

A FIRST ASSESSMENT OF THE SPANISH AUTONOMOUS COMMUNITIES IN 2016

Eliseo Aja
Tenured Professor of Constitutional Law
Universitat de Barcelona

At the beginning of every year, the Instituto de Derecho Público starts to work on the studies that will be presented and debated by politicians and experts during the yearly Forum on the Autonomy and then published as the Annual Report on the Autonomous Communities. In the first draft several ideas are included on the factors that, albeit arising from the different autonomous communities on a separate basis, have an impact on the regional state as a whole. Given the reduced length of this post, these ideas can be summarized as follows.

1. Having an acting national government for almost one year has had negative effects on both the national and the regional institutions. For 314 days (from 21 December 2015 to 29 October 2016) its duties have virtually been limited to “dealing with ordinary public matters” pursuant to article 21 of Law 50/1997. The government has hidden behind this situation in order to avoid parliamentary control – also on regional matters. This has resulted in a conflict of competence to be resolved by the Constitutional Court. In addition, the government has not adopted the necessary basic legislation to be developed by the autonomous communities, has patched up the financing system and has delayed the decision on the expenditure ceiling, a requisite for setting the new regional budgets (only six autonomous communities adopted their budgets within the set time limit).

2. The political system in Spain has changed as proved by the 2015 and 2016 general elections results. The imperfect two-party system (Popular Party – Socialist Party plus some nationalist parties) has now become an imperfect four-party system with the arrival of Podemos and Ciudadanos. This phenomenon has also occurred at regional level and caused a parallel fragmentation of the party system in almost all of them. In fact, almost all variations took place in 2015, as only Galicia and the Basque Country held elections in 2016. In these two regions the larger number of parties has become apparent as well. However, while Galicia is the only region to repeat government with an absolute majority, the Basque Country has rapidly created a coalition government.

3. More parties have not entailed a lack of government. Acting governments did not last long in the different autonomous communities and only Andalucía and Madrid had relevant difficulties in the investiture process. Besides, governments were not significantly altered – only the replacement of four regional ministers in the Canary Islands (Coalición Canaria is still in office) and some others in the Balearic Islands and Castilla y León is worth mentioning. No motion of censure was adopted. On the contrary, in order to favor stability the Rajoy government and its party respect the regional minority governments.

4. Being in a minority may make the central government more open to the regional claims on outstanding reforms. The Rajoy government needs to reach agreements on the reforms of the regional system with the different regional governments. For this reason, the government is now more communicative and has appointed Vice President Soraya Sáenz de Santamaría as the spokesperson on this field. The appointment of the Vice President not only fills a terrible gap (the former spokesperson, Montoro, was and is the Finance Minister and not the Minister for Local and Regional Administrations) but also gives a higher position to the matter and is more adequate to lead the sectoral Ministers' actions.

5. A positive consequence of the change in the political systems is the way of legislating. Minority governments are more open to new legislative proposals and it is the Bureaus of Parliament themselves who prevent unfounded vetoes as happened earlier. In general, the legislative procedure gives rise to more negotiations and the groups giving support to the government are frequently backed by the rest of opposition groups.

6. As regards parliamentary control, the sessions are much more active and a large number of agreements or legislative proposals are adopted, sometimes against the government's will or reluctantly accepted by it. A university professor has described the situation of their autonomous community: "the atmosphere has changed and this causes unprecedented situations. We had a clearly limited parliament, which offered no space for surprises and systematically rejected all proposals made by the opposition, not even taking them into account. Now we have a more active parliament, able to put the government against the wall".

7. Several laws were adopted in 2016. Particularly worth mentioning is the adoption of transparency laws by almost all regions that did not have them yet. Virtually all regions now have transparency laws, some of them focusing on achieving higher participation levels, some others on fighting against corruption. In fact, the fight against corruption has resulted in numerous court proceedings as well as in the creation of several specific parliamentary commissions.

8. As regards new legislation, innovative laws have been adopted as a consequence of the crisis that tackle social problems: social services, basic guaranteed income, access to housing, protection against mortgage foreclosures, right to a minimum light, water and gas service etc. Furthermore, in many regions civil servants have regained the conditions they had before the cutbacks resulting from the crisis.

As a conclusion, in most regions the increase in number of political parties and subsequent changes seem to have revitalized the institutional activity in a positive manner. Catalonia, after another turbulent year, is a separate case (as will be analyzed in a new post very soon). In any case, the institutions should take advantage of these dynamics to carry out the long needed reform of the regional system.