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SPANISH RATIFICATION MONITOR

José I. Torreblanca & Alicia Sorroza

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José I. Torreblanca and Alicia Sorroza *

Summary: This working paper is the collaboration of the Elcano Royal Institute's Europe Area to the Ratification Monitor Project with the framework of the European Policy Institutes Network (EPIN, www.epin.org) to which the Institute belongs. This National Survey provides comprehensive and easy access to the Spanish national debate around the ratification process of the Constitutional Treaty

SPAIN

1. Ratification Procedure and Date

a) Which ratification procedure will apply in your country?

Referendum, legally binding

Parliamentary Ratification. By absolute majority of the members of Spanish Parliament. Art. 93. Spanish Constitution 1978.

Parliamentary Ratification only

b) What will the procedure look like? Are there any procedural peculiarities (e.g. minimum turnout in referenda)? Please specify.

- (1) On 21 October 2004, the Spanish “Consejo de Estado” (similar to the French Conseil d’Etat) advised the government to consult the Constitutional Court on whether the supremacy clause of the European Constitution (Art. I-6) together with articles II-111 and II-112 on the application of EU rules, contradicted article 9 of the Spanish Constitution establishing the latter as the country’s supreme norm.
- (2) Following the Council of Ministers request on 5 November 2004, on 13 December 2005 the Spanish Constitutional Court ruled that no problem of compatibility existed, in view of which no constitutional reform was required.
- (3) Since the referendum is consultative, there will not be any minimum turnout conditions. According to Spain’s electoral regulations, the Government may not campaign in favour or any option, nor invite citizens to participate; it can only inform them about the nature of the referendum, the date when it will be held and the question posed. The Government’s strict neutrality is due to a recent ruling by the Central Electoral Court that argued, in line with the claims of some citizens, that in political terms it is just as legitimate to abstain as it is to turn out to vote, in view of which the Government should not take sides. No Government funds may be used in favour of the “yes”, “no” or abstention options, and there will be no extra money

* Elcano Royal Institute

available for political parties. Political parties will have to use their own budgets to campaign.

c) If a referendum is held:

(i) What will be the date?

Sunday, 20 February 2005

(ii) Who will convoke it?

The President of the Government and the Council of Ministers. counting with the unanimous support of the Parliament.

(iii) If already known, what will be the wording of the referendum question(s)?

“Do you approve the Treaty by which a Constitution for Europe is established?”

(iv) If the referendum is consultative, what is the motivation for holding the referendum?

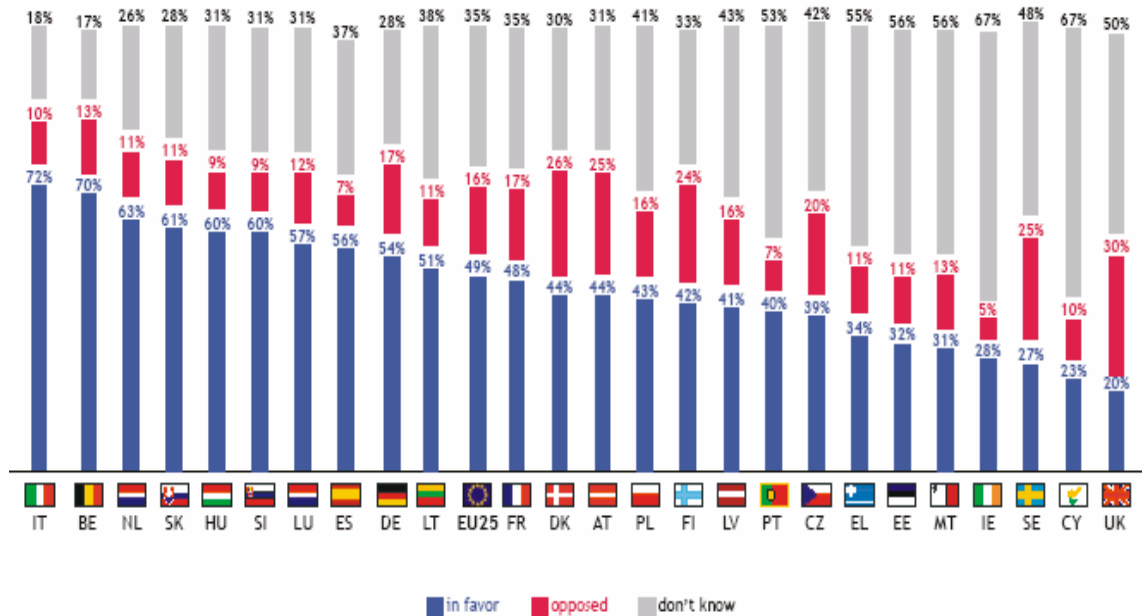
There are two main reasons, one democratic, the other strategic. Firstly, until now Spaniards have not been able to express their support for the European Union in a referendum; curiously, neither the accession treaty, nor indeed any other subsequent EU Treaty (Maastricht, Amsterdam, Nice) were ever subject to a popular vote. Since the new text calls itself a Constitution, the government and all major political forces have agreed that the time has finally come to allow voters to express their views. Secondly, by holding the first referendum in Europe, the new Government wants to make visible the new orientation of Spain’s European policy following the defeat of José María Aznar’s Popular Party in March 2004. Confident of a landslide victory of the “yes” option, the new Government hoped the result would have a positive impact on other countries, notably France, and also expected the outcome to strengthen its leadership in Europe at a crucial moment for Spain (bearing in mind the forthcoming negotiation of the financial perspectives for 2007-2013). The major opposition party, however, regards the Government’s determination to ensure that Spain is the first member state to hold a referendum as unnecessarily risky, and even potentially counter-productive.

