

EROSION AND LEVELLING OUT OF REGIONAL POWERS IN THE SPANISH STATE OF AUTONOMIES

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The particular complexity of federalism in Spain must be considered before going any further. The federalisation of the Spanish State did not result historically from an agreement between pre-existing states, but from a consensus regarding the political de-centralisation of a heavily centralized state. However, this initial statement must be considered in the context of at least two additional and decisive circumstances. First, it must be pointed out that the Spanish federal State was created by the Constitution of 1978, and was in good measure a system *to hold together* (Linz 1997, Stepan 2001). That is, it was designed to accommodate the historical demands for self-government in the nationalities of Catalonia, the Basque Country and to a lesser degree, Galicia, which arose in the late 19th century. From this emerged the constitutional recognition of nationalities and regions within the Spanish nation and the design of a procedure to rapidly facilitate their access to self-government. Thus, the initial approach, *to bring together*, is altered by overlaying the general de-centralization of the State into Autonomous Communities (ACs) with an accommodation of the historical nationalities and regions through various forms of *asymmetry* (Requejo 2005: 81).

1. The 'State of Autonomies' as a foundational asymmetrical federal system

This foundational and structural asymmetry of the Spanish federal system is manifest in several dimensions:

a) The asymmetry between *nationalities and regions* provides from the beginning an extraordinary degree of diversity and heterogeneity in the system (different languages, specific historical institutions, legal systems, cultures and traditions). Here, an important political distinction must be made between *historical nationalities* (Catalonia, Basque Country and Galicia) and *statutory nationalities*, which achieved this status by decision of the regional communities through their Statutes of Autonomy (Andalusia, Aragon, Valencia, Canary Islands). This has resulted in a great diversity of collective identities in the various ACs. Table 2 shows the evolution of the ACs at four points in time: 1979, 1985, 1996 and 2005. While dual identities are predominant in all ACs throughout this historical period, Catalonia, the Basque Country, Galicia and the

Canary Islands have a greater collective identification with their own nationality than with Spain.

b) Asymmetry regarding the *actors*: party sub-systems exist in several of the nationalities. These sub-systems increase the level of complexity, including forces that compete at a national level (PSOE, PP, IU) and nationalist and regionalist parties with significant presence (PNV, CiU, Esquerra Republicana, BNG, Coalición Canaria...), the latter being hegemonic in Catalonia and the Basque Country (see Table 1). In addition, parties competing at a national level have a complex territorial structure; their regional structures create conflicts and place demands upon the national party, particularly when they govern in their AC.

c) Asymmetry of initial *access* to self-government: Catalonia, Galicia and the Basque Country, later joined by Andalusia, followed a privileged and urgent path to self-government, with a special procedure to facilitate approval of their Statutes and access to a higher level of competencies. The fact that each AC must decide which competencies it will assume among those that are constitutionally possible (*principio dispositivo*), the various speeds of decentralization, differing political majorities and federal intent, are all factors that help maintain a high level of asymmetry in the acquisition and development of competencies, in spite of successive attempts at levelling competencies. Table 4 lists the competencies still to be transferred (mostly minor ones). It reveals how the completion of the spheres of competencies listed in the Statutes, particularly in regards to Catalonia and the Basque Country, along with the greater capacity of the ACs to manage competencies, have given rise to demands for reform since 2005.

d) *Fiscal* asymmetry: a system of special agreements are in place for Navarre and the Basque Country (by which these ACs collect the main taxes and transfer an agreed-upon quota to the federal tax authority), with a differentiated regime also in place for the Canary Islands due to its peripheral insular status.

e) Asymmetry of the *sub-federal entities*: ACs can be composed of multiple provinces, single provinces or autonomous cities (Ceuta and Melilla). The Foral Community of Navarre and the historical territories and governmental organs of the Basque Country are also unique.

Moreover, the regulation of self-government by the quasi-constitutions (Statutes of Autonomy) of the federated units took place through a *second pact* between federal and sub-federal parliaments, in which the latter determined the extent and interpretation that they considered appropriate for a given competency sphere, within the possibilities offered by the Constitution (Aja, 1999). The initial lack of definition in the 1978 constitutional model gradually gave way to a substantive level of self-government in the list of competencies regulated by the Statutes of Autonomy, which

was ratified by the autonomous parliaments and the Spanish *Cortes*, and finally approved by referendum in the ACs where this was stipulated. Thus, the competencies enumerated in Article 148.1 and the residual competencies of Article 149.1 of the Constitution were assumed by the sub-federal entities through their Statutes, following the principle of free choice from a pre-determined list of constitutionally permissible competencies (*principio dispositivo*). These competencies were assumed formally and irreversibly, and the Statutes can only be modified following the procedures established in them.

Although there is no political or academic consensus in these matters, we consider the results of *both* pacts to be factors that define the current Spanish 'State of Autonomies' as a *federal state*, which regulates various substantive federal and sub-federal legislative spheres of competencies, and is built upon a recognised *internal national pluralism* that defines its original structural asymmetry. As a federal state, Spain regulates the process of self-government in a relatively asymmetrical fashion, seeking to accommodate the demands of the nationalities and regions. In other words, this structure articulates 1) self-government and shared government with 2) unity in the political-cultural diversity of Spain.

In the following section, we will focus exclusively on the dimension of self-government within the relations between the federation (Spain) and sub-federal entities (the ACs). This dimension is linked to the historical heterogeneity of the nationalities and regions, and especially the majority presence of nationalist parties in the ACs of Catalonia and the Basque Country (Grau, 2000). Recently, prominent voices within the parties that compete at a statewide level (PP and certain organizations and leaders of the Socialist Party) and in academic circles have expressed concern over excessive political decentralisation and asymmetrical accommodation in response to the Statute reform process, particularly from the reform process of the Statute of Autonomy of Catalonia (2007). These critics argue that this asymmetric dynamics is threatening 1) the unity of Spain, 2) or the substance of the powers reserved for the State, 3) or the equality of all Spaniards, or 4) even the cohesion and solidarity between the various regions.

In this chapter we will attempt to demonstrate that such a diagnosis is incorrect. We will argue that within the Spanish 'State of Autonomies' *two* contradictory logics have always existed, with one or the other dominating, depending on the context. Thus, in conjunction with a process of *federalisation* that has led to important achievements in self-government and accommodation of the autonomous communities, a contrary dynamic has been at work which may be labelled as the permanent *de-federalisation* of the system. This last mechanism has eroded and even significantly weakened the self-government outlined in the Statutes of Autonomy by means of *re-centralisation* (reinforcing the powers of the federation) and/or *re-symmetrisation* (levelling the nationalities and regions). Both of these logics and mechanisms have overlapped and

crossed paths on numerous occasions; they must be examined jointly, but also separately.

2. *Critical junctures in the historical development of the State of Autonomies*

Before analysing in detail the main de-federalising mechanisms, we will briefly examine the *critical junctures* that defined key historical moments in the course of this second logic of de-federalization.

1) The first critical context was in reaction to the 1981 autonomic agreements between the PSOE and the UCD, which crystallized into the 1982 Law for the Harmonization of the Autonomic Process (LOAPA). These agreements had two objectives: to extend autonomy and parliamentary institutions for self-government to the 17 ACs and to establish separate levels of self-government for Catalonia and the Basque Country vis-à-vis the remaining nationalities and regions. This first attempt at generating a controlled asymmetry from above led to a political reaction which ultimately introduced a logics of symmetry into the dynamics of the autonomous system: including the establishment of 17 ACs to span the entire nation, the creation of single-province ACs (in Madrid, Cantabria, Rioja, Asturias, Murcia), and the progressive levelling of competencies (see Tables 3 and 4, Graph 2).

It is important to highlight that the population of some ACs was insufficient to establish a substantive federal government. As a result, excessive fragmentation became evident during this phase as one of the greatest structural problems of the Spanish State of Autonomies, eclipsing issues derived from equalization of nationalities, regions and competencies.

