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ACTIVITIES IX

Contemporary challenges of public management in the regions

Ladies and Gentlemen,

We have discussed the various aspects that make up the complexity of the issue of public governance in the regions. We now turn to more holistic issues that indirectly link all the previous threads.

The extremely current problems faced by public management in the regions include the fear of political elites to lose influence in the regions, regionalisation not adapted to the realities of the state, the threat of separatism [**Kieres 2008, pp. 121 - 122 and 127**]. On the other hand, from minor problems we can point to the issue of legislative competences of states and regions [**Kozłowska 2008, p. 220**] and the blurring of boundaries between regionalism and federalism [**Kozłowska 2019, p. 77**].

As L. Kieres explains, the progressing processes of globalisation of state policies create a sense of responsibility on the part of central authorities and national political elites for their transformation to internal systems - in line with their articulated interests, of course. Another issue is the potential for regionalisation and self-governing regions to weaken the position of these central and national authorities in reaction to disillusionment with the concepts and consequences of European integration. These ruling elites position themselves as solely responsible for preserving national values. Finally, those states that have already adopted solutions on self-governing regions, or possibly another expression of their political system, in their internal law, do not consider their modification to be advisable and appropriate if the source of change were to be an international act [**Kieres 2008, p. 127**].

The misalignment of regionalisation processes with the realities of a given country and, in a way, the fear of losing influence by political parties is, in turn, a problem in Portugal. As a

result, the Portuguese society is alienated and easily succumbs to the political arguments of the opponents of regionalisation [Kieres 2008, p. 122 and 127]. The first, exemplary group of problems noted in the Portuguese scientific literature include: : immigration problems of a differentiated nature depending on the part of the country, stemming from the recommendations in the cited publication, the lack of satisfactory cooperation between the State at the central and local levels and economic operators and civil society organisations in the regulation of said immigration to each region, taking into account the processes of structuring the development of the territory; the lack of inter-city/regional funds to support the social integration of immigrants in the early years of immigration and to encourage family reunification, the lack of time regulation strategies for sectors of activity with strong seasonality that would discourage illegal stay in the country at the end of the contract; Lack of incentives for strong entrepreneurship on the part of immigrants, insufficient strengthening of decentralised cooperation with Portuguese immigrant communities; insufficient promotion of the Portuguese language, lack of mechanisms to facilitate the recognition of educational qualifications and professional skills of foreign workers, as well as incentives for professional mobility in activities with higher added value; lack of experimental programmes involving temporary immigration in processes of decentralised cooperation and co-development of areas of origin. The second group of problems is mostly related to the Lisbon metropolitan area and includes: insufficient support for integrated territorial planning, the need to improve the coordination of policies and planning at central and municipal level to avoid conflicts and contradictions in power; lack of responsible planning and management of the territory at central level and in the municipalities, lack of incentives for social participation in planning, lack of recognition of the situation and living conditions of the population; insufficient support for access to housing; presence of slums; too much bureaucracy and dependence of the population on institutional support. Finally, all this contributes to the insufficient social and territorial cohesion of the Lisbon agglomeration - both on a metropolitan, urban and neighbourhood scale [Fonseca 2006, p. 147 - 149]. Moreover, it should also be assumed that the number of problems faced by this country is not decreasing at a surprisingly fast pace, especially considering that even those 8 years ago interest in Portugal was, according to A. Labno, supposed to have increased mainly due to the crisis that affected the country and its citizens [Labno 2014, no. 22, p. 109].

In the case of Portugal, a distinction must be made between autonomous regions and administrative regions.

The former include the Autonomous Regions of Madeira and the Azores. Their creation was dictated by the geographical, economic, social and cultural specificities of the archipelagos of the Azores and Madeira, as well as the historical desire of the inhabitants of these islands to gain autonomy. They are also territorial legal entities with their own competences (regulated in detail in the statutes of these regions), which include:

a) to legislate, on a regional basis, on matters of a political and administrative nature, as defined in the relevant laws and which do not fall within the exclusive competence of those exercising supreme authority;

(b) under the authority of the Assembly of the Republic, to legislate on matters of the exercise of exclusive legislative power in the part provided for that self-government, subject to specified exceptions;

c) the further development, on a regional basis, of statutory principles or general bases of regulatory systems which apply only to the Regions;

d) defining regional regulations in relation to legislation enacted by those who exercise supreme authority and who do not reserve normative powers in this area;

(e) to take the initiative to pass resolutions on matters relating to the election of members of regional legislative assemblies;

f) to undertake legislative proceedings by submitting draft laws and amendments to resolutions of regional authorities to the Assembly of the Republic;

(g) exercise independent executive powers;

h) to manage and dispose of the regions' assets, issue legal acts and sign contracts in matters concerning them;

(i) the implementation of its own tax policy tasks and the adaptation of the national tax system to regional specificities within the statutory framework adopted by the Assembly of the Republic;

j) in accordance with the laws and regulations governing the financial policies of the Autonomous Regions, to dispose of the revenues derived from taxes and charges levied in the region, as well as the portion of revenues derived from taxes levied by the State, in such a way as to ensure national solidarity, as well as other revenues that accrue to the regions, adjusting these revenues to the level of expenditure;

(k) the creation and abolition of local authorities and the implementation of changes in the area under their jurisdiction, in accordance with the relevant legislation;

(l) exercising supervision over local government;

