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SPANISH RATIFICATION MONITOR

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Summary: This working paper is the collaboration of the Elcano Royal Institute's Europe Area to the Ratification Monitor Project within 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. (Updated on 20 February)

SPAIN

1. Ratification Procedure and Date

a) Which ratification procedure will apply in your country?

Referendum not legally binding followed by Parliamentary Ratification. The absolute majority of the members of Spanish Parliament is needed. The legal base is the article 93 of the 1978 Spanish Constitution.

b) The referendum

(i) Date which the referendum was held

Sunday, 20 February 2005

(ii) Who convoked it?

The President of the Government and the Council of Ministers. counting with the unanimous support of the Parliament. Legal base: Article 92 of the Spanish Constitution.

(iii) the wording of the referendum question)

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

Referendum results

National Voter Turnout		
Total Voters	14,204,663 mill	42.32 %
Abstention	19,359,017 mill	57,8 %

* Elcano Royal Institute

Nation Wide Results		
YES	10,804,464	76.73 %
NO	2,428,409	17.24 %
Blank Vote	849,093	6.03 %

Autonomous Communities with the highest percentage of NO votes		
	YES	NO
Basque Country	62,6	33,6
Catalonia	64,6	28,0
Navarra	65,3	29,2

Turnout in other referendums	
European Constitution Referendum 2005	42.3 %
NATO Referendum 1986	59.4 %
1978 Constitutional Referendum	67.1 %

Spanish turnout in European parliamentary elections	
2004	45,1
1999	64,3
1994	59,1
1989	54,7
1987	68,5

b) What will the procedure look like? Are there any procedural peculiarities

- (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 was consultative, there were not any minimum turnout conditions. According to Spain’s electoral regulations, the Government may have not campaigned in favour or any option, nor invite citizens to participate; it could only inform them about the nature of the referendum, the date when it was held and the question posed. The Government’s strict neutrality was 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 have used in favour of the “yes”, “no” or abstention options, and there was no extra money available for political parties. Political parties had to use their own budgets to campaign.

(iv) The referendum was consultative, what was the motivation for holding it?

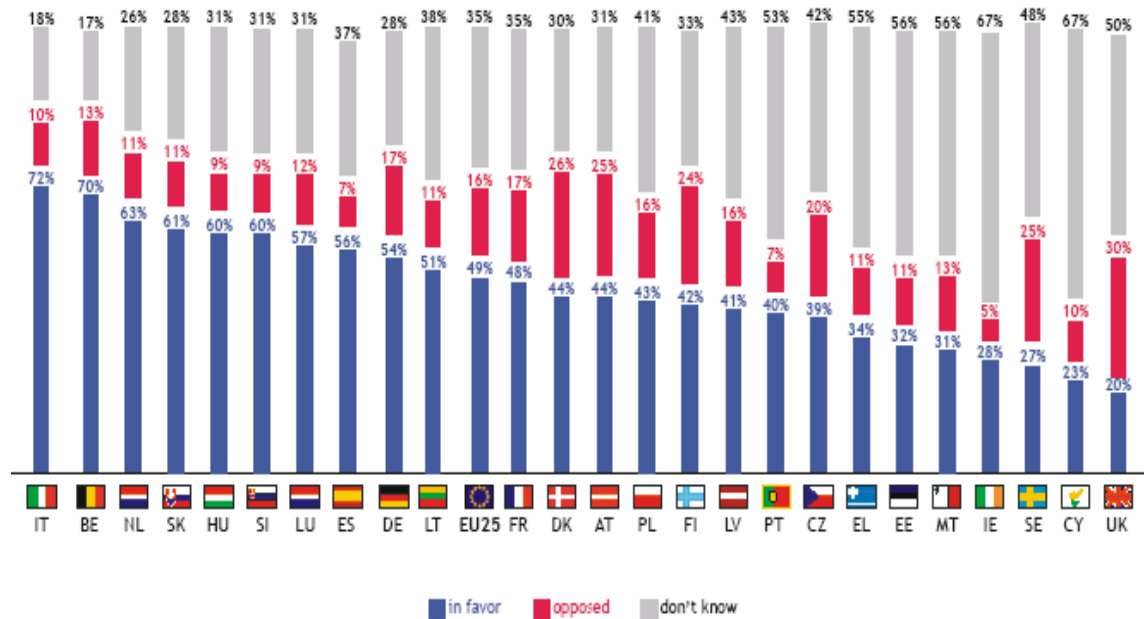
There were two main reasons, one democratic, the other strategic. Firstly, until now Spaniards have not been able to express their support for the European Union in a referendum; curiously, neither the accession treaty, nor indeed any other subsequent EU Treaty (Maastricht, Amsterdam, Nice) were ever 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 wanted 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 was the first member state to hold a referendum as unnecessarily risky, and even potentially counter-productive.