2) The second critical context grew out of the re-centralising and symmetric policies implemented by the PSOE governments during their years of absolute majority in the mid-1980s. Needs derived from the prior modernisation of Spain's economic and administrative structures led to a slow transfer of competencies, and in some cases caused a clear resistance to transfers. For example, the computer system managing the Spanish Social Security system made it impractical to transfer this area to the ACs. It would involve loss of efficacy in a network built upon a national database, with one economic structure and system of accounting, which offered a highly efficient and effective system for serving citizens. At other times, autonomic competencies were encroached upon by the expansion of base laws (*leyes de bases*) and horizontal categories (*títulos horizontales*), or by using the spending power of the federation as a means of recovering competencies that had been handed over to the federated entities.

This led to an increase in the number of disputes before the Constitutional Court (CC), which became a relatively key element in constitutionally defining the territorial structure of the State. The CC has generally operated as a 'negative legislator'. Instead

of deciding on the legitimate constitutional interpretation of each case, it has focussed on whether proposals by the federation are constitutional or not. This has led to a centralist political use of CC doctrine, ultimately negating the possibility of *other* equally legitimate interpretations of the Constitution that might be more favourable towards sub-federal self-government.

Membership of Spain in the European Union (EU) added a relevant element to the process of adjustment and weakening of initial expectations regarding self-government. The ACs found that matters of their exclusive competence fell under European legislation, and that the only EU mediator in that sphere was the federal government. Agreements signed in 1992 between the PSOE and the PP exemplified this 'rationalising' policy of re-centralisation (marginalising the ACs and the non-statewide parties) and re-symmetrisation (extending competencies homogeneously referred to by the slogan of 'coffee for everyone').

3) The third critical context was marked by the lack of absolute majorities from 1993-2000, spanning the last governments of Gonzalez (PSOE) and the first government of Aznar (PP). The weakness of the federation governments and the need to find support among parties with no statewide representation led to a certain degree of reliance on both logics. On the one hand, political de-centralisation was evident in the acceleration of competency transfers, the delegation of federal competencies to the ACs (by means of Art. 150.2 of the Spanish Constitution), a partial transfer of income taxes to the ACs, and a reform of the Senate to allow the participation of AC governments, which were granted voice but no vote. On the other hand, the early years of this period evidenced the demise of the PSOE-PP consensus and a forceful opposition to the government by Aznar, leading to a partial process of de-federalisation through the contesting of AC laws, paralysis in the transfer process and conflicts over competencies.

4) The fourth context (2000-2004) developed during Aznar's period of absolute majority. During his second mandate, outright recovery of Spanish nationalism was the guiding political interpretation for the State of Autonomies, which rapidly led to a qualitative change in the state of affairs. A *re-centralising* approach was adopted through an administrative and managerial dynamic that handled autonomy in a non-political manner, along with systematic encroachments upon competencies of the sub-federal entities through base, organic or other laws. It also led to *re-symmetrisation* by means of non-recognition of the nationalities and regions, a belligerent stance regarding peripheral nationalism, reinforcement of the administrative, political and economic centrality of Madrid, etc.

5) The fifth and final context began in 2004 with the Zapatero governments, which in the absence of an absolute majority required the support of nationalist parties in parliament. Since then a modernizing period has been underway, strengthening and deepening the territorial model, in contrast with prior PSOE and PP governments.

Political de-centralisation has also been fostered in conjunction with channels for accommodating the nationalities of a 'plural Spain'. The Conference of Presidents of Autonomous Communities was launched, along with a reform of the Statutes of Autonomy, beginning with the Catalonia text, in order to reinforce self-government and re-establish negotiations with non-statewide parties.

Nevertheless the initial strands in favour of renovating the state territorial structure were partially neutralized by the intense and effective campaign in support of Spanish nationalism that was launched by the main opposition party, the *Partido Popular* (refusing to participate in the reform process of the Statute of Catalonia), and the excesses of peripheral nationalist discourse. This discourse tended in the Basque Country towards strong political demands, particularly during the procedure to establish the new Basque Statute of Autonomy, a con-federal reformulation of the Basque Autonomy, known as the 'Ibarretxe Plan' (which was rejected by the Spanish Parliament), and the reform of the Catalanian Statute (which was ratified after a defederalizing polishing-up in the Parliament (Colino 2009), but then contested by the PP before the Constitutional Court whose ruling is yet pending). These events led to a less ambitious reform and the ongoing presence of more elements of symmetry and systemic homogeneity.

This brief review of the main historical moments of the State of Autonomies evidences the more or less constant presence of a de-federalisation logic (re-symmetrisation and/or re-centralisation), in contrast with the constitutional and statutory logic of de-centralisation and accommodation. Thus, Spanish federalism is currently the result of the tension and oscillation between these *two* logics and their component elements: the strategies and competitive actions of parties, sub-federal entities, the federation, and the Constitutional Court, along with the foreseen and unforeseen effects of institutional designs. We will now proceed to examine the stages of interaction between actors and institutions.

3. The constellation of actors and asymmetries in the system

The actors involved in the territorial debate have been consistently constructing a pattern of clashes between the two main blocks. One block acts as the promoter of the process of de-centralisation and the other as promoter of re-centralisation and re-symmetrisation. As the initial and open constitutional design of the State of Autonomies has led to various accords, laws and policies, along with a substantive institutionalisation of self-government in the ACs, the positions of these two blocks have become clear to a large extent. Initially, their positions fit within the ambiguous constitutional language that appeared to provide agreement on the foundational principles of the system. But once the elastic constitutional principles were translated into policies, there was a tendency towards opposite poles and confrontation rather than consolidation of some sort of symbolic consensus. This noticeable distance

between the two positions has at times shown points of inflection as the territorial debate has become a central axis of electoral competition between the large statewide parties, in conjunction with an increasing demand for revision of the constitutional framework itself.

Nationalist parties, with the complicity and support of peripheral elites, form the nucleus of the block that supports de-centralisation and asymmetry. The PP functions as the core of the block supporting re-centralisation, or at the very least a final definition of the autonomic system. This position is backed by the economic, legal and media elites of the capital of Spain. A third actor, the Socialist Party (PSOE), has adopted a key and singular position, acting in a fluid manner until it settled into its current, unique situation. The PSOE shows a preference for the legitimacy of the process itself rather than any specific solution or direction of the policies to be designed and implemented.

Dente and Fareri have developed a useful scheme for classifying the behaviour of policy actors. This interpretative instrument is an aid in establishing each actor's part, and maps their interactions based on six roles that can be identified in the design and implementation of a public policy (Dente and Fareri, 1994). By applying this model to the Spanish territorial debate and the public policies of the ACs, we may provide a description of its regular operation (see Graph 1).

The *Promoter* employs all available resources to obtain a specific result and empower a policy in a specific direction. This actor stimulates others by elaborating and proposing solutions, but focusing primarily on the final content of the solution. In our case the Promoter block clearly supports deepening in the process of de-centralisation, moulding the asymmetry in the direction of its own multi-national vision of the state. The nucleus of this block is composed of the main nationalist parties: BNG (Galicia), CiU, ERC (Catalonia), PNV, and EA (Basque Country). Over time, this group of actors has gradually incorporated the peripheral elites as well as the emerging and growing autonomic bureaucracies and administrations.

The *Opponent* mobilises available resources against the solution supported by the Promoter, either as a result of a differing position and policies or due to the threat that policies backed by the Promoter pose to the opponent's interests. In our case, the core of this block is the PP, which has clarified its stance since the strategic rejection of Title VIII of the Spanish Constitution (SC), adopting an ever more firm and belligerent position regarding asymmetry. By viewing the State of Autonomies as a *sui generis* model that is neither federal nor unitary, the PP seeks to close the process of de-centralisation and implement direct (through autonomic policies) or indirect (by means of various legislative policies) processes to de-federalise the system. The strategy is based on the transformation of the territorial debate into a sphere of electoral debate, using federal regulations to 'recover' powers granted to the ACs and reinforce the

tutelage role of the central state. This position continues to gain support from central economic and social elites and a portion of the top bureaucrats in the state administrative system.

