooperation agreements have been reached (about 20), over a range of diverse policy fields (from Industry to Fishery, from Public Transports to Agriculture).

However, as a matter of fact, in spite of the high degree of detail of the Rules of Working and Organization just reviewed, as well of the quite intense level of activity reached since the first interregional meeting in 2008, once formally established, the Conference of the Governments of the Autonomous Communities has proved to be an almost completely inoperative arrangement. Not much unlike the vertical Conference of the Presidents, and consistently with the long-established Spanish tradition of week, virtually inexistent, horizontal institutionalized intergovernmental coordination, the Conference met just once (2011) after its foundation. Since then, the Conference may be considered as *de facto* extincted.

Chapter 4

Comparing Italian and Spanish IGAs: Why So Different?

4.1 Introduction

After having outlined the major features of the Intergovernmental Arrangements at work in Italy and Spain, in this Chapter the two national cases will be compared in depth, in order to single out the main institutional conditions able to account for their current contrasting institutional landscapes. Analytically, what will be treated in Chapters 5 and 6 as the major explanatory variable, will be treated here – taking a "systemic perspective" – as the major variable to be explained. The basic logic of inquiry underlying the analysis proposed in this Chapter may be portrayed as adopting a "causes-of-effects" approach of explanation (Brady and Collier 2004), as long as the main goal is explaining *why* two particular cases, Italy and Spain, do present contrasting outcomes: *Why do different systems opt for different Intergovernmental Arrangements?*

In order to identify the most relevant conditions able to explain cross-case variations, the hypotheses derived from the review of the existing literature, extensively examined in Chapter 1, will be now empirically tested. To this end, the historical account offered in Chapters 2 and 3 – integrated with additional evidence – will be systematically appraised taking a more theory-driven perspective. Special attention will be devoted to the cluster of hypotheses referring to what I have labeled in Chapter 1 "polity and politics factors". Because of the focus on healthcare policy in both (EU member) countries, I will not consider specific policy factors (different from the kind of competence allocation) as potentially relevant explanatory conditions in such step of the analysis. The focus will be put on those features of the institutional architecture of the State and on its politics dynamics identified by the literature as potentially exerting an impact on the kind of Inter-

governmental Arrangements operating in compound contemporary democracies. Hence, the role of conditions such as the kind of powers distribution between different layers of government (shared/exclusive), and among the subnational units (symmetrical/asymmetrical), the strength of the second parliamentary chamber as an effective channel of representation of territorial interests, the number and the features of the constituent units as well as their internal decision-making dynamics, will be assessed.

The comparison will be based on the so called "method of difference": mostly applicable for small-N situations, it allows focusing attention on a reduced number of potentially relevant explanatory factors, while controlling for many other rival explanations. The underlying "logic of elimination" will make thus possible to exclude as candidate causes for the variance of the observed outcomes any condition present in both cases, insofar as similarities are logically assumed not to be able to account for the differences in the observed outcomes (and vice-versa) (George and Bennett 2005).

Collected evidence will enable us to focus the attention on: the degree of symmetry of the constitutional design (partly due to different levels of societal homogeneity within the two countries), and the kind of decision-making dynamics prevailing within both national and sub-national governments. As it will be shown, these are indeed the conditions showing most variance when looking at the two systems under analysis. As put in evidence by the existing literature, an asymmetric constitutional design is particularly conducive to the establishment of relatively weaker multilateral IGAs (Spain), while a more symmetrical setting tends to favor the emergence of stronger multilateral arrangements (Italy). Moreover, the existence – particularly, in the "genetic phase" – of two rather different systems of government in the Spanish and Italian central and regional governments seems to have played a relevant part in shaping IGAs' evolution in different ways. Consistently with theoretical expectations recently elaborated in the literature (Bolleyer 2006, 2009; Bolleyer and Bytzek 2009), majoritarian, single-party governments are generally associated with lower degrees of multilateral IGAs' institutionalization (Spain), whereas governments based on broad, overlapping coalitions appear more likely to lead to relatively higher levels of multilateral IGAs' institutionalization (Italy from 1970s to mid-1990s).

In line with the adoption of a historical new-institutional approach, I will not use cross-case comparative methods in an overly deterministic manner. The assessment of the impact of each condition on the outcomes will be made by taking into account evidence from *within-case* analysis (allowing to assess whether associations developed through *cross-case* comparison are in fact causal; Mahoney 2000a, p. 409; George and Bennett 2005), and considering the specific temporal unfolding of each causal condition: constitutional asymmetry of powers preceding

increasing symmetry in Spain, and power-sharing preceding majoritarian dynamics within the constitutive units of the polity in Italy. Taking a diachronic rather than a synchronic perspective will make possible to look at possible "path-dependent" effects (Pierson 2000; Mahoney 2000b) exerted by each explanatory condition on the historical development of the intergovernmental machineries under analysis.

The remainder of this Chapter is organized as follows. After having summarized the major differences between Spanish and Italian IGAs, already implicitly emerged from previous discussion, I will turn to the examination of the role played in the two national cases by the theoretically relevant causal factors pointed out in Chapter 1. A final, comparative assessment of these factors will conclude the Chapter.

4.2 Italian and Spanish IGAs compared

Considering the landscapes of Intergovernmental Arrangements outlined in the two previous Chapters it appears evident that Italy is characterized by a stronger development of multilateral IGAs (both on the vertical and on the horizontal dimension) than Spain. In Table 4.1 the main features pertaining to the institutionalization dimensions of each Intergovernmental Arrangement under examination, are summarized in a schematic way.

The most striking differences between the two national cases under analysis pertain to the *horizontal* level of organized intergovernmental cooperation.

The absence of any regular, clearly institutionalized system of ongoing cooperation among the Spanish Autonomous Communities stands in sharp contrast to the highly structured horizontal intergovernmental arrangement at work in Italy. Here, as it has been described, Regions have been able to self-organize in order to coordinate their action, particularly to foster political relationships with the national Government. The recently established Spanish Conference of the Autonomous Governments can hardly be interpreted as an equivalent of the Italian Conference of the Regions. Although provided with a formal basis (setting, as seen, its rules of working in a very detailed way), the Spanish Conference met just once. This makes even impossible to assess the density of contacts among its members as well as the actual existence and operation of the network of bureaucratic and technical support designed by the Regulations of this Conference. Consequently, the existence itself of this IGA could be reasonably even called into question. By contrast, the Conference of the Regions, managing the relationships among the Italian Regions since the early 1980s, can be considered as an highly institutionalized arena, also in a broader comparative perspective¹. Since 2005

¹For data on and an assessment of the institutionalization level of many horizontal intergov-

Table 4.1: Italian and Spanish IGAs compared.

VERTICAL		HORIZONTAL	
ITALY	G	<p>State-Regions Conference:</p> <ul style="list-style-type: none"> • Formal Basis: Law no. 400/1988; Decree no. 281/1997; • Density of Contacts - Frequency: about 17 plenary meetings per year; Regularity: high; • Bureaucratic and Technical Network: Dedicated standing Secretariat, divided into policy-related Services; • Powers: advisory powers on and involvement in national law-making impacting on regional competences; State-Regions agreements 	<p>Conference of the Regions</p> <ul style="list-style-type: none"> • Formal Basis: Regulations (since 2005). • Density of Contacts - Frequency: about 35 plenary meetings per year; Regularity: high; • Bureaucratic and Technical Network: Standing Secretariat divided into policy-related Sectors; Policy Commissions, divided into Subject-related Technical Groups; • Powers: position-taking on matters debated in the State-Regions Conference;
	P		
SPAIN	G	<p>Conference of the Presidents:</p> <ul style="list-style-type: none"> • Formal Basis: Internal Regulations (Orden TER/3409/2009); • Density of Contacts - Frequency: less than 1 plenary meeting per year; Regularity: low; • Bureaucratic and Technical Network: Secretariat, Preparatory Committee; <i>ad hoc</i> Working Groups; • Powers: political agreements and recommendations <p>National Health System Interterritorial Council (CISNS):</p> <ul style="list-style-type: none"> • Formal Basis: Laws no. 14/1986 and no. 16/2003; internal Regulations • Density of Contacts - Frequency: about 4 plenary meetings per year; Regularity: low; • Bureaucratic and Technical Network: Secretariat functions provided by the Health Ministry; standing and <i>ad hoc</i> Working Groups and Commissions; • Powers: information exchange; advisory powers; State-AACC agreements 	<p>Conference of the Autonomous Governments:</p> <ul style="list-style-type: none"> • Formal Basis: Organization and Working Rules; • Density of Contacts - Frequency: – Regularity: – • Bureaucratic and Technical Network: Standing Secretariat and Technical Commission • Powers: political agreements; interregional coordination agreements
	P		
		<p>Fiscal and Financial Policy Council (CPFF):</p> <ul style="list-style-type: none"> • Formal Basis: Organic Law no. 8/1980 (LOFCA); • Density of Contacts - Frequency: about 4 plenary meetings per year; Regularity: low; • Bureaucratic and Technical Network: Secretariat functions provided by the Budget Ministry ; <i>ad hoc</i> Working Groups; • Powers: information exchange; advisory powers; State-AACC agreements 	

Source: Own elaboration.

Key: G = Generalist; P = Policy-specific.

this arrangement provided itself with a document laying out in a very specific its internal rules of working (for the most part, formalizing, in fact, long-established informal practices). Meetings (both at the political and at the technical level) occur in a regular and frequent way: in the last ten years (2003-2012), about 35 plenary meetings have been celebrated each year. As seen, the activity of the Conference is supported by an articulated bureaucratic and technical network, made of political Commissions and Technical Committees (split, in turn, into smaller units), and bureaucratic offices (the standing Secretariat and its branches): they follow highly formalized procedures and, as it has been described, ensure the ongoing and "regular" working of this IGA.

Even if less sharp, differences between the two cases do exist also in what concerns *vertical* arrangements. The initial *policy-specific* design of intergovernmental arrangements was gradually substituted in Italy by *generalist* relationships, managed by means the State-Region Conference. This multilateral IGA, established by the central Government in the early 1980s at the request of the Regions, gradually imposed itself as the major tool of regional participation to national policy-making: strict advisory activity was gradually paralleled by increasing forms of "co-determination" of State acts by central and regional level representatives. Although generalist, large part of its activity is devoted to health policy. It meets, on average, more than fifteen times per year, according to a pre-established calendar, usually jointly decided with the Regions; its activity is supported by a standing Secretariat Office, divided, in turn, into policy-related Services (notice that both State and regional officials are included in the Secretariat staff). On the whole, the account provided in Chapter 2 has showed that this IGA cannot be easily qualified, as made by some scholars, as a «purely consultative body [...] convoked on request of the central state, which also determines the agenda» (Palermo and Wilson 2014, p. 522). By contrast, in Spain, multilateral vertical cooperation has been managed mainly through *policy-specific* arrangements, which have never been able to develop a level of activity as intense as in the Italian case: both the Interterritorial Council of the National Health System and the Fiscal and Financial Policy Council meet, on average, four times per year, basically when convened by the central executive; they may rely on the support of Working Groups (often, of an *ad hoc* nature) for the preparation of the issues to be debated; secretariat functions are ensured by administrative units reporting to the Ministry chairing the Conference (which means that these IGAs are not provided with a dedicated Secretariat), and not including regional officials. The establishment of a vertical,

ernmental arrangements (even if according to slightly different criteria than those used here) see Bolleyer and Bytzeck (2009). See also Appendix A for an overview of main vertical and horizontal IGAs at work in several federal and quasi-federal Western countries.

generalist Conference, set up on the central Government initiative in 2004, has represented an interesting attempt to increase the multilateral nature of the Spanish IGR system, by filling one of its historical "gaps": however, the very improvisation of such (unilateral) initiative – reduced, to a certain measure, through the approval of the Conference Regulations in 2009 – casts doubts on its very effectiveness.

The analysis of the processes of multilateral IGAs formation in the two countries has also shown that while in Italy subnational governments were able to mobilize in order to strengthen multilateral cooperation (both at the horizontal level and at the vertical one), in Spain Autonomous Communities never acted collectively to request a deeper involvement in multilateral multi-level policy-making.

4.3 Looking for an explanation

Consistently with theoretical insights outlined in Chapter 1, in this Section I will review the role played in each national case by several potentially relevant conditions, in order to single out those which – in the light of the empirical evidence collected – may be reasonably assumed to have played a major part in shaping current features of the horizontal and vertical IGAs in the two countries. To this end, I will start by ruling out those factors whose impact can easily be discarded: in this way, I will limit the spectrum of probable conditions accounting for the observed differences; in the second part, I will focus the attention on this remaining set of conditions, in order to assess more clearly their actual explanatory relevance in the cases under analysis.

4.3.1 Ruled out explanatory conditions

The polity factors

When looking at "polity factors", it is easy to identify several conditions which, being shared by the two selected national cases or contradicting theoretically expected causal patterns, may be ruled out as candidate causes of the institutional developments under scrutiny.

The form of State Starting from the form of State, I argue that neither Italy nor Spain can be considered as full-fledged federal countries. They both can be located in a half-way point along the unitary-federal *continuum* (cf. § 1.2), including some elements of federalism, without nevertheless being federations. As seen, the labels "strongly regionalized" or "neo-regional" State (Keating 1998; Baldi 2007)

can easily be applied to both countries (cf. Table 1.1). Although Spain is sometimes labeled as a federal country in the strict sense of the word (e.g. Sala 2014; Aja and Colino 2014), the point remains highly controversial, and most scholars agree on the basically hybrid nature of its form of State. As to Italy, the devolutionary process started in the 1970s and culminated in the constitutional changes occurred in 2001 (when the legislative powers of the Regions were strengthened through the amendment of Title V of the Charter) have not led to a full transformation of the pre-existing regional State into a full-blown federation.

Clearly, all depends on the definition of "federation" adopted. Taking as a reference point the "standard characteristics of a federation" proposed by Swenden (2006)², who provides a sort of common denominator of the most widespread definitions present in the literature, none of these two countries fully comply with these requirements. In fact, neither Spain nor Italy provide for an effective representation of regional governments in one of the two national parliamentary chambers (see discussion below); neither Spain nor Italy provide for an effective involvement of lower-level governments in the process of constitutional amendment.

Following the line of reasoning based on differences in the forms of State, federal and confederal countries should be expected to produce higher incentives towards the institutionalization of multilateral horizontal and vertical IGAs than regionalized countries: «As a reflection of [their] equal constitutionally guaranteed status, we expected lower-level governments in confederations and federal systems to be more likely to engage in multilateral structures of coordination, both horizontally and vertically» (Bolleyer et al. 2014). Moreover, drawing on Swenden and Jans (2007), the functioning of vertical IGAs should be more clearly hierarchically controlled by the center in regionalized than in federal polities (due to the operation of the so called "shadow of the hierarchy").

However, even assuming Spain to be closer than Italy to the strict federal template along the unitary-federal *continuum*, empirical evidence shows in our two cases the reverse to be true: first, as discussed in the previous Chapters, Italian lower-level governments engage much more than the Spanish ones both in the horizontal and the vertical structures of multilateral intergovernmental coordination; second, the ways in which these latter are organized clearly acknowledge more room to regional governments in Italy than in Spain, where IGAs organization tends to be clearly dominated by the central executive's decisions.

Number, wealth and size of the constitutive units Coming to the features of the constitutive units of the polity, several factors have to be taken into account.

Starting from the number of the units composing the polity, it may hardly be considered as an institutional condition relevant to account for observed institu-

²Which are a refinement of the classical ones laid out by Watts (2008).

tional variations. Theoretically, such a condition could impact on regional actors' incentives towards participation in organized collective action, by altering relative costs and benefits deriving to them from an investment in such structures. In such a perspective, it could be argued that the higher the number of constituent units, the higher the incentives towards IGAs' institutionalization, and *vice-versa*: benefits coming from cooperation would be higher when cooperation allows to reduce otherwise high transaction costs, due to the high number of partners. However, the number of sub-national units in Italy and Spain is roughly the same: 17 Autonomous Communities (plus two Autonomous Cities) in the latter and 20 Regions (plus two Autonomous Provinces) in the former.

In addition to the number of units composing the polity, one could argue that multilateral cooperation could be hindered by the presence of strong economic disparities among the constitutive units, undermining their willingness to cooperate on equal footings with other governments, both in exclusively horizontal and in vertical arrangements (Watts 2008). In this respect, it must be noted that while interregional economic disparities are present in both countries, they are broader in Italy than in Spain. Taking the distribution of the regional GDP per inhabitant as a measure of the disparities in the economic strength of each regional unit within the two countries, a higher variance is present in the Italian than in the Spanish case (Eurostat 2007a)³. To this it should be added that, as remarked by Moreno, «in Spain there is not such an abrupt north-south divide as is the case in Italy» (2005, p. 4).

In what concerns regional demographic size, variation is quite high in both countries. The relative distance between the most and the less populous regions (a simple measure used by Watts, 2008, to calculate demographic disparities within compound polities) is higher in Italy, where Lombardy is more than 80 times bigger than Aosta Valley; in Spain the ratio between the largest unit (Andalusia) and the smallest one (La Rioja) is lower than 40⁴. The variation in the distribution of the national population in the different regional units is instead higher in Spain than in Italy⁵.

The strength of a parliamentary chamber as a channel of territorial representation The strength of a parliamentary chamber as a channel of territorial representation could, in turn, have an influence on both central and regional

³The ratio between the highest and the lowest regional GDP per inhabitant is 2.16 in Italy and 1.93 in Spain, while the Coefficient of Variation of the regional GDP per inhabitant is equal, respectively, to 0.24 and 0.18 (source: Eurostat 2007a).

⁴I do not consider the two (very small) Autonomous Cities of Ceuta and Melilla since they were provided with Statutes of Autonomy only since 1995.

⁵In this case, the Coefficient of Variation is 0.85 in Italy and 0.99 in Spain (source: Eurostat 2007b).

actors' incentives towards the establishment of intergovernmental arrangements. Following this argument, indeed, an effective territorial chamber would provide the regions with an alternative (and less expensive) forum for coordinating their action; similarly, the State could use the Senate for managing relations with the regional level, reducing the need of setting up additional channels of communication with lower-level governments. In a nutshell, a territorial chamber could represent a sort of "functional equivalent" of (executive federalism) intergovernmental arrangements.

In this respect, formal institutional design in Italy and Spain appears, at first sight, as quite distinct: indeed, while the Spanish system is formally provided with a Senate in charge of representing territorial interests, Italy is not.

In spite of the evident regional nature of the Republic laid out by the Constitution, the 1948 Italian Charter did not envision the establishment of a parliamentary chamber of territorial representation. The upper house – the Senate of the Republic – was indeed nothing but a sort of replica of the lower one, in terms of both its composition and the tasks attributed to it. The constitutional provisions imposing that the Senators were to be elected "on regional bases" and that the seats of this Chamber should be distributed proportionally to the demographic weight of each Region (Sect. no. 57) were possibly among the most important provisions concerning IGR included in the Constitution. However, they proved to be, from the outset, a too weak link between the regional and the national arenas: in order to implement such constitutional requirement, ordinary electoral laws simply envisioned, for the election of senators, the establishment of electoral districts' borders coinciding with those of the Regions. As to the Senate functions, senators take part to all legislative processes, and the Government must rely on the vote of confidence from both the lower and the upper house. Because of the perfect equality of the two Chambers, such an arrangement is called "perfect" or "equal" bicameralism. Furthermore, as seen in Chapter 2, to date, the possibility introduced by 2001 constitutional revision of integrating with representatives of subnational governments the Parliamentary Commission on Regional Issues has not been implemented.

By contrast, the Spanish *Senado* is solemnly defined in the Charter as the parliamentary chamber of territorial representation (sect. no. 69). Nonetheless, as unanimously stressed by the literature, the Spanish Senate revealed itself, right from the outset, as a completely ineffective institutional tool for ensuring regional access to national policy-making, particularly because of its design and its membership (Swenden 2006).

The Senate is composed of members directly elected in each Province (four

for each Province, independently from its demographic weight, except for insular Provinces) as well as by a number of senators appointed by each Autonomous Community (at least one for each Community, plus one every million of inhabitants). In practice, the Spanish upper chamber is composed, for almost 80%, by senators directly elected by the voters (what's more, in concurrent elections with the lower house), and for only the remaining 20% by members directly designed by the regional governments.

As a consequence, as clearly highlighted by Colomer (1998),

[t]his structure has produced very similar party compositions in the two chambers, always allowing the party in central government to replicate or enlarge in the Senate its party support in the Congress. In case of disagreement between the two chambers, some bills are sent to a joint conference committee, but the decision of the Congress always prevails in the end. The Senate is thus not a decisive actor in the decision-making process and cannot effectively represent the autonomous communities in the national arena (p. 50).

The attempt (implemented in 1994) to increase the territorial nature of this Chamber by the establishment within it of a *Comisión General de las Comunidades Autónomas* (General Commission of the Autonomous Communities), composed of senators, representatives of the Central Government and of the Autonomous Communities, proved to be unsuccessful. According to the Senate Regulations, this Commission must be informed about the "autonomic content" of any initiative to be processed by the Senate. However, «apart from this scrutiny role on the action of both the central and the regional executives, the General Committee has struggled to establish itself as a participation channel for the ACs» (Moreno and Colino 2010, p. 301).

As summarized by Börzel (2000), «[a]s a result of its composition and lack of power in decision-making, the Spanish Senate does not constitute a real chamber of territorial representation nor does it provide an effective means for integrating regional interests into national policymaking» (p. 24): regardless of its appellation, the Senate has ended up being, *de facto*, a copy of the lower chamber, just like in the Italian case, without the possibility to exert any specific and significant function about autonomic issues (González 2012, p. 300). Up to now, despite many debates occurred about the need to reform such a Chamber in order to make it an effective territorial Senate, no measure in such direction has ever been implemented.

In view of the above, differences between Italy and Spain in what concerns the actual role played by their Senates as effective channels of territorial representation appears much more limited than the formal constitutional design could lead

one to suppose. In none of these two countries the second parliamentary chamber may thus be assumed to play the role of an IGA's "functioning equivalent". By consequence, it may be concluded that cross-country variation in the development of institutional tools of both horizontal and vertical intergovernmental cooperation cannot be reasonably traced back to the relative strength (or weakness) of the respective Senates as territorial representative chambers: in other words, the current weaker development of Spanish IGAs compared to the Italian ones cannot be accounted by the existence of a chamber of territorial representation in that country.

It should be further added that, as highlighted in the previous Chapters, in none of these two countries Constitutions there were explicit references to the establishment and working of multilateral IGAs, neither at the vertical nor at the horizontal level. In both cases, indeed, executive federalism institutions developed well beyond respective constitutional provisions. What's more, the Spanish Charter, differently from the Italian one, did envision some forms of "procedural" interregional horizontal cooperation (see § 3.3), which nevertheless almost never occurred.

4.3.2 Potentially relevant explanatory conditions

The cross-case comparison implemented up to now has allowed to rule out a number of theoretically relevant conditions, all pertaining to the organization of the polity, as plausible causes of the observed variation. I will focus now on a set of conditions which, by contrast, are not shared by the two cases. They refer both to features of the polity and to political dynamics which developed within this framework.

The Polity factors

The level of societal homogeneity The degree of societal homogeneity of the polity may be assumed to play a part in shaping the level of institutionalization of multilateral IGAs. The higher the internal consistency of a society across territory, the more likely the emergence of multilateral cooperative relations and of structured channels of interaction among constituent units, and between these latter and the center; conversely, the more inhomogeneous a society, the more likely the establishment of conflicting intergovernmental relationships and the setting up, if any, of institutionally weak multilateral IGAs (e.g. Baldi 2009). Watts (2008) defines this dimension as the "regional distinctiveness" of the constituent units of a compound polity.

In this respect, the two cases under analysis cannot be characterized as sharing a similar condition, Spanish constitutive units clearly showing a higher degree of

"regional distinctiveness" than the Italian ones.

Spain is often classified as a "plurinational State", because of the co-existence, within it, of different groups of population, each characterized by specific historical and linguistic traditions, concentrated in given territorial areas of the country (Swenden 2013).

As well-known, this led to the emergence of strong peripheral nationalisms since the Nineteenth Century, particularly in Catalonia and in the Basque Country, and, even if to a lower measure, in Galicia. At the end of the 1970s, after the fascist and centralizing regime of General Franco, these territorially-based identities – kept under tight repression for several decades – arose with renewed force. Far from weakening regional claims of self-government, the francoist dictatorship had in fact the opposite effect, by increasing peripheral nationalisms claims of self-government (Catalonia) or secession (Basque Country) (Moreno 2005). A strong territorial cleavage, triggered by sentiments of neat opposition towards the center by territorially distinct communities, has thus been present, since the beginning of the Spanish democratic State, as a major driver of the political confrontation (see § 4.3.2). In the case of the Basque nationalism, these dynamics even led to the adoption by nationalists of a terroristic strategy. The relevance of territorially-defined identities within that country led Moreno (2005) to define Spain as a "nation of nations" or as a "country of countries" (p. 1), where a double identity (national and national, or national and regional) characterizes large strands of the population.

When assessing the "regional distinctiveness" of a polity constituent units, the demographic and economic (and thus political) weight of the areas in which strongest local identities are concentrated should not be overlooked. Suffice it to say that Catalonia has always been one of the most populous and most economically developed Spanish regions, including about one sixth of the entire Spanish population, and being responsible, by its own, for about one fifth of the Spanish national GDP (EUROSTAT 2007).

In Italy too territorially distinct communities have been present within the country, since its unification. Major territorial differences are due to the presence of small linguistic minorities, particularly in two boundary Northern areas: Aosta Valley (French-speaking minority) and Alto-Adige (German-speaking minority). In the latter, become part of the Italian State only at the end of WWI, terrorist strategies were employed during the 1950s and 1960s by nationalist groups, claiming for secession from Italy and annexation to Austria.

While present, such territorially-based distinctions can hardly be compared to those existing in Spain. These minorities, indeed, are concentrated in very small

areas of the country, accounting for extremely small shares of both the population (in total, 1% : about the 0.2% in Aosta Valley and the 0.8% in Alto Adige) and the national GDP (respectively, about the 0.3 and the 1.2%) (EUROSTAT 2007).

The kind of allocation of competences As shown in Chapter 1, the set-up and the features of different horizontal and vertical intergovernmental arrangements could also be interpreted as the consequence of the different ways in which powers are allocated between levels of government, and, within the horizontal level, among constitutive units. Distribution of competences may vary in relation to the degree of exclusiveness or concurrency of State and regional jurisdictions in a given policy domain, as well as in what concerns to the degree of symmetry of the competences under any single region's jurisdiction: more precisely, «constitutional asymmetry refers [...] to differences in the status or legislative and executive powers assigned by the constitution to the different regional units» (Watts 2008, p. 127).

Theoretical arguments suggest, on the one hand, that constitutional regimes characterized by relatively higher levels of symmetry among constitutive units should be more conducive towards the establishment and the institutionalization multilateral arrangements (both horizontally and vertically), than regimes based on asymmetry of powers. On the other hand, an allocation of competences between the State and lower level governments according to an exclusive or dualistic criterion should create greater incentives towards horizontality than towards verticality.

Looking at the current situation in Italy and Spain in the health care field, it is hard to find remarkable differences in what concerns either the degree of symmetry among sub-national units or the kind of distribution of health competences between the State and the regional levels. In both countries under analysis sub-national units roughly enjoy the same powers (with some exceptions, in both countries, as to the financing regime of a small set of regions); moreover, both in Spain and in Italy competences on health policy are divided according to a concurrent criterion between the State and the regional level, meaning that the former is responsible for the overall coordination of the system and the setting of its basic principles, while the latter is tasked with the planning, the organization and the actual management of regional health services (García-Armesto et al. 2010; Lo Scalzo et. 2009).

Current similarities in the two countries may however be seen as the product of two quite distinct historical patterns, where asymmetry of powers – although present in both cases – played a much more relevant part in Spain than in Italy: «Italy and Spain represent some recent examples of decentralisation in the health care sector. Both countries have undergone a massive change in the organisation of their health care systems, and this process has developed in different ways»

(Mosca 2006, p. 116). It appears thus necessary to consider carefully the kind of devolutionary process followed by each of these two countries in the healthcare sector.

The overall Italian regional system was constitutionally conceived as a non perfectly symmetrical territorial organization. The 1948 Constitution designed indeed a form of asymmetrical regionalism, characterized by the articulation of the national territory into regional units endowed with different powers: on the one hand, the fifteen "Ordinary Statute" Regions (sect. no. 131) with concurrent legislative competences in the fields explicitly listed in the Constitution; on the other hand, five "Special Statute" Regions: Aosta Valley, Trentino-Alto Adige, Friuli-Venezia-Giulia, Sicily and Sardinia. This was a way to accommodate the existence of territorial communities which, as seen, were characterized by peculiar linguistic characteristics (German and French-speaking minorities in borders' regions), but also as a way to deal with particular geographical conditions (insularity: Sicily and Sardinia) and geo-political situations (Friuli-Venezia Giulia⁶). For managing these territory-based diversities, the Constitution envisioned special conditions and forms of autonomy for the Special Statute Regions, consisting in areas of both *concurrent* and *exclusive* regional jurisdiction in a wide set of policy fields, and in a strengthened constitutional protection (by means of the adoption of their Statutes of Autonomy through constitutional, rather than ordinary, law; Sect. no. 116).

The Italian territorial model displayed a limited degree of openness as to its dynamic evolution: the number and the names of all the Regions were clearly listed in the Charter, as well as the legislative competences attributed, at the same time, to all the Ordinary Regions. Powers enjoyed by Special Regions depended, instead, on the respective statutory provisions, which, in turn, became enforceable only after the approval, by the Government, of specific "enacting decrees", to be previously negotiated in a bilateral way with each Region⁷.

An asymmetry between the two blocks of Regions, not envisioned by the Constitution, occurred *de facto* in what concerns the timing of their foundation. Four out five Special Statute Regions (Trentino-Alto Adige, Sicily, Sardinia and Aosta

⁶A region bordering former Yugoslavia, and contended by this latter after WWII.

⁷Such negotiations take place in the *Commissioni paritetiche Stato-Regione* (Joint State-Region Committees). These Committees are provided for by the Statute of each Special Region: Friuli Venezia Giulia (Sect. no. 65); Sardinia (Sect. no. 56); Sicily (Sect. no. 43); Trentino-Alto Adige (Sect. no. 107); Aosta Valley (Sect. no. 48-bis). They are composed of an equal number of members appointed by the State and the Region. These Committees were not included among the vertical IGAs discussed in Chapter 2 because they cannot be considered as composed of representatives of the executives: although appointed by the national and regional governments, the members of these Committees are very often University professors or, more generally, scholars expert in the field of regional issues.

Valley) were indeed established very quickly, in 1948, just after the approval of the Constitution⁸. Ordinary Statute Regions, by contrast, remained for a long time an issue of constitutional theory rather than of government practice: the fifteen ordinary regional governments, indeed, were not set-up until 1970⁹.

It should be however noted that, despite the seeming high level of asymmetry emerging from both the different *status* accorded to the two groups of Regions and this double-step institutional building process, no dramatic differences emerged between the Ordinary and the Special Statute Regions, at least in what concerns health policy.

As seen, the Statutes of the Special Regions had to be implemented through the approval, by the Government, of special "enacting" decrees, previously bilaterally negotiated with each Region. Without these latter, even if formally provided with legislative competences in the health sector, Special Statute Regions could not exert these powers. In fact, before the establishment of the Ordinary Statute Regions, just two decrees had been issued for transferring health competences to Special Regions. The first one was DPR no. 1111, which in 1956 enacted concurrent legislative jurisdiction of Sicily on Public Health and Health Assistance, besides transferring to that Region many State administrative functions in these fields. Ten years later, Friuli-Venezia-Giulia was accorded similar powers, through the approval of DPR no. 869 August 9th, 1966. Thus, when Ordinary Statute Regions were created in 1970 just two Special Statute Regions had already activated their own legislative health competences. Furthermore, these latter were, in both cases, concurrent and on matters related to Public Health and Health Care: in other words, their powers were, in fact, very similar to those (theoretically)

⁸Friuli-Venezia-Giulia was established only fifteen years later, in 1963.

⁹The period between 1948 and 1968 constituted, for Ordinary Statute Regions, a phase of "institutional frost" (Pizzetti 1998), largely understandable by considering the atmosphere of strong ideological opposition between the political parties of the national political system. The eruption of the Cold War, which had already affected the position of the Italian political forces on the regionalist design during the constitutional drafting, continued to produce its effects on the fate of Italian regionalism for about twenty years. The 1950s were characterized by the consolidation of the radical reversal of the initial positions on the field: the Communist Party, relegated to the opposition of the national government, became, along with the Socialist Party, a firm supporter of decentralization; the Christian Democrats, now firmly on the government, preferred instead to tactically postpone the introduction of the Regions, in fear that some of them would witness a strong success of opposition parties (Hine 1996; Mazzoleni 2009): the two opposing forces – the one favorable and one opposed to the introduction of the Ordinary Regions – ended up to neutralize their mutual effects, ensuring in practice the preservation of the institutional *status quo* until the end of the Sixties. It was only in 1968 that the Parliament passed a law establishing the rules for the election of the members of the regional legislatures (Law no. 108, February 17th). The last step towards the establishment of the Ordinary Regions was finally accomplished in 1970, when a law on regional financing (Law no. 281, May 16th) was approved. First elections for ordinary regions took place in June 1970.

accorded by the Constitution to the Ordinary Regions.

Moreover, almost paradoxically, as the devolutionary process started to develop, the Special Regions ended, many times, lagging behind the Ordinary Regions as to the actual exercise of health powers, because of the more complex and less flexible procedures they had to follow to get new competences: most of times, furthermore, this delay was not later compensated by a transfer of a broader set of powers (which were nothing but the same previously devolved to the Ordinary Regions; Giangaspere 2006, p. 28)¹⁰.

During the Seventies, two major devolutionary waves took place in Italy (the so called "first and second Italian regionalizations"), leading to the transfer of many State administrative functions (along with related human and financial resources) to the newly established Ordinary Regions. This occurred by means of several Decrees issued in 1972 (DPR nos. 1 to 6, January 14th 1972, and nos. 7 to 11, January 15th 1972) and in 1977 (of DPR no. 616). As to health care, Decree no. 4/1972 envisioned a first, very limited administrative role for the Regions. However, as far as its provisions concerned only Ordinary Regions, enacting decrees were necessary to extend their scope of enforceability to Special Statute Regions: Friuli-Venezia Giulia and Sardinia acquired these functions only three years later, in 1975. The 1977 Decree, by contrast, represented a major step in the process of Regions institutional building, because of the broad set of functions (also in the field of healthcare) devolved to the Regions. Again, nevertheless, many Special Statute Regions had to wait more time than the Ordinary ones for getting these same functions: Sardinia received them in 1979; Aosta Valley in 1978 and 1982, and Friuli-Venezia Giulia in 1987.

A deeper process of regionalization of healthcare policy, however, occurred only from 1978 onwards, with the transformation of a Bismarckian, insurance-based health organization into a National Health System (*Servizio Sanitario Nazionale*, SSN), inspired by classical Beveridgean principles, like universality, comprehensiveness, free access and public funding through general taxation (Law no. 833, December 22nd 1978). Three main temporal phases of regionalization of the Italian NHS may be identified: 1978-1992; 1992-2001; 2001-2011 (Azzolina and Pavolini 2010).

During the first period (1978-1992), regional tasks and responsibilities in the field were shared by the Regions in a quite confused way with two other levels of government: the center and the municipalities. Theoretically, the State was expected to be responsible for the national planning and the overall financing of

¹⁰In fact, the possibility of extending, in an automatic way, the provisions valid for the Ordinary Regions to the Special ones was excluded on the explicit request of these latter: they were, indeed, willing to differentiate their own position *vis-à-vis* the rest of the regional governments (Chieppa 2008, p. 1053). The identity of the powers devolved to the Ordinary and the Special Statute Regions led to what has been defined as a "leveling" of the latter on the former.

the system; all the Regions – consistently with 1948 constitutional provisions – were given the responsibility of local planning and of the organization of services within their jurisdictions; finally, municipalities – through the Local Health Units (*Unità Sanitarie Locali*, USL), legally creatures of the Regions, and replacing the role played before by sickness funds – were responsible of service provision (Maino and Neri 2011). Municipal governments were also responsible for the appointment of USLs boards. Law no. 833/1978 did not introduce significant differences between Special and Ordinary Statute Regions.

The second phase of regionalization of the Italian NHS – comprised between 1992 and 2001 – was marked by the introduction, by two technical cabinets, of two important reform Decrees (no. 502/1992 and no. 517/1993), aiming at increasing the efficiency and at reducing the costs of the health system, under the pressure of strengthening budget constraints on the country, making finance recovery particularly urgent¹¹. These two Decrees, which defined the macro-guidelines to be implemented into details by the Regions, introduced a "wide structural reform" into the Italian NHS (Maino 2001; Maino and Neri 2011), determining the "real turning point" in the regionalization of the system (Ferrera 2005). The bulk of the organization and management of the NHS was indeed transferred to the Regions: as put by Maino and Neri (2011), the regionalization of the Italian NHS implemented in the 1990s entailed, at the same time, both «a decentralization process from state to regions and a centralization process from municipalities to the meso level of government» (p. 451), determining a further empowering of the regional governments, and a sidelining of the local level in the running of the NHS (France and Taroni 2005)¹². An additional devolution of administrative functions occurred in the second half of the Nineties. Decree no. 112 passed in 1998 provided for the devolution to the Regions of all the administrative functions not explicitly listed in the Decree itself as exclusively attributed to the State. These provisions were then extended to Sardinia (2001), Friuli Venezia-Giulia (2005) and Aosta Valley (2008). The second phase of the NHS regionalization was concluded by the pas-

¹¹Mostly because of the financial crisis erupted in fall 1992 and the requirements imposed by the Maastricht Treaty (1992).

¹²Regionalization came, this time, together with the introduction into the system of managerialism and competition tenets. The Regions were indeed accorded the responsibility of appointing the chief executive officer of local health authorities, now drastically reduced in number and transformed into public enterprises (the renamed *Aziende Sanitarie Locali*, ASL, Local Health Enterprises), as many major hospitals (now Hospital Enterprises, *Aziende Ospedaliere*, AO), endowed with large organizational and managerial autonomy. The introduction of managerialism principles into the governance structure of the NHS was also aimed at introducing some forms of split between purchasing and providing functions, thus creating the premises for the establishment – according to models largely to be designed by the Regions themselves – of an "internal market". Eventually, Regions retained the responsibility for financing regional health care (Lo Scalzo et al. 2009).

sage of a third reform decree (Legislative Decree no. 229/1999), which, while less concerned with competition and cost containment, further increased the operational autonomy of Local Health Authorities and Hospital Enterprises, and gave the Regions the responsibility for managing the accreditation process of the NHS providers. In general, during this phase, as in the first one, no relevant differences were introduced as to the legislative and administrative powers enjoyed by the two groups of Regions.

Finally, the third stage of NHS regionalization was marked by the strengthening of the devolutionary process at the constitutional level. The Constitutional amendment approved in October 2001 basically confirmed the institutional transformation already occurred during the 1990s (*a costituzione invariata*, that is without constitutional amendments). As to healthcare, the new competences allocation provided for wide areas of concurrent legislation between the State and the Regions (now formally placed at the same hierarchical level), making healthcare a largely shared responsibility of the two levels of government: as confirmed by many IGR actors interviewed, however, the real turning-point had already been constituted by reforms passed in 1992. Differences between Ordinary and Special Regions in health care powers, if ever there were ones, were further reduced by the constitutional reform.

Today, the Italian NHS may be defined as a regionally based, highly decentralized national health system, with «twenty regions enjoying virtually complete autonomy in administrative and organizational matters» (France and Taroni 2005, p. 170). The national level is responsible for ensuring the general objectives of the system and the setting of its common benefits package, while regional governments are endowed with the task of delivering this package through the ASLs, the AOs and the private accredited providers.

Major asymmetries between the Regions have to be searched for in the field of financing: it is in this area that the distinction between Ordinary and (a group of) Special Statute Regions acquires a certain relevance. Financial mechanisms for the Special Statute Regions are defined by their Statutes of Autonomy and the respective enacting decrees. As for the transfer of health competences, however, the activation of these financial mechanisms, ensuring a higher degree of fiscal autonomy than for Ordinary Statute Regions, was characterized by significant delays (Baldi 2012). Furthermore, fiscal reforms approved during the 1970s, determining the suppression of many of the financing sources on which Special Statute Regions were relying, made these latter highly dependent from the center (Baldi 2012). Once implemented, however, special financial provisions have determined relevant differences between the two groups of Regions: while the structure of financial revenues is basically the same for all the regional governments, Special Statute Regions control a higher share of these resources (on average, about the 61% *vs.*

the 39% of the Ordinary Regions; Baldi 2012). The most relevant difference consists in that Special Statutes Regions keep under their control a seizable quota of the tax returns produced within their territories (the so called *compartecipazioni erariali*; each Statute defines the percentage of tax returns attributed to each Region). This allows four of them to be in charge of the entire financing of their own regional health systems, without receiving any contribution from the State (particularly, the VAT share): Aosta Valley and the Autonomous Provinces of Trento and Bolzano (Trentino-Alto Adige) received this power in 1994; Friuli Venezia Giulia in 1996; Sardinia in 2006. Sicily, by contrast, is required to cover roughly just one half of the expenditures related to the management of its regional health service.

Turning now to Spain, the process of health care devolution from the State toward the regional governments followed a radically different path, made possible by the Constitution. This latter designed, as it is often defined, an "open" and flexible model of territorial organization of the State (the so called *Estado de las autonomías*, "State of the Autonomies"). Such openness was related both to the number (and the name itself) of the Autonomous Communities to be possibly established and, partly, to their powers. The ambiguity underlying the whole constitutional architecture of the State was a way to accommodate competing views of the territorial form of State to be adopted: from the centralist option favored by post-francoist right-wing parties to the confederal solution wished for by regional nationalists. Such an openness set in motion the development of an highly asymmetrical devolutionary process.

As put by Moreno (1997), «Title VIII of the 1978 Spanish Constitution made it possible for one, three, all, or none of the autonomous communities to be self-governing», depending on the will of their populations (p. 69). In fact, between the end of 1978 and 1983 all Spanish regional territories constituted themselves as Autonomous Communities (see second column of Table 4.3), after having bargained with the central Government their own basic rules (*Estatutos de Autonomía*, Statutes of Autonomy, to be then passed by the absolute majority of the national Parliament).

The Spanish Constitution, however, provided for two different procedures by means of which Communities could be created, partly impacting, in turn, on the range of regional powers enjoyed, since the beginning, by different subnational governments: the so called *vía lenta* (slow track) and *vía rápida* (fast track) (respectively, Sects. nos. 143 and 151). The former was a slow path towards autonomy as far as Communities following this procedure were initially accorded just a limited set of powers, that is those explicitly listed in the Constitution as falling under regional jurisdiction (Sect. no. 148); only five years after their constitution, these Regions would have the right to bargain with the State the transfer of additional

competences. By contrast, Communities following the "fast track" procedure were given, from the very outset, a much broader set of powers, including not only those listed in sect. no. 148, but possibly also all those not mentioned in sect. no. 149.1 as exclusive State competences¹³.

To all this it must be added that the Spanish Constitution acknowledged a special fiscal regime to two "fast track" Autonomous Communities: the Basque Country and Navarre. Because of peculiar historical reasons, these two regions were indeed accorded a particularly high level of financial and fiscal autonomy. The special fiscal regime accorded to these Regions allowed them to collect their own taxes on personal incomes and companies, as well as the VAT; a previous bilaterally agreed quota would be then transferred by these two Communities to the central State for covering State services and administrative functions in their territories.

As to health powers, those explicitly listed in the Constitution (Sect. no. 148.21) as falling, since the beginning, under *all* Communities jurisdiction were related, as it was in the Italian case, to "Public Health and Hygiene". In practice, this meant that all Communities were accorded powers on basically administrative functions referring to information, authorizations, medical advertising, health activities related to establishments and industries, epidemiology, mortuary health policy, but also on regional health care planning; in addition, all regional governments were given jurisdiction over multiple local health care networks, most of which dating back to even the pre-social insurance period (representing about the 15% of total expenditure on health; García-Armesto et al. 2010). "Fast track" regions, by contrast, were accorded, since their establishment, powers on a much broader domain of health-related issues, basically consisting in the direct management of health services and the hospital networks of the Social Security system present in their territories. In Communities with limited health powers, the hospital networks – absorbing the highest share of financial resources devoted to public health – were instead directly managed by the central State, by means of the National Health Institute – *Instituto Nacional de la Salud (Insalud)* – a central level body founded in 1978 and directly dependent upon the National Ministry of Health. The State retained exclusive competences over international health issues, "bases and general coordination of health", and legislation on pharmaceuticals (Sect. no. 149.1.16).

In the early Eighties, two "fast track" Communities – Catalonia and Andalusia – had already acquired full health powers. The approval in 1986 of Law no. 14 (*Ley General de Sanidad*, General Health Law), which transformed the pre-existing So-

¹³The Communities which took this path were: the so called historical ones (Catalonia, the Basque Country and Galicia), that is those which had already approved their own Statutes of Autonomy during the Second Spanish Republic (1936-1939); Andalusia; and Navarre.

cial Security System into a National Health Service (replicating the reform process occurred in Italy in 1978), did not alter the asymmetrical devolutionary process triggered by constitutional provisions: the *Ley General de Sanidad* simply stated that «the Autonomous Communities will exert the competences assumed in their own Statutes and those transferred or delegated to them» by the State (Sect. no. 41.1).

As seen previously, by means of the two Autonomic Pacts major nation-wide political parties (UCD and PSOE in 1981, and PSOE and PP in 1992) agreed on managing the devolutionary process in such a way as to gradually reduce the growing institutional asymmetries (§ 3.2.2). As already remarked, the 1992 Pacts provided not only for the establishment of a common regulatory framework for Sectoral Conferences, but also for the devolution from the State to the "slow track" Communities of thirty-two new competences (Organic Law no. 9/1992), exactly with the aim of smoothing, as much as possible, institutional differences among Communities: health powers, however, were not included among these competences.

It was only at the end of 2001 that the complete devolution of health powers to the whole set of Communities was implemented (Royal Decrees nos. 1471 to 1480, December 27th 2001): up to that moment, the central level – embodied by the *Insalud* – had transferred significant health powers only to seven (over seventeen) Autonomous Communities, covering about 62% of the Spanish population (Mosca 2006, p. 117).

To summarize the above discussion, Table 4.2 shows the complex institutional landscape which had gradually layered from the unfolding of the asymmetrical devolutionary process just described, with specific reference to the health sector. At the end of 2001 three groups of Communities might be identified. The first one was composed of ten regions established following the procedures set by Section no. 143 of the Constitution ("slow track") and exerting just limited health powers (that is just those explicitly listed in section no. 148: public health and hygiene). The second group of regions was comprised, instead, of those Communities which, even if established according to the "slow track" procedure, had accessed full health powers before 2002. Finally, a third set of Communities included all those which had followed the "fast track" towards autonomy: they all enjoyed full health responsibilities before 2002; within this group, a subgroup may be identified, composed of those regional units enjoying the special fiscal regime evoked above (the Basque Country and Navarre¹⁴).

