

# THE PROFESSIONS SEEKING CERTAINTY FROM GOVERNMENTS, CARLOS CARNICER

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## **Lawyers, like other professionals, are losing confidence in the way politicians exercise their authority, says Carlos Carnicer, President of the CGAE.**

Carlos Carnicer, Presidente del Consejo General de la Abogacía Española (CGAE) y de la Unión Profesional (UP), afirma que según los sondeos de opinión, uno de los problemas de mayor relevancia para los españoles es la insatisfacción con la actividad política. Opina que unas leyes justas y claras son la mejor arma contra la incertidumbre, tanto para aquellos que gobiernan como para los gobernados. Indica que en base a dos estudios, los ciudadanos españoles al cuestionarles sobre la actitud para con los abogados sugieren que existe un papel clave que deben jugar en el apoyo de la democracia, la libertad y el Estado de Derecho.

[mosimage cw=120] According to opinion polls, one of the most important problems for Spaniards is our dissatisfaction with political activity.

Given that abstention and blank votes are common in elections, I believe that our electoral system, which is based on open party lists, requires reform. Democracy can be an imperfect system of government and it is more so when a poor election turnout masks the true wishes of the majority.

In my capacity as President of both the General Council of the Spanish Law Association (CGAE) and the Union of Professionals (UP), I currently sense perplexity and dejection amongst many professionals – which is causing a progressive loss of democratic quality within our political and social life.

The current excesses of government makes citizens believe that Democracy and the Rule of Law can be neglected by powerful governments, and I urge politicians to provide certainty in a period of enormous uncertainty.

### **Bringing certainty**

For me, fair and clear laws are the best weapon against uncertainty both for those who govern and the governed. Two major Spanish studies of attitudes towards the legal profession, published in 2003 and 2005, suggest that the public believe there is a key role for lawyers to play in support of democracy, freedom and the Rule of Law.

Participants said they valued the importance of professional legal advice and legal protection, in particular the initiatives of the legal community and Bar Associations ensuring the protection of minority or vulnerable social groups such as children, immigrants, women and the old. This supports our strong commitment and ongoing support of social inclusion, an important area of government responsibility.

As professionals we must guarantee quality in the services we provide, in the protection of people's fundamental rights. We should also support civil society through the business, social or academic activity of our professional organisations, thus assisting a truly participative democracy. Professional activities need to conform to the best of current technical and scientific knowledge, and the highest ethical standards.

### **Developing Article 36**

Article 36 of the Spanish Constitution reads: "The law will govern the individual peculiarities of the legal regime of professional associations and the exercise of the higher professions. The internal structure and the functioning of the associations must be democratic." I am convinced that it needs to be developed.

We need strong and independent professional associations that function without financial support from government bodies, and whose members offer services guaranteeing the proper exercise of the professions.

The executive arm of the government has, in its annual report, also highlighted the need to develop Article 36, picking up too on the need to update the pre-constitutional 1974 Law of Professional Associations and to establish clearly the exact regulation, and selfregulation, that represents the general interest of the professionals and their associations.

While the economic and social importance of these regulated professions is evident, as much from the qualitative as the quantitative point of view, in order to regain the confidence of society, we need measured changes based on the professional's deep and detailed knowledge.

I do advocate action, professionalism and accountability, as measures against dejection and

uncertainty.

It is also important to give social recognition for professionals as agents of positive change. We have the greatest and best social networks in the country and we can be the mobilising elements of civil society.

Carlos Carnicer is President of the General Council of the Spanish Law Association (CGAE) and the Union of Professionals (UP). The views expressed in this article were developed during a recent round of conferences organised by Madrid's Club XXI on the theme of "Professionals – governing uncertainty". He can be contacted via [informacion@cgae.es](mailto:informacion@cgae.es).