The *Director* is an actor or group of actors responsible for directing the process, and is fundamentally interested in obtaining a result, by-passing any developmental problems and undesired consequences of the process. This role has been principally carried out by both central and autonomic governments, which, beyond their political orientation regarding the territorial debate, must take into account their institutional position as governments. The central government cannot allow a crisis of absolute blockage of the transfer process or of dialogue with autonomic governments, who in turn cannot close a legislative period with poor advances in the realm of self-government. One way or another, these governments must cooperate to ensure some sort of result that can be managed politically and institutionally.

The *Mediator* is principally interested in the process itself. This role involves seeking means of negotiation and establishment of consensus between the various actors. Rather than guiding the solution in a specific direction, it seeks to obtain an agreed-upon solution that legitimates the mediator's presence as an actor in the process. In our case, this role has increasingly been assumed by the PSOE, a party that has experienced strong internal tension between a centralist current and another that tends towards federalism and autonomic development. Rather than establishing priorities to be achieved, the PSOE position has gradually evolved towards providing autonomic development with elements of consensus and agreement that legitimate the process itself and the PSOE position as a privileged actor. The leadership of Zapatero has been critical in consolidating this role for the socialists.

The role of the *Filter* involves actors who can select and influence proposals and policies based on their strategic interests in other policies or decision-making processes. They use the process to obtain advantages and specific results in other spheres. This has increasingly become the pattern for autonomic governments when the decision-making refers to de-centralisation issues affecting other ACs. They strategically position themselves to increase their own level of competencies; such behaviour is clearly seen in conflicts between ACs over water (water transfer policies), infrastructures (such as highways and high-speed trains) or the more recent statute reforms that began in 2004.

Finally, the *Gatekeeper* has power to control and validate the policies and their results. This actor may stop the progress of a specific solution using legal procedures or jurisdiction. Without the gatekeeper's consensus, there can be no possible solution. This role has been played from the beginning by the Constitutional Court, and other judicial authorities have gradually joined in. The role of the judicial power involves

legal elements that have progressively become more defined regarding the autonomic process and expressed in the general opinion that asymmetry should be distrusted.

Table 3 and Graph 2 illustrate the quantitative evolution of the speed of transfer of competencies from the national public administration to the ACs. The data show phases of acceleration and paralysis in the transfer of competencies, outlining three main phases or stages resulting from the interactions between actors and the roles they adopted separately and amongst each other. The *first stage* (1982-1993), which we could label as consensus in the federation and confrontation with the nationalists, the two main statewide parties built a basic consensus as to the speed and pace of the de-centralisation process. The Socialists, with a comfortable absolute majority, led this consensus towards a flexible, central state pre-eminence and tutelage regarding the extent of the process. The support of the nationalist parties was appreciated but not critical. However, the growing resistance of the opposing block gradually hampered the transfer process, particularly as the asymmetry between communities grew and became more evident. At the same time, internal tensions were increasing in the two statewide parties due to the growing demand for greater competencies, voiced by regional governments not wanting to fall behind in the race for competencies (a levelling at the top). At the end of the 1980s the Constitutional Court was flooded with conflicts between the central government and the ACs, even those not ruled by nationalists. In 1992 the second great autonomic agreement was signed between President Felipe Gonzalez and the head of the PP, José Maria Aznar. This attempt at consensual completion of the system by the statewide parties established the framework for 32 new competency transfers, including education, in an effort to level the competencies of the 'slow procedure' ACs and the 'historical' nationalities. The ten remaining statute reforms were given the green light by the Spanish Parliament in 1993.

A *second stage*, defined by confrontation in the federation and consensus among nationalists, became evident between 1992 and 1996, with the last government of Felipe Gonzalez, which was a minority government. The need for the support of the nationalist parties in order to guarantee governability made consensus requisite. The Popular Party began to include the territorial question in its campaign, denouncing socialist concessions to the nationalists as the ultimate expression of governmental weakness. This dynamic continued under the first Aznar government (1996-2000), but the actors had exchanged roles. In this stage the PP needed nationalist support and the PSOE used the territorial debate as evidence of weakness and contradictions in the right-wing government. In consequence, the statewide parties were unable to reach agreement on the main unresolved issues regarding the future of the system: autonomic financing, health financing, senate reform, extension of competencies, and representation of the ACs in the EU.

A new stage in the debate on the territorial model began when the PSOE returned to power in March, 2004. During the Conference of Presidents in October of that year, President Zapatero manifested before all the autonomic leaders his will to dialogue regarding a possible reform of the statutes and a new formula for a 'plural Spain'. The central point of his discourse was an emphasis on consensus to maintain reforms rather than a specific focus for the reforms. The main elements of change lie in the fact that the PSOE appears to have assumed its role as mediator in the direction of the debate and in the resolution of internal tensions. Meanwhile, the promoter block is moving towards a multi-national state by incorporating the demand for a constitutional reform (a federal senate, an explicit recognition of nationalities ...). The opposing block has also updated its programme to incorporate a constitutional reform that would finalize the autonomic process and reinforce the powers of the federation.

4. Re-centralisation and re-symmetrisation processes

This brief outline of the main historical moments in the evolution of the State of Autonomies demonstrates the ever-present logic of de-federalisation, along with the constitutional and statutory logic of de-centralisation and accommodation. Spanish federalism today is the result of tensions and oscillations between these two logics and their components: competitive strategies of actors, parties, sub-federal entities, the federation and the Constitutional Court, along with the foreseen and unforeseen effects of the institutional structure. We will now focus on the main mechanisms and justification for implementing this second logic in two spheres : 1) the distribution of normative powers favouring the Federation against the states; and 2) the political dynamics that reinforce the supremacy of federal power vis-à-vis the sub-federal entities.

A. The normative dimension: reinforcement of the federation's legislative powers versus the ACs' powers

The first group of mechanisms to be highlighted involves the recovery by the federation of competencies that have been granted by statute to the ACs. An anti-pluralist and standardising view of law, along with a uni-national understanding of Spain have legitimated the use of specific legal mechanisms in multiple re-centralising and re-symmetrising practices.

The Spanish Constitution follows an apparently simple technique in distributing powers between the federation and the sub-federal entities. It examines specific spheres of decision-making and public policy, distributing state functions of regulation and management in spheres such as public works, railroads, monetary issues or banking. Three types of competencies emerge. *Exclusive competencies* are those in which all powers of regulation and execution are in the hands of the federation (such as the military sphere) or the sub-federal entity (i.e. organization of their own political

organs). *Concurrent competencies regarding regulation*, which in Spanish constitutional law are labelled as 'bases and development', are those in which the federation sets common legislative criteria for the entire country (base laws) and then each sub-federal entity develops its own legislation to execute these laws. Finally, *concurrent competencies in execution*, which in constitutional law is known as 'legislation and execution', are those in which the federation retains the power to regulate and the sub-federal entity only manages or executes.

First, we shall discuss *concurrent regulatory powers*. In this sphere the federal legislative authority, the Spanish *Cortes*, has evinced a minute and exhaustive understanding of the concept of 'basic' legislation, exceeding the formal dimension of setting common principles for the Union and instead entering into the regulation of detailed and technical matters, both in form and function. A homogenizing and over-extended interpretation of the 'bases' has functioned as a mechanism to re-distribute competencies towards the federation, following a uniform conception of Spain that is contrary to its heterogeneity both in the depth and breadth of the 'basic' matters regulated by the Constitution (the 'bases and coordination' of Art. 149.1.13, 'basic legislation' in Art. 149.1.17 and 'basic norms' in Art. 149.1.27; see Caamaño, 2002).

