



# Political divisions of Spain

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Government in Spain is divided into three spheres or levels: the State itself, the regions or autonomous communities and local entities (municipalities and groups of municipalities).<sup>[1][2][3][4][5]</sup> These levels are not hierarchical, meaning there is no supremacy or primacy of one over the other, but rather they are separately defined by their jurisdictional powers (Spanish: *competencias*).<sup>[6][7]</sup>

The second sphere, that of the regions or autonomous communities, is the second-level subdivision (using the definition of NUTS and OECD) or the first-level subdivision (using the definition of FIPS, CIA World Factbook and ISO 3166-2). There are 17 autonomous communities and two autonomous cities (Melilla and Ceuta) in all these schemes.

The third sphere, that of local entities and local government, comprises three different subdivisions of Spain, with differing political (council), electoral (constituency), or administrative (decentralised services of the state) functions as well as other entities described below. Accordingly Spain is divided territorially into:

- 8,131 municipalities and 3,683 sub-municipal entitles each with political, administrative and are their own constituencies.
- 465 comarcas, 83 of which have administrative and political functions
- 50 provinces, nine of which have no political or administrative function but all of which are constituencies for both houses of Parliament.

In practice most local government power is vested in municipalities; provincial councils are limited to providing support for smaller municipalities.<sup>[8][9][10][11][12]</sup> Nevertheless (and ignoring the lack of administrative function in nine provinces) taken together, the 50 provinces, 7 islands and two autonomous cities are defined as third-level subdivisions by NUTS and OECD. The 50 provinces by themselves are defined as second-level by FIPS, CIA World Factbook and ISO 3166-2. Comarcas are not featured in any of these schemes.

Although municipalities are required by law to not cross provincial boundaries, comarcas have no such restriction, so there is no perfect division of provinces into comarcas; they are disjoint divisions made up of different municipalities. For example, the comarca of Tierra de Pinares is split between two provinces and the comarca of Cerdanya is divided between France and Spain.

Both provinces and comarcas are groupings of municipalities. There are other groupings of municipalities with administrative functions defined by regional legislation including mancomunidades, metropolitan areas, juntas etc but they are not a territorial or administrative subdivision of Spain as a whole.

Related to provinces, there is another territorial division of Spain into 431 judicial districts which are the constituencies for the election of provincial councils.

In terms of the separation of powers, the national government contains all three branches of government (judiciary, executive and legislative); regional governments only have executive and (unicameral) legislative branches (no judiciary). Local government is administrative only<sup>[3]</sup> and their regulations must

adhere to national and regional law.

In terms of relative size of each tier, in 2002, the central government accounted for 48.7% of public expenditure, regional government for 35.5% and local government for 15.8%.<sup>[13]</sup>

## Decentralisation model

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It has been suggested that the territorial model is the most imprecise and deliberately ambiguous area of the Constitution due to unresolved controversy and political tensions when it was being negotiated.<sup>[14][15]</sup> Although Spain is considered one of the most decentralised countries in Europe, its form is not defined in the Constitution and has been the subject of much debate.<sup>[16][17][18]</sup> In the absence of an explicit definition the Constitutional Court has labeled the model the "State of Autonomous Communities", to avoid implying either a unitary or federal model.<sup>[19]</sup> Scholars have described the model as a third way between federalism and unitarianism,<sup>[20]</sup> as a federal system in all but name,<sup>[21]</sup> or "federation without federalism",<sup>[22]</sup> as a system providing significant degree of decentralisation, though still under strict surveillance by the central government.<sup>[23]</sup>

In addition to the term "State of Autonomous Communities", various writers have sought to find terms for the Spanish model of decentralisation including "Regionalised State",<sup>[5]</sup> "Plural State", "Autonomous State", "Unitary Federal State", "Regional Unitary State", "Semi-federal, semi-regional or semi-centralized State", "Federal-regional State", "Autonomous State with federalist nuances", "Unitary State with a federalist spirit" and "Integral State".<sup>[19]</sup>

A more recent assessment is<sup>[24]</sup>

Among political scientists and other foreign scholars, there seems to be a consensus that the Spanish model can be regarded as a federal system with certain peculiarities...

