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CONSTITUTION-BUILDING**

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SPAIN AND EUROPEAN UNION CONSTITUTION-BUILDING

INTRODUCTION

The broad objective of this paper is to better understand how national governments form their policy position on the Draft Constitutional proposal by analysing developments in Spain. It does so in three sections. After first considering different (theoretical) issues raised in Spanish policy-making literature, Section 1 examines the Spanish position on various parts of the European Convention based on data gathered from expert interviews carried out in November 2003. Beyond analysing the overall data, we examine and explain why one of Spain's most important concerns relates to the 'qualified majority' threshold. Section 2 then evaluates the internal coordination process, focusing on the few domestic-level actors (from the Prime Ministers' Office and the Ministries of Foreign Affairs and Economy) that have been most influential in shaping the Spanish position. Building on issues raised in Spanish political literature, we then consider two main explanations regarding *why* the process involved such few actors. The first of them points to the significance of specific institutional actors whose (economic and social) policy-making role in Spain has been embedded since the mid-1980s. We argue that this institutionalisation has resulted in the limited role of parliament (*las Cortes*), opposition actors and other interest groups. A second explanation, pointing to the importance of party politics, relates to the 'political will' of the Popular Party (PP) administration: driven by a 'new' paradigm for Spanish foreign policy, the PP shifted attention towards forging transatlantic relations while 'strengthening' the Spanish position vis-à-vis European superpowers such as Germany and France. Such a 'paradigm' further cemented the position of some actors in the process, while it necessarily excluded others. From a theoretical perspective, and based on the existing Spanish policy-making literature mentioned above, the paper concludes that domestic level negotiation has thus taken place in a relatively closed, yet informal, policy-community, comprising a limited number of actors working in isolation. Section 3 closes with our main findings and also ponders the potential shift in the Spanish position given the recent Socialist victory in March 2004.

SECTION 1. THEORETICAL ISSUES, SURVEY DATA, AND WHY MADRID LOVES NICE

Theoretical Issues in Spanish Public Policy Making

Various scholars have made different attempts to theoretically characterise policy-making in contemporary Spain, guided by larger policy-making models developed in comparative politics literature. A main body of literature (Pérez Díaz, 1993) points to the corporatist tradition in Spain, most acute throughout the transition to democracy (1977-1982). Clearly guided by the larger corporatist literature, as seen in Schmitter and Lembruch's (1979) work, it is contended that specific interests – particularly capital and labour – who enjoy a monopoly of representation, had fixed positions along with the state in the formulation of economic and social policies. A clear example of this was seen in the

Moncloa Pacts of the late 1970s, where the state, along with representatives of capital (in the form of the business organisation CEOE) as well as the two main trade unions (UGT and CCOO) arrived at a national agreement (on issues such as wages) that eventually served as a basis for the state's economic growth, employment expansion and increased living standards throughout the 1980s.

Transcending the corporatist model, a second school points to the importance of economic elites in formulating public policy. Specifically focusing on developments by the Socialist Party after 1986, and highlighting ideas raised by Instrumental Marxists (Miliband, 1969), the argument here is that economic actors, such as corporate firms, dictated policy positions taken by the government (Petras, 1993). Different public policies that serve as examples include a tax policy that benefited the rich and some sales of state-owned companies to economic elites for a price below their market value. According to Petras, these and other neo-liberal policies, along with simultaneous cuts in health, welfare and education programmes were pursued particularly in the last years of Felipe Gonzalez's Socialist administration.

A more recent model, discussed by R.A.W Rhodes and Peterson, is the 'policy network' approach (Rhodes, 1997; Peterson, 1995), which has recently been applied to understanding developments in the Spanish privatisation and state aid policy-making processes (Chari, 2004). This approach is different from the previous schools in two aspects: unlike corporatism, there is no fixed, tripartite power consisting of the state, labour and capital that rules when public policy is made; and unlike elitism, it is argued that there is no exclusive and privileged position for private (economic) actors who can unilaterally impose decisions. Throughout the 1970s and early 1980s, the network approach evolved into different typologies and was applied to a variety of areas and it can be argued that Marsh and Rhodes (1992), building on the work of Grant *et al* (1988) and Rhodes (1988), offered a definitive, although not final, clarification of terms in network/community analysis. The Marsh-Rhodes typology suggests that there are four main characteristics of a community. First, there are a limited number of participants that operate in a largely insulated fashion while others are consciously excluded, pointing to a highly restrictive membership. Second, there is interaction between members when an issue is discussed, each of whom have their own goals. Third, there is a consensus between actors as well as a consistency in values, membership and policy outcomes shared by them, pointing to a 'policy paradigm', or a view of the world which consists of the most urgent problems that need to be dealt with. Fourth, the interaction between members, which may be hierarchical in nature, is based on bargaining between members.