A similar concentration of power took place regarding *concurrent execution powers*. The key to this question lies in understanding the 'legislation' reserved for the federation. Here, a case study will be useful in observing how this mechanism works against the autonomy of the sub-federal entities. Threatened by a strike in Barcelona, the federal government established a regulation to ensure the proper functioning of public transport. The Catalanian government argued that the power to dictate regulations did not fall under the constitutional rule attributing 'labour legislation' to the sphere of the federation. It also argued that legislating is equivalent to passing laws, which means that a regulation can only be established by the Catalanian government. This de-centralising interpretation was rejected by the Constitutional Court, which instead interpreted that all regulatory power was concentrated in the federation. 'Legislation' should be interpreted as any regulatory measure, and not only those established as laws. The federation would retain the power to dictate laws *and regulations* in labour matters while the sub-federal entity would have the residual power to execute those regulations. In the end the responsibility for controlling the strike was left in the hands of the federation, and this has been consistently the case in various matters.

Another particularly interesting use of legislation by the federation to undermine sub-federal competencies relates to the exclusive regulation of essential aspects of the rights and responsibilities of all Spaniards, set forth in organic laws in the Constitution (Art. 81). The *Organic Law of Universities* of the year 2000 and the *Organic Law on Quality of Education* of 2002, both ratified during the absolute majority rule of the PP,

exemplify this encroachment of the federation upon sub-federal entities (Máiz and Losada, 2005). Both cases are paradigmatic of the de-federalisation logic in the system concerning the two dimensions of re-centralisation and re-symmetrisation.

Thus, the Law on Quality was not limited to establishing general principles that set standard criteria for quality in education. It encroached upon sub-federal statutory competencies, while implementing a perspective that reinforced traditional Spanish nationalism in the educational sphere and ignored the cultural and linguistic pluralism of Spain. The number of common subjects was increased nation-wide, educational itineraries for secondary schools were regulated in a general fashion, the content of compulsory secondary education was defined, an assistance-based non-educative approach to pre-school education was unilaterally imposed, criteria for evaluating and determining course repetition were established, and the regulation of objectives and learning methods for reading and oral expression were centralised. Re-symmetrisation was emphasised through measures such as increasing the common content of history classes to 70%, increasing the hours and subjects to be taught in Castilian Spanish and reinforcing the teaching of Catholic religion by categorising it as a subject that could be included in a student's academic transcript. Contrary to what was stipulated in the Statutes of Autonomy, the 'organic' nature of the law (which only the federal parliament can legislate) was used as a legal mechanism for a federal recovery of regulatory competencies regarding education while simultaneously imposing traditional Spanish nationalism and a conservative vision of the educational system.

A final factor to consider here is the expansive use of the competency that is constitutionally attributed to the federation for regulating 'the basic conditions that guarantee the equality of all Spaniards in exercising their rights and fulfilling their constitutional responsibilities' (Art. 149.1.1). In effect, this transversal precept has been interpreted to attribute competencies to the federation over any matter in any way linked to the broad category of constitutional rights and responsibilities.

The Spanish Constitution fulfils the primordial function of all federal constitutions: to delimit the spheres of action of the federation and of the sub-federal entities, which in Spanish constitutional law is called 'distribution of competencies'. The defining characteristic of this legal order consists in the constitutional establishment of federal powers, which allows the sub-federal entities or ACs to establish in their own 'constitutions' the powers that determine the sphere of their self-government, which obviously cannot be the same as those attributed by the Constitution to the federation. However, if a specific sphere of action does not fall under the powers that the Constitution attributes to the federation, nor under the powers that the Statute (or basic institutional norm) assigns to the sub-federal entity, then a third rule grants this power to the federation. Thus, the Spanish Constitution appeared to address a problem common to any federal structure: who should regulate matters that were not

foreseen when the Constitution was ratified? However, the rules established by the Constitution were rapidly displaced in practice as the State of Autonomies developed and new, endogenous needs arose in the institutional system. The list of areas reserved in the Constitution for the federation quickly seemed obsolete, left behind by the dynamics of the State of Autonomies. This is not surprising given the common knowledge that the framers of the Constitution used the federal Constitution of 1931 as a guideline for composing their list. Additionally, the norms that organised the sub-federal entities –the Statutes of Autonomy- incorporated a broad range of competencies in order to avoid leaving ‘unforeseen powers’ in the hands of the federation.

Yet the broad range of competencies defined in the Statutes as exclusively sub-federal soon ran into serious problems of definition, which encouraged federal appropriation of areas that had been insufficiently framed as sub-federal. This led to an increase in legal disputes before the Constitutional Court, with more successful outcomes for the federation in these issues, while complicating the sub-federal capacity to implement autonomous policies in other areas that were clearly defined and coherent. The sub-federal entities demanded changes to increase their competency levels in accord with their growing needs and management capacities, even seeking to ‘armour-plate’ autonomic competencies against the federation. At the end of 2007 this led to the reform of several autonomy statutes in an obsessive hyper-regulation of competencies; which is fairly common in contemporary federal systems seeking greater precision and guarantees.

A second issue is that the Constitutional Court has tended towards a concentration of power, forcing the interpretation of the constitutional text to incorporate new areas under federal regulatory powers. For example, when the Constitution was approved in 1978, the negotiation of securities was a little-known practice in Spain. There were four small stock markets -Madrid, Valencia, Barcelona and Bilbao- in which one same company could be listed with different values in each. This historical situation explains why the Constitution would not expressly mention federal regulation of the stock market. However, in their Statutes of Autonomy all the sub-federal entities reserved the power to control ‘centres for trading goods and securities’. The development of the Spanish economy also led to growth in the stock market, which in fact concentrated all trading in Madrid. Given this situation, the federation launched a process to regulate ‘the stock market’ to the very last detail. Was this really a power that the federation could exercise? There were ample reasons to deny this possibility, but the CC ratified it and constructed a new power for the federation using a variety of arguments founded on fragmented powers such as mercantile legislation and the power to organise the credit market and the economy. The CC interpreted the Constitution in light of the economic reality, concentrating powers in the hands of the

federation, which currently holds competencies regarding the stock market (STC 133/99).

The distribution of competencies is fundamental in any analysis of federal systems, but equally decisive is the instrument chosen to resolve conflicts between federal and sub-federal law. The relationship between federal and sub-federal legal systems is fundamental; if federal law is displaced by sub-federal law, the latter will become more effective.

The Spanish Constitution seems to offer a classic solution: 'State (federal) law will prevail in case of conflict over (sub-federal) Autonomous Community law in every sphere that is not attributed as an exclusive competency of the latter' (Art. 149.3). In other words, federal law pre-empts sub-federal law. In practice, this legal mechanism has been replaced with an even more powerful one: any legal recourse by the federal government against sub-federal law automatically suspends the validity of sub-federal law. The federal government does not have to wait for a judge to displace sub-federal law; a mere recourse against it in the CC causes a suspension of its validity.

This technique is not given such broad dimension in the Constitution. Article 152.2 recognises suspension when the federal government initiates a recourse against "dispositions and resolutions adopted by the organs of the Autonomous Communities". The most legislatively active ACs interpreted this to mean that a suspension would a) only take place for regulations established by the sub-federal governments (and not laws approved by their parliaments), and b) only when the distribution of powers established in the Constitution was violated. Yet the *Organic Law on the Constitutional Court* expanded this instrument and made it an important tool for the federal government, in spite of the fact that it is constitutionally questionable. According to this law, even sub-federal *laws* could be automatically suspended in any area that is deemed unconstitutional; it is not limited to conflicts in competencies or powers.

Thus the federal government can use a key mechanism (constitutional recourse=suspension) to block the validity of any sub-federal law. Two additional features complete this mechanism. First, the automatic suspension lasts five months, after which it must be either lifted or ratified. Although the CC's criteria have become more flexible, its tendency has been to ratify the suspensions. Secondly and most significantly, the CC takes an average of seven to eight years to resolve constitutional recourses. It is easy to grasp how a constitutional recourse with automatic suspension becomes in practice a constitutional power, allowing the federal government to determine the validity of sub-federal law by sectors and thus strengthening federal law.