The powers that belong exclusively to the state are defined in the Constitution<sup>[25]</sup> and those of the regional governments in their statutes of autonomy and can include housing, urban and regional planning, agriculture, transport, health, education, social welfare and culture.<sup>[26]</sup> However, the Constitution provides a general framework only,<sup>[a]</sup> and there is now a large body of case-law produced by the Constitutional Court to clarify ambiguities.<sup>[2]</sup>

Not all regions have the same powers so the system is termed *asymmetric* which is on the whole seen as advantageous, able to respond to diversity.<sup>[28]</sup> However one aspect of this asymmetry is a cause of friction, namely that the Basque Country and Navarra can raise their own taxes and negotiate a transfer to Madrid to pay for common services and hence, unlike the other regions, do not contribute to fiscal equalisation across Spain.<sup>[29]</sup>

Numerous powers are shared between national and regional governments such as the regulation of education, municipal supervision, social services and universities.<sup>[30][31]</sup> The result can be confusing.<sup>[29]</sup>

With respect to local government, although the broad framework for local government is defined in the Local Government Act,<sup>[32]</sup> the details are defined by both national and regional law<sup>[33]</sup> and are mainly allocated to municipalities. In spite of the apparent prominence of provinces in the Constitution, in

practice the powers of provinces and other groupings of municipalities are limited to the support for smaller municipalities<sup>[8][9][10][11][12]</sup> At least two authors describe provinces as a second tier of local government, to emphasise the function of support.<sup>[8][34]</sup>

## Local government political division

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Local government means the councils administering the multitude of "local entities", which are primarily municipalities,<sup>[35]</sup> but also groups of municipalities including provinces, islands, metropolitan areas, comarcas, mancomunidades, metropolitan areas and sub-municipal groups known as Minor local entities (Spanish: *Entidad de Ámbito Territorial Inferior al Municipio*).<sup>[36][37]</sup>

In practice most power is vested in municipalities; provinces and comarcas are limited to providing support for smaller municipalities.<sup>[8][9][10][11][12]</sup>

The first draft of the Constitution proposed the abolition of provinces.<sup>[8]</sup> Their existence in the final version was a particularly ambiguous compromise during constitutional negotiations whereby the older system of provinces was sought by those desirous of a unitary structure, as a means of controlling the territory from the centre, while those seeking a more federal structure wanted territorial autonomy including a right to make their own territorial subdivisions.<sup>[38]</sup> Another writer says that provinces, as instruments of centralist thinking, are anomalous in a constitution that created a framework of autonomous communities.<sup>[39]</sup>

Provincial councils have been controversial even before the current Constitution.<sup>[40]</sup> Provincial councils are not directly elected,<sup>[41]</sup> and there remains overlap and duplication of services.<sup>[42]</sup> A senior bureaucrat has claimed that provincial councils are a superfluous and unnecessary layer of government.<sup>[43]</sup> Another writer has said that provincial councils really only serve the interests of political parties, by distributing paid positions to party members or their associates.<sup>[44]</sup>

Nine of the 50 provinces have no political or administrative function, ie no provincial council. In six (Asturias, Cantabria, La Rioja, Madrid, Murcia, and Navarre), provincial functions are assumed by the regional government because the boundaries are identical. In the three provinces of the Balearic Islands and the Canary Islands, the functions of a provincial councils are divided between a separate body in each island called an island council (Cabildo insular and Concejo insular) and the regional government. The autonomous cities of Ceuta and Melilla are not in any province.

The Local Government Act allows each region to determine the activities of provincial councils.<sup>[45]</sup> The 2006 Statue of Autonomy of Catalonia transferred all political and administrative functions of provincial councils to the regional government with the aim of transferring these powers to a new entity called the verguerie, under further legislation. However in 2010, the Constitutional Court disallowed the extinguishment of provincial powers.<sup>[46]</sup>

Territorial boundaries are not necessarily coincident because the creation, suppression and modification of boundaries of municipalities, comarcas and other groupings of municipalities is in the hands of the regional governments<sup>[47][48][49]</sup> while only the central government can change boundaries of a

province<sup>[50]</sup> and the boundaries of regions are defined in their statutes of autonomy.<sup>[51]</sup> For example, one legally defined comarca, Cerdanya, is divided between two states, the southwestern half being counted as a comarca of Spain, while the northeastern half is part of France.