In order to better understand the deepness of the asymmetry characterizing the

¹⁴To be exact, Navarre should not be properly labeled as a "fast track" Community since, as consequence of the special constitutional provisions concerning this region, contained in the fourth transitory disposition, it should be defined more correctly as a "special track" Community (*via especial*).

Table 4.2: Asymmetry among Spanish AACC in health competences at the end of 2001.

	AACC with Limited Health Powers	AACC with Full Health Powers
"Slow Track" AACC	Aragon, Asturias, Balearic Islands, Cantabria, Castile and Leon, Castile-La Mancha, Extremadura, La Rioja, Madrid, Murcia	Valencian Community, Canary Islands
"Fast Track" AACC		Catalonia, Basque Country*, Andalusia, Galicia, Navarre*

Key: * = AACC enjoying a special fiscal regime.

process under analysis, it may be telling to look also at the number of years passed between the establishment of each single Community (by the approval of its Statute of Autonomy) and the transferral to each of them of full health responsibilities (see Table 4.3). Again, three groups of Communities can be identified. The first one comprises two "fast track" Communities (Catalonia and Andalusia) and one "slow track" region (the Valencian Community), which took, respectively, just two and five years after their foundation to get full competences for managing autonomously their regional health systems. The second group is made, again, of both "fast" and "slow track" regions, where powers were transferred in a period of time comprised between eight (Basque Country) and twelve (Canary Islands) years after the approval of their Statutes of Autonomy. Eventually, a third set of regions encompasses large part of the so called "slow track" regions: in this case, about twenty years passed before they were accorded full health powers. Notice also that two Communities (Catalonia and Andalusia) acceded to full autonomy in health policy even before the establishment of the new NHS (1986).

Since the beginning of 2002, the pre-existing institutional asymmetry has been basically overcome, and the competence devolution process may be considered as "closed", having led to a regionalized organization of the National Health System very similar to the institutional setting observable in Italy: such a process has resulted indeed in «17 regional ministries or departments of health with primary jurisdiction over the organization and delivery of health services within their territory, thus health expenditure is mainly determined by the regional administrations» (García-Armesto et al. 2010, p. 37).

While asymmetries related to policy competences proved thus to be "transitory", those pertaining to the special financial regimes applied to the Basque Country and Navarre, on the one hand, and the ordinary one to the rest of Com-

Table 4.3: Devolution of health competences to the Spanish AACC.

AACC	Statute of Autonomy	Full Health Powers	Delay
Catalonia	1979	1981	2
Andalusia	1982	1984	2
Valencian Community	1982	1987	5
Basque Country	1979	1987	8
Navarre	1983	1991	8
Galicia	1981	1991	10
Canary Islands	1982	1994	12
Balearic Islands	1983	2002	19
Castile and Leon	1983	2002	19
Extremadura	1983	2002	19
Madrid	1983	2002	19
Aragon	1982	2002	20
Castile-La Mancha	1982	2002	20
Murcia	1982	2002	20
Asturias	1982	2002	20
Cantabria	1982	2002	20

munities, on the other hand, still represent the major source of asymmetry among the Spanish Autonomous Communities.

The description of the regionalization processes of the National Health Systems occurred in the two countries under analysis has illustrated that they followed quite distinct rationales and paths. In Italy asymmetry, although granted by constitutional provisions, clearly played a minor role in the process of regionalization of the health policy sector, if compared with the Spanish case: in this latter, while seven Autonomous Communities were given large self-government powers during the 1980s and the 1990s, the remaining ten were involved – for about twenty years – in a process of basically administrative decentralization; what’s more, devolution to different groups of regional governments occurred according to different timings, adding *de facto* asymmetries among Communities formally enjoying comparable degrees of power (in the health sector, at least). Furthermore, while in Italy the (bulk of) the health regionalization occurred together with its transformation into a NHS, in Spain regionalization of health policy had occurred in two large Communities before the set-up of the National Health System. In both countries, the major source of asymmetry between the regional units is currently represented by the special fiscal regime accorded to a subgroup of governments: the Basque Country and Navarre in Spain; Trentino-Alto Adige, Aosta Valley and, in a lower measure, Friuli-Venezia Giulia, Sardinia and Sicily in Italy.

Between polity and politics

Internal dynamics of constitutive governments As illustrated in Chapter 1, in her seminal contributions on intergovernmental arrangements, Bolleyer (2006; 2009) elaborated a set of hypotheses, systematically linking the kind of decision-making dynamics dominating *within* each single regional government (intragovernmental relations) with the incentives towards the set-up and regulation of institutional bodies designed for managing relations *between* governments (intergovernmental relationships). The major argument has been reformulated and refined in slightly different ways by this scholar over the years (Bolleyer 2006; 2009; Bolleyer and Bytzek 2009): nonetheless, its core points to the fundamental distinction between power-concentrating (or majoritarian) *vs.* power-sharing executive/legislative relations. By majoritarian governments, Bolleyer basically refers to one-party, power-concentrating cabinets, while power-sharing governments would be those supported by larger (mostly, oversized) party coalitions. The decision-making logic pervading majoritarian governments would reduce their incentives towards the establishment of highly institutionalized horizontal and vertical Intergovernmental Arrangements, whilst governments based on "power-sharing" dynamics would be more prone to investing resources on such kind of institutional structures.

The expected correlational pattern would be due to the operation of four different causal mechanisms, connecting the independent with the dependent variable. The first is linked to the different degree of (expected) stability over time of the "interest configuration" among constitutive arenas: in presence of majoritarian governments, a quite high instability of interest configuration – due to the relatively high likelihood of governmental turnovers – should be logically expected to reduce actors' incentives towards the consolidation of intergovernmental arrangements; by contrast, the stability of interest configuration should be expected to be higher when the intergovernmental arena is dominated by power-sharing governments: full turnover should be, indeed, less likely when governments are based on oversized coalitions than when they are led by one single party. The second causal mechanism is strictly related to the former, and relies on the consideration that governments supported by oversized coalitions are more likely to overlap in their party composition, at a given point in time, than one-party governments: this phenomenon would, in turn, increase party (and thus ideological) congruence between governments in power-sharing regimes if compared to majoritarian systems. The third mechanisms suggests, furthermore, that, given higher turnover rates (typical of "power-concentrating" regimes), governments would be more tempted to use "blame-shifting" strategies towards other governments, than when governments are under a less powerful electoral pressure (as in the case of "power sharing" regimes): a lower pressure coming from the electoral arena would

make more fruitful investments in building institutions which can become profitable only on the medium-long term. Eventually, the fourth causal mechanisms suggested by Bolleyer stresses that "autonomy losses", deriving from intergovernmental interaction, should be bigger for parties which govern alone in their domestic arena, than for those which are based on coalitions and power-sharing practices.

Turning to our national cases, it appears necessary, as for the assessment of the relative degree of (a)symmetry in the distribution of health policy competences, to look at the diachronic evolution of both systems. I will first consider the horizontal dimension of the intergovernmental arena (the dimension the hypotheses just evoked mainly refer to), then I will look at the vertical scale of intergovernmental cooperation.

The horizontal dimension Starting from Italy, because of the relatively higher degree of institutionalization of its multilateral, horizontal IGA, one could expect this to be possibly linked to the prevalence, within its constitutive governmental units, of power-sharing rather than power-concentrating dynamics: this, however, is only part of the whole story. In the light of major changes occurred during the Nineties both in the party system and in the institutional architecture of the governments composing the arena, the analysis must be split into two periods: the first, started with the establishment of the Ordinary Regions in 1970, ended in the early/mid-1990s (this temporal phase is commonly labeled as part of the "First Republic"); the second period, characterized by the introduction of the current features of the institutional design (both at the regional and at the national level), and by the emergence of a new political system, started instead from mid-1990s onwards (the so called "Second Republic").

During the first phase (1970-1992/4), the Italian picture seemed perfectly fitting the ideal-typical template of power-sharing regimes sketched above.

The Regions (both the Special and the Ordinary Statute ones) were based on a form of government based on the central role played by the legislatures: while some scholars defined it as an assembly-based system, others labeled it as a strictly parliamentary one; what was clear was the impossibility to identify the President as the exclusive head of the regional administration (Paladin 1985, pp. 277-298). The regional executives (*Giunte*) – made of the President and the Councilors – had to be composed of members of the regional legislative Assemblies (*Consigli*); birth and death of the cabinets depended on the (frequent) motions of confidence and non-confidence voted by these latter. No mechanism was introduced in the regional institutional architecture in order to strengthen in some way the role of

the President, who played the role of a *primus inter pares*. All this was joined with the adoption of a purely proportional electoral system, extremely similar to the one employed for national elections¹⁵ (Loughlin and Bolgherini 2006). As a whole, regional institutional systems proved, from the beginning, to be highly unbalanced in favor of the legislative assemblies, where a high number of parties was represented.

In such a framework, coalition governments were the rule, while one-party governments, even if not inexistent, could be considered as quite rare events. During the first temporal phase, that is between 1970 and 1992, only 8% of regional executives were run by just one party¹⁶. This was the case of the the Italian Communist Party (PCI) which ruled without any partner Emilia-Romagna (between 1985 and 1990) and Umbria (six months in 1993); Christian Democracy (DC) as well, formed one-party cabinets in Veneto (1970 to 1975; and 1977 to 1985), Friuli-Venezia Giulia (1978-1980), Molise (1970-1975 and 1988-1993), Sardinia (1971-1972) and Sicily (1987). In all remaining cases (92%), by contrast, regional cabinets were supported by coalitions of parties.

As for the conditions necessary for the second causal mechanism to be working, what matters the most for this analysis is that most regional governments in this period were not just based on coalitions of parties, but on "oversized" alliances, that is including also parties not necessary to form a minimum-willing coalition: between 1947 and 1992 more than two thirds of regional governments were in fact formed in this way (67.2%; Vassallo and Baldini 2000, p. 549). The presence of oversized coalitions may be considered, as described above, as a condition favoring, in turn, the overlap between different governments' party configurations and as impacting, by consequence, on their higher or lower horizontal intergovernmental congruence. As shown in qualitative terms in Tables 4.4 to 4.6, between 1970 and 1992 overlaps in party composition of regional governments were a widespread, common phenomenon. Due to the number of parties, a quite relevant number of configurations was possible. Most of them, however, included either the Christian Democratic or the Socialist Party or both (in addition to small coalition partners like the Social-Democratic, the Republican or the Liberal Parties).

Certainly, the establishment of the Ordinary Regions allowed left-wing parties (particularly, the Communist Party - PCI), enjoying strong electoral support in several Regions of Center of Italy (Emilia-Romagna, Tuscany and Umbria), to experiment in a stable way coalition formulas precluded at the national level since the establishment of the Republic. The Communist Party was also able to be partner in regional governments, although in a not stable way, in Northern Regions like

¹⁵For further details on this point, see the discussion in the next paragraph.

¹⁶Own calculations based on Istituto Cattaneo dataset on regional governments, available at <http://www.cattaneo.org/it/ricerche-menu/politica-menu/istituzioni-di-governo.html>.

Table 4.4: Regional and Central Governments Configurations in Italy (1970-1978).

Year	Regional Coalitions	Regions	Central Government Coalition
1970	DC + PSI + PSDI + PRI	8	DC + PSI + PSDI + PRI
	DC + PSI + PSDI	1	
	DC + PSI + PRI	2	
	DC + PSI	1	
	DC + SVP	1	
	DC	3	
	DP + PSI + DC + RV	1	
	PCI + PSI + PSIUP	2	
	PCI + PSIUP	1	
1972	DC + PSI + PSDI + PRI	6	DC + PSDI + PLI
	DC + PSI + PSDI	3	
	DC + PSI + PRI	1	
	DC + PSDI + PRI	1	
	DC + PSI + RV	1	
	DC + SVP	1	
	DC	4	
	PCI + PSI + PSIUP	2	
	PCI + PSIUP	1	
1974	DC + PSI + PSDI + PRI	8	DC + PSI + PSDI
	DC + PSI + PSDI	4	
	DC + PSI + PRI	1	
	DC + SVP + PSDI + PRI	1	
	DC	2	
	PCI + PSI + PSIUP	2	
	PCI + PSIUP	1	
	DP + UVP + RV + PSI	1	
1976	DC + PSI + PSDI + PRI	7	DC
	DC + PSI + PSDI	2	
	DC + PSDI + PRI	2	
	DC + SVP + PSDI + PRI	1	
	DC + PRI	1	
	PCI + PSI	6	
	UV + PSI + UVP + RV	1	
1978	DC + PSI + PSDI + PRI	8	DC
	DC + PSI + PSDI	2	
	DC + PSDI	2	
	DC + SVP + PSDI	1	
	DC	1	
	PCI + PSI + PSDI	1	
	PCI + PSI	5	
	DC + PSI + UV + UVP + RV	1	

Table 4.5: Regional and Central Governments Configurations in Italy (1980-1986).

Year	Coalitions	Regions	Central Government Coalition
1980	DC + PSI + PSDI + PRI	3	DC + PSI + PRI
	DC + PSI + PSDI	2	
	DC + PSI + PRI	2	
	DC + PSDI + PRI	2	
	DC + PSDI	1	
	DC + SVP + PSDI	1	
	DC	1	
	PSI + PSDI + PRI	1	
	PCI + PSI + PSDI	1	
	PCI + PSI	4	
	UV + DC + DP	1	
1982	DC + PSI + PSDI + PRI + PLI	3	DC + PSI + PSDI + PRI + PLI
	DC + PSI + PSDI + PRI	4	
	DC + PSI + PSDI + PLI	1	
	DC + PSI + PSDI	2	
	DC + PSI + PRI	1	
	DC + SVP + PSDI	1	
	DC + PSDI	1	
	DC	1	
	PCI + PSI + PSDI	1	
	PCI + PSI + PSDI + PSdAZ	1	
	PCI + PSI	2	
	PCI	1	
	UV + DC + DP	1	
1984	DC + PSI + PSDI + PRI + PLI	5	DC + PSI + PSDI + PRI + PLI
	DC + PSI + PSDI + PRI	6	
	DC + PSI + PSDI	1	
	DC + PSDI	1	
	DC	1	
	DC + SVP	1	
	PCI + PSI + PSDI	1	
	PCI + PSI	1	
	PCI + PDUP	1	
	PCI	1	
	UV + DC + UVP	1	
1986	DC + PSI + PSDI + PRI + PLI	6	DC + PSI + PSDI + PRI + PLI
	DC + PSI + PSDI + PRI	5	
	DC + PSI + PSDI	2	
	DC + PSDI	1	
	DC + SVP	1	
	PCI + PSI + PSdAZ + PSDI	1	
	PCI + PSI + PSDI	1	
	PCI + PSI	1	
	PCI	1	
	UV + DC + UVP	1	

Table 4.6: Regional and Central Governments Configurations in Italy (1988-1992).

Year	Coalitions	Regions	Central Government Coalition
1988	DC + PSI + PSDI + PRI + PLI	5	DC + PSI + PSDI + PRI + PLI
	DC + PSI + PSDI + PRI	5	
	DC + PSI + PSDI	1	
	DC + PSI	1	
	DC + SVP	1	
	DC	1	
	UV + DC + UVP	1	
	PSI + PSdAZ + PSDI + PRI	1	
	PCI + PSI + PSDI + PRI	1	
	PCI + PSI + PSDI	1	
	PCI + PSI	1	
	PCI	1	
1990	DC + PSI + PSDI + PRI + PLI	4	DC + PSI + PSDI + PRI + PLI
	DC + PSI + PSDI + PRI	6	
	DC + PSI + PSDI + PLI	1	
	DC + PSI + PSDI + Aut.	1	
	DC + PSI + PSDI	1	
	DC + ADP + PSI + PRI	1	
	DC + SVP + PSI	1	
	DC + PSI	1	
	PCI + PSI + PSDI + PRI + DP	1	
	PCI + PSI + PSDI	1	
	PCI + PSI	1	
	PCI	1	
1992	DC + PSI + PSDI + PRI + PLI	1	DC + PSI + PSDI + PLI
	DC + PSI + PSDI + PRI	2	
	DC + PSI + PSDI + PLI	1	
	DC + PSI + PRI + PLI	2	
	DC + PSI + PSDI	1	
	DC + PSI + PSDI	2	
	DC + PSI + PLI	1	
	DC + SVP + PSI	1	
	DC + PSI	1	
	DC + PSDI + PRI + PLI + FV	1	
	DC + PSDI + PRI + PLI	1	
	DC + PCI + PRI	1	
	DC	1	
	PCI + PSI + PSDI + PRI	1	
	PCI + PSI + PSDI + PLI	1	
	PCI + PSI	1	
UV + PCI + ADP	1		

Sources: Istituto Cattaneo dataset on regional governments, available at <http://www.cattaneo.org/it/ricerche-menu/politica-menu/istituzioni-di-governo.html>; webpage of the Italian Presidency of Council of Ministers: <http://www.governo.it/Governo/Governi/governi.html>. Key: see List of Abbreviations.

Piedmont and Liguria, and Southern ones like Calabria and Sardinia. However, it should be stressed that the presence of the Socialist Party in the regional executives was almost ubiquitous, cutting across quite distinct party configurations. Socialist Councilors were indeed present, at the same time, both in regional governments led by the Christian Democracy and in those ruled by the major antagonist of this latter, the PCI, ensuring in this way a sort of bridge (a partial overlap) between otherwise fully alternative party coalitions.

Looking at the stability of the interest configuration (the first causal mechanism evoked above), it is also interesting to remark that between 1970 and 1992 only two *wholesale* turnovers of regional executives occurred¹⁷: in percentage terms, full turnovers represented thus less than 0.8% of the total number of governments' changes¹⁸. As summed up by Vassallo and Baldini (2000), in this period «the mechanism of turnover [...] was virtually unknown to the Italian Regions» (p. 550, translated). Whenever full continuity in party composition of governments did not occur, *partial* turnouts were the most common kind of government alternation.

The period starting from mid-1990s can be pictured, as I argued at the beginning of this Section, as characterized by radically different features of the party system, the electoral competition, the coalition strategies, and the overall decision-making logic pervading regional governments. The "happy combination" of two pressures – one endogenous and one exogenous – led indeed to deep institutional transformations as well as to the disintegration and recomposition of the existing party system (Fabbrini e Brunazzo 2003). I will briefly reconstruct these dynamics, to outline the general framework in which reforms took place.

On the internal front, the transformations occurred in the political system should be first reminded, with the proliferation of autonomist leagues (such as the *Liga Veneta*, the *Lega Lombarda*, and the *Liga Ligure*), which, since the end of the 1980s, began to claim for more autonomy for regional and local authorities, in the name of an overall opposition to Roman centralism, pointed as a symbol of waste, inefficiency and corruption. The political platform of the Northern League, a regionalist party born from the confederation of the various leagues (1991), would then benefit from the advent of a major judicial inquiry – *Tangentopoli* – which,

¹⁷The first wholesale alternation took place in Liguria in 1975: a *giunta* composed of Christian-democrats, social-democrats and liberals was replaced by a government composed of representatives of the PCI and the Socialist Party. The second full turnover occurred in 1984 in Sardinia, where a cabinet led by the DC and composed of socialists, social-democrats and republicans, was followed by a new executive led by the PCI and including representatives of the local regionalist party, the *Partito Sardo d'Azione* (PSdAZ).

¹⁸Own calculations based on the database on regional governments elaborated by the *Istituto Cattaneo*, available at: <http://www.cattaneo.org/it/ricerche-menu/politica-menu/istituzioni-di-governo.html>.

highlighting the high degree of corruption permeating the traditional party system, precipitated the crisis of this latter. The Northern League, taking advantage of the political spaces left empty by the death of the traditional parties, managed to represent a widespread need of renewal in the relationship between government and citizens, making the regional issue a question of national character, stably placed on the public agenda; all the national parties would have been paying increasing attention to that issue, including it, in different ways, in their own programmatic platforms (Baldi and Baldini 2008; Mazzoleni 2009). To these claims were to be added those advanced directly by the Regions, which, collectively organized since the early Eighties, had been considering widely unsatisfactory the role and the powers assigned to them within the overall architecture of the State, and were thus pressing for a greater recognition of their function.

On the external front, the process of monetary integration and the need to comply with the Maastricht criteria (1992) exerted an indirect, but sharp effect on the local and regional systems, by putting in evidence the inadequacy of the still largely centralist organization of the State, and by making even more urgent the implementation of reforms capable of increasing the efficiency of the institutional/administrative Italian system in terms of policies (Fabbrini and Brunazzo 2003).

It is in this general framework that the form of government of the Regions was involved in a deep process of institutional transformation. There is no agreement among scholars on the most appropriate label defining the new regional architecture: many suggest to classify it as a form of "neo-parliamentary" system, characterized by the inclusion of features typical of both the presidential system (the direct election of the President and the impossibility for the legislative assembly to substitute him during his five-years long mandate), and of the parliamentary one (first of all, the existence of a confidence relationship between the executive and the legislative). Anyway, what is clear is that reforms passed during the Nineties had the effect of altering, in a dramatic way, the power balance between the regional Presidents (and their executives) and the Councils in favor of the former: «The reform outlines [...] an institutional framework in which the President acquires an absolutely predominant role. He appoints the members of the Executive (even choosing them from the outside of the Regional Council) and dismisses them; "directs the policy of the Executive and is responsible of it"; exercises regulatory powers» (Vassallo and Baldini 2000, p. 542).

This was the outcome of two reforms (Law no. 43 of February 23rd 1995 and Constitutional Law no. 1/1999) which introduced three major innovations. The first relates to the kind of electoral system adopted: the perfectly proportional system in force up to that moment was in fact transformed into a mixed electoral system, designed to grant an absolute majority of Council seats (at least, 55%) to

the party or the *pre-electoral* coalition having obtained the highest share of votes. The second major innovation consisted in the introduction of the direct election of the Regional President: each party or coalition of parties must indeed indicate officially its own candidate for the Presidency of the Region before elections take place. The third change, strictly related to those just sketched, consisted in the reduced possibility for the Councils to vote a motion of non-confidence against the regional President: because of the direct election of this latter, in case of non-confidence the dissolution of both the executive and of the Council occurs, and new elections must take place (according to the so called *simul stabunt, simul cadent* formula); the same happens in case of permanent incapacity, death or resignation of the President.

The transformation of the traditional party system and the introduction of the reforms described above led, as a result, to a completely new kind of regional electoral competition, based on a bipolar confrontation, in all the Regions, between two large, but non-overlapping and mutually exclusive pre-electoral coalitions, made of center-left *vs.* center-right parties. The bipolar logic underlying the confrontation clearly emerges by looking at the overall share of total votes collected by the two major coalitions, always extremely high: 86.9% in 1995, 95.8% in 2000, 97.3% in 2005 and 94.1% in 2010 (Chiaramonte and Vassallo 2001; Scintu 2010). The presence of a high number of parties *within* each coalition has led some scholar to define this kind of bipolar competition scheme as producing a "fragmented bipolar" system (Chiaramonte and Vassallo 2001).

In sum, reformed regional systems, even if not fitting perfectly the ideal-type of power-concentrating regime proposed by Bolleyer (characterized, as seen, by the dominant presence of one-party cabinets), have nevertheless clearly moved from a power-sharing towards a majoritarian logic of decision-making: wholesale turnovers, virtually inexistent up to the early Nineties, have become the dominant (virtually, the only) pattern of alternation; since 1995, the two major coalitions have been alternatively in office in ten Regions – Piedmont, Liguria, Friuli-Venezia Giulia, Lazio, Abruzzo, Campania, Apulia, Molise, Calabria and Sardinia –, while five regional governments have been constantly strongholds of the center-left coalition (Emilia-Romagna, Tuscany, Umbria, Marches and Basilicata) and two of the center-right one (Lombardy and Veneto).

Due to the bipolar logic regulating the electoral competition, overlaps between alternative regional coalitions have become very rare, virtually inexistent. The two major coalitions – center-left and center-right – are built around major, opposing State-wide parties. Beside this "core", both coalitions can adapt their composition depending on the regional arenas in which they compete, by deciding to include or not smaller partners: such variations tend, nevertheless, to be *internal* to each coalition. For instance, while the center-right coalition tends to include the North-

ern League when running for regional elections in the Northern Regions, the same coalition does not include this party when competing for the control of Southern Regions. Similarly, not in every Region center-left coalitions come to include small parties like the communist PRC - *Partito della Rifondazione Comunista*, which may opt to run alone. To sum up, while coalitions can be not perfectly internally consistent across the Regions, overlaps between them are almost inexistent. The most relevant exception to this pattern has been represented in the 2010 regional elections by the choice of the small centrist party UDC - *Unione di Centro* to either ally with its traditional partners (the center-right coalition) or with the center-left parties or even to run alone, trying in this way to undermine the national and regional bipolar scheme of confrontation (Tronconi 2010). Moreover, the two major coalitions competing for the control of regional governments tend to largely replicate the coalition formulas adopted at the national level.

Coming now back to Spain, the basic features of its subnational units have been much more stable over time than in the Italian case.

Despite the adoption of a parliamentary form of government and a proportional electoral rule (exactly as in the Italian case up to mid-1990s; imposed by constitutional provisions: Sect. no. 152.1), the internal way of working of the Autonomous Communities has been dominated, since the beginning, by clear-cut majoritarian decision-making dynamics (Bolleyer 2006). This was the result of the combination of a less fragmented party system with the disproportional effects of the regional electoral rules design, which, mimicking those adopted at the national level, have tended to distort representation in the autonomic Parliaments in favor of biggest parties¹⁹.

The parliamentary nature of this setting consists in that regional governments are politically responsible to the regional legislative assemblies, which appoint the regional Presidents; the assemblies are renewed every four years. However, the role of the regional legislatures is generally considered quite limited because of the neat predominance over them of the executives and, particularly, of the autonomic Presidents (Moreno and Colino 2010, p. 300): it is for these reasons that some scholars have come to define the actual functioning of Spanish regional systems

¹⁹Each Community could have used its own autonomy, within the proportional rule framework imposed by the Constitution, to experiment very different electoral systems. In fact, all regional governments adopted electoral rules extremely similar to those used for the election of the Deputies of the lower house at the national level. As is well known, the overrepresentation of big parties is the effect produced by: the small size of electoral districts and the repartition of seats according to the d'Hondt formula. Compared with those used for national elections, districts employed in regional elections are bigger, slightly reducing in this way the disproportional effects of the system (Araujo 2011, pp. 278-279; see next paragraph for further details on the national electoral system).

Table 4.7: Types of Regional Governments in Spain (1980-2011).

Single Party		Coalition		
67%		33%		100%
SWP	86%	Only SWPs	5.4%	
NSWP	14%	Only NSWPs	7.1%	
		SWP as major partner	53.5%	
		NSWP as major partner	34%	
100%		100%		

Source: Own elaboration from the dataset of the *Observatorio de los Gobiernos de Coalición en España* (University of Barcelona), available at http://www.ub.edu/OGC/index_es.htm.

Key: SWP = State-Wide Party; NSWP = Non State-Wide Party.

as "semi-presidential" or as increasingly presidential (Magone 2009); as put by Magone (2009), the «regional presidents [...] play a major role in shaping the climate of politics» in each region (p. 218). In this context, autonomic parliaments are in fact very weak in using their controlling functions towards the governments (relatively high thresholds to present motions of censure are pointed out, among others, as factors limiting parliamentary influence; Magone 2009, p. 223-224).

In sharp contrast to Italy, where, as described above, coalition governments have been the largely dominant rule, Spanish regional executives have been led, between 1980 and 2011, by one single party in two thirds of cases (see Table 4.7). Looking at the composition of cabinets, a bipolar logic emerges, insofar as 86% of single-party executives were run by one of the two major State-wide parties: either the Socialist Party (PSOE) or the Popular Party (PP). The remaining 14% was instead composed of non State-wide parties. This is due to a peculiar feature of the Spanish political system, which is characterized, at the same time, by a bipolar confrontation between the two State-wide parties at the national level and in all the Regions but in a few number of them: the existence of strong regional or national identities in specific areas of the country, which, as seen, led to the adoption of an open and asymmetrical model of territorial organization, led also to the emergence of partially alternative political systems at the regional level (Magone 2009; Wilson 2012).

The Catalan and the Basque regional political systems are those which deviate mostly from the most common one: in both regions, indeed, the largest parties are non State-wide, nationalist parties. In Catalonia, the CiU - *Convergència i Unió*, the dominant party for many decades, is an autonomist force located on the center-right of the political axis, reducing the electoral chances of the PP; on its left, the PSC - *Partido de los Socialistas de Cataluña* is the local organization of the nation-wide socialist party (the PSOE), while ERC - *Esquerra Republicana de Catalunya* is a more leftist, non State-wide party; always on the left of the

political space, EUiA - *Esquerra Unida i Alternativa* is the local partner of the State-wide party IU - *Izquierda Unida*, while IC-V - *Iniciativa per Catalunya Verds* is a green, left-wing party traditionally allied with IU. The CiU was always able to form one-party governments up to 2003, when a leftist coalition, made of both State-wide (the PSC) and region-based parties (IC-V and ERC) came in office. In the Basque Country, the major party is a non-State wide party, the PNV - *Partido Nacionalista Vasco*, which was always in government – either alone or, more frequently, with other State-wide and/or non-State wide coalition partners – up to 2009, when a minority government formed by the Socialist Party replaced it. To the left of the PNV, a small, nationalist party is represented by EA - *Eusko Alkartasuna*. The small region of Canary Islands has developed as well its own party system, characterized by the central role played by a regionalist party, CC - *Coalición Canaria*, which has been able to form both single-party governments and coalitions with one of the two largest national parties, playing the role of either junior or major partner.

In total, coalitions have been built in one third of cases of cabinets formation, just when the party having obtained the largest share of votes could not form an executive without the support from another partner (see Table 4.7). For the purposes of this analysis it is important to remark that – as observed by Falcó-Gimeno and Verge (2013) – «although it is still possible for majority parties to build oversized coalitions or to receive the support of other SWP in the investiture vote, these situations are very rare in the Spanish regions. The two main SWP have never joined an oversized coalition and the support strategy to a governing party that already had the absolute majority of votes in parliament has been chosen only three times» (p. 395).

This largely explains that, as reported in Table 4.7, coalitions made exclusively of State-wide parties have represented just little more than 7% of the total: as long as oversized coalitions between the two main national parties are excluded *a priori* as a possible government solution, the number of formulas including two State-wide parties is very limited (e.g. PSOE + IU). Notice that the most common situation is where one of the two major national parties – the PSOE or the PP – allies, as a major partner, with one or more regionalist or nationalist forces: the coalition formula including a small regionalist party beside the PP or the PSOE was chosen in more than half of times when a coalition was to be built. The presence of strong regional parties in Catalonia and the Basque Country triggered indeed a mimicking behavior, determining the emergence of regional parties also in Communities, like Andalusia, lacking any historical tradition of self-government (Wilson 2012). In about one case over three, the PSOE or the PP played instead the role of a junior partner within a coalition dominated by a region-based party: this was the case, for instance, of the alliance between the PAR - *Partido Aragonés* and the PP in Aragon

(1996-1998), or between the PRC - *Partido Regionalista de Cantabria* allied with the PSOE in Cantabria (2003-2011). In many Communities – Asturias, Castile-La Mancha, Castile and Leon, Madrid and Murcia – no regional party, although represented in the regional legislatures, ever acceded to governmental positions.

The limited extent of overlaps between Spanish regional governments compositions – due to the absence of oversized coalitions and the presence of region-based parties in many AACC – can be intuitively understood looking at data collected in Tables 4.8 to 4.10. We find indeed Communities led by the PSOE or the PP (alone or with minor partners, but never together) in most of cases, and Communities run by non-State-wide parties (alone, in coalition with minor local parties or with one of the two major State-wide parties).

As to the stability of interests configuration, many Regions have been characterized by the presence in office of a dominant party: traditional PSOE strongholds have been Andalusia, Asturias (except in 1995-1999), Castile-La Mancha and Extremadura (both up to 2011); the PP has instead been able to control government formation in Castile and León since the late 1980s, and, since 1995, in Madrid, Valencia, Murcia, La Rioja and Galicia (except in 1995-1999, and 2005-2009); the PNV was constantly in office in the Basque Country (except in 2009-2012), while the CiU was the major government party in Catalonia (with a break in 2003-2010). It must nevertheless be remarked that complete turnovers, although not frequent, have neither been a rare event (particularly if compared to Italian figures, up to mid-1990s). Between 1980 and 2011, over almost 200 changes in governments composition, 34 entailed the whole substitution of the parties previously in office (representing the 17.26% of the total)²⁰.

Comparing Swiss and Spanish regional units internal dynamics for explaining differences in their respective IGAs, Bolleyer (2006) argued that in Spain «horizontal configuration is formed by two government types – namely PP and PSOE one-party governments – which take over sub-state executives the most frequently. Moreover, there is one bundle of configurations often formed by non state-wide parties» (pp. 396-398). In the light of updated data provided above, the core of this argument can be still considered valid, in spite of a clear increase of coalition governments (from 15.2% reported by Bolleyer for the period 1980-2000 to 33% shown in Table 4.7 for the period 1980-2011), mainly due to the affirmation of regional parties in many Communities: as seen, however, in the majority of cases coalitions are still dominated by one of the two major State-wide parties. Moreover, as remarked by Wilson (2012), «distinct patterns of coalition formation have allowed state-wide parties to access government in all regions, and displaced predominant nationalist parties from office in Catalonia and the Basque Country»

²⁰Own calculations from the dataset of the *Observatorio de los Gobiernos de Coalición en España* (University of Barcelona), available at http://www.ub.edu/OGC/index_es.htm.

Table 4.8: Regional and Central Governments Configurations in Spain (1984-1994).

Year	Parties or Coalitions	AACC	Central Government Party
1984	PSOE	12	PSOE
	PP	3	
	CiU	1	
	PNV	1	
1986	PSOE	12	PSOE
	PP	3	
	CiU	1	
	PNV	1	
1988	PSOE	10	PSOE
	CDS + AIC + AP	1	
	PP + UM	1	
	PP	3	
	CiU	1	
	PNV + PSOE	1	
1990	PSOE	9	PSOE
	CDS + AIC	1	
	CDS + PP	1	
	PP + PAR	1	
	PP + UM	1	
	PP	2	
	CiU	1	
	PNV + PSOE	1	
1992	PSOE + PR	1	PSOE
	PSOE + AIC	1	
	PSOE	8	
	PP + PAR	1	
	PP + UM	1	
	PP	2	
	UPN	1	
	CiU	1	
	PNV + PSOE + EE	1	
1994	PSOE + PR	1	PSOE [+ CiU + PNV]
	PSOE	8	
	PP	3	
	UPN	1	
	CC	1	
	UPCA	1	
	CiU	1	
	PNV + PSOE + EE	1	

Notes: Up to 1988, PP = AP - *Alianza Popular* (the PP predecessor party).

Table 4.9: Regional and Central Governments Configurations in Spain (1996-2002).

Year	Parties or Coalitions	AACC	Central Government Party
1996	PSOE + CDN + EA	1	PP [+ CiU + PNV + CC]
	PSOE + PA	2	
	PP + PAR	1	
	PP + PRC	1	
	PP + UV	1	
	PP	8	
	CiU	1	
	PNV + PSOE + EA	1	
1998	PSOE + PA	1	PP [+ CiU + PNV + CC]
	PSOE	2	
	PP + PAR	1	
	PP + PRC	1	
	PP + UV	1	
	PP	7	
	UPN	1	
	CC + PP	1	
	CiU	1	
PNV + EA	1		
2000	PSOE + PA	1	PP
	PSOE + PAR	1	
	PSOE + IU + PSM	1	
	PSOE	3	
	CC + PP	1	
	PP + PRC	1	
	PP	6	
	UPN	1	
	CiU	1	
PNV + EA	1		
2002	PSOE + PA	1	PP
	PSOE + PAR	1	
	PSOE + IU + PSM	1	
	PSOE	3	
	PP + PRC	1	
	PP	6	
	UPN	1	
	CC	1	
	CiU	1	
PNV + EA + IU	1		

Table 4.10: Regional and Central Governments Configurations in Spain (2004-2012).

Year	Parties or Coalitions	AACC	Central Government Party
2004	PSOE + PAR	1	PSOE [+ ERC+ IU + BNG + CC + CHA]
	PSOE + IU	1	
	PSOE + ERC + ICV	1	
	PSOE + PRC	1	
	PSOE	3	
	PP	7	
	UPN	1	
	CC + PP	1	
	PNV + EA + IU	1	
2006	PSOE + PAR	1	PSOE [+ ERC+ IU-ICV + BNG + CC + CHA]
	PSOE + IU	1	
	PSOE + PRC	1	
	PSOE + ERC + ICV	1	
	PSOE + BNG	1	
	PSOE	3	
	PP	6	
	UPN + CDN	1	
	CC	1	
	PNV + EA + IU	1	
2008	PSOE + PAR	1	PSOE [+ PNV + CC]
	PSOE + PSM + UM + IU	1	
	PSOE + ERC + ICV	1	
	PSOE + PRC	1	
	PSOE + BNG	1	
	PSOE	4	
	PP	5	
	CC + PP	1	
	UPN + CDN	1	
	PNV + EA + IU	1	
2010	PSOE + PAR	1	PSOE [+ PNV + CC]
	PSOE + IU	1	
	PSOE + PSM + IU	1	
	PSOE + ERC + ICV	1	
	PSOE + PRC	1	
	PSOE	4	
	CC + PP	1	
	PP	6	
	UPN	1	
2012	PP	11	PP
	PSOE	2	
	PSOE + IU	1	
	CC + PSOE	1	
	CiU	1	
	UPN	1	

Source: Dataset of the *Observatorio de los Gobiernos de Coalición en España* (University of Barcelona; http://www.ub.edu/OGC/index_es.htm). Key: see List of Abbreviations; [] = parties not included in government, but providing parliamentary support to it.

(p. 136): the electoral share for state-wide parties (PSOE and PP) in regional elections has risen from 67.1% in the early Nineties to 76% in the second half of the 2000s (Wilson 2012).

To sum up, the evidence collected allows to conclude that the Italian horizontal intergovernmental arena was characterized, up to the mid-1990s, by the presence of "power-sharing" governments: this condition contributed to increase the level of interregional congruence in party composition of governments, as well as the stability, over time, of the interest configuration among the constitutive units (full turnovers being virtually inexistent). By contrast, Spain was characterized, since the beginning, by the prevalence of clear majoritarian decision-making dynamics within its constitutive governments: the degree of congruence, as well as the stability of the interest configuration, were both lower than in the Italian case. As a consequence of political and institutional transformations occurred in the early 1990s, Italian regional governments have clearly moved towards the majoritarian-decision making pole, reducing in this way pre-existing cross-case differences.

The vertical dimension Starting from Italy, the same remarks made above about periodization are valid for the vertical dimension of IGR, insofar the radical changes of the political system occurred in the early 1990s, involved not only the regional, but also the national arena, determining a move of this latter from power-sharing dynamics towards majoritarian decision-making.

As well known, at the national level, the competitive dynamic had been almost completely blocked up to the early Nineties: as clearly put by Pasquino (2002), «as is very well known, the political system of the First Italian Republic and its parliamentary model of government were characterized *a)* by a high governmental instability – but by a low circulation of government personnel, i.e., the Presidents of the Council and the Ministers; *b)* by *a remarkable persistence of the same government coalitions and the same five parties in that coalitions* and *c)* by a substantial continuity of government policies» (p. 30, translated, emphasis added). Such remarkable persistence of the same government coalitions (and of the same five parties composing these coalitions) can be clearly seen by looking at the last column of Tables 4.4 to 4.6. Wholesale turnovers *never* occurred at the national level: very slightly different configurations of parties – always including the major State-wide party (the Christian Democracy) – constantly alternated in office over more than thirty years.

Following Ștefuriuc (2009), vertical intergovernmental congruence is «the coincidence of the party composition of governments across levels. This coincidence may take three forms: full congruence – the same parties are participating in both the regional and the central government; full incongruence – there is no overlap;

and partial (in)congruence – some, but not all, of the governing parties at one level are also governing at the other level» (p. 96). Considering data contained in Tables 4.4 to 4.6, which collect regional and national governments composition every two years in the period of reference (1970-1992), it is evident that the Italian vertical arena was characterized by a high level of congruence. The logic of coalition building dominating at the national level was indeed paralleled, in the great majority of cases, by a very similar one when regional cabinets had to be formed. In many cases, regional coalitions were nothing but the replica (or just a slight variation) of the coalition formula adopted at the national level: the center-left one (including DC, PSI, PSDI and PRI) up to 1976, and the so called *pentapartito* (including also the PLI) up to 1992²¹. The biggest difference was, without a doubt, as previously remarked, the possibility for the Communist Party to access executive positions in the lower-level governments (a possibility which, at the national level, was *de facto* precluded as a consequence of the so called *conventio ad excludendum* agreed by all other parliamentary forces against this party). Overall, this led to the emergence of complete or partial overlaps between the party composition of the central government and most of the regional coalitions. It suffice to say that vertically full incongruent executives represented, on average, just the 4.5% of the sample contained in the Tables. As seen before for the horizontal dimension, this was mainly due to the widespread presence of the DC, the major national party constantly at the government at the national level, in most regional executives, and at the cross-cutting part played by the Socialist Party, included as a partner in both in Christian-democratic and Communist-led regional coalitions. Because of the high number of parties and consequent possible coalitions, the most common form of vertical congruence was the partial one.

The transformations occurred in the party system described above, along with a reform of the national electoral law in 1993, altered radically the kind of electoral competition at the national level: «The majoritarian nature of the new electoral systems, combined with the crisis of the established parties and the rise of new ones, profoundly changed the pattern of electoral competition and government formation» (D'Alimonte 2005, p. 254). While the electoral system in force until the early Nineties was a proportional one (not including any device to reduce fragmentation), the one adopted in 1993 was a mixed one, where most candidates (75%), both for the lower and the upper house, were be elected in single-member districts by plurality rule (D'Alimonte 2005, p. 255).

For the purposes of this analysis, it is worth noting that, as for the regional level, «[t]he most striking development in Italian politics since the mid-1990s has

²¹The DC one-party governments at the central level were, in fact, executives of "national solidarity", based on the "non vote of non-confidence" by all other parliamentary parties, the PCI included.

been – as summed up by D’Alimonte (2005) – the emergence and consolidation of a bipolar pattern of electoral competition based on two dominant, clearly identifiable, pre-electoral coalitions» (p. 261). This has had considerable effects on the patterns of government formation: similarly to what has been observed for the regional scale, the bipolar confrontation between two major, *pre-electoral* coalitions (center-right *vs.* center-left, each informally appointing a candidate Prime Minister prior to the election) led for the first time to *wholesale* alternation in office of opposing political forces (an alternation which took place at each election between 1994 and 2010). The presence of a clear bipolar scheme of confrontation at both the State and the regional level clearly reduced the stability of the interest configuration of the intergovernmental arena overtime, and increased the likelihood of full vertical incongruence. Looking at the data collected in Table 4.11, it is easy to note a steady increase in the number of fully incongruent regional governments: between 1996 and 2010, indeed, an average of 40% of regional executives was run by coalitions whose composition was fully not overlapping with the one ruling at the national level.

As to Spain, its vertical intergovernmental arena was immediately characterized by the presence of a number of regional governments ruled by parties and coalitions not overlapping (not congruent) with the party in office at the central level. There, two State-wide parties have been alternating in government since the early 1980s: the PSOE (1982-1996; 2004-2011) and the PP (1996-2004; 2011 onwards). This can be seen as an effect of the national electoral system, whose major features were defined between 1976 and 1977 (Hopkin 2005).

A proportional system was adopted, although highly corrected in order to avoid excessive fragmentation of parliamentary representation: to this end, very small electoral districts (coinciding with provincial boundaries) were designed, making in many cases proportionality practically impossible to be achieved. Furthermore, it was decided that seats would be allocated among parties according to the d’Hondt formula, which, as known, contributes to further amplify the over-representation of larger parties already ensured by the smallness of districts. The Spanish electoral system, although formally proportional, was thus designed so to produce highly disproportional, majoritarian-like effects²². What matters the most is that the concentration of parliamentary representation around the two largest State-wide parties allowed the formation, at the central level, of single-party – majority or minority – governments, led either by the PSOE or the PP.

In such a context, due to the presence of one-party executives also at the

²²Parties favored by this system are the large State-wide ones (PSOE and PP), as well as those enjoying territorially concentrated electoral support (large nationalist and regional parties: particularly, CiU and PNV). Small parties – especially if geographically dispersed (like IU) – are, by contrast, those most disadvantaged by the electoral system in force.

Table 4.11: Regional and Central Governments Configurations in Italy (1996-2012).

Year	Coalitions	Regions	Central Government Coalition
1996	CL	10	CL
	CR	7	
	Other	3 (2: Aut. + CL)	
1998	CL	9	CL
	CR	9	
	Other	2 (Aut. + CL)	
2000	CL	8	CL
	CR	10	
	Other	2 (Aut. + CL)	
2002	CL	6	CR
	CR	12	
	Other	2 (Aut. + CL)	
2004	CL	8	CR
	CR	10	
	Other	2 (Aut. + CL)	
2006	CL	14	CL
	CR	4	
	Other	2 (Aut. + CL)	
2008	CL	13	CR
	CR	5	
	Other	2 (Aut. + CL)	
2010	CL	7	CR
	CR	11	
	Other	2 (Aut. + CL)	
2012	CL	7	TC
	CR	10	
	Other	2 (Aut. + CL); 1 (CR+CL)	

Key: CL = Center-Left Coalition; CR = Center-Right Coalition; Aut + CL or CR = autonomist parties allied with one or more parties included within the CL or the CR coalition; TC = Technical Cabinet; CR+CL = grand coalition, composed of parties included within both the center-left and the center-right coalitions.

subnational scale, the number of fully, vertically incongruent regional governments was quite high, particularly if compared to the Italian case (first period): they represented indeed about the 41% of the sample contained in Tables 4.8 to 4.10 (a figure almost ten times higher than the Italian one during the First Republic, and perfectly comparable to the Italian one from mid-1990s).

The peculiarities of the Spanish political system suggest, however, to take into account, when defining the congruence or incongruence of a regional government with the national one, some additional elements. The most important refers to the fact that, on several occasions, central executives ruled by either the PP or the PSOE have been *minority* governments, as such needing the parliamentary support from other political forces. This was the case for the PSOE between 1993 and 1996, and 2004 and 2011; the same happened for the PP between 1996 and 2000.

In all these cases, insofar a collaboration between the two major parties was excluded as a viable option, they relied on the support from the regionalist and/or nationalist forces represented in the national Parliament. As put by Ștefuriuc (2009), «stable agreements between government and parliamentary supporting parties amount to camouflaged or informal governing coalitions [...]. Thus, if two parties exchange the roles of governing and supporting parties across levels, it would be misleading to claim that the government formulae they are involved in are incongruent» (p. 96). In 1993, the Government led by the socialist Felipe González was supported by the determining votes of CiU (plus those of the PNV). Three years later, the popular candidate, José María Aznar, had to find a post-electoral agreement with these same parties in order to form the new PP-led minority Government. Finally, from 2004 to 2011, all the executives led by the PSOE leader, José Luis Rodríguez Zapatero, had to rely on the votes of several "informal" partners: particularly, ERC, IC-V, IU (plus CC, BNG and CHA) between 2004 and 2008; PNV and CC between 2008 and 2011²³.