B. The *political dimension*: the levelling out of all the Autonomous Communities.

So far, we have analysed the legal mechanisms within the State of Autonomies that concentrate legislative powers in the Spanish federation. But beyond the legal sphere, various phenomena in the Spanish political arena also contribute to the accumulation of federal powers and the increasing symmetrization of the system. We will examine how these mechanisms undermine the self-government of the ACs and, especially, the asymmetry of the system. The first political dynamic that de-federalizes the system has to do with the re-symmetrisation processes that erode aspects of accommodation and political de-centralisation that were arranged by the constitutional-statutory design. As mentioned, during the first critical period (1981) reactions to a model with two autonomic levels (the Basque Country and Catalonia versus the rest of the country) led to re-symmetrisation, headed by Galicia and Andalusia and supported by the remaining ACs. There were some beneficial consequences for the system, such as the extension of a truly political de-centralisation beyond the administrative sphere, the establishment of parliamentary government in all the ACs and the creation of a system of multiple federated units (although the population of some ACs is too small for substantive self-government). Multiple winners reinforced systemic stability; in contrast to federations with few members, in which some tend to dominate over others (Colomer, 1999).

But this dynamic created an *excess* of symmetrising pressure by the federation, which caused significant mid- and long-range problems such as a general tendency to equalise competencies at the maximum level in all ACs. Along with this were attempts to further deepen self-government and recognition of the historic nationalities that sought qualitative differences with the rest. Another problem was the diluting of differences between nationalities and regions; Aragon and the Canary Islands adopted the label of 'nationalities' in their statutory norms (1996). In addition, there was the general interpretation of the State of Autonomies as a substantive model that differed from a centralist or federal state and the indisputable assumption during those years that State law was structurally supplementary. This was ultimately corrected by the CC, indirectly attributing competencies to the federal parliament whenever autonomic norms were lacking in a specific matter.

The *excess of symmetry* has led to a re-symmetrising de-federalisation, and has diminished the self-government provided for in the Constitution and Statutes. From a federal and statist perspective, the structural existence of a variety of different autonomous political, institutional and political wills can be ignored in the name of equality, the general interests of the economy, unity of the market or inter-territorial solidarity. This is the case in spite of constitutional jurisprudence which clearly expresses that the constitutional principle of equality "does not impose the same competencies on all ACs, nor require them to be exercised with identical or similar content or results" (CC 37/1987). Furthermore, from the perspective of a *multi-national* federal state, a uniform regionalist understanding of ACs facilitates disregard

for the political-strategic relevance of the nationalities and regions within the Spanish nation (based not on historic legacies but on the presence of dominant nationalist parties or coalition potential). This approach can only perceive equal sub-federal entities within a unitary nation, governed by a dualist, reductionist reading of the Constitution that is biased towards the “un-dissolvable unity of the Spanish nation” (Art. 1 CE).

The other side of excessive symmetry within the system is a reinforcement of a patchwork multi-communitarian reaction where sub-federal entities focus on their own internal dynamics, an absence of transversality between communities and a belief that linguistic pluralism and multiple official languages are problems of the sub-federal entities and not the federation. This has caused an unexpected endogenous movement towards peripheral nationalism and a reinforcement of *institutionally induced nationalisms* resulting from the State of Autonomies. An a-federal dynamic of conflict has grown as Spanish and peripheral nationalisms feed upon each other, due to insufficient self-government (erosion of exclusive sub-federal competencies) or shared government (lack of a federal Senate providing multi-lateral negotiation and recognition). Contrary to the hopes of its defenders, the de-federalisation of the State of Autonomies through re-centralisation and re-symmetrisation and the lack of multi-lateral shared government has become a mechanism that fosters both Spanish nationalism (and its demands for reversing the system), and peripheral nationalism (with Basque and Catalanian demands for unilateral self-determination).

The European Union has altered the distribution of powers simply by its presence as a new actor for regulating and managing certain activities. Formerly, the division of powers was set up between the federation and the sub-federal entity, but now the EU has its own growing sphere of action within the levels of government. It would be simplistic to state that European integration has generally reinforced the Spanish federation, since in spheres such as monetary policy the federation has been the one to lose powers. Nonetheless, it is important to recognise that currently the federation virtually controls the national application of European norms by means of horizontal legislation (*títulos horizontales*).

The agricultural arena illustrates this modification and re-distribution of competencies due to European law. According to the Constitution, normative regulation and management of agriculture is an exclusive sub-federal competency. Yet, the EU acts in the agricultural arena through the CAP, which is defined as a shared competency in the Treaty on European Union. Thus the sub-federal entities initially lose powers in this arena to the EU, but also to the federation due to the weak and backward channels of sub-federal participation in negotiating Spain’s position towards the EU (Accord on the autonomic representation system in the formation of EU councils, Rules on autonomic participation in EU execution committees, Agreement on the Council for Autonomic

Affairs in the REPER, etc). Thus, sub-federal governments have lost the opportunity to define the basic guidelines of agricultural policy, although efforts have been made to defend their position in the EU Council (Borzel, 2000).

The second loss of powers may be even more relevant. The Treaty on European Union establishes that the Common Agricultural Policy will be set up as a single market. Thus, the bases of the CAP are clearly outlined in the EU's supreme law: it is to be a transparent market without excess production. In practice, it is not clear that there is one agricultural policy, as the EU basically distributes production quotas between the Member States. In this heavily regulated market, the ACs retain a minimal degree of execution power that is limited to administratively distributing quotas among farmers.

5.- Conclusions and perspectives

We have analysed the main logics, actors and processes (in the spheres of competencies, taxation and politics) that have allowed the federation to partially undermine the federal logic of the Constitution and Statutes by re-symmetrising the system through a process of levelling nationalities and regions and recentralising or recovering power centres that had been attributed to the sub-federal entities in their Statutes, thus blocking a more federalising dynamic within the system. We will now examine the future perspectives of the Spanish State of Autonomies.

There are four possible solutions to the evolution of the Spanish State of Autonomies: 1) return to centralism, 2) uni-national and symmetric federalism, 3) asymmetrical multination federalism, 4) a balkanisation of the system due to growing demands for secession. The most plausible appear to be options two and three, as discussed already. Popular support for the current system and its institutional solidity, along with the very high cost involved, make choices 1 and 2 improbable. The status of Spain within the multi-level governance of the EU also point in this direction.

As seen in Graph 2, the Spanish federal state can be represented as a *coordination game* between two players: the federation and the sub-federal entities. There are two main strategies possible in this game, and two possible federal solutions (national and multi-national federalism) that are preferable to the two unilateral and conflictive solutions to the game. The latter involve the strategy of "the sub-federal entity takes all" (which at the limit involves secession: 0.10) and the strategy of "the federation takes all" (state nationalism and neo-centralism: 10.0). If there is inadequate coordination through the federal union, the solution to the game will involve state nationalism or nationalism against the State, in conjunction with uniform centralism and symmetrisation, or else unilateral self-determination and secession.

Coordination games typically have two possible solutions or points of equilibrium. Let us examine the two federal strategies mentioned and evaluate their stability. In the strategy of national federalism, the federation works as a mechanism for nation-

building, giving birth to a nation-state through a path that differs from classical European sovereignty and centralism but ultimately establishes a symmetrical nationalising state serving the majority nation. In contrast, multi-national federalism is a solution to the federal coordination game that derives from the pluralist history of federalism and avoids monist or nationalising intentions of imposing a state that serves a national majority. Pluralist asymmetrical federalism offers vertical division of powers as well as recognition of multiple cultures and the political asymmetry derived from this pluralism. It appears in culturally, ethnically or nationally diverse contexts as more stable than the excessively vertical coordination of national federalism. Monist federalism offers a situation that is more advantageous than the unilateral strategies of either a centralist state or secession of federated states (centralism vs. secession), but only partially solves the demands for self-government and accommodation of diversity, making it a sub-optimal or unstable strategy.

