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‘Spearheaded Asymmetry’ in “Multinational” European Federalising Processes: the Asymmetric Challenges in ‘Regional States’

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Abstract

In comparative federalism studies, the category of asymmetry is being explored more and more. However, the traditional category of asymmetry, developed for federal states, does not seem to frame all the facets of the asymmetrical demands of national minorities in those federalising processes called ‘regional states’. This article introduces the concept of ‘spearheaded asymmetry’ to explain the asymmetric claims of autonomist and ethno-regionalist parties in some European regional states, notably in Italy and Spain. The asymmetrical demands of political movements representing national minorities are enriched by the aspiration to acquire the highest self-government possible within regional states (as a transitional asymmetry) and, simultaneously, to see their differential status recognised (as a permanent asymmetry). Spearheaded asymmetry holds these two aspects together. Four sub-national units are studied in analysing this concept: South Tyrol and the Aosta Valley for Italy, Catalonia and the Basque Country for Spain.

Keywords

Asymmetry, asymmetric federalism, spearheaded asymmetry, regional state, minorities, ethno-regionalist parties.



1. Introduction: asymmetry in so-called ‘regional states’

In comparative federalism studies, *de jure* asymmetry has been described as a constitutional tool to accommodate demands for differentiation by sub-national units inhabited by national minorities (Gagnon 2010; Burgess, Pinder 2007) or to solve conflicts and mitigate secessionist claims by those subnational units (Keil, Alber 2021). These challenges and the use of asymmetry have characterised both multinational federal and regional states (Gagnon, Burgess 2018; Popelier, Sahadžić 2019). However, the concept of asymmetry seems to require further analysis and a different perspective to fully grasp all its shapes and dynamics in that type of ‘federalising process’ (Friedrich 1968) called ‘regional state’. The regional state category was developed in the European scenario above all by non-English literature.¹ The ‘crude’ (Loughlin 2008: 473) distinction between federal and unitary states does not frame the nature of those federalising processes labelled ‘regional states’. Regardless of the “comparability” of ‘federal states’ with ‘regional states’ (Palermo, Kössler 2017), the comparison *among* regional states can be useful to identify some “original” and “specific” challenges those kinds of federalising processes have to deal with. One of these challenges is the kind of asymmetry often demanded by regions inhabited by national minorities.

In European regional and devolutionary systems (Requejo, Nagel 2016; Palermo, Zwilling, Kössler 2009), asymmetry seems to be a relevant element of those federalising processes with regions inhabited by minorities or where differential needs arise (Palermo 2009: 13; Loughlin 2007: 395 and ff.). In regional states asymmetry appears to be a more “disruptive” mechanism than in federal states because it sometimes aims to establish a federal dynamic within a regional system (see, *infra*) and can generate jealousy/self-government “symmetric” claims by “ordinary” regions to obtain the same level of self-government as regions inhabited by national minorities (Nagel, Requejo 2016: 260 and ff., 267 and ff.; Hombrado 2011). Both the attempt to build a federal compact with the central state by national minorities’ regions and the symmetric claims by “ordinary regions” are central challenges of those federalising processes that cannot yet – in a ‘dynamic’ perspective (Popelier 2021) – be ascribable in the category of federal systems, even in the difficulties of defying what is a federal state and what are its main features (Gamper 2005).



In this context, the ordinary legal category of asymmetry does not seem suited to frame in all their facets the demands of certain regions inhabited by national minorities and governed by ethno-regionalist or autonomist parties (De Winter, Tursan 2003; Dandoy 2010). The subcategories of asymmetry ('transitional asymmetry', 'permanent asymmetry', asymmetry as 'maximum self-government', asymmetry as 'differentiation') seem singularly incapable of capturing these kinds of demands in regional states. This article's goal is to produce and propose a concept for analysing the asymmetrical dynamics in regional states: 'spearheaded asymmetry'. This concept aims to hold together the quantitative/qualitative datum of asymmetry (demands of maximum self-government and differentiation/special status: Swenden 2006: pp. 263 and ff.), and the temporary datum of asymmetry (transitional or permanent asymmetry: Watts 2005). In this sense, the concept of spearheaded asymmetry is not meant to replace or alter existing categories but to introduce a concept to explain the original and specific asymmetrical demands of autonomist and ethno-regionalist parties in regional states. The ethno-regionalist parties, in fact, transcend the left-right continuum by placing themselves in a centre-periphery continuum.ⁱⁱ In analysing these demands, the focus is on the three aspects of asymmetry: division of powers/competencies; institutional datum, e.g. institutional representation of regions in federal bodies; financing mechanisms of sub-national units (Palermo 2009: 12). Spearheaded asymmetry appears to be a helpful concept for illustrating and understanding the demands of certain regions inhabited by national minorities and governed by ethno-regionalist /autonomist parties.

It is a concept that could probably be extended outside of Europe. However, it is explored in this article in relation to some prototypical European cases of "regionalism", such as in Italy and Spain.ⁱⁱⁱ The case studies selected for this analysis are four sub-national units inhabited by national minorities and traditionally ruled by ethno-regionalist/autonomist parties:^{iv} South Tyrol, the Aosta Valley, the Basque Country, and Catalonia.^v These regions are inhabited by *minoranze linguistiche* (linguistic minorities) in Italy and *nacionalidades* (nationalities) in Spain. In this article, the term 'national minority' will also be used to refer to them.

From a methodological point of view (Hirschl 2014), comparing these two federalising processes is advantageous because of the devolutionary historical similarities they share ('most similar cases') and their regional state status ('prototypical cases'). First, Italy and Spain are legal systems that have passed through dictatorial experiences attempting to match



minorities to the national paradigm and that, after the restoration of democracy, guaranteed asymmetric arrangements for these minorities in contrast to the past dictatorships. Second, the Italian constitution of 1948 and the Spanish constitution of 1978 can be described as prototypical cases of a regional state, i.e. of a *sui generis* form of state that cannot be fully included either in the concept of a federal state or in that of a unitary state. Methodologically speaking, I employ a historical approach and an interdisciplinary perspective to carry out this analysis. As far as the historical and diachronic approach is concerned, it is employed here to reveal how the demands for a spearheaded asymmetry can be consistently detected in the claims of ethno-regionalist and autonomist parties representing regions inhabited by national minorities. From the interdisciplinary perspective, I use political science and historical studies and engage with the political data and positions of ethno-regionalist and autonomist parties.

The paper is structured thus: Section Two explores the concept of spearheaded asymmetry; Section Three briefly traces Italy's and Spain's territorial evolutions from the symmetry-asymmetry dichotomy perspective; Section Four analyses the asymmetrical demands of ethno-regionalist and autonomist parties in Italy and Spain through two subsections. The Final Remarks discuss the value of the concept of spearheaded asymmetry in framing the asymmetric demands of national minorities in regional states and in gaining a clearer insight into the challenges those federalising processes have faced and may face.

2. The concept of spearheaded asymmetry: a concept to explain the asymmetrical dynamics in those federalising processes defined as regional states

The concept of asymmetry developed by Tarlton (Tarlton 1965) is one of the pillars of comparative federalism research and theory today. It has shaped a branch of comparative federalism known as asymmetric federalism (Agranoff 1999; Sahadžić 2020). The study of comparative asymmetric federalism increasingly looks at those legal systems not traditionally defined as federal states, including regional states. In the context of so-called regional states, it is worthwhile to examine what kind of asymmetry is demanded by subnational units (or better, by their political parties) inhabited by national minorities. This section introduces the concept of spearheaded asymmetry. It is a concept that can explain the demands of the



autonomist and ethno-regionalist parties in power in sub-national units inhabited by national minorities within regional states.

The concept of spearheaded asymmetry describes those territorial demands marked by two elements: the demand for maximum self-government (as self-government superior to that of other regions) and the demand for differentiation (as recognition of the identity peculiarities of regions inhabited by minorities). The concept of spearheaded asymmetry also relates these two elements to their character of transitional asymmetry or permanent asymmetry. The demand for the highest/maximum possible self-government within a regional state, which sometimes rises to the claim of a kind of federal compact between the region and the state, can be qualified as transitional asymmetry. The second element, i.e. the demand to guarantee the differentiation aspects of the region inhabited by minorities, can be qualified as a trait of permanent asymmetry. Those two elements of asymmetry coexist in the concept of spearheaded asymmetry: the demand for the highest self-government is the “edge” of spearheaded asymmetry, whereas the demand for differentiation is its “base”.

However, while the second element—differentiation—also seems to persist in the demands of ethno-regionalist parties in the case of the evolution of the regional state into a federal legal system, the first—the demand for the maximum possible self-government—seems to be a demand intrinsically linked to the territorial model of those regional states that have not yet achieved that division of powers, institutional character and degree of financing of sub-national units typical of a federal state. The demand for spearheaded asymmetry, therefore, seems to serve a purpose as long as the federalising process is in a “regional” phase.^{vi}

The concept of spearheaded asymmetry is indeed made up of a transitional element, the demand for maximum self-government, and of a permanent character, the demand for differentiation. Sometimes, this demand for maximum self-government goes beyond the specific constitutional limits of regional autonomy, especially when all the regions have achieved the highest self-government possible according to the constitution, and it can function as a drive for reforming the territorial system. This drive is a crucial factor to consider in the context of territorial models that constitutionally limit regional authorities’ powers, institutional aspects and financing. But why define this demand for the maximum self-government as asymmetrical? Because it arises with respect to the powers of other regions, and it can be depicted as a call for more self-government than “ordinary” regions.



If it is true that this call for maximum/highest self-government sometimes exceeds the constitutional limits of the regional states and seeks to build a federal dynamic between the region inhabited by the minority and the central state, it has to be stressed that this demand for the highest self-government is a transitional asymmetry element.

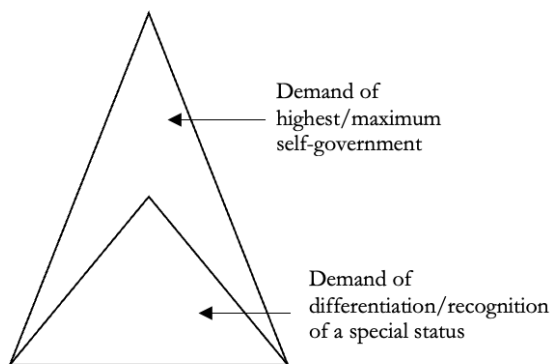
Consequently, the transitional element of spearheaded asymmetry could be exhausted, and spearheaded asymmetry could lose its edge (i.e., the demand for maximum/highest self-government). Beyond metaphor, the concept of spearheaded asymmetry appears applicable before the establishment of a fully-developed federal state, i.e. when the structure of the division of competencies, of institutions and of financing will correspond to that of a federal state. Identifying when this federal-state structure is achieved could be problematic, both because of the difficulties mentioned above in understanding the characteristics of a federal state and because of the different federal-state models to which various ethno-regionalist parties aspire. The federal-state reference models vary according to individual party experiences. Regardless of the different federal-state models and the definition of what a federal state is, the establishment of a federal state would eliminate the asymmetrical demand for maximum self-government. With the development of a federal state, it would be possible to return to the idea of asymmetry as has traditionally been developed in comparative federalism studies.