## Nomenclature of subdivisions

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The use of territorial units or geographical boundaries for statistics, European policy development and funding, and for other geospatial purposes is distinct from the jurisdictional powers given to the three spheres of government. For statistical purposes, the autonomous communities and provinces are invariably used, notwithstanding the limited powers allocated to the provincial councils relative to municipalities or the fact that nine provinces have no administrative or political function because their functions are assumed by other entites.

For example Eurostat<sup>[52]</sup> uses the Nomenclature of Territorial Units for Statistics system. The NUTS level 2 and OECD territorial level 2 is the autonomous community and autonomous cities (19 in all) and NUTS level 3 and OECD territorial level 3 include the 50 provinces, seven islands and two autonomous cities (59 in all). NUTS also has two divisions of local administration which are the provinces again (local administration unit level 1) and the municipalities (local administration unit level 2).

Using a different numeration scheme the US Federal Information Processing Standards region codes defines the autonomous communities and cities as *first-level* subdivisions (19 in all) but only the 50 provinces as second-level. As well the CIA World Factbook uses the term first-order administrative division to refer to autonomous communities.<sup>[53]</sup> Similarly the UN's Second Administrative Level Boundaries data set project (SALB) for monitoring development goals defines the *first subnational level* as the autonomous communities and cities.

With similar terminology, ISO 3166-2 defines *first-level* subdivisions as the autonomous communities and cities (19 in all) and second-level are 50 provinces (does not count the islands or autonomous cities in this division).

## Notes

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- a. a list of powers can be found at the end of <sup>[27]</sup>

## References

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1. MPA 2022, paragraph 1,4.
2. Moreno 2016, p. 183.
3. Synopsis of Article 137 of the Constitution, paragraph 7.
4. Albet i Mas 2019, p. 20.
5. Division of Powers, paragraph 7.
6. Moreno 2016, p. 184.
7. MPA, paragraph 1.
8. Canel 1994, p. 51.

9. Sánchez Morón 2017, paragraph 16.
10. Cools & Verbeek 2013, Explanatory Memorandum paragraph 212 on page 37.
11. MPA 2022, p. 3.
12. Division of Powers, paragraph 10.
13. Moreno 2007, p. 87.
14. Casanova & Gil Andrés 2014, p. 314,315.
15. Rosselló Villalonga 2001, p. 8.
16. Colomer 1998, p. 40.
17. Moreno 2016, p. 191.
18. Rosselló Villalonga 2001, p. 10.
19. Synopsis of Article 137 of the Constitution, paragraph 2-4.
20. Canel 1994, p. 44.
21. Moreno 2007, p. 95.
22. Arbós i Marín 2013, p. 375.
23. Rosselló Villalonga 2001, p. 7.
24. Colino 2020, p. 75.
25. Spanish Constitution 1978, Article 149.
26. Canel 1994, p. 49.
27. Division of Powers.
28. Olmeda Gomez & Colino 2012, p. 191.
29. Keating 2007, p. 22.
30. Agranoff 2006, p. 5.
31. Heywood 2000, p. 28.
32. Local Government Act 1985.
33. Division of Powers, paragraph 15.
34. Division of Powers, paragraph 15, last sentence.
35. Local Government Act 1985, Article 1.
36. Local Government Act 1985, Articles 3, 24bis.
37. MPA, paragraph 4.
38. Colomer 1998, p. 42,43.
39. Linde Paniagua 2018, pp. 114, 115.
40. Sánchez Morón 2017, 2nd paragraph.
41. Cools & Verbeek 2013, Recommendation 336 (2013) paragraph 2(b).
42. Cools & Verbeek 2013, Recommendation 336 (2013) paragraph 5(c).
43. Zafra Víctor 2004, p. 103.
44. Sánchez Morón 2017, fifth last paragraph.
45. Canel 1994, p. 52.
46. Synopsis of Article 137 of the Constitution, paragraph 26.
47. Albet i Mas 2019, p. 15.
48. Cools & Verbeek 2013, Explanatory Memorandum paragraph 221 on page 38.
49. Spanish Constitution 1978, Article 148(2).
50. Spanish Constitution 1978, Article 141(1).
51. Spanish Constitution 1978, Article 147(2)(b).
52. Eurostat.
53. CIA World Factbook.

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## See also

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- [History of the territorial organization of Spain](#)
  - [1833 territorial division of Spain](#)
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