

SPEECH OF THE PRESIDENT OF THE SENATE OF SPAIN AT THE 11TH MEETING OF THE ASSOCIATION OF EUROPEAN SENATES (2009)

Honourable Presidents, valued colleagues. I wish to express to you my satisfaction in participating in this meeting and in being able to discuss with all of you the problems and aspirations of the Houses over which we preside.

My aim is to inform you about the situation and future outlook of the Spanish Senate, particularly in its condition as the Territorial Chamber of a State which is highly decentralised into its regional authorities.

Our current Constitution identifies the Senate in its two-fold role as Upper Parliamentary House and as Territorial Chamber.

As the Upper House, the Spanish Senate carries out the functions that correspond to this type of institution. In this respect, it should be underlined that some 50% of the Bills, forwarded to it from the Chamber of Deputies for their final approval, undergo certain modifications in the House over which I preside, both in their technical improvement and in their substantive aspects. The balance in this area is a very positive one.

It also participates in the parliamentary ratification of the legal instruments of international relations such as treaties and agreements.

At the same time, at all its plenary sessions, the Senate is actively involved in controlling the Government's activities, including those of the Ministers and the Prime Minister, a task that it has been performing successfully since the last term of office.

I would like to mention a fact which is little known, at least outside my country, about the Spanish Senate. This concerns the analysis and proposal, through special Committees, of issues of high social impact, as a step prior to public policies in certain fields.

These Committees summon institutions and experts in the problems to be considered and, by working together, certain conclusions are reached, which quite often have given rise to the drawing up of legal instruments or administrative measures for tackling those problems.

As I already said, Spain is a particularly decentralised country in political and administrative terms. Our regional authorities, the self-governing Autonomous Communities, have broad legislative, regulatory and management powers in many areas including a large part of the public services demanded by a modern society in a complex system of clearly federal characteristics.

For that reason, our Constitution also defines the Senate as a Territorial Chamber. Since the very beginning of our country's autonomous process, efforts have been made to adapt our operations in our endeavour to meet that constitutional condition.

The Senate itself has taken a series of initiatives to reinforce its territorial function. In due course, the General Commission of the Autonomous Communities was set up. Formed by twice as many Senators as the usual Commissions, its main new element is that it can be attended – and often is attended regularly – by representatives of the Autonomous Governments and, of course, by those of the Central Government, who are also able to participate in the debates.

Discussed by that Commission are those matters of a high self-government content, for which the responsibilities are shared by the two levels of Government. As examples of this I would mention the hydrology policy (which, as you know, is riddled with problems in my country), public health and education. Collaborative agreements between the various Autonomous Communities are also authorised there.

It is within that Commission that the formalities are carried out regarding reforms to the Autonomous Statutes, as a fundamental part of the Spanish territorial self-government system.

During the last term of office, an agreement was reached on the use in the Senate itself of the languages that, together with Spanish, are co-official in certain Autonomous Communities and are deeply rooted in their citizens. This is the fruit of great regional diversity, of history, which has gradually formed a single unit from within that diversity.

Along these same lines, it is foreseen that each year a debate will take place in the Senate regarding the State of Autonomous Communities, which will be attended by the prime ministers of the Governments of the Nation and of the Autonomous Communities.

Similarly, the Senate hosts the regular meetings of the co-ordinating body of the different executive authorities known as the Conference of Presidents.

The actions described summarise the basic activity of the Spanish Senate. However, as you are probably well aware, a debate arose in our country some time ago regarding the partial reform of the Constitution and I would like to pass on to you, briefly, a few comments on that.

Important among the issues to be approached in said reform was that of the Senate itself, with the object of reinforcing its condition as Territorial Chamber. Despite everything that has been carried out in practice, the conclusion was reached that the functions attributed to the Senate in the Constitution are clearly insufficient to cope with the needs evident today in our State of Autonomous Communities.

Specifically, the envisaged reform of the Senate aims to cover a clear insufficiency of the system: the participation of the Autonomous Communities in state policies when these should be approved by the parliamentary legislative powers.

And, specifically, those many others which form part of the chapter of shared competencies, in other words those which, although decided upon in their basic terms by the State, have to be developed and applied by the Autonomous Communities.

The Senate should play a relevant and decisive role in these issues, because these policies will be more efficient when greater the participation of the regional bodies in drawing up and approving them.

Moreover, the Senate should be the place for meeting, debating and proposing to the State the initiatives, action programmes and policies that the Autonomous Communities themselves deem necessary and convenient, those which affect the whole and those where the intervention of the State itself is considered appropriate.

The reform should affect the functions, composition, election of the Senators and the internal organisation of the Senate.

With that in mind, the known Territorial Chamber models have been studied and from many of them experiences useful for our needs have been gleaned. But we are trying to develop a model that responds exactly to the type of problems and needs of our Autonomous system – a model which, in addition, should be the object of broad political consensus, as required in the modification of the Constitution.

In any case, the current Senate is likely to undergo a deep transformation, at least in terms of responsibility and in the functions it currently has as Territorial Chamber, without forgetting its role as the Upper House of Parliament.

In this sense, it will become the basic institution in the parliamentary field for the articulation and territorial cohesion of the reality of Spain's Autonomous Community system and for the participation of the regional institutions in State policies.

At the same time its functions, with regard to its role in State Parliaments and in the policies of the European Union, will be strengthened. It is for that reason that we await with great interest the implementation of certain control mechanisms of the European Parliament and early warning in applying the Principle of Subsidiarity.

While we wait for more favourable political conditions than the present ones for approaching this reform, we are attempting to improve the current instruments to make the territorial function of our Senate more competent.

During coming meetings, I shall be pleased to keep you up to date regarding progress in the reform of the House over which I preside in my country.

Thank you.