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THE ROLE OF MINISTRIES IN THE PUBLIC POLICY CYCLE

SPAIN

Javier Gómez de Agüero López
Adviser to the President of the Government Office
Spain

Introduction

The public policy cycle in Spain places ministries in a principal position. Public policy is set in motion through ministerial initiatives. Ministries are involved at the beginning of each policy, and they keep a vigilant watch to ensure that these policies are transformed into reality.

Evidently some policies — due to their political (e.g. anti-terrorism) or social (e.g. education) relevance — that are initiated, co-ordinated and monitored from the centre of government (CoG). In Spain the CoG has a fundamental role in the initiation, planning and co-ordination of public policy.

Leaving aside the issue of setting the agenda, in the legislative process of a policy, due to multiple variables, there are various phases in which ministries are present in one way or another, as is the case in other countries. These phases are the following: the policy initiative, initial draft, negotiation with other ministries, and approval by the Council of Ministers.

Subsequently the ministry ensures the monitoring and evaluation of the approved policy. It must be said that in Spain a culture of evaluation does not yet exist. The current government is in the process of setting up a public agency that will be specifically in charge of the evaluation of public policy.

At the beginning of the **policy initiative** phase, it is the leadership of the minister that determines the category of proposal put forward as a solution to a specific problem. The leadership capacity of the minister outside the ministry depends on his/her political influence and on the relative weight of the ministry within the government as a whole. The Minister of Culture, for example, does not carry the same political weight as the Minister of Economy and Finance. Horizontal ministries in Spain the Ministry of Economy and Finance and the Ministry of Public Administration – have a great weight when it comes to directing the proposals of the line ministries. Apart from the budget preparation, the Ministry of Economy and Finance determines the possible outcomes of the proposals of line ministries. Throughout the definition process of public policy and the shaping of a legislative proposal, it is the opinion of the Ministry of Economy and Finance that is most listened to and which normally brings about major changes to a proposal.

Given the configuration of Spain as a compound state comprising various self-governed administrations, it is very important in the development of public policy to take into account the distribution of powers among the various administrations within the state. The Ministry of Public Administration is in charge of making sure that proposals do not spill over into the areas of responsibility of other administrations.

The initial policy proposal may originate from the minister, his/her cabinet or other ministry officials. The cabinet of the minister, together with the cabinets of the secretaries of state, constitute the “first line” of advice for the minister. Besides these cabinets, ministries have their own analysis and recommendation structures. These structures are entities responsible for advising the minister in all technical and legal aspects of the policy proposals. These units answer directly to the undersecretary¹.

Once the minister takes the decision to support or promote a particular policy proposal, the development of the **initial draft** of the proposal falls under the responsibility of the secretary of state. The secretaries of state are responsible for setting up inquiries of interested parties for a particular policy proposal in order to gather their respective opinions.

The definitive policy proposal is then **negotiated’ with other ministries**. This process is carried out through the General Commission of Secretaries of State and Undersecretaries. The following section will analyse the work of this body.

Once the Council of Ministers has approved the proposal, it is submitted to parliament. In the event that additional parliamentary support is needed for the approval of the proposal, ministry officials advise the parliamentary group that supports the government during the negotiation process.

Functions of Ministries in the Development of Policy

Ministries exercise, in relation to the development of policy, the following functions: initiative, negotiation and support. Each of these three functions represents various moments within the cycle of all public policy. The functions of monitoring and evaluation are dealt with briefly in the following section.

