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***Evolution constitutionnelle en Espagne et au Royaume-Uni – vers une forme de fédéralisme asymétrique***

***Abstract in English***

The present study is based on the hypothesis that Spain and the United Kingdom constitute examples of a form of asymmetrical federalism. While both conforming to the definition of federalism in the broad sense of the word, establishing power sharing between the centre and the regions, these two countries availed themselves of a novel and asymmetrical approach, resulting in legal solutions that are original and highly pragmatic, and to innovations which have little to do with the traditional theory of federalism.

Part one, which briefly summarises the classic doctrine of federalism, is followed by part two, which focuses on decentralisation in Spain. It begins by setting out the defining historical traits which led to the current system, including the role of the *fueros* as well as the system of the Second Republic. The study then turns to a description and an analysis of the regime of the 1978 Constitution, as well as its implementation up until today.

Part three focuses on devolution in the United Kingdom. It first sets out historical developments explaining the current system, including the role played by the principle of parliamentary sovereignty as well as the devolution in Northern Ireland from 1921 to 1972. The study then moves on to describe and analyse the devolutionary regime currently in place, as established in 1997.

Part four, which synthesizes the results obtained so far, reveals that both Spain and the United Kingdom have had recourse, in their own specific and selective ways, to federalist principles (superposition, autonomy, participation and a constitutional nature) in order to respond to a specific sociopolitical situation, thereby establishing a well-defined model, and a form of asymmetric federalism.

The main features of this model are first and foremost complex and heterodox sources of law strongly defined by a pragmatic approach. In addition, the model contains constitutional guarantees, even if these remain atypical compared to a more classical understanding of federalism. These two elements are particularly found in the Statutes of Autonomy in Spain, and the constitutional conventions of the British legal system. This model further distinguishes itself by a degree of asymmetry in the application of the principle of autonomy and the principle of superposition. Finally, the modest participation of the regions in the central institutions completes the model and enables it to accommodate regional autonomy as well as maintaining a certain degree of centralisation.

On the basis of these particularities, the present study highlights the advantages, risks and challenges of this model which determine the different possible developments.

From the outset, this model is ambivalent since it can be subject to different perceptions from both the centre and the periphery, allowing one to thus avoid, to a limited extent, the thorny problem of the nation-state. In fact, some recognise themselves in regional institutions inspired by federalism and reflecting a plurinational State, while others retain, above all else, the unitarian nature of the State given its central institutions.

In departing from classical theoretical frameworks in order to pursue a more pragmatic approach, this model further allows a large degree of flexibility and an evolutionary dynamism in the sharing of State power, even if this may give the impression of being a purely temporary solution, constantly subject to renegotiation and being put into question.

In addition, the asymmetric nature of the model may also give rise to tensions. A privileged degree of autonomy, granted on the basis of a strong identity, often awakens egalitarian ambitions among other, less favoured regional entities.

Finally, the model involves a bilateral approach between the centre and each of the regions at the expense of a more integrative multilateralism, which would allow a more comprehensive approach to problems.

In conclusion, Spain and the United Kingdom, with their innovative legal solutions, have established a well-defined model and can be regarded as paradigms of a form of asymmetric federalism.

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