

A Step Backwards or a Step Forwards? The Politics and Policies of Decentralisation under the Governments of the *Partido Popular*²²

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INTRODUCTION

This article will examine how the increasingly right-wing governments of the *Partido Popular* (PP), which was in office from 1996 and 2004, dealt with one specific and highly sensitive policy area: that related to political decentralization and the political role of decentralized entities within state-wide policy-making processes. This policy area is known in Spain as the *política autonómica*, and refers to any policy choice which has to do with the institutional structure of the Autonomous Communities as entities of self-government, or with the political role of the Autonomous Communities within the state. That is, it refers to policies which shape the two main dimensions of any politically-decentralized state: the self-government dimension and the shared-government dimension (Máiz, Beramendi and Grau, 2002: 379-386).

There are two reasons for selecting this policy area. Firstly, from a historical perspective, right-wing state-wide parties in Spain have promoted a vision of Spain as a unitary and centralized nation-state. Thus, they have usually perceived political decentralization as a problem (sometimes as “the” problem) and even as a threat. Historically, they certainly have not seen it as a policy to be developed. And although in political debates during the period under examination, the PP stated its support for the model of the Spanish state based on Autonomous Communities, its position and objectives remained sufficiently distinct from the left-wing to give rise to an expectation that the PP would at the very least have attempted to define policy contents, instruments and goals according to the traditional vision of the right. Thus one would expect to find that the policies of the PP governments in respect of the structure of both the self-government and the shared-government dimensions within Spain were conditioned by their centralist and unitary perceptions of Spanish national identity. Secondly, the policy area has been selected because the analysis of the PP’s behaviour whilst in government shows an interesting paradox. Although as might be expected, both the PSOE (the main state-wide opposition party during that time) and the nationalist-ruled regional governments accused the PP of deliberately and actively promoting policies that were directly aimed at restricting or even reversing the development of political decentralization, all the evidence indicates that during the PP’s time in government the powers and competences of the Autonomous Communities continued to increase, to the extent that they appear to have a status which is similar or even superior to “real” federated entities.

In this article I will argue that the key to understanding these radically-opposed perceptions of the PP’s attitude and behaviour towards political decentralization is to look beyond the political differences. The analysis of the PP’s approach to political decentralization cannot be limited to the analysis of the attitudes and actions that specifically came under the broad heading of the *política autonómica* (those actions that dealt with the institutional development of self-government, shared-rule and intergovernmental co-operation). The contents of certain of the PP’s state-wide policies and the party’s policy-making style are just as important, and indeed an examination of these reveals significant details about the general approach that the party adopted in respect of political decentralization. So although the PP seemed to break with the historical right-wing perspective through its ostensible support for decentralisation - including the creation or improvement of mechanisms which would allow for the participation of the Autonomous Communities within state-wide

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policy-making -in practice the party tended to undermine any such developments. The actual role that the Autonomous Communities were given in state-wide politics is much more revealing of the PP's approach to political decentralization than the political debates on decentralisation themselves. This being the case, the analysis of the PP Government's behaviour in respect of political decentralization requires an examination of the policy debates, proposals and decisions on the *política autonómica* from a broader perspective: one which takes into account the political interaction that actually took place between central government and the Autonomous Communities within both the intergovernmental and at the state-wide scenarios.

In order to do this, this article is divided into two main sections, which are followed by some conclusions. The first section identifies the principal political and institutional trends that characterised the political debates and the policy area under analysis, from its constitution (in 1980) to the moment that the PP came to office (in 1996); and it also highlights the key issues with which the PP was faced from that point onwards. The second section examines the impact that the PP Governments had, not only upon the contents and direction of the policy choices that were formally considered to be part of the "*política autonómica*", but also upon the political interaction between central government and the Autonomous Communities. In order to measure this impact, the article compares the nature and development of the intergovernmental conflicts brought before the Spanish Constitutional Court during the period before the PP came to office (1981-95) and during the period in which the PP was in government (1996-2004). This indicator was chosen both because the judicial resolution of intergovernmental conflicts has been a characteristic feature of the process of political decentralization in Spain ever since that process began; and also because these intergovernmental conflicts are closely linked to the general political mood and so provide a clear reflection of the issues at stake in these conflicts.

The article concludes that, although the PP adopted a particular approach in the political debates on the *política autonómica*, the most important impact that the PP governments had upon the direction and contents of political decentralization derived from their neglect - and even outright rejection - of the political role of the Autonomous Communities within the processes of state-wide decision-making and policy-making. This behaviour did not just derive from the PP's adherence to the traditional right-wing attitude towards political decentralization itself, but came also from the game that was being played out between government and opposition: by refusing to accept the Autonomous Communities as political actors on the state-wide stage, the government was diminishing the possibilities of political opposition at this level and thus reinforcing the unilateralism that was so characteristic of its governmental style.