4.4 Discussion

The analysis of the two cases implemented in this Chapter has allowed to narrow the range of plausible causes of different levels and kinds of institutional development of Italian and Spanish multilateral IGAs.

Some potentially relevant factors have been ruled out insofar they were not matched by empirical evidence. The differences in the number, the relative size and wealth of the constitutive units of the two polities has been excluded, both

²³Taking into account such feature of the Spanish political system, the number of fully vertically incongruent regional governments clearly decreases (from about 41% to about 37% in the sample contained in Tables 4.8 to 4.10).

countries being very similar in this respect (from several points of view, interregional fragmentation is even higher in Italy than in Spain); similarly, the presence of a territorial Senate in Spain and not in Italy has been considered as a condition devoid of any explanatory power, because of the completely non influential role actually played by this Spanish institution in ensuring territorial interests representation at the central level; finally, the difference in the form of State as a possible cause of intergovernmental institutional differentiations has been rejected for two reasons: on one hand, none of these two countries may be qualified, in contrast with the other, as fully "federal"; on the other hand, even assuming Spain to be closer than Italy to the federal ideal-type, collected data show a mismatch between theoretical reasoning and evidence: multilateral intergovernmental arrangements are indeed much more developed, both at the horizontal and at the vertical level, in Italy than in Spain.

A set of institutional conditions pertaining to the polity – the degree of regional distinctiveness of the constituent units and the degree of asymmetry in powers allocation – as well as the kind of decision-making and political dynamics prevailing within the constitutive units of the polity have emerged, by contrast, as those showing the highest cross-case variation; moreover, each of them is consistent with theoretical reasoning: as expected, indeed, conditions likely to weaken the incentives towards the institutionalization of multilateral cooperation have been shown to be stronger in Spain than in Italy.

The analysis has also highlighted that, due to temporal variation within each of the two national cases, cross-cases differences were particularly evident during the early stages of health policy regionalization. As described above, while Italy was characterized by a higher degree of societal homogeneity coupled with higher symmetry of competences and the prevalence of power-sharing decision-making within it (both at the regional and at the central level), Spain presented instead a comparatively lower degree of societal homogeneity, coupled with higher asymmetry of powers and the predominance of majoritarian decision-making dynamics at both levels of government. "Correlational" observations are thus in line with theory.

As for Italy, empirical evidence confirms, as expected, that the degree of asymmetry existing between the two groups of Regions – Special and Ordinary Statute ones – never played a relevant part in shaping neither the design nor the working of multilateral IGAs. Considering *vertical* (compulsory) IGAs, asymmetry could have impacted mostly on their functioning. As illustrated in Chapter 2, the weakness of the National Health Council – the first vertical IGA designed to deal with IGR issues in the new NHS – did not originate from dynamics pertaining to asymmetries in powers between the Regions. They rather derived from the unwillingness of the center to provide this body with effective powers and resources to play a meaning-

ful role in the intergovernmental arena. As to the State-Regions Conference, IGR actors interviewed for this analysis tend to play down the relevance of the divide between Ordinary and Special Statute Regions as to the working of the Conference. This does not mean that a divide line between the two kinds of Regions does not exist. It means that while the participation of the Special Regions is represented as more "superficial" or "marginal", particularly by those Regions enjoying highest degrees of fiscal independence (Trentino-Alto Adige and Aosta Valley), their behavior cannot be seen as hampering the working of the Conference, even less as jeopardizing its existence. These Regions tend to take part to the State-Regions Conference mostly to preserve their own "special" autonomy. The following quote from a former Director General of the Ministry of Health aptly summarizes the general view of the role played by Special Statute Regions within the Conference:

Well, the Special Statute Regions participate in a very, shall we say, superficial way, in the sense that they are there to watch their own autonomy, so they take the good things; as to the negative ones, they ask to put on records that they reserve their own right to apply [the special provisions contained in] their own Statutes of Autonomy. [IT8]

At the same time, one could expect asymmetry to have produced more disruptive effects on the establishment and the working of the Conference of the Regions, the main *horizontal* arrangement, being this latter an organization set-up on purely voluntary bases. Notice indeed that, every year, each member of this Conference must pay its membership fees (set in proportion to its demographic weight). However, in this case too, differences between the two sets of Regions do not appear to have played a relevant part in shaping the horizontal IGA. Firstly, no explicit opposition came from the Special Regions towards the establishment of this arrangement: in fact, as previously reconstructed, the Conference included, since its establishment in 1981, *all* the Regions, that is both the Ordinary and the Special Statute ones. Secondly, as in the case of the vertical State-Regions Conference just sketched, the behavior of the Special Statute Regions is described by IGR actors as clearly less participative (these Regions Presidents attending just a few number of meetings), but not as an impeding element for the overall functioning of the system. The Director General of the Conference of the Regions described the attitude of these Regions in the following way:

The Special Statute Regions are much less participative, but they want to be there: they pay their membership fees, they want to have the opportunity to vote when it's time to vote.

[...]

The Special [Regions] do present one single amendment in the Conference [of the Regions]: "The powers of the Special Regions are preserved". That

is, for them it is enough just to maintain what they have, and then they participate here and take part [to the Conference activity].

The Special Statute Regions thus never acted in order to boycott neither the set-up nor the working of multilateral IGAs, neither on the vertical or the horizontal dimension. Since the beginning, they have rather taken part to the functioning of multilateral IGAs in a much less intense way than the Ordinary Statute Regions, mainly with the aim of preserving their own special autonomy (particularly in the financial sector), but also to coordinate their action with the State and the remaining Regions whenever common interest issues are at stake.

By contrast, and in line with theoretical expectations, in Spain the relatively higher degree of asymmetry of competences among its constitutive units did largely contribute to weaken both the design and the actual working of multilateral bodies of intergovernmental cooperation. This weakening effect occurred through different channels. Due to the strict interconnectedness between the level of societal homogeneity and the asymmetrical nature of the polity, these two conditions operated – in the very early stages of decentralization, at least – in a joint way.

As to the design of *vertical* (and compulsory) multilateral IGAs, explicit opposition towards their set-up came indeed, since the outset of the decentralization process, from those Communities characterized by strongest forms of regional identity and autonomy, that is those established following the so called "fast track" outlined in § 4.3.2: Catalonia and the Basque Country.

They both attacked the very first attempt implemented by the central Government to address the issue of intergovernmental cooperation in health policy. In fact, at the end of 1981 a Royal Decree on "Health Coordination and Planning" was issued (R.D. no. 2824/1981). Among other things, the Decree provided for the establishment of an embryonic form of vertical, policy-specific IGA, called *Consejo de Planificación y Coordinación Sanitaria* (Health Planning and Coordination Council): it was to be composed of the Director of the *Insalud* (the National Health Institute), officials from many central Ministries Departments (Defense, Education, and so on), as well as by one representative from each Autonomous Community. It was endowed with basic coordination powers, particularly in the field of hospital management.

Catalonia, which had received full health responsibility very early (in 1981, just a couple of years after its foundation; see again Table 4.3), immediately contested the constitutional legitimacy of that Decree, arguing that the Health Planning and Coordination Council was accorded powers going well beyond coordination, encroaching in this way on autonomic jurisdiction; furthermore, the non equal composition of that IGA by State and regional representatives would violate the principle of coordination itself. The Basque Country – although still lacking full powers in the health sector – joined Catalonia and contested in a similar way De-

cree no. 2824. In spring 1983 the Constitutional Court declared the constitutional legitimacy of the contents of the Royal Decree, but, at the same, time, the insufficient hierarchical level of that regulation (Rey del Castillo 2010). What is more interesting is that, even before the rulings of the Court (nos. 32 and 42/1983), «the activity of planned coordination bodies was suspended at the request of the appellants themselves. As a consequence, the development of the health system was for several years (at least until the General Health Law, 1986 [...]) at the mercy of unilateral initiatives, whether of the central or of the autonomic governments, gradually acquiring health competences» (Rey 2010, p. 34, translated).

A similar dynamic occurred in 1982, when, even before its approval, the LOAPA, the Organic Law trying to smooth the unfolding devolutionary process (already discussed in § 3.2.2), was strongly opposed by nationalist parties and, again, by the two already settled Autonomous Communities. Both the Basque Country (with the PNV) and Catalonia (with the CiU) challenged the constitutional legitimacy of the LOAPA in front of the *Tribunal Constitucional*. They interpreted this normative intervention of the State as a further, unacceptable interference of the center into their own, constitutionally and statutory protected competences. In their view, an Organic Law could not override regional Statutes. As stressed by Moreno (2005), «the timing and content of such harmonizing policies from the centre, when the structure of the centralist Francoist state still remained largely untouched» appeared in fact as «inopportune and inappropriate» (p. 64). This latter, in ruling no. 76/1983 clearly stated, even before its coming into force, the unconstitutionality of fourteen over thirty-eight sections of the LOAPA, denying the organic and harmonizing nature of this latter. As seen in Chapter 3, the survived part of the LOAPA – that is the sections not annulled by the Court – was later transformed into an ordinary law, the newly called *Ley de Proceso Autonómico*, supported by the socialist government of Felipe González and definitively passed by the Spanish Parliament on October 14th, 1983 (Law no. 12/1983).

As far the management of intergovernmental relations was concerned, the Basque Country and Catalonia shared a common opposition towards the establishment of the multilateral seats of State-Regions confrontation contemplated in that law (the Sectoral Conferences), rather preferring the implementation of dual, bilateral links between each single Community and the State, a way considered as less dangerous for their own autonomy and more effective as to the pursuit of their own, particular interests. According to many Spanish scholars (e.g. Montilla Martos 2006), the remarks made by the Constitutional Court – which as seen, recognized the legitimacy of the Sectoral Conferences, but at the same time delimited in a clear way the legitimate scope of their intervention – paved the way to the difficulty of establishing effective multilateral, vertical intergovernmental arrangements (under the effects of the so called "LOAPA syndrome").

In this framework, the design of the Interterritorial Council of the National Health System (CISNS), introduced by the General Health Law in 1986, proved to be highly affected by the events just sketched: as seen, it was provided with quite limited powers. Asymmetries, however, were able to affect not only the formal design of the Council, but also its actual way of working, largely contributing to undermine its effectiveness. Since the beginning, indeed, the incompatibility between the adoption of a strictly multilateral design for the CISNS with the high level of asymmetry existing among Communities in that policy field became apparent. On the one hand, the bulk of the CISNS activities, both in its plenary format and in the second level bodies, concentrated in those areas in which the level of competences among Communities was more homogeneous, limiting this way the actual scope of intervention of the Council. A former member of the CISNS made this point in a very clear way:

One of the members representing the State in the CISNS was the Director General of the *Insalud*. In 2001 there were 7 Autonomous Communities with transferred health services, and 10 without. Health management topics were of interest for just the 7 Communities with responsibility in that sector, and for the *Insalud*-Health Ministry. This fostered [the emergence of] parallel negotiating actions, which did not arrive at the Interterritorial Council: instead, issues of Public Health, which were fully devolved, were discussed in the Council.

As a pragmatical way to deal with these tensions, different Working Groups and Commissions were created, composed of regional governments enjoying the same levels of competences on the matters at stake (Rey del Castillo 1993ab, 1998, 2010). However, such solution did not prove particularly effective in order to reduce inter-regional conflicts deriving from asymmetry. In this respect, the account of the internal working dynamics of the CISNS provided by Javier Rey del Castillo (2010), senior official of the Ministry of Health for many years and former Secretary of the CISNS (1991-1996), appears as worthy to be reported at length:

The AACC lacking jurisdiction in the matters related to healthcare did not willingly accept their exclusion from Commissions or Groups whose economic impact was greater, and even less agreed to be represented in these Commissions by the *Insalud* [the National Health Institute]. [...]

As to the AACC that already had these powers, they did not accept to involve the remaining AACC in matters on which these latter were lacking, albeit temporarily, responsibility, and oriented the discussion of these issues, especially the financial ones, towards bilateral relationships (p. 268, translated).

All this confirms that the degree of asymmetry existing among the Spanish Regions largely impacted on the institutional life of the CISNS. Moreover, it is interesting to remark that the relevant asymmetry pertained mostly to the allocation of health legislative and administrative powers, and not so much to the distinction between Communities with strong regionalist or nationalist identities and parties, on the one hand, and those lacking them, on the other hand. This seems to suggest that while peripheral nationalisms could be seen, chronologically, as the initial triggers of the asymmetrical devolutionary process, and of the uncertain design of multilateral IGAs, the major divide line was then represented by the fracture between Communities with limited competences and those provided with full health powers: this fracture contributed, in turn, to weaken the existing vertical arrangements. Such a divide line clearly crosscut differences in the intensity of regional and sub-national identities, insofar as regions like the Valencian Community and Andalusia, although lacking strong self-government traditions, joined very early the group of more powerful governments (see again Table 4.3). Moreno (2005) describes such kind of competitive relationships between the Spanish Communities as a form of "multiple ethnoterritorial concurrence", intended as a complex «interplay among Spanish regions and nationalities pursuing political and economic power, as well as the achievement of the legitimization of their institutional development» (p. 90).

Different degrees of activity *within* the Interterritorial Council itself can be taken as a further indicator of the relevant role played by interregional powers asymmetry in undermining multilateral intergovernmental cooperation in Spain. The only sub-field in which the CISNS was able to set up effective Working Groups and reach a minimum degree of consensus among the Communities, and between these latter and the State, was indeed Public Health, that is the main matter falling under *all* regional jurisdictions since the very beginning of the State of the Autonomies. Between 1987 and 2004, the relative majority of both the agreements reached and the items addressed in that Conference were concentrated in this sector (representing about one third of the total)²⁴.

As to the Council of Fiscal and Financial Policy (the CPFF), which, as shown, was provided with cross-cutting competences, due to its transversal nature, its role in health policy was quite marginal up to the early 2000s, again as a consequence of the procedures linked to the kind of devolutionary process started in the 1980s. On the one hand, the special fiscal regime accorded to the Basque Country and Navarre led these two Communities to use bilateral channel of communication with the center, instead of multilateral arrangements. On the other hand, the transfer

²⁴Data available on the web page of the Spanish Ministry of Health, devoted to the activity of the Interterritorial Council: <https://www.msssi.gob.es/organizacion/consejoInterterritorial/actividad.htm>.

of financial resources from the *Insalud* to the Autonomous Communities gradually acquiring full health powers in their territories, was managed and detailed by means of bilateral agreements reached, each time, by the central administration and each single Community in the so called *Comisiones Mixtas de Transferencias* (Mixed Transfer Commissions). The margins of discretion opened by channels of bilateral, rather than multilateral negotiation, made possible for the State to define financial transfers towards the Autonomous Communities following quite distinct criteria in each case (Grau i Creus 2000; Rey del Castillo 2010). This obviously did nothing but add further elements of differentiation among the Communities (also among those provided with comparable levels of administrative, legislative and fiscal competences), contributing to strengthen even more the lack of perception of common benefits potentially deriving from concerted action.

In the light of the above, the non-establishment of any kind of horizontal arrangement among the Communities, neither in the healthcare policy sector, nor, more generally, for the overall management of intergovernmental relations, is not surprising. In the absence of any external, compulsory pressure towards multilateral cooperation (such as the one acting in the case of vertical relationships), it is reasonable to presume that the same conflicting dynamics characterizing inter-regional relationships within the Council reproduced along the exclusively horizontal dimension, having more disruptive effects on the regional governments' willingness to cooperate. Significantly, as explained in the previous Chapter, the only initiative taken by Autonomous Communities to coordinate their action occurred in the second half of the 2000s, when regional governments which had already reformed their Statutes of Autonomy – similarly increasing in their overall level of powers – started to meet on a regular basis. However, after having included Communities lacking a new Statute, interregional meetings died down.

The same holds true for a *vertical*, generalist intergovernmental arrangement, which was not established until 2004. As seen, in contrast to Italy, where a vertical, generalist IGA was established on the collective request of the Regions, claiming for a deeper involvement into national policy-making, in Spain the initiative was a top-down one, having been taken by the central Government.

Asymmetry in healthcare policy competences (as well as in many other policy fields), however, gradually reduced over time, leading in 2002 to the full equalization of legislative and administrative powers among all the Autonomous Communities, and to the adoption of a financial regime common to all regional units (the Basque Country and Valencia excluded). Once completed this process, the Spanish Parliament passed a law – called *Ley de Cohesión y Calidad del Sistema Nacional de Salud* (National Health System Cohesion and Quality Law) – reforming the whole National Health System (2003).

As it is clear from its name, one of the major goal of this Law was to increase

the overall cohesion of the National Health System, considered, up to that moment, highly unsatisfactory (Moreno Fuentes 2009). To this end, among other innovations, the CISNS structure was redesigned and the scope of its functions broadened (as it has been illustrated in Chapter 3): the design of this Sectoral Conference had indeed to be made consistent with the new institutional scenario, characterized by the loss of direct control by the center over the management of ten out of seventeen regional health systems, and a consequent increased need of coordination. Nevertheless, as previously shown, in spite of the reform implemented in 2003, the overall level of activity of the CISNS has not significantly changed. More generally, the literature agrees on the very limited impact of institutional changes induced by that reform on the overall functionality of this IGA (Moreno Fuentes 2009).

What is more interesting is that, confirming the dynamics emerged from the very beginning, during the last ten years the only branch of the CISNS characterized by a constant and relatively intense level of activity have been the Commission and the Sub-commissions dealing with Public Health, the subfield symmetrically transferred to *all* the Communities in the early 1980s (see § 3.2.3). This can be taken as a good indicator of the long-lasting effects produced by the high level of asymmetry which had characterized for more than twenty years the development and functioning of the Spanish National Health System. While Bolleyer (2006) underplayed the role of asymmetry as a relevant condition accounting for the relatively weak development of Spanish multilateral IGAs, in the light of the gradual reduction, over time, of differences in Communities' powers and the consideration that, in any case, «a strong unity among the ACs supported by an intergovernmental body could strengthen their position in general» (p. 399), evidence suggests more enduring effects produced by the initial allocation of competences to be taken into account.

Italy and Spain, however, differed not only in the degree of asymmetry in the allocation of health policy competences among their constitutive units, but also in the logic of decision-making prevailing both within these latter and the central government.

In Italy, a higher degree of symmetry coupled with the existence of power-sharing regimes, which clearly contributed to set-up, as a whole, a favorable institutional environment for the establishment of multilateral IGAs. As seen, from 1970 to early-1990s, the Italian intergovernmental arena, compared with the Spanish one, was indeed characterized by: a higher stability of interest configurations (due to the virtual absence of wholesale turnovers); more frequent governments overlaps, because of the adoption of very similar coalition formulas in most of the Regions, and in these latter and the central government (higher horizontal

and vertical congruence). Furthermore, the absence of full changes in government compositions made blame-shifting an objectively not viable option in inter-governmental relations, increasing incentives towards institutionalized multilateral cooperation. Collected qualitative evidence further suggests that "power-sharing regimes" shaped regional actors' incentives towards multilateral cooperation not only by creating the premises for ideological congruence and reduction of relative "autonomy losses", but by pushing regional actors (particularly, the Presidents) to find institutional solutions able to *increase* their (limited) powers. In fact, despite the high stability of interest configuration, single regional governments were characterized by an extremely high level of instability: the average duration of cabinets was indeed very low (Vassallo and Baldini 2000). Regional Presidents were particularly weak, the power balance between the executive and the legislature being completely biased in favor of the latter. The establishment of a multilateral IGA composed of regional Presidents could thus be seen, by these latter, as a way of increasing their own power in the relationship with the national Government – in front of which all the Regions were united by a similar sense of excessive subordination, irrespective of their Special or Ordinary status – but also *vis-à-vis* the large coalitions of parties on whose support they were highly dependent. The Director General of the Conference of the Regions, in charge since the Eighties, explained this question in the following terms:

The Presidents began to discuss about how to coordinate [their action] on an ongoing basis, for a variety of reasons. Reasons, say, of a legal, but also - mostly indeed - of a political nature. Then, there was not the direct election of the regional Presidents. The Presidents of the Regions were under the Regional Councils' thumb, from which they could receive a vote of non-confidence every year, every six months, whenever they liked, but, even more, they were under their own Councilors' thumb. Why? Because, let's make an example: Councilors of Agriculture met each other, they went to the Minister of Agriculture, decided on financings, distribution of funds, things like that; then, they came back to the Regional Government, and said: "We have made an arrangement with the Minister: this is the situation".

[...]

The Presidents of the *Giunte* were thus inherently weak as to the decisions to be taken by the regional government. So they decided, as I say, to create a "coordination opportunity" to make pass, in that forum, decisions of a general nature. [IT6]

Such a situation was radically reversed at mid-1990s. A majoritarian decision-making logic erupted both at the regional and the national level: blame-shifting became now a viable strategy in a bipolarized electoral competition; the level of

party composition (and thus, ideological) incongruence increased, and autonomy losses deriving from institutionalized intergovernmental cooperation increased as well (particularly, for regional Presidents). In the face of such changes, one could expect multilateral IGAs to have been weakened, if not undermined.

However, the major multilateral IGAs *already in place* did not show sign of being significantly altered by these institutional changes. No strong indicators of decreasing institutionalization can be found. At a general level, all IGR actors interviewed agree on the prevalence of continuity on change in the working of these arrangements. If any change is to be found, both the literature and the informants point to the relevance of the direct election of the Regional Presidents, generally interpreted as a factor which, far from weakening the horizontal IGA, did strengthen the Conference of the Regions. The major reasons of this evolution should be to be found in several factors. First, the higher stability of regional executives reflected in the consequent higher stability of the Presidency of the Conference, which was no more limited to a six-months period, but gradually extended, as seen, over five years (as long as the regional Presidents' mandates): such a dynamic allowed, according to what reported by an interviewed, a "solidification of an organization" already in place [IT6]. Second, possible tensions arising from the bipolarization of the political competition could be managed by means of a series of organizational solutions, designed in such a way to ensure, on an ongoing basis, an overall balance between opposing forces: as seen, a strict bi-partisan logic rules the selection of the President and the Vice-President, as well as the formation of the Presidency Office and the Policy Commissions. Notice, in this respect, that when the Presidency was rotating every six months, the Vice-Presidency did not exist: in a sense, the continuous alternation between Presidents was sufficient to ensure an ongoing, overall balance between alternative political forces (in a much less competitive environment).

In Spain, a highly asymmetrical distribution of powers joined instead with clear-cut majoritarian-decision making dynamics within its constitutive units.

In contrast with Italy, the Spanish horizontal intergovernmental arena was absorbed, since the beginning of the State of the Autonomies, in a political environment characterized by a higher distance among subnational units both on the left-right and the center-periphery dimensions: the opposition between the two major State-wide parties (the PP and the PSOE) was indeed paralleled by the presence of dominant region-based parties in a number of Communities. Furthermore, the Presidents of the Autonomous Communities were much less weak, if compared with those at the head of Italian Regions during the so called First Republic: they had not similar incentives to set-up an arrangement able to compensate for their intra-governmental weakness, but could have experienced, by contrast, higher "autonomy losses" from intergovernmental cooperation. More generally, in such an

institutional environment, many factors reducing the regional governments' willingness to cooperate with each other were at work: quite limited governments' party compositions overlaps (therefore, low ideological interregional congruence); relatively high full turnover rates (making possible the use of blame-shifting strategies, and reducing the stability of the interest configuration over time).

To get a clearer picture of the differences existing in the horizontal arenas of the two countries, Table 4.12 shows the values of "horizontal ideological incongruence" in the two cases under analysis, calculated as proposed by Bolleyer and Bytzeck (2009). This measure aims at assessing, at a given point in time, the degree of ideological closeness among subnational governments. It is computed as the standard deviation of the ideological positions of regional governments every two years. Because of the potential saliency of the positions taken by parties not only on the general left-right dimension, but also on the center-periphery divide (particularly in the Spanish case), the level of incongruence is reported for both dimensions²⁵.

Data reported in Table 4.12 show that, as expected, ideological incongruence between regional governments on the left-right axis has been higher in Spain than in Italy up to mid-1990s. While in Spain it was quite stable, in Italy it is possible to observe a clear trend of decreasing intergovernmental incongruence, reaching lowest values in the period comprised between the second half of the 1970s and the first half of the 1980s (1976-1986); in the light of the above considerations, this does not come as a surprise: this trend can be partly interpreted as the result of the adoption of very similar, if not identical, coalition formulas in most of the Regions and the partial overlap between Communists-led and Christian-democrats-led governments (particularly, due to the cross-cutting presence of the Socialist Party and, in a less marked way, of the Social Democratic one). The consequences of the changes occurred both in the party system and in the institutional design of the Italian Regions are then widely captured: between 1994 and 2006, indeed, the average value of incongruence among Italian regional governments almost tripled the average value recorded in the previous phase, reaching values never attained before, and constantly higher than those present in the Spanish case. Turning now to the attention to the horizontal incongruence on the centralization-decentralization issue, Spain is characterized, again, by higher values than Italy: this is particularly evident comparing Spanish values with the Italian ones for the period 1970-1992; afterwards, as expected, distance on this issue among the Italian Regions has increased in a marked way, without reaching, nevertheless, an average value close to the Spanish one²⁶.

Due to the bipolar confrontation at both the regional and the national level, full

²⁵For a more detailed discussion of the methodological aspects related to this measure (and the limitations of its computation in the two national cases), see methodological notes in Appendix

Table 4.12: Regional Governments in Italy and Spain: Horizontal Ideological Incongruence.

	Italy		Spain	
	L-R	C-D	L-R	C-D
1970	5.96	0.89	-	-
1972	8.19	0.64	-	-
1974	7.31	0.64	-	-
1976	4.08	0.17	-	-
1978	3.90	0.19	-	-
1980	3.90	0.17	7.40	1.17
1982	3.64	0.15	10.03	6.06
1984	1.10	0.63	9.70	3.27
1986	1.34	0.57	9.90	3.26
1988	10.14	0.19	11.50	2.46
1990	9.80	0.17	8.49	1.53
1992	0.88	0.28	8.86	2.35
1970-1992 (<i>mean</i>)	5.02	0.39		
1994	9.91	0.51	7.52	3.38
1996	13.74	3.36	7.19	3.98
1998	13.54	2.61	7.21	4.35
2000	15.00	1.94	11.64	4.27
2002	12.89	1.10	11.66	4.23
2004	13.11	1.12	10.46	4.71
2006	26.87	1.19	10.53	5.48
1994-2006 (<i>mean</i>)	15.01	1.69		
2008	-	-	8.96	4.51
2010	-	-	9.31	2.64
1980-2010 (<i>mean</i>)			9.40	3.60

Sources: Party values are taken from *The Manifesto Data Collection. Manifesto Project*, version 2013b (Volkens et al. 2013). For Italy, composition of regional governments are taken from: Istituto Cattaneo dataset on regional governments, available at <http://www.cattaneo.org/it/ricerche-menu/politica-menu/istituzioni-di-governo.html>, for the period 1970-2000; Baldi and Tronconi (2010) for the period 2002-2006. For Spain, the composition of regional governments is based on data collected by the *Observatorio de los Gobiernos de Coalición en España* (University of Barcelona), available at http://www.ub.edu/OGC/index_es.htm.

Key: L-R = Left-Right; C-D = Centralization-Decentralization.

vertical incongruence, very rare in the Italian case (up to mid-1990s), was instead a quite common phenomenon in Spain, since the early stages of decentralization.

Before concluding, it should be briefly remarked that, as already evoked in Chapter 1, no hypothesis in the literature is able to account for the choice of a policy-specific or a generalist design of intergovernmental arrangements. The two cases under analysis seem however to suggest the existence of a relationship between the general strength of given IGAs and their kind of competences. As seen, indeed, in both cases the actors opposing in the strongest way the establishment of a *generalist* arrangement (at the vertical scale, at least) were those fearing to loose the highest share of power: in Italy, this actor was the central Government, which would have preferred to use the existing sectoral "mixed-organs", so to involve in a very limited way regional representatives into national policy-making; in Spain, by contrast, the opposition came from the most powerful Communities: in their view, the fragmentation of the intergovernmental arena into several policy-specific arenas could be interpreted as a way to limit, as much as possible, likely centralizing temptations of the central Government (like those actually experienced at the time of the LOAPA).

To summarize, this Chapter has shown that major differences in institutional conditions played a major role in shaping the development of multilateral IGAs dealing with healthcare policy issues in the two countries under analysis. While Spain and Italy are currently characterized by quite similar settings, they largely diverged at the beginning of their (health care) devolutionary processes. Current variance in the development of their multilateral arrangements must be traced back to their genetic moments, when the presence of unfavorable conditions to multilateral cooperation clearly characterized the intergovernmental arena in Spain, in

B.

²⁶Because of the policy-specific nature of Spanish IGAs and the relevance of health policy within Italian generalist arrangements, one could expect party positions on *these specific issues* to be more relevant than their positioning along the left-right or the centralization-decentralization dimensions. The CMP, from which data on party positions are taken, does not include any specific measurement of party positions on health care policy. The only recorded party positions which can be linked to health policy are those about "Welfare State Expansion" (that is, favorable mentions in party manifestos of the need to introduce, maintain or expand any public social service or social security scheme, which includes government funding of health care, but also child care, elder care and pensions, social housing; position no. 504) and "Welfare State Limitation" (the opposite; position no. 505). The difference between these two positions (504-505) may be taken as an indicator of the overall stance of a party on welfare state policies (health included). Taking this perspective, differences between the Italian and the Spanish horizontal arenas appear as reduced: respective standard deviation values are indeed equal to 1.64 (Italy, 1970-2006) and 2.22 (Spain, 1984-2010). However, given the very indirect relationship between the measured party position and the specific policy sector under analysis, this finding should be taken as no more than suggestive.

sharp contrast with Italy, where more favorable conditions prevailed. In both cases, the intergovernmental machinery designed in the early stages of decentralization proved to be highly resilient, in spite of changes occurred in incentives potentially able to affect their design and their working: the overcoming of interregional powers asymmetry in Spain did not prove to be a sufficient condition for reducing the relative underdevelopment of its multilateral IGAs; likewise, the abandonment of power-sharing dynamics in Italy was not sufficient to reverse the institutional intergovernmental development previously occurred. On the whole, this seems to suggest that the *timing* (Pierson 2000) by which factors potentially able to alter IGR actors' incentives towards IGAs' institutionalization come into play may make a difference in the institutional development of these arrangements.

The identification of the major dimensions of variation of IGAs in Italy and Spain as well as of the most plausible explanatory factors of such differences constitutes the premise for assessing the impact (if any) exerted by the IGAs themselves (*structures*) on intergovernmental relations, that is on the decision-making *processes* channeled through these structures.

Chapter 5

IGR and the Politics of Health Policy Making

5.1 Introduction

From an analytical point of view, Intergovernmental Arrangements will be treated in this and in the next Chapter as the main condition accounting for the kind of intergovernmental decision-making processes observed. The main explanatory goal of this part – which is partly exploratory, due to the limited scope of the existing empirical literature on this point – is assessing the impact of the institutional, organizational structures devoted to the management of intergovernmental relations on the processes of actors' preferences aggregation. The general question to be addressed can be formulated in this way: *which is the impact (if any) of different Intergovernmental Arrangements on intergovernmental policy-making?*

The basic, fundamental theoretical premise over which such question is built relies on new-institutional grounds. As explained in the Introduction, taking as a reference point its "common core" (Immergut 1998), this approach focuses the attention on the ways in which preferences expressed in politics (and their aggregation) are affected by the institutional context in which policy-makers do operate. This institutional context is intended, broadly speaking, as the collection of "rules" – whether formal or informal – which, due to a minimum degree of stability over time, contribute to "structure" the political behavior of actors. For the the research purposes of this and the next Chapter, and in line with the definition of 'institution' prevalently adopted by historical new-institutionalists, that web of rules, potentially contributing to constrain and shape the behavior of the actors (in this case, central and regional governments), is constituted by the IGAs at work in a given country.

While some empirical studies focus mainly on the *outputs* produced by means

of Intergovernmental Arrangements (for instance, the number or the precision of intergovernmental agreements, as an indicator of the degree and depth of observable cooperation: Simmons 2002; Bolleyer 2009), I will rather look at the kind of decision-making *processes* developed within these arenas.

Clearly, as seen in Chapter 1, intergovernmental policy-making processes carried out by means of multilateral Intergovernmental Arrangements can be expected to vary under several respects. I will focus specifically on the kind of conflict lines and coalitions emerging within these power arenas. In this light, the general question addressed through the empirical analysis carried out in the remainder, may be refined in the following terms: to what extent does the institutional features of IGAs contribute – in a given policy sector – to determine the kind of politics prevailing within the intergovernmental *policy-making arena*? More precisely: to what extent do differently organized IGAs have an impact on structuring the kind of divide lines and actors' coalitions which emerge in intergovernmental decision-making?

In order to address this question, in the next Section the basic hypotheses connecting the characteristics of Intergovernmental Arrangements to the kind of coalitions and conflict lines prevailing within them, already laid out in Chapter 1, will be briefly reviewed. Next, the existence of a general matching between these hypotheses and empirical evidence will be checked for, by "mapping" the prevalent conflict lines and coalitions emerging, in case of disagreement among IGR actors, within multilateral IGAs in the two countries under analysis. Findings of this part, discussed in the last Section, will constitute the basis for a more in depth analysis in the next Chapter.

5.2 Conflict lines and actors' coalitions in IGR

From this perspective, as illustrated in Chapter 1, the distinction made by Grau i Creu (2000) among three possible forms of "political impact" on these relationships may prove particularly useful. The first form is called by this scholar "ideological impact", and refers to the prevalent kind of conflicts and coalitions observable within the intergovernmental arena. The second form of political impact concerns, instead, more the output of the decision-making processes, and is called "political patronage", which is nothing but a privileged treatment reserved by the party in office at the central level towards some regions (in exchange for electoral support or other political favors). Finally, "political integration" are those intergovernmental linkages which may be provided in intergovernmental policy-making by means of intra-party relations: the relevance of political integration depends, in turn, on the degree to which subnational politics is subordinated to the national one. Since my focus is on the processes, I will concentrate the analysis mostly on the first (which

I would rather call "congruence" rather than "ideological" impact¹) and partly the second kinds of "political impact" on IGR².

The relevant point is thus whether in the intergovernmental game IGR actors adopt a party or a territorial perspective, when dealing with each other to jointly address IGR issues.

Following again Grau i Creus (2000), the major empirical, observable consequence of the prevalence of one of the two alternative logics consists in the emergence of alternative kinds of intergovernmental coalitions: if a partisan perspective is prevalent, one will find that «*the nature of the intergovernmental game would depend upon the political party in charge of the different governments*» (that is, upon the degree of vertical intergovernmental congruence), and could expect, by consequence, «to find agreements between [regions] and central government where the parties in government were the same, and conflicts between them where these parties were different»; by contrast, the prevalence of «a subnational perspective would imply that the [regions] take institutional positions towards the central government policies; that is, *notwithstanding the party in control in central government, the governments of the [regions] constitute the 'subnational level opposition'*. This sub-national perspective would allow for intergovernmental conflicts and agreements independent of the party in office at the central level» (Grau i Creus 2000, pp. 69-70, emphasis added).

On the basis of the literature reviewed in Chapter 1 (see § 1.7), several hypotheses linking IGAs features to different patterns of IGR have been laid out.

First, a comparatively high level of *institutionalization* of IGAs should be expected to reduce the degree of party-partisanship of the intergovernmental decision-making processes. The supposed underlying causal mechanisms refer specifically to three of the four dimensions of institutionalization considered above: the existence of a formal basis; the role played within IGAs by bureaucratic and technical bodies, and the frequency and regularity of the meetings. The existence of a formal basis, making actors' behavior more predictable, should contribute to increase their mutual trust, independently from their respective partisan affiliation. The actual operation of bureaucratic and technical bodies (such a Secretariat and policy-specialized units) should, in turn, be likely to favor the emergence of a

¹Because of the way in which the term "ideological" has been used in the previous Chapter, where higher or lower "ideological congruence" has been interpreted as a *consequence* of the degree of overlap in governments' party compositions, I suggest to use the more general expression "congruence impact", intended as the impact of intergovernmental congruence in terms of government party composition.

²A test of the "political patronage" hypothesis – that is, whether IGR outputs are actually biased by political congruence considerations – would be out of the scope of this analysis; however, as it will be shown in the remainder, accusations of "political patronage" by distinct groups of IGR actors may be interpreted as an interesting indicator of the politicization of the intergovernmental decision-making processes.

community of experts, formed around common and shared orientations, making intergovernmental cooperation less "permeable" to high politics (by exerting a sort of "shielding effect" on IGR): the higher the role of technical bodies, the lower the politicization of IGR (and viceversa). As to the contacts between IGR actors, it should be expected that the higher their density, the stronger the trust ties among participants and the problem-solving orientation, irrespective of their partisan affiliation.

- H₁: *The higher (lower) the degree of an IGA's institutionalization, the lower (higher) the relevance of IGR actors' party affiliation in intergovernmental policy-making processes carried out by means of this IGA.*

Second, the distinction between a *generalist* and a *policy-specific* design of IGAs appears as worthy to be explored as well. It may indeed be expected to exert an influence on the process of preferences aggregation in the following way: while a generalist organization, by making possible cross-sectoral exchanges and compensations, could widen the mediation spectrum between opposite stances, and make cross-partisan alignments more likely, a policy-specific arrangement, which does not allow for cross-sectoral exchanges and compensations, could by contrast exacerbate existing tensions deriving from intergovernmental incongruence.

- H₂: *While a generalist design of an IGA may favor the emergence of cross-partisan alignments, a policy-specific organization of an IGA may exacerbate existing party-partisan tensions.*

Third and finally, looking at a given country's IGAs *system* as a whole (that is, at their combination), rather than at intergovernmental arrangements taken in isolation, one could expect the kind of prevailing IGR actors' coalitions to be dependent also on the kind of territorial level at which IGAs do operate. From this perspective, an exclusively vertical IGAs system could be seen as more likely to favor the emergence of party-partisan coalitions, compared with a system characterized by the co-presence of both vertical and horizontal IGAs: the existence of these latter could be interpreted as a condition contributing to hamper the formation of partisan vertical coalitions, by favoring the emergence of territorial, and thus cross-partisan, alignments among IGR actors.

- H₃: *Vertical intergovernmental partisan coalitions should be more likely when a horizontal intergovernmental arrangement is lacking.*

Obviously, all these hypotheses presuppose a similar level of intergovernmental incongruence; hypothesis no. 1 and 2 are expected to work both at the exclusively vertical and exclusively horizontal level.

Empirically, coalitions and divide lines at work in the intergovernmental game carried out through IGAs can be grasped by looking at the kind of *coordinated, collective actions* developed by IGR actors (the central and the regional executives) when they have to address intergovernmental issues.

Intergovernmental relations have often been criticized because of the secrecy and lack of transparency surrounding them (e.g. Breton 1996). Letting aside normative considerations, such feature of intergovernmental relations clearly makes an analysis of their unfolding a complicated research goal. As long as Intergovernmental Arrangements tend to convene behind close doors, an assessment of the kind of divide lines and coalitions of actors prevailing within these arenas must thus rely on qualitative evidence coming from documentary analysis (of IGAs activity reports, minutes of the meetings whenever available), interviews with IGR actors, as well as from a reconstruction – through an extensive review of major newspapers articles – of IGR actors’ public statements and press releases.

Major collective actions to be considered refer to all those initiatives which actors can put in place – by groups or unanimously – in order to jointly advance a claim or manifest their position towards the central government about specific IGR issues or, more generally, the way in which IGR are managed through multilateral IGAs. Looking particularly at vertical IGR, these strategies, which generally entail the decision to carry out highly visible, public remonstrations, can take, in turn, several forms. The most typical are:

- the *request to convene a meeting*: regional actors may an Intergovernmental Arrangement to be convened, so to force the central government to address IGR issues;
- the *demand to include particular items* on the agenda: similarly, regional actors may ask for the inclusion of specific matters in the order of business of an IGA’s meeting;
- the *early abandonment* of an IGA meeting underway: in this case, regional actors make manifest their dissenting stance on IGR issues by leaving an IGA’s meeting early;
- the *boycott* of an IGA’s meetings: regional actors may decide not to attend at all a scheduled meeting with the central government in sign of protest;
- the definition of *distinct voting choices*: whenever voting procedures do exist, regional actors may eventually decide to signal their position by means of a vote.

Simplifying, I assume that in all these cases collective actions can be organized following either a territorial or a partisan perspective. As seen, if a partisan

perspective is prevalent, one should expect State-Regions conflicts to be dependent on the political composition of the different interacting governments. By contrast, if a "subnational-level perspective" is prevalent, conflicts should be independent on the political composition of these governments. In the former case coalitions will be composed of actors belonging to the same political side; in the latter case, coalitions will be instead made of actors belonging to the same territorial level. The choice of one of these two strategies may become apparent in the convening of *prior meetings* by different groups of IGR actors, by which the position to be collectively taken in the IGAs is defined.

Due to the distinct features of the IGAs under analysis, one could expect the specific strategies followed by IGR actors to vary depending on the institutional setting (IGAs' organizational rules, powers ...) in which they act. This is why, as it will be shown, partly different indicators will be looked at in the different arrangements taken into consideration in this analysis. For instance, boycotts or abandonments of IGAs by groups of actors may be the best strategy to be followed (in order to make IGR conflicts evident) when decisions have to be taken by consensus; by contrast, when voting procedures do exist, disagreements may become explicit by means of distinct voting choices.

In any case, what I will try to cast light on in the remainder of this Chapter are the *prevailing* interaction modalities between the central government and the regional executives (and among these latter) in case of conflict on IGR issues, by taking into account which kind of conflict lines these actors tend to organize along, when they are involved in the management of intergovernmental issues *by means of multilateral intergovernmental arrangements*.

As it will be shown in the next paragraphs, from a general point of view, intergovernmental decision-making processes clearly appear as more markedly politicized in Spain than in Italy. While in the former the major divide line in multilateral IGR reproduces, most of the times, nothing but the government/opposition dynamic (party-based coalitions), in the latter the major divide pertains instead to the confrontation between two territorial actors: the State and the Regions (territorial-level based coalitions).

In the next Chapter, I will focus on two IGR decision-making processes carried out by multilateral IGAs, selected from the two national cases, in order to look more closely at their unfolding, and check for the actual operation of the hypothesized causal links.

5.3 A General overview

5.3.1 Italy: a subnational level opposition

As a consequence of the relatively high degree of institutionalization of its IGAs and the generalist design of its intergovernmental arrangements, the Italian case is expected to be characterized by a comparatively reduced role of partisanship in IGR channeled through multilateral IGAs. It has been also shown that these latter have developed both at the vertical and at the horizontal scale, and that they form, jointly, an integrated interaction "matrix" for the management of multilateral relations. The existence of a double technical philter (horizontally and vertically), a relative high density of meetings, as well as the possibility (in principle, at least) for IGR actors to make cross-sectoral exchanges at both levels (because of the generalist nature of IGAs), are all institutional conditions expected to favor the emergence of territorial rather than party-partisan coalitions.

As it will be shown in the remainder, looking at Italian multilateral relations it is in fact possible to detect the existence, using *Graui Creu's* words, of a full-blown "subnational level opposition". Both the existing literature on this point and all actors interviewed agree indeed on the limited role of respective party-affiliations of IGR actors when it comes to address intergovernmental issues within intergovernmental arrangements: as efficaciously summarized by an IGR informant, relationships among regional Presidents tend to be characterized by a strong "esprit de corps", primarily focused on the defense of territorial interests [IT6]. As to the relationship between the Government and the Regions, it is generally defined as an "institutional" relation: in this respect, the role of the "President of the Presidents" tends to be significantly likened by IGR actors to that of a "trade unionist" acting towards the central level on behalf of the so called "regional system", irrespective of partisan affiliations.

An examination of the collective actions put in place by the regional governments towards the central one during the period 2002-2012 makes it clear that the coalition congruence or incongruence among the regional governments, and between these latter and the central executive, was not a determining factor in shaping intergovernmental dynamics: «The last ten years are filled with numerous episodes of confrontation between the Regions and the Government, which have generally witnessed the Regions to move unanimously, outside the logic of national political alliances, despite the strong rootedness of national parties and the lack of strong regional parties in the Italian party system» (Ruggiu 2011, p. 249, translated).

Every year, one of the most debated issues is the Budget Law, on which the Regions must give their advice (by means of the Unified Conference; cf. § 2.2.2).

Generally, the Regions unanimously express their dissenting advice on it, denouncing financial cutbacks and encroachments of competences. Interestingly, according to some actors, such a position of the Regions – collectively assumed in the Conference of the Regions – is characterized by an almost "ritualistic" pattern. As described by a former "President of the Presidents",

It was presented the Budget Law, which envisioned for the Regions some cuts: cuts on Health, cuts on Transports, cuts on transfers. [...] Then, *the usual ritual started: we [the Regions] met, we made a public statement saying: "It is not sustainable for the Regions that this money would be taken away, we will be no longer able to provide services to citizens" and so on ...* [IT5]

In the remainder, I will focus particularly on the indicators of IGR actors' interacting modalities listed above. As exposed, one of the possible collective actions of the regions towards the central government can take the form of a *boycott* or of an early *abandonment* of multilateral IGAs' meetings. In the period of reference, this has occurred several times, always after that this strategy had been decided in a unanimous way by the Conference of the Regions. By contrast, no "partisan blockages" – that is, boycotts or abandonments by groups of regions depending on their congruence *vis-à-vis* the central government – ever took place. In the remainder, the major episodes of intergovernmental clash within Italian IGAs will be reviewed (see also Ruggiu 2003, 2006, 2011): Table 5.1 contains a schematic summary of these episodes along with data on the political affiliation of both regional and central level interacting governments.

In November 2002 – when most regional executives were ruled by coalitions congruent with the one in office at the central level (center-right) – all the Regions decided not to attend a scheduled State-Regions Conference meeting as a way to signal their disagreement on several provisions contained in the Budget Law for the next year (breaking, in their view, previous State-Regions agreements); in December, they even announced their willingness to address to the President of the Republic (an absolutely unprecedented initiative), as well as their intention to appeal, in a bi-partisan way, to the administrative tribunal against central Government decisions³.

³«Finanziaria, è rottura tra Regioni e governo. I governatori, dopo l'incontro con Tremonti, disertano la conferenza stato-regioni. Domani nuovo faccia a faccia. Formigoni: "Non vogliamo una lira in più, ma almeno la copertura degli impegni precedentemente assunti"», *La Repubblica*, November 7th 2002; «Finanziaria, le Regioni rompono con il governo. «Vogliamo i trasferimenti dei fondi per la sanità». Il ministro dell' Economia: superati i limiti di spesa», *Il Corriere della Sera*, November 8th 2002, p. 5; «Le Regioni contro il governo. "Al Tar sul decreto taglia spese". I governatori chiedono un incontro a Ciampi e denunciano. "Nessuna risposta sulla finanziaria, la situazione è grave". Il ricorso deciso da tutti i presidenti di entrambi gli schieramenti», *La Repubblica*, December 19th 2002.