Once the federal phase of the territorial system had been reached, only the second element of spearheaded asymmetry would remain. The demand for differentiation is a shared request of sub-national units inhabited by national minorities. Even in the case of the transformation of the regional state into a federal state in accordance with the wishes of the autonomist and ethno-regionalist parties, the demand to maintain an asymmetry between the regions inhabited by national minorities and the other regions could remain. This asymmetry appears to be linked to the unique needs of these regions, such as the protection of the language, customs, culture, and traditional legal institutions of those national minorities. This request for permanent asymmetry (the base of spearheaded asymmetry) can vary from institutional asymmetry, e.g. veto/consultation powers on some matters, to the protection of the regional language at the federal level or special representation in some federal bodies. This permanent asymmetry adds two adjectives to the type of federal state sought by regions governed by ethno-regionalist parties: the federalism wanted by the parties of national minorities seems to be 'asymmetrical' and 'multinational'. Of course, the types of

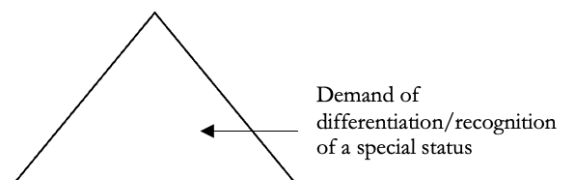


these permanent asymmetries vary in the different experiences according to the federal-state models to which the different ethno-regionalist parties aspire.

‘Spearheaded asymmetry’ in a regional state.



What remains of ‘spearheaded asymmetry’ in a federal state.



Thus, until a fully developed form of federalism is constructed, the spearheaded asymmetry concept proves helpful in explaining and identifying the asymmetrical demands by autonomist and ethno-regionalist parties in so-called regional states. It is a concept that holds together two elements: the transitional asymmetry of the demand for maximum/highest self-government and the permanent asymmetry inherent in the demand for differentiation based on the linguistic/ethnic diversity of the community inhabiting that region. This concept may help to describe particular dynamics in those regional states with sub-national units inhabited by national minorities and governed by autonomist or ethno-regionalist parties. In particular, given the dynamic nature of regional states, it is possible to observe how this demand for spearheaded asymmetry becomes more explicit and more evident in the event of the homogenisation of regions inhabited by minorities with “ordinary” regions. For this reason, the Italian and Spanish federalising processes are analysed from a historical perspective, starting from a brief overview of the symmetrical-asymmetrical transformation of the two legal systems and then examining the asymmetrical demands of the autonomist and ethno-regionalist parties representing national minorities.



3. Territorial evolution in Italy and Spain from the symmetry-asymmetry perspective

An overview of the institutional history of the Italian and Spanish legal systems reveals, broadly speaking, some macro-phases of the asymmetry-symmetry balance.^{vii}

The Italian regional system^{viii} has been characterised by a crystallisation of asymmetry in Article 116 of the Italian Constitution (IC), distinguishing between ‘special’ and ‘ordinary’ regions. This form of asymmetry was paralleled by the protection of linguistic minorities in Art. 6 of the IC. In this way, a permanent asymmetry was originally formalised for five special regions, including the Aosta Valley and South Tyrol. The protection of linguistic minorities coincided for the Aosta Valley and the Province of Bolzano with a self-government of minorities (Pizzorusso 1975: 58).

For 22 years, the ‘special’ regions were the only ones functioning, as ordinary regions had not been instituted. Eventually, in 1970, regional elections were held for the ordinary regions, and in 1971, the statutes of the ordinary regions were enacted. In this regard, the difference in powers and self-government between ordinary and special regions remained significant until 2001. In 2001, an extensive constitutional reform widened regional powers while strengthening the asymmetry of the territorial system in two directions (Toniatti 2001: 81). The reform confirmed the asymmetry of special regions but also introduced a potential new form of asymmetry with Art. 116 para. 3 of the IC, which entitles the central state to grant regions additional competencies from the state’s competencies catalogue (Palermo 2021: 144). Regardless of this further element of asymmetry, until today never applied, it should be pointed out that the 2001 reform expanded the legislative powers and institutional prerogatives of the ordinary regions but, at the same time, ensured that special regions benefited from all the autonomy expansions of the reform (Art. 10 of Constitutional Law No. 3/2001) and did not affect the many areas in which special regions enjoyed higher self-government. In this way, the system guaranteed an expansion of the powers of the ordinary regions while maintaining the asymmetry of the special regions. Francesco Palermo (Palermo 2008) described Italy’s asymmetrical system with the paradox of Achilles and the tortoise, where the tortoise would represent the special regions, and Achilles represents the ordinary regions. No matter how much the ordinary regions may “chase” the special regions, i.e. try to acquire similar powers and autonomy, the special regions are always endowed with higher



self-government. In this context, the asymmetry of special regions, according to some of the scholarship, is only fully exploited by the provinces of Bolzano and Trento and the Aosta Valley region (Bin 2003: 214).

After the 2001 reform, there were two other attempts to reform the Constitution, one in 2006 and one in 2016, which were not adopted. While the 2006 reform was ambiguous in asymmetrical terms, the 2016 reform would have entailed a regression of the autonomy for ordinary regions and a slight advancement for the special regions, with the introduction of a kind of principle of agreement between special regions and the central state for the revision of statutes and a strengthened representation in the new parliament for special regions.

With respect to the asymmetry envisaged by the Spanish Constitution (SC), it can today be framed as a transitional asymmetry in terms of self-government.^{ix} At the same time, it can be defined as a permanent asymmetry in terms of constitutional *hechos diferenciales*, i.e. a series of constitutional provisions protecting nationalities' languages or particular features of some regions connected with singular characters, such as geographical, cultural, et cetera, characters. Dramatically simplifying the phases of evolution of the Spanish federalising process, it is possible to highlight how the Spanish system envisages an initial phase of marked asymmetry, thanks to the Second Transitional Provision of the SC, which was then tempered by the 'first autonomous pacts' of 1981 and definitively levelled out (*hechos diferenciales* apart) with the 'second autonomous pacts' of 1992.

In contrast to the Constitution of 1931, which seemed to inaugurate an asymmetric regime for specific regions with a national character (García de Enterría Martínez-Carande 1989), the 1978 Constitution opted for a more ambiguous arrangement (Cruz Villalón 1981), which could have evolved into an asymmetric state or one that would have been only partially asymmetric. Article 2 of the SC, which emphasised the difference between *nacionalidades* and regions, did not give rise to any political-constitutional approach to maintaining an asymmetrical system (Álvarez Conde 1997). Whereas the Italian case identified a precise number of special regions, the Spanish Constitution refused to recognise a closed number of regions entitled to special territorial treatment that could formalise and legitimise different self-government between regions and nationalities (*hechos diferenciales* apart). Article 150 of the SC permits the transfer of state competencies to the regions but was rarely used to create asymmetries for the *nacionalidades* (one of the rare examples was the creation of the regional police of Catalonia). On the contrary, the acquisition of territorial autonomy, as envisaged



for “common” regions on the basis of Articles 143 and 151 of the SC, began immediately after the Constituent moment. Javier Pradera depicted the Spanish territorial dynamics using Aesop’s Fable of the Hare and the Tortoise (Pradera 1993). Ordinary regions (like the tortoise in the fable) immediately began a slow but effective “chase” after the *nacionalidades* (the hares) in terms of acquiring the same powers. The so-called autonomous pacts of 1981 inaugurated the season of regionalisation in Spain, which still maintained extensive asymmetrical features in terms of competencies. The autonomous pacts of 1992 (Muñoz Machado 1992) brought a new wave of uniformity to the Spanish territorial system. The second ‘pacts’ opened the season of the development of regional statutes incorporating the highest powers, even for those regions that had hitherto lacked them. In 1992, despite some attempts by the *nacionalidades* to regain the lost asymmetry, a symmetrical legal system was thus established. The elements of asymmetry persisted only in the *hechos diferenciales*, in the historical rights of the First Additional Provision of the SC, in specific competencies attributed under Article 150.2 of the SC, and in the differences in the competencies transmitted to the various regions due to the different historical periods in which the *Cortes* approved the various regional statutes.

After this very brief overview of the historical evolution of Italian and Spanish territorial systems, it is now possible to focus on the asymmetrical demands of autonomist and ethno-regionalist parties in Italy and Spain.

4. ‘Spearheaded asymmetry’ as a concept to explain asymmetrical demands by national minorities in Italy and Spain

This section of the paper analyses the demands and positions of autonomist and ethno-regionalist parties in the context of two regional states, Italy and Spain, i.e. two federalising processes not yet ascribable to the category of the federal state. The following subsections explore the demands for reforming the territorial system by four regions inhabited by *minoranze linguistiche* and *nacionalidades*, highlighting how these requests can be framed within the notion of spearheaded asymmetry. The notion of spearheaded asymmetry, which brings together transitional and permanent asymmetry, takes on significance within regional state systems that have yet to reach a federal-like arrangement concerning the division of



competencies between the central state and sub-national entities, the constitutional autonomy of such subunits, and their financial autonomy. The analysis is conducted considering the peculiarities of the two systems. The first subsection analyses the demands of South Tyrol and the Aosta Valley ethno-regionalist and autonomist parties, focusing above all on the *Südtiroler Volkspartei* (Holzer, Schwegler 2003) and the *Union Valdôtaine* (Sandri 2011). It explores those requests from the Constituent Assembly to the proposals for constitutional reform promoted in the last 30 years by parties of those linguistic minorities, whose special regions do not have the power to enact their own statutes, unlike ordinary regions^x. The second subsection addresses the demands of the Basque Country and Catalanian ethno-regionalist and autonomist parties, mainly looking at the *Partido Nacionalista Vasco* (Acha Ugarte, Pérez-Nievas 2003) and the *Convergència i Unió* (Marcet, Argelaguet 2003). It investigates those requests from the Constituent moment to the proposals of statutes formulated by the regional assemblies at the turn of the new millennium, which allow the positions of parties of the nationalities to be examined directly^{xi}.

4.1 The spearheaded asymmetry demands of the autonomist and ethno-regionalist parties in Italy

In the Italian scenario, it should first be noted that the representatives of the German-speaking minority did not participate in the Constituent Assembly because of difficulties in composing the electoral lists after the war. In contrast, in the Constituent Assembly, an exponent of the autonomist and non-ethno-regionalist parties won the Aosta Valley's only seat. Against this backdrop, analysing the constituent moment is more complex than in the Spanish experience, where the parties of *nacionalidades* were represented. However, it can be observed that the pre-autonomy arrangements guaranteed to the regions inhabited by the *minoranze linguistiche* and the pacts between the National Liberation Committee and the linguistic minorities' representatives engaged the Constituent Assembly in a sort of 'pact' or 'commitment' between linguistic minorities and the Constituent Assembly (Delledonne, Monti 2019, 188). The request for spearheaded asymmetry, as a combination of the maximum self-government and the differentiation from ordinary regions, had already been made explicit by the political movements representing linguistic minorities with the Chivasso Declaration of 1943. The Chivasso Declaration stated that the bilingual Alpine valleys—the



Aosta Valley and South Tyrol, above all—should be distinguished from the other regions by establishing a Swiss-type cantonal system for their territories.^{xiii} This position was also expressed by the draft statute drawn up by the Aosta Valley Regional Council,^{xiii} where the influence of the *Union Valdôtaine* (UV) was quite relevant, and by the proposals of the *Südtiroler Volkspartei* (SVP), the leading ethno-regionalist actor in South Tyrol.^{xiv} The projects of the autonomist and ethno-regionalist parties can be described by employing the concept of spearheaded asymmetry. The projects provided for a federal-type distribution of competencies for the regions of *minoranze linguistiche*, far higher than the projects and proposals then ongoing for ordinary regions, but also for forms of permanent asymmetry, such as the representation in the Council of Ministers or in the Constitutional Court of members of those regions or such as the protection of their languages. Those projects would have created a federal pact between regions inhabited by national minorities and the central state, regardless of the regional nature of the rest of the territorial system.