DECENTRALIZATION AS A POLICY AREA: DEFINING THE PRINCIPAL FEATURES

As is already well known, the restoration of democracy in Spain was accompanied by a very particular process of political decentralization, which led to the development of a "quasi-federal state" (Agranoff, 1993; Agranoff y Ramos Gallarín, 1997; Moreno, 1997; Grau Creus, 2000a, Máiz, Beramendi and Grau Creus, 2002). Although decentralization was initially conceived of as a target policy, which was designed specifically to accommodate the political claims of the Basque and Catalan nationalists through the creation of self-government entities, the fact is that a mere six years after the approval of the Spanish Constitution, the organization of the whole country was already based on the territorial distribution of power. This decision to transform Spain into a politically-decentralized country was not however part of a political project with a state-wide perspective; it simply resulted from the general implementation of the institutional model that had been designed to address the claims of the nationalists. In this way, institutional structures for self-government that were initially conceived of and designed to accommodate centrifugal trends ended up structuring the whole state. Moreover, the *política autonómica*, as a policy designed simply to address issues related to self-government, did not make any attempt to structure the resulting self-government entities within the overall picture of state-wide institutions and policy-making processes (Grau Creus, 2000b; Máiz, Beramendi and Grau, 2002). Similarly, the *Acuerdos Autonómicos* of 1981, the first political project relating to decentralization that was specifically proposed and implemented from a state-wide perspective, also

focussed on the same two questions: self-government and the division of power between central government and the Autonomous Communities. This is clearly illustrated by Table 1, which shows that between 1980 and 1990, the most common conflicts between the two levels of government were those concerned with the distribution of powers (*conflicto de competencias*) This question accounted for 66.8% of the total number of intergovernmental conflicts brought before the Constitutional Court.

Table 1 here

It was only at the end of the 1980s that a new issue related to state-wide perspectives on decentralization began to appear on the political agenda: questions of co-ordination and co-operation among different levels of government. Thus in 1992, the PSOE (which was then in office at central government and in most of the Autonomous Communities) and the PP (then the main opposition party) agreed to develop a new approach to political decentralization by establishing and reinforcing instruments of intergovernmental co-operation (Ministerio de Administraciones Públicas, 1996: 137, 142-146). This was then formalized through the agreements known as the *Pactos Autonómicos*. As with the *Acuerdos Autonómicos* of 1981, the contents of these agreements were entirely defined and decided by the two main state-wide parties; and although the agreements directly affected the working and the structures of the Autonomous Communities, the two parties had no intention at all of involving the Autonomous Communities themselves in the development of the agreements. In fact, the only bridge to the involvement of other parties was the refused invitation made to the nationalist parties to sign up what was already firmly decided by government and state-wide opposition. This attitude was a reflection of the more general point that, at the time, the participation of the Autonomous Communities in state-wide policy making did not feature at all on the social and political agenda. When this issue did begin to appear on the political agenda, from the mid-1990s onwards, it arose in two different political scenarios: the parliamentary and the intergovernmental.

In the parliamentary scenario, the issue was linked to the implementation in 1994 of certain reforms of the Senate, which were designed to allow the governments of the Autonomous Communities to attend and participate with voice but without vote in some sessions of the chamber. Although these reforms were extremely modest, their relevance lies in the fact that they demonstrated there was a wide consensus on the need to address the absence of institutional mechanisms for the political participation of the Autonomous Communities at the state-wide level (Colomer, 1997).²³

In the intergovernmental scenario, the issue was linked to the acceptance by all political actors of the *de facto* political situation: the fact that the political role of the Autonomous Communities was not and could not be limited to their own, self-governed arenas. For example, in several intergovernmental conflicts, the central government had been forced to change its initial plans regarding the definition and implementation of state-wide policies where these had affected the direct interests of some Autonomous Communities (Grau Creus, 2000b); and from the early 1990s, the Autonomous Communities had collectively been pressing for the creation of institutional mechanisms which would allow them to participate in the development of the Spanish position on certain issues at European Union level.²⁴

Almost as soon as the Autonomous Communities had begun – albeit in a rather informal and *ad hoc* manner – to participate as actors within state-wide policy-making processes, the two main state-wide parties began to make political use of this development: that is, from the mid-1990s, the contest between central government and opposition was also played out at intergovernmental level. A new arena for competition between these two political parties was created, such that decisions of the central government could be challenged by Autonomous Communities ruled by the main opposition party, and vice-versa. This type of conflict characterized in particular the last of the PP's terms in central government, from 2000 to 2004.

²³ It has to be taken into account that the Spanish senate has always been trapped by the contradictions derived of its constitutional denomination as “the territorial chamber” and its actual function of a secondary chamber of the parliament. The natural link that seems to exist between a senate and territorial representation is one of the reasons that justifies the large political consensus in considering that any participation of the Autonomous Communities in state-wide decision-making must be placed within the senate and not in any other institution. Nevertheless, while this consensus exists, the actual terms and aims of the reform are rather controversial. See the article by Solozábal (2004) for getting the most current aspects of the debate.

²⁴ See Börzel 2000 for a whole picture of the events in the area.