The perhaps most relevant boycott of the State-Regions Conference by the Regions happened in 2004 (still in a context of vertical congruence between the majority of the regional governments and the central one) when the subnational executives suspended for several months their participation in the vertical IGA as a way to protest against the supposed insufficiency of the financial resources devoted to the National Health System, as well as against the center-right Government constitutional draft-bill on "devolution". Such initiative was described by Italian newspapers as the "Aventino" of the Regions, referencing to the desertion of the parliamentary activities by socialist Italian MPs in 1924 as a protest against the rising fascist regime⁴. In fact, the abandonment of the State-Regions Conference by the Regions was not complete, as long as the regional governments took part to a few meetings, just not to let expire some important measures at issue: participation was nonetheless given a symbolic meaning, by the decision of the Conference of the Regions to attend these meetings through the only participation of its President (on behalf of all regional Presidents), and to discuss exclusively those items on the agenda which were of particular interest to the Regions. Such an institutional strategy was paralleled by a press campaign, by means of which the Conference of the Regions aimed to attack the unilateral attitude of the central Government in the management of IGR, particularly in the field of healthcare policy. In an official press release of the horizontal Conference the regional governments argued that:

The Presidents of the Regions and Autonomous Provinces reaffirm their dissatisfaction with the interlocutory and disappointing meeting had with the Government [...] on matters essential and vital to the *Regions as institutions*, related to the defense of services provided to citizens in key-areas

⁴«Stato-Regioni, è fumata nera. Ghigo: senza risposte dal Governo deserteremo le Conferenze. Ma La Loggia è fiducioso: confronto aperto su fondi e istituzioni», *Il Sole 24 Ore*, January 30th 2004, p. 16; «Si apre un altro fronte: le Regioni. Ghigo: "Vogliamo risposte o deserteremo le conferenze"», *La Stampa*, January 30th, p. 7; «Rottura Regioni-governo. Sanità, buco da 13 miliardi. I governatori mantengono la scelta di non partecipare alle riunioni istituzionali. Ghigo: senza una risposta di Berlusconi non torneremo al tavolo», *La Stampa*, February 6th 2004, p. 2; «L'"Aventino" dei Governatori - La Loggia: Regioni convocate a breve», *Il Sole 24 Ore*, February 12th 2004, p. 12; «Federalismo - Governo-Regioni, mercoledì l'incontro», *Il Sole 24 Ore*, February 13th 2004, p. 16.; «Strappo delle Regioni: «Una riforma-mostro». Stop agli incontri con lo Stato, Ghigo scrive al premier. La Loggia: ci ripensino, così danneggiano i cittadini. L'UdC Ronconi: solo schiamazzi», *Il Corriere della Sera*, March 5th 2004, p. 5; «Bloccata la conferenza Stato-Regioni. Fermi 8 miliardi per le aree depresse. Non partono anche il fondo agricolo, quello sociale e quello sanitario», *Il Corriere della Sera*, April 5th, 2004, p. 8.; common initiatives against the constitutional draft-bill on "devolution" were also taken in September when all the Regions asked for a meeting with the Government to express their critiques on that project: see «L'altolà dei governatori: "Così si bloccano le istituzioni". Comunicato bipartisan dei presidenti di regione. "Casini faccia slittare l'iter delle riforme". "Intricato e macchinoso" il progetto di riforma della Cdl», *La Repubblica*, September 17th 2004.

such as health. [...] *The Regions confirm the need to remain absent from any seat of State-Regions relationships.* Meanwhile, the Regions announce a further path of public awareness⁵.

In 2004, the clash between the Regions and the Government reached the highest point at the end of that year, when the regional "governors" appealed again to the President of the Republic, and denounced the financial cutbacks (also on healthcare policy) imposed by the Government by means of the Budget Law for 2005⁶.

In October 2005 the Regions abandoned – together with the representatives of the Municipalities and the Provinces – the Unified Conference: in a separated conference press, they announced their decision not to attend the next State-Regions Conference, and, more generally, to interrupt their participation in multilateral IGAs, in sign of protest against the Government cutbacks of the Social Policies Fund⁷.

While between 2006 and 2007 – a period characterized by a high level of congruence (see again Table 5.1) – major conflicts between the State and the Regions in IGAs did not occur, they became again quite apparent from 2008 onwards.

In summer 2008 – at the beginning of a new period of vertical incongruence – a meeting with the President of the Council was required by all the Regions, disappointed for the unilateral management of IGR inaugurated by the new Government: if the central executive had not changed such attitude, Regions would have blocked again the functioning of vertical conferences⁸.

In 2009, several new episodes of clash between the Government and the Regions led these latter to boycott a number of meetings with the central executive: in March, the regional decision not to take part in the State-Regions Conference had to do with the non-implementation, by the Government, of a previous agreement on the allocation of funds designed for the recovery of the poorest areas

⁵Conference of the Presidents Press Release, February 5th 2004; available at: http://www.regioni.it/it/show-sanita__regioni_assenti_da_sedi_rapporto_stato-regioni_in_attesa_risposte_governo/news.php?id=76182 (emphasis added).

⁶«Finanziaria: le Regioni protestano e si rivolgono a Ciampi. Ghigo, chiederemo incontro al Quirinale su rapporto istituzionale con Governo», *ADNKRONOS*, December 16th, 2004; «Finanziaria: Errani, saltati i rapporti tra Governo e Regioni. Non faremo i gabellieri per conto di Berlusconi», *ADNKRONOS*, December 17th 2004; «Dalle Regioni appello a Ciampi», *Il Sole 24 Ore*, December 17th 2004, p. 2; «Le Regioni si appellano a Ciampi. «Manovra riscritta in toto senza di noi»», *La Stampa*, December 17th, p. 10.

⁷«Metà fondo sociale: rottura con Governo», in Conference of the Regions newsletter no. 603, October 13th 2005, available at: <http://www.regioni.it/it/show-603/newsletter.php?id=107>.

⁸«Manovra: Berlusconi riconosce metodo sbagliato Governo con Regioni. Errani: "Bisogna rispettare i rapporti istituzionali e dare risposte concrete"», in Conference of the Regions newsletter no. 1197, July 31st 2008, available at: <http://www.regioni.it/it/show-1197/newsletter.php?id=1161#art884>.

of the Country (FAS funds)⁹. An almost complete boycott of the State-Regions Conference (interrupted just once) was decided by the Regions between the end of April and the end of October. At the beginning of July, in a letter sent to the Prime Minister and the Minister of the Regions, the Conference of the Regions explained the reasons of this new "Aventino": their unanimous opposition towards the management of IGR by the central level, on several matters (among which, again, health policy):

The Regions unanimously believe that a decisive meeting with the Head of the Government and the Ministers in charge of the matter is the only useful initiative to resume the ordinary institutional relations. Without this essential clarification, it is not possible for the Regions to participate in any institutional and working board¹⁰.

In September, a new meeting with the Government, called to discuss the Budget Law with local governments and social partners, was boycotted by the Regions, claiming for a new encounter at the highest political level, that is with the President of the Council¹¹.

A new "Aventino" was menaced by the Regions at the beginning of 2010. They boycotted the first meeting of the State-Regions Conference scheduled for that year. During summer 2010, in a new phase of congruence, a further common initiative towards the Government was undertaken by the Conference of the Regions. In this case, the sub-national governments initially publicly announced their willingness to put in place a highly symbolic action, consisting in giving back to the State many of the administrative functions received during the 1990s, because of the prohibitive cuts, unilaterally decided by the Government, of the financial resources necessary to implement those functions. To this end, the Regions solicited the call of an extraordinary State-Regions Conference meeting¹². Some weeks later,

⁹«A dissent without political colors: started from Sicily, a stronghold of the center-right, the protest against Berlusconi's government was extended yesterday to the other regions of the South», in «Fas, Vendola guida la rivolta contro il governo», *La Repubblica*, March 20th 2009.

¹⁰Document available at <http://www.regioni.it/upload/LettErraniBerlusconi020709.pdf>; see also: «Errani: si interrompono le relazioni Regioni-Governo. Ora serve chiarezza, a partire dalle risorse», in Conference of the Regions newsletter no. 1401, July 3rd 2009.

¹¹«Legge finanziaria. Le Regioni disertano per protesta lincontro con il Governo. Manovra, Pil a -5% e deficit a +5», *La Repubblica*, September 21st 2009.

¹²«Le Regioni inaspriscono lo scontro: "Pronte a restituire le competenze allo Stato". Tra quelle elencate il trasporto pubblico locale, il lavoro, l'agricoltura, l'energia, l'ambiente, la viabilità. Il presidente Errani: "Chiederemo un incontro a Berlusconi". Bersani: "Governo irresponsabile, sottovaluta una questione di sistema"», *La Repubblica*, June 24th 2010; Conference of the Regions' Press Release: «Manovra: chiesta Conferenza Stato-Regioni straordinaria per restituzione deleghe (L.59/97) dalle Regioni allo Stato», June 25th 2010, available at: http://www.regioni.it/it/show-manovra_chiesta_conferenza_stato-regioni__straordinaria_per_restituzione_deleghe_15997_dalle_regioni_allo_stato/news.php?id=37443.

such a position of the Regions was however softened, because of internal divisions: Northern League Presidents were indeed in disagreement with this strategy; interestingly, exactly in order to preserve the unity and cohesiveness of the horizontal Conference, the Regions, while confirming their unanimous opposition towards the Government, decided to give up that opposing strategy¹³:

The Conference of the Regions and Autonomous Provinces unanimously confirms all the positions contained in the documents taken in these weeks on the budget bill, which is considered unsustainable for its effects on regional budgets. [...] *In order to confirm the full unity of the Conference of Regions and Autonomous Provinces, the decision of the restitution of delegated functions will be set aside.*

In June 2011, regional Presidents decided not to attend the State-Regions Conference, with the aim of forcing the Government to discuss with them about local public transports and healthcare policies¹⁴.

Finally, in May 2012, the Regions abandoned a meeting of the State-Regions Conference to complain about the umpteenth postponement, by the Government, of the allocation of the National Health Fund¹⁵. A "partial" boycott was put in place at the beginning of June, when the Regions abandoned the vertical Conference, just after having discussed with the central Government the most urgent measures at stake (particularly those related to the economic recovery of some areas of the country damaged by an earthquake). Next meetings had to be canceled, because of the non-attendance by the Regions, protesting again for the absence, among the items on the agenda, of the allocation of the Health Fund¹⁶ as well as the possible effects of the "spending review" measures, initiated by the central Government, on the health policy sector¹⁷.

What is clear from this review is that all major regional initiatives towards the central government are generally unanimously decided by the Regions, and that vertical congruence does not appear to be a sufficient condition for State-Regions

¹³Conference of the Presidents' Document (July 15th 2010), available at: http://www.regioni.it/it/show-doc_approvato_-_manovra_insostenibile_documento_conferenza_regioni/news.php?id=104517.

¹⁴«Conti pubblici: Regioni disertano Conferenze, governo ci incontri», *ADNKRONOS*, June 23rd 2011.

¹⁵«Sanità: è guerra Stato-Regioni, Governatori temono tagli. Abbandonano confronto», *ANSA*, May 22nd 2012; «Rinvio riparto risorse sanità per il 2012: Regioni abbandonano Stato-Regioni», available at http://www.regioni.it/home_art.php?id=352; «Fondo sanitario, è rottura tra Governo e Regioni», *L'Unità*, May 22nd 2012.

¹⁶«Sanità: Regioni disertano Conferenza, saranno a Unificata», *AGI*, June 21st 2012.

¹⁷«Spending review, i Governatori disertano il tavolo Stato-Regioni», *ANSA*, July 5th 2014; see also Conference of the Regions newsletter no. 2069, July 5th 2012, available at: <http://www.regioni.it/it/show-2069/newsletter.php?id=1566#art10001>.

conflicts to be played down: while the absence of strong clashes coincided with the domination of the intergovernmental arena by the center-left alliance both at the central and at the subnational level (mid 2006-mid 2008), major periods of intense intergovernmental confrontation were in fact characterized by the simultaneous presence of the the center-right coalition both at the center and in most of the sub-national governments (2002-2004; 2011)¹⁸.

5.3.2 Spain: government *vs.* opposition

As seen, Spain is characterized by a relatively underdeveloped system of Intergovernmental Arrangements, working (almost) exclusively along the vertical dimension, and addressing IGR issues mainly from a policy-specific perspective. The major generalist vertical IGA – the Conference of the Presidents – was established just few years ago, and, as seen, has not yet been able to impose itself as a structured arena for IGR management. Moreover, informants have confirmed the strict policy-specific design of the different Sectoral Conferences, no links existing between the CISNS and the CPFF.

Spanish literature tends to agree on a quite high level of politicization of IGR carried out by means of multilateral Intergovernmental Arrangements. In this respect, Grau i Creus (2000) remarks that «the intergovernmental game has clearly developed according to a partisan perspective» (p. 70). More recently, Arbós Marín (2009) argue that, while partisan alignments are not present with the same intensity across all Conferences, and that the degree of technicality of the specific issues under analysis may make a difference, «the partisan politicization is a feature of intergovernmental relations in Spain. It is not uncommon that strategies are agreed in the headquarters of the parties, so that in the formal meetings of the Sectoral Conferences Autonomous Communities of the same political color have coordinated positions. And the general level of confrontation that may arise will depend on whether one or other of the major parties are in government or in opposition. [...] Our informants have spoken often about the logic of government or opposition, Spanish scale, which has been considered influential in the development of intergovernmental relations» (pp. 28-29, translated). In their empirical analysis of intergovernmental cooperation in Sectoral Conferences, based on IGR actors' assessments, León and Ferrín Pereira (2011) note similarly that «[i]ntergovernmental bargaining becomes difficult because *the Autonomous Communities governed by the main opposition party systematically oppose any initiative from central government*. As a result, [Sectoral Conferences] reproduce the

¹⁸As to 2012, the assessment of intergovernmental vertical congruence is more difficult, because of the presence in office, at the central level, of a "technical cabinet".

Table 5.1: State-Regions Conference – Central Government-Regions interaction modalities: major conflicts (2002–2012).

Year	CG	RR	Interaction Modalities
2002	CR	CR (12); CL (6); Aut + CL (2)	Boycott by all the Regions: conflict on the 2003 Budget Law [November] – Address by all the Regions to the President of the Republic: conflict on the 2003 Budget Law [December].
2003	CR	CR (12); CL (6); Aut + CL (2)	
2004	CR	CR (10); CL (8); Aut + CL (2)	Partial boycott by all the Regions for several months ("Aventino"): participation to a reduced number of meetings, by means of the only President of the Conference of the Regions; conflict on constitutional draft-bill on "devolution" and National Health Fund [February-September] – Address by all the Regions to the President of the Republic: conflict on the 2005 Budget Law [December].
2005 ^o	CR	CL (14); CR (4); Aut. + CL (2)	Abandonment by all the Regions of the Unified Conference and boycott of the State-Regions Conference: conflict on the Social Policy Fund [October].
2006 ^o	CL	CL (14); CR (4); Aut + CL (2)	
2007	CL	CL (14); CR (4); Aut + CL (2)	
2008 ^o	CR	CL (13); CR (5); Aut. + CL (2)	Request by all the Regions of a meeting with the President of the Council [July].
2009	CR	CL (11); CR (7); Aut. + CL (2)	Boycott by all the Regions: conflict on FAS funds allocation [March] – Boycott by all the Regions for several months ("Aventino") [April-October, interrupted in July] – Request by all the Regions of an extraordinary meeting with the President of the Council [September].
2010	CR	CR (11); CL (7); Aut + CL (2)	Boycott by all the Regions [January] – Request, by all the Regions, of an extraordinary meeting of the Conference to return to the State several devolved functions (request then canceled) [June-July].
2011	CR	CR (10); CL (7); Aut+CL (2); CR+CL (1)	Boycott by all the Regions: conflict on local public transports and healthcare [June].
2012	TC*	CR (10); CL (7); Aut+CL (2); CR+CL (1)	Abandonment by all the Regions: conflict on the National Health Fund allocation [May] – Abandonment by all the Regions: conflict on Health Fund allocation and "spending review" [June] – Boycott of several, next meetings: conflict on National Health Fund and "spending review".

Source: own elaboration.

Key: CG = Central Government composition; RR = Regions composition; () = number of regional governments ruled by the coalition. CL = center-left; CR = center-right; Aut + CL or CR = autonomist parties allied with one or more parties included within the CL or CR coalitions; TC = Technical Cabinet; CR+CL = grand coalition, composed of parties included within both the center-left and the center-right coalitions; ^o = second half of the year. *relying on parliamentary support from both the CL and the CR.

relationship between government and opposition parties in the lower house, and become ineffective as mechanisms of intergovernmental cooperation» (p. 523).

A review of the intergovernmental decision-making processes developed within Spanish Conferences confirms the prevalence of these dynamics in cases of disagreement: the achievement of an agreement within intergovernmental arrangements tends indeed, on many occasions, to be interpreted by IGR actors according to a "partisan perspective", that is as a success for the central Government and as a consequent failure for the opposition. I will now consider each IGA under analysis: the CISNS, the CPFF, and the Conference of the Presidents¹⁹.

The Interterritorial Council of the National Health System (CISNS)

Starting from the Interterritorial Council of the National Health System, numerous cases have been characterized by clashes between the Government and the Communities not ruled by (nor supporting) the party in office at the national level. Such clashes have taken the form, most of the times, of *boycotts* or *abandonments* of the CISNS by the regional governments not congruent with the center (these protests are commonly named *plantas*). Actors interviewed for this analysis have confirmed that the *politización partidista* (party politicization) is a typical feature of the Interterritorial Council working.

As put by a former Deputy Director General of the CISNS Secretariat, within this Council

coalitions have always been between parties, and never "territorial" [...] decisions of the CISNS are "contaminated" by political parties' stances. [SP8]

In this logic, according to a former Director General of the Health Ministry,

in fact, the Communities ruled by a party defend the Minister belonging to their own party, and attack the Minister when he belongs the other party. [SP7]

Likewise, a former autonomic Director General of Health Economic Resource remarked that

the Autonomous Communities ruled by the same party tend to form a "common front" in case of discrepancies among AACC, and between these latter and the Central Government. [SP10]

¹⁹I will not consider the horizontal Conference of the Autonomic Governments, because, as seen, it met just once.

As seen in the previous Chapter, the reform of the Council passed in 2003 does not seem to have been able to strengthen, in a significant way, the overall institutional development this policy-specific intergovernmental arrangement. Despite a change in its design (particularly, its membership) the composition of coalitions prevailing within it has remained the same. One informant summarized in this way these developments:

The General Health Law (1986) created an equally composed Interterritorial Council, i.e. with the same number of members of the State Administration and of the Autonomous Communities. The Council was chaired by the Minister and composed of 17 Councilors and as many other representatives of the State Ministries of the Army, Interior, Economy, Health (among which, myself). The formula was designed to avoid State vs. AACC coalitions, so that in case of vote the State could not maintain the lead. In fact there was hardly any votes and *coalitions were of partisan nature*. The Cohesion and Quality Law [2003] amended the Council, making it similar to other Sectoral Conferences: Minister and Councilors. *Partisan coalitions were maintained or emphasized*. [SP7]

Considering the period 2002-2012, it appears evident that the Interterritorial Council, «whose working has been defined by the need to achieve consensus in the decision-making process, has suffered from constant blockages arising from its politicization (its use by the opposition party to boycott the policies proposed by the government, through the actions of the health Councilors of the Autonomous Communities under their control), which enabled to use this forum in certain contexts (the most constructive) to reach agreements on specific issues, often of a technical nature, but not to reflect on general policy issues, the organization and future of the NHS» (Moreno Fuentes 2009, p. 15, translated).

Such initiatives – summarized in Table 5.2 and reviewed in the remainder of this part – have been given a high level of public visibility by their promoters by means of press conferences and public statements: the most contested issues have been those related to the agenda setting power exerted by the Government.

In April 2002, when the CISNS convened for the first time after the equalization of Communities' competences in health policy, all the six Communities then ruled by the PSOE (and its allies) – the major opposition party at the national level – decided to leave that forum before the end of the meeting as a way to protest against the supposed "invasion" by the Health Ministry of regional competences on health workers' training. The then Secretary General of Health Cooperation of the Health Ministry accused these Communities to "stage" a partisan use of the CISNS, remarking that the Councilors issued from other parties different from the PP (that is PNV, CiU and CC) had not joined the socialist initiative²⁰.

²⁰ «Sanidad, Conflicto de Competencias. Las comunidades socialistas plantan a Villalobos por

In January 2003, the socialist Communities (this time together with Catalonia and the Basque Country) refused to sign a *convenio* aiming at introducing a common health card in the Spanish NHS, because it did not include some additional proposals advanced by the socialists and Catalonia²¹. In December 2003 (that is, after the CISNS reform), all the Autonomous Communities led by the PSOE (again, together with the Basque Country and Catalonia) abandoned the Council – the last one before next general elections – to make manifest their dissent on the supposed lack of financial guarantees on some projects (such as the plans against cancer and ischemic heart disease) fostered by the PP Health Minister and supported within the Council by the representatives of the Popular Communities²².

Two meetings over three in 2004 were marked, again, by conflicts between partisan coalitions. The change of the party in office at the central level simply determined a "role reversal" within the Council.

In June, it was indeed the turn for the Communities ruled by the Popular Party – now become incongruent with the central government, run by the PSOE – to leave the CISNS meeting in advance, announcing as well their intention not to take part anymore to second level bodies of the Council: their disagreement on the agenda set by the Minister (particularly, because of the absence of a general discussion on NHS major financial problems), and her refusal to convene an extraordinary meeting, as the populars had requested, were the official arguments used to justify their protest. They also announced the establishment of "alternative forums and meetings" in order to debate the major problems of the Spanish NHS, which could not be addressed by the CISNS. Eventually, the PP health Councilors prepared a document, to be delivered to the Secretary of the CISNS, in which they complained of «the existence of a palpable and evident disregard towards a number of Communities, which cannot be accepted from any point of view, even less so given the current competence regime in health matters. Finally, they argue that the Minister will have all their support when she will fully acknowledge that the activity of the CISNS cannot be led by political junctures nor to be subject to discussions driven by partisan stances» (*El Mundo*, June 16th 2004, translated)²³.

quitarles la formación de sanitarios.», *El Mundo*, April 16th 2002; «Los socialistas abandonan el Consejo Interterritorial de Salud. El debate sobre las competencias en formación divide el organismo», *El País*, April 16th 2002; «El Consejo Interterritorial de Salud acaba en un nuevo plante socialista. Sanidad acusa al PSOE de hacer "un uso partidista" de esta institución», *ABC*, April 16th 2002.

²¹ «Reunión del Consejo Interterritorial de Salud. El proyecto de una tarjeta sanitaria única se pone en marcha sólo entre seis comunidades autónomas», *El País*, January 14th 2003

²² «Ocho Comunidades rechazan los planes de Salud de Sanidad por falta de financiación. La ministra garantiza el desarrollo de los planes de cáncer y obesidad pese a la postura del PSOE», *ABC* (Madrid), December 4th 2003, p. 50.

²³ «Consejo Interterritorial. Los consejeros de sanidad del PP 'plantan' a Salgado», *El Mundo*, June 16th 2004; «Los consejeros del PP plantan a la ministra de Sanidad. El Consejo Interter-

The opposition strategy carried out by the PP Communities became even more aggressive on the occasion of the next meeting, called in September: popular health Councilors collectively decided not to take part at all in the CISNS meeting, convened in Barcelona, and organized in Madrid a "counter-press conference" to manifest their dissent against the socialist management of that IGA. This time, the main official reason of the *plante* had to do with the non inclusion in the agenda, by the Minister, of some items previously unanimously agreed on in the Delegated Commission (cf. § 3.2.3), such as those related to health problems due to immigration and, again, to the financing of the NHS. The Health Ministry reacted by remarking that the last word on the agenda setting was up to the Minister, and that, anyway, the financial issues had to be debated with the Budget Minister within the Council of Financial and Fiscal Policy (CPFF)²⁴. The kind of climate characterizing that CISNS meeting was described in the following terms by an article of the *El País* (September 23rd, translated):

The *plante* of the Councilors of the PP was harshly criticized by Elena Salgado [the Health Minister], who accused them to "confuse partisan struggle with institutional representation". Salgado regretted having learned of the absence of the representatives of the PP Communities "from a press release", and explained that the meeting was held despite the *plante*, since the attending Councilors considered that "there was a sufficient quorum", and "that this was what the citizens were expecting from us, instead of partisan struggles". "The PP Councilors have believed to be Councilors just for their own voters," added the Minister, who remarked that the Interterritorial Council makes decisions for all Spaniards, such as the allocation of funds for health policies of all Communities, included those ruled by the PP.

As announced, between mid-2004 and the beginning of 2005, *boycotts* by the PP regional governments were extended to second level bodies. The Popular Party Communities suspended the participation of their Health Directors General in several technical commissions of the CISNS (one or more times): in 2004, they did not attend a number of meetings on Public Health, Environmental Health, Vaccines, Cohesion Fund, Information System, and Pharmaceuticals; in 2005, they

ritorial, boicoteado por segunda vez consecutiva», *El País - Edición impresa*, June 17th, 2004; «El Consejo Interterritorial de Salud se rompe, pasto de las diferencias políticas», *El Global.net*, June 23rd, p. 10.

²⁴«Consejo Interterritorial de Salud. Los consejeros de Sanidad del PP plantan a Elena Salgado», *El Mundo*, September 21st 2004; «La sanidad española se quiebra con una lucha abierta entre PSOE y PP. Nuevo Plante de las Comunidades del PP ante la negativa a debatir la financiación», *ABC* (Sevilla), September 22nd 2004, p. 49; «El debate sanitario. El PP rompe el consejo nacional de salud por la financiación sanitaria. La ministra de Sanidad recuerda que el debate económico recae en el Consejo de Política Fiscal», *El País*, September 23rd.

absented themselves from meetings of the Pharmacy Commission, where important issues like drugs reference pricing were debated (CISNS 2005 and 2006)²⁵.

Boycotts and (complete) abandonments of the plenary sessions of the CISNS by the Communities ruled by the major opposition party were suspended during 2005 and 2006. However, new partisan strategies were experimented by the Autonomous Communities not politically congruent with the central executive.

The PP health Councilors attended the first meeting called in 2005: nevertheless, they abandoned it for a while ("temporary abandonment"), in order to hold a separate press conference, where they restated their complete disappointment with the management of the Council by the Minister, and denounced once more the lack of "institutional normality" in the management of health policy IGR. The Popular Councilors also refused to approve the minutes of the previous meeting. A separated conference press was held by PP representatives also after the Interterritorial Council meeting called in June in Oviedo: they criticized the Government draft bill on medicines, just discussed within the Council, and restated the request of an extraordinary encounter on financing²⁶. The meeting organized in Santander (October 2005) was instead marked by the refusal, by the PP Councilors, to take part in a preliminary, informal reception organized by the (socialist-ruled) hosting Community²⁷. The last Council celebrated in 2005, in Logroño, was character-

²⁵«Nuevo plantón de las comunidades del PP a la Comisión de Farmacia, *El Global.net*, July 25th 2004, <http://www.elglobal.net/noticias-medicamento/articulo.aspx?idart=113797&idcat=24&tipo=2>;«El PP vuelve a ausentarse de la Comisión de Farmacia», *El Global.net*, February 6th 2005, <http://www.elglobal.net/noticias-medicamento/articulo.aspx?idart=142329&idcat=24&tipo=2>.

²⁶«Finally, the health councilors of the PP did not leave the Council meeting. Although 24 hours earlier, the [Madrid Community] Councilor Manuel Lamela had warned, on behalf of all the representatives of the Popular Party, that they could leave the debate, the truth is that the session counted on their presence. This time, populars did not opt for a *plante*, but hold a press conference to make several clarifications on the agenda and the issues that were being addressed in the CI. The main target of criticism was the future Law on medicines [*Ley de medicamento*], that the PP rejected in its entirety», in «Los consejeros del PP vuelven a exigir a la ministra de Sanidad una reunión específica del Consejo para debatir sobre financiación antes de la Conferencia de Presidentes, y rechazan el borrador de la Ley del Medicamento», *El medico interactivo*, June 30th 2005 (translated).

²⁷«The minister regretted that the PP "confuse political partisanship and bad manners" and reminded its councilors that their duty is "to be concerned about the health of citizens" who are the "real protagonists of health policy." "They have wasted this opportunity again," said the Minister of Health, who appreciated the attendance by the Councilors from Aragon, Asturias, Castile-La Mancha, Extremadura, Andalusia, Galicia and Cantabria – all governed by the PSOE or coalitions in which socialists are present – and excused the representatives of Navarre, Canary Islands and the Basque Country "that could not come."», in «Salgado critica la "descortesía" y el "partidismo" de CCAA del PP por no acudir a la recepción del Consejo de Salud», *EUROPA-PRESS*, October 4th 2005; «Los consejeros del PP aseguran haber ofrecido un Pacto de Estado por la Sanidad a la ministra y obtener una respuesta negativa, *El medico interactivo*, October

ized by a new separated conference press, held by the Madrid health Councilor while the CISNS meeting was still underway, to announce, on behalf of all the PP-ruled regions, their common opposition against the Government draft bill on the updating of the common NHS benefits basket, discussed by the Council²⁸; moreover, a controversy about the methodological adequacy of the data provided by the Madrid Community (ruled by the PP) on the waiting lists times in this region (considered insufficient by the Minister) led to the emergence of an additional partisan clash: Madrid denounced the existence of a sort of "complicity" between the Ministry and the PSOE, at the basis of a supposed political strategy against this Community²⁹.

Note that in 2005 the PP Communities also adopted a parallel opposing strategy, at the legal level: in April 2005, each of them – Madrid, Balearic Islands, Valencian Community, Castile and Leon, La Rioja, Murcia and Galicia – appealed to the *Audiencia Nacional* (a special high court) against the Minister's refusal to convene, as requested in writing by the Popular regional executives, an extraordinary meeting of the Council in order to address issues such as health financing, the introduction of new benefits and the definition of the benefits basket, health planning programs, Health Cohesion Fund and, more generally, the objectives pursued by the socialist government in health policy³⁰. As seen previously (§ 3.2.3), according to the internal rules of the CISNS, extraordinary meetings are to be called by its President, either on its own initiative or *at the instance of at least one third of the Council's members* (as it was in this case). In autumn 2006, the *Audiencia Nacional* recognized the legitimacy of the request promoted by the Popular Communities, and obliged the Minister to convene an extraordinary plenary session of the Council, with an order of business including all the items required by these regions³¹. The Health Minister, nonetheless, decided to file an appeal against this judgment to the *Tribunal Supremo*.

A new abandonment occurred in December 2007, when the last Interterritorial Council before the 2008 general elections was celebrated. To justify this new protest, the arguments put forward by the Popular Communities – which left the CISNS just few minutes after the beginning of the meeting – were in line

6th 2005.

²⁸ «CCAA del PP y Navarra rechazan el decreto sobre prestaciones sanitarias presentado por Sanidad», *EFE*, December 14th 2005

²⁹ «Sanidad ofrece sus primeros datos de las listas de espera sin incluir a la Comunidad de Madrid», *El País*, December 14th 2005.

³⁰ «Los consejeros de Sanidad del PP amenazan con ir a los tribunales si no hay reunión», *Levante*, February 1st 2005.

³¹ Sees ruling of the *Audiencia Nacional* (Section no. 4), nos. 5651 and 5717/2006, and nos. 232, 352, 1479, 2279, 4651/2007; «La Audiencia ordena a Salgado reunir a los consejeros de Sanidad. La agenda del encuentro deberá ser la que pidieron en 2004 los representantes del PP», *El País - Edición impresa*, November 3rd 2006.

with those used in previous occasions, as reconstructed above: the refusal by the Health Minister to introduce the discussion on health financing on the Council agenda, and to convene to this end an extraordinary meeting, as established by the *Audiencia Nacional*. The new PSOE Health Minister, Bernat Soria, reacted by using the same arguments used by his predecessor, and labeling the PP decision as nothing but an "electoral manoeuvre": «The Council cannot be turned into the third chamber of discussion»³².

2009 was characterized by a relatively intense and "non-confrontational" activity of the CISNS, partly because of the necessity to address the so called "flu pandemic" (as seen, four out of eight meetings in 2009 were entirely devoted to addressing this potentially disastrous epidemiological issue). 2010 was characterized, as well, by a relatively intense level of activity, although a new conflict arose between the PP Autonomous Communities and the Government: in May, the popular representatives asked the central executive to exclude from the Council agenda the discussion of the abortion law reform³³. Furthermore, it was in 2010 that the requested extraordinary meeting finally took place, after that, in 2009, the *Tribunal Supremo* had recognized, in a definitive way, the legitimacy of the Popular Communities claim, forcing the central government to act consequently. Interestingly, the Court stressed that the President of a Sectoral Conference cannot act in a unilateral and arbitrary way, being nothing more than a *primus inter pares*³⁴.

The last episode of demonstrative action put in place by a group of regional governments occurred in 2011: the six PP-led Communities decided this time not to attend the CISNS meeting (boycott). The reasons given to justify this decision appear as particularly interesting, insofar as they make explicit reference to issues of vertical party congruence and incongruence under analysis. After many months during which the CISNS has not been called by the Government, the Health Minister finally resolved to convene it. However, she took this decision at the beginning of June, that is immediately after the regional elections which had took place in May, when the Popular Party had won in the large majority of Communities. In such a context, the Health Ministry was accused by the Popular Party to misuse its power to call the Council, in order to "select" – on the basis of political affinity criteria – the regional interlocutors of the central Government within this arrange-

³²«El PP boicotea el diálogo sanitario. Las autonomías de la oposición plantan a Soria tras exigir reabrir ahora el debate de la financiación» *El País - Edición impresa*, December 13th 2007.

³³"The Councilors of the Autonomous Communities governed by the PP have criticized the haste with which, in their view, were processed the enacting texts on abortion legislation", in «El PP presentará hoy su recurso contra la nueva Ley del Aborto. También el Gobierno de Navarra formalizará antes del jueves su recurso», *EUROPA PRESS*, May 31st 2010.

³⁴See rulings of the *Tribunal Supremo* (Section no. 4), nos. 2071; 2253; 5637; 5732; 5771; 5870 (2009).

ment: at the beginning of June, in fact, the new regional governments were not yet in office, meaning that many PSOE representatives would attend the Council as outgoing Councilors, in place of the incoming ones (in many cases exponents of the PP) (for governments political affiliations, see Table 5.2). This was labeled by the PP representatives as a full-blown "fraud" with respect to citizens willingness. Suspicions were further fueled by the very short notice and the kind of items introduced on the agenda of that meeting: among others, an highly controversial and ethically sensible matter such as the governmental draft-bill on "dignified death" and palliative cares³⁵. In this latter respect, the PP health Councilor of the Madrid Community, one of the regional executives leading the PP front, argued that

"an act of this importance should not be treated with acting Councilors [. . .] What can not be [accepted]", he added, is that the Council has not been called for six months "and now, suddenly, from one week to another, when one realizes that he has lost six Communities, the goal is making in a hurry a discussion on a law of such a magnitude"³⁶.

Major episodes of intergovernmental conflict within the Interterritorial Council are summarized in Table 5.2.

The Fiscal and Financial Policy Council (CPFF)

Turning now the attention to the other Sectoral Conference under analysis – the Fiscal and Financial Policy Council (CPFF) – when looking at its decisional dynamics it is easy to find out patterns of government-opposition confrontation quite similar to those observed for the CISNS. Considering again the period 2002-2012, it is evident that Communities positions tend to reflect, in several cases, nothing but the alignment of the respective ruling parties towards the national Government: the logic majority/opposition appears to spill over within the Council, without being previously "philtered" by the intergovernmental arrangement under analysis. Major (but not systematic) exceptions are represented by Communities where the main opposition party at the national level is replaced by a local ally (like the UPN, replacing the PP in Navarre): as it will be shown, the alignment of

³⁵ «Las comunidades del PP boicotean el consejo interterritorial que quiere convocar Pajín. Madrid asegura que es "un fraude" reunirse cuando algunas autonomías han cambiado de color político tras las elecciones», *El País*, May 26th 2011; «Las comunidades del PP plantan a Pajín por la "crisis del pepino. Las seis autonomías gobernadas por los conservadores no acuden a la reunión con la ministra. Castilla y León tacha la convocatoria de "inoportuna, impropcedente e irregular"» *El País*, July 2nd 2011.

³⁶ «Plantón del PP en el Consejo de Salud. Los populares se ausentan de la reunión tras pedir medidas por la 'crisis de los pepinos' - Alegan que Pajín solo pretendía aprobar la ley de muerte digna», *El País - Edición impresa*, July 3rd 2011.

Table 5.2: CISNS – Central Government-Autonomous Communities interaction modalities: major conflicts (2002-2012).

Year	CG	AACC	Interaction Modalities
2002	PP	PP (8); PSOE (6); CiU (1); CC (1); PNV (1)	Abandonment by PSOE AACC; accusation by the CG of politicization of the Council [April]
2003°	PP	PP (8); PSOE (7); CiU (1); CC+PP (1); PNV (1)	Non agreement of the PSOE AACC, Basque Country and Catalonia on the new common health card, and presentation of an alternative proposal [January] – Abandonment by PSOE AACC, Basque Country and Catalonia: conflict on lack of financial guarantees on central projects [December]
2004	PSOE*	PP (8); PSOE (7); PNV+EA +IU (1); CC + PP (1)	Abandonment by PP AACC and request of an extraordinary meeting: conflict on the agenda; accusation of politicization [June] – Boycott by PP Communities and separate press-conference: conflict on the agenda (non inclusion of items previously agreed in the Delegated Commission); accusation by the CG of "partisan struggles" [September] – Boycott by PP AACC of several second level bodies [from mid-2004]
2005	PSOE*	PSOE (7, then 8 from August); PP (8 up to August, then 7); CC+PP (1, up to May), CC (1, from May); PNV (1)	Boycott by PP AACC of several second level bodies [up to mid-2005] – Temporary abandonment by the PP AACC, separated conference-press, non-approval of previous meeting minutes [March] – Separated conference-press, claim for an extraordinary meeting [June]; Boycott by PP AACC of a preliminary, informal reception organized by the socialist hosting Community [October] – Temporary abandonment by PP AACC, separated conference-press against CG [December]
2006	PSOE*	PSOE (8); PP (7); CC (1); PNV+EA+IU (1)	
2007°	PSOE*	PSOE (9); PP (6); CC (1); PNV (1)	Abandonment by PP Communities: conflict on the agenda [December]
2008	PSOE*	PSOE (9); PP (5); CC+PP (1); UPN+CDN (1); PNV+EA+IU (1)	
2009	PSOE*	PSOE (9); PP (7 up to May, then 6); CC+PP (1); PNV (1, up to May)	
2010	PSOE*	PSOE (9); PP (6); CC+PP (1); BNG (1)	PP AACC request to exclude abortion reform from the agenda [May]
2011°	PSOE*	PP (10); PSOE (2); UPN + PSOE (1); CC (1); CiU (1)	Boycott by the PP AACC: conflict on the agenda (time and object); accusations of "political use" of the Council [June]
2012	PP	PP (10); PSOE (2); CC+PSOE (1); CiU (1); UPN + PSOE (up to July, 1), then UPN (1); PNV (1); FAC (1)	

Source: own elaboration. Key: CG = Central Government composition; AACC = Autonomous Communities composition; () = number of regional governments ruled by the party or coalition. For party names, see the List of Abbreviations. ° = second half of the year; * = Minority Governments, based on the parliamentary support of: ERC+IU+BNG+CC+CHA (2004-2008); PNV+CC (2008-2011).

these Communities tends to be less predictable (for governments' party affiliations during the period under analysis, see Table 5.3).

As it has been observed for the CISNS, the agenda setting has often been a subject of controversy between the Government and the politically hostile Communities. In fact, requests to the Government to call extraordinary meetings of the CPFF to address specific intergovernmental issues have been formulated, over the years, by both the socialist and the popular regional executives, when incongruent with the central level (as seen, these meetings may be requested by one third of the Council's members).

So, in 2002 the PSOE Communities urged the Budget Minister to convene a meeting for assessing the economic burden deriving to regional governments from the Education Quality Law then presented by the PP central Government³⁷; because of the unwillingness of this latter, the same request was reiterated by the socialists in 2003³⁸. In 2005, it was the PP, now in opposition, which asked for an extraordinary meeting of the CPFF, this time to discuss the economic consequences of the highly controversial reform of the Catalan Statute of Autonomy³⁹. The following year, the regional governments ruled by the PP forced the Budget Minister to call an extraordinary meeting of the CPFF to discuss in a multilateral way the fiscal agreement reached between the central Government and Catalonia⁴⁰. More interestingly for this analysis, in 2008 the PP-led regional governments called for a special meeting of this IGA in order to address specifically the problems related to health policy financing⁴¹. Some weeks later, the PP regional governments asked for the inclusion of the discussion, within the CPFF, of the financial burdens deriving to regional governments from the implementation of *Ley de Dependencia*, promoted by the socialist central Government⁴². In 2011, the request of a special meeting was formulated by the popular regions in the midst of the election cam-

³⁷ «El PSOE pide la reunión urgente del Consejo de Política Fiscal», *ABC* (Madrid), September 10th 2002, p. 34.

³⁸ «Las comunidades del PSOE exigen que se analice este curso el coste de la LOCE», *El País - Edición impresa*, March 10th 2003.

³⁹ «El PP presentará proposiciones y mociones contra el Estatut en Comunidades y Ayuntamientos», *El Mundo*, October 10th 2005. The reform of the Catalan Statute of Autonomy proved to be a particularly heated argument.

⁴⁰ «Los barones del PP exigen a Solbes la convocatoria urgente del Consejo de Política Fiscal», *ABC* (Madrid), January 24th 2006, p. 12; «Artur Mas advierte que quien no se sume a su pacto con Zapatero 'se queda fuera del futuro'», *El Mundo.es*, January 23rd 2006; «PP intenta forzar otro pleno del Consejo de Política Fiscal para que Solbes desvele el modelo de financiación», *EUROPA PRESS*, February 12th 2006.

⁴¹ «El PP urge al Gobierno a convocar un Consejo de Política Fiscal "extraordinario" para hablar de financiación sanitaria», *EUROPA PRESS*, October 7th 2008.

⁴² «La "revuelta" contra el Gobierno de seis Comunidades ya tiene forma», *Elsemanaldigital.com*, October 28th 2008, available at: <http://www.elsemanaldigital.com/articulo.asp?idarticulo=88963>.

paign, just one month before upcoming general elections. *El País* reconstructed in the following way the political rationale behind this initiative:

The PP wants to use its overwhelming majority in the Autonomous Communities [10 vs. 2] to make opposition to the PSOE Government. For that, they want to force the convening of a Fiscal and Financial Policy Council meeting, where they are all represented and where they can get the executive into trouble⁴³.

As long as, unlike the CISNS, the CPFF may take decisions by majority, the split of actors' coalitions along partisan conflict lines "crystallizes" when it comes to vote⁴⁴. As seen in Chapter 3, CPFF decisions are in fact often taken following the majority rule. In those cases in which decisions are not taken by consensus, the Communities ruled by this latter tend to opt either to vote negatively or to abstain, depending on the issues at stake and the internal cohesion of the major opposition party. Abstention is generally the option chosen when Communities ruled by the opposition party are divided on the merits of the measures under discussion, some being in favor, and some others being against.

As it was previously explained, since the early 2000s the major documents over which Communities are called to give their advice every year are those related to the setting, by the Government, of the budgetary stability goals (financial stability goals for the regional level as well as for each subnational government): this is a fundamental step in the process of Budget Law drafting by the central executive. While in Italy, as described above, financial issues are among those which allow the "regional front" to unify towards (or against) the Government, in Spain they have been transformed, on several occasions, into a full-blown battle field between the party ruling at the central level (and "its" Communities) and the rest of the regional executives.

This is what occurred in 2003, when the socialist regions (together with Catalonia and Canary Islands) voted against the setting of the "no deficit" objective for the AACC, proposed an alternative resolution (then rejected by the PP Government and the popular Budget Councilors), and accused the central Government to

⁴³In «El PP agita su poder autonómico frente al Gobierno del PSOE en vísperas del 20-N», *El País - Edición impresa*, October 11th 2011; see also «El PP pedirá la reunión del Consejo de Política Fiscal por la asfixia de las CCAA», *El Mundo*, October 8th 2011; »; «Montoro pide a Salgado un consejo de política fiscal el 17 de octubre. Las comunidades del PP exigen la convocatoria para "clarificar el horizonte económico de 2012"», *El País*, October 10th 2011; «El Gobierno no convocará el Consejo de Política Fiscal si no lo fuerza el PP. Los populares quieren forzar la convocatoria de un Consejo de Política Fiscal y Financiera», *El País*, October 10th 2011; «Rajoy exige al Gobierno que reúna ya al Consejo de Política Fiscal», *El País*, October 15th 2012.

⁴⁴The favorable vote of just one Community is sufficient for an agreement to be adopted.

set unilaterally the budgetary stability goals; the repartition of these latter among the individual regions was finally supported by the popular Councilors (plus Canary Islands, then ruled by a coalition including CC and PP), and rejected by the socialist ones (plus Catalonia and the Basque Country)⁴⁵.

In 2004, the first CPFF meeting chaired by the new socialist Minister of Budget was celebrated: this time, the general budgetary stability goal for the Communities – the same set in 2003 by the PP Government – was approved with the positive vote of the socialist regions, while almost all the ones ruled by the PP decided to abstain; the repartition of the deficit containment between the Communities was then approved by the socialist governments and rejected by the popular ones⁴⁶.

The split between Communities congruent with the central Government and those incongruent with it occurred again in 2007: the setting of the budgetary stability goals for the whole regional system was indeed supported by the socialist Councilors, while the popular ones abstained (with the exception of Navarre, which voted together with the socialists); the repartition of the deficit reduction among the Communities was then approved with the positive votes of all the congruent regions, the abstention of all the ones ruled by the PP, except for Castile and León, which voted against.

With minor differences, the same dynamics occurred again in 2008 (when also the decision of the Government to relax the stability goals previously set was supported by the socialists and Navarre, and rejected by the popular councilors)⁴⁷, and 2009: in this latter case, the general stability goal for the regions was passed with the support of the socialist Communities and Navarre, and the opposition of the popular executives and Canary Islands (ruled, again, by a coalition composed by CC and PP); on the repartition of this stability goal between the Communities, most of the PP executives decided to vote against (Galicia, La Rioja, Murcia, Valencian Community, Madrid and Castile and Leon) while others to abstain (Canary Islands, Navarre, Ceuta and Melilla).

While in 2010 all major decisions were taken by consensus, conflicts emerged again in 2011: this time, the general stability goal proposed by the Government was approved by the socialist regions plus Catalonia and Canary Islands, while the Communities where the PP was in office opted either for a negative vote (Murcia)

⁴⁵ «El CPFF aprueba el 'déficit cero' para las CC.AA», *El Mundo - Economía*, March 6th 2003; «Estabilidad. El Gobierno acuerda con las Comunidades afines el equilibrio presupuestario para 2004-2006», *El Mundo - Economía*, April 11th 2003; «El Gobierno y las Comunidades del PP pactan el equilibrio presupuestario para 2004-2006. Las seis del PSOE votan en contra», *El Mundo*, March 6th 2003; «El CPFF aprueba el 'déficit cero' para las CC.AA. Oposición de 8 regiones».

⁴⁶ «Consejo de Política Fiscal y Financiera. El Gobierno y las Comunidades Autónomas aprueban el 'déficit cero' para el periodo entre 2005 y 2007», *El Mundo - Economía*, May 21st 2004.