2. Support for the Constitutional Treaty

a) How strong do recent polls suggest is the likely support for the Constitutional Treaty going to be in your country?

According to the Eurobarometer Special 214 on “The Future Constitutional Treaty” (January 2005), 56% of Spaniards are in favour of the Constitutional Treaty, 7% are opposed, and 37% don’t know. As was to be expected of a predominantly Europeanist public opinion, this is well above the EU-25 average of 49% support.

Support for the European Constitution (in %)
EB Barometer January 2005



- Likely support in a Referendum (in %):

Sigma Dos for Newspaper El Mundo (<http://www.elmundo.es>) published on October 12, 2004.)

- Yes: 36.5%
- No: 3.2%
- Undecided: 42.6%
- Will not go to vote: 12.4%
- Blank vote: 5.2%.

OPINA for CIS/Elcano Royal Institute (<http://www.realinstitutoelcano.org>) published on December 10, 2004)

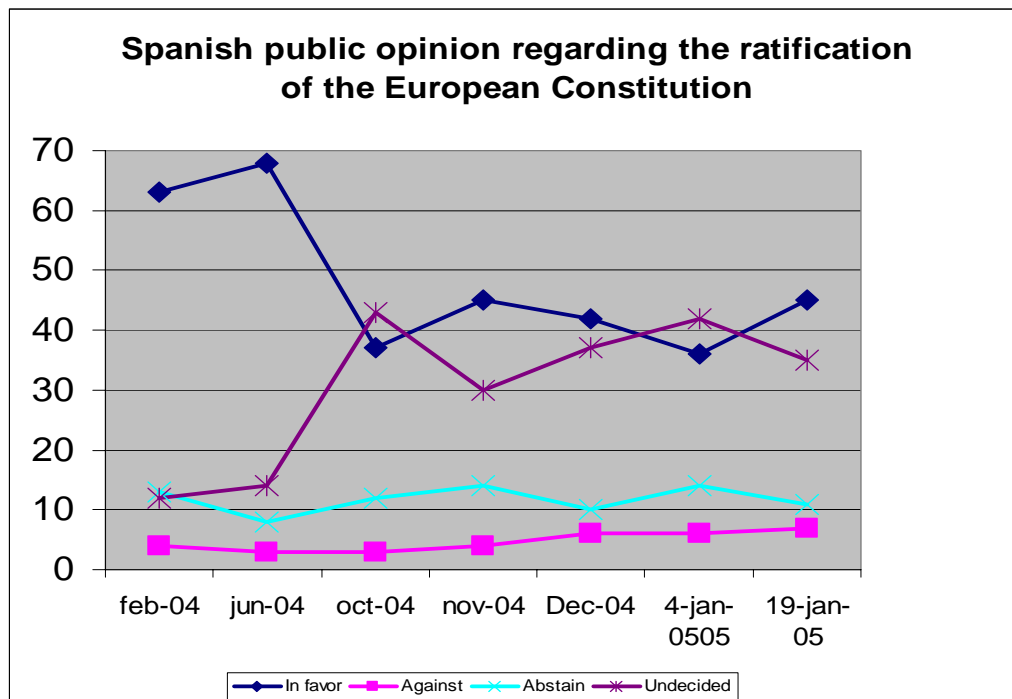
- Yes: 41.6 %
- No: 6 %
- Undecided: 35.6 %
- Will not go to vote: 9.7 %
- Blank Vote: 5.1%