While offering significant insights, it can be argued that Spanish policy-making literature suffers from three main insufficiencies. First, analysis of policy-making has been primarily concerned about understanding economic and social policy-issues. In other words, less attention has been paid to how Spain has developed its external policy positions. Second, while there are in-depth studies on the importance of the various institutions within the state that have increasingly gained power, such as the Ministry of Economy and Finance (Heywood, 1995), little attention has been paid to the coordination of these institutions when foreign policy is developed. Third, while the analysis of public opinion and elite surveys have led to studies on elections and political parties (Montero, 1998),

less effort has been made to use elite surveys in the study of public policy development in general, and external policies in particular. This is particularly the case in studies analysing Spain's position towards the EU and integration initiatives.

Attempting to transcend these deficiencies, one of the main objectives of this paper is to therefore better understand, both empirically and theoretically, the development of the Spanish position on the Draft Constitutional proposal by analysing responses to the DOSEI group's elite surveys and by considering the role of various actors in the process. As such, the rest of Section 1 examines the Spanish position on the Constitution, highlighting Spain's main concerns on the qualified majority threshold. Before considering which theoretical model is of use in characterising the policy process with respect to the development of the national position on the Draft Constitution, Section 2 analyses the actors that have been important in developing this position and evaluates the factors that explain it. To this end, specific attention will be given to both the institutional dimensions of governance in Spain and the 'political will' of the PP administration.

Spain's View on the European Convention: Examining the Survey Data

This section seeks to understand the Spanish view of the European Convention based on the DOSEI research group's (Principal Investigator Thomas König) expert surveys. Using the data of the two experts that were interviewed in November 2003, both of whom are representative of high-level officials in the Ministry of Foreign Affairs and the Prime Minister's Office, two types of comparisons can be made as shown in Table 1. The first, as seen in the first two columns, relates to the level of agreement between the expert's view of the national position (formed by the main governmental actors involved in the process) and the provisions as established in the Draft Constitution. Key to note at this stage, as discussed further below, is that there are three main actors involved in forming the Spanish position: The Prime Ministers' Office (PMO), the Ministry of Foreign Affairs (MFA), and the Ministry of Economy and Finance (MEH). Both interviewees also suggested that the positions of all three of these actors were always the same as the official governmental position (therefore pointing to the idea of 'no variance' between the main actors involved). A second comparison, as shown in the last column, relates to the level of agreement between the two experts that were interviewed.

Table 1. Level of Agreement in Responses

	Expert 1: Official Government Position and Agreement with Draft Constitution	Expert 2: Official Government Position and Agreement with Draft Constitution	Agreement in Responses Between Expert 1 and Expert 2
<i>Survey Section</i>			
General (7)	4/7 (0.57)	4/7 (0.57)	6/7 (0.86)
Legal Instruments (6)	2/2 (1)	2/2 (1)	2/2 (1)
Institutions & Procedures (10)	6/10 (0.6)	6/10 (0.6)	7/10 (0.7)
Policies (42)	36/42 (0.86)	30/42 (0.71)	30/42 (0.71)
Priorities (1)			1/1 (1)
Total (66)	51/66 (0.77)	47/66 (0.71)	49/66 (0.74)

Notes: Total number of questions in brackets; higher percentages in bold (over 70% coincidence in answers).

The data suggest two main findings. The first, as seen in the final column, is that there is a high consistency in responses between the experts. This is seen in the 'general' 'legal instruments', 'policies' and 'priorities' sections of the questionnaire. This suggests that the data are reliable given that both experts agreed on a majority of the questions. The second main finding, as seen in Columns 1 and 2, is that the official government position generally shows a high level of agreement with the issues raised in the Draft Constitution. Although one finds high agreement in sections on 'legal instruments' and 'policies,' less agreement is seen in two other sections, however. The first is the 'General' section, where the official government position towards 'free market' and 'reference to Christianity' differs from the Draft Constitution's stance on 'social market economy' and 'reference to a religious inheritance'. The second section where differences are seen relates to that on 'institutions and procedures.' For example, one sees that Spain prefers involvement of member states in the appointment of commissioners and that the importance of the Council should be maintained in external policy making. Yet, of all the issues raised under this section of 'institutions and procedures', Question 8 on qualified majority threshold is the most important because it was the only one considered of 'vital importance' by both experts and, as seen in developments in the IGC in Rome in December, was one of the main reasons why the Constitutional draft was not ratified. With this in mind, we thus turn to a closer, more comparative, examination of Spain's opposition.