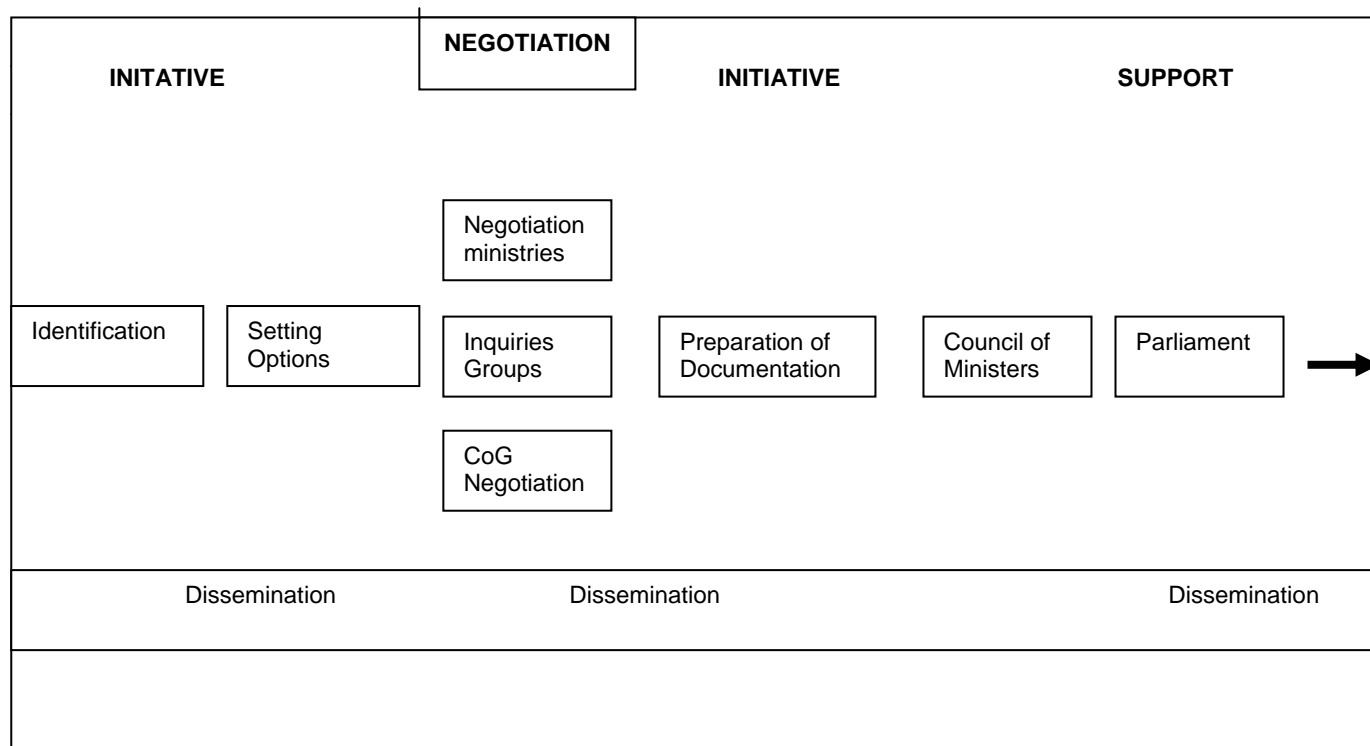
¹ The undersecretary has a lower rank than the secretary of state and different responsibilities. He/she is not in charge of a specific domain but oversees the management of the ministry and the horizontal issues dealt with in the ministry.

The function of initiative includes the following activities: identification of the problem; setting options; and preparation of the legal documentation (legislative draft, explicative memorandum and economic memorandum).

The function of negotiation includes the following activities: inquiries with relevant groups and inquiries/negotiation with other ministries and with the CoG.

The function of support includes the following activities: preparation of dissemination campaigns on what the policy signifies and preparation of recommendations to the parliamentary group supporting the government.

Obviously, although the development of public policy is always referred to as a process, it is never linear. Functions normally overlap and are produced in a simultaneous fashion. In addition, to ensure the successful development of a policy, it should be kept in mind that effectiveness in the execution of a specific function determines the remaining functions.



The Function of Initiative

The identification of a problem usually originates from a governmental programme. The governmental programme, which constitutes an executive summary of the electoral programme that had played a role in the party elections supporting the government, takes shape in the legislative calendar. The legislative calendar is a non-comprehensive document that is prepared by the CoG in co-ordination with the ministries.

Besides the governmental programme and the occurrence of unforeseen problems (such as an environmental catastrophe), the other sources of problem identification are public opinion and international agreements. The problem of domestic violence is one of the issues raised by public opinion. The first law passed by the current government was in fact the Domestic Violence Law. The same can be said, for instance, of the housing policy.