⁴⁷ «Las comunidades del PSOE y Navarra apoyan un déficit del 1% para 2008 y 2009, con el voto en contra el PP», *EUROPA PRESS*, October 8th 2008.

or for an abstention; the allocation among the Communities was then passed by consensus⁴⁸.

Eventually, in 2012, the tightening of the budgetary stability goals previously set for that year was supported by the PP (now in office both at the center and in most of the Communities), and rejected by the socialists and the Basque nationalists⁴⁹. Furthermore, in July, for the first time a group of Communities, ruled by different parties all incongruent with the central Government, put in place a *plante* such as those carried out in the CISNS: Catalonia (ruled by the regionalist CiU) boycotted the meeting, while Andalusia (PSOE) abandoned it, as a sign of protest against the "discriminatory" budgetary stability goals for 2013 set by the Government; Asturias (ruled by the PSOE) and Canary Islands (governed by a coalition composed of CC and PSOE) voted against⁵⁰.

Interestingly, on some occasions, the opposition between congruent and incongruent regional governments came even to involve the set-up and functioning of technical Working Groups within the Council. This was the case, for instance, in 2003, when the group on "Institutional Loyalty" (see § 3.2.3) was created with the only support of the popular Communities and Canary Islands (CPFF 2005)⁵¹; likewise, in 2006, the institution of a Working Group charged with addressing the revision of the whole autonomic financing system was passed with the support of the socialist regions and the opposition of the popular ones⁵².

As evoked above, the stance held by the regional governments within the CPFF is in fact often decided outside this forum, in *previous meetings* between the Communities belonging to the same political family. León and Ferrín Pereira (2009) report that informal meetings between politically congruent regional executives are a quite common practice in order to define a common position towards the Government in Sectoral Conferences. This is clearly a way by means of which parties

⁴⁸ «El Gobierno mide el poder autonómico del PP en el Consejo de Política Fiscal. Salgado somete el miércoles los criterios de gasto a los consejeros de Hacienda», *El País*, July 26th 2011.

⁴⁹ «Los barones del PP cierran filas con la reducción del déficit en el Consejo Fiscal. Andalucía y el País Vasco se muestran en desacuerdo con los objetivos fijados por el Gobierno», *El País*, March 6th 2012.

⁵⁰ «Plante de Cataluña y Andalucía contra Montoro por el déficit y la deuda», *El País*, July 31st 2012; «Plante en el CPFF. El PSOE ve "gato encerrado" en el plan de Montoro para las comunidades», *El País*, August 1st 2012; «El PSOE reclama la comparecencia urgente de Montoro. Rubalcaba: "Se ha comportado como un líder de partido y no como un ministro de todos". El líder del PSOE acusa al Gobierno de maltratar a las autonomías socialistas», *El País*, August 1st 2012; «El PP critica el desplante de Andalucía y Cataluña contra Montoro», *El País*, August 1st 2012.

⁵¹ «El Gobierno acuerda con las Comunidades afines el equilibrio presupuestario para 2004-2006», *EFE*, April 11th 2003.

⁵² «El Gobierno y las CCAA acuerdan revisar el sistema de financiación autonómico con la oposición del PP. Las comunidades 'populares' exigen conocer en detalle los acuerdos», *EFE*, February 9th 2006.

try to realign positions of "their" regional governments, which may diverge because of different interests, something logically particularly likely when financial issues are at stake. Colino and Parrado (2009) stress, at the same time, the difficulty to trace these meetings, because of their informality and the reluctance of IGR informants to give details on these events. Without any claim of completeness, due to the methodological reasons just sketched, several party meetings preceding those of the CPFF can be reconstructed (those reported by the press).

In 2005, the PP regional representatives convened several times before the meetings called to discuss an agreement on health financing proposed by the Government (I will come back more in detail on this specific episode in the next Chapter)⁵³. Similar meetings occurred on several occasions in 2009, when popular regional governments had to adopt a common position on the reform of the whole regional financing system promoted by the socialist central government (which basically increased the amount of resources available to the regions): to this end, in July, popular regional Budget Councilors convened with the Vice-secretary and the Coordinator of Economic Policy in the party headquarters⁵⁴. Party meetings occurred also in 2011, when the PP regions tried to unify their front against the Government, in order to force this latter to carry a larger share of the burden of deficit reduction⁵⁵. Interestingly, similar meetings were organized also in 2012, when the Populars were in office both at the central level and in most of the regions, in order to reduce the emergence of discrepancies within the PP front, particularly on financial cutbacks imposed to the Communities by the central Government in order to comply with EU requirements: regional representatives met with the Budget Ministry, the party coordinator of Economic Policy, as well as with the Prime Minister in person⁵⁶.

⁵³ «El PP se reúne para unificar su postura sobre la propuesta del Gobierno en financiación sanitaria», *El Mundo*, September 13th 2005.

⁵⁴ «The Vice-secretary of the PP, in charge of Regional and Local Policy, Javier Arenas, and the coordinator of Economic Policy, Cristóbal Montoro, have called for tomorrow morning a lunch meeting with the Budget Councilors of the Autonomous Communities governed by the PP, in order to discuss the new model of autonomic funding. The objective of this meeting - to be held in the national party headquarters in Madrid, *calle Génova* - is to bring closer [PP Communities] positions before the meeting of the Council of Fiscal and Financial Policy», in «Arenas y Montoro citan mañana a sus CCAA antes del Consejo de Política Fiscal para consensuar posiciones», *EUROPA PRESS*, July 13th 2009 (translated); see also «Las comunidades autónomas del PP, divididas en torno al 'no' o la abstención al nuevo modelo de financiación. Rajoy anima a sus autonomías a "defender los intereses de sus ciudadanos". El nuevo modelo se aprobará mañana con el voto de las autonomías socialistas, Canarias y Cantabria», *El País*, July 14th 2009.

⁵⁵ «Feijóo lidera la presión del PP para pedir más dinero a Salgado por la crisis. Rajoy suma fuerzas hoy con sus barones para un difícil Consejo de Política Fiscal», *El País*, July 26th 2011.

⁵⁶ «Montoro convoca a las autonomías del PP para acelerar el nuevo plan de choque. El ministro cita mañana en la sede del PP a los consejeros autonómicos para cerrar más ajustes», *El País*, January 9th 2012; «Montoro se reúne hoy con los consejeros del PP para estudiar más

Similar dynamics may also be traced when looking at the PSOE. Formal party meetings were indeed organized in 2005, in order to unify socialist Communities positions on central Government proposal on health financing (on this point, see, again, next Chapter)⁵⁷ and in 2008, when socialist Budget Councilors met with the Prime Minister to address, in a preliminary way, the whole reform of autonomic financing system⁵⁸.

The Conference of the Presidents

Eventually, the more recent Conference of the Presidents, the vertical, generalist Intergovernmental Arrangement gathering together both the autonomic and the central governments Presidents, is to be taken into consideration. As seen in Chapter 3, just a few meetings were celebrated since its establishment in 2004: in two over five (the first and the second), health policy was at the center of the intergovernmental debate.

A closer analysis of this IGA makes it clear that – as for the CISNS and the CPFF – most of its meetings were surrounded by a climate of strong partisan confrontation between, on the one hand, the Government and the Communities ruled by the party in office at the central level, and, on the other hand, the Communities controlled by the major opposition party. Several pieces of evidence support this claim: as in the previous cases, major divide lines were of partisan nature (and, many times, actors' strategies were previously defined in party structures).

While boycotts and abandonments never occurred, as for the CISNS and the CPFF the definition of the agenda was often an object of controversy, the central Government being accused by the politically incongruent Communities to impose the order of business.

The first Conference, called by Prime Minister Zapatero at the end of October 2004, was preceded by a sharp conflict between the representatives of the Popular Communities and the socialist Minister of Public Administration, Jordi Sevilla, charged by the premier with the task of preparing that meeting. The most relevant controversy concerned the preparation itself of the Conference: the Communities

recortes», *EFE*, January 11th 2012; «Rajoy impone recortes máximos a las autonomías pese a Mas y Griñán», *El País*, March 6th 2012; «Montoro y Cospedal analizarán con los consejeros de Hacienda del PP los planes de ajuste antes del CPFF», *EUROPA PRESS*, May 16th 2012; «Rajoy reúne a sus 'barones' para lanzar un mensaje unitario ante los ajustes», *EFE*, July 30th 2012; «Rajoy presiona a sus barones para que recorten más y estos aceptan», *El País*, July 31st 2012.

⁵⁷ «Las comunidades presididas por el PSOE respaldan el plan del Gobierno contra el déficit sanitario. Zapatero defiende su modelo de financiación para no "desentenderse" de las autonomías y "escurrir el bulto"», *El País.es*, September 3rd 2005

⁵⁸ «El PSOE reunió a los consejeros de Economía para abordar de forma preliminar la reforma de la financiación autonómica», *EUROPA PRESS*, May 20th 2008.

Table 5.3: CPFF – Central Government-Autonomous Communities interaction modalities: major conflicts (2002-2012).

Year	CG	AACC	Interaction Modalities
2002	PP	PP (8); PSOE (6); CiU (1); CC (1); PNV (1)	PSOE AACC request of an extraordinary meeting [September]
2003 ^o	PP	PP (8); PSOE (7); CiU (1); CC+PP (1); PNV (1)	PSOE AACC request of an extraordinary meeting [March]; conflict on budgetary stability goals
2004	PSOE*	PP (8); PSOE (7); PNV+EA+IU (1); CC + PP (1)	Conflict on budgetary stability goals
2005	PSOE*	PSOE (7, then 8 from August); PP (8 up to August, then 7); CC+PP (1, up to May), CC (1, from May); PNV (1)	Previous PP representatives meetings [September]; Previous PSOE representatives meeting [September]; PP AACC request of an extraordinary meeting [October]
2006	PSOE*	PSOE (8); PP (7); CC (1); PNV+EA+IU (1)	PP AACC request of an extraordinary meeting [January]
2007 ^o	PSOE*	PSOE (9); PP (6); CC (1); PNV (1)	
2008	PSOE*	PSOE (9); PP (5); CC+PP (1); UPN+CDN (1); PNV+EA+IU (1)	Previous PP representatives meetings [June-July]; Previous PSOE representatives meeting [June]; PP AACC request of extraordinary meetings [October]; conflict on budgetary stability goals
2009	PSOE*	PSOE (9); PP (7 up to May, then 6); CC+PP (1); PNV (1, up to May)	Conflict on budgetary stability goals
2010	PSOE*	PSOE (9); PP (6); CC+PP (1); BNG (1)	
2011 ^o	PSOE*	PP (10); PSOE (2); CC (1); CiU (1); UPN (1)	PP AACC request of an extraordinary meeting [July]
2012	PP	PP (10); PSOE (2); CC+PSOE (1); CiU (1); UPN (1); PNV (1); FAC (1)	Previous PP representatives meetings [January-July]; Boycott by Catalonia (CiU) and abandonment by Andalusia (PSOE) [August]; conflict on budgetary stability goals

Source: own elaboration.

Key: CG = Central Government composition; AACC = Autonomous Communities composition; () = number of regional governments ruled by the party or coalition. For party names, see the List of Abbreviations. ^o = second half of the year; * = Minority Governments, based on the parliamentary support of: ERC+IU+BNG+CC+CHA (2004-2008); PNV+CC (2008-2011).

led by the PP claimed indeed the call of a second preparatory meeting, considering unacceptable the agenda (almost) unilaterally set by the Government⁵⁹. Because of the refusal of the Government to include on the agenda an item proposed by them – a debate on the overall Spanish territorial model – the Popular Communities, after having evoked the possibility to "boycott" the meeting, announced their intention to present a separated "institutional declaration" on that issue, in order to force the Conference to discuss and vote on it; they also required to postpone the Conference, given the "improvisation" characterizing its organization by the Government⁶⁰. The Conference finally took place, as scheduled, on October 28th, to discuss the items selected by the central Government: the institutionalization of the Conference itself; the improvement of the AACC participation in the EU affairs; and, more importantly for this analysis, the examination of health financing problems. In fact, despite initial declarations, the regional Presidents representing the Popular Party did not present the announced alternative institutional declaration⁶¹, but delivered to the Minister of Public Administration a distinct document, including a series of alternative proposals⁶².

The second Conference of the Presidents was called in September 2005 to address growing problems related to health financing: as I will illustrate more in depth in the next Chapter, the meeting was characterized by a clear conflict between the two partisan coalitions. At the end of that encounter, which had been preceded by several party meetings, actors were not even able to agree on whether and what had been decided⁶³.

In January 2007 Zapatero called the third Conference of the Presidents to discuss research and innovation policies, as well as measures on environment, the management of natural resources, and immigration. The clash between the Popu-

⁵⁹ «Zapatero irrita al PP al citar a los presidentes autonómicos sin la reunión preparatoria. El Ejecutivo dice estar dispuesto a mantener las reuniones que quiera el PP previas a la Conferencia del día 28, aunque lo juzga innecesario, y confía en que Ibarretxe asista», *ABC*, October 21st 2004.

⁶⁰ «El Gobierno se niega a incluir el modelo territorial en la Conferencia de Presidentes como pedía el PP», *El Mundo*, October 26th 2002; «El PP presentará una declaración sobre el modelo territorial en la Conferencia de Presidentes», *ABC* (Madrid), October 27th 2004.

⁶¹ Mainly because of internal conflicts on the opportunity of such a strategy: «Fraga impide que el PP boicotee la primera Conferencia de Presidentes. La actitud conciliadora del presidente gallego evitó el fracaso de la cumbre», *Diariodeleón.es*, October 29th 2004, available at: http://www.diariodeleon.es/noticias/afondo/fraga-impide-pp-boicotee-primera-conferencia-presidentes_163886.html.

⁶² «La Conferencia de Presidentes. Zapatero apuntala la cumbre de presidentes. El Gobierno reúne a los 17 jefes de los Ejecutivos autónomos y promete una nueva financiación de la sanidad», *El País - Edición impresa*, October 29th 2004.

⁶³ «El PP, "indignado" porque desconoce la propuesta del Gobierno sobre sanidad. Mariano Rajoy se reunió este viernes en Génova con los presidentes autonómicos de su partido para fijar una posición común», *El País*, September 11th 2005.

lar Communities and the Government was again about the agenda: the Communities led by the conservative party asked indeed to introduce the issue of nationalist terrorism, something which was not accepted by the central level. The decision of asking to introduce the terrorist issue on the agenda of the Conference had been taken the day before, when the Popular regional Presidents had convened with their party leader, Mariano Rajoy⁶⁴. After the meeting of the Conference of the Presidents, the Minister of Public Administration interestingly reported that, during the Conference, the President of La Rioja, who asked formally to discuss the terrorism issue, had been contested by other colleagues, having took the floor as a spokesman of the Popular Party: «According to the Minister of Public Administration, Jordi Sevilla, Pedro Sanz has been criticized for speaking "on behalf of the PP", when it is assumed that in the Conference no parties, but Autonomous Communities, are represented» (*El Mundo*, January 11th 2007)⁶⁵.

The fourth Conference took place in December 2009: called for dealing with economic recovery and fight against unemployment, it was unanimously pictured as a complete failure, due to partisan clashes. The confrontation between the PP and the PSOE reached its peak. After a very long debate, the final document on economic issues proposed by Zapatero, including eight over ten points claimed by the PP, got the support of just ten Communities (those ruled by the PSOE and the regionalist parties from Cantabria and Canary Islands): the popular ones decided to abstain, impeding in this way the approval of that document (since 2009 two thirds are indeed required to pass a document). After the failure of the Conference, the PP Communities accused the Government of "improvisation" and authoritarian style in the management of intergovernmental relations, while the PSOE accused the PP of "irresponsability" *vis-à-vis* serious economic problems such those faced by Spaniards, and to have previously decided to sabotage anyway the Conference. As reported by *El País*, against the unilateral attitude shown by the central Government in organizing the fourth meeting, the Communities ruled by the PP had in fact tried to organize a sort of "counteroffensive", by making use of party channels:

The PP does not deny the concerted strategy of its Presidents. For that, all *barones* met last Friday with Rajoy. There, they even appointed their spokesmen: Pedro Sanz, from La Rioja, and Alberto Núñez Feijóo, from

⁶⁴«ETA «entra» en la III Conferencia de Presidentes. Los «barones» del Partido Popular acordaron ayer durante un almuerzo con su jefe de filas, Mariano Rajoy, llevar a la III Conferencia de Presidentes una moción contra ETA», *El Mundo*, January 11th 2007.

⁶⁵«Las Comunidades del PP piden a Zapatero que rectifique su política contra ETA. La reunión comienza con un minuto de silencio por las víctimas del atentado de Barajas», *El Mundo*, January 11th 2007; «Zapatero califica de "muy razonable" el gesto de Ibarretxe. El PP intenta sin éxito que la Conferencia de Presidentes debata la política antiterrorista. Chaves destaca el acuerdo en I+D+i», *El País*, January 11th 2007.

Galicia [...] Moreover, there were at the Senate four people, belonging to the leader's inner circle, [...] in touch with *Génova* [the PP headquarter], who were analyzing the Government proposals and sending notes to the Presidents. Anyway, all agree that the Zapatero's decision not to make public the economic document until 2.30 p.m. irritated everybody and that [at that point] no much coordination was needed, since they were all in agreement⁶⁶.

The fifth and last Conference of the Presidents (2012) was the first called by the Popular Prime Minister Mariano Rajoy: in the midst of the global financial crisis in which Spain was deeply involved, the main goal of the Government was to convey towards the markets and the European Union a unitary message, confirming the commitment of the country in the process of financial and economic recovery⁶⁷. A round of party meetings, on the PP side at least, preceded the Conference⁶⁸. For the first time, probably because of the existence of a strong external pressure and the highly unbalanced relations in favor of the PP (controlling 10 Communities, with the PSOE being in office in just 3 regional governments), no relevant conflicts emerged between the Popular and the Socialist Communities: they were eventually able to agree on a final document, although quite vague, stating the general commitment of Spanish central and regional governments to comply with financial stability principles.

⁶⁶ «El PP bloquea 'in extremis' cualquier acuerdo en la Conferencia de Presidentes El Gobierno creará grupos de trabajo para situar el déficit en el 3% en 2013. Los populares dicen que el Ejecutivo no plantea ninguna iniciativa "de calado"» *El País*, December 14th 2009; see also: «La cumbre autonómica acaba en bronca. El Gobierno fracasa en su intento de lograr un pacto de empleo con las comunidades del PP.- "Hace falta más lealtad y madurez institucional", reprocha Zapatero», *El País*, December 15th 2009; «Rajoy respalda la actuación de los 'barones' del PP en la Conferencia de Presidentes. El líder de la oposición dice que Zapatero "confunde la lealtad con la adhesión inquebrantable" y critica su reacción ante la negativa de los populares a pactar», *El País*, December 15th 2009; «PSOE y PP se responsabilizan mutuamente del fracaso de la Conferencia de Presidentes. Los presidentes populares acusan al Gobierno de improvisación y defienden que el documento final excluía los puntos principales de sus propuestas», *El País*, December 15th 2009.

⁶⁷ «El Gobierno se compromete a cambiar el reparto del objetivo de déficit en 2014. Acuerdo de todas las autonomías en el compromiso de reducción del déficit», *El País*, October 2nd 2012; «Rajoy salva la cumbre autonómica con un pacto mínimo para el déficit. Compromiso para cumplir los objetivos de austeridad en pleno vendaval financiero», *El País*, October 2nd 2012; «Rajoy y las CCAA sellan su compromiso para cumplir el objetivo de déficit. Algunos han discrepado con el reparto previsto entre administraciones», *El Mundo*, October 2nd 2012

⁶⁸ «Rajoy busca un bloque de barones del PP para hacer frente a Mas. Santamaría, Cospedal y Arenas citaron en Génova a dirigentes autonómicos para preparar la Conferencia de Presidentes y unificar una respuesta dura», *El País*, September 25th 2012.

Table 5.4: Conference of the Presidents – Central Government-Autonomous Communities interaction modalities: major conflicts (2004-2012).

Year	CG	AACC	Interaction Modalities
2004	PSOE*	PP (8); PSOE (7); PNV+EA +IU (1); CC + PP (1)	Request, by the PP AACC, of an additional preparatory meeting and postponement of the plenary session: conflict on the agenda and accusations of "improvisation"; presentation, by the PP AACC, of a document with alternative proposals.
2005	PSOE*	PSOE (7, then 8 from August); PP (8 up to August, then 7); CC+PP (1, up to May), CC (1, from May); PNV (1)	See Chapter 6.
2006	PSOE*	PSOE (8); PP (7); CC (1); PNV+EA+IU (1)	[no meetings]
2007 ^o	PSOE*	PSOE (9); PP (6); CC (1); PNV (1)	Request, by the PP AACC, to add nationalist terrorism among the items on the agenda (strategy previously defined with the national party leader).
2008	PSOE*	PSOE (9); PP (5); CC+PP (1); UPN+CDN (1); PNV+EA+IU (1)	[no meetings]
2009	PSOE*	PSOE (9); PP (7 up to May, then 6); CC+PP (1); PNV (1, up to May)	Accusations to the central Government, by the PP AACC, of unilateralism in IGR management.
2010	PSOE*	PSOE (9); PP (6); CC+PP (1); BNG (1)	[no meetings]
2011 ^o	PSOE*	PP (10); PSOE (2); CC (1); CiU (1); UPN (1)	[no meetings]
2012	PP	PP (10); PSOE (2); CC+PSOE (1); CiU (1); UPN (1); PNV (1); FAC (1)	

Source: own elaboration.

Key: CG = Central Government composition; AACC = Autonomous Communities composition; () = number of regional governments ruled by the party or coalition. For party names, see the List of Abbreviations. ^o = second half of the year; * = Minority Governments, based on the parliamentary support of: ERC+IU+BNG+CC+CHA (2005-2008); PNV+CC (2008-2011).

5.4 Discussion

On the whole, the information collected in this Chapter has allowed to capture the existence of noteworthy differences in the ways in which intergovernmental decision-making processes typically unfold in the two countries under analysis. While in Italy coalitions active within the intergovernmental arena tend to be made of members of regional executives on the one hand, and central Government representatives on the other hand, in Spain coalitions are often built along the government/opposition divide line: as seen, in many cases, intergovernmental arrangements are converted into arenas reproducing the national parliamentary dynamics.

The formation of alternative kinds of intergovernmental coalitions in these two countries has been explored by looking at different interaction modalities between regional and state actors when addressing IGR issues by means of Intergovernmental Arrangements. More specifically, several kinds of collective actions have been examined, pertaining to: the requests of extraordinary meetings or the inclusion of specific items on the agenda; the regional participation to IGAs' meetings (boycotts and abandonments); prior meetings by groups of IGR actors in view of IGAs' encounters. In one case, these actions are typically organized by the regional governments as such, while in the other case, the same kind of initiatives tends to be organized by the regions according to their majority or minority status *vis-à-vis* the central government.

These findings seem thus to suggest the existence of a matching between the hypotheses laid out in this Chapter and observed evidence: this latter appears, in other words, "congruent" with theoretical expectations (George and Bennett 2005). It still remains to see whether variations in intergovernmental relations can actually be traced back to variations in the features of Intergovernmental Arrangements. This will be the object of the next Chapter.

From a preliminary point of view, looking at the internal developments of the Italian case may provide interesting evidence supporting the hypotheses.

It is indeed worth to notice that the unanimity of the so called "regional front" – apparently resilient, as seen, to any change in vertical and horizontal congruence – clearly came under stress in two occasions (2000 and 2005). Immediately after regional elections (and before the general ones), political affiliation of regional governments seemed indeed to become a factor able to challenge usual patterns of multilateral intergovernmental relations: partisan rather than territorial coalition building made its appearance on the intergovernmental stage, apparently reducing the cross-case differences outlined in this Chapter. As reconstructed in detail by Ruggiu (2003; 2006; 2011) and confirmed by many actors, however, the initiatives put in place according to a partisan logic proved, in the end, to be quite extemporaneous, being unable to exert any lasting consequence on the established patterns

of intergovernmental confrontation.

In 2000, following regional elections, the winning center-right coalition explicitly announced its intention to transform the existing institutional intergovernmental arenas into an opposition tool against an incongruent central government, then still ruled by the center-left coalition. In fact, for the first time, the majority of Regional Presidents were representatives of a coalition different from the one in office at the central level. In such a context, their declared purpose was – exactly as in the Spanish case – to sabotage all central Government measures which they did not agree; to this end, they would set-up alternative channels of interregional coordination, based on party structures, so to replace the strategies elaborated in a unanimous way within the Conference of the Regions. As highlighted by Ruggiu (2003), «the spirit of cooperation seemed cracking, both among the Regions and with the Government, given the threat to use the [State-Regions] Conference as a center-right "counter-government"» (p. 211, translated).

After a meeting in which all elected center-right regional Presidents took part along with the national secretaries of the parties composing that coalition, the President of Veneto summarized in the following terms the logic of the intergovernmental strategy agreed with his colleagues:

Next months will be hard for the Government. It will have to toil for our advices [in the State-Regions Conference] [...] *The season of consociationalism is over, so that left and right Regions were forming in any case a common front*⁶⁹.

On the organizational side, the head of the opposition, Silvio Berlusconi, leader of the center-right coalition, also announced the intention of setting-up a full-fledged "standing coordination board", composed of all center-right regional Presidents: it would be convened one day before every State-Regions Conference meeting, in order to coordinate and unify their stance on every single measure to be then discussed with the (incongruent) central Government⁷⁰. In this wake, two meetings were organized between the regional Presidents belonging to the center-right coalition: the first, in Genoa, included just the Presidents of the Northern Regions⁷¹, while the second, held in Catanzaro, included also the Presidents from the Southern Regions (even if not all decided to attend it)⁷².

⁶⁹ «Le Regioni del Polo sfidano il governo. Al via il coordinamento dei «governatori» della Casa delle Libertà: «Detteremo l'agenda dei lavori di Montecitorio», *Il Corriere della Sera*, May 5th 2000, p. 6 (emphasis added).

⁷⁰ «Polo e Lega varano il coordinamento regionale. Sarà un organismo a carattere nazionale - Critico Bossi che chiedeva un'impronta più territoriale», *Il Sole 24 Ore*, May 5th 2000.

⁷¹ «Regioni, debutta il «governo del Nord». Il presidenti del Polo si ridistribuiscono i finanziamenti UE», *La Stampa*, June 10th 2000, p. 2;

⁷² «Regioni: venerdì riunione presidenti CdL in Calabria», *ADNKRONOS*, July 18th 2000; «Proclama dei governatori: riuniremo le due Italie», *La Repubblica*, July 22nd 2000.

The completely unprecedented nature of such initiatives – aiming at undermining the Conference of the Regions (by the creation of alternative, party-based, channels of interregional coordination), and at transforming the State-Regions Conference into an additional arena of government-opposition confrontation – emerges clearly by looking at the kind of arguments used by the central executive representatives to oppose this strategy. Members of the Government released indeed harsh statements in this regard⁷³. The then Minister of Public Administration argued that such a behavior by the center-right coalition was

the exact counterpart of parliamentary obstruction in the State-Regions Conference, an organization where decisions are fundamental to the life of the Italians, as the allocation of 120 thousand billion [liras] of the Health Fund. *I see emerging in the Polo [the center-right coalition] the temptation to use that forum to make war to the Government and to the center-left [coalition] in an endless election campaign. This had never happened. In Italy Christian Democratic governments have never discriminated against the red regions. And the center-right itself, at the beginning of the legislature, has often made a constructive opposition [...]. And in the State-Regions Conference until today all measures have been passed regardless of any political color. And now what should we do? Discriminate Lombardy led by the center-right to promote Emilia governed by the center-left? This would be barbarism.*⁷⁴

The then Ministry of Transports even labeled the meeting in Genoa, where the Northern Regions ruled by the *Polo* agreed on allocation criteria of financial subsidies for industrial recovery different from those previously set in multilateral arrangements, as a "subversive" initiative, able to erode the very logic of intergovernmental relations followed up to that moment, and likely, as such, to lead to a dangerous "institutional drift":

A fairly normal decision has been taken, but in a *subversive form*. I do not call the contents [of that decision] into question, but the method. Which is very serious and can have dangerous implications. If you wanted a different allocation of money, enough to say it in its own offices. [...] *At this point, the next steps are to dissolve the Conference of the Presidents of the Regions, dissolve the State-Regions Conference and convene the Regions in the party*

⁷³«Regioni del Nord è scontro tra i poli», *La Repubblica*, July 11th, p. 8; «Regioni del Nord, scontro con il governo», *Il Corriere della Sera*, June 11th, p. 7; «Alta tensione Governo-Nord. Il ministro Bersani: sugli aiuti comportamento eversivo - Formigoni e Ghigo: Costituzione rispettata», *Il Sole 24 Ore*, June 11th 2000.

⁷⁴«Bassanini: regioni del Polo, minacciarci è rischioso. Il ministro della Funzione pubblica: loro sono in grado di farci male, ma noi potremmo fargliene anche di più», *Il Corriere della Sera*, May 7th 2000, p. 7.

*headquarters. I would like to understand if these regions are willing to take this step. We cannot allow such an institutional drift.*⁷⁵.

Negative reactions came also from regional Presidents affiliated to the center-left coalition, who stigmatized the initiatives put in place by their colleagues belonging to the opposite political alliance. They stressed the incompatibility between the partisan and the territorial perspectives in the management of IGR:

The leader of Campania has not swallowed the recent initiatives of the adverse alliance. "Singular and abnormal was the recent meeting in Genoa between the Presidents of the *Polo* and Gasparri and Frattini [exponents of the center-right coalition] – explains Bassolino –. It is said that the decisions of that meeting will be brought to the Conference of the Presidents of the Regions. Then, I am reading of proposals on security and public order prepared by Frattini, Ghigo and Formigoni [exponents of the center-right coalition]. A new meeting is announced in Catanzaro of the Presidents of the *Polo* and political representatives of the center-right. But *if this is the method, the venue of the Conference of the Presidents of the Regions will end up not making any sense*". And again: "As for me, I would never take part in prior meetings of the Presidents of the center-left, possibly made with representatives of the coalition parties, on institutional matters"⁷⁶.

As evoked above, a second occasion in which partisan alignments appeared as potentially relevant in shaping intergovernmental relations occurred five years later, again immediately after regional elections (and one year before upcoming general ones).

In a even sharper way than in 2000, the coalition at the opposition at the national level – the center-left *Unione* – had won in the great majority of the Regions. After a coalition meeting between the national leader of the *Unione* – Romano Prodi – and the newly elected governors, the creation of a permanent coordination board of the Southern regional Presidents was announced⁷⁷. The partisan design of such initiative, elaborated by the President of Campania (a prominent exponent of the center-left coalition even at the national level), and

⁷⁵«Regioni del Nord, scontro con il governo Bersani: eversiva la scelta sugli aiuti statali. Ghigo: no, è il federalismo solidale. Bassanini: hanno copiato un' idea di Amato. Formigoni: uno stimolo allo Stato», *Il Corriere della Sera*, June 11th 2000, p. 7 (emphasis added); «Alta tensione Governo-Nord. Il ministro Bersani: sugli aiuti comportamento eversivo - Formigoni e Ghigo: Costituzione rispettata», *Il Sole 24 Ore*, June 11th 2000.

⁷⁶««Fate politica», Bassolino attacca le Regioni del Nord. Il neogovernatore della Campania minaccia di disertare la Conferenza. Formigoni: polemiche fuori luogo», *Il Corriere della Sera*, June 14th 2000, p. 6 (emphasis added).

⁷⁷«Centrosinistra - Battesimo del coordinamento delle regioni meridionali», *L'Unità*, April 20th 2005, p. 9; «Prodi lancia il coordinamento del Sud», *La Repubblica*, April 20th 2005

supported by the coalition leader in person, was evident. Initially, indeed, the declared goal consisted in gathering together all Southern regional Presidents at the head of winning center-left coalitions. Several Presidents from the South, affiliated to the *Unione*, stressed unambiguously the importance of the common belonging to the same political side as well as their intention to use such new forum to create favorable conditions for the victory of their alliance in 2006 national elections. As an illustration of such intentions, the words of the President of Campania, Bassolino, major promoter of such initiative, appear particularly revealing:

"We will have to work much, each of us in his own region, and all together. Especially in Southern Italy. By the election of Turco in Abruzzo, Vendola in Apulia, Loiero in Calabria [all center-left candidates], the South has really changed. A new political phase is starting. We are waiting confidently for the vote in Basilicata, the only Region which, together with our own, was already ruled by the center-left, and which certainly will vote overwhelmingly for the candidate of the *Unione*." Immediately after the results of the Basilicata, according to Bassolino, "it will be possible to enforce the goal we have set in Naples, in a major initiative with Prodi and D'Alema [both prominent national coalition leaders]: to build a Southern team of government". An idea which today, says the governor of Campania, can be achieved "*because we have won everywhere, and because, between all of us, there are long-standing relationships not only on the political, but also on the personal and human level*". Coordination among the Southern Regions "is, and will be, necessary and right – in Bassolino's view – against 'devolution' [the center-right constitutional project] and in favor of a cooperative and unitarian federalism. [Coordination among the Southern Regions is, and will be, necessary and right] also on economic and social issues, on the major matters related to a different development quality and to a national, long-term investment program for the South". This coordination "*is meaningful and valuable today in an Italy in still ruled by the center-right and – said the President – will be meaningful and valuable tomorrow, in a country which we want, also thanks to our role and our initiative, to be governed by the Unione and by Romano Prodi*"⁷⁸.

Interestingly, such attempt was quickly turned, by its supporters, into a territorial, rather than a strictly partisan, interregional coordination forum. In spite of its original design, the coordination of the Southern Regions was indeed extended so to include the Southern regional Presidents representing the center-right coalition (just two over eight: Molise and Sicily). A first meeting was called in Naples in May, when all Southern Presidents agreed to meet regularly (once a

⁷⁸«Mezzogiorno: Bassolino propone coordinamento regioni del Sud», *ADNKRONOS*, April 7th 2005.

month) in order to coordinate their actions, both towards Rome and, particularly, towards Bruxelles (for the definition of the Structural Funds for the period 2007-2013, after the EU enlargement towards the Eastern countries). Meetings would be organized, each time, by a different Region, in order to jointly debate relevant issues such as the Southern infrastructures deficit, the immigration policy, and so on⁷⁹. Even if not monthly, subsequent meetings took then place in Abruzzo (July 2005), where the official creation of a "Conference of the Center-Southern Regional Presidents" was formally announced⁸⁰; in Rome, where the Southern Presidents met with representatives of *Confindustria*, the major national employers' association, to set a common platform on infrastructures and economic recovery for the South⁸¹; in Sicily (November 2005)⁸²; in Calabria (December 2005), where a convention gathering the Southern Presidents with the major labor unions and employers' federation was organized (*Stati Generali del Mezzogiorno*)⁸³; again in Rome in 2006 (February).

The Southern Presidents' Conference, however, never took off in a stable way, and, after a few months, disappeared from the public scene.

To summarize, all major attempts to introduce a partisan divide in the management of IGR – following modalities very similar to those at work in Spain (prior partisan meetings, use by incongruent Regions of the vertical IGA as an opposition tool against the central Government) – turned out to be just a flash in the pan. In spite of the stated intention of their promoters to make these arrangements stable

⁷⁹ «Regioni del Sud, oggi nasce il coordinamento. Vertice a Napoli voluto da Bassolino», *Corriere del Mezzogiorno*, May 3rd 2005, p. 3; «Nasce la rete dei governatori del Sud. La Lega attacca: siete la Borbonia. Riunione 'costituente' a Napoli, varata la consulta dei presidenti. Obiettivo: contare di più a Roma e Bruxelles», *La Repubblica*, May 4th 2005, p. 27; «È nata l'alleanza per il Mezzogiorno. La prima riunione dei presidenti delle regioni meridionali. Sette argomenti in agenda, un incontro al mese», *La Repubblica* (sez. Napoli), May 4th 2005, p. 1; «Regioni, nasce il coordinamento del Sud. Neo-governatori alla prova», *Il Sole 24 Ore*, May 5th 2005, p. 12.

⁸⁰ «Pescara: vertice Presidenti Regioni Centro-Sud», July 5th 2005, in www.regioni.it: http://www.regioni.it/it/show-pescara_vertice_presidenti_regioni_centro-sud/news.php?id=93449; «Mezzogiorno: in Sicilia prossima Conferenza Presidenti Regioni», *AGI*, July 5th 2005.

⁸¹ «Finanziaria, fronte comune delle Regioni per le modifiche», October 4th 2005, in www.regione.campania.it: http://www.regione.campania.it/portal/media-type/html/user/anon/page/HOME_DettaglioRegioneInforma.psm1?ibName=NotiziaHomePage&itemId=1396&theVectString=-1,-1&visi=S.

⁸² «Regioni: a Palermo la Conferenza dei Governatori del Sud. Cuffaro: 'Il Mezzogiorno al di sopra dei partiti'», November 8th 2005, in www.regioni.it: http://www.regioni.it/it/show-regioni_a_palermo_la_conferenza_dei_governatori_del_sudcuffaro__il_mezzogiorno_al_di_sopra_dei_partiti/news.php?id=198309.

⁸³ «Stati generali del Mezzogiorno. Bassolino e Loiero: Il Sud diventi protagonista», December 15th 2005, in www.regioni.it: http://www.regioni.it/it/show-stati_generali_del_mezzogiorno_bassolino_e_loiero_il_sud_diventi_protagonista/news.php?id=201463

devices of interregional coordination⁸⁴, both the Conference of the Regions and the State-Regions Conference continued working without significant infringements due to partisan affiliations. All IGR actors interviewed agree on the exceptional nature of these events, and their practical insignificance as to the actual functioning of both the IGAs under analysis. As put by a former regional Health General Director,

No, *these were extremist positions, but they did not have any practical effect.* I do not remember in the 2000s that there has been this prejudiced attitude [...] And I believe that on this has weighed [...] the fact that the Presidents of the Regional Governments were there to represent the [regional] "institution", like the others, and that therefore *the institutional belonging to the world of the Regions was greater than any other lure, least of all the relationship with the Government!* That is, not because the Prime Minister is my friend, then I ... [IT9]

Some informant remarked the temporal closeness of these (announced) initiatives with electoral events. In this respect, a former President of the Conference of the Regions stressed

Then, then I have to tell you that these, as usual, were – how to say? – the beginning of the legislatures in which all departed with great enthusiasm, then, taken with the ordinary course of business, these ambitions dissolved ... swallowed up by the contingency, the routine ... Then, *all was led back to the "spirit of the Regions", regardless of any political affiliation* [...] [The partisan, adversarial attitude] was then dissolved by routine and the absolute need, instead, to see that *our interlocutor was the central State ... more than the political faction A rather than the political faction B.* [IT5]

From the perspective explored in this analysis, it is relevant to look at whether the presence of an articulated system of intergovernmental arrangements did played a part in neutralizing the potential "politicization" of the intergovernmental arena.

As to the 2000 episode, an important institutional element to be taken into account, which clearly contributed to soften the center-right attempts to introduce a partisan logic within the intergovernmental domain, had to do with the internal rules of functioning of the *horizontal* Conference of the Regions. After regional elections, the "governors" had indeed to appoint a new President at the head

⁸⁴See, for instance, the press release of the President of Campania, promoter of the Southern Presidents Conference, who stated: «The coordination of the Presidents of the Southern regions is not a flame that will turn off early, but we will continue to carry it forward in the coming months and years, having as a partner now the current government, and in the coming years those that will be there», in «Mediterraneo: Bassolino, occorre una grande svolta», *AGI*, July 4th 2005.

of their horizontal Conference. The established procedure required a unanimous (and thus cross-partisan) vote. The center-left Regions, which, while having lost the elections in most of the Regions at vote, still controlled about half of the regional governments, accepted the principle that the new President had to be chosen among the representatives of the center-right coalition. The need of a cross-partisan consensus forced actors to find an acceptable solution to both sides. In such a framework, the candidacy of the powerful President of Lombardy, exponent of the most intransigent line of his coalition, faded quite quickly, in favor of another center-right regional President (Piedmont): this latter was well-known for his more moderate stance on intergovernmental issues, having already played the role of Vice-President of the Conference under a center-left regional majority (1998-2000).

Immediately after having been elected, the new President remarked, perfectly in line with the rhetorical arguments used by his predecessors, the unity of the so called "regional front", in spite of any consideration on the political congruence with the central Government:

"All the votes have been expressed unanimously – said the newly elected President of the Conference of the Regions [...] – as a sign of significant trust and of *a strong unitary vocation, for a correct relationship with the Government, whatever it is*, on territorial issues. Evidently, *an institutional culture* hovers in this hall that is not always present in other locations. We will resume the theme of institutional reforms, in order to achieve a full-fledged federal form of State, we want to give a strong impetus to this process, which is necessary for the modernization of our Country."

The new number two [...] [President of Emilia-Romagna, representative of the center-left coalition], is satisfied as well. "Today the Regions have made *an important and unitary choice, which clarifies how the Conference will behave in respect of the Government, without prejudicial positions*, but with a determination to address the issues of institutional reforms and the full realization of federalism"⁸⁵.

Note that the need to find a unanimous consensus on the name of the President of the Presidents even led the Regions to reconfirm, in 2010, the outgoing one, in spite of a completely changed situation in terms of both horizontal and vertical political congruence: irrespective of the victory of the center-right coalition in most of the Regions at vote, and the consequent vertical congruence between these Regions and the central executive (run, again, by the center-right), the Conference confirmed for a second term the President in office, although he was

⁸⁵ «Regioni, Enzo Ghigo nuovo presidente della Conferenza», *ADNKRONOS*, June 8th 2000; see also «Ghigo a capo delle Regioni, Errani vice. Il 'governatore' del Piemonte (FI) eletto all'unanimità: 'Sarò il presidente di tutti'», *Il Sole 24 Ore*, June 9th 2000.

a prominent exponent of the center-left coalition, now ruling a minority set of regional governments. While this might be partly due to divisions within the center-right coalition (particularly between the Regions in which the Northern League was a coalition partner and those where it was absent), it is sure that the confirmed head of the Regions had been able, during both his mandate as Vice-President and as his first mandate as President, to build his own reputation as a politically unbiased "trade unionist", acting on behalf of the "regional system".

Besides its election modalities, several actors interviewed have also underscored the role played, in first person, by the President of the Presidents, in stopping all initiatives taken outside the established circuit of intergovernmental relations: although unprovided with constraining powers and acting first of all as a spokesman of the Regions, he *actively* strove on many occasions to contain the emergence of alternative coordination forums.

Finally, the Director General of the horizontal arrangement also proposed, as an additional explication of the failure of alternative coordination devices, the lack, by groups of Governors, of organizational structures comparable to those – highly structured – already provided by the Conference of the Regions, as well as the relative appeal, to regional actors, of interregional, rather than intra-party or intra-coalition, mechanisms: the relevance of alternative coordination boards tend to be played down

basically, because they [the regional Presidents] lack the structure to do these things: I mean, they must then set up an organization that regularly organizes these meetings, prepares the documentation, puts the items on the agenda... Then, there may be a Councilor who does not like so much to participate in these things [alternative arrangements], because he does prefer to have the connection with others, through the Conference [of the Regions] [...] so these are things that start out as fireworks, then, in a few months... dissolve... [IT6]

To conclude, evidence provided by the within-case analysis of the Italian case seems thus suggesting that Intergovernmental Arrangements were a factor able to play an actual part in shaping the fate of intergovernmental relations patterns (the kind of prevalent conflict lines and actors' coalitions) in this country. In the next Chapter, I will look more closely at two comparable multi-level decision-making processes, so as to test the cross-case relevance of Intergovernmental Arrangements variations in "structuring" intergovernmental processes.

Chapter 6

Two Case Studies: The 2003 Italian "Fiuggi Agreement" and the 2005 Spanish Health Financing Agreement

6.1 Introduction

This Chapter follows on from the previous one, where the existence of the a correlation between IGAs features and IGR patterns, matching theoretical expectations, has been mapped.

In this part, an in-depth comparative analysis will be implemented of two health policy intergovernmental decision-making processes in the two countries under analysis: health funding bargaining in Italy (2003) and Spain (2005). By means of purposeful case selectin, these two case studies will allow for a deeper exploration – through Process Tracing techniques – of the hypotheses previously outlined. In this way, it will be possible to trace the observed outcomes (the kind of IGR actors' coalitions) back until the hypothesized causal conditions (the IGAs features), and to check for the presence (or the absence) of the supposed causal mechanisms. Put differently, in this way I aim to open otherwise "black-boxed" institutions (Immergut 1998). Given the partially exploratory nature of this analysis, Process Tracing should prove helpful also for uncovering potentially relevant alternative or complementary mechanisms, not included in the starting hypotheses.

In the remainder of this Chapter, after having explained the basic criteria used for case selection, I will focus, respectively, on the Italian and the Spanish cases: for each of them, some preliminary information will be provided, so to put the

episodes under investigation into their proper contexts; the unfolding of the inter-governmental decision-making processes will be then reconstructed, by identifying their major steps, from the entering of the issue at stake on the intergovernmental agenda, to the final decisions taken by the IGAs activated in the process. In the conclusive section, I will summarize and discuss the major comparative findings deriving from the analysis.

6.2 Case selection

Methodologically, the two cases under analysis have been chosen according to a MSSD logic (Przeworski and Teune 1970), that is trying to keep constant – as much as possible – all those conditions different from IGAs (relating to the polity, the politics and the policy fields), which, based on the existing literature, may be reasonably assumed as potentially able to affect the outcome of interest (the kind of intergovernmental coalitions). Indeed, as illustrated in Chapter 1, several "confounding" factors may be considered as theoretically relevant in shaping both the degree and the kind of conflicts emerging in intergovernmental relations. By purposeful case selection, I will thus try to "single out" in a clearer way the "formative impact" (if any) of Intergovernmental Arrangements on the structuring of intergovernmental processes.

Starting from the "politics conditions", the most obvious factor to be taken into account is the *partisan affiliation* of the interacting executives. Recalling the definition quoted in Chapter 4, vertical congruence may be conceived of as the coincidence of the party composition of governments across levels. This coincidence may in turn be full, when the same parties compose both the regional and the central government; it may be absent (full incongruence), when no overlap exists; vertical congruence may eventually be partial, in those cases where some, but not all governing parties at one level are also in office at the other level (Ştefuriuc 2009, p. 96). Clearly, one could imagine vertical IGR politicization to vary, depending on the proportion of fully, partial, and non congruent governments composing the intergovernmental arena. Politicization could be expected to be absent or relatively low in case of full vertical congruence between the large majority of governments; by contrast, the split of IGR actors into coalitions built along partisan alignments should be more likely in case of predominance of partial and, even more, of full intergovernmental incongruence. Meaningful comparison requires therefore the two cases to display a similar level of intergovernmental (in)congruence. From this point of view, the selected episodes can be considered as fairly comparable, as long as in both cases most of the regional executives were (at least partially) congruent with the central one: in Italy, in 2003, twelve out of twenty Regions were ruled by coalitions (at least partly) coinciding with the one ruling at the

center (i.e., center-right); in Spain, in 2005, in the light of the peculiarities of the Spanish political system described in Chapter 4, ten out of seventeen Communities could be considered as congruent with the socialist Government in Madrid: eight AACC were indeed directly controlled by the PSOE (in a single-party government, in three cases, or in coalition with minor partners, in five cases); two more could be considered as partially "congruent" with the central level as long as they were composed of parties providing parliamentary support to the central minority government (so called "camouflaged coalitions", Ștefuriuc 2009)¹. Also considering congruence from an ideological, rather than party composition, point of view, the distance on the left-right axis among subnational governments can be seen as quite similar, being just slightly higher in Italy than Spain (see Table 6.1).