2. Support for the Constitutional Treaty

a) How was the evolution of the support to the Constitutional Treaty according to the polls?

According to the Eurobarometer Special 214 on “The Future Constitutional Treaty” (January 2005), 56% of Spaniards were in favor of the Constitutional Treaty, 7% were opposed, and 37% didn’t know.

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 %

CIS, January 24, 2005 (www.cis.es)

- Yes: 51,2%
- No: 5,7 %
- Undecided: 22,1 %
- Abstention: 16,4%
- Blank Vote: 4,6%

OPINA for SER Radio, February 2, 2005 (www.cadenaser.com)

- Yes: 40,4 %
- No: 6,5 %
- Undecided: 38 %
- Abstention: 10,9 %
- Blank Vote: 1,6 %

Celeste Tel for the newspaper La Razón, February 10, 2005 (www.larazon.es)

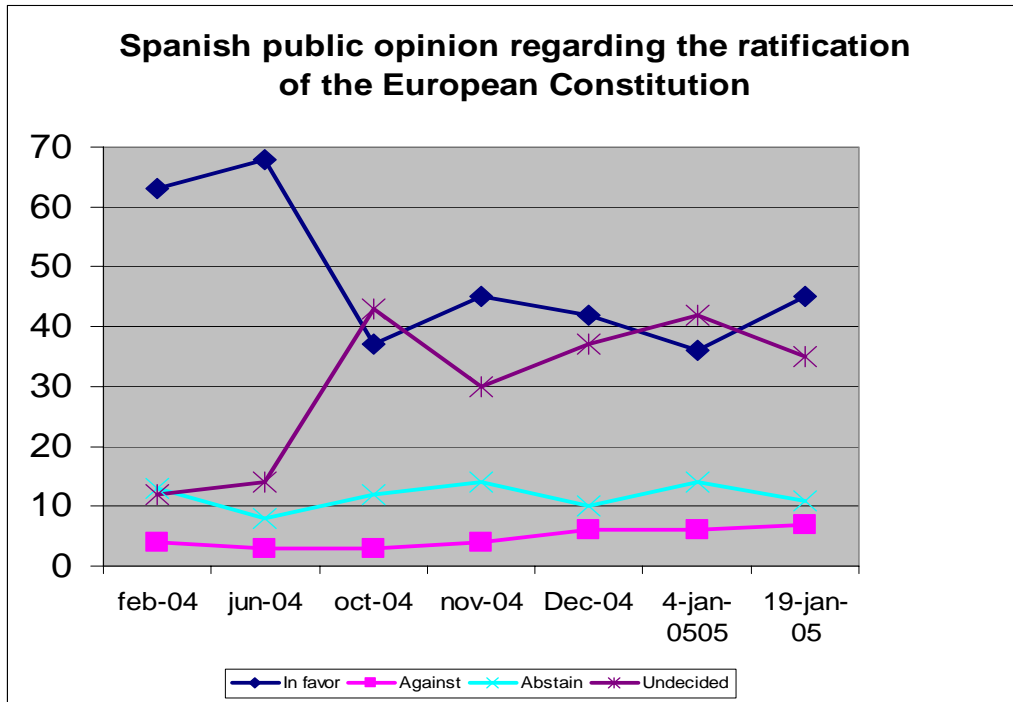
- Yes: 37,1 %
- No: 3,9 %
- Abstention: 58,4 %
- Blank Vote: 0,7 %

Noxa Institute for the newspaper La Vanguardia, February 10, 2005
(www.lavanguardia.es)