As for international agreements, Spain is obliged, as a member of the EU, to adhere to the regulations passed in Brussels. This implies Spanish legislative modifications to adapt Spanish law to European norms.

Once the problem has been determined, the presentation of alternatives and the selection of a particular option are conditioned by two factors: compromises to the governmental programme and the cost of the alternatives. Here “cost” should be understood in a wider context, meaning the cost in political and economic terms.

Finally the initiative, once negotiated with the other interested parties (as will be seen below in relation to the function of negotiation), definitively takes shape in a normative proposal that must be accompanied by an explicative memorandum as well as an economic memorandum. Throughout the process of policy development, diverse drafts are utilised and modified in accordance with the contributions of the various parties involved in the process.

The explicative memorandum and the economic memorandum are obligatory for all normative proposals. In addition, in Spain a draft law must be accompanied by a memorandum indicating the possible effects of the law on equality between men and women. A proposal dealing with the natural environment should also be accompanied by a report on any environmental impact that the policy or law could provoke.

The Function of Negotiation

The function of negotiation is exercised as much within the ministry as outside it. Within the ministry, inquiries are made among the various secretaries of state. The negotiations and observations generated by these inquiries are produced formally in writing, informally by way of personal contact, and finally through ad hoc working groups within the ministry.

Parallel to these negotiations/internal agreements, external negotiations are carried out. These negotiations/inquiries are made partly with interest groups (for example, administrators on university policy) and partly with outside specialists. The inquiries have a regulated part – the obligation to make the information public – and another part that is discretionary for the ministry. The Internet is of great assistance in these external inquiries. Through their official web pages, ministries are able to show citizens their proposals or reports on a particular issue. This system also allows ministries to collect citizens' suggestions, but this possibility is for the moment infrequently used by ministries.

The other type of external inquiry/negotiation is carried out with other ministries and with the CoG. Ministries establish their relationship with the CoG through the President's Office. Members of the cabinets of ministers and/or secretaries of state² set up working groups with members of the President's Office with a view to analyzing public policy proposals. Depending upon which phase the proposal is in and the matter itself, other advisors of the CoG are added to this group.

Negotiation with other ministries is carried out in two phases. In the first phase, during the preparation of the first draft and once the ministry has finalised its internal position, this negotiation is accomplished by request. The technical general secretary of the ministry is in charge of requesting the observations of other ministries on the draft proposal.

If the observations made by other ministries are not accepted, the ministry heading the proposal must explain to the ministries concerned why their observations were not taken into consideration.

The second phase of inter-ministerial negotiation is carried out through the General Commission of Secretaries of State and Undersecretaries. The Commission meets weekly and studies all of the issues that are going to be dealt with by the Council of Ministers that week. Normally, a legislative proposal takes a minimum of three weeks to be approved by the Commission before the Council of Ministers can decide on it.

Although the Commission formally meets on Wednesdays under the direction of the Ministry of the Presidency, it functions permanently as a "Virtual Commission". The "Virtual Commission" is a computer application allowing ministries to make observations on certain proposals via the web site of the Ministry of the Presidency.

After the meeting, the Commission produces two indexes. The Red Index collects the issues where an agreement has not been reached. These issues are simply postponed until a later meeting, abandoned or are left for the Council of Ministers to make a definitive decision.

The Green Index is the second index produced by the Commission. This index is composed of those issues that have been agreed upon by the Commission. Having reached an agreement in the Commission, the Council of Ministers normally approves them without discussion. The Council of Ministers has the authority to reconsider an issue that has already been agreed upon in the Commission and even to reject it.

² In Spain a position lower in rank than that of secretary of state exists – the general secretaries, who are also responsible for various areas within the ministry. Practically speaking, their role can be considered to be similar to that of the secretaries of state. In this document, any reference to secretaries of state also encompasses general secretaries.