OPINA for SER Radio, on January 19, 2005 (www.cadenaser.com)

- Yes: 45,3 %
- No: 7,1 %
- Undecided: 35,21 %
- Will not go to vote: 11,3 %
- Blank Vote: 0,9 %

Voting intention on the European Constitution

	February, 2004	June, 2004	October, 2004	November 2004	December 2004	January 4 2005	January 19, 2005
	Elcano/BRIE	Elcano/Brie	CIS	CIS	CIS/Elcano	Opina/SER	Opina/Ser
In favour	63	68	37	45	42	36	45
Against	4	3	3	4	6	6	7
Blank	8	6	5	5	5	2	1
Abstain	13	8	12	14	10	14	11
Undecided	12	14	43	30	37	42	35

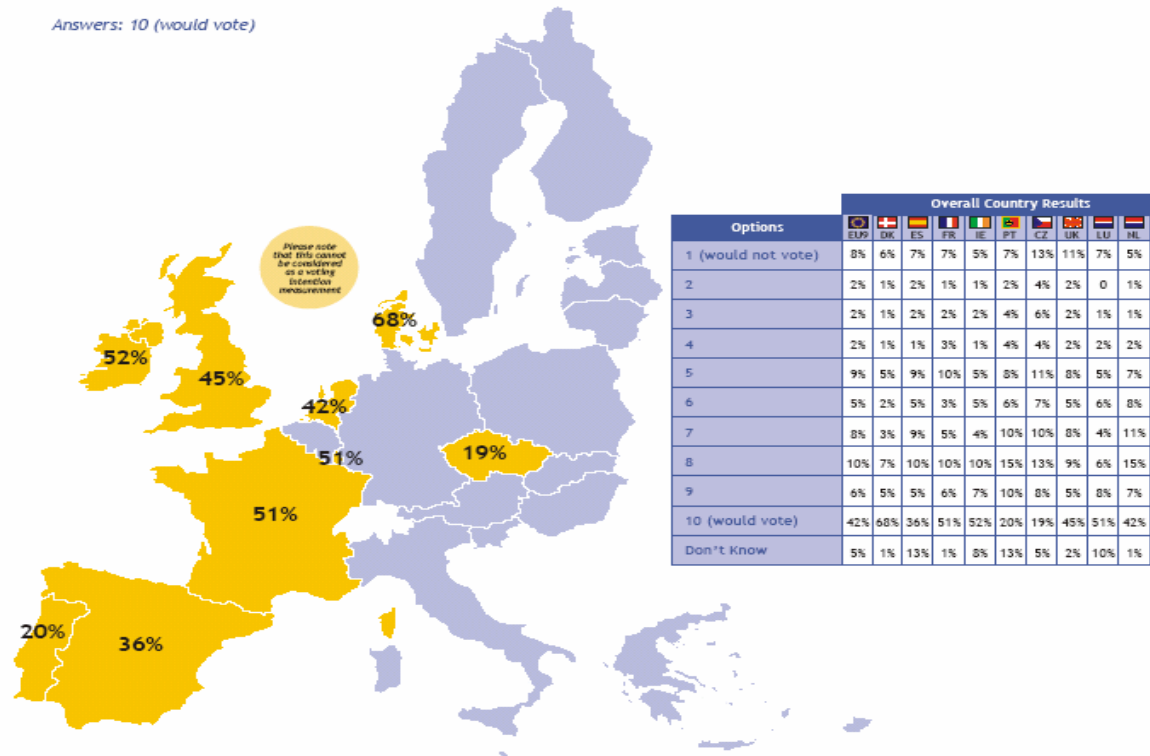


In spite of the above data, it should be noted that in June 2004 the turn-out for the European Parliament election in Spain was only 45%, much lower than the 60% or so predicted by a number of pollsters. Admittedly, this may have been because the election was held only three months after the general election of 14 March 2004 and also due to the fact that, for the first time in Spanish electoral history, it did not coincide with any local or regional elections. Be this as it may, pollsters are very reluctant to estimate what the final turn-out will be on 20 February. This is largely because many fear that a significant proportion of the Popular Party's 9.6 million voters may decide to 'punish' the Socialist Government by abstaining or even voting 'No', a decision they do not readily admit to when interviewed by strangers. As the Eurobarometer Special 214 notes, "bearing in the low participation recorded in Spain at the last European elections, all the ingredients are there for a very low future turn-out: poor knowledge of the contents of the Treaty and low level of certainty of going to vote".

Possible participation in the nine referenda currently scheduled (EB Barometer, January, 2005)