Besides, it should be emphasised that even the representative of the Aosta Valley autonomists in the Constituent Assembly, Mr Bordon, pointed out that if forms of territorial autonomy were to be extended to all regions, the special regions should have had a special and higher self-government.^{xv} The territorial system provided by the Constitution sanctioned this distinction between ordinary and special regions,^{xvi} which responded to a spearheaded asymmetry: the regions inhabited by minorities were guaranteed an asymmetry that took the form of both the highest self-government, given the limited catalogue of powers of the ordinary regions compared to the special statutes, and the protection of their own identity peculiarities, as recognised by the individual special statutes negotiated with the minorities and by Article 6 of the Constitution. In this framework, an important fact to consider about South Tyrolean self-government is that the German-speaking minority did not have its own region, but its province enjoyed territorial autonomy with the Italian-speaking province of Trento, forming the region *Trentino-Alto Adige/Südtirol*. This was due to historical connections between the two provinces and to the fear that a separate region for South Tyrol could have been a stepping stone for secession attempts.^{xvii} Such a territorial arrangement caused conflicts and was resolved only with the second Statute of *Trentino-Alto Adige/Südtirol* in 1972.^{xviii}

As mentioned above, the general regional system was only implemented in the 1970s, when the ordinary regions were established; it is precisely at this time that new instances of



asymmetry can be detected. In the proximity of the creation of the ordinary regions,^{xxix} in order to solve the secessionist and terrorist problems of South Tyrol, a reform process of the South Tyrolean Statute was launched. During the work of the so-called Commission of Nineteen, the SVP's demands for spearheaded asymmetry can be identified. On the one hand, the SVP demanded the powers of the ordinary regions and other special regions that South Tyrol lacked and, on the other hand, claimed a differentiation status that should have been connected with the linguistic peculiarity of the Province of Bolzano.^{xxx} The second Statute of Autonomy was finally approved by parliament, following the negotiations with the SVP, and a series of progressive enlargement of self-government provided. It is no coincidence that, with the enactment of the Second Statute of Autonomy, Italian constitutional scholars spoke of the creation of a province with the powers of a special region (Pizzorusso 1995: 548) and pointed out that the new Statute was based on a convergence of self-government and minority language protection mechanisms (Toniatti 2001: 42). The new Statute extended the powers of the Province of Bozen/Bolzano in the *Trentino-Alto Adige/Südtirol* region,^{xxxi} providing it with that “independent” autonomy from the region that had always characterised the SVP's demands since the establishment of the Constitution, and instituted a bilateral mechanism with the state for implementing self-government. What is interesting to observe in this dynamic is that, although the Statute guaranteed the highest self-government compared to the ordinary regions and at the same time safeguarded the differentiation of the province, at the moment of its approval, the SVP pointed out that the Statute could not be said to be a point of arrival due to the regionalisation of the country. The SVP suggested that the advancement of the regionalisation process could lead to the need for new forms/demands of asymmetry.^{xxxii}

In the same period, this demand for spearheaded asymmetry was also very present in the Aosta Valley. On the basis of the *Union Valdôtaine's* idea of ‘integral federalism’, the ethno-regionalist party seemed to demand, in various debates at the Regional Council, the preservation of spearheaded asymmetry as a combination of the highest self-government, comparable to that of South Tyrol, and the preservation of differentiation for the Aosta Valley.^{xxxiii} The only significant modifications of the Aosta Valley Statute—which extended the spearheaded asymmetry of the Region—were the financing reform (1981), allowing the region to keep most of the taxes collected on the Aosta territory, and the institution of a



bilateral commission with the state (1993), where new forms of self-government could be discussed and implemented.

However, the demand for spearheaded asymmetry emerged in its most straightforward form following the 2001 constitutional reform and the subsequent attempts to reform the Constitution. In this sense, it is worthwhile to look at the constitutional reform projects proposed by the autonomist and ethno-regionalist parties and their political positions concerning the constitutional reform proposals.

Before the constitutional reform of 2001, the Regional Assembly of Trentino-South Tyrol already proposed, in 1991, the creation of an asymmetrical federal state,^{xxiv} i.e. a state in which all regions would have obtained the highest self-government, but permanent asymmetries would have been maintained for the special regions. In this historical moment, the SVP drew on so-called ‘Voll-autonomie’. The 1991 draft can also be placed alongside the 1996 SVP project^{xxv} presented to the national parliament. This project proposed the institution of a federal republic on Germanic models, which, however, did not affect the asymmetrical nature of the special regions. It eliminated the term ‘national’ from the Constitution and replaced it with federal (Art. 2 Draft), provided for a federal structure for the state with a Senate of the Regions, and envisaged a competencies division with only a few powers reserved for the federal state (Art. 47 and 49). However, despite this federal state-like competencies division and an institutional structure built on Germanic federal models, the asymmetry of the special regions would have been maintained (Art. 48). This approach was also asserted by a motion in the Provincial Council of Bolzano, which emphasised that given the linguistic minority inhabiting South Tyrol, the special region system should, in any case, have been protected even in the event of a federal transformation of the state.^{xxvi} These demands by the SVP can be framed within the concept of spearheaded asymmetry. Indeed, in the event of the transformation of the state into a federal system, the character of permanent asymmetry would need to be maintained, meaning the protection of the linguistic and distinctive features of the special regions. But on the contrary, the highest self-government would have been extended to all the regions. Thus, in the event of a federal state, on Germanic models in this case, spearheaded asymmetry would have lost its “edge” (the highest self-government).

A similar position, aimed at the demand for spearheaded asymmetry, can also be found in the pre-reform attitudes of the UV,^{xxvii} which emphasised that in a federal state, the



elements of permanent asymmetry of differentiation—that found legitimacy in the linguistic and identity datum of special regions—should have been maintained. The position of the UV consequently expressed that once all regions had achieved powers superior to those of the special statute regions, asymmetrical features for the special statute regions should have been preserved,^{xxviii} clearly framing them as permanent asymmetrical features. The reform project of the Republic presented by the UV to the national parliament in 1991 and then in 1997 called for a federal state with a Senate of the Regions and a minimal competencies catalogue of the federal state (Art. 19).^{xxix} In 1997, the Valle d’Aosta Regional Council clearly outlined the UV idea of federal state by supporting the possibility for each region to acquire the highest self-government explicitly, while stressing the importance of protecting the asymmetry of special regions.^{xxx} In the resolution of 21 May 1997, the elements of the desired federal state were presented. It envisaged a federal-type self-government for all regions and a recognition of the special regions through the maintenance of their statutes with the rank of constitutional laws, but enacted by a 2/3 majority of the regional councils, and not by the state, and only challengeable on the grounds of constitutional inconsistencies.^{xxxi} In the event of federal transformation of Italy, it is evident that UV was open to renouncing the “edge” of spearheaded asymmetry (the highest self-government) while (only) maintaining a permanent asymmetry.

This approach of the SVP and UV also resulted in the Trento Declaration of 1997, in which the representatives of special regions recalled the ‘compact’ and asymmetrical character at the basis of the creation of special regions.^{xxxii}

In this scenario, examining the final declarations of the ethno-regionalist parties concerning the 2001 reform is also interesting. The SVP pointed out that although the reform did not lead to the establishment of a federal state, as long as it extended the special region’s competencies without affecting those already acquired—thus without diminishing spearheaded asymmetry—the reform was to be welcomed.^{xxxiii} The UV emphasised this position even more clearly. Concerning the maximum self-government, the UV claimed that eliminating the special regions would have been acceptable if a federal system had been established. However, since the reform was still within the framework of the regional state, it was necessary to preserve the special regions.^{xxxiv} Because of the non-transformation of the regional state into a federal state, the SVP and the UV persevered with their demand for spearheaded asymmetry as a mix of the maintenance of the highest self-government within



the constitutional framework and of the protection of the differentiation status of special regions. It is therefore evident that spearheaded asymmetry is a concept that can be employed in the context of regional states to explain the asymmetrical demands of the autonomist and ethno-regionalist parties of the national minorities. In the hypothesis of reaching a stage of full federalism, these parties seem willing to renounce the transitional part of spearheaded asymmetry, the highest self-government, while conserving only the asymmetrical element linked to those salient features at the basis of special regions: the protection of the language and culture of linguistic minorities and the bilateral intergovernmental mechanisms with the central state.

A similar trend can also be observed in the two constitutional reform attempts of 2006 and 2016. About the 2006 reform attempt, it can be noted that with the Declaration of Aosta,^{xxxv} the ethno-regionalist and autonomist political actors from South Tyrol and Aosta Valley demanded the preservation of spearheaded asymmetry, i.e. to increase their self-government and at the same time maintain differentiation from other regions. Concerning the 2016 reform, the special statute regions did not proceed as one. The application of the principle of agreement between the state and special regions for amending their statutes and the guaranteed representation for South Tyrol and the Aosta Valley^{xxxvi} in the new parliament seem to have played in favour of the support of the SVP (Toniatti 2016: 32) and the UV (Louvin 2016: 147). Assuredly, the 2016 reform would have frozen the ordinary autonomies and protected the special regions through the principle of mutual agreement for reforming special statutes. Against this backdrop, the future application of asymmetry for ordinary regions under Article 116.3 of the IC could lead to further developments and opportunities for demanding spearheaded asymmetry.

This section has shown how the demands for asymmetry by the parties of linguistic minorities can be described through the concept of spearheaded asymmetry. The dual character of this notion makes it possible to most accurately explain the demands by special regions' parties for more self-government than ordinary regions and, simultaneously, for differentiation from the ordinary regions on the basis of their own linguistic and identity characteristics. While the first element of spearheaded asymmetry might disappear in a federal system, as seen in the proposals for the institution of an Italian federal republic, the differentiation element should remain concerning the linguistic/cultural datum and the bilateral relationship between special regions and the state.



4.2 Spearheaded asymmetry demands of autonomist and ethno-regionalist parties in Spain

As regards the Spanish scenario, I first express a series of preliminary considerations on the party system. From a party system perspective, while the Basque Country political environment has always been characterised by the presence of a hegemonic ethno-regionalist party, the *Partido Nacionalista Vasco* (PNV), with a straightforward territorial approach—based on historical rights—the same cannot be said for Catalonia. Contrary to the Socialist Party of Catalonia (*Partit dels Socialistes de Catalunya*), it is necessary to emphasise that *Convergència i Unió* (CiU), the Catalan main ethno-regionalist party before 2014, did not have a clear idea of a territorial model to which to aspire (Caminal Badia 2001: 168) and based its demands for asymmetry mainly on political negotiation (Ruiz-Rico Ruiz 2001: 71). After these preliminary considerations, it is possible to note that a push towards spearheaded asymmetry was present right from the constituent moment.

The constituent moment is relevant because it followed the ‘pre-autonomies’ granted before the assembly election:^{xxxvii} the creation of the ‘pre-autonomies’ for Catalonia and the Basque Country directly recalled the 1931 Constitution. This approach was reproduced in the Second Transitory Provision of the Spanish Constitution, which guaranteed a regime of spearheaded asymmetry to the so-called *nacionalidades históricas*. This kind of self-government guaranteed to *nacionalidades históricas* appeared to be something taken for granted. Via the Second Transitory Provision, nationalities acquired the highest self-government provided by the new Constitution; in this sense, it is worthwhile to stress how some members of the Constituent Assembly already affirmed the transitional character of the acquisition of this higher self-government compared to other regions.^{xxxviii} The transitional asymmetry of the Second Transitory Provision was complemented by elements of permanent asymmetry, namely Article 2 of the SC and the *hechos diferenciales*. In the perspective of the ethno-regionalist parties of the *nacionalidades históricas*, Art. 2 of the SC stood as the basis for the distinction between *nacionalidades* and regions (Corcuera Atienza 1992), with the PNV also proposing the use of the term ‘nation’ instead of ‘nationalities’.^{xxxix} From the constituent debate, the interpretation of Article 2 of the SC as a provision for granting permanent asymmetry to nationalities was quite evident in the attitude of the ethno-regionalist parties (de Esteban Alonso 2015: 86). This reading is confirmed by other regionalist parties’ opposition to this interpretation of Article 2.^{xl} According to some scholars, the permanent



asymmetry character of this Article was at the basis of the ‘tacit pact’ (Herrero y Rodríguez de Miñón 1998: 49)^{xli} between Catalan autonomists and the main Spanish parties. This tacit pact would have granted the generalisation of self-government in exchange for the asymmetry for nationalities. This Catalan approach led the PNV to request the First Additional Provision of the SC (Herrero y Rodríguez de Miñón 1998: 62 and ff.); a provision of permanent asymmetry protecting the historical rights of the Basque provinces. The PNV also attempted to include in the First Additional Provision a section on the delegation of state powers to the Basque Country, as a mechanism to gain higher self-government in the future.^{xlii} Following the rejection of this amendment, the PNV engaged in the adoption of Article 150.2 of the SC, which provides for the possibility of generic delegation of state competencies to the regions.^{xliii} Instead, the *hechos diferenciales* emerged as forms of permanent micro-asymmetry linked to different languages, local customs and legal traditions (Aja Fernández 1999).