The economic aspects of all proposals are negotiated in an interministerial manner. The Economic Affairs Delegate Commission analyzes the impact and relevance of a proposal from the point of view of rationality and control of public expenditure. The following ministers are members of this commission: Minister of Economy and Finance; Minister of Public Works; Minister of Education and Science; Minister of Employment and Social Affairs; Minister of Industry, Tourism and Commerce; Minister of Agriculture, Fisheries and Food; Minister of Health and Consumption; Minister of Environment; and Minister of Housing. Additional members are the Director of the President's Office; Director of the President's Economic Office; Secretary of State of Economy; and Secretary of State of Finance and Budget.

Except for emergency reasons, no issue that has budgetary or economic repercussions can be dealt with in the General Commission of Secretaries of State and Undersecretaries if it has not been previously reviewed by the Economic Affairs Delegate Commission. In fact, if the review of a proposal is planned, the Delegate Commission meets in the week preceding the meeting of the General Commission.

It is important to take into account, with regard to the function of negotiation, the leadership of the minister. When the proposal is presented to, or seeks support from, interest groups, the mere fact that it is the minister who heads these inquiries increases the chances of success. A similar situation occurs in connection with interministerial negotiation.

The level of involvement of the head of the department – and therefore the amount of political pressure exerted to deal with the criticisms of the proposal by other ministries – has a direct effect on the chances of success. It must be noted that in this case the relative importance of the ministry and the political weight of the minister himself/herself determine the level of authority that the minister has to achieve objectives.

The Function of Support

The function of support covers an entire series of activities that are difficult to classify. Among the many diverse functions, two are of particular importance: explanation of the policy proposal and recommendations during the parliamentary proceedings to examine the proposal.

Explanation of the policy proposal covers all activities that are bound to define the proposal and provide the reasons that have motivated the administration – including the reason why it has opted for one solution as opposed to another. This explanation requirement is easy to understand, since the work of divulgence comes, fundamentally, in the initial phase and in the final phase, when the definitive approval of the proposal is near.

It is understandable that any government is interested in shedding the best possible light on its actions and justifying them in a way that attracts the most support. There are nevertheless some policies that — either because of their special importance or because they directly affect the rights and obligations of citizens — demand the most transparency possible. For example, policies for the reform of education or for the modification of circulation requirements require better explanations than sectoral policies, such as requirements for the regulation of civil construction.

The Function of Monitoring and Evaluation in Spain

This function is significantly underdeveloped in Spain. Many ministries rely on statistical monitoring entities for policies in this area, and two centres are dedicated to providing up-to-date socioeconomic data to officials responsible for policy-making – the National Statistics Institute (under the Ministry of Economy and Finance) and the Centre for Sociological Research (under the Ministry of the Presidency).

The data that the National Statistics Institute (INE) and the Centre for Sociological Research (CIS) contribute are very relevant with regard to analyzing the performance of policy objectives. Nevertheless, information is still lacking, including ways of measuring the extent of a problem. The case of housing policy is especially significant. Up until the first quarter of 2005 there was no unit dedicated exclusively to studying performance statistics on housing prices. Such a unit was recently created, answering to the Undersecretary in the Ministry of Housing, to develop an official³ indicator for housing prices, which is vital in order to truly analyze the housing problem.

Public policy evaluation in Spain signifies an objective evaluation. This is not always the case, as on many occasions quantifiable objectives have not been determined. In the area of immigration, for example, Spain relies on the permanent Immigration Observatory, which produces exhaustive statistical reports.

³ Housing prices in Spain are currently measured by private entities, such as evaluation societies and property registration colleges and notaries.

However, as the expected number of immigrants or the level of integration of these immigrants have not been quantified, it is very difficult to measure whether or not policy in this area has been successful.

To avoid these problems and reverse fundamental deficiencies in order to create well functioning public services in Spain, the current government has decided to create a Public Policies Quality Evaluation Agency⁴, under the Ministry of Public Administration, which will work with officials as well as professionals from several sectors. In addition, the agency will establish mechanisms for co-operation with other state administrations, in particular with autonomous communities since they manage the majority of public services in Spain.

Despite the nascent existence of associations that group together university experts for the evaluation of public policies, it seems that public initiative is necessary to place policy evaluation in Spain at the same level as in the most advanced neighbouring countries.

