

ASSESSMENT OF THE STATE OF THE AUTONOMIES IN 2015

The 5th Forum on the Autonomy will be held next week in the Senate. The Forum is organized by the Instituto de Derecho Público, the Fundación Giménez Abad and the Instituto de Derecho Parlamentario. Professors and both national and regional politicians will participate in the presentation and debate about the main aspects of the system based on autonomous communities that have arisen during the last year.

2015 has been an electoral year in Spain as local, general and regional elections have been held (with regard to the latter, all autonomous communities but the Basque Country and Galicia have held regional elections). In all of them, the two major parties (the Popular Party, PP, and the Socialist Party, PSOE) experienced a decrease in the number of votes while emerging parties such as Podemos (We Can) and Ciudadanos (Citizens) consolidated their positions. One of the consequences is that now the recently elected regional Parliaments present highly fragmented political representations.

Indeed, the PP has formed a government with the support of Ciudadanos in four autonomous communities (Castilla y León, Murcia, Madrid and La Rioja). The PSOE has needed the support of other parties in seven regions: in one of them, the Socialists have formed a pact with Ciudadanos (Andalucía); in two, with Podemos (Extremadura and Castilla-la Mancha), and in others it has formed a coalition with several parties (Balears, Comunidad Valenciana, Aragón and Asturias). With regard to the four autonomous communities left, they are governed by regional parties (although in two of them, Canarias and Cantabria, in coalition with the PSOE). To summarize, the two traditionally majoritarian parties have been left out only in two of the autonomous communities that formed a new government in 2015, Catalonia and Navarra, which leads to the conclusion that they have not been neglected.

The elections in Catalonia led the pro-independence forces to victory concerning the seats, while if votes are taken into account the majority of the Catalan voters rejected the declaration for independence.

At national level, the general elections generated a new imperfect four-party system: four major national parties govern, complemented by other smaller parties and the majoritarian regional forces. The lower house (the Congress) resembles a hung parliament, that is, a parliament with negative minorities obstructing governability and, specifically, blocking the nomination of the new President without suggesting an alternative.

On the other hand, in the upper house (the Senate) the Popular Party plays the leading role thanks to its absolute majority. This is relatively important, as a hypothetical veto of the Senate over a government or non-government bill passed by the Congress might be immediately overridden by an absolute majority of the Congress or after two months by a mere simple majority (Article 90.2 of the Spanish Constitution). The consequence of this asymmetric situation is the slowdown of the legislative activity. The biggest problem is obviously the nomination of the President, as the procedure is carried out solely by the Congress.

Last year also proved a certain standstill of the State concerning the needs of the system of the autonomies, especially because no initiative is taken to reform elements that are in need of such reform. The regional funding system has not been adjusted. The Conference on Matters Related to the European Union (CARUE) and the Conference of Presidents have not been held; the latter, for two years now.

On the other hand, no fewer than 86 governmental decrees were passed last year. They were obviously handled in a rush and passed taking advantage of the absolute majority of the Government. All in all, a bunch of legal modifications of which it is still too early to measure the impact upon the allocation of competences.

Two relevant reforms of the jurisdiction of the Constitutional Court were carried out last year. One of them aims to get the Court more actively involved in putting the brakes on the secessionist process in Catalonia (and sometimes it looks like the only resource) by pushing the enforcement of judgments. However, no move has yet been made to elect the magistrates through an objective procedure and thus recover their excellence, an essential step to regenerate the institution and recover its *auctoritas*.

Politicians of different levels are still standing trial on corruption, while the cases are becoming more and more serious. A positive aspect needs to be mentioned here: the good functioning and independence of judges, courts and law enforcement institutions in the prosecution of such crimes.

There are other older but still relevant topics such as the permanent negative social consequences of the economic crisis which, albeit not mentioned here, will be thoroughly addressed at the Forum and subsequent Report on the Autonomous Communities that will be published at the end of May.

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