From this overview, it is possible to affirm that the demands for spearheaded asymmetry were already evident in the constituent work, in their dual nature of demands for the highest possible self-government and permanent differentiation. On the one hand, the autonomist and ethno-regionalist parties of nationalities obtained the maximum competencies and institutional prerogatives provided by the 1978 Constitution via the Second Transitory Provision; on the other hand, they were guaranteed—or thought to have been guaranteed—a regime of permanent asymmetry beyond the mere *hechos diferenciales*: the Basques through the First Additional Provision and the Catalans through Article 2 of the Constitution and the tacit pact underlying it.

This demand for spearheaded asymmetry became all the more evident during the phase of matching competencies between nationalities and all the other regions in 1992. It has to be noted that the territorial system was fully developed to its limit by then. In the period close to the ‘second autonomous pacts’, the Catalan^{xliv} and Basque^{xlv} regional assemblies proposed declarations for self-determination that had the aim of pushing the central state to recognise their asymmetry, both from the point of view of higher competencies than ordinary regions and from that of the acknowledgement of their different identity.^{xlvi} The demand behind these declarations appeared precisely that of spearheaded asymmetry. On the one hand, it involved obtaining more self-government than the other regions, even going beyond the limits of the *Estado Autnómico* to obtain it, and on the other hand, ensuring that the



differential status of these communities was recognised. The request for this spearheaded asymmetry by the CiU and the PNV was also expressed through the Barcelona Declaration of 1998 and the following resolutions of Vitoria and Santiago (De la Granja Sainz 2000: 164). The Declaration emphasised both the importance of the recognition of the special status of *nacionalidades* (in the *plurinacional* state) and the request of a federal-state division of competencies.^{xlvii} This demand then emerged individually in the two regions during the attempts to obtain new Statutes. The proposals for Statutes are, of course, only the culmination of demands that had already emerged in the political environment of the two regions.^{xlviii} A common aspect of the projects for new statutes in the Basque Country and Catalonia is precisely the request for spearheaded asymmetry, which was articulated in a call for a federal-type self-government and a recognition of the differentiation of nationalities. This trend is clearly identifiable if we examine the two proposals for statutes.

In the Basque Country, the so-called *Plan Ibarretxe* (VV.AA 2003) included the Project for a new Statute. Regardless of its secessionist connotations, the Project started from the very claim for spearheaded asymmetry.^{xlix} On the one hand, it required more competencies and, on the other, a quality of self-government appropriate to a special ‘region’ like the Basque Country.¹ This request also seemed to be shared with the proposal of the Basque autonomist parties, which presented a project also based on spearheaded asymmetry as a combination of the highest self-government and the differentiation of the Basque Country in the so-called ‘Guevara Document’ (*Bases para la actualización y reforma del Estatuto de Autonomía*).^{li} What seems evident is that the PNV project for a new Statute aimed at building a federal compact in a regional state (Castells Arteché 2005: 513): it called for the recognition of the Basque Country’s different identity and, at the same time, it demanded a wide range of competencies (Art. 41 and ff.), as well as the possibility of creating sub-national fundamental rights (Art. 10 and 11). A provision was also developed to protect the Statute from unilateral amendments by the central state, and a kind of regime of free association was proposed (Arts. 12 and 13). The proposal also provided for a bilateral intergovernmental mechanism with the central state (such as a special section of the Constitutional Tribunal, *Tribunal de Conflictos Euskadi-Estado* – Art. 16, or such as the *Comisión Bilateral Euskadi-Estado*, Art. 15) and the representation of the Basque Country in some central state bodies (Art. 56-57). Some of these elements, for instance the competencies expansion, would have been extendable to other regions; others represented more a form of permanent asymmetry, for



example, the co-official regime of the Basque language at the level of the central state (Art. 8) and the special protection of Basque historical rights (Art. 4 and 5). In this sense, it is evident that this demand can be described as a request for spearheaded asymmetry, attempting at establishing a federal/confederal pact between the Basque Country and Spain (Requejo 2003: 240). The Project aimed at acquiring asymmetry as the highest self-government as well as asymmetry as recognition of the unique position of the Basque Country within Spain. The highest self-government seemed to be extendable to all the other regions in the PNV's idea,^{lii} while the element of differentiation, such as historical rights, *Eusker*a protection or bilateral mechanisms, appears to be an element of permanent asymmetry for the Basque Country. Thus, the “edge” of spearheaded asymmetry as the acquisition of the highest self-government could have been exhausted with the construction of this asymmetrical federal state. It is an asymmetrical state because this new federal state should have protected and guaranteed the permanent asymmetries required by the PNV for the Basque Country.

This demand for spearheaded asymmetry is equally detectable in the Catalan project, which shaped the second Statute of Autonomy. The project was formulated at the urging of the government of the autonomists and nationalities left (*Partit dels Socialistes de Catalunya, Iniciativa per Catalunya-Verds* and *Esquerra Republicana de Catalunya*).^{liii} The goals of the Statute were to increase the powers of the region—far beyond the limits of the constitutional text—and to emphasise the difference between Catalonia and other regions.^{liv} This approach also characterised the alternative Project by the CiU,^{lv} the leading ethno-regionalist actor, which eventually converged on the Project of the autonomists and nationalities left government. Like the *Plan Ibarretxe*, the Statute can be read from two perspectives: asymmetry as an increase in self-government compared to other regions and asymmetry as a differentiation from other regions. At the institutional level, intergovernmental mechanisms with the central state were proposed (e.g., a bilateral commission – Art. 183) as well as participation in the designation of members of federal bodies (*Tribunal Constitucional, Consejo General del Poder Judicial*, economic and social bodies – Art. 180 and ff.). At the competence level, the competencies of the regional government were extended (Title IV, Art. 110 and ff.), and the so-called ‘competence armouring’ (*blindaje competencial*) was envisaged. This *blindaje* was a mechanism to limit central state interference in the division of competencies between the state and the region. Beyond those traits,



attempts were also made to establish sub-national fundamental rights (Title I), protected by regional bodies such as the *Consejo de Garantías Estatutarias* and the *Tribunal Superior de Justicia de Cataluña* (Art. 38). The Proposal also provided for a territorial fiscal system (Art. 202 and ff.). Finally, it claimed the national character of Catalonia (Art. 1) and declared the Catalan language as the official language of the region (Art. 7). Before the Statute's downsizing by the *Cortes*, the Project was a clear example of a request for spearheaded asymmetry going far beyond the limits of the constitutional autonomy granted in the Spanish regional state.^{lvi} Regardless of the use of historical rights (Art. 5) to try to achieve this spearheaded asymmetry and of the outcome of the Statute – which the Spanish Constitutional Tribunal severely downgraded (decision 31/2010) – the request for spearheaded asymmetry was quite clear. The draft statute would have provided for a territorial system that almost envisaged a federal compact between Catalonia and the central state. As in the Basque case, this demand appears assimilable to a demand for spearheaded asymmetry that holds together two data, the demand for the highest degree of self-government and the demand for permanent differentiation as linked to Catalonia's 'national' status in the Spanish state and to the protection of its identity. Here again, it can be detected that the acquisition of the highest self-government is limited to the regional moment of the Spanish federalising process; the part of spearheaded asymmetry corresponding to the demand for the highest self-government could have been dropped, with only that of asymmetry as differentiation continuing.^{lvii}

In conclusion, what is worth noting is how the two main nationalities required an asymmetry that can be described with the concept of spearheaded asymmetry. An asymmetry that in the constituent phase took the form of the immediate acquisition of maximum self-government, but also the instruments for its expansion (Art. 150.2 of the SC), and that of the recognition of the difference between the *nacionalidades* and common regions (*hechos diferenciales*, First Additional Provision, Art. 2 of the SC). This demand for spearheaded asymmetry became even clearer at the time of competencies and institutional homogenisation, when all regions achieved the same level of self-government (*hechos diferenciales* and First Additional Provision aside). In this perspective, the proposals of the ethno-regionalist and autonomist parties can be read with the concept of spearheaded asymmetry. The asymmetry demanded by the autonomist and ethno-regionalist parties seems to be characterised by two aspects: the demand for the highest level of self-government –



even beyond the limits of the regional state, in search of a federal compact with the central state – and the demand for a permanent asymmetry linked to the identity datum and factors such as bilateral relations or the representation of those regions in the central state bodies.

5. Final remarks

This article has investigated the asymmetrical demands of those parties representing *minoranze linguistiche* in Italy and *nacionalidades* in Spain and how these asymmetrical demands cannot be framed in the current categories of asymmetry designed for established federal systems.

Common trends emerged in those European regional states concerning the asymmetric demands of ethno-regionalist and autonomist parties. When the powers of the regions inhabited by national minorities were about to be homogenised with those of ordinary regions—by increasing the powers of ordinary regions—we saw new asymmetrical demands from the regions inhabited by national minorities. These demands were demands for higher self-government than ordinary regions but, at the same time, were also demands for the recognition by the central state of the differentiation/the special status of the regions inhabited by minorities (for instance, by the call for the protection of certain cultural aspects but also for bilateral institutional mechanisms between the state and the region). Some of those demands of differentiation and higher self-government were characterised by the attempt to build a sort of federal compact between the central state and the regions inhabited by national minorities. These symmetric-asymmetric dynamics appear to be original challenges strictly inherent in the evolution of those federalising processes moving from a unitary to a regional state or from a regional state to a federal state.

The demands from regions inhabited by minorities that those two regional systems meet can be identified as the demand for spearheaded asymmetry, a concept that holds together both an element of transitional asymmetry and one of permanent asymmetry. The element of transitional asymmetry (the “edge” of spearheaded asymmetry) is the demand for the highest self-government, with broader powers, institutional prerogatives and financial autonomy than ordinary regions. The element of permanent asymmetry (the “base” of



spearheaded asymmetry) concerns the demand for a recognition of the differential traits of the regions inhabited by minorities. While the differentiation element seems to be an immutable demand of national minorities' parties, ethno-regionalist and autonomist parties seem to be open to renouncing the demand of the highest self-government in the event of the establishment of a federal state, i.e. in the event of the evolution of the regional state into a federal state.

As I have already mentioned, the concept of spearheaded asymmetry needs to be contextualised in various legal systems. Indeed, one issue with this concept is the final model of the federal state to which the ethno-regionalist and autonomist parties aspire. It is impossible to group the federal-state reference models of ethno-regionalist parties into an ideal model. Some ethno-regionalist parties appear to be inspired by Canadian federalism or Belgian federalism, while the German Federation or the Swiss Confederation are the inspiration for others. In this sense, sometimes a dual federalism and sometimes a cooperative model of federalism seems to be desired. Hence, it is fundamental to frame this concept in the various experiences to determine when spearheaded asymmetry may lose its "edge", i.e. its transitional trait: the demand for the highest self-government. The second issue of the concept of spearheaded asymmetry concerns the different connotations of the demand for permanent asymmetry in the various experiences, which is also linked to the type of federal state national minorities' parties propose. The "shape" of the "base" of spearheaded asymmetry can vary a lot. Indeed, in some experiences in which the proposed federal state resembles dual federalism, some features of the asymmetric representation of the region inhabited by minorities in the federal state are missing. In other experiences, also depending on the federal-state reference models, this element is more pronounced: in such cases, the inspiration of models of asymmetric multinational federalism appears more prominent.