Ministerial Organisation and Policy Development

Now we will focus on the principal units in the ministry that are involved in the development of policy, and the relationships established between these units⁵.

Cabinets of the Minister and of the Secretaries of State

The Cabinet of the Minister is staffed by both civil servants and non-civil servants. In the selection of advisors composing the Cabinet of Ministers, two criteria are involved: the confidence of the minister and the professional capacity of the advisor. Experience has shown that the majority of advisors forming the Cabinet of the Minister are civil servants. In fact, changes of ministers that have been made – even involving a change of government in some cases – have not necessarily entailed a radical change of these advisors.

It can be said that the Cabinet of the Minister is the unit that co-ordinates and plans policies. Responsibilities within the cabinet are shared depending on the tasks of the minister and the areas of activity of the department. Parliamentary advisors to the minister are responsible for preparing answers to questions from members of parliament and for developing hearings of the minister before parliament.

Other advisors are responsible for communication. These advisors usually have experience in journalism, as their advisory position implies knowledge of, and relations with, the mass media. This work is fundamental for a clear explanation of policy.

The principal relations of minister's advisors within the ministry are with the advisors of the secretaries of state. The Cabinet of the Secretaries of State is very similar to that of the minister's cabinet, except for its size, which is smaller. Advisors to the secretaries of state work most directly with the heads of units involved in policy-making. For both the Cabinet of the Minister and the Cabinet of the Secretaries of State, the role of the head of the cabinet is very important, as he/she oversees the team of advisors, ensuring that the cabinet is a useful decision-making instrument for the minister and for the secretaries of state, respectively.

Both cabinets work closely with the CoG. The relationship is established, individual contacts aside, through the formation of working groups focusing on concrete policies. In this relationship, the CoG contributes the knowledge of its own advisors and keeps the President of the Government informed of the activities of working groups.

The Undersecretary, Technical General Secretariat and Budgetary Office

The Undersecretary is in charge of the units that are common to the whole ministry (for example, the human resources unit). The Technical General Secretariat and the Budgetary Office are among those units.

The Technical General Secretariat is the principal horizontal advisory unit in the ministry. It is responsible for reporting on the legislative proposals initiated by the ministry. The reports published by the Technical General Secretariat relate strictly to the formal legal aspects of the proposal. This unit also prepares the explicative memorandum that must accompany the proposal, which serves to explain the content of the policy and the reasons behind the proposal. The Technical General Secretariat oversees the drafting of the explicative memorandum based on information provided by the secretary of state who had initiated the policy proposal.

⁴ This measure was part of the PSOE's electoral programme.

⁵ As the organisation of the ministry has already been dealt with above – in the introduction and in the section on the function of negotiation – it will not be mentioned in this section.

The other major task carried out by the Technical General Secretariat is ensuring the external relations of the ministry, both with other ministries and with other bodies and institutions. With respect to other ministries, the Technical General Secretariat requests their opinions on the ministry's proposals. Observations made by other ministries are answered in the initial phase, incorporated into the draft proposal, or answered with an explanation as to why they have not been taken into account.

These relations with other ministries also include dealing with issues that have been raised in the General Commission of Secretaries of State and Undersecretaries. Although the secretaries of state have advisors in their cabinets who are in charge of the preparation of meetings, it is the undersecretary in each ministry — through the Technical General Secretariat — who has the responsibility of representing his/her ministry in these meetings. In addition, it is common that only the Technical General Secretariat has access to the “Virtual Commission”, in order to view the observations of other ministries and to respond⁶ with its own observations.

Regarding the ministry's relations with other institutions, the relationship with the State Council must be highlighted. This institution, which is the highest advisory body to the government, reports on all normative proposals with a legal rank and decrees. Although a request for information is formally signed by the minister, it is the Technical General Secretariat that prepares the documentation and forwards it to the State Council. Once the State Council has announced its report, the Technical General Secretariat sends the observations to the secretary of state who had initiated the proposal for his/her review and revision of the draft proposal, if appropriate.

