

Foreword

The federal Liberal Party's 2004 general election platform heavily emphasized issues that are mainly subject to provincial competence under the constitution (e.g. health care, child care, cities). Since the federal government lacks the authority to implement detailed regulatory schemes in these areas, acting on these election commitments frequently requires federal-provincial-territorial (FPT) agreements.

A controversial question that arises when considering all intergovernmental agreements is whether they should treat all provinces and territories similarly or whether the agreements should be expected to differ from one province/territory to another. This issue of symmetry or asymmetry arises at two levels. The first is whether all provinces should be and should be viewed as "equal" in legal and constitutional terms. The second relates to the political and administrative level and the intergovernmental agreements it generates. When should Canadians expect all provinces/territories to be treated similarly in these agreements and when should difference be the rule?

Given this political context, it is timely to reconsider the factors that are relevant to the issue of symmetry and asymmetry. We are doing this by publishing a series of short commentaries over the first half of 2005. These papers will explore the different dimensions of this issue- the historical, the philosophical, the practical, the comparative (how other federations deal with asymmetrical pressures), and the empirical. We do this in the hope that the series will help improve the quality of public deliberation on this issue.

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Director

The post-Franco democratic transition has once again underscored the plural nature of Spain, as regional devolution/autonomy has forged a governmental system that is both parliamentary and federal, with notable asymmetric features. The past quarter century of building the democratic state has been marked by the creation of institutions and political practices that are both centripetal and centrifugal. Today Spain is both symmetrical and asymmetrical in governance, reflecting the forces of unity and diversity in one of the world's oldest nation states. This has occurred

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Balearic Islands, Cantabria, Madrid, Murcia, Navarre, and La Rioja.

Spain's federal arrangements were subsequently built by the governing process, following in many ways what Frederich (1968) calls a unitary country "federating" by differentiating into a federally organized whole. "Federal relations are fluctuating relations in the very nature of things" (7). These features have been built both by broad bilateral and

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nationalistic, often geographic. To the Canary Islands' AC, it is a mild form of nationalism, but more important its status as distant from the mainland and the fact that it is not in Europe. To Andalusia, it is because it historically was a coherent region, removed from Madrid, largely agricultural and poor, that was the last to fall to the reconquest. It, along with the Canaries, also absorbs an extraordinary number of African immigrants. Galicia is a historic territory, with a distinct language, but it tends to make fewer demands while maintaining its existing land rights and other aspects of its legal code. It has been controlled by the same statewide right of center party since the transition. To some other regions – Valencia, Aragon, Asturias, Balearic Islands – nationality or distinctiveness claims have emerged since the transition that are rooted in traditions that go back at least to medieval days. The Valencia AC, for example, named itself as a “historic nation” in its proposed revised statute of autonomy. The identity issues for these regions are mainly tied to culture, sport, and even regional food. However, as in the Valencian situation, they rarely lead to demands for asymmetries of any major consequence.

IS ASYMMETRY NECESSARY?

To some degree the answer is yes, there is a case for “managed asymmetry” as a way of preserving the unity of the country. Issues of regional diversity have been in part responsible for historic conflicts that include civil wars, military governments, and overthrow of elected governments. The disputes are partially regional and partly a result of the perennial nature of numerous “dual” Spains: Castilian, and non-Castilian; Catholic Church and secular; industrial and non-industrial; wealth ailian, and non-] r eyMadS theanishe. To /(th degnrc anse)21 os8osI0s, nsitOfo for t9(

APPENDIX

An Intergovernmental Chronology on the *Estado de las Autonomías*

1977 – The Generalitat (self-government of Catalonia) re-established, followed by Pre-autonomy granted to the Basque provinces. By 1978, pre-autonomy was established for a total of 14 of the 17 existing regions.

1978 – New Constitution published and approved by referendum. Constitution includes “recognizing and guaranteeing the right to autonomy of nationalities and regions” and establishes “territorial organization into municipalities, provinces, and the Autonomous Communities.”

1979 – Organic Law on the Constitutional Court enacted, in order to resolve conflicts regarding AC competencies, in accordance with Article 165 and expanding on Articles 161 and 162

central government transfers will still represent 50% of revenue for poorer regions.

2003 – Budgetary stability law comes into effect, requiring subnational governments to balance their budgets and places strict controls on borrowing.

2004 – The new PSOE central government announces that its intergovernmental program will not include amending the constitution, but will advocate statutory reform of the Senate to make it an AC body, revision of statutes of autonomy, opening dialogue concerning creation of a Conference of Autonomous Presidents as a means of executive federalism, revision of the financing model and integrating the 17 ACs into European Constitution language.

Source: Compiled by the author