Turning now to "policy factors", it has been illustrated that many different characteristics of the policies at stake may have an influence, a shaping effect, on the way in which IGR do unfold. Limiting the analysis to just one policy field – health care – can be seen as a first step in order to reduce variance. However, as seen in Chapter 1, within the very large field of any subject-related policy, the features of the specific issues to be addressed are likely to play a relevant role in shaping the conflict potentially emerging in intergovernmental policy-making, as in any other decision-making process. In sum, as well known, *policy* may be able to "determine" *politics*: «a political relationship is determined by the type of policy at stake, so that for every type of policy there is likely to be a distinctive type of political relationship» (Lowi 1964, p. 688). Some of the policy characteristics are relevant for determining the degree (more than the kind) of conflict likely to develop both among the sub-national governments, and between these latter and the central one. Each *kind of policy* is indeed characterized by a different degree of "conflict potential". From this point of view, the key-issue at stake in both selected cases is a redistributive one: how to allocate health policy funds to the regional governments. This kind of policy has the advantage of being, by definition, the most contentious one, and, as such, the most likely to trigger observable tensions and actors' positioning within the intergovernmental arena. The highly divisive nature of all financial (redistributive) issues was furthermore confirmed by IGR actors in both national cases.

Policies, however, may vary also in respect to other potentially relevant dimensions. Among them, the *ideological content* of the issues to be debated is evidently a factor which could impact directly on the kind of intergovernmental conflict (partisan rather than territorial) potentially arising. In the health care

¹These two Autonomous Communities were the Basque Country and the Canary Islands. In the former, one partner of the regional ruling coalition (IU) supported the central executive in the national Parliament. In the latter case, Canarian Coalition (CC) supported the central executive of the PSOE, which, in turn, supported the minority CC government at the regional level.

policy field, this could be the case of highly sensitive matters, such as abortion and euthanasia (as it was actually the case in the Spanish CISNS, as seen in the previous Chapter), and the like. Anyway, in both cases the ideological content of the major issue under discussion can be assumed to be exactly the same, that is virtually inexistent. It must be also added that in none of these two cases decisions had to be taken under the pressure of an exogenous, unexpected *focusing event* (such as the "mad cow" crisis or the "flu pandemic"), which might be seen as an external condition able to reduce contrasts (both of territorial and partisan nature), by forcing agreement among otherwise non-cooperative governments. The degree of *Europeanization*, which could in turn represent an additional external pressure favoring intergovernmental consensus, is, as well know, extremely limited in the health care policy field, which formally still falls – with few exceptions – within the competences of the EU member States (in spite of some recent forms of "authority migration": Greer 2006). Finally, the degree of intergovernmental conflict could be related to the relative saliency of health care policy for regional governments in the two Countries: the higher the saliency and the visibility of a policy, the higher the expected degree of conflict. From this point of view, suffice it to say that healthcare constitutes for both the Spanish and the Italian regional governments the most relevant competence, both in regulatory and budgetary terms².

Eventually, among the "polity factors" theoretically considered able to exert an impact on the relative weight of party political (in)congruence across central and lower-level governments on intergovernmental processes, the major is the *form of State*. In this respect, the basic argument already sketched in Chapter 1 relies on the so called "shadow of the hierarchy" hypothesis, meaning that subnational governments lacking strong constitutional guarantees would be less prone than full-fledged federal constitutive units to engage in partisan conflicts with the central Government: in case of contrast, they would fear, indeed, a unilateral withdrawal of devolved powers by the State. As seen in Chapter 4, there is no agreement among scholars on the nature of the Spanish State of Autonomies: while some come to define it as full federal polity (e.g. Sala 2014), others are more inclined to consider Spain a "quasi-federal" State. At the same time, the analysis carried out in the previous Chapters has clearly shown that, from a general point of view, IGR managed by means of multilateral IGAs are clearly more unilaterally dominated by the central level in Spain than in Italy. For the purposes of this analysis, I will thus assume both countries not being neither unitarian nor full-fledged federal States.

To conclude, as summed-up in Table 6.1, both selected cases are characterized

²It is indeed the first financial responsibility both in Spain and in Italy, although in different percentage terms: while in Italy healthcare constitutes about two third of regional budgets, in Spain it represents about one third of AACC budgets (the second financial responsibility being education).

by: a comparable high level of redistributiveness of the key-issue at stake (the allocation of health funds to the Regions by the central Government); comparable levels of ideological content and of Europeanization (both extremely limited, if not virtually absent) and high public saliency; in a context of "partial partisan congruence" of the central Government with the majority of the regional executives, that is, ruled by (and/or supporting) the same political parties in office at the center, in the absence of any major external "focusing event".

6.3 Italy: the 2003 "Fiuggi Agreement"

6.3.1 Some preliminary remarks

In order to put the selected episode under analysis into proper context, it should be briefly reminded that since the institution of the National Health System in 1978 (see § 4.3.2) the Regions had to give their advice on the annual allocation of the National Health Fund (*Fondo Sanitario Nazionale*), the major financing source of the system: the regional advice was initially given by means the National Health Council (up to 1989), then through the State-Regions Conference (see § 2.2.2). This amount of financial resources was of categorical nature, meaning that Regions were not free to use it for policy fields different from health care. According to the Law establishing the NHS, the Fund was to be allocated on the bases of not better specified indicators and standards, so to ensure, in a uniform way, the same benefits to all citizens all over the country. In fact, the level of spending in each Region in 1977 was taken as reference point for the allocation of the new Fund, introducing in this way the so called "historical expenditure principle" as the basic criterion for the allocation to each Region of the financial resources to be used for healthcare policy (Toniolo 2004).

Despite the introduction of some amendments during the Eighties, major innovations in the Fund allocation formula were not introduced until the early Nineties, when a whole reform of the National Health System (see again § 4.3.2) provided for different distribution criteria, mainly based on the non-adjusted regional population: Decree no. 502/1992 identified indeed the *per capita* parameter as the fundamental one, just slightly adjusted in order to compensate for interregional patients mobility and the quality and quantity of health infrastructures each regional health system could rely on. From 1996 onwards, this latter parameter had to be abandoned.

However, Budget Law for 1997 (Law no. 662/1996, Sect. no. 1.34) did not follow the path designed in 1992: it was indeed decided that the Fund would be allocated among the Regions by taking into account, in addition to the resident population, many other factors such as the frequency of health consumption by

Table 6.1: Case selection: Italy 2003 and Spain 2005 compared.

Conditions		Italy 2003	Spain 2005
POLITICS	Vertical Congruence	Central Government: CR; Congruent Regions: CR (12/20)	Central Government: PSOE [+ ERC+ IU + BNG + CC + CHA]; Congruent Communi- ties (10/17): PSOE (3); PSOE + IU (1); PSOE + BNG (1); PSOE + PAR (1); PSOE + PRC (1); PSOE + ERC + IU (1); PNV + EA + IU; CC [+ PSOE]
	Horizontal Congruence	CR (12); CL (6); Aut + CL (2)	PSOE (8); PNV + EA + IU (1); CC (1); PP (7)
POLICY	Kind of Policy	Ideological congruence (L- R): 12.89	Ideological congruence (L- R): 10.53
	Visibility/Saliency	Redistributive	Redistributive
	Ideological content	High	High
POLITY	Europeanization	Low	Low
	Focusing event	Low	Low
	Form of State	Absent	Absent
		Not unitary nor full- fledged federal	Not unitary nor full- fledged federal

Key: CL = center-left coalition; C-R = center-right coalition. L-R = left-right dimension; for Spanish parties, see List of Abbreviations.

age and sex, territorial epidemiological indicators, as well as additional indicators related to specific "territorial situations", able to impact on the "health needs" of the regional consumers of health benefits. While the Budget Law pointed out the fundamental criteria to be followed for allocating the Fund, the variables and the weights to be attributed to each of them were not specified: theoretically, the Interministerial Committee for Economic Planning (CIPE)³ was in charge of this task. In fact, at least since 2000, the established practice has been different, the CIPE having played nothing more than a formal role in the decision-making process. In fact, if up to that moment the Regions were simply called to give their advice (*parere*) on the annual allocation of the Fund, the 1996 reform envisioned the need to reach a State-Regions "understanding" (*intesa*), which, as seen, is the deepest form of regional involvement in national decision-making (cf. 2.2.3).

It is also worth recalling that between the second half of the 1990s and the early 2000s regional financing was deeply reformed with the aim of providing the Regions with higher levels of fiscal autonomy⁴. In this framework, the National Health Fund was formally abolished and substituted by a set of resources deriving from both regional and national taxation. The total amount of these resources (which are still commonly, although wrongly, called "National Health Fund") is set, as before, by the central Government in the Budget Law, so to ensure that regional health systems are provided with an overall quantity of financial resources sufficient to deliver to their populations essential levels of healthcare (which constitute, in all, the so called "national health need"): differently from before, however, these funds are no more categorical, meaning that, provided that the regional health systems ensure the delivery of essential levels of healthcare, the Regions are theoretically free to spend them for whatever kind of policy goal. Minor additional funds are still of categorical nature, in the sense that they are allocated to the Regions for the attainment of specific targets, set in the National Health Plan (e.g. plans on palliative cares, rare diseases, and so on).

As to the allocation to each Region of the share corresponding to its regional health needs, since the 2000 regional financing reform the established practice has

³A central Government body, chaired by the President of the Council and composed of all "economic" Ministers, with competences on general economic policy planning.

⁴More specifically, Budget Law for 1997 introduced the regional surtax on personal income (IRPEF), while in 1997 legislative Decree no. 446 provided for the establishment of the regional tax on productive activities (IRAP), both to be devoted to regional health systems financing. Between 1992 and 1995 minor regional financing sources had already been introduced (among which the regional taxes on vehicles, on household electricity and gas supply, and sharing of the State tax on gasoline). Major changes were not introduced until 2000, when legislative Decree no. 56 set up a new system of revenues, based on regional sharing of national tax revenues and surtaxes: the main novelty consisted in the suppression of most *categorical* State financial transfers toward the Regions, substituted by IRAP, IRPEF surtaxes, TAV sharing, and increased shares of gasoline tax revenues.

been that it is up to the Regions to propose a solution for the distribution of the (former) National Health Fund. As long as this measure must be adopted by means of an "understanding", the regional proposal is accepted by the State-Regions Conference only if there is a *unanimous* regional agreement on it. Otherwise, that is if the Regions are not able to find among themselves a consensus within thirty days from the moment in which the item has been officially put on the State-Regions Conference agenda, the central Government, as for any other *intesa*, may unilaterally take the final decision: in other words, it may decide to distribute the Fund, based on whatever formula compatible with the rather general principles set in 1996⁵.

Practically, this has meant that every year the Regions have organized monographic sessions of their horizontal Conference with the aim of finding a unanimous agreement on the allocation of health funds. According to all informants interviewed, such a decision represents the most demanding and politically relevant measure the Regions do take by means of their self-coordination arrangement. Usually, these meetings last a couple of days, characterized by an uninterrupted, intense and close-doors bargaining activity. Such features led many newspapers and regional actors to refer to these encounters as to regional "conclaves". The first of them took place in 2000 in Venice (November 16th and 17th); the second was organized in Perugia (December 14th and 15th 2001); the third was called in Fiuggi (January and 2003); the next ones were convened in Rome.

6.3.2 The IGR decision-making process

The issue

At the beginning of 2003 the National Minister of Health offered to the Regions a largely renewed formula for the financial estimation of the "health need" of each single Region. In sharp contrast with the allocation formula in force up to that moment, which accorded a relevant weight to the regional population age, the new criteria proposed by the Health Ministry were mostly based on the non-adjusted regional resident population (more similar to those abandoned in 1996). If implemented, the practical major effect of such reform would have been a massive transfer of financial resources from the older Regions, located mainly in the Center and in the North of Italy, to the younger ones, concentrated in the Southern areas of the country. The ministerial proposal had been preceded by a series of public announcements by IGR actors, lasted for more than one year.

The first public request of revising the Health Fund allocation criteria had been formulated, in August 2001, by the President of Lombardy, the country

⁵Notice that while this procedure was followed since 2000, it was partly formalized in the fundamental State-Regions Agreement of August 8th 2001 (point no. 16).

richest Region, ruled by a center-right coalition congruent with the new central Government⁶. The same request was reiterated some months later, when the Lombard executive proposed the establishment of an *ad hoc* technical commission, charged with changing the variables used for assessing regional health needs: in its view, indeed, criteria established in 1997 weighted too much aged population, disfavoring in an unfair way Lombardy as well as many Southern Regions⁷. This time, the central Government reply was not late in coming: just few days later, indeed, the willingness to revise the National Health Fund allocation formula was made public by the Minister of Health, according to whom the existing rules were based on "not perfectly correct criteria", disadvantaging particularly (but not only) the Southern Regions: for these reasons – he announced – a "technical commission" was to be tasked to study that issue⁸.

Some months later (June 2002) the same idea was confirmed by the Minister, who also specified that the major amendment of the formula to be done was related to the necessary reduction of the weight attributed to the age variable. The new allocation method to be adopted – largely based on the non-adjusted population – was defined by the Minister as the most consistent with objective and science-based criteria:

The current criteria for the allocation of the National Health Fund do favor some Regions by penalizing others, especially the Southern ones. Just think, for example, that Apulia [a Southern Region], which has almost the same population of Emilia-Romagna [a Center-Northern Region], receives almost 1,100 billion lire less just because it has a smaller number of elderly people." [...] "In the current distribution agedness is weighted too much". [...] "I am convinced [...] that every correction made to the per capita quota is a source of error. Sure, you can take into account elderly people, the number of accidents, or hospitals, structural deficits, the territory, but it is very difficult to understand how much these individual variables have to be weighted." The only solution, therefore, "is to base [allocation] on *the per capita quota, which is the only objective criterion to be adopted*, perhaps correcting it slightly (and not as much as now) on the basis of the number of elderly people⁹.

⁶«Sanità: Formigoni, a settembre nuovi criteri ripartizione fondi», *ADNKRONOS SALUTE*, August 8th 2001.

⁷«Sanità: Formigoni, rivedere ripartizione Fondo Nazionale. Serve Commissione 'ad hoc', ora Lombardia è penalizzata», *ADNKRONOS SALUTE*, December 12th 2001.

⁸«Fondi Sanità: Sirchia, sì a nuovi criteri ripartizione», *Il Sole 24 Ore - Archivio Notizie Radiocor*, December 17th 2001; «Sanità: Sirchia, fondi più equi a Regioni entro 2003. Commissione scientifica ripenserà attuali criteri ripartizione FSN», *ADNKRONOS SALUTE*, December 17th 2001.

⁹«Sanità: Sirchia, Fondo Nazionale mal ripartito. Numero di anziani per regione pesa troppo», *ADNKRONOS SALUTE*, June 10th 2002.

Again, such statements could be interpreted as a further reply to requests which had come from the President of Lombardy:

Time has come for the criteria by which the National Health Fund is allocated to be revised, so to become more modern and equanimous. The criteria in force, in fact, have been established with the specific purpose of giving more to some Regions and less to some others¹⁰.

In face of these hypotheses, positions of IGR actors started to differentiate. Strongest public hostility towards the revision of the allocation criteria came from exponents of two Center-Northern Regions, characterized by the presence of large shares of elderly population, and historically uninterruptedly ruled by center-left coalitions: Emilia-Romagna and Tuscany. Health Councilor from Tuscany denounced that the Government, by reducing resources allocated on the basis of the age variable, was in fact willing to "revenge" against the center-left Regions, most of which had been able to implement the health reforms introduced in the Nineties without producing new budget deficits. A typical "political patronage" argument was used to attack the announced governmental plan:

Behind the [allocation] criteria, there is a real risk that the Minister and the Government want to "revenge" against Tuscany and all those Regions that have attempted, partly being successful, to keep the health care sector under control [...] The Health Fund is allocated based on the number of inhabitants in each Region. But there is a strong corrective [...] for the elderly. It is evident that the elderly "consume" more healthcare than young people. Since our Region is among those which have the most numerous aging population, strongly growing, it is clear that this corrective becomes a measure necessary to protect these citizens. Why should we abolish this correction which is used worldwide as a scientific criterion for the allocation of funds? If the Minister will act in this way, it is clear that we are dealing with a revenge against the center-left Regions, that are those that have implemented better the Bindi reform [the NHS 1999 reform: see § 4.3.2], and have balanced budgets. It would be a declaration of war, which would cost us hundreds of billions¹¹.

At the end of December, although no *ad hoc* "technical commission" had been established by the central executive for addressing this issue, the elaboration of a new allocation formula was eventually publicly announced by the Health Minister:

¹⁰In «Sanità: Formigoni, rivedere ripartizione Fondo Nazionale. Criteri attuali favoriscono alcune Regioni penalizzandone altre», *ADNKRONOS SALUTE*, June 10th 2002

¹¹«Fsn & criteri di ripartizione: per Sirchia e Formigoni vanno rivisti. Protesta l'Emilia Romagna», *Il Sole 24 Ore*, June 10th 2002; «Rossi lancia l'allarme: 'Una vendetta perché qui i conti tornano'», *La Repubblica* (Sezione Firenze), June 17th 2002.

We have plug away at a transparent and scientifically valid method, by using the most up-to-date indicators and giving maximum importance to objective, rather than subjective, parameters. The main point of reference is the per capita quota, combined with criteria such as life expectancy and the expected years of disability and serious chronic disease. It will be then up to the Regions to select the most appropriate solution, among those that we have prepared¹².

IGAs at work

The main steps of the formal intergovernmental decision-making process are schematically represented in Figure 6.1: as seen, the initiative was taken by the central Government (step no. 1); the following steps are constituted by two meetings of the State-Regions Conference, where the governmental proposal was formally presented to the Regions (steps no. 2 and 3). The fourth step is represented by the meeting of the horizontal IGA (the Conference of the Regions). Step no. 5 concludes the process, by the decision taken by the State-Regions Conference.

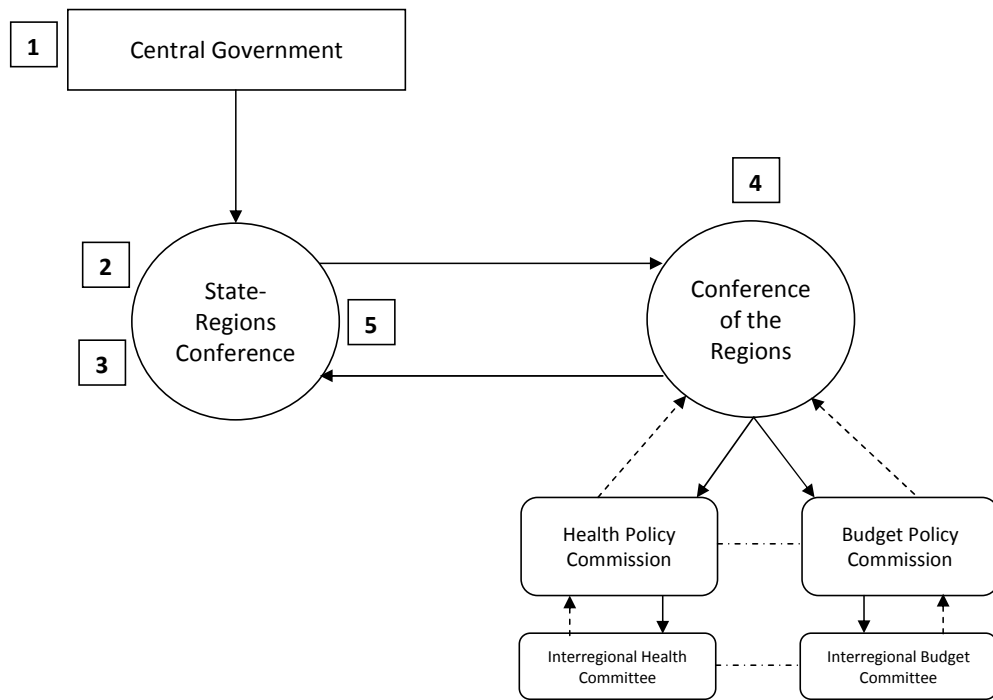
The formal confrontation between the central Government and the Regions did not start until the beginning of 2003, when the measure was officially put on the agenda of the State-Regions Conference, called to debate the allocation of the National Health Fund for 2003¹³. This first encounter between the Government and the Regions, entirely devoted to the discussion of the item under analysis, was called on January 9th (step no. 2). It lasted just fifteen minutes, during which, besides some contrasts between the Regions and the Government on the 2002 funds, all actors agreed on the opportunity to recall the Conference one week later, in order to give the Regions enough time to assess the highly innovative Government proposal: it was indeed envisioned that the 70% of the entire Fund should be allocated on the basis of the non-adjusted regional resident population. It was also agreed that the thirty-days time-limit within which an understanding had hopefully to be reached would start from the next date. The President of the Conference of the Regions also announced that regional governments would convene separately, as they had always done since 2000, in order to find a unanimous stance on the measure at stake.

In spite of the very preliminary nature of the meeting, two conflictive issues emerged, related to the method by which the governmental proposal had been

¹²«Intervista - Parla il ministro Sirchia: «Il monitoraggio della spesa è fondamentale» - «Deve finire lo scandalo delle liste d'attesa» «Nella sanità lotta aperta agli sprechi» Risorse 2003: il 9 gennaio la proposta alle Regioni», *Il Sole 24 Ore*, December 28th 2002.

¹³The availability of minutes makes it possible to reconstruct in detail the development of this as well as of the following State-Regions meetings.

Figure 6.1: Italy 2003: Formal intergovernmental decision-making process (main steps).



put forward: in a tit-for-tat with Government representatives (the Ministers of Regional Affairs and of Health), the President of Emilia-Romagna (and Vice-President of the Conference of the Regions), complained indeed that the central executive had reversed the established practice (according to which, as seen, it was up to the Regions to propose alternative allocation formulas), and that the document presented by the Health Ministry was nothing but a poorly understandable table, devoid of any technical attachment.

The technicality and the very scientific nature of the Health Minister proposal were the main subjects of controversy of several actors public statements following the closed-doors meeting. While the Minister stressed again the scientific objectivity of the new formula («It's a new method [...] Some more time for studying it is right. Anyway, it is an objective method [...] that appropriately weighs the various factors and is based on the international literature. It is not our invention and it seems to me a good method»¹⁴), both the President and the Vice-President of the Conference of the Regions called into question the very technicality of that formula. If the former defined the table "lacking scientific bases"¹⁵, the latter even evoked that it had been designed "ex post": «Minister Sirchia must give us the [technical] attachments. The clear impression one feels, by reading the only table they have given to us, is that, actually, an *a posteriori* reasoning has been followed: first, final figures have been constructed, then [the method] has been reconstructed»¹⁶.

In the week between the first and the second State-Conference meeting, Liguria, a small Northern Region, among those most penalized by the adoption of the "per capita" parameter (being characterized by the highest regional aging index) and ruled by a center-right coalition, moved on several fronts to mitigate the negative effects coming from the possible implementation of the new formula, favoring, in the view of the President of this Region, bigger (Southern) Regions, with a high number of Ministers in the Government and large fiscal problems. To this end, the President required, and obtained, a unanimous, cross-partisan vote of the regional legislature in defense of the Liguria's Fund share¹⁷; the same happened two weeks later in Tuscany¹⁸.

¹⁴«Sanità: Sirchia, confronto su FSN 2003 riparte fra 7 giorni. Metodo nuovo per riparto basato su letteratura internazionale», *ADNKRONOS SALUTE*, January 9th 2003.

¹⁵«Stato-Regioni: ancora lontana l'intesa sul fondo per la sanità. I Presidenti delle Regioni bocciano la tabella di Sirchia», *ANSA*, January 9th 2003.

¹⁶«Sanità: Errani, Sirchia fornisca allegati del FSN 2003», *AGI*, January 9th 2003; on the questionable technicality of the ministerial proposal see Gilberto Muraro, «Sanità, ripartizione fondi solo con criteri oggettivi. Non convincono le nuove regole sulla divisione tra Nord e Sud», *Sole 24 Ore*, January 12th 2003.

¹⁷«Sanità: fondi nazionali; Biasotti chiama Liguria a raccolta», *ANSA*, January 14th 2003.

¹⁸«Centrosinistra e centrodestra uniti per difendere il sistema sanitario toscano dai tagli annunciati dal ministro. Voto bipartisan in Regione contro Sirchia», *L'Unità* (ed. Firenze), January

While the Health Fund allocation was not but one of many items to be addressed on the agenda of the next State-Regions Conference (January 16th), large part of the debate (unusually long) focused on it (step. no. 3 in the Figure). The central government had indeed put forward a second, new proposal, reducing from 70 to 65 the percentage of the Fund allocated according to the non-adjusted per capita parameter, and introducing some further amendments to the original formula.

This time, in contrast with the first meeting, divergences became apparent not only between the regional and the central level, but also among the Regions *vis-à-vis* the central Government. The attempt of the "President of the Presidents" to speak on behalf of the regional level – stressing, again, methodological issues, such as the Regions right to propose an alternative solution, and the need of time to assess carefully the latest ministerial proposal – proved in this case unable to hide the evident tensions existing among regional executives on the merits of the governmental document. Explicit actors' positions aligned along the two main divide lines: the younger/older Regions, and the vertically congruent/incongruent ones.

While the spokesman of the horizontal Conference tried to keep the regional front united, the center-left Presidents and Councilors from the Regions most penalized by the new allocation formula (Center-North) were the most argumentative during the meeting. President of the Marches (a little Central Region, ruled by a center-left coalition) asked that a double motivation of the non-understanding with the Government on the new formula was officially reported in the minutes: the lack of intergovernmental agreement, in his view, was due not only to the method followed by the central level (clearly ignoring regional prerogatives), but also to the very content of the proposal under discussion. Such a critique towards the Government document was then supported by other representatives of the center-left coalition, ruling Central Regions (particularly, again, Tuscany and Emilia-Romagna). The meeting quickly turned into a heated debate between the Health Minister and the representatives of Emilia-Romagna, a Region characterized by a quite high average population age and uninterruptedly ruled by left-wing parties since 1970. Emilia-Romagna representatives firstly evoked that, in the amended formula presented by the central executive just before that meeting, special favorable conditions had been reserved, in a nontransparent way, to (congruent) Liguria; secondly, they stressed the methodological incompatibility between the "per capita" criterion and the constitutional duty, by the Regions, to provide citizens with essential levels of healthcare (the demand of which would be highly related to the regional population age).

In his reply, the Health Minister remarked that Emilia-Romagna had been

30th 2003.

unfairly favored, during the last years, by the allocation parameters designed under the previous (center-left) central Governments: using the same argument used by Emilia against his proposal, the Minister defined as «absolutely arbitrary and built "ex post"» the formula elaborated in the second half of the Nineties, which would have been based on «neither transparent nor intelligent» criteria. Interviewed on this point for this analysis, the then Minister of Health confirmed his stance, putting the question in the following terms:

It was a formula constructed in order to favor one's friends, wasn't it? [...]
A political formula, but also a dishonest one! Besides being untenable from a mathematical point of view... That is, say, more generally, it was a wrong formula... [IT7]

Regional representatives from the South at the head of center-right coalitions (the Presidents of Calabria and Lazio, as well as the Apulia budget Councilor) took instead an explicit stance in favor of the ministerial proposal, stressing that the position of the President of the Marches was not to be intended as the official stance of the Conference of the Regions, and that, by contrast, they welcomed the opening of a necessary debate on the allocation criteria.

Discussion on this issue was eventually concluded by the Minister of Regional Affairs, according to whom it would have been better if debate had not entered into the merits of the question, in order to avoid the emergence of a «controversy of political nature».

Such a controversy, however, reemerged just few days later, when MPs of the main opposition party (DS -*Democratici di Sinistra*) presented a parliamentary question to the Health Minister on the Fund allocation (Camera dei Deputati 2003, pp. 57-59)¹⁹.

As planned, regional representatives finally met in a special, monographic session of the Conference of the Regions, held in Fiuggi (outside Rome) two weeks later (step no. 4 in Figure 6.1). Isolated in a hotel, regional Presidents, Budget and Health Councilors and technicians convened with the aim of finding a shared, alternative solution. Given the regional positions on the ground reconstructed above, the perspective of an interregional agreement appeared to many observers as highly unlikely²⁰. Just few weeks before, the President of Liguria had argued:

¹⁹Replying to the Minister, they stated: «The reasons you brought up, Minister, seem apparently objective from a clinical and scientific point of view, but I would like to remind you, Minister – even though you know it much better than me, so my reminder is just formal – that the World Health Organization itself argued that the criterion of [health resources'] allocation based on the population weighted by age classes and diseases is the most scientifically correct criterion» (Camera dei Deputati 2003, p. 59); «Sanità: Sirchia, nessun taglio risorse a Regioni ma aumenti», *ADNKRONOS*, January 22nd 2003.

²⁰«I Governatori al patto delle terme. Fiuggi (29-30 gennaio): intesa disperatamente cercasi

we will seek, by any means, an agreement, but it is clear that those favored [by the new formula] will not be very willing to deprive themselves of the enormous funds that would be allocated to them²¹.

The then health policy technical coordinator of the Conference of the Regions confirmed that the interregional search of an alternative solution started, in fact, from extremely unfavorable premises. In principle, existing tensions could lead to the emergence of several coalitions, which, by breaking the "regional front", would have favored the adoption of the new formula: a cross-partisan coalition, formed by all young Regions, irrespective of their partisan affiliations, opposed to the older ones; a partisan coalition, politically congruent with the central level, formed by both young and old Regions, all ruled by the center-right coalition; eventually, a partisan (sub)coalition, including only those Regions characterized by the presence of young populations and ruled by the same coalition in office at the central level. As summed up by Toniolo et al. (2003),

tensions on "technical criteria" covered, in fact, political and financial tensions: to be in favor of non-adjusted capitation or of weighted capitation was probably not determined only by technical-scientific principled reasons, but especially by being or not a Region with a young or elderly population. This then combined with other factors apparently not in the game, but in reality very influential, such as the political orientation of the regional administration with respect to the central government, being located in areas of greater or lesser economic development, having significant previous financial deficits in regional health budgets . [...] It is very difficult to discuss technical criteria in a truly "scientific" way, without being influenced by your own membership to a Region or to a political part (pp. 83-84, translated).

Notice furthermore that, given the consensus requirement for reaching an alternative understanding with the Government, in principle *every single* Region advantaged by the new formula could exert its own veto power, making in that way the ministerial proposal enter into force: as put by a former regional technical coordinator, these Regions were willing to "throw a monkey wrench in the works" [IT9].

It is under these conditions that the articulated infrastructure of the Conference of the Regions, laid out in Chapter 2, started working.

per il riparto del Fsn 2003 tra le Regioni», *Il Sole 24 Ore Sanità*, January 28th 2003; «Meno soldi per le regioni "più anziane", i governatori sul piede di guerra. Sotto accusa i nuovi criteri di ripartizione del Fondo sanitario decisi dal ministro Sirchia», *La Repubblica*, January 28th 2003; «Spesa sanitaria, bocciate cinque Regioni. Governatori oggi e domani riuniti a Fiuggi per mettere a punto una proposta unitaria sul riparto dei 77 miliardi del fondo 2003», *Il Sole 24 Ore*, January 29th 2003.

²¹ «Sanità: fondi nazionali; Biasotti chiama Liguria a raccolta», *ANSA*, January 14th 2003.

A preliminary documents' file had been prepared by the Conference Secretariat offices, gathering the most relevant information on the issue to be debated, for all those attending the meeting (Conferenza dei Presidenti delle Regioni 2003a).

The plenary meeting was preceded by an informal select committee. Consistently with the established practices described in Chapter 2, this committee was composed of representatives of a reduced number of Regions (Apulia, Emilia-Romagna, Lombardy, Veneto, Sicily, Umbria, Liguria, Basilicata and Campania), representing, in a quite balanced way, all the major interests at stake: political affiliation (five ruled by the center-right, four by the center-left); population age and geographical location (three of the North, two of the Center, and four of the South), as well as the territorial and demographic dimensions. Then, health and budget Councilors, irrespective of their political affiliation as well as of individual financial advantages of their Regions, commissioned regional technicians (both of the health and the budget areas) to try to elaborate, despite the evident difficulty of that task – due to the highly divisive impact of the formula proposed by the Ministry – an alternative document, hopefully able to keep the "regional front" united.

This was just the starting phase of an uninterrupted series of meetings between Presidents, Councilors and technicians, which lasted almost two days. Technicians were continuously tasked by Presidents and Councilors with the simulation of alternative allocation formulas, in order to assess the potential impact of each of these hypotheses on the budgets of every single Region.

The most likely scenario would have been the one in which Regions did split in (at least) two separate groups, letting by consequence the ministerial proposal enter into force. Several actors considered that the Health Minister had exactly bet that Regions, faced with his proposal, would not reach any agreement in the end. Unexpectedly, the interregional decision-making process took a completely different path: after intense negotiations, Regions proved eventually able to find a unanimous, thus cross-partisan, consensus over a different allocation formula than the one proposed by the Ministry. After the meeting, the then Health Councilor of Tuscany commented this development in the following way:

The Government wanted to divide us [...] and instead we kept united. We have found an agreement in spite of those who tried to oppose the economic difficulties of the South with the very high average age of the North. Even the Regions governed by the center-right have agreed to disregard what had been hypothesized by the Minister, and after very long negotiations we have found an intersection point among the various demands²².

²² «Bilanci per la sanità, meno tagli alla Toscana», *La Repubblica* (Sezione Firenze), February 1st 2003, p. 7.

Table 6.2: Italy 2003: chronology

August 2001	Lombardy claims for a revision of the Health Fund allocation criteria.
December 2001	Lombardy claims again for a revision of the Health Fund allocation criteria; the Health Minister announces these criteria will be revised: to this end, an <i>ad hoc</i> technical Commission would be established.
June 2002	New claims from Lombardy; the Health Minister explains that the new formula will be amended by reducing the weight of the age variable.
December 2002	The Health Minister announces that new criteria have been drafted for the allocation of the Health Fund.
January 2003	9 th : first meeting of the State-Regions Conference to address the allocation of the Health Fund: the Government presents its proposal to the Regions.
	14 th : Liguria's regional legislature votes, in bipartisan way, in defense of the regional share of the Health Fund.
	16 th : a second meeting of the State-Regions Conference takes place: a new, amended proposal is presented by the Government to the Regions.
	22 nd : the main opposition party presents a parliamentary question to the Health Minister on the allocation of the Health Fund.
	29 th : Tuscany's regional legislature votes, in bipartisan way, in defense of the regional share of the Health Fund.
	30 th -31 st : the Conference of the Regions convenes in a monographic session devoted to the allocation of the Health Fund.
February 2003	1 st : the final meeting of the State-Regions Conference takes place.

6.4 Spain: the 2005 Health Financing Agreement

6.4.1 Some preliminary remarks

The devolution of full health powers to those Communities still lacking them at the end of 2001 (cf. § 4.3.2) was preceded by the approval of a new general system of regional financing (CPFF Agreement, July 27th, and Law no. 21/2001, December 27th), valid for all Autonomous Communities (the Basque Country and Navarre excluded). Up to that moment, indeed, regional governments had been financed by transfers from the center, represented by the National Health Institute (*Insalud*) (basically based on the "historical costs" principle).

As it had been the case in Italy in 2000, the regional finance reform led to the abandonment of the categorical nature of health financing, this latter being transformed into just a part of the overall amount of resources each regional Government had at its disposal, and to the introduction of measures aiming at increasing the level of regional fiscal autonomy²³.

In spite of the non-categorical design, the computation of the total financing need of each Community was in fact split into three "blocks", one of which was devoted to regional health care needs. The resources of this "block" were distributed among the Autonomous Communities by means of two main funds: the General Health Finance Fund and the Savings Fund for Temporary Disability²⁴. These two Funds were based on resources collected by regional governments, integrated by the State through: the (small) *Fondo de Cohesión Sanitaria* (Health Cohesion Fund), compensating for costs determined by patients' interregional mobility; and, more importantly, the *Fondo de Suficiencia* (Sufficiency Fund), covering the (positive or negative) differences between the overall financial needs of each Community and its fiscal capacity. Further leveling mechanisms, to be agreed by the State and the Autonomous Communities concerned, were provided for regional governments experiencing an extraordinary growth of their populations, that is at least 3% higher than the national average.

²³AACC were accorded: 33 % of the personal income tax (IRPF); 35 % of the VAT; 40 % of taxes on gasoline, tobacco and alcohol; 100 % of the taxes on wealth; inheritance and gift; capital transfer; gambling; electricity; vehicles registration.

²⁴The former (and largest one) was allocated among regional governments according to three variables: the regional "protected population" (75%), the percentage of residents over 65 (24.5%), insularity (0.5%).

6.4.2 The IGR decision-making process

The issue

In contrast with previous systems of regional financing, which had envisioned a systematic update every five years, the new fiscal arrangement was designed without including any clause about its revision: it was indeed conceived as a definitive, "non-revisable" system. Very soon, however, the new fiscal architecture appeared unable to provide regional governments with resources sufficient to deal with their functions, particularly with those related to the provision of health care services. The necessity to increase the overall amount of financial resources available to the Autonomous Communities became thus more and more evident to an increasing number of IGR actors between 2004 and 2005.

The first Communities claiming for more money and denouncing the insufficiency of the regional financial means for health care were, in February 2004, that is just one month before general elections, those ruled by the Socialist Party (plus the Basque Country), then incongruent with the PP central Government, which rejected all complaints (Rey del Castillo 2006)²⁵.

Once the PSOE in office at the central level (second half of 2004), however, the number of Communities denouncing the insufficiency of health financing rapidly grew up, coming to include – besides the socialist ones – also those ruled by the PP. The first PSOE Community to reiterate the request of more funds was Extremadura²⁶. As reconstructed by Rey del Castillo (2006), roughly in the same period the Madrid Community (PP) was instead the first to introduce the growth of the population (particularly, due to immigration) as the main justification for claiming more money: quickly, such argument turned into the general "doctrine" of the Communities led by the Popular Party. Likewise, Catalonia, ruled by a coalition headed by the socialists, pointed to the increase of its population (jointly with the mismanagement of health policy by the previous CiU regional executive) as one of the major causes of its deficit. While the socialists tended to stress the need of an overall revision of the financing system then in force (passed under the Aznar's popular Government), the populars rather highlighted the opportunity of some adjustments, so to take population growth into account²⁷.

²⁵ «Las autonomías gobernadas por PSOE y PNV exigen a Pastor 1.800 millones», *El País*, February 17th 2004, p. 28; «Ocho regiones reclaman 1.800 millones al Estado», *Diario Médico*, February 17th 2004, p. 6 (both articles are quoted in Rey del Castillo 2006).

²⁶ «Extremadura reclama al Estado 33,8 millones por flecos transferenciales», *Diario Médico*, June 16th 2004.

²⁷ For a review of several Communities requests on health financing see «Los presidentes autonómicos piden más dinero. Los jefes de Gobierno de 11 comunidades explican a EL PAÍS sus ideas sobre cómo resolver los problemas de financiación territorial», *El País - Edición Impresa*, May 23rd 2005.

In fact, as sketched above, the financing law passed in 2001 had envisioned that, under specific, exceptional demographic circumstances, Communities' financing could be revised²⁸.

IGAs at work

It is in this context that the first Conference of the Presidents – the new vertical IGA composed by the Prime Minister and the Regional Presidents – was called by the President of the Government (October 2004). In the previous Chapter the climate of strong partisan confrontation prior to that (unprecedented) intergovernmental meeting has already been laid out.

Problems related to health policy financing were included among the major items on the Conference agenda²⁹. In this respect, the decision taken by the Government together with the Autonomous Communities was to set-up an *ad hoc* Working Group on health spending (*Grupo de Trabajo para el Análisis del Gasto Sanitario*) in order to address such issue in a joint way, from a technical perspective. This Group, directly reporting to the Conference, was charged with implementing an analysis – as more complete as possible – of the variables accounting for both the amount and the evolution of regional health spending, through the implementation of a new, homogeneous and transparent information system. Insofar as many Communities had pointed out to demographic factors as those having impacted the most on their budgets, the Conference of the Presidents also agreed on the strengthening of another Working Group, established in September 2004 within the Fiscal and Financial Policy Council (CPFF): it had been tasked with studying the evolution of population in each regional territory (*Grupo de trabajo de población*, Working Group on Population).

To reach their respective objectives, these two groups should have been working in a coordinated way, sharing information and collaborating actively. They should both prepare, by mid-2005, a final technical report. On the basis of the information contained in these reports, the CPFF should then prepare a basic proposal to be discussed, at a later stage, by a new Conference of the Presidents meeting. The key-issue was thus to assess the impact of different factors (but, particularly, of population growth) on the evolution of regional health spending, so that the best-suited allocation criteria could be designed for distributing resources among the

²⁸"The level of performance of the fundamental health public service is supposed to be affected when in an Autonomous Community the increase of the protected population, appropriately weighted by age, between one year and the following one, [...] has been higher, by 3%, than the percentage increase experienced in the same period by the national average" (Law 21/2001, Sect. no. 67).

²⁹«La financiación de la sanidad será el eje de la Conferencia de Presidentes», *EFE*, October 25th 2004.

Communities.

To summarize, the key-steps of the (formal) intergovernmental decision-making process started in October 2004 are schematically represented in Figure 6.2: step no. 1 is the first Conference of the Presidents, just discussed; step no. 2 is represented by the work carried out by the two technical Groups tasked with analyzing health expenditure growth; step no. 3 is the preliminary meeting of the CPFF, to be called to prepare the proposal to be then discussed by the Conference of the Presidents (step no. 4). Step no. 5, initially not envisioned, consisted in a final CPFF meeting, celebrated to formalize the decisions previously debated within the Conference of the Presidents (this latter being devoid of any legal power)³⁰.

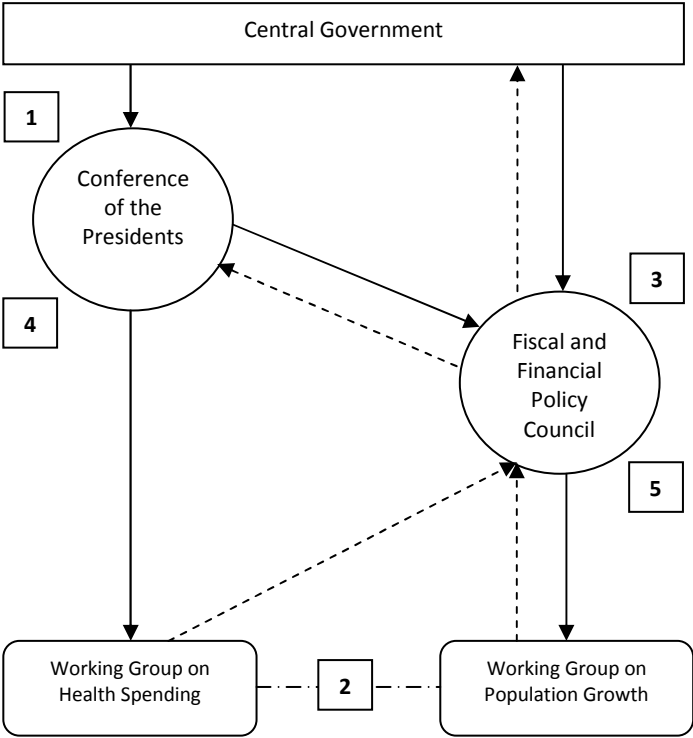
Despite their assignments, the two technical groups (step no. 2) worked in fact largely separately: the Group on Population just provided the other Group with updated data on regional demographic changes (Moreno, A. B. 2005). Each of them was of vertical nature, including a number of representatives of the central administration and one representative of each Autonomous Community.

The Working Group on Population, established in September 2004 within the Fiscal and Financial Policy Council, concluded its activity, after six meetings, in the first half of 2005. The main results of the analysis carried out by the Group were contained in a final Report³¹: it was argued that while the increase of the Spanish population had been highly heterogeneous across the country, in no Autonomous Community it had been high enough to activate the leveling mechanisms envisioned by the 2001 Law, sketched above (Ministerio de Economía y Hacienda 2005b). Moreover, in the last years regional financing resulted to have been in line with (if not above) the hypothetical financial needs of each Community, as set in 2001. All Communities dissociated themselves from this point. More generally, several regional Governments made specific remarks on different arguments discussed by the Working Group: the impact of population increase; the effects of immigration; the impact of population aging; the relevance of population dispersion, and so on. One of the major conflict lines was the one between the Communities which had experienced a population growth above the national average and those which instead had been characterized by population increases below that average. The distinction between these two regional groups was partially overlapping with the distinction between the Communities led by the PP (those most affected by population growth, with the exception of Castile and León, and Galicia) and the Communities ruled by the PSOE (with the exception of Catalo-

³⁰Furthermore, in this period, the Conference was also lacking Internal Rules, which, as seen, would be approved only in 2009.

³¹Available on the Budget Ministry website, at <http://www.minhap.gob.es/es-ES/Areas%20Tematicas/Financiacion%20Autonomica/Paginas/Grupo%20de%20Trabajo%20de%20Poblacion.aspx>

Figure 6.2: Spain 2005: Formal intergovernmental decision-making process (main steps).



nia). Representatives of regions not affected by demographic increases were the ones more interested in the inclusion of variables able to adjust the number of inhabitants, such as their territorial dispersion, their aging, and the like (Ministerio de Economía y Hacienda 2005b).

The Working Group on Health Spending was formally constituted in January 2005, and worked until June of that same year, when a final Report was presented. The group was chaired by the *Intervención General de la Administración del Estado*³², and composed of four officials from the Health Ministry, four from the Budget Ministry, and as many regional representatives as the number of the Autonomous Communities and Cities. As reported by Moreno A. B. (2005), because of time limits, the new homogeneous and transparent information system required by the Conference of the Presidents could not be built: the analysis of the Group relied by consequence on existing data, made available by the central and regional administrations involved in that work. The working method, initially agreed by the actors, consisted in that Communities could make remarks on the proposals put forward by the Presidency (representing the central level). In the last meeting, a final Report was presented³³. It was concluded that the population growth could explain just about 20% of the overall increase of regional health spending: the major cause accounting for this latter had to do, instead, with the rise of the per capita expenditure, due, in turn to other factors, such as the introduction of new medical treatments and wage policies (Ministerio de Economía y Hacienda 2005a).

Technical discussion, however, had not been able to favor the emergence of a consensus among actors on the content of the conclusions contained in that Report. Actors' positions were quite mixed. Dissenting remarks on the final Report came indeed both from the socialist and the popular Communities. For instance, while socialist Communities like Andalusia contested the age of the population as a variable partly accounting for health expenditure, as suggested in the Report, Aragon, ruled by the PSOE as well, was clearly in favor of this criterion.

It should be also stressed that the most critical comments were made by (a group of) Popular Communities, which called into question not specific points of the analysis, but the whole methodological reliability of the entire work done by

³²A central Office, depending on the Budget Minister, tasked with the internal control of the economic and financial management of the public sector.

