

## 19.02.2018 The Senate acknowledges

### **“The main European islands have a broad degree of autonomy”**

A very official document ([http://www.senat.fr/lc/lc73/lc73\\_mono.html](http://www.senat.fr/lc/lc73/lc73_mono.html)) can be found on the Senate website. It was drafted in the early years of the century “as part of parliamentary scrutiny of the draft framework act for overseas departments”.

This highly instructive review considers eight European islands or archipelagos: the Faroe Islands and Greenland in Denmark, the Balearic and Canary Islands in Spain, Sardinia and Sicily in Italy, and Madeira and the Azores in Portugal.

The report summary notes that “with the exception of Crete, the main European islands enjoy a broad measure of autonomy”. The Senate’s report shows that statutes for autonomy are the norm in Europe for the islands, except in France and Greece. And that the “the full enjoyment of autonomy as of right” demanded by the current Corsican majority is in no way an exaggeration.

### **The nature of autonomies**

#### **Denmark: the Faroe Islands and Greenland.**

There are differences reflecting a range of situations. The position is most advanced in Denmark, where autonomy is not defined as a list of powers devolved by the State to island authorities, the remainder being the competence of the State, but rather the reverse: the powers of the state are described by the constitution (foreign policy, national defence, justice and monetary policy), while all the rest lies within the exclusive remit of local authorities, with full regulatory and legislative powers devolved to the inhabitants of the Faroes (pop. 45,000) and Greenland (pop. 56,000)

#### **Spain: the Balearic and Canary Islands**

These islands are “autonomous communities”, like the other regional Spanish authorities, but they have a broad field of exclusive jurisdiction, with regulatory and legislative powers in social, economic, cultural and administrative areas. The report indicates that “while it is not specific to the Balearic Islands (pop. 800,000) and the Canaries (pop. 1.6 million), this autonomy is nevertheless striking in view of their population size, which is relatively small compared with other autonomous communities.”

#### **Italy: Sardinia and Sicily**

The two islands are among the “five special status regions” identified by the Italian Constitution because of their “particular cultural, linguistic and historical nature”. The others are the Val d’Aosta, the Südtirol and Friuli-Venezia Giulia in the mountainous north. These special status regions, explains the report, “have been granted exclusive competence by the State giving them legislative and regulatory powers”.

#### **Portugal: Madeira and the Azores**

These two islands “may legislate autonomously in those matters of specific concern to the region, subject to the legal requirements of the constitution and those approved by the national parliament.”

### **Limited powers of international representation**

As well as the authority to administer their own territories, the Danish islands have the power to conduct international negotiations in the areas vital to their economies. For example, the Faroe Islands negotiate directly with Europe on the question of fishing rights in their territorial waters. In Portugal (Madeira and the Azores), the island authorities are involved in the negotiation of international agreements that concern them directly, and they may even establish direct links with

other foreign regions and take part in inter-regional cooperation meetings. The constitutions of Sardinia and Sicily provide for their representation during the negotiation of draft treaties that concern them. Likewise, the constitution of the Canaries allows for the attendance of representatives of the islands in Spanish delegations taking part in European negotiations that are particularly important for them. It also requires them to be informed of any international negotiations that affect them.

### **Recognition of island peoples**

The first article of the constitution of the Faroe Islands, adopted in 1948, proclaims that “the people of the Faroe Islands, through their elected representatives and an Executive that they shall establish, shall assume the administration and direction of the affairs of the islands within the framework of the unity of the kingdom.”

In Spain, article 2 of the Constitution proclaims “the indissoluble unity of the Spanish nation, the common and indivisible fatherland of all Spanish people; it recognises and guarantees the right to autonomy of its nationalities and regions and the solidarities between them”.

In the Balearics, Catalan shares official status alongside Castilian.

### **Financial autonomy**

The Danish islands enjoy a lump-sum subsidy granted by the Danish parliament, representing around a third of the budget in the Faroe Islands and two-thirds in Greenland. This subsidy is indexed to prices and wages. The remainder is raised by taxes levied by their respective parliaments. For the Canary and Balearic Islands, the Spanish constitution states that “the autonomous communities shall enjoy the financial independence to develop and exercise their powers in accordance with the principles of coordination with the finances of the State and the solidarity of all Spanish people.” The following article clarifies that these resources derive from their own duties and taxes, from a percentage of the national taxes levied on their territories and from State subsidies. In the Italian islands, 15% of resources come from their own receipts. They are supplemented by a proportion of national taxes levied on their territories (in Sardinia this is 70% of income taxes, 90% of registration fees and 50% of inheritance duties), and transfers from the national budget. In Portugal, the financial autonomy of the islands is guaranteed by the Constitution, which authorises them “to exercise their powers to raise taxes [...] and to adapt the national taxation system to their regional conditions”. Their budget is financed by duties and taxes levied on their territory, including customs duties, State aid in accordance with the principle of national solidarity, and European aid.

### **The limits of autonomy**

In Denmark, the “royal commissioner” representing the State on each island is informed of all the decisions taken by the local authorities. He may attend assembly meetings, but without voting rights. No local decision may encroach on the powers reserved to the State - foreign policy, national defence, justice and monetary policy. The international treaties signed by Denmark also take precedence in the event of conflict with a decision by the local parliament.

In Spain, the exclusive powers of the State are more extensive than in Denmark, extending to labour law, civil and criminal law and health. The compliance of regional laws with the constitution is monitored by the constitutional court, and the court of auditors acts in economic and budgetary aspects. A government delegate is appointed by Madrid.

In Italy, the matters for which the islands have exclusive powers are exhaustively listed in their statutes. The State is represented by a commissioner tasked with coordinating the administration of the State and the Region. Either of these two assemblies may be dissolved for any violation of their statutes or of national law.

In Portugal, a minister of the republic is appointed by the president for the duration of his term of office. He enacts the laws adopted by the territorial assembly. If he refuses to do so, the law is referred back to the regional parliament. If it then obtains an absolute majority, the minister is obliged to sign it. Further, article 230 of the Constitution forbids the autonomous regions to restrict workers' rights, or to limit access to a profession or to public service to people born or living in the territory. Lisbon is also empowered to dissolve the parliaments in Madeira or the Azores.