The structure of the Technical General Secretariat includes one or several vice-secretariats specializing in the specific functions of the ministry. The personnel of the vice-secretariat are civil servants with a strong legal background. In line ministries, such as the Ministry of Public Works or the Ministry of Industry, civil servants with a technical background are normally staff members of the Technical General Secretariat.

The Budgetary Office is the other horizontal advisory unit of the ministry. While its job is more oriented towards monitoring the economic functioning of the ministry, it also reports on economic issues of proposals made by other departments. This is in fact the unit that advises the Technical General Secretariat on the preparation of the economic memorandum for proposals.

The Centre of Government in Spain

This last section is dedicated to the centre of government (CoG) for two reasons. The first reason is of a personal nature, as the author of this paper has first-hand knowledge of the subject. The second reason has to do with the strategic position of the CoG in the development of public policy.

The structure of the CoG in Spain has undergone various changes since the establishment of democracy in 1978. Without going too far back in time, we can see that the President's Office and the Ministry of the Presidency constitute the two axes of the CoG. The weight of each axis varies depending on the political relevance of the holder of the office of Minister of the Presidency.

In the current situation – as has been the case during the majority of the last two legislatures – the Minister of the Presidency has a superior political rank to all other ministers, together with the first vice-president of the government. In fact, the first vice-president is assigned the task of co-ordinating the proceedings of the government. This job is carried out in co-operation with the second vice-president, who fulfills the function of Minister of Economy and Finance. In this way, the economic and political orientations of the government remain in the hands of the two vice-presidents.

Answering directly to the second vice-president is the Secretary of State for Communication, who is in charge of setting the standards for the communication of government proceedings. This secretary of state also reports to the Minister of the Presidency and therefore to the first vice-president, as well as to the Secretary of State and Undersecretary for Parliamentary Relations. The latter secretary of state co-ordinates relations with parliament: parliamentary questions, transmission of information solicited by members of parliament, legislative programming, etc.

The Secretariat of the Government is headed by an undersecretary. This unit makes the announcements of the Council of Ministers and of the General Commission of Secretaries of State and Undersecretaries. In addition, the Secretariat of the Government organises the activities of the Council of Ministers and is responsible for publishing their decisions in the Spanish Official Bulletin (BOE).

⁶ See the section on the function of negotiation in ministries.

The President's Office, headed by a secretary of state, is made up of advisors, who are assigned among four departments. These departments, with the rank of general directorate, cover the following areas: institutional affairs; international relations and security; analysis and research; and education and culture. The deputy director of the office is in charge of co-ordination among the departments.

The department of education and culture and the department of international relations and security are dedicated to the tasks that each title indicates. In addition, the department of international relations and security is in charge of the political organisation of the travel of the President of the Government.

The department of institutional affairs and the department of analysis and research both deal with horizontal issues. The department of analysis and research is fundamentally responsible for the political analysis of governmental actions. The department of institutional affairs has the most weight in relation with those ministries involved in policy development (except in relation to education and culture). The advisors of this department normally make up the working groups within the cabinets of ministries.

The advisors to the President's Office, together with the first vice-president, shape the co-ordination of policies set forth in the governmental programme. They also determine, together with ministries, the legislative scheduling of proposals.

One element that distinguishes the current CoG with respect to previous legislatures – with the exception of the short-lived existence of a budgetary monitoring office – is the President's Economic Office. This office, also headed by a secretary of state, has an advisory function to the President of the Government on socioeconomic matters. This function goes beyond mere budgetary analysis. The Economic Office develops alternatives and carries out research related to policies that have an economic profile designed by ministries.

The close relationships of the Economic Office with ministries – besides the obvious one with the Ministry of Economy and Finance – are with ministries such as Industry or Education and Science (which deal with the I+D+I⁷ policy in Spain), Public Works, and Housing (owing to the importance that the current government attaches to housing policy).

The Economic Office also participates, within its field of expertise, in the development of policy, either through the Economic Affairs Delegate Commission or through working groups made up of experts from among the CoG and ministries.

⁷ I+D+I signifies Research + Development + Innovation.