- m)** granting the rights of a town to a rural municipality;
- n)** to supervise departments and services, public administration institutions and public sector companies that operate exclusively or mainly in the region, and in other cases where the region's interests so require;
- o)** approval of the regional economic and social development plan, the regional budget and the regional financial report, participation in the elaboration of national plans;
- p)** determining administrative offences and the corresponding penalties;
- r)** to participate in the design and implementation of fiscal, monetary, financial and exchange rate policies in such a way as to ensure regional control over financial resources in circulation and the financing of investments required for the economic and social development of the region;
- s)** to contribute to the development of a policy on territorial water resources, the exclusive economic zone and the adjacent ocean floor;
- t)** participation in negotiations within the framework of the conclusion of international treaties and agreements directly affecting the regions and sharing in the benefits resulting from such treaties and agreements;
- u)** cooperation with regional bodies in other countries and participation in organisations whose purpose is to promote dialogue and cooperation between regions, in accordance with the recommendations of those exercising foreign policy powers;
- w)** on the region's own initiative or after consultation with those exercising supreme authority, to issue opinions on matters falling within the supreme authority's competence concerning the Autonomous Regions or on matters relating to the specific interests of these regions; to provide assistance to the Portuguese Government in the formulation of the State's position within the framework of the process of formation of the European Union;
- x)** participation in the process of formation of the European Union when it affects the affairs of the Autonomous Regions, through representations in regional institutions and delegations involved in the decision-making processes taking place in the European Union, as well as through the procedure for transposing acts of Union law into the national system" [**Fonseca, Moniz, Caupers 2015, LEX; accessed 15.05.2022**].

The second type of regions are the administrative regions. The Portuguese Constitution states that 'the administrative regions shall have the power to direct departments and public services and to coordinate and provide support for the work of municipal governments, while preserving their full autonomy and avoiding any limitation of their powers. Administrative

regions should develop regional plans and participate in the preparation of national plans (cf. Articles 257 and 258)".

The fundamental difference between the two types of regions comes down to the fact that the latter do not have the status of autonomous units in political and legal terms. This in turn has been constitutionally assigned precisely to the autonomous regions of Madeira and the Azores [**Fonseca, Moniz, Caupers 2015, LEX; accessed 15.05.2022**].

Another fundamental problem is the issue of separatism, which is a particular problem in Spain. Recently, this has referred, for example, to Catalonia, which aspires to become a separate state. In particular, in 2017 there was even the use of the Police and Civil Guard against residents demanding a regional referendum, although unfortunately constitutionally questionable from the perspective of Spain as a single state. M. Kozłowska even posed the question whether one can still speak of a democratic state of law in such a case [**Kozłowska 2019, p. 87**]. As a side note, it should be pointed out that the Catalan case aroused so much controversy that even the Spanish Constitutional Court applied a different path of interpretation of the legislation, which manifested itself in the fact that, just as until the judgment in this case, a pro-autonomy approach towards the Spanish autonomous regions prevailed, so here an appeal was made to the unity of the state [**Jacas 2011, no. 12, pp. 57 - 58**].

The next issue is the blurring of the boundaries between a regional state and a federal state. In the former, the distinctiveness and independence of the regions is constitutionally guaranteed, even though it remains a unitary state. The constitutions then also provide for the region's means of action. The autonomous regions are then responsible for giving effect to the constitutional content in the form and by the means prescribed by public law in the interests of their territory. Added to this, of course, is the set of attributes that make up the concept of autonomy, i.e. the legislative and administrative powers that the region enjoys on an exclusive basis. Then, of course, there is the set of financial powers. The scope of regional autonomy is specified in the autonomous statute, which at the same time sets the boundaries for regional activity [**Sluvocki 2008, p. 192**]. In a federal (decentralised) state, regions are appropriately separated components, retaining a high degree of autonomy and independence; they also have separate legal systems, although these must be consistent with the federal order [**Banaszak, Preisner 1996, p. 229**]. In turn, the aforementioned blurring of borders in the context of Spain is indicated by M. Kozłowska, who even writes that some are already inclined to perceive Spain as a quasi-federal state [**Kozłowska 2019, p. 78**].

In Italy there are no major problems, although one can point out the problem of the legislative competences of the States and regions, where the State seems to be somewhat stronger, while the autonomous communities are not always adequately represented. This in turn not infrequently leads to the use of the judicial route to protect against the centralisation of competences [Kozłowska 2008, p. 214]. However, it cannot be said that things are extremely bad. Indeed, the Constitution has imposed on each region the obligation to organise a council for autonomy as a consultative body in matters of local government bodies [Bilancia 2005, p. 243]. It seems therefore that these are issues to be worked out.

France, which is a unitary state, is also an interesting case. As K. Chorążyk points out, regions in France were formed over three decades, and the breakthrough moment was the establishment of regions as territorial public establishments in 1972. At the first stage, these were centralised, functional regions that grouped several departments and were supposed to foster their economic development. The overriding aim at that time was to equalise the development opportunities of southern and south-western France vis-à-vis the Paris region and the north-west of the country. Finally, between 1982 and 1983, a reform took place that turned territorial public establishments into self-governing regions with constitutionally based territorial communities [Chorążyk 1994, no. 10, p. 66]. Currently, after the self-government reforms in France, the following tasks belong to the regions: spatial development, tourism, railway infrastructure, management of secondary schools, gymnasia, vocational training, ports, transport. The number of regions has also been reduced over the years, and there are now thirteen of them [Kielczawa 2019, no. 9, pp. 74 - 75]. The main problems, on the other hand, may include uninhabited ghost municipalities and certain tendencies towards central influence on local government units, which used to be, among other things, a problem when trying to establish cross-border cooperation.

We can, therefore, see strong differences in the problems and specific features of the regions of individual Member States of the European Union. It seems that a healthy balance and not bowing to ideology at the expense of practical solutions can help most here. Otherwise, internal conflicts may arise, or even the best solutions may be condemned to failure, as in the case of Spain or Portugal.

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