In sum, between 1980 and the mid-1990s, decentralization policies were characterized by their focus on building up the institutional framework for the development of self-government, and thus also for the establishment of the boundaries between the competences of central government and the Autonomous Communities. Therefore, depending on whether political emphasis was put on the development of self-government or on the retention of centralised powers, the policy question was whether to continue the transference of powers to the Autonomous Communities or to stop it. The political role of the Autonomous Communities within state-wide processes of decision-making and policy-making did not become an issue until the mid-1990s. Before that time, the development of decentralization indicated a general perception that the state (as represented by central government) and the Autonomous Communities were two distinct, and to a certain extent contradictory, political entities. This generalized perception of the Autonomous Communities as being of a distinct nature from the Spanish state is well illustrated by the formal terminology used to refer to conflicts in the Constitutional Court between central government institutions and the Autonomous Communities: these are called conflicts *between the Autonomous Communities and the state*, thus implying that the former are not part of the latter.²⁵

Thus on the eve of 1996 general elections, three key issues clearly structured the political and policy agenda on decentralization (Aja, 2003:11; Jáuregui, 2004: 11). The first related to self-government, and specifically to the implementation of various agreements on the transfer of packages of powers that had been made during the mandate of the socialist governments, in addition to specific demands for the transfer of powers made by the Catalan and Basque governments. A second issue related to the increasing pressure that the Autonomous Communities were exerting on central government with the specific aim of participating in the development of the Spanish position in matters dealt with at European Union level. And the third issue, perhaps the most conflictive, was the *de facto* influence that the Autonomous Communities had on state-wide decision-making and thus whether political measures were needed to deal with it. So by 1996, the main issues covered by the *política autonómica* were not just related to the development of the institutions of self-government themselves, as had previously been the case, but also the political working of these institutions within the overall framework of the state.

The PP was widely expected to win this election, and it was generally thought by voters and non-voters alike that once in office, the PP's approach to these three key issues would be conservative and even regressive. These expectations were generally based on the political attitude and messages that the Party had traditionally maintained about Spain as a nation-state; and equally by the way the Party's election campaign dealt with the Socialist Government and the political consequences of that government's depending on the support of nationalist parties within the Spanish Parliament (Tusell, 2004:). The electoral discourse of the Party, and of the intellectual elite close to it, was characterised by the aggressive rejection of peripheral nationalisms (that is, the rejection of Basque and Catalan nationalism in all its forms, from the most moderate to the most radical) and the defence of Spanish nationalism; by the negative assessment of certain of the political consequences of decentralization; and by the affirmation of its political intention to stop the progressive evolution of political decentralization (seen as an apparently never-ending process by which powers were transferred to the Autonomous Communities) (Tusell, 2004: 62-4, 138-40). This attitude towards the development of the *Estado de las Autonomías* seemed to be closely in tune with a widespread feeling among the Spanish people. Indeed, public opinion in Spain was very much influenced by the political circumstances that characterized the minority government of the PSOE from 1993 to 1996. The parliamentary support of the main nationalist parties, on which the PSOE government depended, was agreed in exchange for concessions to those parties; and as those parties were also in government in their respective Autonomous Communities, the agreements were perceived by Spanish public opinion as constituting a privileged and unfair channel which allowed some of the Autonomous Communities to participate in state-wide decision-making processes. Already in 1996, official surveys (published by the *Centro de Investigaciones Sociológicas*) indicated that 40% of Spaniards believed that political decentralization had promoted separatism²⁶, and 71% thought that decentralization had developed in benefit of just some of the Autonomous Communities (compared with the

²⁵ See the reports periodically published by the Ministry for Public Administrations (*'Conflictividad entre el Estado y las Comunidades Autónomas'*) and information at the web page of the Constitutional Court (<http://www.tribunalconstitucional.es>).

²⁶ Note that the term "separatism" has in Spanish a negative connotation.

60% who thought so in 1988 (Centro de Investigaciones Sociológicas 1997; and Subirats 1997: 502). So although the PP's political message about decentralization was based on its own established political values and ideas, the force with which it expressed its message was closely linked to the electoral benefits that it could be expected to reap by exploiting (and exacerbating) the tensions related to a political issue that was high on the Spanish public's agenda. Nonetheless, although the PP's attitude and aims in this area appeared quite obvious to all observers (parties, voters and citizens in general), the extent to which this attitude and these aims were feasible in political terms turned out to be quite another question. The following section will look at the PP's attitude, policy and actions in respect of decentralization during its two terms in office 1996-2000 and 2000-2004.

THE PP AND THE *POLÍTICA AUTONÓMICA*, 1996-2004

Although there was a general impression just before the General Election of 1996 that the PP would at least limit the development of political decentralization once it was in power, by 2004 there was much less consensus in respect of the actions that the PP governments had actually taken. The PP itself claims that during its terms in office the development of political decentralization was far from being blocked. To support this claim, it points to the transfer of powers that took place between 1996 and 2003 and the high levels of powers currently in the hands of the Autonomous Communities (to which the PP Governments contributed); and to other policy measures and proposals, such as the 2001 reform of the financing system of the Autonomous Communities (which was a long-standing demand of the Catalan nationalists) and the failed project to strengthen intergovernmental co-operation through legislation (the *Ley de Cooperación Autonómica*²⁷) (Aja, 2003: 11-12). Indeed, according to the recently-published memoirs of José M^a Aznar, the president of the government (prime minister) during that time, the PP governments brought the process of political decentralization to its culmination: “(...) *Under our government, the process of transfers [of powers] went as far as it could go. We are now no longer in a phase involving such transfers or the building up the autonomous governments. What the governments of the Autonomous Communities must now do is manage the areas within their own competence for the benefit of citizens, while the government of the nation must deal with matters within its own areas of competence, which are those that concern the country as a whole*” (Aznar, 2004: 238).²⁸

Despite these developments, however, there is also the impression that the PP's approach during these years did not favour political decentralization (see Tusell, 2003: 129-131). Indeed, the nationalist parties and the PSOE argue that the PP - especially during its second term when it enjoyed an absolute majority - deliberately went against the development of political decentralization by promoting different measures that aimed at reducing the political dimension of the Autonomous governments (as opposed to their administrative dimension) both within the state-wide arena and within their respective regional arenas (Bel, 2003a and 2003b). In this sense, this perspective about the rather managerial PP's approach on political decentralization seems to be confirmed by the previous quotation by Aznar: the domain of the Autonomous Communities should be that of the administration and the domain of central government that of the political decisions.

