



COVER STORY

Basque proposal of “free association” challenges Spanish federalism

It may be scenic and prosperous but the Basque Country is still restive.

BY VIOLETA RUIZ ALMENDRAL

Three years after Franco’s death, Spain adopted the Constitution of 1978. For the past 26 years, it has been widely supported by Spanish citizens, including the Basques. Now, just when the Spanish model of “asymmetric” federalism was gaining respect worldwide as a successful model, another challenge has emerged. That challenge is the Ibarretxe Plan, a document that throws the future of Spanish federalism into question.

The Plan, named after the Basque Country’s Premier or *Lehendakari*, Mr. Juan José Ibarretxe Markuartu, is a proposal by the Basque Country to enlarge its political authority by becoming a “freely associated state” to Spain. Formally, the Plan has been presented as a reform of the Basque Country’s “Statute of Autonomy” (*Estatuto de Autonomía*). In practice, its actual implementation would entail a major constitutional reform.

According to the Spanish model of government, every territory has the right to assume a significant range of powers, based on a constitutionally prescribed negotiating process. In this way, the idea of asymmetric federalism is clearly embedded in the Spanish Constitution of 1978.

Why then, should the Ibarretxe Plan be causing such a great fuss and political turmoil?

Some – mainly conservatives – claim that it will bring about the “destruction of the unity of Spain”. But the problem with the Plan does not lie so much in its *content*, but rather in the *context* in which it arises, as well as in the *process* that the Basque Government has been pursuing in order to attain its objectives.

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The Basque Country is just one of 17 Autonomous Communities that make up Spain.

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In memory of Guernica

The claims for greater autonomy by the Basque Country are not new. For more than two centuries, this region has maintained a somewhat tense relationship with the Spanish government.

Like other regions in Spain – Catalonia, Andalusia and Galicia – the Basque Country expected its “situation” to be resolved and autonomy granted under the new democratic regime inaugurated in 1978. The makers of the Constitution met the challenge by providing the legal means for certain regions to obtain ever greater levels of autonomy. For the Basque Country, this meant the approval of its Statute of Autonomy in 1979, commonly known as the *Gernika Statute*, named after the famous Basque town of Guernica, bombed for Franco by the *Luftwaffe* and immortalized in Picasso’s famous painting.

Ever since, the Basque Nationalist Party (*Partido Nacionalista Vasco*) has ruled in the region and it has never really ceased to claim a greater level of political authority or the Basque Country, albeit within the context of the original “constitutional consensus”.

Only 17 months elapsed from initial constitutional discussions in August 1977 to the Constitution's approval in a referendum by 88 per cent of those who voted in December 1978. Now this consensus is in question – or has been irremediably shattered, as some claim – and the Basque Nationalists and an allied party have decided to go solo in proclaiming greater autonomy. Whether this is the result of the previous eight years of former Spanish Prime Minister José María Aznar's centralizing politics, or rather a way for the Basque Nationalists to capitalize on Basque nationalist support and be kept in the government of the Basque Country, is not certain.

The dark side

What few in Spain want to talk about is that there is another side – a dark side – to the context of the Ibarretxe Plan that has been poisoning the whole process. That side is terrorism. The ETA, a Basque terrorist group created in the sixties to fight Franco's dictatorship, greatly increased its activities precisely when democracy had become a reality. Since then it has killed more than 900 people, injured more than 5,000 and kept many different parts of society under a death threat.

At present, every politician in the Basque Country – Basque or Spanish – who is not a nationalist, cannot leave home without a bodyguard. The same is true for many others – Basques and Spanish – who are members of the media, the judiciary, university professors and a long list of Basques that either do not support independence or have different views that do not exactly coincide with the ETA's. Yet the political supporters and voters of the ETA represent only 10 per cent of the Basque electorate.

The threat also affects a number of people, not politically defined, who refuse to pay the so-called "revolutionary tax" levied by the terrorist groups through a very consolidated and efficient network of threatening letters and sharing of information. All official data confirms this situation, as well as the existence of a sort of Basque Diaspora. More than 300,000 Basques have left the country in the last few years, a high figure when we consider the region's current population of just over 2.1 million citizens.

In contrast, the Basque Country is not only a beautiful and otherwise tranquil region, but also one of the richest in Spain, with one of the lowest unemployment rates in the country, about 7 per cent. It has a *per capita* GDP income of 24,934 €, only slightly lower than Madrid's 27,153 €, and higher than both the Spanish average of 20,020 € and the EU's 21,172 €. The region also has an annual growth rate of 2.9 per cent. In other words, it is not the economic situation that is driving Basques apart or forcing them to leave, but a very strong social division.



In the Basque Country, the sense of national identity remains strong.

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The Basque Nationalist Party has clearly acknowledged and expressed its concern for this situation. The Basque Nationalists claim the Ibarretxe Plan will put an end to terrorism and its consequences.

But, and as good as the intentions of the Basque Nationalists may be, all evidence points to the opposite.