In a broader picture, however, it can be argued that the concept of spearheaded asymmetry seems a valuable concept to explain the asymmetric claims of ethno-regionalist and autonomist parties representing linguistic minorities and nationalities. It can be observed from the case studies analysed that in order to read the asymmetrical dynamics, their transitional or permanent characters, their quantitative or qualitative facets, the concept of spearheaded asymmetry can be precious. Bearing in mind the flexibility with which this



concept has to be applied, this concept appears helpful in understanding many of the asymmetrical challenges faced by those federalising processes known as regional states.

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ⁱ (Häberle 1998; Volpi 1995). Not to forget that beyond nominalistic issues, subnational units in some regional states have more powers than subnational units in nominally federal states: (Palermo, Kössler 2017: 50 and ff.).

ⁱⁱ Although ethno-regionalist parties can also take a position in the left-right continuum: (Masseti, Schakel 2015).

ⁱⁱⁱ This comparison is often made in Spanish- and Italian-language literature but neglected in English-language literature (Rolla 1995; Barquero, Conti 1999; Gambino 2008; Mastromarino, Castellà Andreu 2009; Castellà Andreu, Olivetti 2009; Hernández, Rubio, Carrasco 2012).

^{iv} The exclusion from the analysis of Sardinia and Friuli-Venezia Giulia, where there are linguistic minorities, and Galicia and Navarre, where other nationalities live, is related to the absence of ethno-regionalist solid parties governing these regions.

^v The individual territorial forms of government involve various and different dynamics.

For example, in the political system in the Aosta Valley, the fragmentation of the ethno-regionalist front due to schisms in the *Union Valdôtaine* has to be highlighted. However, ethno-regionalist actors control the region, being part of various coalitions. This element has been strengthened at the central level with a kind of unified representation of the Valley by the senator and the deputy elected to the national parliament. In fact, as a matter of praxis and custom, the representatives in the national parliament elected in the Valley have a direct connection with the Aosta Regional Council. On the contrary, in South Tyrol, the ethnic representation of the Germanic group has been, until now, unified under the *Südtiroler Volkspartei*'s leadership, and the national parliament's MPs elected in the province were always an expression of the *Südtiroler Volkspartei*. The *Südtiroler Volkspartei* has designated all the presidents of the province and obtained almost all the seats in the national parliament available in South Tyrol (usually, except for the seat in Bolzano, which went to an Italian-speaking party).

Regarding the Basque Country, the region's three provinces tend to have different orientations, between the less 'ethno-regionalist' province of *Araba* and the more ethno-regionalist ones of *Gipuzkoa* and *Bizkaia*. Since 1980, the *Partido Nacionalista Vasco*, except for a brief interlude from 2009 to 2012, has always governed the Basque Country (in coalitions). A similar point can be raised for Catalonia, where the most ethno-regionalist provinces are the provinces of *Lleida* and *Girona*. In this context, it is also worth mentioning the solid Catalanian autonomism of the Socialist Party of Catalonia, which governed together with the ethno-regionalist left (*Esquerra Republicana de Catalunya*) from 2003 to 2010, interrupting the predominance of *Convergència i Unió*. After the secessionist crisis, the political system was naturally profoundly transformed. Finally, it is possible to say that the electoral system for the *Cortes* and the numerical relevance of the *nacionalidades* has allowed for a broad representation of ethno-regionalist parties from Catalonia and the Basque Country in the national parliament. For some more general considerations on the role of ethno-regionalist parties in Italy and Spain, see (Tronconi 2015).

^{vi} In this sense, this concept of spearheaded asymmetry can be included in the approach of dynamic federalism outlined by Popelier (2021).

^{vii} For a broad reading of the evolution of the two systems, see Palermo, Kössler (2017).

^{viii} For an overview in English see Arban, Martinico, Palermo (2021).

^{ix} For an overview in English see, Basaguren, Epifanio (2016).

^x On this issue see, Delledonne, Monti, Martinico (2021).

^{xi} On this issue see, Carranza (2021).

^{xii} 'La dichiarazione finale, modificando sul punto il testo Peyronel, che a sua volta ha recepito il testo Chabod limitandosi ad aggiungere che dalle regioni italiane le valli alpine bilingui "dovranno essere distinte come circoscrizioni cantonali (Cantone della valle d'Aosta, Cantone delle valli Valdesi, Cantone dell'Alto Adige)", è ben altrimenti incisiva perché inserisce il problema in una visione che postula il federalismo sia per l'Europa, sia per l'ordinamento dello Stato italiano'. (Rotelli 1973: 10).

^{xiii} The UV projects had a clear federal character (Lucat, 1988), providing a cantonal regime for the Aosta Valley with extensive, exclusive legislative powers. The Council's first project also had a clear federal footprint, with a



short catalogue of matters of state competence (Art. 5), residual competencies to the region, the participation of the President of the Regional Council in the meetings of the Council of Ministers with the rank of minister (Art. 28), a provisional Constitutional Court elected for half of its members by the Aosta Valley region (Art. 77). See Regional Council of Valle d'Aosta, object no. 4 of 6 February 1947; Regional Council of Valle d'Aosta, object no. 20 of 13 February 1947.

^{xiv} Some reconstructions of the SVP projects and positions can be found in Bertoldi (1958: 218). In particular, the SVP Project of November 1946-May 1947 (Piccoli, Vadagnini, 1988: 216 and ff.) was designed on a federal basis. It provided for a strict division of competencies with exclusive and residual competencies of the Region (Art. 3) and the participation of the President of the Region in the national Councils of Ministers with a deliberative vote when matters pertaining to the Region are discussed (Art. 24). An autonomous section of the Constitutional Court was also envisaged (Art. 45) and Title XII provided for extensive fiscal resources.

^{xv} Bordon claimed that he had 'nulla da obiettare a che si emanino "Statuti" – o meglio "Regolamenti – per ogni regione', but he also observed that 'non tutte le Regioni vanno poste su uno stesso piano, perché l'effetto giuridico della legge, rispetto all'autonomia, ha un carattere costituzionale speciale per le quattro Regioni di cui all'art. 2, ed un carattere generale rispetto alle altre'; and he highlighted 'il tipo particolare di autonomia che si è dato alla Val d'Aosta'. Mr Bordon, Constituent Assembly, Second Subcommittee, Session of 15 December 1946, p. 714.

^{xvi} This permanent asymmetry was not uncontested: see Constituent Assembly, Second Subcommittee, Session of 15 November 1946, pp. 514. Mr Nobile, on the other hand, proposed a permanent asymmetry only for regions inhabited by linguistic minorities: Nobile, Constituent Assembly, Second Subcommittee, Session of 14 November 1946, p. 496.

^{xvii} Besides, one can point out how 'Primäres Ziel der Partei war die Durchsetzung des Selbstbestimmungsrechtes, in zweiter Linie das Erlangen einer Autonomie' (Pallaver 2007: 630). See also Furlani (1974: 312).

^{xviii} On this issue see also the SVP 1957 memorandum calling for more powers for the Province (Alcock 1970: 239 and ff.) and what was requested in the regional council by the SVP (Brugger (SVP), Regional Council of Trentino-South Tyrol, Session of 12 March 1957, pp. 7 ff.). See also the SVP constitutional reform proposal of 1958, Tinzi and others: 'Modifica degli articoli 116 e 131 della Costituzione e Statuto speciale per il Südtirol - Tirolo del sud', Act C.3512 of 4 February 1958.

^{xix} The two things (the reform of the Statute and the institution of ordinary regions) would not be unrelated (Palermo 2016: 275, note 13).

^{xx} See the positions of *Südtiroler Volkspartei* as reported in Marcantoni, Postal (2012: 312 and ff.) and Alcock (1970: 415).

^{xxi} See Art. 8 and Art. 9 regulating the scheme of regional competences. Consider also the possibility for the president of the province to participate in the meetings of the Council of Ministers when dealing with matters about provincial self-government (Art. 52) and Title VI entitled 'Finance of the region and the provinces' that inaugurates the special tax system allowing a large inflow of resources to the provinces. Quite important were also the bilateral mechanisms with the state of the so-called Commissions of 12 and 6, i.e. the regional and the provincial commissions (Art. 107).

^{xxii} '...alla luce della nuova esperienza regionale che l'Italia sta attualmente iniziando, l'una o l'altra impostazione troppo ristretta del nostro nuovo statuto potrebbe perfino risultare superata'. Mitterdorfer (SVP), Chamber of Deputies, Session of 15 July 1971, p. 30113.

^{xxiii} *Ex multis* 'Au-delà de ces considérations en sens positif, le problème de fond de la situation valdôtaine reste ouvert: notre Région à Statut spécial, qui n'ayant pas obtenu les différents "pacchetti" d'autres Régions à Statut spécial, est, comme je disais au début, pratiquement au même niveau des Régions à Statut ordinaire'. Salvadori (UV), Aosta Valley Regional Council, object no. 580 of 5 December 1979.

^{xxiv} Regional Council of Trentino-Alto Adige/Südtirol, Session of 19 February 1991.

^{xxv} Zeller-Brugger-Widmann Project, Constitutional Bill No 3709, presented on 18 January 1996.

^{xxvi} 'Il cosiddetto secondo statuto di autonomia comprende irrinunciabili clausole di tutela per il gruppo etnico tedesco e ladino, che devono rimanere anche se lo Stato italiano dovesse essere riformato nei suoi principi costituzionali. Ogni Regione a statuto speciale ha una situazione particolare a motivo della sua storia e dei suoi caratteri culturali, territoriali ed etnici. Questa situazione particolare esige il mantenimento delle autonomie speciali anche in futuro'. Motion No. 253/00 'Difendere l'autonomia altoatesina nella riforma dello Stato', Council of the Autonomous Province of Bozen/Bolzano, Session of 6 March 2001, p. 45.

^{xxvii} Among others, see the Motion 'Réforme de l'état italien dans le sens de la création d'un véritable état fédéral' (Regional Council of Valle d'Aosta, object no. 1974 of 8 March 1991) and 'Proposte di modifica della costituzione riguardanti le Regioni' (Regional Council Valle d'Aosta, object no. 2455 of 24 July 1991). The Motion 'Initiative pour la réforme



de l'État italien dans une optique fédérale, 'Confirme l'engagement pris au sujet de la réforme de l'Italie dans une optique fédérale et en même temps souligne la nécessité de sauvegarder expressément les autonomies spéciales vis-à-vis de tout type de réforme de l'organisation régionale visant à effacer les particularités qui les distinguent'. D. Viérin (UV), Regional Council of Valle d'Aosta, object no. 1005 of 10 November 1994, p. 33

^{xxviii} 'Mais dans cette croissance des compétences régionales est-ce qu'il a encore raison d'exister une spécialité? La réponse (...) c'est une réponse positive; même en souhaitant que toutes les régions aient non seulement les compétences qu'ont les Régions à Statut spécial aujourd'hui, mais supérieures, nous pensons qu'une diversité doit quand même exister entre les régions et au moins une partie des Régions à Statut spécial parce que des problèmes persistent quand même. Il s'agit de problèmes de type linguistique, de type culturel, de type scolaire, qui doivent pouvoir nous différencier par rapport à d'autres régions (...). Je parle des langues historiques que ces Régions doivent sauvegarder pour sauvegarder leur culture originelle' G.C. Perrin (UV), Aosta Valley Regional Council, object no. 2575 of 21 May 1997.