The Territorial Balance of Powers

Table 2 here

Any analysis of the PP's actions whilst in government must take into account the balance of powers at two different scenarios: the state-wide and the intergovernmental. In the state-wide scenario, one of the most significant features that distinguished the two terms in office was the different room for manoeuvre the government enjoyed: during its first term (1996 – 2000), when it formed a minority government, the PP's

²⁷ For further details, see the debates about the law that took place at the Senate (Diario de Sesiones del Senado, 2001c).

²⁸ Translated from the Spanish original ‘Con nuestro gobierno, el proceso de transferencias ha llegado al máximo punto que podía alcanzar. Ya no estamos en una etapa de transferencias ni de formación de los gobiernos autónomos. Ahora, lo que tienen que hacer los gobiernos de las Comunidades Autónomas es gestionar sus propias competencias en pro del bienestar de los ciudadanos, mientras que el Gobierno de la nación se tiene que ocupar de los asuntos que le competen a él, que son aquellos que conciernen al conjunto del país’. My translation.

scope for action was limited; but during its second term (2000 – 04), the party's absolute majority allowed it to act unilaterally in most policy areas. In the intergovernmental scenario, the context was slightly different. As Table 2 shows, the minority government of the first term coincided with a rather comfortable intergovernmental situation from the PP's point of view, since as a result of the 1995 regional elections, the PP was in power in 11 of the 17 Autonomous Communities²⁹ and the PSOE had been reduced to its three electoral bastions of Andalusia, Extremadura and Castilla La Mancha. Thus to a certain extent, the minority situation was compensated for by the widespread territorial support that derived not just from the fact that the PP was in power in the majority of the Autonomous Communities, but also - and very importantly - from the PP's party structure and discipline: as some main party leaders have stated themselves³⁰, the regional branches of the Party were completely subordinated to the state-wide Party and its objectives.

Before the end of the PP's first term, the 1999 regional elections reduced the territorial distance between the PP and PSOE, the latter gaining power in six Autonomous Communities and thus increasing its potential capacity to act as an opposition from within the Autonomous arenas as well as within the state-wide one.³¹ This more evenly-balanced intergovernmental context was then affected by the results of the General Election of 2000. The PP won a large majority and made a clear political decision to exploit this, rather than to govern by consensus: a fact which relegated the parliamentary parties - especially the PSOE, as the main opposition party within the national arena - to a very secondary role. In this context, the six socialist-ruled Autonomous Communities became one of the most important mechanisms of opposition.

The Policy of the PP towards Political Decentralization

In respect of political decentralization, the PP's first term in office was characterized by the political concessions that the Party had to make to the nationalist parties at state level in order to be able to govern, and by the tense relationships that developed between the PP and its nationalist partners, as well as between the PP and the socialist-ruled Autonomous Communities (Tusell, 2004: 131-36). Some of the political concessions made by the PP affected only the Autonomous Communities ruled by the nationalist parties that gave them support, such as the agreement to transfer powers on traffic regulation to Catalonia. Others necessarily had a wider scope and so affected all of the Autonomous Communities. An important example in this sense was the reform of the financing system (Tusell, 2004: 127-37) which was eventually approved by 12 out of the 15 Autonomous Communities concerned, and which generated an intense political debate which consolidated the intrusion into the intergovernmental arena of the competition between the state-wide parties. Nonetheless, the reform was contested by the three socialist-ruled Autonomous Communities: they blocked the reform in their respective territories, and initiated a political and legal campaign against it. Thus by the end of 1998, the Constitutional Court had accepted 23 appeals against the legislation that introduced the reform: most of these came from the three socialist Autonomous governments, but there were also challenges from the Autonomous parliament of Asturias (where the PP was in a minority government) and from the socialist parliamentary group in the Spanish parliament (Grau Creus, 2000b). In this way the PSOE, in its role as the state-level opposition, organized its task of control and criticism of central government actions not just within the state-level arena but also within the intergovernmental arena. Moreover, within this second arena, it focused its efforts in a specific channel: appeals against state-wide legislation brought to the Constitutional Court by the Autonomous Communities. As we shall see, this type of intergovernmental conflict became increasingly important during the PP's two terms in office.

Figure 1 here

Table 3 here

²⁹ These were the following: Balearic Islands, Galicia, Castilla y León, Cantabria, Aragón, Asturias, Comunitat Valenciana, Madrid, Murcia and La Rioja.

³⁰ In this sense, see the details of the interviews to Aznar and to Federico Trillo-Figuero, the PP's ex-minister of Defense, in Burns Marañón, 1997: 363 and 346 respectively.