³³It was composed of five sections, devoted, respectively to: a descriptive analysis of public health spending; the computation of the per capita health spending in each Community, as well as the assessment of the impact of population age on spending variability; an analysis of health spending in primary health care, specialist care, and pharmaceuticals; output indicators of the NHS; eventually, a set of proposals on spending rationalization. The Report is available on the Health Ministry website, at: <https://www.msssi.gob.es/estadEstudios/estadisticas/sisInfSanSNS/pdf/IGTGS2005.pdf>.

the Group: for this reason, in their view, conclusions contained in the final Report could in no way be taken as the starting point of whatever decision by the next Conference of the Presidents³⁴. Particularly, arguments used by Madrid and Murcia (and, in a less extended way, La Rioja) pointed to the methodological weaknesses of that analysis (not complying with the set-up of a new and transparent information system, as required by the Conference of the Presidents) as well as to the hierarchical control of the Group by the central administration, accused not to share all relevant information with the Communities and to impose its stance on many issues: Murcia spoke in this respect of "clearly arbitrary" decision-taking and working criteria. This is why, according to Madrid and Murcia, which used very similar formulations,

the Report of the Working Group for the Analysis of Health Expenditure, because of its structure and its content, together with the lack of coordination with the Working Group on Population, does not constitute a tool for decision making by the Conference of Presidents nor by the Council of Fiscal and Financial Policy (Ministerio de Economía y Hacienda 2005a, pp. 373-374, translated).

Meanwhile, the technical activity carried out by these two Groups had been paralleled by a harsh conflict between the two major State-wide parties on the very (sequence of) steps to be followed in the intergovernmental decision-making process started in 2004 with the first Conference of the Presidents. In a parliamentary debate held in March, the PSOE defended the path originally established (as represented in Figure 6.2), whereas the PP claimed for an involvement of both the CPF and CISNS in the process (as seen in the previous Chapter, this issue dominated the Interterritorial Council activity during all 2005), belittling the role to be eventually played by the Conference of the Presidents: «what body of the Administration should address the problem of health financing and define the criteria that will govern the future financing system reform? The answer to this question – as it was summarized by *El global* – depends on the parliamentary group answering it, and remains the major object of controversy between the main opposition party and the one in government»³⁵. In this climate, the national PP leader convened few days later with the popular autonomic Presidents to warn the central Government against "discriminatory treatments" among Communities: changes to the financial system should have been taken only by consensus and on the basis of a technical investigation, since such an issue could not be addressed in

³⁴This point was made in particular by the PP Presidents of the Valencian Community and Galicia.

³⁵«El Congreso respalda el proceso del Gobierno para abordar la financiación CiU y PP no apoyaron la iniciativa presentada por el Grupo Socialista», *El Global.net*, March 21st 2005.

depth by the Conference of the Presidents³⁶. In July, the health Councilor of the Madrid Community denounced that both the Group on health spending and the one on population growth were in fact nothing but a tool by which the Prime Minister was made able to present whatever kind of decision in the next Conference of the Presidents: the very place where the Government proposal was designed, according to this regional PP representative, was indeed the PSOE headquarter³⁷

At the end of June 2005, when both Working Groups had concluded their activity, the central Government finally announced the call of the second Presidents' Conference in September, with the aim of addressing, as envisioned in the first meeting, the major financial problems faced by Autonomous Communities in health policy. As remarked by several observers, the decision to call the Conference in September (and not in June, as previously scheduled) was partly due to the Government desire that the newly elected socialist President of Galicia (a Community traditionally ruled by the Populares) would take part in that meeting: in this way, the existence of a majority of Communities politically congruent with the Government would be ensured³⁸.

In this phase, diversified territorial interests of each single Community, irrespective of partisan affiliations, were evident. A former adviser of the then Health Minister illustrated that point, by reminding that

for example, when allocation variables were discussed, sparsely populated regions (Castile and León, Castile-La Mancha, among others) lobbied for that variable to be taken into account in the model, and no matter that in a case the PP was in office and in the other case the PSOE was. [SP6]

This contributes to explain the decision taken by the central Government to start a series of informal bilateral contacts with regional leaders, in the period comprised between the announcement of the new Conference and the actual organization of this latter (that is, between Steps nos. 2 and 3-4)³⁹. The activation of bilateral contacts – non envisioned in the formal decision-making chain sketched above – could be seen as advantageous, for the national Government, for two reasons: on the one hand, contrasts within its own political side (the PSOE Communities) would be less apparent; on the other hand, some Communities ruled

³⁶ «Rajoy afirma que el PP no aceptará tratos discriminatorios entre las autonomías», *Diario Médico*, April 6th 2005.

³⁷ «Las CCAA del PP piden a Sanidad que retire el borrador de cartera de servicios e insisten en debatir sobre financiación sanitaria», *El medico interactivo*, July 1st 2005.

³⁸ «Zapatero reunirá la cumbre autonómica ante el bloqueo de la reforma territorial. La segunda Conferencia de Presidentes abordará tras los comicios vascos la financiación sanitaria», *El País*, March 7th 2005; «Zapatero convoca a los presidentes autonómicos para la primera semana de septiembre», *EFE*, June 30th 2005.

³⁹ «El Gobierno sólo dará más dinero para la sanidad a las comunidades que firmen el pacto», *El País*, June 27th, p. 19.

by the main opposition party could be tempted to accept an agreement with the central executive, undermining in that way the possible consolidation of a partisan opposition front.

In fact, after having met with representatives of Communities ruled by the PSOE, the Government organized bilateral meetings with some PP Communities Presidents, particularly those of Balearic Islands, Valencia, and Madrid, the regions characterized by the worst financial conditions. These encounters seemed, at first, to produce the effect of bringing actors' positions closer, weakening the cohesiveness of the popular front: in contrast with the official line imposed by the national direction of the PP, representatives of Balearic Islands and Valencian Community appeared indeed ready to accept the principle, set by the Government, that Communities could participate in deficits reduction (basically, by increasing regional taxes), in exchange of a reasonable amount of money accorded by the central level; Madrid reaffirmed instead its own opposition to such a perspective⁴⁰.

In face of more and more evident fractures within the popular side, the PP reacted in July by organizing a new meeting of its autonomic Presidents: they convened in the party headquarters in Madrid. The explicit goal of that summit – chaired by the PP national leader in person – was to prepare the next Conference of the Presidents, trying to unify the position of the popular Communities. At the end of that encounter, the official stance of the regional governments led by the PP consisted in asking the Prime Minister to comply with the financial system in force (designed, four years before, by the PP Government), and to activate all the mechanisms envisioned by that system to neutralize the impact of population growth on health expenditure (an element not ascribable to the Communities)⁴¹, without asking the Communities to levy new taxes. Finally, the popular representatives accused the Government to be late in drafting a proposal, because of the difficulties, for the PSOE, to prepare a document agreed by the Catalan President⁴².

Bilateral meetings of the Prime Minister with several popular regional Presidents continued in the following weeks. The central executive was clearly fearing that the major opposition party would use the approaching Conference of the Presidents – the most visible IGA – as an occasion to stage its hostility towards it: a possible intergovernmental agreement could indeed be interpreted as a success for

⁴⁰ «Camps anuncia que Zapatero financiará la deuda sanitaria de la Comunidad», *Las Provincias*, May 18th 2005; «El Gobierno ve posible el pacto sanitario tras negociar con dos autonomías del PP», *El País*, June 30th 2005.

⁴¹ As explained above, the Working Group on Population had already clarified that the conditions envisioned by the 2001 Law for altering regional financing because of population growth had not been met by any Community.

⁴² «Rajoy y los presidentes autonómicos de PP rechazan un modelo de financiación que suba los impuestos», *EUROPAPRESS*, July 12th 2005.

the Government (and a consequent failure for the opposition)⁴³.

At the beginning of September, a proposal on health deficit reduction was finally made public by the Government, in spite of the agreement according to which it was up to the CPFF to put forward a basic document. It is in this phase that actors' positioning started to crystallize – although following a rather bumpy path – along partisan lines.

In the days preceding the Fiscal and Financial Policy Council and the Conference of the Presidents, intergovernmental actors took a stance on the proposal announced by the Government according to respective political affiliations. The populars accused the central executive of "ignoring" the Communities led by the PP, of increasing taxes, and of offering an amount of resources completely insufficient to deal with regional health deficits (no more than a pittance, they said). The total lack of clarity on the criteria used by the Government for allocating these resources among the Communities arouse the PP AACC suspicions on a distribution of the funds biased in favor of the socialist governments. From a methodological point of view, they also stigmatized that the central Government had not yet circulated among the IGAs' members all the necessary documentation⁴⁴.

On the opposite front, the Prime Minister convened with all socialist regional Presidents in order to hide enduring tensions within the PSOE front: the socialist Communities had indeed offered, at first, a quite weak defense of the Government proposal, arguing that it could be considered as a good starting point, although not a definitive solution; several regional governments led by the PSOE had also made critical remarks on the measures envisioned in that document, Catalonia even announcing its willingness to present a counter-proposal before the Conference of the Presidents⁴⁵. Zapatero, after having assured the socialist regional Presidents that the Government proposal could still be amended, got their unanimous commitment to support all the measures proposed by the central executive in the forthcoming intergovernmental conferences⁴⁶.

⁴³ «Zapatero prepara con presidentes del PP la cumbre de financiación. El jefe del Gobierno central y el de La Rioja defienden la necesidad de un pacto sanitario», *El País*, July 20th 2005; «El PSOE teme que el PP estropee la cita autonómica para no darle tregua», *ABC*, August 30th 2005.

⁴⁴ «Acebes adelanta que no habrá «contraoferta» del PP al Ejecutivo y reafirma la validez de la financiación vigente siempre que se actualice en función de la población», *ABC*, September 1st 2005; «El PP asegura que la propuesta hace 'más desiguales' a los españoles. La Generalitat calificado de "paso adelante" la propuesta del Gobierno, aunque dice que es un "paso insuficiente" porque "es necesario ser más ambicioso"», *El Mundo*, September 1st 2005.

⁴⁵ «'Si hay que aceptarlo íntegro, lo rechazamos'. Ibarra rechaza la propuesta de financiación sanitaria del Gobierno por 'diferencias ideológicas'», *El Mundo*, September 2nd 2005; «Antes de la Conferencia de Presidentes. Cataluña presentará su propuesta de financiación sanitaria porque la del Gobierno es 'insuficiente'», *El Mundo*, September 2nd 2005.

⁴⁶ «Comité Federal del PSOE. Los líderes autonómicos apoyan la oferta sobre la deuda sanitaria.

One week before the Conference of the Presidents, Zapatero eventually met with the PP leader in person, who, nevertheless, reaffirmed the official opposition of its party against the solutions designed up to that moment by the Government to address regional fiscal problems⁴⁷.

Official intergovernmental activity – that is directly carried out by means of multilateral intergovernmental arrangements – restarted with the celebration of the preliminary meeting of the Fiscal and Financial Policy Council, the forum theoretically assumed to prepare, on the basis of the two Working Groups Reports, the draft-agreement, to be then debated (and, in case, agreed) by national and regional Presidents (step no. 3 in Figure 6.2). In fact, what was discussed by the CPFF was the document previously prepared by the central Government, and presented, within the Council, by the Budget Minister (chairing this IGA)⁴⁸. The debate lasted more than six hours, during which both the popular and the socialist Communities asked for amendments to that document. The representatives of the Communities ruled by the PP also presented a full-blown counter-proposal⁴⁹. At the end, the Minister, who decided not to put that document on vote, committed to include in a new draft-agreement the remarks shared by the largest number of Communities: such decision seemed finally to pave the way for a broadly agreed solution in the approaching Conference of the Presidents⁵⁰.

The climate of partisan confrontation, however, resurfaced few days later, just before the convening of the vertical, generalist Conference. After having met again with their national leader in the party headquarters, the Presidents of the PP Communities denounced that, less than twenty-four hours before the meeting with the Government, this latter had not informed the popular executives about the innovations introduced in the new proposal of agreement, making impossible for them giving their advice on it. At the end of the party meeting, the budget Councilor of the Valencian Community argued:

Either the Government makes a move on and says exactly, specifying every single point, which is the proposal it is going to bring [to the Conference of

Zapatero anuncia "un margen" para ampliar la propuesta de financiación de la sanidad», *El País*, September 4th 2005; «Las comunidades del PSOE apoyan el plan de financiación sanitaria aunque ven un 'margen de mejora'», *EFE*, September 4th 2005.

⁴⁷«Rajoy: 'No he averiguado para qué me ha convocado Zapatero'», *El Mundo*, September 5th 2005.

⁴⁸Such document – entitled *Borrador de propuesta a elevar por el Consejo de Política Fiscal y Financiera a la Conferencia de Presidentes* – is included in the 2005 CPFF Activity Report (Annex VII) (CPFF 2006).

⁴⁹«Solución alternativa a la subida de impuestos. El PP propone que el Gobierno aporte 1.800 millones para financiar el déficit del sistema sanitario», *El Mundo*, September 7th 2005.

⁵⁰«El Gobierno mejora su propuesta de financiación sanitaria y ve posible un acuerdo. La nueva oferta recoge las aportaciones de las comunidades socialistas y algunas del PP», *El País*, September 8th 2005

the Presidents], or he will not get a positive response by the Communities governed by the PP⁵¹.

In case of no response by the Government, the only acceptable solution for the popular regions would have been the one presented by their own representatives at the last CPFF meeting⁵².

The second Conference of the Presidents finally took place on September 10th (step. no. 4). After a five hours-long debate, actors did not come to any agreement. The document drafted by the Government had been largely amended, leading to an increase of the total amount of resources allocated to the subnational units, as requested by both socialist and popular representatives (Rey del Castillo 2006).

In spite of the attempt of the Central Government to present the Conference as a big success (a "basic consensus" had been reached, in the Prime Minister's view), the PP Autonomous Communities distanced themselves from the central Government representation of this summit. In the press conference following the intergovernmental meeting, popular Presidents – collectively represented by the President of La Rioja, acting as their spokesman – remarked indeed that nothing had been decided, that no agreement had been reached, and that, in case, real decisions had still to be taken within the CPFF (the agreements of the Conference of the Presidents being indeed devoid of any legal value)⁵³. They also criticized the very chaotic and improvised nature of the Conference. The Prime Minister had presented its "definitive" proposal just in the last part of the summit, when the Communities were given a half-an-hour to assess it; Zapatero had then asked autonomic Presidents whether they had any substantive remark on that document: since no one answered, the governmental proposal had been assumed to have been "tacitly approved"⁵⁴. From a content perspective, the major political controversies were still on the quantity of resources made available by the central Government to solve autonomic financial problems, considered by the populars as highly insufficient, as well as on the lack of information on the allocation criteria used to distribute part of these resources.

⁵¹«El PP, "indignado" porque desconoce la propuesta del Gobierno sobre sanidad. Mariano Rajoy se reunió este viernes en Génova con los presidentes autonómicos de su partido para fijar una posición común», *El País*, September 9th 2005.

⁵²«El PP rechazará la propuesta de financiación sanitaria «sea cual sea» si no la conocen hoy», *ABC*, September 9th 2005; «Exige al gobierno que la presente ya. El PP amenaza con rechazar el plan de financiación sanitaria 'sea cual sea' si no lo conoce hoy», *El Mundo*, September 9th 2005.

⁵³«Zapatero anuncia un 'consenso' en Sanidad mientras los presidentes del PP se declaran 'defraudados'», *El Mundo*, September 10th 2005.

⁵⁴«Zapatero pone 1.677 millones para la sanidad y emplaza al PP a firmar el acuerdo el martes. El Gobierno salda la Conferencia de Presidentes con un "pacto político" que materializará el Consejo de Política Fiscal», *El País - Edición Impresa*, September 11th 2005.

The last step of the complex intergovernmental decision-making process reconstructed so far, was therefore represented by a new meeting of the CPFF, called to formalize the measures previously discussed by the Conference of the Presidents (step no. 5). The request of a final debate within the CPFF had come particularly from the PP regional Presidents. In their view, it was there, and nowhere else, that intergovernmental agreements could be reached. The PP announced indeed that its final vote would depend on the specific allocation criteria formally set in that Council: the Secretary General of the Populares restated that there were still numerous uncertainties about these criteria, and that the PP were not willing to accept that some Communities would be favored over others by the implementation of "arbitrary criteria"⁵⁵.

The meeting of the CPFF was preceded by a new party summit of the PP budget Councilors⁵⁶. In spite of initial public declarations, popular Communities were highly divided on the best strategy to follow, some of them assessing quite positively the governmental proposal⁵⁷. Finally, the compromise solution adopted by the PP representatives was to opt for abstention (while Ceuta and Melilla, ruled as well by the PP, voted against).

After the Council meeting, four out of six popular budget Councilors decided to use the so called *voto particular* option, a procedure envisioned by the internal rules of the CPFF, allowing for dissenting opinions of single members to be included into agreements adopted by majority. The arguments used by these regional governments to justify their abstention were similar (CPFF 2006, pp. 387-400). La Rioja stressed the insufficiency of the amount of resources; the lack of clarity on many aspects of the agreement, particularly those related to the allocation criteria, ignoring the importance of the population growth. Murcia underscored that what had been discussed by the CPFF could not be considered, as it should, a proposal of the Conference of the Presidents (where it had not been voted), but a proposal of the central Government; that such document was characterized by "imprecision and lack of transparency", not only on the composition of the resources devoted to the health sector, but also on the allocation criteria used to distribute part of them among the Communities; that population growth had not been taken into account. Similarly, the Valencian Community, beside stressing the insufficiency of

⁵⁵ «Acebes dice que el apoyo del PP a la propuesta sanitaria del Gobierno depende de los criterios de reparto», *El Mundo*, September 11th 2005.

⁵⁶ «El PP se reúne para unificar su postura sobre la propuesta del Gobierno en financiación sanitaria. Mariano Rajoy ha calificado la proposición del Ejecutivo como un "parche" porque "no va al fondo del asunto y no plantea ninguna reforma estructural"», *El Mundo*, September 13th 2005.

⁵⁷ «Los presidentes populares, entre el voto a favor y el voto en contra», *El País - Edición Impresa*, September 13th 2005; El PP apoyará la financiación sanitaria si Solbes garantiza que no hay discriminación. El Gobierno afirma que seguirá los "mismos criterios de reparto" que fijó el Ejecutivo popular, *El País*, September 13th 2005;

the resources, highlighted that the measures discussed by the CPFF could not be agreed because of the non determination of the resources allocation criteria, so that «the Valencian Community still does not know exactly which will be the financial resources it will have available for a proper exercise of its health competences» (CPFF 2006, p. 394, translated); because of the "arbitrariness" of the solutions envisioned in the agreement, lacking any analytical basis; finally, because of the "inequality" produced by that agreement, as a consequence of the non inclusion of the population growth among the distribution variables (among those known in that moment, at least). Eventually, the Madrid Community criticized the measures approved by the Council, by putting in evidence: the "serious lack of definition and information", "clarity and precision" about the amount and allocation criteria of a part of the resources allocated by the Government; the overestimation, by the central executive, of the real total amount of resources (considered, anyway, insufficient); the "unbelievable" exclusion of the population growth among the criteria already made public by the Government for the allocation of the largest share of resources: this constituted a full-blown "discrimination" against all those Communities like Madrid, which had experienced high demographic increases.

6.5 Discussion

The case studies just reviewed have revealed the existence of large differences in the ways in which the two intergovernmental policy-making processes did unfold.

While, at the beginning, the conflicting interests present in the two intergovernmental arenas (the Italian and the Spanish one) were rather similar, the positions taken by the IGR actors at the end of the processes were sharply different. Faced with an initiative taken by the central Government, regional IGR actors did split along a party-partisan divide line in Spain, and a territorial-level divide line in Italy. This occurred in spite of the presence, in both cases, of an initially evident mix of party-partisan and (single) territory-based conflicting interests among these actors. Notice furthermore that in both cases the positive vote of just one regional unit was a sufficient condition for the central executive proposal to be passed.

On the basis of the hypotheses laid out in Chapter 5, and thanks to criteria followed for the selection of cases, the relatively different degree of IGR politicization observed could be expected to derive (partly, at least) from the different levels of institutionalization of the Intergovernmental Arrangements at work in the two countries (H_1), and/or from their alternative designs (generalist *vs.* policy-specific) (H_2) and combinations (just vertical *vs.* vertical and horizontal) (H_3).

Starting from the institutionalization of *vertical* arrangements, as it was illustrated in the previous Chapters, they are clearly more developed in Italy than in Spain: the State-Regions Conference can hardly be compared to the recently

Table 6.3: Spain 2005: chronology

February 2004	First claims of additional financial resources by the PSOE AACC.
May-June	First claims of additional financial resources by the PP AACC
October 2004	The Prime Minister calls the first Conference of the Presidents: two vertical Working Groups are created for addressing the problems related to the increase of regional health expenditures.
October 2004-mid-2005	Working Groups on Population Growth and Health Expenditure at work.
March 2005	PSOE and PP clash in a parliamentary debate on the IGR process to be followed and the IGAs to be activated.
April 2005	The PP Autonomic Presidents meet with their party leader.
Mid-2005	The two Working Groups present their final reports.
May-July 2005	The Prime Minister meets bilaterally with several Autonomic Presidents.
End of June 2005	The Prime Minister announces the second Conference of the Presidents will take place in September.
July	The PP Autonomic Presidents meet again with their party leader.
September 2005	1 st : the Government announces a proposal has been drafted, to be debated by the Conference of the Presidents.
	4 th : the Prime Minister meets with the PSOE Autonomic Presidents.
	5 th : the Prime Minister meets with the leader of the opposition.
	7 th : a preliminary meeting of the CPFF takes place to discuss the proposal to be then debated in the Conference of the Presidents.
	9 th : the PP Autonomic Presidents meet again with their party leader.
	10 th : the second Conference of the Presidents takes place.
	13 th : PP budget Councilors meet before the CPFF; the final CPFF meeting takes place.

established Conference of the Presidents, nor to the Fiscal and Financial Policy Council. It has also been seen that, to date, the meetings of these Spanish Conferences have been characterized by a quite strong political confrontation among actors, in contrast to the patterns prevalent within the Italian IGA.

In this case too, the Spanish Conference of the Presidents proved unable to appease existing conflicts. As seen, the lack of clarity about its very basic rules (on the modalities of approval of agreements and on its role in the broader decision-making process), the absence of any permanent structure of bureaucratic support (all its functioning depending on the choices made by the central Government), did in fact contribute to arouse suspicions among the vertically incongruent Autonomous Communities about a possible partisan use of this arrangement by the Government: the Conference could represent just a "showcase" for the central executive, and a way for favoring congruent regional governments, by means of politically biased funds' allocation formulas. This also partly explains the repeated requests by these regional representatives to activate relatively more institutionalized, existing *policy-specific* IGAs such as the CPFF and the CISNS. In this context, the two *ad hoc* Working Groups set-up within the generalist and the policy-specific arrangements to address the matter from a technical perspective were clearly not able to create a climate of mutual trust among IGR actors, based on reiterated interaction and technical expertise. The conclusions of these Groups, reached after just a few meetings and not agreed by several Communities, were in fact disregarded by both the regional and the central level.

At the end of this process, the document discussed by the Conference of the Presidents was, in the view of the vertically incongruent Communities, a document prepared by the Government, not by the Conference of the Presidents. In this respect, a former regional Health Director General argued that the role played by the Conference of the Presidents was in fact

very limited. The 2005 agreement was designed exclusively by the Central Government, by means of bilateral talks with some AACC, not all. [SP10]

As seen, indeed, in contrast with the complex formal intergovernmental decision-making process initially agreed by the central and the regional actors, the activity of multilateral vertical IGAs – the Conference of the Presidents, the Fiscal and Financial Policy Council and their Working Groups – was paralleled by informal intergovernmental relations, conveyed through party and government channels. Formal, vertical multilateral arrangements played, in the end, the role of arenas merely confirming decisions previously taken by IGR actors elsewhere. The central Government, by means of bilateral contacts, clearly tried to use a *divide et impera* strategy. This also explains the final decision of the PP to abstain on the vote in the Fiscal and Financial Policy Council meeting: as «this was due to the lack of

agreement among the AACC governed by the PP: the new system was still favoring too much some AACC, and hurting others too much» [SP10]. At the same time, the advantaged popular Communities could not give a positive vote: in the view of the then Coordinator of the Working Group on Health Spending and Health Minister advisor, «abstention occurred only not give an electoral advantage to the PSOE» [SP6].

Although, in Italy, as expected, IGR actors did not split into partisan coalitions, it was not the vertical intergovernmental arrangement involved in the process which played a decisive part in exerting on IGR a "shielding effect" from partisan tensions. Despite its higher institutional development compared to the Spanish IGAs, the State-Regions Conference, on this occasion, was basically the arena in which the proposal put unilaterally forwards by the Health Minister (solicited, as seen, by some regional governments) was formally presented to the Regions: in this context, the generalist design of the State-Regions Conference clearly was of no help in bringing IGR actors' positions closer in the intergovernmental negotiating process; furthermore, no mixed technical Working Group, although announced, had been established to draft the new formula. In this stage, partisan tensions, in addition to the territorial ones, were quite evident.

From an explanatory point of view, the major relevant difference *between cases* is thus to be searched by looking at the different systemic configurations of intergovernmental arrangements in the two countries: the *exclusive vertical* development of IGAs in the Spanish case, in contrast with the presence of both *vertical* and *horizontal* arrangements in the Italian one. In this respect, the comparative analysis seems to confirm that – as suggested by García Morales (2009) for the Spanish case – «the *vertical configuration* of the Conference of Presidents in Spain, *without a prior horizontal conference*, may reproduce the problems of vertical Sectoral Conferences in our country: the participation of the central Government makes it difficult for the AACC reaching agreements among themselves, so that [generally] *there is not a defense of regional interests, but many times of partisan and single territory-based interests*» (p. 114, translated, emphasis added).

In contrast to Spain, where no stable arrangement for interregional cooperation has ever been put in place and regional coordination occurred by means of party channels, in Italy, the presence of a highly structured horizontal IGA – directly involved in the process – played in fact a relevant part in downplaying both territorial and partisan tensions existing within the interregional arena, preventing these conflicts to spread in the vertical dimension of IGR (H₃): both the high level of institutionalization of this IGA (H₁) and its generalist design (H₂) contributed to defuse interregional tensions.

According to several observers, the strength of the belonging feeling to the so called "regional front" proved eventually higher than individual, short-run regional

interests, both from a single-territorial and a political point of view. The Regions finally preferred to show that – if put to the test – they were actually capable to act in a consistent way, as a collective actor, towards the central Government. As put by the then Health Policy technical coordinator of the Regions,

The Government was certain that its proposal would pass, and at the last minute, in fact, the Regions have reached an agreement. [...] Because in the end they [the regional Presidents] said: it will be better if we present ourselves united, if we safeguard such ability *to demonstrate that we are government institutions* ... [IT3]

This logic was clearly summed-up in the words used by the then President of the Conference of the Regions to reconstruct those days of complex negotiations:

In fact, one of the arguments used the most during those nights was: "Boys, it is useless to come and ask for money, to fight for our autonomy, that you appeal to the Constitutional Court on that rule, that you appeal... , and then, *when we must prove to be a body capable of taking decisions, we don't take them!*" [...] *that reasoning was the reasoning that, above all, led all to give up a piece of their own advantages...* [...] The element that pushed even the most recalcitrant Regions to sign the agreement was, clearly, mainly the fact that *we had to demonstrate to be a body able to take decisions...* [IT5]

In other words, a "problem-solving" orientation, characterized by the appeal to common values and interests, seemed able to constrain the behavior of individual actors, imposing on many of them «sacrifices in terms of individual self-interests» (Scharpf 1988, p. 261).

In this context, the existence of an experienced, stable network made of regional managers and officials, able to address the issue at stake on the basis of technical criteria, partly contributed to weaken interregional contrasts, and facilitate agreement. Obviously, as evoked above, every single allocation hypothesis was simulated in order to assess its potential impact on regional budgets: to reach consensus, indeed, criteria had to be both technically and politically acceptable to all the actors. Nonetheless, the final agreed solution largely rested on technical arguments. While no universally agreed formula exists for estimating health needs of different populations, and every parameter used to this end may be contested, the allocation agreed by the Regions was not based on purely arbitrary criteria, nor it was lacking any scientific base. As reported by an interviewed, «we worked and we tried to devise solutions – *by [using] the most objective criteria as possible* – so to mitigate the effects of the ministerial proposal» [IT9]. As seen previously, one of the most controversial issues in the relationship with the central Government had been represented by the degree of transparency and scientificity of the

allocation formulas under discussion. From this point of view, it is interesting to remark that the counter-document drafted by the Conference of the Regions was accompanied with some methodological notes justifying the variables used for the allocation (Conferenza dei Presidenti delle Regioni 2003b)⁵⁸.

Interregional agreement, however, was made easier also by additional features of the horizontal coordination arrangement. In line with Hypothesis no. 2, the *generalist* nature of the horizontal intergovernmental arrangement did play a part in shaping regional actors' behavior: the non policy-specific organization of the Conference did allow, as it was hypothesized, for full-blown bargaining, based on inter-sectoral exchanges and compensations among the Regions. As reported by a former regional and ministerial manager, during these negotiations, when an agreement is to be found

more general variables come into play, in the sense that... *you don't reason just about health*: so, for instance, I may surrender on health, because on transports, how to say?, I have an advantage. [The cross-sectorality] is of help, because it allows for *compensations between branches*. [...] I repeat, they [the regional Presidents] put it in a broader framework: "Ok, I do surrender on health, however, don't forget, then, when we'll talk about transports, I'll deserve something more." [IT8]

Such kind of reasoning, while not systematic, may become quite explicit during the so called "confidential sessions" of the Conference, that is when the attendance to the meeting is restricted just to regional Presidents. It is here that they may engage each other on mutual compensations, in order to bring their positions closer, and find a unanimous agreement.

Negotiations, however, were not based exclusively on technical criteria and cross-sectoral compensations. In line with a practice introduced in the Venice meeting (2000), the allocation deriving from the straightforward application of the (agreed) technical criteria was then partly amended by means of political negotiations among Presidents, so to reduce distances among the Regions. To this end a (small) portion (defined "re-balancing fund") was subtracted from the total amount of the National Health Fund and redistributed among regional governments to advantage of those getting less money (reducing, in other words, the actual weight of variables): the Regions to be compensated were identified as all those falling under a certain threshold of per capita financing. Such operation, called in the Conference of the Regions' jargon "correction by pencil" (*lapis*), in fact did not alter in a dramatic way the distribution otherwise deriving from the allocation formula: in 2003, the amount of resources used to "re-balance" the Fund

⁵⁸Such document is available on-line at: <http://www.governo.it/backoffice/allegati/18286-1181.pdf>.

allocation was equal to about 1.15% of the whole set of resources. In this respect, a former regional President and former Minister of Health, while confirming the importance of this practice, stressed that

It was a fiction, it was a pretense to justify the deal! To be able to say [to citizens]: "I've taken this [share of the Fund]... Okay, I've given up on that, though, [in change] then they had to give me this!" [IT10]

Such an operation was made by the regional Presidents, convened in the "confidential session", with the support of a very restricted number of technicians.

On the whole, the evidence coming from the two cases just discussed has shown that the different ways in which Intergovernmental Arrangements are organized had a significant "formative" impact on the unfolding of intergovernmental policy-making processes. From an explanatory point of view, the most relevant difference between the two cases has clearly to do with the absence of any structured intergovernmental arrangement at the horizontal level in the Spanish case, in contrast to the Italian one, where such arrangement not only does exist, but is also characterized by a high level of institutionalization, and a generalist design. The within case analysis of the Italian policy-making process has indeed shown that it was within this arrangement that some of the causal mechanisms hypothesized were actually at work.

At the same time, the exploration of these two cases seems to suggest that other features of intergovernmental arrangements – in addition to those considered in the analysis – could have a relevant impact in structuring intergovernmental processes.

Firstly, a potentially relevant question pertains to the presence of "veto players" within an intergovernmental arrangement, particularly in those based on *voluntary* cooperation (Heinmiller 2007). Such was the case of the Italian Conference of the Regions. As seen, in the end, no regional government decided to use its veto power. Theoretically, this can also be explained considering the potential consequence of a single veto not only on the specific issue under debate, but on the institution itself. As remarked by Heinmiller (2007), indeed, in this kind of intergovernmental arrangements «the partner governments are involved not only in the various distinct policy games over time [...] but they are also involved in an ongoing, embedded game concerning the continued existence of the institution itself [...] their actions in one of these games can have important implications for the other and the linkage between them is particularly intimate because of the fundamentally cooperative basis of the institution» (p. 670). In the Italian case, regional actors clearly perceived the issue at stake higher than just the one related to the allocation of the Health Fund. Such mechanism was further amplified by the *generalist* design of the arrangement. It was indeed evident to these actors that the

potential incapacity of the Regions to act in a consistent collective way towards the central level could have "spill-over effects" in many other policy-sectors, making in this way more likely future unilateral initiatives by the central Government:

they [the Regional Presidents] were aware that if the front had broken on a topic like health policy, it would have broken on everything! Now [health]... then, the Transports Fund? And then the rules to get more powers, as Regions, towards the Government [...]? [IT3]

While that specific decision could be advantageous to some Regions, the same could not be granted in other policy-sectors or even, in the longer term, in the same policy field: making the ministerial proposal enter into force would have introduced a risky element of unpredictability on future intergovernmental decisions and weakened, on the whole, the role played by the Conference of the Regions.

Secondly, the two cases, while selected according to the MSSD logic explained above, were similar, but not identical. One major potentially relevant difference pertains to the dissimilar visibility of the entire policy-making process in the two countries. As seen, health policy is characterized by a comparable high level of saliency in both countries, particularly for the regional governments. However, while in Italy, in spite of the polemics surrounding it, the process followed a more routinized path, in Spain the political saliency of the issue was clearly higher, increasing the likelihood of IGR politicization: to this contributed both the exceptional nature of the Conference of the Presidents (never called before) and, above all, the direct involvement of the Prime Minister in the whole process (starting from the foundation of the Conference itself).

Conclusions

Intergovernmental relations are a widespread, common contemporary political phenomenon. Although responding to similar functional pressures, both these relations and the institutional arrangements designed to manage them vary in many respects in different countries and different policy fields. And yet, both intergovernmental relations and arrangements still represent a relatively underexplored object of analysis in political science.

This work has tried to make a step forward in the understanding of the complex dynamics concerning the relationships among governments in compound polities, by comparing intergovernmental arrangements – and their role in processing intergovernmental relations – in two highly decentralized European countries, in the same policy field: healthcare in Italy and Spain. More specifically, the present study was designed to determine both the causes and the consequences of current, observable differences in the intergovernmental arrangements at work in these two countries, where the policy sector under analysis is characterized by a similar level of regionalization, joined with the presence of a National Health System.

While Spanish political science started, in the last years, to investigate intergovernmental relations and arrangements from a non strictly legal perspective (León and Ferrín 2009, 2011; Colino and Parrado 2008; López Nieto 2008), Italian literature on these topics is still largely dominated, with very few exceptions (e.g. Baldi 2009), by legal studies (Carpani 2006; Ruggiu 2006): this is one of the first attempts to systematically analyze Italian IGAs and IGR in a political science framework. Moreover, while Spanish IGAs had already been analyzed from a cross-national comparative perspective (Bolleyer 2006), studies on Italian IGAs have been generally characterized by a high level of country-specificity.

When considered from an exclusively legal viewpoint, the role played by IGAs tends often to be easily dismissed, because of the quite reduced set of (legal) powers they are generally accorded. Nonetheless, as also this analysis has shown, intergovernmental relations are not just legal but also – if not foremost – political relationships between actors endowed with some share of power within a compound polity. Understanding causes and consequences of intergovernmental arrangements requires, therefore, to look at the broader institutional-political context in which

intergovernmental relations are embedded.

To address these questions, the comparison has thus been built starting from an extensive review of the existing IGR and comparative federalism theoretical literature, from which several hypotheses – referring to polity, politics and policy factors potentially able to impact on IGR and IGAs – have been drawn. In most cases, theoretical reasoning dwells on the causes, more than on the consequences, of the variations in intergovernmental relations and arrangements; less frequently, intergovernmental relations and arrangements are looked at as independent variables, potentially accounting for intergovernmental policy-making: the current study adds to a growing body of literature where intergovernmental arrangements are interpreted not only as the outcome of the incentives produced by different political-institutional settings, but also as institutional factors that – once put in place – become in turn able to affect the unfolding of intergovernmental relations, by exerting a constraining power on the behavior of IGR actors (Simmons 2002; Bolleyer 2009; Heinmiller 2007).

After having explored in depth the historical development and the current features of intergovernmental arrangements at work in healthcare policy in the two selected countries, the causes of their differences have first been analyzed, in light of the hypotheses pointed out at the beginning of the analysis.

By taking a long-run perspective – consistent with the adoption a historical new-institutional theoretical framework – this study has shown that current differences in the intergovernmental systems designed in the two countries for dealing with healthcare policy have to be traced back to the respective early stages of decentralization, when unfavorable conditions to the set-up of relatively highly institutionalized intergovernmental arrangements were present in Spain and absent in Italy: an asymmetrical distribution of competences along with intra-governmental relations based on power-concentration rather than power-sharing. An in-depth analysis of each case has made possible to supplement cross-case comparison with within-case evidence, allowing to check more closely for the effective relevance of the causal conditions singled out through cross-case analysis.

It was also shown that, in spite of a change in the institutional-political conditions potentially affecting actors' incentives towards IGAs' institutionalization, intergovernmental arrangements, once established, proved highly "resilient" in both contexts. While today, as a consequence of institutional transformations occurred in the two countries, Italian and Spanish intergovernmental arenas are both nested in a context characterized by the absence of power-sharing regimes and a comparable degree of symmetry in the distribution of health competences among the subnational units, their IGAs continue to differ on many dimensions. In general, it seems that the *timing* by which potentially causal conditions come into play is a relevant question to be carefully considered: asymmetry of powers preced-

ing symmetry in Spain, power-sharing preceding power-concentrating regimes in Italy. In this latter respect, in a broader comparative perspective, evidence coming from the Italian case appears partly confirmed, for instance, by Auel (2014) who highlights how German horizontal intergovernmental arrangements have been characterized by a rather high level of stability over time, having been established *before* the eruption of a basically bipolar political confrontation at both the federal and the state level. Future research in this field would be of great help in exploring – in a wider set of national contexts and policy fields – the major historical new-institutional hypothesis according to which «earlier parts of a sequence matter much more than later parts, and hence different sequences may produce different outcomes» (Pierson 2000, p. 253): it would be interesting to assess if and under which conditions intergovernmental relations and arrangements are likely to be locked in "change-resistant" processes; more particularly, if institutional continuity is due to the operation of full-fledged path-dependent mechanisms (such as feed-back and increasing returns) and/or of external intervening variables, contributing to defuse the impact of new (potentially relevant) conditions entering the IGR arena.

Also because of their resistance to change, Italian and Spanish cases have provided a good institutional environment in which different "formative" impacts of IGAs on intergovernmental relations could be tested: while sharing many features in terms of intergovernmental political congruence, their Intergovernmental Arrangements vary along different dimensions.

Assessing IGAs' "formative impact" may entail the consideration of several, alternative consequences on the policy process. In this investigation, the aim was to assess to which measure IGAs are able to shape IGR actors' coalitions: more specifically, to which measure differently organized IGAs are capable to favor the emergence of partisan rather than territorial coalitions. To this end, a preliminary overview of the kind of intergovernmental coalitions prevailing in the two countries' intergovernmental arrangements was implemented, so as to check for the existence of the expected correlation: by looking at the conflict divides emerging in intergovernmental arrangements in case of disagreement, it was shown that – from a general point of view – IGR actors' coalitions tend to be built according to the respective status towards the central Government (majority/opposition) in Spain, while according to the respective territorial level (state/regional) in Italy. Nonetheless, as discussed in the second Chapter of this work, several other conditions – different from IGAs' features – are equally potentially able to contribute to define actors' coalitions, and particularly their level of politicization. Furthermore, the observation that institutional arrangements relatively underdeveloped – partly because of their higher exposition to pressures coming from political competition – lead to more politicized IGR patterns could be seen as a form of circular reasoning

(being weak IGAs the outcome of more politicized IGR): in other words, while "congruent" with theoretical reasoning, this could be due to a spurious correlation (George and Bennett 2005).

For these reasons, two case studies were selected, trying to keep constant as many "confounding factors" as possible, in order single out in a clearer way the possible effects of IGAs. Despite its exploratory nature and the limited number of cases considered, the analysis suggests, in line with previous studies in the field, that the general question "Do intergovernmental institutions matter?" (Heinmiller 2007) can be positively answered. Under similar circumstances, the emergence of a territorial rather than a partisan coalition in the Italian case was actually favored to the presence of a horizontal arrangement. The very ability of this latter to "shape" regional positioning towards the Government was in turn due to its high level of institutionalization and its generalist design, which activated several causal mechanisms hypothesized: a mix of problem-solving, based on technical expertise and sharing of common interests and norms, and political bargaining, partly based on cross-sectoral exchanges. At the same time, the analysis highlighted the relevance of two features of intergovernmental arrangements' organization not considered in the starting phase of the analysis: the particular role of veto-players in *voluntary* arrangements (potentially able to call into question the very existence of the institution), and the level of visibility of the Intergovernmental Arrangement in charge of "processing" IGR.

More generally, an issue clearly worthy of being investigated more in depth concerns the level of (multi-level) party discipline present in compared cases, and its interplay with IGAs. This is a quite slippery issue, as such deserving particularly close consideration. In fact, while discipline imposed by political parties on regional actors could be seen just as an exogenous factor, impacting on IGR independently from the IGAs at work, it could also be seen as a factor endogenous to the intergovernmental process itself: in other words, in presence of highly structured intergovernmental arrangements, political parties could refrain from trying to convert the intergovernmental arena into a partisan battle ground, being aware of the high likelihood for such a strategy to fail. The meaning itself of party discipline in IGR might also be expected to vary depending on the strength of the intergovernmental arrangements channeling intergovernmental relations. For instance, in an integrated party system as the German one, for a long time prior meetings by so called "A-" and "B-Länder" (ruled by vertically congruent and incongruent parties or coalitions), were not to be seen as a factor hampering the reach of consensus by the states: by contrast, they served the task of defusing partisan conflicts (Auel 2014); similarly, as reported by some Italian IGR actors interviewed, the (rarely used) practice of informal preliminary meetings by Councilors affiliated to the same political coalition, is interpreted as a way of favoring,

rather than preventing, final consensus. Because of their complexity, further research is needed to address these issues.

Finally, while the current study, given its focus on processes, has only examined the kind of coalitions emerging in the IGR arena, a logical progression of this work would be to test the consequences of different patterns of IGR – their "partisan verticalization" or "horizontalization" – on public policies' outputs and expenditures. As well-known, the study of the consequences of "federalism" on public policies is a long-established research area (e.g. Pierson 1995; Obinger et al. 2005; Biela et al. 2013). In line with the perspective adopted in this study, it could be interesting to explore the link between verticalization and what could be called the "political patronage" hypothesis: whether relatively weakly institutionalized (multilateral) IGAs are eventually conducive to IGR outputs more politically biased (that is, designed so as to reward or punish regional actors on the basis of political affinity criteria); some empirical evidence from the Spanish case seems in fact consistent with this possibility (e.g. León 2007).

Looking at the consequences of alternative ways of structuring IGR, it would be also worth considering the degree of policy change observable in different inter-governmental contexts. For instance, a likely consequence of IGR horizontalization (joined with consensus decision-making dynamics), such as the one described as typical of the Italian case, could be the tendency to produce "lowest common denominator policies". As originally suggested by Paul Pierson (1995) with specific reference to social policies, in institutional settings relying on joint-decision making – those in which national and peripheral units' representatives each possesses "a substantial capacity for obstruction" (p. 659) – final decisions could be likely to produce policies reflecting «the views of the least ambitious participants in a minimum winning coalition» (p. 460). In keeping with the theory developed by George Tsebelis, the need of finding an agreement among the regional units, and between these latter and the center, could have therefore the effect of favoring small, incremental, rather than radical, policy changes, increasing by consequence the likelihood for the *status quo* to be preserved. By contrast, an arena characterized by a stronger partisan verticalization of IGR could be expected, in the end, to be more conducive – under favorable political circumstances – to the introduction of broader and/or more frequent policy changes. Notice furthermore that both "political patronage" and "lowest common denominator" policies could represent conditions contributing, in turn, to account for the stability of Intergovernmental Arrangements over time: the latter could indeed be characterized by "institutional protections", mechanisms deliberately introduced in the policy design so as to make changes difficult, and preserve over time the power share of each intergovernmental actor involved in the complex policy-making process (Pierson 1995); the former could trigger the activation of mechanisms of increasing returns.

In conclusion, as these few examples have made clear, the broad field of intergovernmental relations and arrangements encompasses a variety of relevant research questions: while many have begun to be dealt with in recent years, so many – at least – remain to be explored.

Appendix A

Main IGAs: A Comparative Overview

As was pointed out several times in the Introduction and in Chapter 1, a wide array of institutional solutions for managing intergovernmental relations within compound polities is not only theoretically conceivable, but also empirically observable. In the remainder, an overview of the most relevant IGAs currently at work in several Western federal and quasi-federal settings will be outlined. Features related to the institutional dimensions identified in Chapter 1 will be stressed. Whenever possible, special attention will be devoted to the description of the machinery specifically designed to deal with intergovernmental issues pertaining to health policy. As will emerge clearly, every national system may be seen as characterized by a specific combination of arrangements, possibly operating at different territorial levels, with different policy focuses, and differently organized working structures (for a schematic representation, see Table 1.3).

A.1 US

According to Watts (2003), because of the non-parliamentary nature of the US, in this federation «there is nothing [...] directly comparable to the executive federalism and formal intergovernmental councils prevalent» in parliamentary federal systems (p. 8).

Nevertheless, the National Governors Association (NGA) may be considered as the most relevant *horizontal, generalist* intergovernmental arrangement working in the United States. Founded in 1908, the Association is composed of the fifty State Governors; it is run by a nine-person Executive Committee, including a Chair and a Vice-chair. Chairmanship and vice-chairmanship rotate yearly, and strict alternation between Democrat and Republican Governors holding these positions is ensured. In order to grant even more the very bipartisanship of this IGA, four members of the Committee are from the Chair's party, while the remaining five from the Vice-Chair's party. NGA plenary meetings are regularly organized twice a year: a Winter Meeting is held in Washington, while the Annual Meeting, called in summer, is organized each time in a different location.

As reported in many official documents of this IGA, its mission consists in providing a bipartisan forum for governors to exchange views and best practices, to provide governors with innovative solutions and technical support, to establish bipartisan positions to influence key federal policy initiatives. To this end, the Association is articulated into several permanent Committees, dealing, respectively, with Economic Development and Commerce, Education, Early Childhood and Workforce, Health and Human Services, and Natural Resources. When particular issues are at stake, *ad hoc*, bi-partisan task forces may also be created by the NGA. Each Committee or task force has a Staff Advisory Council, composed of gubernatorial staff. Beyond that, an extensive bureaucratic network supports the Association's activities: an Office of Federal Relations, charged of maintaining regular contacts with congressional leaders and federal administration officials; a Center of Best Practices, a research institution, intended to favor policy learning among Governors: it is in turn divided into five policy-specific divisions, one of which is dedicated to health policy; an Office of Communications, tasked with coordinating media and communication strategies of the Association; an Office of Management Consulting and Training, assisting governors (even by means of tailored services) in managing and leading state governments. When it comes to define common positions towards the federal government, the NGA decisions take the form of "policies": previously processed by Committees, they must be voted at least by two thirds of Governors during the plenary sessions.