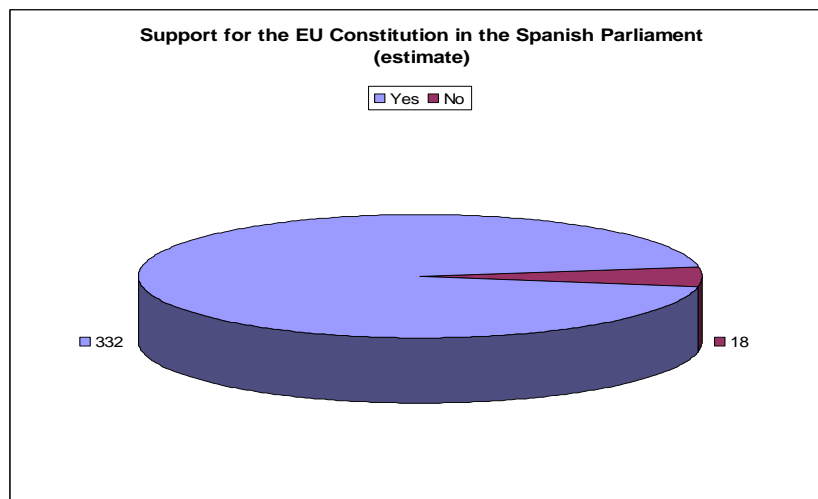
(TO 18+, NATIONALS)

Answers: 10 (would vote)



- In Parliament (in %) Total: 350 members.

- Yes: 332 (94.8%) Which parties?: PSOE (164), PP (148), PNV (7), CC (3), UDC (4) CDC (6)
- No: 18 (5.1%) Which parties? ERC (8), IU-IC (5), BNG (2), EA (1), CHA (1), Na-Bai (1)



Government coalition and support for EU Constitution

	Zapatero's Investiture			Announced vote on the European Constitution	
	Yes	No	Abst	Yes	No
PSOE	164			164	
ERC	8				8
IU	5				5
CC	3			3	
BNG	2				2
CHA	1				1
PP		148		148	
CIU			10	10	
EAJ-PNV			7	7	
EA			1		1
Na-Bai			1		1
Total	183	148	19	332	18
Needed	176			176	18

b) In the light of current public opinion, how high do you rate the overall probability that the Constitutional Treaty will be ratified in your country? (in %): 90 %.

3. Key Players

Which important players are likely to take on an important role in the debate about ratification?

Please specify whether in favour or against the Constitutional Treaty.

a) Institutions

Constitutional Court..... **x for**against

The Constitutional Court ruled on 13 December 2004 that the EU Constitution is in line with the Spanish Constitution, so a reform is not needed.

Other: **Council of State** (*Spanish Conseil d'Etat*)....**x for**against

(Its opinion recommended the Government to consult the Constitutional Court on the issue of supremacy of EU Constitution, October 21, 2004)

b) Civil Society

X Unions.....**X for**....against

X Employers Associations.....**X for**....against

X Business.....**X for**....against

Church.....for.....against

X Other Anti-globalization movements.....for....**X against**

5. Personalities

Please identify the most notable personalities that are likely to influence the debate in your country.