³¹ After the 1999 elections the PP was in office in the following Autonomous Communities: Galicia, Castilla y León, Cantabria, Comunitat Valenciana, Madrid, Murcia, La Rioja and Navarra.

Figure 1 and Table 3 illustrate different aspects of the evolution of the intergovernmental conflicts that were brought before the Constitutional Court. Figure 1 shows in absolute figures the chronological evolution of the two types of conflict (conflicts about legislation and conflicts about distribution of powers), distinguishing the actors who instigated these conflicts (the Autonomous Communities and central institutions –that is central government and parliament). By contrast, Table 3 shows data in relative figures on the intergovernmental activity of the Autonomous Communities and central institutions for two different periods, 1981-95 and 1996-2003:³² that is, before and during the PP's terms in office.

As Figure 1 shows, the development of intergovernmental conflicts can be divided in at least three phases. The first ran from 1981 to around 1992, and was characterized by very high levels of all types of conflict (although conflicts about powers are more common than conflicts about laws) and by the fact that central government was more active than the Autonomous Communities in bringing these conflicts before the Constitutional Court. This phase coincided with the initial building-up of the institutions of self-government, and so comes to a close around the time of the *Acuerdos Autonómicos*. The second phase ran from 1992 to 1996 and was characterised by a general decrease in the number of all types of conflict. And the third phase runs from 1996 to 2003, thus coinciding with the PP's two terms in office: the most significant feature of this last phase is the substantial increase of intergovernmental conflicts over state-wide laws that were initiated by the Autonomous Communities. The greatest contrast is thus between the first phase, where central government was more active than the Autonomous Communities in bringing conflicts before the Constitutional Court, and the third phase, where exactly the opposite was true. In order to make a clear comparison, we shall however divide this time-span into the period before the PP government (the first two phases) and the period during which the PP was in power (the third phase).

Table 3 provides another perspective on the same data, showing for each of the two periods (and as a proportion of the total conflicts they brought) how much use each actor made of the two types of intergovernmental conflict identified above (conflicts about legislation and conflicts about powers). It is immediately clear that for both actors the proportion of intergovernmental conflicts about legislation was higher during the period in which the PP held office. But although this trend applies to both, its intensity differs. Thus, conflicts about state-wide legislation went from representing 28.7 per cent of all intergovernmental conflicts initiated by the Autonomous Communities during the period before the PP governments, to representing more than 70 per cent of those conflicts during that parties terms in office. Similarly, the proportion of the conflicts initiated by central institutions that dealt with legislation enacted by the Autonomous Communities increased in more than 15 per cent. The relevance of these data is clear: intergovernmental conflicts went from being related to the definition of the boundaries between the two different governmental and administrative arenas, to being linked to the *content* of legislation, that is, to the content of governmental action. As a more detailed look at these types of intergovernmental conflict confirms, during the second period these conflicts took on a significant political dimension, since they were very closely linked to the movement of the state-wide competition into the intergovernmental arenas. Thus, as the following figures will show, government and opposition (but especially opposition) used the institutional resources of the Autonomous Communities in their political competition at state-wide level.

Given then the importance of the question, next four figures (Figure 2 to Figure 5) will explore it in more detail.

Figure 2 and Figure 3 here

Figures 2 and 3 illustrate with relative figures data about the intergovernmental activity of the Autonomous Communities in relation to state-wide legislation. In contrast, Figures 4 and 5 illustrate the intergovernmental activity of central government in relation to legislation passed by each Autonomous Community. Figure 2 shows for both periods how much each Autonomous Community contributed to the total number of intergovernmental conflicts about state-wide legislation that were brought before the Constitutional Court by those bodies. By representing the relative contribution that each of the Autonomous Communities made in each period, this figure allows us to observe their level of activity and distinguish different patterns of

³² Although the PP left office in March 2004, data are currently only available to the end of 2003.

behaviour. Figure 3 takes a different perspective, showing for the total number of intergovernmental conflicts on state-wide legislation initiated by each Autonomous Community, which proportion of those conflicts arose during the first period and which during the second. It thus allows us to identify for each of the Autonomous Communities the period in which it was most active. Figure 4 and 5 show the same aspects but about the activity of central government towards the Autonomous Communities. Figure 4 illustrates for both periods the distribution of appeals initiated by central government against legislation of the Autonomous Communities. The objective is to identify the Autonomous Communities upon which the central institutions focussed their attention during each period. Figure 5 shows for each Autonomous Community the proportion of the central institutions' actions against the legislation of that Autonomous Community which arose during the first period, and that which arose during the second. In this way we can see for each Autonomous Community in which period there were more intergovernmental conflicts about its legislation. The analysis of these four figures will be addressed next.

Contesting state-wide legislation

Figure 2 points out at a clear contrast between the first and second period in what concerns which Autonomous Communities instigated intergovernmental conflicts against state-wide legislation. Thus, while during the first period, intergovernmental activity was linked to the leadership activity of the nationalist-ruled Autonomous Communities (Catalonia and the Basque Country), during the period governed by the PP the patterns of state-wide competition not only were introduced in the intergovernmental activity but also became dominant. This is revealed by several aspects. First of all, the figure shows that, compared with the first period, during the 1996-2003 period the intergovernmental activity against state-wide legislation involved a larger number of Autonomous Communities and, as well, it was largely commanded by these Autonomous Communities ruled by the opposition party. In addition, three other Autonomous Communities (Asturias, Navarra and Canarias) had an important contribution to the total number of conflicts since altogether they initiated 21 per cent of all conflicts; this situation is in contrast with that of 1981-95 in which, apart from the three leaders, altogether the other fourteen Autonomous Communities initiated 23.5 per cent of all conflicts. This is to say that during the second period more Autonomous Communities participated and more intensively of the intergovernmental activity than they did during the first one.