^{xxix} Luciano Caveri (UV), Chamber of Deputies, 'Norme per la costituzione della Repubblica federale italiana', C 3002, draft Constitutional Law presented on 21 January 1997. The Project envisaged a dual federalism based on free association (Art. 16 recognised the right to self-determination), with an international guarantee (Art. 9) protecting the linguistic minorities' regions. The Project was presented the first time in 1991.

^{xxx} '...[c]est pour cela que nous avons voulu en parler et que nous avons voulu maintenir une spécialité parce que nous nous souhaitons que toutes les régions italiennes puissent non seulement rejoindre, mais dépasser les compétences actuelles des Régions à Statut spécial, je dirais même de la Province de Bozen qui est celle qui a la plus forte autonomie. Cela ne signifie pas que nous devons nous descendre, mais augmenter encore, et c'est dans certains aspects (culturels, linguistiques, scolaires) que nous devons nous différencier des autres Régions parce que nous avons des problèmes que les autres Régions n'ont pas. Le seul fait d'être des Régions bilingues, où deux voire trois langues sont officiellement reconnues, fait qu'il y a quelque chose différente que nous devons sauvegarder'. G.C. Perrin (UV), Aosta Valley Regional Council, object no. 2575 of 21 May 1997.

^{xxxi} Valle d'Aosta Regional Council, object no. 2575 of 21 May 1997.

^{xxxii} The text of the Declaration was not found, so we refer to what the *Union Valdôtaine* member councillor Charles said in a Regional council meeting of 1999: 'De toute façon parmi le très nombreux matériel qui nous a été mis à la disposition, je veux bien vous lire le texte d'une résolution qui m'a frappée sur les réformes institutionnelles approuvée à Trento le 4 février 1997 par les Présidents des Assemblées, des Conseils et des Gouvernements des Régions et des Provinces autonomes. La résolution dit: "I Presidenti ribadiscono la natura pattizia e anche precostituzionale degli statuti speciali, che garantiscono le peculiarità, il carattere storico, etnico, linguistico, culturale, socioeconomico, geografico e insulare, nonché quelli derivanti da specifici accordi internazionali che, in considerazione di questi ultimi, riconoscono specificità di organizzazione territoriale diverse dalle attuali"'. Charles (UV), Aosta Valley Regional Council, object no. 743 of 16 July 1999, p. 153.

^{xxxiii} '...lieto che l'articolo 10 preveda che i trasferimenti di competenze siano operativi anche per le province autonome di Trento e Bolzano e per le regioni a Statuto speciale, entro i limiti in cui si trasferiscono poteri e competenze maggiori senza, però, alcun restringimento delle competenze già conferite'. Pinggera (SVP), Senate of the Republic, Session of 8 March 2001, p. 34. 'il testo in esame presenta alcune ombre ma anche parecchie luci. Non siamo però di fronte ad una riforma dell'ordinamento nel senso di un federalismo compiuto (...). È però innegabile che il testo preveda miglioramenti significativi e non costituisca un peggioramento della situazione attuale e tanto meno un passo indietro. Dal punto di vista delle regioni a statuto speciale, prendiamo atto con soddisfazione che le ragioni della specialità sono state confermate'. Zeller (SVP), Chamber of Deputies, session of 28 February 2001, p. 83.

^{xxxiv} 'se fosse stato federalismo, sarebbe stata condivisibile la "morte" delle autonomie speciali; visto che non si tratta di federalismo, ritengo – sulla base dell'esperienza degli ultimi cinquant'anni – che le autonomie speciali, per come hanno funzionato, debbano continuare ad essere un laboratorio'. Caveri (UV), Chamber of Deputies, session of 19 November 1999, p. 15.

^{xxxv} It is 'fondamentale e strategico che si instauri progressivamente un processo di revisione degli Statuti speciali (peraltro già avviato in alcune Regioni), ritenendo insufficiente un mero adeguamento degli stessi al mutato assetto costituzionale – ferma restando la specificità delle situazioni legate alla presenza di minoranze linguistiche e a trattati internazionali - ed invece necessario rafforzare lo sviluppo e la valorizzazione delle singole realtà regionali. Costituendo gli attuali statuti un minimum di garanzia incompressibile, i medesimi non possono essere riformati in pejus ma solo incrementati'. Declaration of Aosta (2006). Available at the following link: <http://www.regione.vda.it/varie/pdf/Dichiarazione_di_aosta.pdf>.

^{xxxvi} See 'Riforma del Titolo V della parte seconda della Costituzione', Aosta Valley Regional Council, object no. 825 of 24 October 2014.



^{xxxvii} Royal Decree-Law of 30 October 1976, Royal Decrees of 4 March and 2 June 1977 and Royal Decree-Law of 4 January 1978 for the Basque Country; Royal Decree-Law of 29 September 1977 for Catalonia.

^{xxxviii} ‘Carece de sentido positivo la distinción de nacionalidades y regiones. Aunque algunas regiones actuales hayan sido históricamente reinos y otras no, es obligado atender al futuro y hacerlas a todas de la misma condición jurídica, política y económica. De ahí la insistencia en el principio de igualdad, que no quiere decir que todos los Estatutos autonómicos tendrán el mismo contenido, sino, simplemente, que a todas las regiones se les confieren las mismas posibilidades teóricas’. Don Hipólito Gómez de las Rocas (*Partido Aragonés Regionalista*), Congress of Deputies, Index of amendments by article, Amendment n. 55, p. 41.

^{xxxix} ‘La nación y la región son fenómenos sociológicos distintos, en un orden jerárquico y subsuntivo de carácter vertical. Por otra parte, la existencia de una pluralidad de naciones en España aconseja dotar al Estado de una configuración federal.’ Ramón Bajo Fanlo (PNV), Amendment n. 1100, Senate, Index of amendments by article, p. 455. ‘En este sustento geográfico que es España coexisten comunidades nacionales y regionales diferenciadas entre sí por muchas razones, pero quizá también por un diferente grado de voluntad de autogobierno’. J.M. Bandres Molet (*Euskadiko Ezkerra*), Senate, Session of 19 August 1978, p. 1601.

^{xl} ‘Señor Presidente, señoras y señores Senadores, el motivo de la justificación de mi enmienda no es otro que el de entender que el concepto de “nacionalidades” es equívoco y carece de precedentes en nuestro ordenamiento constitucional. “Las regiones -decimos en nuestra enmienda- no pueden estar en el futuro abocadas a un tratamiento jurídico y económico distinto, con base a ese testimonio discriminatorio”. Pero resulta tan difícil utilizar argumentos originales, cuando prácticamente todas las enmiendas giran alrededor de una palabra, que los criterios de autoridad de los señores Senadores que me han precedido me servirían únicamente para subrayar, reiterar y reafirmar’. Zarazaga Burillo (independent), Senate, Committee on the Constitution, Session of 19 August 1978, p. 1616. See Don Hipólito Gómez de las Rocas (*Partido Aragonés Regionalista*), Congress of Deputies, Index of amendments by articles, Amendment no. 55, p. 41, endnote xxxviii.

^{xli} On this issue, see also one of Pujol’s statements to the Catalan parliament in proximity of the homogenisation of Spanish regions: ‘Un dels resultats de tot això fou la generalització autonòmica; més exacte, no és que des de Catalunya es proposés la generalització autonòmica en la forma que es vit plantejar. No ens semblava realista i, a més, sabíem amb tota certesa que ens perjudicaria; Es més, sabíem que, en part, es feia contra nosaltres. Ho sabíem. Es reia la millor de les interpretacions perquè Espanya... deien: “Espanya no podrà acceptar que només Catalunya, Euskadi i Galícia siguin autònomes”. I, en la pitjor de les interpretacions, es feia – o pot ser que es fes – per clara voluntat d’igualar l’autonomia de les nacionalitats històriques. Amb tot, no podem negar que els nostres propis plantejaments de solidaritat i de governabilitat i de gran prudència nacionalista varen aplanar el camí cap a aquesta generalització. Bé és cert també – i això ho he d’emfasitzar molt –, perquè el compromís assumit el dies d’agost, els primers dies d’agost de 1979, per la UCD i per PSOE era molt precís, molt precís, i és un compromís que no s’ha complert; be és cert també que aquesta generalització estava prevista inicialment d’una manera diferent de com després s’ha dut a terme, molt diferent, d’una manera molt diferent’. Pujol (CiU), Parliament of Catalonia, session of 11 February 1987, p. 3720.

^{xlii} ‘Disposición adicional en la que se introducía, después del reconocimiento y garantía de los derechos históricos forales hecho por la Constitución, el siguiente párrafo: “A estos efectos el Estado podrá transferir o delegar materias de su competencia”’. X. Arzalluz Antia (PNV), Congress of Deputies, Session of 21 July 1978, p. 4549.

^{xliiii} Arzalluz (PNV), Congress of Deputies, Session of 21 July 1978, pp. 4548. Moreover, Pujol (CiU) also claimed this vision of article 150.2 of the SC ex post: ‘És una política que s’allunya totalment d’aquell plantejament vigent a l’època d’elaboració de la Constitució en què es distingia entre regions i nacionalitats, entre autonomies històriques i no, en què s’introduí un article 150.2 per a fer possibles ulteriors desenvolupaments autonòmics i en què a ningú se li acudia pensar que pogués passar el que passa ara, és a dir que el Govern Central es neguï a traspasar competències pendents’. Parliament of Catalonia, Session of 1 October 2002, p. 6.

^{xliv} Parliament of Catalonia, Committee of Organisation and Administration of the *Generalitat* and the Local Government, session of 12 December 1989.

^{xlv} Basque Parliament, session of 15 February 1990.

^{xlvi} The goal was the recognition ‘de manera definitiva la peculiaridad de estas dos comunidades con un nivel mayor y diferenciador de competencias con respecto al resto de las demás’. (de Esteban Alonso 2015: 71). Cf. (Trujillo 1992).

^{xlvii} ‘Al cabo de veinte años de democracia continúa sin resolverse la articulación del Estado español como plurinacional. Durante este periodo hemos padecido una falta de reconocimiento jurídico-político e incluso de asunción social y cultural de nuestras respectivas realidades nacionales en el ámbito del Estado’. Barcelona Declaration, available at this link < <http://www.filosofia.org/his/h1998bar.htm> >.



^{xlviii} The goals of the parties of the *nacionalidades* were ‘por un lado, en un reconocimiento pleno de su singularidad, frente al resto de las comunidades autónomas y, por otro, en un aumento de sus techos competenciales, exigiendo incluso competencias exclusivas del Estado’ (de Esteban Alonso 2015: 213). The PNV had already promoted also asymmetrical institutional demands, claiming a more significant role in the Constitutional Tribunal and the Senate, as well as in the European community (Castells Arteche, Saiz Arnaiz 1992:159). As far as CiU is concerned, it should be stressed the ‘[E]minència del nacionalisme sobre el federalisme com a mesura de defensa enfront de la uniformitat federal o “el cafè per a tothom” (Caminal Badia 2001: 141). To be more precise, ‘La aspiración de estos partidos ha sido siempre la de dotar a Catalunya del máximo techo de autogobierno posible y del reconocimiento y respeto de sus particularidades culturales. Sin embargo, en ningún caso han sido partidarias de la secesión. Unió, desde su fundación en 1931 ha defendido una solución confederal, mientras que Convergència ha sido siempre más ambigua respecto a la organización territorial de Estado siempre que Catalunya pudiese sentirse cómoda’. (Barrio López 2014: 9). However, the position of CiU is assimilable to a spearheaded asymmetry request: ‘l’Estatut és insuficient quant a rang, insuficient competencialment, insuficient econòmicament i insuficient en determinats reconeixements. I precisó que és insuficient quant a rang, és l’única precisió que faré de les quatre, perquè Catalunya és una nació’. Pujol (CiU), Catalonia Parliament, session of 11 February 1987, p. 3728.