- Yes: 57 %
- No: 14 %

Voting intention on the European Constitution

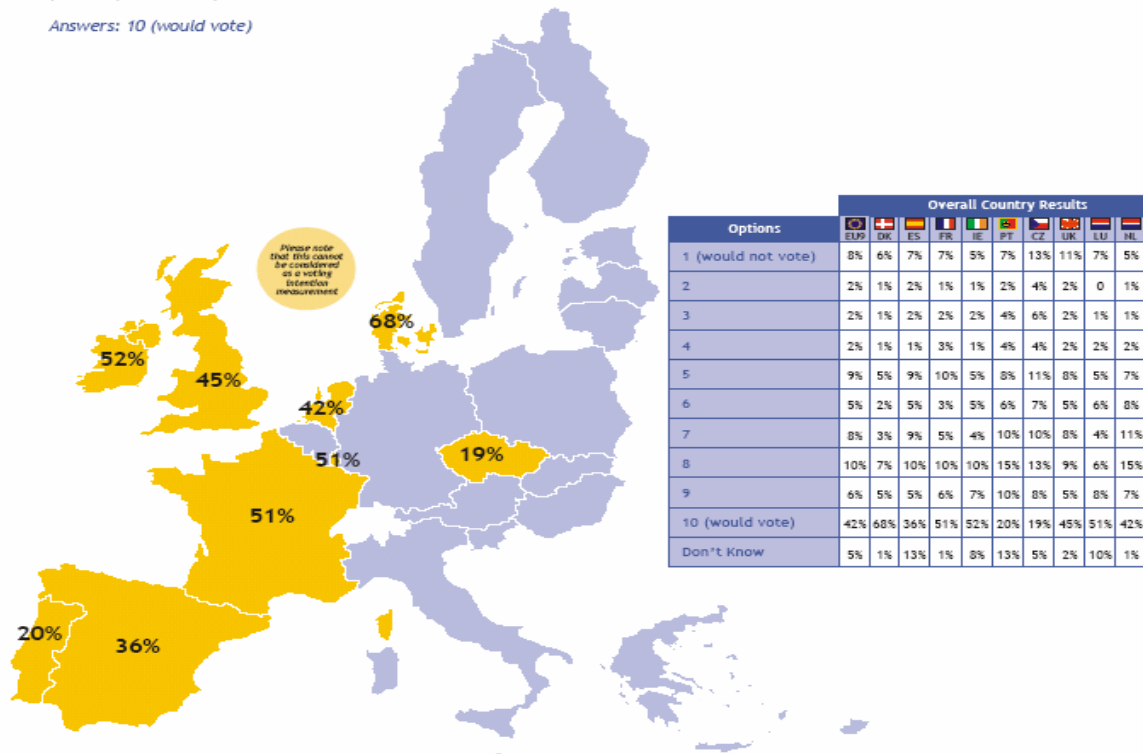
Undecided	Febr, 2004	June, 2004	October 2004	Novemb, 2004	December, 2004	January 4 2005	January 19, 2005	January,24, 2005	February 2, 2005
	Elcano /BRIE	Elcano /BRIE	CIS	CIS	CIS/Elcano	Opina/SER	Opina/Ser	CIS	Opina/SER
In favour	63	68	37	45	42	36	45	51	40
Against	4	3	3	4	6	6	7	6	7
Blank	8	6	5	5	5	2	1	5	2
Abstain	13	8	12	14	10	14	11	16	11