In effect, symmetrization and lack of recognition of the multi-national nature of this state, the theoretical exclusion of underlying conditions and the birth and evolution of the federation have had negative consequences institutionally and in public policy. Imposing a monist structure on a pluralist society, or institutionally inducing tensions between centralisation/de-centralisation, or between state nationalism and nationalisms against the state, are structural actions that encourage the players to strategically move towards other unilateral options: 1) re-centralisation and re-symmetrisation by reinforcing state nationalism and eroding shared identities (0.10), or else 2) disloyalty to the federation and unilateral threats of self-determination/secession with erosion of shared loyalties towards exclusive nationality (10.0). Each option could easily become a vicious circle of unilateral pressure and opportunistic behaviour or de-federalisation of the state with reinforcement of state nationalism and nationalisms against the state. Thus the nationalising tendency of the state in monist federalism encourages non-cooperative peripheral nationalism and a vicious circle of state nationalism. This would lead to increasing endogenous instability in the State of Autonomies as well as de-federalisation, loss of coordination and erosion of mechanisms that stabilise and generate integration through re-negotiation of agreements. Therefore, it should be a normative priority to leave behind the deficient structure of incentives in national federalism (5.5) that endogenously generates instability (since the central state and federated units would profit from disagreements and challenges to the rules of the game) and instead move towards the optimal though complex solution of *pluralist* federalism ((5+5)10.(5+5)10). This structure of multi-national federalism offers a new synthesis of solidarity and cohesion with both asymmetry and diversity, and of deep self-government with shared government and commitment to a common project.

The political pressure of the dynamics and mechanisms of de-federalisation (re-symmetrisation and re-centralisation) that have been taking place in the Spanish State

of the Autonomies, in spite of the significant development of higher levels of self-government among the Autonomous Communities (ACs), provides the explanatory keys to the current process of system reform. This reform began with the approval of the new Statute of Autonomy of Catalonia, and the other ACs largely followed suit. It is primarily indebted, in both procedure and content, to the demands of a new political, economic and social reality (integration in the EU, greater capacity for governance and policymaking by the ACs, immigration). Secondly, the considerable erosion of key aspects of self-government in the ACs, which have demonstrated a consolidated capacity for self-government and are faced with urgent challenges, has also provided incentives for reform, both in form and function. To summarize:

1. The first consequence of de-federalising pressure upon the autonomic actors has to do with the *reform procedure* itself. This system reform is taking place from the bottom up: it did not begin with a reform of the Constitution of 1978 (Title VIII) and consensus among the principal parties (PSOE, PP), but with the leadership of the nationalist and regionalist parties or of the regional arms of the State parties, and the reform of certain Statutes of Autonomy. This is not an anomaly or a perversion of the system; on the contrary, it is a peculiarity of the Spanish system, which grants a very limited role to the ACs in reforming the federal Constitution, but allows them great capacity for *initiative* in reforming the constitutions (Statutes) of the federated units. The initial openness of the system (by which each AC could assume the competencies that it deemed appropriate within a broad range of possibilities) and the subsequent recognition by the Constitutional Court of the constitutional status of the Statutes of Autonomy (which are formally superior and cannot be modified by the laws of the federation), has given rise to a veritable *multi-level constitution* (Bundesverfassung). This has allowed the ACs a great co-constituent capacity to reform the system .

A second consequence, in light of the re-symmetrisation and re-centralisation factors already mentioned, is that the political actors of the ACs themselves (nationalist and regionalist parties, regional organizations belonging to the State-wide parties) possess the incentives to initiate system reform from below, motivated by the need to ensure and extend self-government. These actors have reacted against the processes described in this article and are empowering a new phase (with its own powerful tensions) of federalising the State of the Autonomies within the two dimensions of self-rule and shared rule. However, this unilateral initiative must receive at least partial approval by the State-wide parties, since the procedure requires that the proposal approved by the AC at least be negotiated subsequently with the Spanish Parliament.

2. This bottom-up procedure and the protagonism of regional actors against a backdrop of erosion (re-symmetrisation and re-centralisation) has had important effects on the own *content* of reform. Mainly, it has encouraged a reinforcement of the *collective identity* dimension of the ACs (a true obsession for some), which in some

cases is merely declaratory and in others is strictly normative. The content of self-identification both in the legitimisation of the statutory norm as a norm for community integration, as well as the configuration of Spain as a multi-nation or plural State, is deployed in several spheres:

- Use of identity clauses referring to the “nation”, “people”, “historical rights”, “historical nationality”, etc. in the preambles and articles of the Statutes. This is applied not only in Catalonia, but is also evident in the heavily identity-based tone of the Statute of Andalusia, and in the definition of Valencia as a “historical nationality”. Likewise, the legal-political centrality of the identity question can be seen in the attempt to reform the Statute of Galicia, which was unsuccessful due to the Popular Party who, among other issues, opposed the term “nation” in the preamble proposed by the other parties (PSOE, BNG).

- Legal reinforcement of the ethnic-symbolic elements of identity. This consists first of all in the reinforcement of the juridical statute of AC languages - which implies compulsory knowledge and linguistic immersion in Catalonia, and created a serious conflict in the reform of the Statute of Galicia. Even Andalusia mentions the defence of the “Andalusian linguistic modality”. Also noteworthy in all the Statutes is the proliferation of references reinforcing regional identity: a unique culture and history, a particular form of civil law and institutions anchored in the past (*Generalitat*, Kingdom of Valencia, Kingdom of Aragon, etc.)

- Finally, the explicit assumption of the *co-constituent* nature of the Autonomous Communities, mainly visible in the addition of a declaration of rights into the text of the Statutes. An ambitious regulation in the Statutes of the main institutions, the local territorial regime, international relations and other areas is also evident, along with the invocation of the idea of a plural Spain (Statute of Andalusia) that goes well beyond the interpretative limits of the current constitutional framework of 1978 and its “indissoluble unity of the Spanish nation”.

3. Finally, all this translates into a significant reinforcement of self-government competencies, specifically in two areas: 1) the shielding of autonomic jurisdictions by several procedures such as detailed enumeration and protection clauses; 2) broadening of the spheres of competencies by including within AC spheres many competencies that were not foreseen or reserved for the central state by the Constitution. However, the Statute of Catalonia also provides a significant inclusion of federal mechanisms for multilateral or bilateral *shared government* with the Federation

The broadening and reinforcement of competencies has extended to a parallel reform of the autonomic fiscal system that reinforces the financial sufficiency of the ACs and increases their fiscal co-responsibility (50% of VAT income tax). This has resulted in

disputes and tensions regarding the limits of solidarity and the percentage to be reserved by the State for investments in infrastructures; thus the Statutes influence the discretionary capacity of the federation.

The result of all this is that the reform of the Statutes, which is pending on a key decision by the Constitutional Court regarding the constitutionality of the Statute of Catalonia, has: 1) shown a *bandwagon effect* – the road of identity reinforcement and self-government paved by Catalonia has been followed by most Autonomous Communities regardless of the balance of their internal forces; and 2) accentuated the need for a *reform of the 1978 Constitution* toward a federal, plurinational State that explicitly recognises its constituent nations and regions, reforms the Senate to become a territorial second chamber, develops fiscal co-responsibility and ensures mechanisms such as those for inter-territorial solidarity and federalising the judicial system.