^{xliv} ‘Este pacto político se materializa en un nuevo modelo de relación con el Estado español, basado en la libre asociación y compatible con las posibilidades de desarrollo de un estado compuesto, plurinacional y asimétrico’. *Propuesta de reforma de Estatuto político de la Comunidad de Euzkadi. Presentada por el Parlamento Vasco*, in Official Bulletin of the General Cortes, 21 January 2005 No. 149-1.

ⁱ The goal was ‘tener más competencias que las actuales, porque interpretamos que así lo desea la mayoría de la sociedad vasca. Pero aspiramos a tener no sólo más cantidad, sino, sobre todo, más calidad en nuestro autogobierno’. Ibarretxe (PNV), Basque Parliament, Session of 26 September 2003, p. 36.

ⁱⁱ The draft statute provided for new competencies and a series of asymmetries in the field of institutional representation both in Europe and in the central state bodies (e.g. appointment of Constitutional Tribunal magistrates, General Council of the Judiciary’s councillors, and the members of the Board of the *Banco de España*, etc.). See (Castells Arteche 2005: 514).

ⁱⁱⁱ ‘Es una propuesta compatible con el desarrollo futuro de un estado compuesto, plurinacional y asimétrico, y no nos corresponde prejuzgar el desarrollo del modelo de estado ni la tendencia que legítimamente le quieran imprimir otros pueblos’. Ibarretxe (PNV), Basque Parliament, Session of 26 September 2003, p. 28. Besides, at the time of the 1992 autonomy pacts, it was stated: ‘[N]uestro partido, al que creo que nadie discutirá su voluntad autonomista, aunque su vocación sea federalista, quiere dejar bien claro que defenderá siempre el máximo de competencias para todas las comunidades autónomas (...) Sin embargo, entendemos que la vía institucional elegida no es la más adecuada. En este proyecto subyace un modelo de uniformización del proceso autonómico. El artículo segundo de la Constitución española diferencia la existencia en el Estado español de nacionalidades y regiones. Y el propio Título VIII de la misma, así como todos los estatutos de autonomía en ningún momento contemplan la posibilidad de un proceso de homogeneización o de uniformización de las comunidades autónomas. Por desgracia, actualmente, da la sensación de que el hecho diferencial ya no existe’. Bajo Fanlo (PNV), Senate, Session of 2 December 1992, p. 7784.

ⁱⁱⁱⁱ Still in 2000 the CiU’s approach was that of political negotiation: ‘Sé que hi ha qui defensa que hauríem de reclamar la reforma de l’Estatut i, per tant, quasi amb seguretat de la Constitució. (...) Però vull fer dos comentaris. El primer és que reclamar amb possibilitats d’èxit la reforma de l’Estatut s’ha de fer d’una manera que podria comportar certs riscos i que Convergència i Unió no desitja córrer, si no és que, com deia, queda definitivament tancada la porta de la negociació. El segon comentari és que durant els dos darrers anys s’ha demostrat que la negociació pot donar resultats considerables si es fa en determinades condicions. Quines condicions? Primera, elaborar i vendre bé una interpretació de la Constitució que en destaquí totes les portes que deixa obertes a l’heterogeneïtat i, per tant, a les personalitats diferenciades. Segon, disposar de prou força política i institucional a nivell d’Estat perquè a Madrid no se’ns puguin treure de sobre així com així. A la legislatura anterior es donava una tercera condició, que fou molt favorable, i és que el Govern de la Generalitat disposava a Catalunya d’una majoria que li conferia a Madrid molta llibertat d’acció. Els propers mesos diran si aquesta tercera condició pot ser substituïda eficaçment’. Pujol (CiU), Parliament of Catalonia, session of 13 December 1995, p. 13. This was the case with the Gonzales and Aznar governments until 2000 (Aguilera de Prat 2001: 117). The paradigm shift occurred in the early 2000s, when the party began to think about institutionalising asymmetry in a new statute (Monreal Ferrer 2011: 140). See the *Estudi sulla valoració del desenvolupament de l’estat de les autonomies i de l’aplicació de l’estatut d’autonomia de Catalunya*: the party project can be found in: Parliament of Catalonia, *Comissió d’Estudi per a l’Aprofundiment de l’Autogovern*, Official Bulletin of the Parliament of Catalonia No. 366 of 5 December 2002.



^{liv} The goals were: ‘primero, otorgar un trato jurídico singular a Cataluña, dada su condición de nación, que permitiera distinguirla de las demás comunidades autónomas; y, segundo, aumentar y garantizar las competencias de la Generalitat y su financiación. En definitiva, aumentar la esfera de autogobierno a costa de diferenciar a Cataluña del resto de comunidades’. (de Carreras Serra 2010: 45).

^{lv} The starting point was in fact the restoration of spearheaded asymmetry: ‘[A]questa opció generalitzadora no sempre ha afavorit l'autonomia de Catalunya, atès que el seu autogovern i la seva pròpia singularització política i institucional dins l'Estat espanyol s'han vist diluïts en un procés que ha accentuat el principi homogeneïtzador entre les distintes comunitats autònomes’. ‘Millora de l'autogovern. Un nou impuls a l'autogovern. Una proposta a favor de Catalunya i la seva gent (Bases per a un desenvolupament alternatiu de l'autonomia)’. Parliament of Catalonia, Committee of Studies for the Development of Self-Government, Official Bulletin of the Parliament of Catalonia no. 366 of 5 December 2002, p. 46.

^{lvi} It was a ‘new type of statute’, different from all previous ones: Castellà Andreu (2011: 24).

^{lvii} The goal was indeed a federal asymmetric state through the ‘[D]esenvolupament federal del pacte constitucional i estatutari, que ha d'articular adequadament l'Espanya plural i el reconeixement de Catalunya com a nacionalitat històrica’. Parliament of Catalonia, Committee of Studies for the Development of Self-Government, session of 5 December 2002, p. 79. Besides, the position of CiU was always been that of favouring the self-government of all regions while maintaining asymmetry: ‘En un moment donat vàrem assumir la generalització autonòmica perquè era bo per al conjunt dels pobles d'Espanya i perquè l'època era molt trencadissa. Vàrem optar per garantir la transició democràtica, encara que això ens situés en una moderació poc agraiada, però avui, des de l'estabilitat ja assolida del conjunt de l'Estat i des de la mateixa actitud constructiva d'aleshores, però amb fermesa, diem que ara el fet diferencial català ha de ser assumit per l'Estat’. Puyol (CiU), Parliament of Catalonia, Session of 8 April 1992, p. 15.

References

- Acha Ugarte Beatriz, Santiago Pérez-Nievas, 2003, ‘Moderate Nationalist Parties in the Basque Country: Partido Nacionalista Vasco and Eusko Alkartasuna’, in De Winter Lieven, Tursan Huri (eds), *Regionalist Parties in Western Europe*, Routledge, London, 87-104.
- Agranoff Robert (ed), 1999, *Accommodating Diversity: Asymmetry in Federal States*, Nomos, Baden-Baden.
- Aguilera de Prat Cesáreo, 2001, ‘Convergencia i Unió ante los pactos de gobernabilidad de 1993 y 1996’ in *Sistema: revista de ciencias sociales*, fasc. 165: 99-130.
- Aja Fernández Eliseo, 1999, *El estado autonómico: federalismo y hechos diferenciales*, Alianza, Madrid.
- Alcock Antony Evelyn, 1970, *The History of the South Tyrol Question*, Michael Joseph, Geneva.
- Álvarez Conde Enrique, 1997, ‘Homogeneidad y asimetría en el modelo autonómico español’ in *Revista de la Facultad de Derecho de la Universidad Complutense*, fasc. Extra 21: 107-118.
- Arban Erika, Martinico Giuseppe, Palermo Francesco (eds), 2021, *Federalism and Constitutional Law: The Italian Contribution to Comparative Regionalism*, Routledge, Abingdon.
- Barquero Antonio Vázquez, Conti Giuliano, 1999, *Convergencia y desarrollo regional en Italia y España*, Barcelona Universitat, Barcelona.
- Barrio López Astrid, 2014, ‘Convergència i Unió, del nacionalismo moderado al secesionismo: cambio de posición de los partidos nacionalistas y sistema de gobierno multinivel’ in *Working Papers: Institut de Ciències Polítiques i Socials*, fasc. 330, 1–20.
- Basaguren López Alberto, Escajedo San Epifanio Leire (eds), 2016, *The Ways of Federalism in Western Countries and the Horizons of Territorial Autonomy in Spain: Volume 2*, Springer, Heidelberg-New York.
- Bertoldi Franco, 1958, *Il Trentino-Alto Adige*, Giuffrè, Milano.
- Bin Roberto, 2003, ‘L'autonomia e i rapporti tra esecutivo, legislativo e le commissioni paritetiche’, in Di Michele Andrea, Palermo Francesco, Pallaver Günther (eds), *1992-Fine di un conflitto*, Bologna, Il Mulino, 205-218.
- Caminal Badia Miquel, 2001, ‘El pujolisme i la ideologia nacionalista de Convergència Democràtica de Catalunya’, in Culla Joan B. (ed), *El pal de paller: Convergència Democràtica de Catalunya (1974-2000)*, Pòrtic Editorial, Barcelona, 127-160.
- Carranza Gonzalo Gabriel, 2021, ‘Subnational constitutionalism in Spain: Confluence of wills in a basic institutional norm’, in Popelier Patricia, Delledonne Giacomo, Aroney Nicholas (eds), *The Routledge Handbook of Subnational Constitutions and Constitutionalism*, Routledge, Abingdon, 241-252.



