

IS THE CONFERENCE OF PRESIDENTS USEFUL?

Eduard Roig Molés
Professor of Constitutional Law
Universitat de Barcelona

The Conference of Presidents was born as a symbol of institutional dialogue. The First Conference was held in 2004 and its own existence proved that the period of tensions and weakening of dialogue between the national and regional Governments was over. Additionally, it represented the first political forum aimed at establishing a dialogue amongst the major political representatives of each of the Spanish regions.

This symbolic efficacy, however, virtually ended after the first forum. Better said, it was supposed to be renewed periodically with each subsequent conference, but it never happened. On the contrary, it is almost always a pending appointment proved by the fact that, although it was planned on a yearly basis, it is now held every four years. Nobody claims the meeting and, what is more, nobody really knows its purpose beyond trying, with little success, to regain the initiative for dialogue it once achieved.

The ills of the state of the autonomies are usually highlighted as the causes for this failure: partisan confrontation over institutional dialogue, lack of a culture of cooperation or federal loyalty, the mainly deliberating role of the Conference, trapped between the own competences (*competencias propias*) of the different levels of government, etc. All of this is compounded by the nature of the Presidents as major decision-makers who have no own competences and no capacity to agree upon the details of the matters at stake –which are left in the hands of Ministers and Counselors.

The truth is that these characteristics are found in any meeting of presidents in comparative law: in Germany (where the Presidents meet up to four times a year), Austria, the US... In my opinion, the difference lies in the fact that these countries have learned to organize the meetings according to these characteristics, which has not happened in Spain. These are the features the Conference of Presidents should have:

- The Conference should not be isolated from the other kinds of intergovernmental relations but rather placed at the top of the system. It should serve as a meeting point where conflicts left unresolved by sectoral conferences are discussed thanks to the authority of the Presidents or to the meeting's cross-sectoral capacity to reach agreements as a whole and not only isolated ones. In addition, it should allow for the adoption of initial agreements (including the basis of a political decision) to be developed by the sectoral conferences, as well as foster and monitor them.

- The Conference should not focus on one sole topic. On the contrary, it should include multiple matters that are on the agenda or require the Presidents' involvement. Addressing several matters would entail reaching agreements in some of them, going forward in some others and, last but not least, expressing political disagreement in others. The Conference is first and foremost a political institution, and politics as such, particularly party politics, entails disagreements and opposing views. It would be foolish to think that some autonomous communities will offer the national Government relevant agreements if voices for dissent and political alternatives are not heard. The Conference should therefore give rise to multiple conclusions, both agreements and disagreements, as it is hard to conceive the existence of the former without the latter, and vice versa.
- The Conference should tackle matters of current political interest. The event gathers together the major political leaders in the country, for which reason leaving aside the most fundamental issues that determine the current political debates would not be understandable. Disagreeing is entirely possible and acceptable as long as it brings with it partial agreements or agreements in other fields dealt with during the Conference.
- The distribution of competences is indeed relevant to the action of the different administrations and the development and execution of the agreements reached during the Conference. However, all participants to the event have competences in all discussed matters, both to discuss them and to implement the measures agreed upon. There are no limits to the competences to be discussed during the event and all matters are relevant.
- The Conference should be previously prepared. The Presidents' teams (basically, their Cabinets) should discuss the topics to be included and the possible conclusions on a permanent basis. Convening the meeting should be made according to this preparation so as to reach the agreements pointed out by the organizing teams during the preparation stage, unblock specific fundamental matters or show disagreement. The Conference and its agenda should not be unplanned. On the contrary, they should be the necessary outcome of an agenda that has been prepared for months.

The next Conference to be held on 17 January has a lot of matters to deal with, but only if they are prepared beforehand. These include amongst others the revitalization of the system for assisting persons with disabilities (where reaching agreements should not be a problem), the setting of bases for the negotiations of the financial system (with a possible partial agreement) or the strategy for the recovery of the labor market (where disagreements are probable). Contrarily, other matters that have been emphasized in Spain such as the internal regulations or the freshly adopted legislation of the Conference are irrelevant.

I bet someone will now draw a parallel with a better-known and more efficient institution: the European Council. Both institutions have similar dynamics and the conclusions of the European institution should serve as a very useful model for the preparation of the Conference conclusions. If the Conference is not held or does not respond to its aims, there exists the risk that another institution will take on its role: the Fiscal and Financial Council, more biased and with less legitimacy.