These aspects are also illustrated and complemented by Figure 3. The figure shows that during the 1996-2003 period, the level of activity of the Autonomous Communities depended very much on whether their respective ruling parties was in or out office at central level. This applies to the socialist and to the PP-ruled Autonomous Communities. As for the socialist ones, Figure 3 clearly shows that the three socialist bastions concentrated the majority of their appeals during the period (Andalusia initiated around 95 per cent of its total number of intergovernmental conflicts on state-wide legislation, Extremadura and Castilla-La Mancha all their respective actions from 1981 to 2003), but this is also the case of these Autonomous Communities that during the 1996-2003 period were governed at least one term by the PSOE, such as Aragon (since 1999 onwards), Balearic Islands (1999-2003) and Asturias (since 1999 onwards): Asturias initiated 90 per cent of all of its total appeals, Aragon almost 70 per cent. To be more precise, Aragon brought 13 out of its 20 intergovernmental conflicts on state-wide legislation between 1999 and 2003 and the same accounts for Asturias that initiated 7 out of its 11 actions between these dates.

As for the PP-ruled Autonomous Communities, both figures show the almost absolute absence of conflicts coming from the Autonomous Communities that were governed by the PP during all or most of the 1996-2003 period. In this sense, Figure 2 illustrates that six out of the eight Autonomous Communities ruled by the PP during all along the 1996-2003 period, did not contest any state-wide legislation at all, or, in other words, that they concentrated their appeals against state-wide legislation on the 1981-96 period. This is the case of Madrid, Murcia, La Rioja, Comunitat Valenciana, Castilla León and Cantabria. The other two, Galicia and Navarra, initiated respectively less than 1 per cent of all intergovernmental conflicts of the period.

In sum, Figure 2 and 3 point out at several aspects that feature, from the point of view of the Autonomous Communities, the intergovernmental situation during the two terms the PP was in office. Firstly, it shows that the 1996-2003 state-wide legislation provoked more reactions to more Autonomous Communities than it did that of 1981-1995; secondly, it also shows that the socialist-ruled Autonomous Communities displayed a

leadership role in intergovernmental activity against state-wide laws and thirdly, that the PP-ruled ones remained completely aside of intergovernmental conflicts against state-wide legislation.

The wider participation of the Autonomous Communities in intergovernmental conflicts during the second period could be explained by the political learning process that all autonomous bodies had gone through. Accordingly, the process of institutionalisation they went through brought about a clearer perception of their own political entity and of their own resources. However, this explanation is too general and requires to be complemented. In this sense, two other reasons contribute to provide an explanation. One is the move of state-wide party competition to the intergovernmental arenas. This would explain the fact that all socialist-ruled Autonomous Communities became involved at one point and with different intensity in the intergovernmental game; an example of this is the fact that the new state-wide regulation on immigration (*Ley Orgánica 8/2000*) was contested by the socialist party by all means, including the six socialist-ruled Autonomous Communities (see Tribunal Constitutional, 2001: 27). The other reason, linked to the previous one, has to do with the large number of appeals the Autonomous Communities brought to the Court concerning new state-wide legislation that without being included in the area of the *política autonómica* itself, directly affected both their political margin of manoeuvre and their implementation capacity; here we will refer to two policy areas: education and budget control.

Education is a policy area whose powers are shared by central institutions and the Autonomous Communities. It includes three main aspects: compulsory schooling, professional training and university education. Central institutions have powers in what is known as “basic legislation”, a rather confusing concept that tends to be explained as being related to the territorial guarantee of universal rights such as equality and freedom. So, apart from what is regulated in basic legislation (which is, nevertheless, subject to political perspectives), education is a policy that falls under the political margin of the Autonomous governments: they rule and implement the policy. As an example of the political margin of manoeuvre that the Autonomous Communities have on the subject, some authors have identified different models of educational systems among the Autonomous Communities that respond to different policy choices about the private or public structure of the compulsory school system (see Brugué, 2002 : 31-49). In other words, in this case, the shared distribution of powers between the two levels of government implies that formally both levels of government can make political decisions. Given the lack of precision about the concept of “basic legislation” and the cultural and political values that education as a policy area reflects, the question is, therefore, what central institutions may understand by that.