<i>Name</i>	<i>Party or Affiliation</i>	<i>Position on the Constitutional Treaty</i>
José Luis Rodríguez Zapatero	President of the Government	Strongly in favour of the European Constitution
José María Aznar	Former President of the Government	Very telling silence (presumably luke- warm about the Constitution; favours Nice Treaty)
Mariano Rajoy	Leader of the main opposition party (Popular Party)	In favour of the European Constitution
Felipe González	Former President of the Government	In favour of the European Constitution; but has expressed doubts about advisability of Referendum

6. Positions of national political parties?

Party Name	English Translation	Government Party (Yes/ No)	Share of Seats in Nat. Parl. (Approx.)	EP Party Group	Position on the Constitutional Treaty (For/ Against/ Undecided)
Partido Socialista Obrero Español (PSOE)	Spanish Socialist Workers' Party	YES	164	PES	FOR
Partido Popular (PP)	Popular Party	NO	148	EPP-ED	FOR
Esquerra Republicana de Catalunya (ERC)	Republican Left of Catalonia	NO	8	GR/EFA	AGAINST
Partido Nacionalista Vasco (EAJ-PNV)	Basque Nationalist Party	NO	7	GR/EFA	FOR
Convergència Democràtica Catalunya (CDC)	Democratic Convergence of Catalonia	NO	6	ELDR	FOR
Izquierda Unida (IU)	United Left	NO	5	EUL	AGAINST
Unió Democràtica de Catalunya (UDC)	Democratic Union of Catalonia	NO	4	EPP-ED	FOR
Coalición Canaria	Canary Islands Coalition	NO	3		FOR
Bloque Nacionalista Galego (BNG)	Nationalist Bloc of Galicia	NO	2	GR/EFA	AGAINST
Eusko Alkartasuna (EA)	Basque nationalists	NO	1	Non-aligned	AGAINST
Nafarroa Bai	Navarrese	NO	1		AGAINST
Chunta Aragonesista	Aragonese Party	NO	1	GR/EFA	AGAINST

7. Central themes and issues in ratification campaign

What topics, do you expect, will dominate the campaign for ratification of the Constitutional Treaty in your country? And how do you think will the subject influence the public opinion on the Constitution?

a) Overarching themes linked to the EU:

- X EU-membership in general** (e.g. national sovereignty & independence)
 - X in favour** against
- Limits and identity of the EU** (e.g. membership of Turkey)
 - in favour **X against**
- X Economic benefits** (access to common market)
 - X in favour** against
- Budgetary Issues** (e.g. “netpayer” debate)
 - in favour against
- Democracy of the EU** (e.g. democratic control of the “Brussels bureaucracy”)
 - in favour against
- X EU’s Role in the World** (e.g. “global player”, transatlantic relations)
 - X in favour** against
- X ‘European Social Model’**
 - X in favour** against
- Future of the Stability Pact**
 - in favour **X against**

b) Issues directly linked to the Constitutional Treaty:

- X Voting weights in the Council:** in favour.....**X against**
- Extension of QMV:** in favour..... against
- X Charter of Fundamental Rights:** **X in favour**..... against
- Exit Clause:** in favour..... against
- Provisions for ‘enhanced cooperation (‘Core Europe’):** in favour..... against
- Permanent EU President:** in favour..... against
- X EU Foreign Minister:** **X in favour**..... against
- X Common Foreign Policy (CFSP):** **X in favour**..... against
- Common Security Policy (ESDP):** **X in favour**..... against
- X JHA issues (Asylum Policy, Border Control, etc.):** **X in favour**..... against
- European Public Prosecutor:** in favour..... against

c) National issues

- Lack of recognition of Catalan/Basque/Galician/ as official languages... in favour....**X against**
- Lack of participation of regions in EU Policy decision making..... in favour....**X against**
- Lack of reference to Christianity in the EU Constitution Preamble..... favour.....**X against**

8. Influences from other Member States on the domestic debate.

Has the domestic debate on the constitution been influenced by events in other Member States?

No.

José I. Torreblanca / Alicia Sorroza

Elcano Royal Institute of International and Strategic Studies



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**RATIFICATION MONITOR
NATIONAL EXPERTS SURVEY**

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