The ETA is still alive and kicking. On February 9, a bomb blast in Madrid's main convention centre injured 40 people. Its apparent inaction in the last few months may have a lot more to do with a desire not to provoke the anger of Spaniards who were outraged by last year's major terrorist attacks in Madrid than with an actual change in ETA tactics. Such was the view held by most experts at the recent *Club de Madrid* summit on terrorism, held one year after the massacre.

The content of the Plan

The Ibarretxe Plan intends to enhance the political authority of the region almost to the point of granting it the status of a country within a country.

The text of the Plan calls for the recognition of the Basque nationality, with a special stress on boosting the use of the Basque language, currently known and spoken by less than 20 per cent of Basque citizens. Along the same line, the proposal opens the possibility of secession, by means of a referendum. As well, it would create a Basque Country Supreme Court and give the Basque government exclusive authority on a number of matters that it currently shares with the Spanish government. These include education, immigration and the general electoral system. The Plan also calls for the right to have direct diplomatic relations with and representation at the European Union, a claim that would probably require amending the European Constitution.

The controversy over these reforms and one of the reasons why they have been rejected in the Spanish Parliament is that they require a deep constitutional reform, which would entail a referendum in the whole country, not just the Basque region.

But the Plan is also being criticized for what it does *not* intend to reform; namely, the Basque Country's taxation system which has not been practically modified since its



Political roots stretch back across centuries: the Basque village of Getaria on the Atlantic coast.

enactment in 1981. Many experts claim that the system leads to an over-financing of the region.

Rejection then Basque election

The Plan was approved in the Basque Parliament by an absolute majority on December 30, 2004. The “small print” of that majority, though, is that the Basque Nationalist Party was able to pass the Plan only with the votes of *Herri Batasuna*, a political party that had been declared illegal on the grounds that it was the political wing of terrorism. *Herri Batasuna* members voted on the Plan because the Basque Parliament had refused to expel them after the ban.

After that, the Plan was thoroughly discussed in the Spanish Parliament and overwhelmingly rejected by a vote of 313 to 29 on February 1 on the grounds that it was clearly a constitutional reform.

Following that rejection there was a heated and ugly campaign leading up to Basque Country elections on April 17, 2005. Because the *Herri Batasuna* could not participate in the elections, another political group, *Aukera Guztiak* (whose name means “all the options”) was created with virtually the same actors. This group was, in turn, banned by the Constitutional Court, which offered to lift the ban only if the party rejected terrorism. The group refused to do that. The Basque Nationalists won the elections nonetheless, but

the party failed to win an absolute a majority. It forged a working majority, however, with the support of the nationalist *Partido Comunista de las Tierras Vascas* (Basque Country Communist Party). The result is that the Ibarretxe Plan is still on.

The escalation in rhetoric has been growing constantly, with Mr. Ibarretxe accusing Spanish Prime Minister Zapatero of being “just as” authoritarian as former Prime Minister Aznar, who had been in office from 1996 to 2004.

Meanwhile, the conservatives claim that a too young and tender Zapatero does not have what it takes to conduct the debate and put an end to the Plan. The fact is that in clear contrast with the highly centralized and not exactly “dialogue-friendly” position of the previous government, the Socialists have shown a different predisposition. They have allowed the discussion of the Ibarretxe Plan in the Spanish Parliament, where the Basque *Lehendakari* was given the opportunity to fully explain and discuss the Plan.

What now?

With a Basque Nationalists coalition ruling the Basque parliament, Spain’s young democracy is faced with what probably constitutes its biggest challenge since it began in 1978: how to resolve the regional question. Mr. Ibarretxe has already announced his Government’s intention to go on with the Plan because he says only the Basques should have the right to decide their future. The Basque Nationalists categorically reject the idea of a referendum by the rest of the country.

Spanish newspapers are full of opinion columns these days. The fact is, however, that nobody really seems to have a clue what would happen if the Basque Nationalists proceed with the Plan. The Spanish Constitution has a provision empowering the Spanish government to “suspend” the political autonomy of a Community when it challenges the “general interests.” Legally, it has that option. Politically, it would toll the death knell for the consensus on Spanish decentralization.

A possible solution could be a sort of “return challenge” from the Spanish government. Instead of ruling out the approval of the Plan on the grounds that it is unconstitutional, the Spanish government could pass special legislation to establish its own terms. That would be something similar to the Canadian Clarity Act of 2000, which sought to establish the basis upon which the Canadian government would negotiate with a province following a secession referendum. The Canadian Act

requires a “clear question” and a “clear majority” without otherwise defining those. It leaves that up to the federal Parliament should the situation arise.

That approach might not be appropriate to the “Basque question” which has political roots that stretch back across the centuries and is nourished by long memories of repression. A political solution of some sort seems the best option. Sadly, the present context, with terrorism looming large, may not offer the tranquility needed to undertake a major constitutional reform. ☺

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