One of the major objectives of the PP government was the reform of the structure of the compulsory school system (*Ley de Calidad de la Enseñanza*, passed in 2002) and of the structure and governing of universities (*Ley Orgánica de Universidades*, passed in 2000). As Tusell points out (2003: 250-1, and 256) both aspects were high on the social and political agenda. However, the decision-making style and the contents of the reforms did not satisfy any of the actors involved (see Tusell, 2003: 250-263). Apart from the protests to the reforms that came from teachers, students and parents’ associations, lecturers, professors and university governing bodies because of disagreements about different aspects related to the content of the legislation (for example, in relation to the importance given to the teaching of religion in schools as a compulsory and examined subject) and because of the rejection to the unilateral decision-making style of central government, the reforms clearly upset the Autonomous Communities since new regulations (“basic legislation”) invaded policy domains that were not only in their hands but also, that some of them were very related to their political identities and symbols. In this sense, for instance, new regulations aimed to determine the content of almost 70 per cent of the courses that all schools are obliged to teach, in particular the content of history courses, but they also aimed at increasing the compulsory number of hours devoted to the teaching of the Castilian language (Tusell, 2003: 263, see also *Diario de Sesiones del Senado*, 2001a). In other words, the reforms on education introduced issues intrinsically related to the developments of political decentralization and they were specifically aimed at restoring to central government a politically-dominant position in the state-wide decision- and policy-making processes. This responded to a clear division of tasks between central institutions and the Autonomous Communities, as was made clear in the above quotation from Aznar himself: central institutions are the realm of political decisions and the Autonomous Communities are that of management. This perception is even more evident in the legislation on budget control that the PP passed in 2001.

In autumn 2001, the PP's government proposed to parliament the approval of a piece of legislation determined to control the public spending through budgetary mechanisms; this was known as the law on budget stability (the *Ley de Estabilidad Presupuestaria*). Simply put, the government's objective was to achieve a "zero deficit" in all public administrations. Its concerns about public spending can be, nevertheless, strongly linked to a certain understanding of political decentralization as being one of the main causes of deficit, if not the main one (*Diario de Sesiones del Senado*, 2001b: 2-7). The central institutions' control of the Autonomous Communities and local governments' spending through criteria established in the *Ley de Estabilidad Presupuestaria* was, therefore, one of the key aspects of this legislation. In this sense, the law reflected two major concerns of the PP's governments: firstly, to reduce the public deficit by severely controlling public spending at all levels of government; and secondly, to do so by imposing controls through central institutions, thus restricting the budgets and the political margin for manoeuvre of both the Autonomous Communities and local government (*Diario de Sesiones del Senado*, 2001b: 8-11, Castells, 2001a: 11, Bel, 2003a and 2003b, *Expansión* 2004: 1 and 27). The re-centralization of the political power was thus one of the most important features that characterized the law on budget control. Again, this very Thatcherite perception of the role of central government and that of decentralized entities was expressed unequivocally by Aznar himself in his memoirs about his time in office:

"(...) Spain is one of the most decentralized countries in the world and it is necessary to establish controls in respect of the spending of the Autonomous Communities. Of every 100 Euros spent by [the different levels of government], the State spends 48. The rest is spent by the Communities and by local councils. For this reason, it is important to maintain mechanisms which promote general discipline and which are accepted by all.

All the State must participate [on the basis of? in reaching?]³³ the same objectives. The most important [of these objectives] is the change in people's mentality. The Spanish people know that nothing comes for free, ever. When someone in government spends something, it is always paid for by the Spanish people as a whole. For this reason, it seems to me that the Spanish people have understood that the State must not spend more than its income, and that the lower the State spending – within [the limits defined by] the responsibilities that it must shoulder – the greater the prosperity for everyone." (Aznar, 2004: 122, my translation).

Contesting the legislation of the Autonomous Communities

The impact of state-wide party competition into the intergovernmental dynamics was not only related to the behaviour of the Autonomous Communities towards central government. In fact, also intergovernmental conflicts initiated by central government and institutions between 1996 and 2003 reflected some of the same patterns that characterized the political approach of the Autonomous Communities towards central government's legislation during the period. Figures 4 and 5 illustrate these aspects.

Figure 4 and 5 here

Firstly, these two figures highlight that the party in office in the Autonomous Communities is a key variable to understand, for each period, which Autonomous Communities had their respective legislation contested by central government and institutions. Thus, in the first period appeals to the Constitutional Court were extremely concentrated on the legislation passed by the two nationalist-ruled Autonomous Communities (the appeals against their legislation accounted for more than 50 per cent of the total), and in the second period, appeals initiated by central institutions were mainly addressed against the legislation passed by three socialist bastions, and by Catalonia and the Basque Country (see Figure 4). A look at Figure 5 shows that, similarly to Figure 3, the 1996-2003 period concentrates most of the intergovernmental conflicts about the legislation of these Autonomous Communities that were ruled by the socialists during all or part of the period; central

³³ The meaning is not clear in the original.

government initiated during the 1996-2003 period 60 per cent of all of its appeals against Andalusian legislation, almost 70 per cent against Extremadura's legislation of Extremadura, and 80 per cent of the Castilla La Mancha's legislation. Of course, the fact that the PSOE was in office in central level between 1982 and 1996 can explain the situation during the first period. Similarly, during all of the 1996-2003 period, the Autonomous Communities ruled by the PP, had their laws substantially less contested than that of the socialist and nationalist-ruled Autonomous Communities. In this sense, neither the Comunitat Valenciana nor La Rioja had any law contested by central government during the 1996-2003 period, and as for the rest of the PP-ruled Autonomous Communities, Figure 5 shows that the PP's central government only contributed to around ten per cent of their respective total amount of contested legislation. Secondly, Figure 4 points out at a contrast between the first and second period in what concerns the number of actors participating at the intergovernmental conflicts, as Figure 2 has already illustrated; the 1996-2003 period was more plural, that is, more Autonomous Communities had their legislation contested by central government than they had during the first period.

