

Territorial Decentralization and a New Type of Multiparty System: A Comparative Analysis of its Consequences and Solutions

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1. Introduction

Territorial decentralization is a growing trend in many different European countries, such as Italy, the UK, Belgium and Spain.

This political process has started up in a different way from classic territorial decentralization (association vs. disassociation). The decentralization constitutes a way to solve the current tendencies of fragmentation of some regions (like Scotland, the Basque Country, Catalunya or the regions of the north of Italy), not a way to set up different territories with the common objective of creating a new reinforced State. To quote Loewenstein: a life-ring for the State which is in a broken process.

The idea is to keep the State together (holding together, not coming together) developing different policies giving important political powers to the regions who demand it¹.

Because the decentralization tendencies of the regions are different in these States they are creating an asymmetric territorial system (an asymmetric regional or federal State). This asymmetry depends on the different tendencies of the different territories, because usually not all the territories are involved in the same decentralization spirit.

As we know asymmetry is uncommon in federal States which is usually based on symmetry (principle of equality of the territories).

This asymmetry creates a lot of problems for a decentralized State². In any case we are going to focus our analysis on just one problem: the asymmetric decentralization provokes the emergence of regional and nationalist parties³.

2. The process of decentralization in Spain: from a centralized country to a federal model

¹ The constitutional expression for British decentralization is “devolution of powers” as it is generally known.

² In many cases the principle of equality supported by the Welfare State is incompatible with asymmetry. Asymmetric decentralized State provides different social policies and it tends to create unequal public services throughout the different regions.

³ We are going to use the word “nationalist party” referring to the regional parties with a strong broken tendencies.

In the Spanish Constitutional System we have developed a significant process of territorial decentralization since proclamation of our Constitution of 1978.

The Constitution didn't solve the territorial problem of our country because there wasn't a strong enough consensus on the matter. Due to this the Constitution proposed a new territorial organization for Spain but it was only a proposal, not a concrete obligation. Our problem was the broken tendencies of just two regions (the Basque Country and Catalunya). We had two alternatives, to create an asymmetric model which satisfied the demands of these two regions, or to create a symmetric model where all the regions, independent of their tendencies, could be incorporated.

The final decision was to develop an asymmetric model which creates further decentralization for these two territories. Nevertheless now we have a symmetrical model where all the regions have been incorporated to the same model. In any case the tendencies of creating an asymmetric model continue there.

3. Territorial decentralization and emergence of regional parties

All these facts of our decentralization have created a number of regional and nationalist parties in the regions with broken tendencies. As we have developed political institutions in the regions they have created regional parties to compete in the regional elections and these parties have increased their domain to the national elections.

Nowadays we have a double political party representation: a strong two party system of national parties (Conservative and Socialdemocratic parties) and at the same time a multiparty system of nationalist parties⁴.

The problem is that the two big parties never obtain a big enough majority to govern by themselves and as such they always need the support of one or more nationalist parties⁵.

For example, in the matter of Annual Budget Act the political party in the executive branch usually needs the support of one or two nationalist parties. This means an extraordinary economic benefit for the territories where those nationalist parties come from. On the other hand the Regions without a nationalist party in the Parliament have a weak position in many important matters.

4. Problems of a regional multiparty system

⁴ LINZ, J.J. y MONTERO, J.R., "The party systems of Spain: old cleavages and new challenges", *Working Paper*, Fundación March, núm. 138, año 1999, p. 43, www.march.es. PÉREZ SOLA, N., "La evolución del sistema de partidos en España", en RUIZ-RICO, G. y GAMBINO, S. (Coord.), *Formas de gobierno y sistemas electorales*, Tirant lo Blanch, Valencia, 1997, pp. 283 y 284.

⁵ AGUILERA DE PRAT, C.R. y MARTÍNEZ, R., *Sistemas de gobierno, partidos y territorio*, Tecnos, Madrid, 2000, p. 365.

There is a confusion in our Lower Chamber between national and territorial interests. Also there is a confusion between territorial interest and political ideology. In our parliamentary debates the confusion between ideology and interest is always present⁶.

Not all the multiparty system corresponds to the same characteristics. There is a double distinction:

- a) An ideological multiparty system which is a consequence of different ideologies in society.
- b) A territorial multiparty system which is a consequence of the decentralization and which support the different territorial interests.