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Table 1. Electoral percentages of the statewide and non-statewide parties

	Periodo 1980-1983		Periodo 1984-1985		Periodo 1986-1988		Periodo 1989-1992		Periodo 1993-1995		Periodo 1996-1999		Periodo 2000-2003		Periodo 2004-2007	
	Nacionalistas	Estatales	Nacionalistas	Estatales	Nacionalistas	Estatales	Nacionalistas	Estatales	Nacionalistas	Estatales	Nacionalistas	Estatales	Nacionalistas	Estatales	Nacionalistas	Estatales
Cataluña	40,3	59,7	54,1	45,9	51,6	48,4	57,5	42,5	51,4	48,6	48,2	51,8	48,5	51,5	47,7	52,3
Pais Vasco	67,2	32,8	66,6	33,4	69,0	31,0	69,0	31,0	56,5	43,5	55,0	45,0	53,1	46,9	54,0	46,0
Galicia	10,5	89,5	24,7	75,3	Sin elecciones	Sin elecciones	16,7	83,3	19,5	80,5	25,7	74,3	23,5	76,5	19,2	80,8
Canarias	11,3	88,7	Sin elecciones	Sin elecciones	30,3	69,7	37,3	62,7	40,0	60,0	42,1	57,9	40,2	59,8	29,2	70,8

Partidos con representación parlamentaria en los comicios autonómicos

Table 2. Evolution of dual and exclusive national identities in Spain

La evolución de las identidades																		
Porcentajes de fila	1979			1985-1986					1996					2005				
	EX. SP	Dual	EX CC.A.	EX. SP	Más SP	Igual	Más CC.AA.	EX. CC.AA.	EX. SP	Más SP	Igual	Más CC.AA.	EX. CC.AA.	EX. SP	Más SP	Igual	Más CC.AA.	EX. CC.AA.
Cataluña	34,0	52,9	13,2	11,0	19,0	48,0	8,0	11,0	11,9	11,5	36,5	25,7	11,0	7,7	8,2	44,8	23,4	14,3
Galicia	n.a.	n.a.	n.a.	5,0	7,0	52,0	27,0	6,0	4,8	7,8	43,7	35,7	7,0	3,8	9,6	60,6	21,9	2,8
Pais Vasco	19,8	53,3	27,0	10,0	4,0	36,0	28,0	28,0	5,3	4,0	36,3	29,8	20,7	5,6	5,9	33,2	21,5	24,3
Canarias	25,2	57,8	14,4	13,6	2,1	37,1	16,4	27,9	5,5	2,7	45,6	33,6	10,9	2,4	2,0	56,9	29,8	6,7
Andalucía	n.a.	n.a.	n.a.	7,0	7,0	63,0	18,0	2,0	5,0	10,1	67,9	12,6	3,2	3,0	9,6	68,6	15,0	1,0
Aragón	n.a.	n.a.	n.a.	13,0	5,0	66,0	11,0	2,0	8,9	10,1	63,3	17,7	0,0	5,4	7,2	71,4	11,8	1,4
C. Valenciana	46,4	48,0	0,0	17,0	18,0	53,0	9,0	1,0	19,4	14,8	55,5	9,8	1,3	14,6	18,3	55,9	7,8	1,5
Madrid	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	31,1	20,4	44,0	2,2	0,0	22,1	11,3	51,9	2,8	1,2
La Rioja	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	0,0	5,9	82,4	11,8	0,0	7,4	7,1	69,4	10,0	1,2

Fuente CIS (1979), CIS (1985-1986), CIS (1996), CIS (2005)

Graph 1. Roles and actors in the state of Autonomies.