Alongside the NGA, other two intergovernmental organizations operating in the US federal system are worthy to be mentioned, even if they do not strictly fall under the definition of "IGA" provided in Chapter 1¹: the National Conference of State Legislatures and the Council of State Governments.

The National Conference of State Legislatures (NCSL), organized in a strictly bipartisan way, was created in 1975 to serve legislators and staff from all the states. Run by an Executive Committee (composed of legislators and legislative staff), it is articulated into twelve policy-specific Standing Committees, one of which is devoted to Health and Human Services: they meet two times per year, with the aim of developing "policy directives" and "resolutions" on state-federal issues in order to – as reported in the official Conference website – guide NCSL lobbying efforts in Washington, D.C. Policy directives and resolutions have then to be adopted at the annual Legislative Summit Business Meeting, the most relevant plenary session of this arrangement; one more session, the Fall Forum, is where the agenda is set for the states. Additional Task Forces may be created, on temporarily bases, for addressing cross-cutting issues: currently, eight task forces are at work (one is devoted to "Federal Health Reform Implementation"). Similarly to the NGA, the NCSL too provides its members with research and technical support in order to increase state policy-making effectiveness as well as the ability of state legislatures to voice their interests – by means of a full-blown lobbying activity – in the federal system. According to the Rules of Procedure regulating the functioning of

¹By IGAs, I mean all those permanent institutional boards, composed by representatives of executives placed either at the same or at different territorial levels, dealing with the management of intergovernmental relations, (mostly) within the domestic arena.

both the NCSL plenary meetings and Committees, decisions may be taken by majority vote.

Up to 1975, both the NGA and the NCSL belonged to a third arrangement, the Council of State Governments (CSG), which now works as an umbrella organization, providing services (Bolleyer and Bytezek 2009). It is defined as a non-profit, bi-partisan organization, designed to serve state officials from the legislatures, the courts and the executives. Founded in 1933 and headquartered in Lexington (Kentucky; an additional office is nevertheless present in Washington D.C.), its complex governance structure is designed according to the "Articles of Organization". Its purpose consists in championing excellence in state governments, "bringing state leaders from across the nation and through its regions together to put the best ideas and solutions into practice" (Sect. no. 2). Its membership includes representatives, from all the states, from the executive branch (the governors), the legislative branch (the highest ranking legislative leader elected by each legislative chamber), and the judicial branch (the highest ranking judicial official from each member jurisdiction): its memberships may be thus considered as "hybrid", insofar it does not include exclusively executive representatives. The CSG is articulated into a Governing Board, an Executive Committee, a Leadership Council, a set of Standing Committees and Public Policies Committees². While there is not a minimal frequency for the Governing Board meetings (which may be requested by the Executive Committee or by a qualified majority of states), the Executive committee, which is in charge, among other things, of approving "policy statements" representing the official position of the CSG, must be convened at least once annually. The Council is headed by a President (a Governor) and is chaired by a member of a state legislature. It is eventually important to remark that, even if organized on national bases, the CSG is in turn split into four regional subunits (CSG East, Midwest, South, West), including groups of neighboring states.

A.2 Canada

Canadian IGAs tend to be generally represented as quite weak: «the institutions of intergovernmental relations in Canada remain, compared with some other federations, relatively ad hoc and under institutionalized» (Cameron and Simeon 2002, p. 50). Major IGAs actually operating in this federation are the First Ministers' Conferences (FMCs), the Council of the Federation (COF, formerly named Annual Premiers' Conference – APC) and, at a lower, policy-specific level, a number of Ministerial Councils or Conferences.

First Ministers' Conferences are a top-level *vertical, generalist* IGA, gathering the heads of governments from both the national and the provincial levels. Despite its long-established tradition (its first meetings were celebrated in 1906 and 1918) and its salient

²Greater details in on the complex governance structure regulating the CSG articulation and working may be found on the Council website, at: http://www.csg.org/governance/pdfs/CSG_Governance_Adopted.pdf

role and increasing formalization during the 1960s and in the 1970s, the FMC has become a much more marginal arrangement by the 1990s (Papillon and Simeon 2004). Presently, no fixed schedule of meetings exists: in practice, their frequency is low (in comparative terms), insofar as the FMC tends to convene, on average, every eighteen months or a couple of years (Trench 2003, p. 19). Looking at its last twenty years of history (1992-2012), FMC has been called just thirteen times, following a quite irregular pattern. The call of this IGA seems largely dependent on the federal Prime Minister's willingness to organize it: for instance, as reported by Trench (2003), Prime Minister Jean Chrétien proved quite reluctant to use this IGA «as he would have been facing a chorus of unanimous opposition» (p. 19). This means that the continuity of its activities cannot be taken as ensured: in fact, no meeting was organized in 1995, 1998, 2000-01, 2005-07, 2009-12. Besides being infrequent and discontinuous, FMC meetings are not governed by any written rule of procedure. Established rules provide just for the order in which premiers take the floor and the chairmanship of this IGA (accorded to the federal Prime Minister). Decisions, taken by the implicit rule of consensus, may take the form of a *communiqué* (a quite general statement over a policy issue discussed by the Conference) or of a more formal (but not binding) agreement. Furthermore, as remarked by Cameron (2002), «it has no continuing institutional support, no staff serving it, no routine procedure for following up on business and reporting back» (p. 13)³. The weakness of such an intergovernmental arrangement is possibly best summed-up by Papillon and Simeon (2004), according to whom «meetings are ad hoc, sporadic, and often motivated by political ends only remotely tied to the management of interdependence between the two orders of governments. There are few agreed upon decision-making rules or procedures. There is often little organized bureaucratic preparation or follow-up compared with other intergovernmental forums. Nor are there clear links between the FMC and other intergovernmental institutions, or between it and federal and provincial legislatures» (p. 114). According to these scholars, thus, the First Ministers' Conferences would be more a mechanism for dealing with pressing issues rather than an IGA for an ongoing management of IGR: this is why, according to these scholars, «the FMC has not emerged, despite numerous attempts in that direction, as an autonomous institution in its own right, *in the sense of having a set of fixed rules and procedures, an established organization, and a set of distinct incentives, disincentives and constraints that are capable of influencing or shaping the behaviour and strategies of political actors*» (Papillon and Simeon 2004, p. 125, emphasis added).

The second major IGA working in the Canadian system of IGR operates at the *horizontal* level, with a *generalist* focus: it is the Council of the Federation (COF), comprising the thirteen Premiers from all the Canadian Provinces and Territories. Originally established under the name of Annual Premiers' Conference (APC) in 1960 «as

³To be thorough, FMC meetings are supported by the Canadian Intergovernmental Conference Secretariat, a structure established by an agreement of the FMC itself in 1973. Its mission – as reported in its official webpage – is to "provide the administrative services required for the planning and the conduct of senior-level intergovernmental conferences". In other words, it does not serve exclusively the FMC, but other top-level IGAs as well.

little more than a summer retreat for premiers and their families» (Cameron and Simeon 2002, p. 61), it evolved into a more structured forum through a process culminated at the end of 2003, when a full-blown reform was passed and its name was turned into the current one. As reported by Inwood et al. (2011), «the lack of satisfactory federal responses to various provincial-territorial concerns, particularly health care funding and the fiscal imbalance, led to an institutional innovation by the premiers [...] At the behest of Quebec premier Jean Charest, the thirteen premiers and territorial leaders joined together with the stated goal of strengthening provincial-territorial cooperation and enhancing relations with the federal government» (p. 43). Unlike its vertical counterpart, the APC and then the COF have displayed a much higher continuity, having organized at least one meeting per year uninterruptedly since 1960 up to now. The 2003 reform has contributed to strengthen this intergovernmental arrangement. The COF Founding Agreement specifies that Provincial Premiers shall take turns chairing the Council and that the Deputy Chair shall be the Premier who will chair the Council the following year. While the APC was usually held once per year (in August, generally before the FMC, when scheduled), the COF Founding Agreement has increased the minimal frequency of Provincial Premiers' meetings (twice per year: one in August, as before, plus one). A Steering Committee is tasked with study, analysis and research activities, as well as with the preparation of the COF meetings: this Committee is composed of the provincial and territorial Deputy Ministers in charge of intergovernmental relations, which are operationally assisted by a small Secretariat, located in Ottawa. In spite of being an exclusively horizontal arrangement, the Council activities tend to be focused more on federal-provincial relations than on merely inter-provincial issues. Through horizontal self-coordination, Provinces and Territories seek foremost to minimize their own divisions in front of the Federal Government: in practice, «so far, the Council has served one prior goal, – according to Bolleyer (2009) – to form a stable provincial front to extract the maximal amount of money in negotiations over federal funding» (p. 76). Decisions are taken by consensus. Position taking by the Provinces towards the center may thus be reasonably considered as the main goal pursued by the IGA under consideration. As stated in its founding agreement, indeed, its mandate includes objectives such as providing "an integrated and coordinated approach to federal provincial territorial relations through the development of shared common analysis and positions, where appropriate", analyzing "actions or measures of the federal government that in the opinion of the members have a major impact on Provinces and Territories", or developing "a common vision of how intergovernmental relations should be conducted in keeping with the fundamental values and principles of federalism" (Sect. no. 4).

Below both the vertical and horizontal top-level IGAs, a numerous set of policy-specific arrangements, comprised of the ministers in charge of a given policy field, exist. The *vertical* fora of specialized Ministers are generally co-chaired by a federal and a provincial Minister (this latter rotating on a yearly basis). Frequency and regularity of their meetings is highly varying, depending on the policy field considered, as well as the investment made in bureaucratic networks of support like a Secretariat office. Decision rule is generally consensus (Meekison et al. 2002, pp. 21-22). Note that usually

meetings occur both at the level of Ministers and at the lower level of Deputy Ministers. The most relevant Ministerial Conferences deal with issues related to Environment ("Canadian Council of Ministers of the Environment"), Education ("Council of Ministers of Education"), Forests ("Canadian Council of Forest Ministers"), Employment ("Forum of Labour Market Ministers"), Immigration, Social Policy ("Ministers Responsible for Social Services"), Transportation, Tax, and Health.

Eventually, it should be reminded that, along these multilateral arrangements, a set of geographically-based IGAs is at work, including just a subgroup of provincial governments, such as the Western Premiers' Conference and the Conference of Atlantic Premiers.

A.3 Australia

The Australian Federation displays a quite high number of Intergovernmental Arrangements, of both vertical and horizontal nature, with both a generalist and a policy-specific focus. This makes the Australian set of IGAs a complex and rich intergovernmental institutional landscape.

The major *vertical, generalist* Australian IGA currently working is the Council of Australian Governments (also known as COAG). Since the Federation (1901), official meetings between the heads of governments had been held, with varying frequency, in order to jointly discuss issues of high political importance. As reported by (Galligan and Roberts 2007), financial relations between the Commonwealth and the States have always been one of the major topics at these meetings. During the 1970s, in fact, the only regular heads of governments forum was the annual Financial Premiers Conference, which focused on short-run financial issues, with scant prior meetings' preparation (Galligan and Roberts 2007). In 1990 and 1991, a series of "Special Premiers' Conferences" was organized on the then Prime Minister's initiative, in order to address a general reform of Australian vertical IGR. In 1992, the reform of these Special Premiers' Conferences led to a higher degree of formalization of this arrangement, whose name was changed into Council of Australian Governments (Painter 1998). Its membership includes the the Prime Minister, who chairs it, the six State Premiers, the Chief Ministers of the Northern Territory and the Australian Capital Territory and the President of the Australian Local Government Association. COAG, as reported in its institutional website, «meets on an as needed basis», with the goal of initiate, develop and monitor the implementation of policy reforms that are of national significance and which require cooperative action by Australian governments. COAG has its own Secretariat (the Commonwealth-State Relations Secretariat), located in the Department of the Prime Minister and Cabinet, which makes possible to argue that «COAG is now underpinned by an extensive set of routinised bureaucratic exchanges» (Galligan and Roberts 2007). Even more so since the end of 2007, when the COAG members also agreed on the establishment of seven policy-specific working groups: one of them is devoted to Health and Ageing (tasked with developing implementation plans in respect to tackling elective surgery waiting times and investing in public dental programs) (Griffith 2009). In prac-

tice, nevertheless, despite this quite extensive network of bureaucratic support, since its establishment (1992) up to 2013 the COAG met only 36 times: while it did not convene at all in 1998, at least one meeting per year was celebrated in all remaining years (the maximum number of meeting per year having been four). According to some scholars, frequency and timing of meetings are still entirely determined by the Prime Minister (Kildea and Lynch 2011). In absence of commitment of this latter to the COAG process, meetings' frequency tends indeed to be very low. Central government's dominance would be evident also in the control and management of the meetings' agenda by the Prime Minister: «although input from the States on possible agenda items is invited, the PM alone settles the final agenda for each meeting and need do no more than consider suggestions from the States. In practice, this means that COAG invariably addresses matters of interest to the national government. [...] sometimes the Commonwealth will only finalise the COAG agenda just days before the meeting, thus giving the States minimal time to prepare» (Kildea and Lynch 2011). COAG outputs may take the form of either general statements (*communiqués*) released at the end of each meeting or – when formal deals have been reached – of full-blown intergovernmental agreements. Decisions are generally taken by consensus.

If COAG represents the peak vertical intergovernmental forum in Australia, at a lower level Ministerial Councils operate as a support to COAG activities. These *vertical, policy-specific* IGAs consist of Ministers from the States, the Territories and the Commonwealth meeting to discuss particular policy areas. They have a longer established tradition than COAG, the oldest Ministerial Council having been established in 1934 to address agricultural issues. Since the 1990s, these Councils underwent many reforms, aiming to reduce their number (rapidly grown up to more than forty) and to rationalize their activity. To this end, this latter should be organized in order to implement five "strategic themes" pursued by the COAG: "a Long-Term Strategy for Participation" (skills development, education, early childhood development); "a National Economy driven by our Competitive Advantages" (focused on microeconomic issues, regulatory reforms and investments); "a Sustainable and Liveable Australia" (on housing supply, climate change and energy efficiency measures); "Closing the Gap of Indigenous Australians"; and one devoted to health care policy, named "a Better Health Service and a More Sustainable Health System for Australia". Nowadays, these themes are addressed by 21 policy-specific councils (of which just 13 are defined as permanent), forming, as a whole, the so called "COAG Council System". They are underpinned by Standing Committees of Officials and their major goal should be that of facilitating consultation and cooperation between the Commonwealth and the States and Territories in specific policy areas. Ministerial Councils develop policy reforms for consideration by COAG, and oversee the implementation of policy reforms agreed by COAG. Annually, the Councils must report their activities to COAG. If not differently agreed, their decisions are taken by unanimity. One of these permanent Councils is specifically designed to address health-care policy issues (Standing Council on Health).

When coming to the *horizontal* dimension of IGAs in Australia, one cannot not notice its long-standing weakness. The first exclusively horizontal intergovernmental body

– named Leaders’ Forum – was established in Australia only in 1994, also as a response to the disadvantage felt by sub-national leaders in vertical intergovernmental fora, because of their agenda setting domination by the Commonwealth (Tiernan 2008). Since then, «they met sporadically, and with increasing informality, at Leaders’ Forum, usually held just prior to scheduled COAG meetings» (Tiernan 2008, p. 123). Time devoted to debate was generally limited. The enduring domination of COAG by central government led State Premiers to acquire increasing awareness of the strategical convenience to set up a more institutionalized horizontal IGA, in order to reduce the *divide et impera* strategies implemented by the Commonwealth. In July 2006 the creation of a Council for the Australian Federation (CAF) was then announced, taking as an institutional template the Canadian Council of the Federation. As stated in its founding agreement, its memberships includes the premiers of the States and the chief ministers of the Territories. The minimal frequency of this horizontal IGA’s meetings was set at one meeting per year, while its chairmanship would be on a yearly rotational basis. Interestingly, the founding agreement established that the CAF would be supported by a permanent, rotating Secretariat, funded by States and Territories and tasked with helping the Chair in preparing meetings (besides performing any task attributed to it by the Council). Decisions are taken by consensus (which occurs when no members are against a proposed resolution). Among its major goals, the Agreement listed those linked to complementing the work of the Council of Australian Governments and facilitating COAG-based agreements with the Commonwealth "by working towards a common position among the States and Territories", as well as those related to reaching, where appropriate, "collaborative agreements on crossjurisdictional issues where a Commonwealth imprimatur is unnecessary or has not been forthcoming"⁴. In the period 2006-2013, CAF met thirteen times (in a continuous way, having fulfilled the requirement imposing at least one meeting per year). According to Tiernan (2008), in its two first years of life «unlike COAG which then provided fairly ad hoc opportunities for policy discussion and debate, CAF provided a regular, structured forum that enabled negotiations to continue until agreement could be achieved. The deliberative process amongst sub-national leaders was assisted by the disciplines associated with a formal agenda for CAF, a forward work-plan and the requirement to report progress on actions arising from previous meetings» (p. 128). These discussions allow the State and Territory Heads of Government to develop joint positions on national issues, and to advance a common stance of the States in negotiations with the Commonwealth.

A.4 Germany

As well-known, the main locus of *vertical* intergovernmental relations in Germany is represented by the *Bundesrat*, the upper parliamentary chamber composed of representatives of states executives. Vertical cooperation, however, is also carried out by means

⁴The COF Founding Agreement is available on the Council website, at: <http://www.caf.gov.au/meetings.aspx>.

of several *policy-specific, vertical* Intergovernmental Arrangements, composed of state and federal Ministers, such as: the *Bund-Länder* Coordination Councils for Regional Development and for Agriculture and Coastal Protection; the Joint Science Conference; and, since 2009, the Council for IT Technology and the Stability Council (on federal and *Länder* budgetary stability). Other arrangements do not include only state and federal representatives, but also experts and members of local governments (e.g. Council of Science and Humanities) (Auel 2014).

The involvement of subnational governments into the national legislative process by means of the *Bundesrat* led the *Länder* to organize in order to prepare decisions on federal bills, and avoid competences' encroachment by the central level. Indeed, despite the absence of any reference to horizontal cooperation in the German Basic Law, Land Premiers and Ministers convene in a very dense network made up of intergovernmental Conferences, Commissions, Committees, Working Groups, and the like (Auel 2014): *Länder* self-coordination, whose origins can be traced back even before the foundation of the Federal Republic, has often been referred to its "third level" (Benz 2009).

The most relevant German *horizontal, generalist* IGA is the *Ministerpräsidentenkonferenz* (the Conference of Premiers, MPK), collecting the heads of governments from all federated units. Since the 1950s, when the Conference was created as an instrument against central level invasion of *Länder* competences, Presidents regularly meet four times per year, even if a formal, minimal frequency of encounters has not been set, an internal regulation or founding agreement being lacking. Extraordinary meetings, if needed, may also be called. No network of bureaucratic support has been created to prepare such events, which are generally organized by the single Land governments. Chairmanship, which is one-year long, rotates among Premiers, according to a fixed order. An internal document, not accessible from outside, regulates decision-making (Bolleyer and Bytzeck 2009): in conformity with it, until 2004 unanimity was the sole decision-rule followed by this IGA; it was relaxed in 2009, when Premiers agreed that, except on issues affecting budget or joint institutions, decisions may be taken by qualified majority (thirteen votes over sixteen). Twice a year, plenary meetings are followed by a meeting of the *Länder* Presidents with the federal Chancellor. After the unification of the country, a region-based Conference also exists – MPK-East – composed of the Presidents of Eastern *Länder*.

Alongside this generalist, peak-level arrangement, the German intergovernmental horizontal landscape is characterized by the contextual presence of eighteen *policy-specific* IGAs, called *Länderministerkonferenzen* (Conferences of Specialized Ministers of *Länder*). Most of them work according to formal rules, laid out in founding agreements or regulations, and meet on a regular basis. Interestingly, in some of these Conferences the federal Minister is a full-fledged member, while in others she is invited as a guest. The chairmanship rotates among *Länder*: the one in charge with this function also ensures the secretariat tasks; joint secretariats – except in few cases – have not been established; several committees and working groups, preparing the political meetings have, nevertheless, been created at the administrative level. Decisions (never binding) are usually taken according to the unanimity rule, even if recently some Conferences

have introduced the possibility of (qualified or simple) majority vote: in any case, in contrast with the voting rules followed in the *Bundesrat*, each Land is accorded an equal weight. Among the Conferences which have introduced the simple majority vote option is the one dealing with healthcare policy, the *Gesundheitsministerkonferenz der Länder*, *GMK*. Its foundation dates back to more than sixty years ago. Federal Minister of Health participates regularly as a guest in such IGA. Its meetings take place regularly: a General Conference (collecting all regional Health Ministers) is organized once a year by the Health Secretaries of States; twice a year convenes instead the *Arbeitsgemeinschaft der Obersten Landesgesundheitsbehörden* (Working Group of the Supreme Health Authorities), made up of heads of health departments from all the *Länder*, to address more technical issues. The presidency of the *GMK* rotates annually among the *Länder*. In this landscape, an exception is constituted by the Conference of Ministers of Cultural Affairs, set up in 1948: unlike the other Conferences, indeed, this IGA is supported by an extensive and highly structured bureaucratic network, including a Secretariat office as well as many technical internal units (working groups, commissions and subcommissions) (Benz 2009)⁵.

A.5 Austria

Because of the total ineffectiveness of its second parliamentary chamber as a channel of territorial representation, the Austrian federation has often been portrayed as a "unitary federation" or, even, as a non-federal State. According to the Constitution, indeed, in the majority of cases the Federal Council can only exert a suspensive veto power when issues under States legislative competence are debated. Not only that: the members of the Federal Council have not even to be members of the *Langtag*, the regional parliaments (Biela et al. 2013; Karlhofer and Pallaver 2013).

As in most of the countries under analysis, intergovernmental relations tended thus to emerge on the executive rather than on the legislative front. The major IGA currently working in this parliamentary democracy is an *horizontal, generalist* one: the *Landeshauptleutekonferenz* (LHK), the Conference of State Governors. While the first meetings of this horizontal, generalist IGA date back to 1918 and 1945 (the foundation of, respectively, the first and the second Austrian Republics), it is since 1970 that Austrian State Governors have started meeting on a more regular basis (twice a year). Extraordinary sessions may also be called. Despite the lack of any standing order regulating the Conference, some working rules may be identified. The chairmanship rotates every six months among State Governors, according to alphabetical order. Decisions, which are not legally binding, are taken by consensus. Since 1951 the LHK activities rely on a permanent office performing the functions of a secretariat, the *Verbindungsstelle der Bundesländer* (literally, "junction of the Provinces"). Though not binding, unanimous decisions taken by the Conference are generally respected by the Governors. The LHK is assessed as playing an important part in Austrian national decision making by

⁵See also the website of this Conference: www.kmk.org.

many scholars, who also tend to accord it a *de facto* veto power in respect to several federal decisions (Biela et al. 2013). As implicitly emerged from this description, the bulk of LHK activities is thus devoted to the management of vertical IGR, that is of the relations between the Provinces, on the one hand, and the Federal Government, on the other hand. It may also be interesting to remark that – as recently summarized by Biela et al. (2013) – «the unanimity needed for a formal decision [...] has been identified as the 'glue' sticking the *Länder* together [...] and thereby assuring a predominance of state interests over party interests» (p. 54).

It should be finally reminded that the Conference of State Governors works along with other lower-level IGAs, such as the *Landesamtsdirektorenkonferenz* (Conference of the Directors of the *Länder* Governments), subordinated to the LHK, and responsible for the preparation of its meetings and administrative coordination; the *Referentenkonferenzen*, a set of *policy-specific, vertical* IGAs, including federal ministers and top-level civil servants from the Provinces, and the *Länderexpertenkonferenzen*, *policy-specific, horizontal* arrangements, operating at the administrative level.

A.6 Switzerland

In a comparative perspective, Swiss IGAs have been assessed as characterized by a particularly high level of institutionalization (Bolleyer 2006, 2009). In this strongly symmetrical federation, main arrangements ensure cooperation at the *horizontal* level, where both *generalist* and *policy-specific* intercantonal bodies are at work.

As to the latter, the *Konferenz der Kantonsregierungen* – KDK (or *Conférence des Gouvernements Cantonaux*; Conference of Cantonal Governments) is made up of one representative from each of the twenty-six Cantons, and is chaired by a President, elected among its members and whose mandate lasts four years. Formally established in 1993, according to its founding agreement the Conference is designed to pursue goals related to both exclusively intercantonal collaboration and cantonal-federal relationships. The relevance of vertical issues within the Conference is confirmed by the provision setting the participation of the Federal Council (that is, the federal executive) at its meetings (with no right to vote). These latter must be organized at least twice per year: *de facto*, between 2003 and 2012, the frequency of ordinary meetings has been higher (about four annual encounters). Extraordinary meetings may also be convened. An extensive bureaucratic network supports the activities of the Conference: standing or temporary commissions for addressing specific projects or issues of high relevance can be created by an Executive Committee, composed of nine to eleven members, and tasked with the management of current affairs; a Secretariat, designed by the Conference in its plenary format and depending on the Committee, is charged of the preparation of Conference meetings and of the timely diffusion of the necessary documentation among all the involved parties. The Secretariat Office, currently staffed by twenty-eight officials, is in turn divided into specialized units, devoted to Personnel and Finances, Projects, General Services, Internal Affairs and Coordination, External Affairs. At present, three "Political Commissions" and twenty Working Groups are operating: their thematic focus is largely linked

to EU-related issues, such as free circulation of people, transports, financial and fiscal matters, and so on. As to the decision-making rules, they vary depending on the kind of deliberation at stake: when the Conference aims at defining a common cantonal position (towards the federal government) the *structural quorum* is set at eighteen Cantons, while the *deliberative quorum* requires a positive stance by eighteen cantons (over twenty-six): this means that a qualified majority rule (70%) is adopted. By contrast, when "decisions" are to be taken, the simple majority criterion is hold valid (as provided for by the Internal Regulations passed in 2009). Furthermore, like in Canada and the US, along with the multilateral generalist conference just described, an ensemble of regionally-based arrangements exists, dealing with federal-cantonal or cantonal-cantonal issues more related to specific areas: they are the *Regionale Regierungskonferenzen* (or: *Conférences régionales des gouvernements*; Regional Conferences of Governments), collecting cantons, respectively, from the Central, the Western, the Northwestern, the Eastern part of the country. The Secretariat of the KDK is in constant touch with the secretariats of these regional IGAs, which rest on written internal regulations, are articulated into several units, and meet regularly according to scheduled calendars.

The KDS is also strictly integrated with a multitude of *policy-specific, horizontal* arrangements, called *Konferenz der Kantonsregierunge* (or *Conférences des Directeurs Cantonaux*; Conferences of Cantonal Directors): these intergovernmental fora – fifteen in all – are composed of cantonal executives' members responsible of a given policy-field. Conferences of Cantonal Directors were established much earlier than the Conference of Cantonal Governments and, like this latter, display a high degree of institutionalization and a similar structure. The Conference addressing issues pertaining to health policy (named *Konferenz der kantonalen Gesundheitsdirektorinnen und -direktoren* or *Conférence suisse des directrices et directeurs cantonaux de la santé*) dates back to 1919: it was established in order to deal with intercantonal as well as federal-cantonal relations (representatives of the federal administration take part in its meetings as guests). Plenary sessions, which must be convened at least one time each year, are usually organized twice a year, while the Conference's Political Board, composed of ten cantonal executives' members and dealing with current affairs, meets more often (generally, nine times per year). Besides this Board, this horizontal, policy-specific IGA is supported by a set of permanent commissions (composed of cantonal directors of public health and experts from cantonal administration, on issues such as healthcare services planning, financing, and training), as well as by a permanent Secretariat. In most of cases, decisions taken by the Conference are not legally binding, taking the form of "recommendations": according to the internal regulations of the Conference, decisions may be taken by majority. Very similar IGAs exist in the fields of education, justice and police, finance, public works and transportation networks, energy, social affairs, and so on. Decision-making rule varies across Conferences, ranging from unanimity to majority (Bolleyer 2006, p. 401). A structural link between these policy-specific Conferences and the Conference of Cantonal Governments is ensured by the Conference of Secretaries of Intercantonal Conferences, whose Secretariat is managed by the Secretariat of the KDK; furthermore, since 2001, this latter has been given the power of settling conflicts when different policy-specific

Conferences disagree on their respective fields of competence (*ibidem*). Interestingly, alongside these IGAs, as is the case of the KDK, a number of policy-specific intercantonal Conferences operate, collecting just a group of (geographically close) subnational units: as for health policy coordination, seven regional horizontal arrangements do exist.

It should be finally remarked that while the federal government's representatives usually participate as guests to horizontal IGAs in Switzerland, no *vertical* formal cooperation body exists, neither in a generalist nor sectoral format.

A.7 Belgium

In contrast with Switzerland, a complex mix of exclusively *vertical* – both *generalist* and *policy-specific* – intergovernmental arrangements characterizes the Belgian institutional landscape. In spite of the strictly dual nature of its constitutional setting, the Belgian federation has nevertheless developed a set of intergovernmental institutional tools in order to deal with vertical IGR. In the youngest federation here considered, these relations are formally managed by means of the generalist *Comité de Concertation* (Concertation Committee, CC) and by a number of policy-specific *Conférences Interministerielles* (Interministerial Conferences).

The CC, founded in 1989, is composed of heads of governments from both the national and the regional levels, as well as other central executives' members. Perfect parity of national and subnational levels as well as of linguistic communities is ensured through a provision requiring this IGA to be staffed by an equal number of national and regional governments' members, in turn equally divided into French-speaking and Dutch-speaking representatives (six members for each territorial level and each linguistic community). As reported by the central Government's website, such a vertical generalist IGA is in charge of debating "different issues that, in the context of good governance, require collaboration between different levels of power and should be checked with regard to respective competences". The Concertation Committee, chaired by the federal Prime Minister, usually meets once per month, on Wednesday morning, in the Central Government's Palace in Bruxelles: about ten meetings per year are celebrated. It may be called either by central Government's head or by one regional Minister. Its activities are supported by a Secretariat Office, structurally depending on the Prime Minister Office. In order to process the most complex issues at stake a number of *ad hoc* working groups have been created. The meetings' agenda tends to be the outcome of preparatory encounters held between the advisors of national and regional heads of government (Swenden and Jans 2007). Deliberations are only taken by consensus. As to the tasks performed by this IGA, the Belgian Consultation Committee, as reported by Swenden and Jans (2007), is the institutional arena where central Government's draft legislative acts are debated with subnational representatives, who are given in this way the possibility to advance their comments and proposals of amendments, before the draft is discussed by the Parliament. More generally, it could be said that Committee deals with all IGR issues its members decide to debate. The CC may also work as a tool for settling intergovernmental "conflicts of interests": what is reviewed, in this case, is not

the legality but the advisability of a legislative or executive initiative (Poirier 2002), as long as every government and every legislative assembly (both regional and national) is accorded the power to activate the Conference whenever it feels its interests are threatened by another government. Deliberation on the contested measure is thus frozen for sixty days, during which a consensual solution must be pursued by the Committee. If no agreement is reached, the file passes to then the Senate, which, after providing its advice on the question (within thirty days), returns the issue to the CC, which is then given additional thirty days for finding a consensus. If compromise is not found within these time limits, the challenged legislative measure may be finally adopted (Poirier 2002).

In addition to this generalist arrangement, Interministerial Conferences are at work. IMCs are *vertical, policy-specific* IGAs. Their institution was provided for by Law August 9th 1980 on Institutional Reforms, which defined these IGAs as "specialized committees [...] composed of members of the Government and of the Executives of the Communities and of the Regions" with an expertise in the field of interest. Other ministers or experts are allowed to participate as guests. Ministerial Conferences may be constituted by the Concertation Committee, with the aim of promoting concertation and cooperation between the State, the Communities and the Regions. Over the last twenty years, CC has set up several Conferences, over different policy sectors, ranging from Economy and Energy to Employment, from Finance and Budget to Environment. Currently, eighteen policy-specific Conferences exist. One of them is devoted to the management of inter-governmental Public Health issues: it meets two times per year. While some of them are chaired by the Federal Government, others are chaired, on a rotational basis, by all their members. Interestingly, each Conference is accorded the power to establish its own Secretariat office (independently from the one supporting the Concertation Committee) and is free to autonomously set its own agenda and order of business. It is important to stress that Interministerial Conferences cannot exert any binding decision power: they can simply prepare decisions, to be subsequently possibly taken by the Concertation Committee. Their work is often preliminary to the achievement of vertical "cooperative agreements" (which can be either voluntary or compulsory), on the joint exercise of powers as well as the creation and management of common services. Furthermore, Ministerial Conferences are the arenas in which many compulsory consultation and coordination legal requirements are fulfilled, imposing forms of information exchange or regional hearing by the Central Government: «Although the federal government must not always take the advice of the regions into consideration, a failure to hear their opinion could render its decisions illegal» (Swenden and Jans 2006, p. 887). As to the frequency of their meetings, it is difficult to be generally assessed, given the high variation depending on the policy field under analysis: according to Swenden and Jans (2007), while the Conferences on environmental policy and external affairs typically meet many times per year (three to five times), others may not convene at all for several years. Some even never convened since their formal establishment. On the whole, according to these scholars, sectoral cooperation is quite weak in Belgium.

A.8 UK

In the framework of devolution occurred in the UK at the end of the 1990s, *vertical* intergovernmental arrangements were regulated by the *Memorandum of Understanding* – MOU, agreed in 1999 and revised in 2010, setting out the principles underlying the relations between the central Government and the devolved ones. The most relevant multilateral IGA designed by the Memorandum is the Joint Ministerial Committee (JMC), including all four executives: the UK Governments along with the Welsh, the Scottish and the Northern Ireland Executives. In its official website, this institution is defined as "the apex of formal relations between these administrations". The JMC should rely on a Joint Secretariat: the MOU (Annex 2), while specifying that «the Secretariat will be bound to provide an impartial service to all members of the JMC», also precises that «the lead role within the Secretariat will fall upon the UK Cabinet Office, including responsibility for servicing meetings and dispatching documents as required». The JMC was conceived to operate in various formats. According to the MOU, the "plenary format" includes: the UK Prime Minister (who takes the chair), the Deputy PM, the Scottish and Welsh First Ministers, each with a ministerial colleague, the Northern Ireland First and Deputy First Minister, and the three relevant Secretaries of State (Scotland, Wales, Northern Ireland). In such a format, the JMC would meet at least once a year to discuss devolved and non-devolved responsibilities impinging on each other, to address, if needed, disputes arising between the administrations, and, more generally, to review the IGR dynamics. While the JMC met regularly in the period 2000-2002, it did not do so between 2003 and 2007, when no meeting was called. The JMC plenary format was reactivated in 2008, at the instance of the new Scottish Government: it thus convened in this format also in the following two years. To sum up, the plenary format JMC meetings proved rare, irregular and discontinuous. Literature is unanimous in according to such an IGA little significance.

Apart from the plenary format, the JMC should also work in additional "functional formats", whose task should be to focus on specific policy areas: they may be conceived of as ministerial committees, since their membership includes the UK and devolved ministers in charge of a given policy field. Accordingly, four functional formats were established, devoted, respectively, to European Union, Knowledge Economy, Poverty, and Health Policy. However, with the only exception of the JMC (EU) devoted to European affairs, most of these fora – the one devoted to healthcare included – did not work after 2001. In the 2008 plenary format JMC meeting, the central and devolved governments agreed on the establishment of a "domestic format", including all matters such as health or education (not directly related to EU). However, in the meetings celebrated between 2008 and 2011, no issue pertaining to healthcare policy was included in the Committee's order of business. As summarized by McEwen et al. (2012), all this does not suggest that «the UK's multi-level administrations rarely met, but when they did it was more often outside the JMC framework» (p. 325). Informal relationships have so far been dominant.

It should be remarked that the MOU itself is quite prudent as to the role of political

multilateral tools for managing intergovernmental relations in the UK: from the very outset, the JMC seemed to be designed as a sort of solution of last resort. It is indeed stated that «the UK Government and the devolved administrations commit themselves, wherever possible, to conduct business through normal administrative channels, either at official or Ministerial level» and that a dispute may formally be referred to the JMC Secretariat only when it «cannot be resolved bilaterally or through the good offices of the relevant territorial Secretary of State» (Sections 24-25). Even more clearly, «the presumption is that in most circumstances the administrations will arrange bilateral meetings without the need to involve the JMC Secretariat, which will become involved only if circumstances require it e.g. in the event of an unresolved dispute» (Annex 2, Section 2.3). Such bilateral contacts may be managed at the level of officials (more informally) or, when needed, at the level of Secretaries of State: devolved interests are represented, within the UK Government, by the Scotland, the Welsh and the Northern Ireland Offices, each headed by a Secretary of State. Furthermore, the MOU contained four bilateral agreements ("concordats") regulating the relationships between the UK and each devolved administration (separately) over general matters such as European Union Policy and International Relations.

Appendix B

Methodological Notes

Horizontal Ideological Congruence Index

Following Bolleyer and Bytzek (2009), the value of the ideological position of each regional executive has been computed as the weighted average of the Comparative Manifesto Project (Volkens et al. 2013) scores attributed to each of the coalition partners in that moment: the weight attributed to each party depends on the number of Councilors representing that party in the regional government (the President is considered as one Councilor). The "ideological congruence" in a given year is equal to the standard deviation between the values of each government. The higher the standard deviation, the higher the ideological distance between the regional units (that is, the horizontal ideological incongruence), and vice-versa. Variations over time can be due both to variations in the positioning of the parties along the left-right or the centralization-decentralization dimension, and to changes in the party composition of governments.

As suggested by Bolleyer and Bytzek, the distance on the Centralization-Decentralization dimension is instead based on values resulting from the difference between two scores: the anti-centralization and pro-centralization positions (respectively, nos. 301 and 302).

For Italy, composition of regional governments have been taken from: Istituto Cattaneo dataset on regional governments, available at <http://www.cattaneo.org/it/ricerche-menu/politica-menu/istituzioni-di-governo.html>, for the period 1970-2000; Baldi and Tronconi (2010) for the period 2002-2006. For Spain, the composition of regional governments is based on data collected by the *Observatorio de los Gobiernos de Coalición en España* (University of Barcelona), available at http://www.ub.edu/OGC/index_es.htm.

It must be remarked that, far from being perfect, this measure suffers from a number of weakness.

The first is that the CMP values measure the positioning of national-level parties and not of regional branches of these organizations. The second is that not all parties running at the regional level elections are included in the CMP datasets.

These are issues particularly relevant in the Spanish case, due to the peculiarities of its party system. For the PSC - *Partido de los Socialistas de Cataluña*, which is the Catalan branch of the PSOE, I have used the scores of this latter (at national elections, they do not present distinct manifestos and they form the same parliamentary group); likewise, I have used the PSOE scores for the PSE-EE - *Partido Socialista de Euskadi-Euskadiko Ezkerra*, the federal branch of the Socialist Party in the Basque Country. Similarly, I have used the scores of the PP for the UPN - *Unión del Pueblo Navarro*, a regionalist party replacing the Popular Party both at the regional and at the national elections in Navarre (up to 2008); for EV - *Els Verds*, a Catalan green party, I have used (for 1998-2000) the scores of IU - *Izquierda Unida*, since they were partners of a common electoral alliance. Values are instead lacking for the following, (mostly, small-medium) region-based parties: AIC - *Agrupaciones Independientes de Canarias* (Canary Islands); UM - *Unió Mallorquina* and PSM - *Partit Socialista de Mallorca* (Balearic Islands); UDG - *Unión Democrática de Galicia* and CG - *Coalición Galega*; PRP, then PR - *Partido Riojano* (La Rioja); UPCA - *Unión para el Progreso de Cantabria* and PRC - *Partido Regionalista de Cantabria* (Cantabria); PAR - *Partido Aragonés* (Aragón); PA - *Partido Andalucista* (Andalusia); CDN - *Convergencia de Demócratas de Navarra* (Navarra); UV - *Unió Valenciana* (Valencian Community). Notice, however, that just two regional governments made up of *exclusively* non-State wide parties were ruled out from the sample (representing the 8.7% of excluded observations). In most of cases (almost 74%), excluded observations were relative to coalition cabinets in which either the PSOE or the PP was the *dominant* government coalition partner of a region-based party not scored in the CMP.

As for Italy, values are lacking for parties present in three Special Statute Regions: UV - *Union Valdôtaine*; UVP - *Union Valdôtaine Progressiste*; RV - *Rassemblement Valdôtaine*, DP - *Democratici Popolari*; ADP - *Autonomistes Démocrates Progressistes* in Aosta Valley; SVP - *Südtiroler Volkspartei* in Trentino-Alto Adige (2006 excluded); PSdAZ - *Partito Sardo d'Azione* and *Laico Federalisti* in Sardinia, as well as for a number of small State-wide parties. It should be however stressed that in no point of measurement these parties were leading one-party cabinets: in all cases, indeed, they were partners of larger coalitions including the Christian Democracy, the Socialist Party or the Communist Party; moreover, between 1970 and 1992, neither in Trentino nor in Sardinia regionalist parties were never the major partners of regional coalitions.

As a general rule, I excluded from computations all cabinets for which scores were missing for one fifth or more of their components. Excluded observations:

- ITALY: Aosta Valley (1970; 1974-2006); Trentino-Alto Adige (1970-2004); Sardinia (1986; 1988; 1996-2000); Sicily (2000); Molise (1998) - (11.58% of the sample);
- SPAIN: Canarias (1988-1992); Galicia (1988); La Rioja (1990-1994); Cantabria (1992-1998; 2004-2010); Aragón (1996-1998; 2004-2010); Navarre (1996); Balears (2008) - (9.43% of the sample).

Interviews with country-experts and IGR actors

No.	Role	Place and date
ITALY		
IT1	Regional Health Director General (1996-1999), Director General Regional Health Agency (2000-2005)	Bologna, March 20 th 2013
IT2	Health Economics Professor (Bocconi University)	Skype contact, May 20 th 2013
IT3	Regional Health Director General and Coordinator of Interregional Health Technical Committee (1995-2005)	Padova, June 18 th 2013
IT4	Manager of the Health and Social Policy Secretariat Office of the Conference of the Regions (1987-in charge)	Rome, October 28 th 2013
IT5	Regional President (1995-2005), Vice-President (1997-2000) and President of the Conference of the Regions (2000-2005)	Turin, November 28 th 2013
IT6	Director General of the Conference of the Regions (mid-1980s-in charge)	Rome, March 11 th 2014
IT7	Minister of Health (2001-2005)	Milan, March 15 th 2014
IT8	Regional Health Manager (1996-2003) and Director General of the Ministry of Health (2003-2013)	Rome, March 24 th 2014
IT9	Regional Health Director General (2003-2006) and Coordinator of Interregional Health Technical Committee (2005-2006)	Rome, March 24 th 2014
IT10	Manager of the Health and Social Policy Office of the State-Regions Secretariat (1984-2004), Director General Minister of Health (2004-2012)	Rome, April 3 rd 2014
IT11	Regional President (2000-2005) and Minister of Health (2005-2006)	Rome, April 3 rd 2014
IT12	Regional Budget Councilor (2000-2005)	Rome April 7 th 2014

No.	Role	Place and date
SPAIN		
SP1	Spanish IGR expert (Collegio Carlo Alberto)	Turin, November 15 th 2012
SP2	Spanish IGR expert (Consejo Superior de Investigaciones Científicas - CSIC)	Rome, November 21 st 2012
SP3	Spanish IGR expert (Universidad Nacional de Educación a Distancia - UNED)	Madrid, July 16 th 2013
SP4	Spanish IGR expert (Consejo Superior de Investigaciones Científicas - CSIC)	Madrid, July 19 th 2013
SP5	Spanish IGR expert (Universidad Complutense de Madrid)	Madrid, July 22 nd 2012
SP6	Deputy Director General of the National Observatory on the National Health System (2003-2004), Advisor of the Health Minister (2004-2007), Coordinator of the Working Group on Health Expenditure, Director General of Autonomic Cooperation (Ministry of Public Administrations) (2007-2008)	September-October 2013 (repeated contacts by e-mail)
SP7	Planning Director General of the Health Minister and member of the CISNS (2000-2004), Autonomic Director General of Health Planning	December 2013-January 2014 (repeated contacts by e-mail)
SP8	Deputy Director General of the CISNS Secretariat (1996-2000), Director General of Institutional Relations and High Inspection of the Health Minister (2000-2002)	January 2014 (contact by e-mail)
SP9	Director General of Institutional Relations and High Inspection of the Health Minister and Secretary of the CISNS (1991-1996)	December 2013-February 2014 (repeated contacts by e-mail)
SP10	Autonomic Director General of Health Economic Resources (2003-2012)	April 2014 (repeated contacts by e-mail)

Appendix C

Conferenza delle Regioni

Figure C.1: Example of internal procedures: main steps

CONFERENZA DELLE REGIONI
Seduta del 20 XXXX 2014 - ore 10.00

Punto 6c	COMMISSIONE SALUTE	Coordinamento Regione VENETO
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Proposta di documento recante considerazioni sulla politica [...] - Punto all'esame della Commissione nella riunione del 18 XXXX 2014

ISTRUTTORIA

» **TECNICA** Coordinamento Dott. XXXX

» **POLITICA** Coordinamento Ass. XXXX

Commissione Salute: 28 XXXX 2014
Regioni presenti: VENETO (XXXX - Coordinatore della Commissione); EMILIA ROMAGNA (XXXX);
 LIGURIA (XXXX); PIEMONTE (XXXX); TOSCANA (XXXX).
Decisione della Commissione: Nell'incontro con [...]

Considerato che [...]

Nel corso della riunione sono state discusse [...]

Al termine del confronto, la Commissione Salute ha condiviso all'**unanimità** [...]


Commissione Salute: 18 XXXX 2014
Regioni presenti: VENETO (XXXX - Coordinatore Commissione); BASILICATA (XXXX); EMILIA ROMAGNA (XXXX); LIGURIA (XXXX); MARCHE (XXXX); PIEMONTE (XXXX); PUGLIA (XXXX); SICILIA (XXXX).
Decisione della Commissione: la Commissione ha concordato [...]

La Commissione ha

pertanto approvato all'**unanimità** il documento elaborato dal gruppo tecnico [...]

PROPOSTA ALLA CONFERENZA

Relaziona il Coordinatore della Commissione, illustrando il documento predisposto quale utile analisi delle questioni aperte [...]

 **POSIZIONE DELLA CONFERENZA**

La Conferenza concorda sulle questioni aperte [...] riportate in un primo documento di analisi della Commissione Salute, al fine di elaborare un documento propositivo e completo da sottoporre in una prossima riunione della Conferenza. Tale documento costituirà anche un valido contributo ai fini dei lavori [...]

Documentazione in cartella:
- Documento della Commissione Salute

Referente Segreteria Conferenza: Dott.ssa [...]

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