We are not trying to suggest the idea that the nationalist parties don't have a real ideology. We are trying to explain that there is an important distinction between ideology and interest. In our nationalist parties we can appreciate this difference. We have nationalist parties which support right wing ideas and others support left wing ideas. They have such different ideologies but on the contrary they have the same territorial interests.

There are two different dimensions and because of this we have to adapt our electoral system taking into account this important distinction⁷. The words of Lijphart about the problems for the ideological diversity that the majoritarian rule or the electoral barrier create are not applicable when we are talking about interests rather than ideology⁸.

5. The solution?: An electoral barrier

In Germany they had similar problems when they developed their territorial organization after WWII. Because of that and to avoid the previous parliamentary problem that they had in the thirties, they included an electoral barrier in their electoral system. This barrier was created to avoid a regional multiparty system because they realized that their decentralization process was going to provoke the emergence of many regional parties. This measure was completed with another political decision which consisted of the creation of a Federal Chamber (Upper Chamber) where the regional parties could decide about territorial interests. The Lower Chamber was going to work for the national interest.

⁶ FERNÁNDEZ ALBERTOS, J., "Votar en dos dimensiones: el peso del nacionalismo y la ideología en el comportamiento electoral vasco, 1993-2001", *Revista Española de Ciencia Política*, núm. 6, abril 2002, pp. 153 a 181.

⁷ The UK political system has had a similar problem with the "devolution of powers" to Scotland. The problem is politically known by the expression of "The West Lothian Question". This expression refers to what happened in the British Parliament when the final decision about two important laws was based on the votes of the Scottish National Party. The interesting question was that these two laws were related to two different matters which had been devolved to the Scottish Parliament (reserved matters of Scotland). The question was as to how the Scottish could decide about English matters when the English people can't decide these matters for Scotland. There is a report on this issue/question in the House of Commons, www.parliament.uk. Belgium had a similar problem with their territorial multiparty system two years ago when they tried to set up an executive branch. It took more than six months to set up the executive branch because the different regional parties didn't want to reach an agreement.

⁸ LIJPHART, A., *Patterns of democracy*, Yale University Press, 1999, p. 44.

The main characteristic of this electoral barrier is that it provokes a coalition between regional parties trying to surpass the barrier (percentage of 5 per cent). The regional political parties have realized that they can't compete in the national elections by themselves. They need the votes of two or more Länders to surpass the percentage. In the end this percentage "dries up" local interest in favour of national interest. The discussion will be between a national political party with a regional coalition who supports the interests of different territories.

In addition you will also need an Upper Chamber where territorial debate could be represented. Therefore the constitutional reform has to be developed in two ways: through an electoral barrier and through creation of an Upper Chamber to protect territorial interest⁹.

We prefer this solution instead of the inclusion of a majority electoral system¹⁰. As we can appreciate the regional parties of the UK (i.e. Scottish Nationalist Party) don't have problems in accessing the Lower Chamber because they only compete in a small territory. The opportunities to obtain enough votes to get into Parliament in a small constituency are more achievable.

6. Conclusion

In summary, the territorial decentralization of many European countries demands not only a reformation of the different political institutions. It also demands the reformation of the electoral system with the aim to avoid a multiparty system based on the interest and not on the ideology emerging.

This new kind of decentralization creates new constitutional problems related to the appearance of different new political parties based simply on the defence of the interest of their own territories.

All of this transforms the parliamentary discussion of ideologies into a discussion based on the interest of one or two territories. These territories are represented by the political parties which are needed for the political party in the executive branch to develop its policy.

The electoral barrier could be a good solution for these situations where the territorial decentralization has created a regional multiparty system which coexists with a common two-party system. Above all when there is an Upper Chamber in the political system it supports the debates about territorial interest such as Germany has with the *Bundesrat*.

⁹ The Spanish Constitutional Court has accepted the electoral barrier into our constitutional system. For the Constitutional Court it improves the principle of governance which has a main position in democracy (Rulings 16/1984, 75/1985, 72/1989 and 193/1989, www.tribunalconstitucional.es).

¹⁰ Nationalist parties refuse this political modification but they have accepted and approved different electoral barriers in their own territories to avoid multiparty system. There is a real contradiction between their position in the regional Assemblies and their position in the National Parliament.

The electoral barrier could consist in a double barrier. In this double barrier the percentage would be different taking into account the number of Regions where nationalist or regional party will compete. The more regions they competing the lower the barrier. The idea is to stimulate the coalitions between nationalist and regional parties of different regions to transform the mere territorial interest into ideology or, at least, national o multiterritorial interest.