Elections shake up Spain's federal system

BY *PABLO PÉREZ TREMPS AND VIOLETA RUIZ ALMENDRAL*

Between March 11 and 14, Spain experienced the worst terrorist attack in its history, great confusion and political uncertainty in the days that followed and, finally, an unexpected — and unprecedented — electoral upset. In the general elections, the voters rejected the government of José María Aznar (*Partido Popular* - PP-) and voted instead for a government led by José Zapatero's socialists, the *Partido Socialista Obrero Español* (PSOE).

These facts have put a series of issues on the table that will keep political scientists and jurists busy for quite some time—aside from the fact that the country's entire reserve of tranquilizers has been used up!

The terrible attack perpetrated on March 11 received a great deal of attention in the international press. In many cases, the foreign press attributed the loss of confidence in Aznar's party almost exclusively to the events that had taken place only three days prior to the election.

But simple explanations are often deceptive.

In reality, considering the usual behaviour of voters in times of crisis—rallying around the government and voting it back in— the effect was just the opposite, and in one of the largest electoral turnouts in recent Spanish history, democracy won. In the days following the attack, many citizens had the feeling that the *Partido Popular* government, led by José María Aznar, was not offering transparent and up-to-date information about the terrorist organization responsible for the attack. This situation certainly influenced the massive participation in the elections on Sunday March 14 and the unexpected result that meant a parliamentary majority for a new coalition led by the socialists.

Changes in approach to federalism

The new government will mean changes in several areas of Spanish social and economic life but most specifically in federal issues.

The absolute majority that Aznar's party had enjoyed from

José Zapatero, Spain's new Prime Minister.

March 2000 until the recent election allowed it to make decisions of great political significance, often against the united opposition of the rest of Congress. These decisions included reforms to the penal code, the educational model, the tax system and lastly the controversial decision to participate in the war in Iraq.

This way of governing alone, not counting on the rest of the parties or social groups, has had a major effect in the way federalism in Spain has worked. It is clear that for a multi-tier country to work a great deal of agreement and cooperation is needed. A federal system needs that and transparency to work properly, and this is where the Aznar Government appeared to fall short.

In recent years, several Autonomous Communities have demanded a higher level of control over their own affairs. To a large extent, these claims were perceived by the former government as an attempt to destabilize and dismember the Spanish State. The main disputes were between the central government and the nationalist parties in Catalonia and in the Basque country. But in the end conflicts emerged between Aznar's government and the rest of the parliamentary groups as well.

If the new socialist government remains faithful to its platform and to its intentions, this situation should change and give way to more cooperative policy-making. In this framework, demands for greater autonomy could be dealt with without the Aznar government's usual response that they were "unfaithful" to the Constitution.

Spain: a federal country?

Spain's post-Franco Constitution of 1978 opened the country to the possibility of building a highly decentralized state, granting certain territories the right to establish themselves as Autonomous Communities, so that they could approve their own "constituent regulations" or Statutes of Autonomy (*Estatutos de Autonomía*), and assume substantial responsibilities within the constitutional framework. This

> *…the most important change that the new government could make would be constitutional reform*

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meant a sort of "a la carte" model of federalism which, at the time, was fully accepted by the various political forces that participated in drafting the Constitution.

In the mid-eighties, not only the territories that traditionally had requested or enjoyed a certain autonomy in the past (Catalonia, Basque Country, Navarra, Galicia) but the entire Spanish territory was divided up into Autonomous Communities. Still, not all of the communities achieved the same level of autonomy or authority. As a result, among the agreements reached in 1992 were new transfers to communities of issues that "had been left behind" and a certain equalization in the levels of autonomy.

> *…the new President has announced the creation of a Permanent Conference of Presidents of Autonomous Communities*

Consequently, the system is now somewhat more symmetrical, although important differences persist. The most notable difference is the recognition of languages other than Castilian Spanish and the greater powers that the Basque Country and Navarra exercise, due to their status as "historic" communities. One of the main ways in which these Communities have greater powers than the rest is in their financial structure. They have far more power to tax and spend as they wish than the other Communities.

Before the elections

The first time Aznar's party won the elections (1996), his lack of a parliamentary majority forced him to seek consensus and agreement on major issues. His principal ally at that time was the Catalan government — controlled at the time by the Catalan nationalist party, the "CiU". The collaboration between Aznar's party and the CiU was a marriage of convenience, which is why it is not surprising that the relationship fell apart shortly after Aznar's party obtained a majority in Parliament in 2000.

That election marked the beginning of the most confrontational period in Spain since 1978, characterized by Aznar's highly centralist policies. Many disputes broke out between the nationalist communities and Aznar's conservative government, with an escalation in rhetoric.

Confrontation became the norm in Basque country in the face of radical Basque nationalism, which sometimes included support for terrorist activity. This support flared up after the banning of the party that had traditionally acted as a political branch of the ETA terrorist group — Herri Batasuna or HB. Support for extreme Basque nationalism also increased after the radical nationalist newspaper *Gara* was shut down because of its ties with the Basque terrorist organization. The confrontation was heightened in October 2003 by the so-called "Ibarretxe Plan," which would have given the region the status of "free association" with Spain. This plan challenged the constitutional status quo.

In Catalonia, a confrontation broke out after the Aznar government refused to allow the reform of Catalonia's Statute of Autonomy. The "Catalan Issue" was further complicated following the regional elections of 2003 and the formation of a leftist coalition government that meant a political shut-out of Aznar's party in Catalonia.

Finally, the Community of Andalusia, governed since its creation by the Socialists, also expressed the desire to reform its own statute, which again resulted in increased confrontation, this time between Aznar's party and the socialists.

In the last parliament in Madrid there was a climate of tension unprecedented in Spanish politics. The absolute majority of Aznar's party permitted the government to act alone, in what opponents perceived as arrogance and a policy of centralism.

New perspectives for federalism?

The arrival of the Socialists could mean the beginning of a new era for the development of decentralization in Spain. In the case of Basque Country, although the Socialists do not support the "Ibarretxe Plan," they are willing to dialogue. The reforms of the statutes in Catalonia and in Andalusia create many uncertainties although with the support of regional socialist governments they could be supported by the new central Executive, which is also socialist.

But the most important change that the new government could make would be constitutional reform. In the final years of his government Aznar constantly defended the constitution and insisted that it was impossible to reform it. Any proposal for constitutional reform was identified as unpatriotic. The new government has the opportunity to address the unfinished agenda of amending the constitution to meet the needs of different regions of Spain.

Constitutional reform

Among the most pressing constitutional reforms cited by the socialists is the reform of the Senate, to convert it to an authentic congress with territorial representation. Such a reform would not be simple. Although there is agreement on the need for reform, there is no model to follow. An easier constitutional task would be to implement a proposal to list all the Autonomous Communities of Spain, by name, in the constitution.

Alongside the proposed constitutional reforms, the new government has proposed reforming the statutes of the communities. This could be seen as a way of integrating the regional debate into the building of a national consensus. An idea which seemed to have been lost in recent years was recovered: that a plurality of political opinions can exist at the same time as a consensus on the fundamental issues.

Finally, the new President has announced the creation of a Permanent Conference of Presidents of Autonomous Communities, which would meet regularly.

If dialogue and cooperation are the basis of federalism it is only possible to carry out reforms through continuous and productive dialogue with all of the stakeholders. The willingness to dialogue is seen by many as the most important change proposed by the new government.