- de Carreras Serra Francesc, 2010, 'Los objetivos del Estatuto de Cataluña y la TSC 31/2010' in *Jado: boletín de la Academia Vasca de Derecho = Zuzenbidearen Euskal Akademiaren aldizkaria*, 9 (20): 39-63.
- Castellà Andreu Josep Maria, 2011, 'El Estatuto de Autonomía en la STC 31/2010' in *Revista general de derecho constitucional*, fasc. Extra 13: 1-45.
- Castellà Andreu Josep Maria, Olivetti Marco (eds), 2009, *Nuevos estatutos y reforma del Estado: las experiencias de España e Italia a debate*, Atelier, Barcellona.
- Castells Arteche José Manuel, 2005, 'País Vasco', in Tornos Mas Joaquín (ed), *Informe Comunidades Autónomas 2004*, IDP, Barcellona, 507-521.
- Castells Arteche José Manuel, Saiz Arnaiz Alejandro, 1992, 'País Vasco', in Aja Fernández Eliseo (ed), *Informe Pi i Sunyer sobre CCAA 1991*, IDP, Barcellona, 159-166.
- Corcuera Atienza Francisco Javier, 1992, 'La distinción constitucional entre nacionalidades y regiones en el décimoquinto aniversario de la Constitución' in *Documentación administrativa*, fasc. 232-233: 13-32.
- Cruz Villalón Pedro, 1981, 'La estructura del Estado, o la curiosidad del jurista persa' in *Revista de la Facultad de Derecho de la Universidad Complutense*, fasc. Extra 4: 53-63.
- Dandoy Régis, 2010, 'Ethno-regionalist parties in Europe: a typology' in *Perspectives on Federalism* 2 (2): 194-220.
- De la Granja Sainz José Luis, 2000, 'Las alianzas políticas entre los nacionalismos periféricos en la España del siglo XX' in *Studia historica. Historia contemporánea*, fasc. 18: 149-175.
- De Winter Lieven, Tursan Huri (eds), 2003, *Regionalist Parties in Western Europe*, Routledge, London.
- Delledonne Giacomo, Monti Matteo, 2019, 'Secessionist Impulses and the Italian Legal System: The (Non)Influence of the Secession Reference' in Delledonne Giacomo, Martinico Giuseppe (eds), *The Canadian Contribution to a Comparative Law of Secession*, Palgrave, Cham, 185-207.
- Delledonne Giacomo, Monti Matteo, Martinico Giuseppe, 2021, 'Subnational Constitutionalism in Italy: Unfulfilled expectations?', in Popelier Patricia, Delledonne Giacomo, Aroney Nicholas (eds), *The Routledge Handbook of Subnational Constitutions and Constitutionalism*, Routledge, Abingdon, 176-190.
- de Esteban Alonso Jorge, 2015, *El naufragio del Estado autonómico: (un análisis cronológico)*, Iustel, Madrid.
- Friedrich Carl J., 1968, *Trends of Federalism in Theory and Practice*, Praeger, New York.
- Furlani Silvio, 1974, 'Il modello storico dell'autonomia della regione Trentino-Alto Adige' in *Storia e politica*, fasc. 1-2: 308-335.
- Gagnon Alain G., Burgess Michael (eds), 2018, *Revisiting Unity and Diversity in Federal Countries: Changing Concepts, Reform Proposals and New Institutional Realities*, Martinus Nijhoff, Leiden/Boston.
- Gagnon Alain-G., 2010, *The Case for Multinational Federalism: Beyond the All-Encompassing Nation*, Routledge, Abingdon.
- Gambino Silvio (ed), 2008, *Regionalismi e statuti: le riforme in Spagna e in Italia*, Giuffrè, Milan.
- Gamper Anna, 2005, 'A "Global Theory of Federalism": The Nature and Challenges of a Federal State' in *German Law Journal*, 6 (10): 1297-1318.
- García de Enterría Martínez-Carande Eduardo, 1989, 'La Constitución y las Autonomías Territoriales' in *Revista española de derecho constitucional*, 9 (25): 17-34.
- Häberle Peter, 1998, 'Föderalismus und Regionalismus in Europa' in *Revue européenne de droit public*, 10 (2): 299-326.
- Hernández Esther González, Rodríguez Rubio M^a Carmen, Roperó Carrasco Julia (eds), 2012, *Autonomías y unidad del ordenamiento jurídico: la cuadratura del círculo*, Dykinson, Madrid.
- Herrero y Rodríguez de Miñón Miguel, 1998, *Derechos históricos y Constitución*, Taurus, Madrid.
- Hirschl Ran, 2014, *Comparative Matters: The Renaissance of Comparative Constitutional Law*, Oxford University Press, Oxford/New York.
- Holzer Anton, Schwegler Barbara, 2003, 'The Sudtiroler Volkspartei', in De Winter Lieven, Tursan Huri (eds), *Regionalist Parties in Western Europe*, Routledge, London, 158-173.
- Hombrado Angustias, 2011, 'Learning to Catch the Wave? Regional Demands for Constitutional Change in Contexts of Asymmetrical Arrangements' in *Regional & Federal Studies*, 21 (4-5): 479-501.
- Keil Soeren, Alber Elisabeth (eds), 2021, *Federalism as a Tool of Conflict Resolution*, Routledge, Abingdon.
- Loughlin John, 2007, 'Reconfiguring the State: Trends in Territorial Governance in European States' in *Regional & Federal Studies*, 17 (4): 385-403.



- Loughlin John, 2008, 'Federalism, Regionalism and Local Government: Comparative Perspectives on Transforming the Nation-State' in *European Political Science*, 7 (4): 472-482.
- Louvin Roberto, 2016, 'La Valle d'Aosta/Vallée d'Aoste: statica e dinamica dell'ordinamento di una micro-Regione', in Palermo Francesco, Parolari Sara (eds), *Il futuro della specialità regionale*, E.S.I, Napoli, 111-154.
- Marcantoni Mauro, Postal Giorgio, 2012, *Il pacchetto. Dalla commissione dei 19 alla seconda autonomia del Trentino-Alto Adige*, Regione Trentino-Alto Adige, Trento.
- Marcet Juan, Argelaguet Jordi, 2003, 'Nationalist Parties in Catalonia: Convergència Democràtica de Catalunya and Esquerra Republicana', in De Winter Lieven, Tursan Huri (eds), *Regionalist Parties in Western Europe*, Routledge, London, 70-86.
- Massetti Emanuele, Schakel Arjan H., 2015, 'From Class to Region: How Regionalist Parties Link (and Subsume) Left-Right into Centre-Periphery Politics' in *Party Politics*, 21 (6): 866-886.
- Mastromarino Anna, Castellà Andreu Josep Maria (eds), 2009, *Esperienze di regionalismo differenziato: il caso italiano e quello spagnolo a confronto*, Giuffrè, Milano.
- Burgess Michael, Pinder John (eds), 2007, *Multinational Federations*, Routledge, London.
- Monreal Ferrer Antonio Luis, 2011, 'Aspectos generales de la STC 31/2010: En particular los derechos, deberes y principios rectores estatutarios', in Conde Enrique Álvarez, Rosado Villaverde Cecilia, Sanjuán Andrés Francisco Javier (eds), *Estudios sobre la Sentencia 31/2010, de 28 de junio, del Tribunal Constitucional sobre el Estatuto de Autonomía de Cataluña*, Instituto de Derecho Público - Universidad Rey Juan Carlos, Madrid, 139-60.
- Muñoz Machado Santiago, 1992, 'Los pactos autonómicos de 1992: La ampliación de competencias y la reforma de los estatutos' in *Revista de administración pública*, fasc. 128: 85-106.
- Nagel Klaus-Jürgen, Requejo Ferran, 2016, 'Conclusions: Asymmetries and Decentralisation Processes - Comparative Comments', in Requejo Ferran, Nagel Klaus-Jürgen (eds), 2016, *Federalism beyond Federations: Asymmetry and Processes of Resymmetrisation in Europe*, Routledge, Farnham.
- Palermo Francesco, 2008, 'Achille e la tartaruga. Ovvero, il futuro della specialità' in *federalismi.it*, fasc. 23: 1-7.
- Palermo Francesco, 2009, 'Asymmetries in Constitutional Law: An Introduction', in Palermo Francesco, Zwilling Carolin, Kössler Karl (eds), *Asymmetries in Constitutional Law: Recent Developments in Federal and Regional Systems*, EURAC Research, Bolzano, 11-17.
- Palermo Francesco, 2016, 'La specialità alla prova della riforma costituzionale ... e di se stessa', in Palermo Francesco, Parolari Sara (eds), *Il futuro della specialità regionale*, E.S.I, Napoli, 273-286.
- Palermo Francesco, 2021, 'Asymmetries in the Italian Regional System and Their Role Model', in Arban Erika, Martinico Giuseppe, Palermo Francesco (eds), *Federalism and Constitutional Law: The Italian Contribution to Comparative Regionalism*, Routledge, Abingdon, 136-151.
- Palermo Francesco, Kössler Karl, 2017, *Comparative Federalism: Constitutional Arrangements and Case Law*, Hart Publishing, Oxford/New York.
- Palermo Francesco, Zwilling Carolin, Kössler Karl (eds), *Asymmetries in Constitutional Law: Recent Developments in Federal and Regional Systems*, EURAC Research, Bolzano.
- Pallaver, Günther, 2007, 'Die Südtiroler Volkspartei', in Ferrandi Giuseppe, Pallaver Günther (eds), *Die Region Trentino-Südtirol im 20. Jahrhundert. 1: Politik und Institutionen*, Fondazione Museo storico del Trentino, Trento, 629-655.
- Pizzorusso Alessandro, 1975, *Il pluralismo linguistico in Italia fra Stato nazionale e autonomie regionali*, Pacini, Pisa.
- Pizzorusso Alessandro, 1995, 'Legge costituzionale 26 febbraio 1948, n. 5' in *Commentario della Costituzione. Disposizioni transitorie e finali I - XVIII Leggi Costituzionali e di revisione costituzionale (1948-1993)*, Bologna: Zannichelli.
- Popelier Patricia, 2021, *Dynamic Federalism: A New Theory for Cohesion and Regional Autonomy*, Routledge, Abingdon.
- Popelier Patricia, Sahadžić Maja (eds), 2019, *Constitutional Asymmetry in Multinational Federalism: Managing Multinationalism in Multi-tiered Systems*, Palgrave, London.
- Pradera Javier, 1993, 'La liebre y la tortuga: Política y administración en el Estado de las Autonomías' in *Claves de Razón Práctica*, fasc. 38: 24-33.



- Requejo Ferran, 2003, 'Una democracia plurinacional a medio hacer: el plan Ibarretxe y el Estado de las autonomías', in VV.AA., *Estudios sobre la propuesta política para la convivencia del lehendakari Ibarretxe*, Instituto Vasco de Administración Pública, Oñati, 231-244.
- Requejo Ferran, Nagel Klaus-Jürgen (eds), 2016, *Federalism beyond Federations: Asymmetry and Processes of Resymmetrisation in Europe*, Routledge, Farnham.
- Rolla Giancarlo (ed), 1995. *La riforma delle autonomie regionali. Esperienze e prospettive in Italia e Spagna*, Giappichelli, Torino.
- Rotelli Ettore, 1973, 'La genesi dell'autonomia regionale valdostana' in *Il movimento di liberazione in Italia*, fasc. 111: 3-40.
- Ruiz-Rico Ruiz Gerardo José, 2001, *Los límites constitucionales del estado autonómico*, Centro de Estudios Políticos y Constitucionales, Madrid.
- Sahadžić Maja, 2020, 'Asymmetric Federalism', in Cremades Javier, Hermida Cristina (eds), *Encyclopedia of Contemporary Constitutionalism*, Springer International Publishing, Cham, 1-14.
- Sandri Giulia, 2011, 'The Union Valdôtaine', in Tronconi Filippo, Elias Anwen (eds), *From Protest to Power: Autonomist Parties and the Challenges of Representation*, Braumüller, Vienna, 195-216.
- Tarlton Charles D., 1965, 'Symmetry and asymmetry as elements of federalism: A theoretical speculation' in *The Journal of Politics*, 27 (4): 861-874.
- Toniatti Roberto, 2001, 'L'evoluzione statutaria dell'autonomia speciale nell'Alto Adige/Südtirol', in Marko Joseph, Ortino Sergio, Palermo Francesco (eds), *L'ordinamento speciale della Provincia autonoma di Bolzano*, Cedam, Padova, 34-88.
- Toniatti Roberto, 2016, 'Asimmetrie regionali, identità culturale e competitività dei territori: i titoli fondativi dell'autonomia speciale e le incognite della revisione e statutaria', in Palermo Francesco, Parolari Sara (eds), *Il futuro della specialità regionale*, E.S.I, Napoli, 111-154.
- Tronconi Filippo, 2015, 'Ethno-Regionalist Parties in Regional Government: Multilevel Coalitional Strategies in Italy and Spain' in *Government and Opposition*, 50 (4): 578-606.
- Trujillo Gumersindo, 1992, 'Homogeneidad y asimetría en el Estado autonómico: Contribución a la determinación de los límites constitucionales de la forma territorial del Estado' in *Documentación administrativa*, fasc. 232-233: 101-120.
- Volpi Mauro, 1995, 'Stato federale e Stato regionale: due modelli a confronto' in *Quaderni costituzionali*, fasc. 3: 367-409.
- VV.AA. 2003. *Estudios Sobre La Propuesta Política Para La Convivencia del Lehendakari Ibarretxe*. Oñati: IVAP.
- Watts Ronald L., 2005, 'A Comparative Perspective on Asymmetry in Federations' in *Asymmetry Series (IIGR)*, 4: 1-7.