In short, in both periods, the actions by central government towards the Autonomous Communities followed a quite similar pattern to that shown by the Autonomous Communities towards central government. The main difference between the pattern of behaviour displayed by the Autonomous Communities and by central government and institutions towards each other legislation is a question of intensity. In fact, the impacts of state-wide party competition upon intergovernmental conflicts are much clearer as for the behaviour of the Autonomous Communities than they are as for central government. The average data shown in Figure 3 and in Figure 5 illustrate this: Figure 3 shows that, in total, the Autonomous Communities distributed their actions against state-wide legislation equally during each of the two periods. These data hides the fact that the appeals to the Constitutional Court during the first period were almost all initiated by Catalonia and the Basque Country and that, during the second period (which was much shorter than the first), the same number of appeals were actually distributed among a larger number of Autonomous Communities. In other words, the two terms the PP was in office generated a similar number of appeals against state-wide legislation that the four terms the PSOE was in office. In contrast, the average data shown in Figure 5 (see the "total" series) shows that central government and institutions concentrate 80 per cent of their appeals against the Autonomous Communities' legislation during the first period. Therefore, although in the 1996-2003 period, the socialist-ruled Autonomous Communities were those whose legislation central government contested the most, the absolute number of appeals initiated by central government did not rocket as they did those initiated by the Autonomous Communities. To sum up, during the 1996-2003 period, central government legislation was perceived to be much more aggressive towards the interests of the Autonomous Communities than the latter legislation was towards central government's interests.

However, a look at the type of legislation contested by the PP's central government and institutions offers new details about the transfer of state-wide party competition to intergovernmental arenas. The Andalusian parliament passed several laws that provoked several intergovernmental conflicts: some of them had to do with the development of scientific research on artificial human reproduction: the law addressed to promote research on non-viable human pre-embryos for its use in in-vitro reproduction (*Ley 7/2003 de 20 de octubre*), and the law to develop techniques for artificial human reproduction (*Ley 45/2003 de 22 de noviembre*). The reasons central government argued against the laws were structured around the idea that the definition of "non-viable human pre-embryos" could not be decided by a Autonomous Community (Ministerio de Administraciones Públicas, 2003, 3rd trimestre: 23-4) but by central institutions, and that Andalusia aimed to promote a scope and type of research that actually fell under the powers of central institutions. In fact, this intergovernmental conflict reflected a pure conflict on values between the PP and the PSOE that could not take place and develop in state-wide arenas because of the PP's absolute majority in parliament. Other legislation contested by central government reflected similar aspects: the legislation that several Autonomous Communities passed in order to complement non-contributory state pensions to certain social groups, such as widows (legislation passed by the Navarra's parliament, *Ley Foral 11/2003 de 7 de marzo*), and such as retired and disable people (legislation passed respectively by the Andalusian and Catalan parliaments); the law passed by the Basque parliament to regulate the rights of partners of unmarried couples (*Ley 2/2003, de 7 de mayo*), and the law that the Balearic Islands passed to introduce an eco-tax (*Ley 7/2001, de 23 de abril* – this law, passed during the 1999-2003 term ruled by a left-wing coalition, was withdrawn by the Balearic

parliament itself once the PP came back to power in the Autonomous Community in 2003). To sum up, intergovernmental conflicts initiated by central government against the legislation of the Autonomous Communities focussed on the legislation of the socialist-ruled entities mainly because they were ruling about value issues that were subject to state-wide party confrontation.

CONCLUSIONS

In the context of the traditional support of the Spanish right-wing for a centralist vision of the state, this article has explored the PP governments' approach to political decentralization (*política autonómica*), and more specifically to a particular dimension of this policy area: the participation of the Autonomous Communities in the decision-making of state-wide policies. Since this participation is not formally regulated, the article examined certain aspects related to the *de facto* political interaction between central institutions and the Autonomous Communities during the time the PP was in office. One of the most common and relevant indicators of the type of political interaction is the evolution of the intergovernmental conflicts brought to the Constitutional Court. The article therefore analysed data about the intergovernmental activity initiated by the Autonomous Communities against central government and institutions, and by the latter against the Autonomous Communities.

One of the most obvious aspects illustrated by these data is the change in the pattern of intergovernmental conflicts from the time of the accession of the PP: intergovernmental conflicts went from being focussed on the distribution of powers to being focussed on the content of legislation itself. The explanation for this change is partly to do with the unilateral style of decision-making displayed by the PP during its two terms in office, and upon the lack of spaces the PP's absolute majority left to the opposition within state-wide arenas. Consequently, the main opposition party, the PSOE, used intergovernmental arenas as one of its main mechanisms of opposition – by bringing appeals against state-wide legislation to the Constitutional Court. State-wide party competition thus moved to intergovernmental arenas. However, as we have said, this explanation is partial. In fact, the rise of intergovernmental conflicts on state-wide legislation was also due to the PP's underlying assumptions about the respective roles of central government and the Autonomous Communities within state-wide politics, that is, the *de facto* political interaction between the two levels of government. As has been shown, this aimed at allowing the Autonomous Communities sufficient scope to execute matters falling within their competence whilst restoring central government to a politically-dominant position.

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