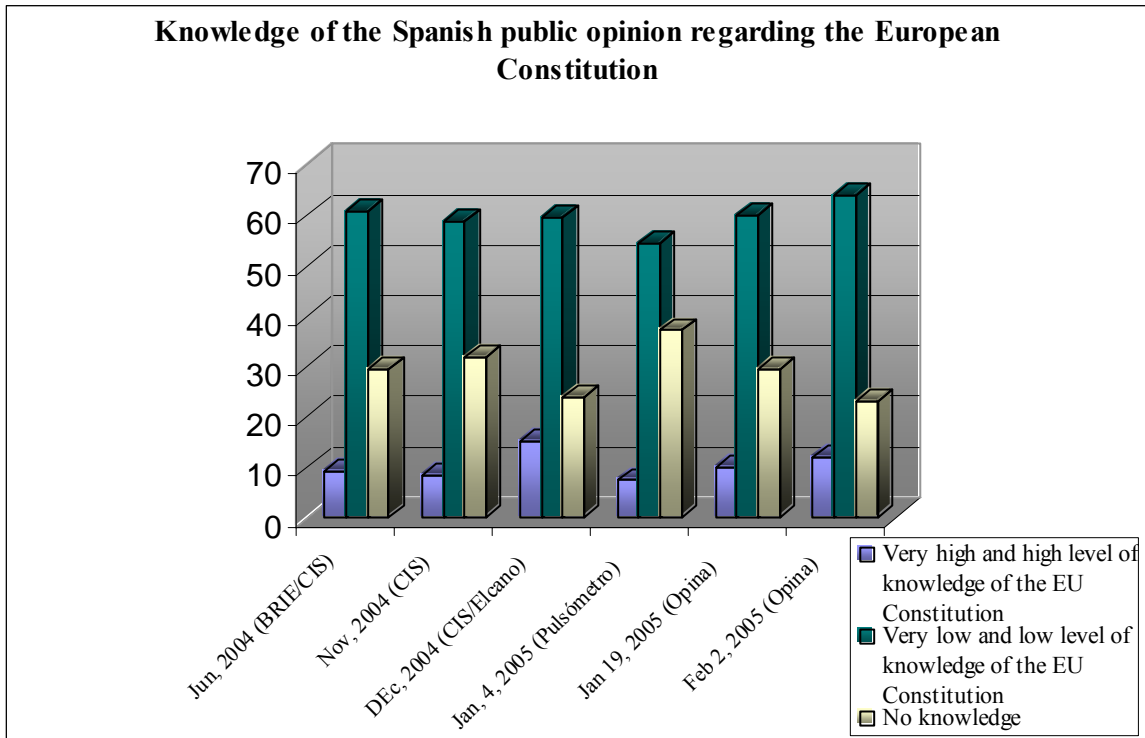
Possible participation in the nine referenda currently scheduled (EB Barometer, January, 2005)

(TO 18+, NATIONALS)

Answers: 10 (would vote)



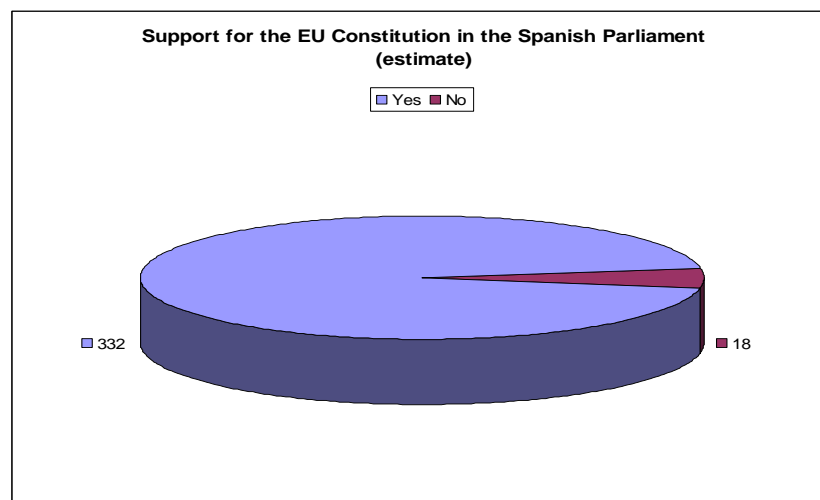
Likewise, the lack of knowledge of the Spanish public opinion regarding the European Constitution is due to highlight, according to different surveys.



Parliamentary support for the Constitutional Treaty

Total members of the Parliament – Congreso de los Diputados -: 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

3. Key Players

Important players which had an important role in the debate about ratification

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	Very telling silence (presumably

	Government	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
<u>Nafarroa Bai</u>	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.

There was no influence in the domestic debate on the constitution by events in other Member States

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**RATIFICATION MONITOR
NATIONAL EXPERTS SURVEY**

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