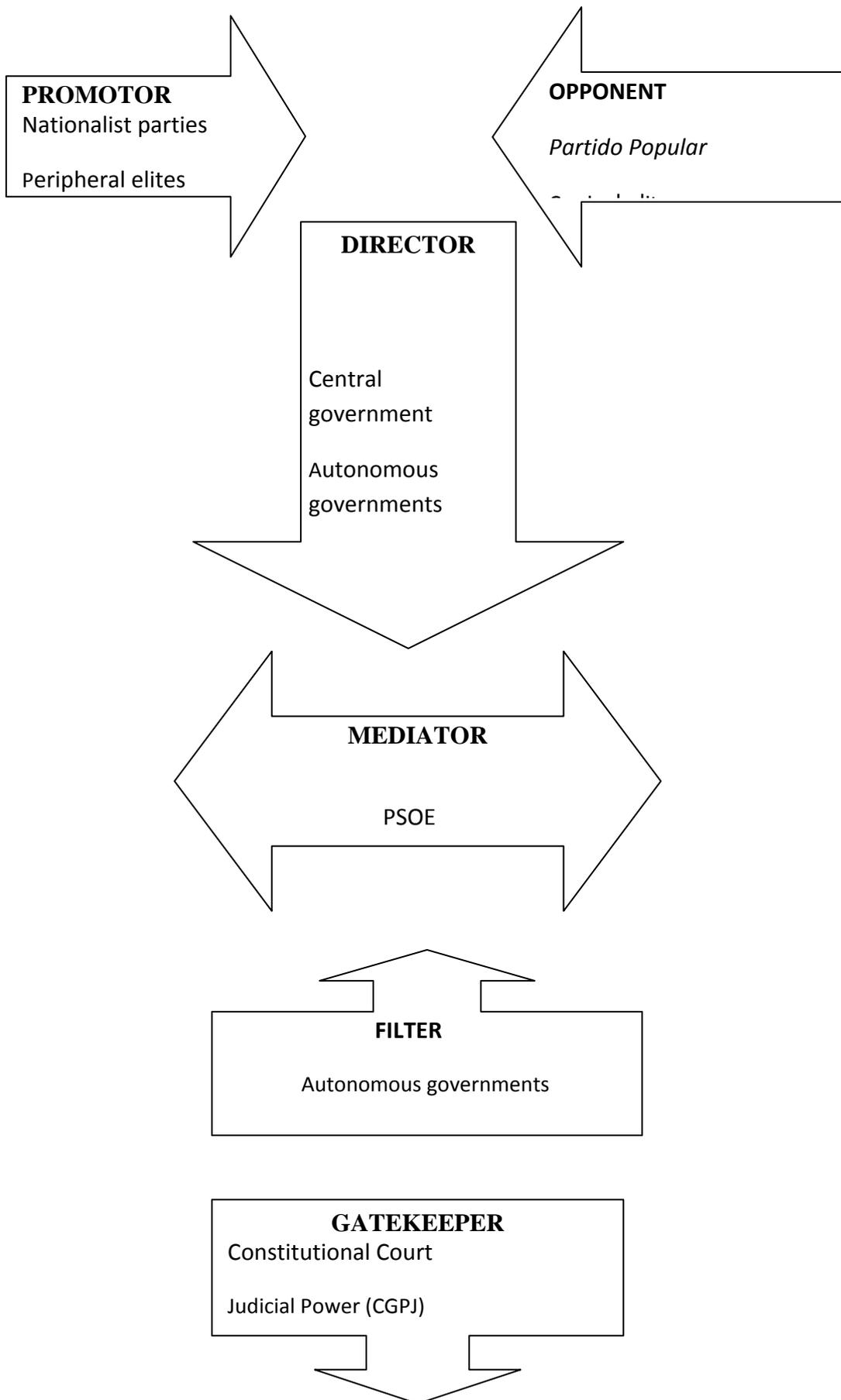


Table 3 Transfers of competencies by year and autonomous community

COMUNIDADES AUTÓNOMAS / CIUDADES	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	
ANDALUCÍA		2		8	10	25	22	10	5	2			7		4			10	1	3		3				1	11	8	1	
CANARIAS		1		3	4	21	15	17	5	1	1		7			2	5	12	8		7	2		2			2		2	
CATALUÑA	5	2	13	21	12	11	7	8	3	5		5	1	5	4		6	10	2	8	8	4	4	6	2	1	8	1		
GALICIA		2	1	1	20	18	17	13	3	4	2	8	1		2		7	9	11	6	5	8			1		3		2	
NAVARRA								16	16	1	3		4							10		1	3	1						
PAIS VASCO	2	1	15	19	6	21		21		7							9		6		2	1								
C. VALENCIANA		3	1	3	14	21	14	19	4	5		6		2			7	7	3	4	6	5		1		1	1	2		
ARAGON		3		4	9	14	16	5	2	1					3	4	7	14	1	2	6	3		1	1			1		
ASTURIAS		1		3	12	17	12	8	2	1		3					5	15				11	4	1				6		
BALEARES		2	1	2	9	14	13	6	3	1				5	7		19	5	3	2	7		5					3		
CANTABRIA					16	19	9	6	3										25		6	3	2						2	
CASTILLA-LA MANCHA		1		3	11	20	11	8		2		3				2		14	5		2	3		2	2					2
CASTILLA Y LEÓN				6	10	14	14	5	1	4		3				3	7	9	7		4	5	3	2	2	3				1
EXTREMADURA		1		3	10	17	13	5	1			4				1	6	16			3		5		4		2			1
MADRID						4	19	13	3			6				1	6	12	6	2	3	6	1	1	6	3	1			
MURCIA				1	2	11	18	13	7	2	2	2		1		2	7	19		2	2	5		5	2	1				
LA RIOJA						15	9	8	1	2		2					8	3	8	2	5		6	2	1					2
TOTAL CC.AA.	7	19	32	79	164	263	204	179	64	38	8	43	20	8	18	22	73	189	92	44	66	79	25	34	18	11	28	21	13	
CIUDAD DE CEUTA *																			15		5									
CIUDAD DE MELILLA *																			1	14	5							1		
TOTAL CIUDADES																			1	29	5	1	0	0						
T O T A L	7	19	32	79	164	263	204	179	64	38	8	43	20	8	18	22	73	170	121	49	81	79	26	34	18	11	29	22	13	

* El Estatuto de Autonomía se publica en el año 1995.

(Última actualización: 17 abril 2006). Incluidos los aprobados en C. Mixta sin publicación en el B.O.E.

Graph 2. Evolution of competency transfers

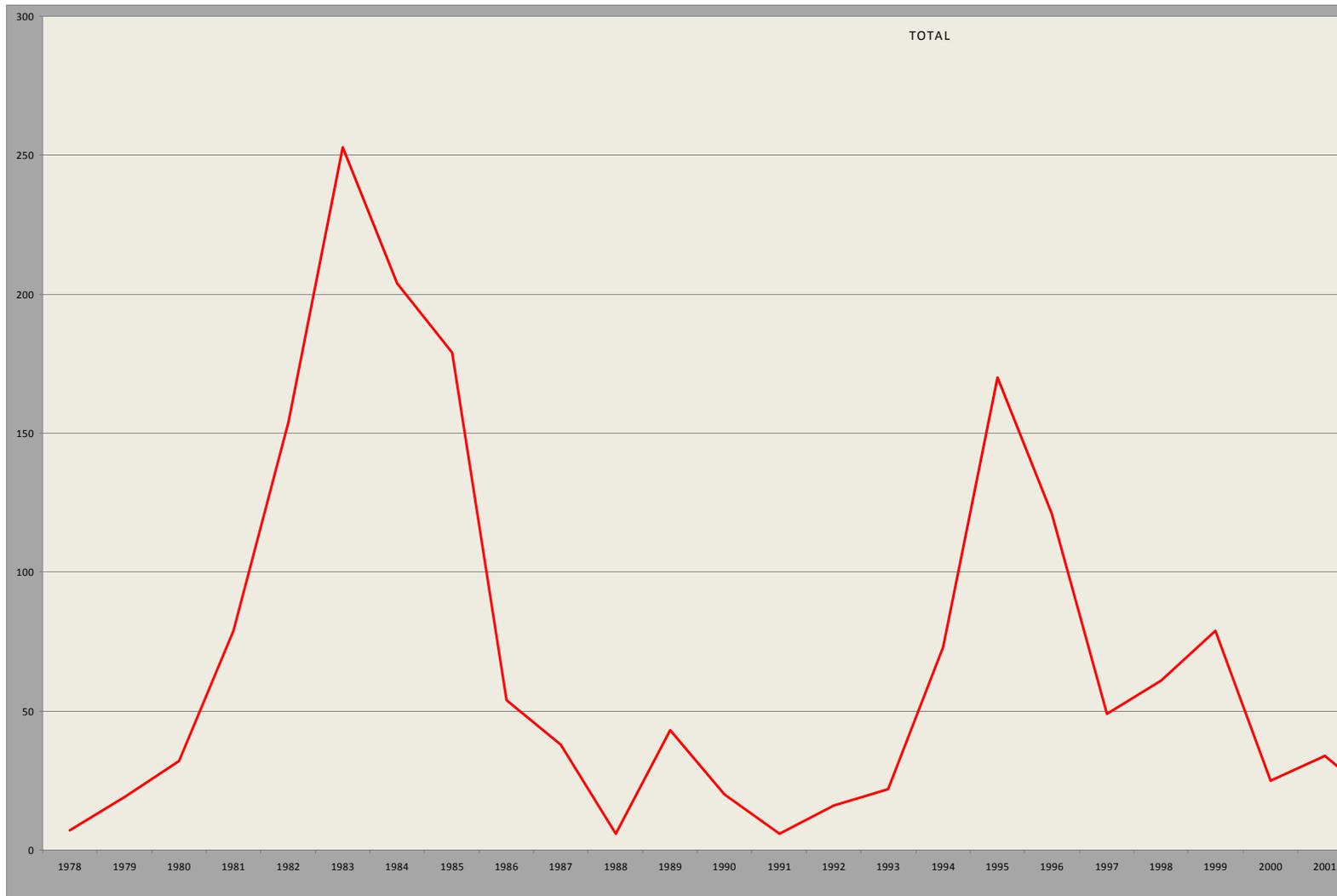


Table 4 Main competencies transferred (X) and pending transfers (-) in 2005

<i>Areas subject to transfer (*)</i>	<i>GALICIA</i>	<i>Andalucia</i>	<i>Valencia</i>	<i>Catalonia</i>	<i>Bask Country</i>
Road transport inspection	-	-	-	X	-
Traffic and circulation of motor vehicles	-	-	-	X	X
Public promotion of housing	-	-	-	X	-
Professional associations registered in the MOPU	-	-	-	-	X
Centres for the study and organisation of land and environment	-	-	-	X	-
Social Security	-	-	-	X	-
Culture –film libraries	-	-	-	X	-
Agricultural licensing and development	-	-	-	X	-

Certification of origin	-	-	-	X	X
Agricultural industry and commercialisation,	-	-	-	X	-
standardisation and certification of origin for agricultural products	-	-	-	X	X
Vegetable health control	-	-	-	X	X
Livestock health and production	-	-	-	X	X
Organisation of fishing sector	-	-	-	X	-
Oceanographic research	-	-	-	X	-
Defence of consumers and users	X	-	-	-	X
Development and execution of industrial re-structuring plans	-	-	-	X	-
Promotion of women	-	-	-	-	X
Agricultural commercialisation	-	X	X	-	-
Aid for non-university education	-	-	-	X	-
Distance education	-	X	X	-	-
Education- professors for penitentiaries	-	-	-	X	-

Administration of penitentiaries	-	-	-	x	-
Regulated professional training	-	-	-	x	-
Cooperative programmes to support job creation	-	x	-	-	-
Cooperative training	-	-	-	x	x
Media	-		x	-	-
Press and publicity	-	-	-	x	-
Radio and television diffusion	-	-	-	x	x

Graph 2

SPANISH FEDERALISM AS A COORDINATION GAME

<p>(5+5)10.(5+5)10</p> <p>MULTI-NATIONAL FEDERALISM</p>	<p>0.10</p> <p>STATE NATIONALISM</p> <p>CENTRALISM</p>
<p>10.0</p> <p>SUB-STATE NATIONALISM</p> <p>SECESSION</p>	<p>5.5</p> <p>NATIONAL FEDERALISM</p>