Spanish Opposition to Qualified Majority Threshold in Draft Constitution

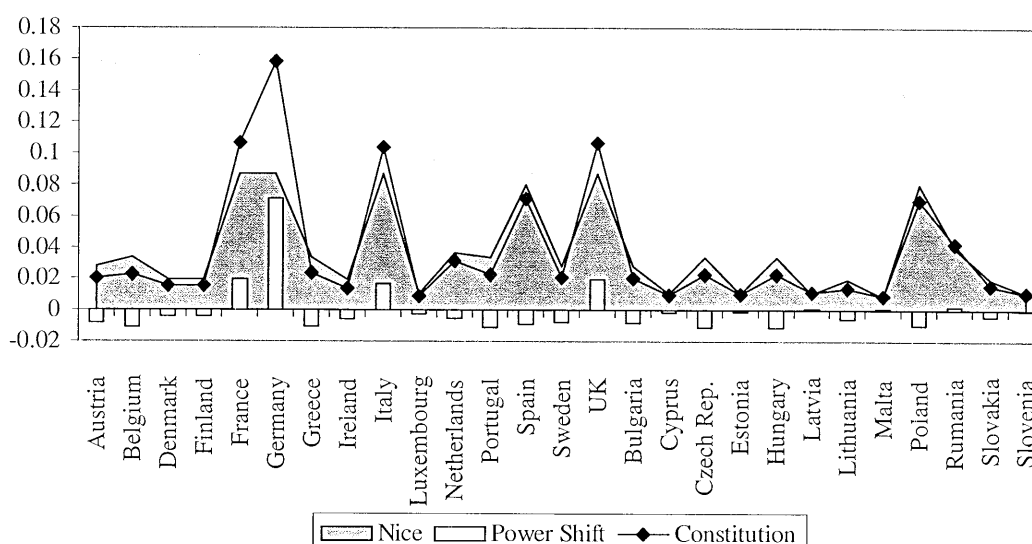
This section analyses why Spain sought preservation of Nice Treaty voting rules, a position commonly considered to be 'defending the status quo' due to national self-interest. It should be noted at the outset that this stance runs counter to the historically 'pro-European integration' stance that has characterised Spain.¹ In order to gain insights into the Spanish position on the QMT, it is necessary to consider two main factors: first, the implications of the Constitution's new rules in terms of both approving and blocking Council decisions and, secondly, the more theoretically based claim of Spain regarding the Council of Ministers as a chamber of territorial representation in the European institutional system.

Turning to the first main factor, in order to better understand how the new rules decrease Spain's possibility to form a majority in the Council of Ministers, Graph 1 depicts the political power in a 27 member-state European Union (EU-27) by using the Shapley-Shubik power index².

¹ Analyses concerning public opinion and political parties present empirical data supporting this pro-European position of Spain. For a cultural account of this phenomenon concerning citizens see Jauregui, 2002; from a more utilitarian perspective see Sanchez-Cuenca, 2000; and for an analysis based on examination of political parties see Ruiz-Jimenez, 2002.

² The Shapley-Shubik index considers the number of winning coalitions through the different permutations of the various actors involved in the coalition. The index focuses on the 'pivotal actor' which converts the winning coalition into a losing one; the index is thus related to the decisiveness of a political actor in a coalition. As such, the index is used broadly in these studies to consider the majority vote in the European Council. See König and Brauninger, 1998 and 2000. For power index calculations the IoP software is used (version 2.0): Thomas Bräuninger and Thomas König (2001) *Indices of Power IOP 2.0* [computer program]. Konstanz: University of Konstanz [<http://www.uni-konstanz.de/Ful2/Verwiss/koenig/IOP.html>].

Graph 1. Shapley-Shubik Power Index to Form a Majority in the Council of Ministers



Majority requirements:

Nice: 73.91% of votes (255/345)³ + 50% membership (14) + 62% population (2982/4810) in 10000.

Constitution: 14/27 votes (50%) + 60% population (2886/4810) in 10000.

Graph 1 highlights two main points. First, member states with a higher percentage of population over the total EU population (namely Germany, France, Italy and the United Kingdom) improve their influence on Council decisions adopted by the new Constitutional majority requirements compared with the voting system approved in Nice. Secondly, the bulk of member states are losers according to the new rules. In other words the Constitutional draft voting system reduces the political influence of several countries (both current member states like Belgium and Portugal, and newcomers like Hungary and the Czech Republic). With this in mind, one may reasonably ask: if other medium and small sized states (in terms of population) are equally negatively affected by the new rules in terms of their ability to form majorities, why have they not opposed the new voting system as vigorously as Spain?

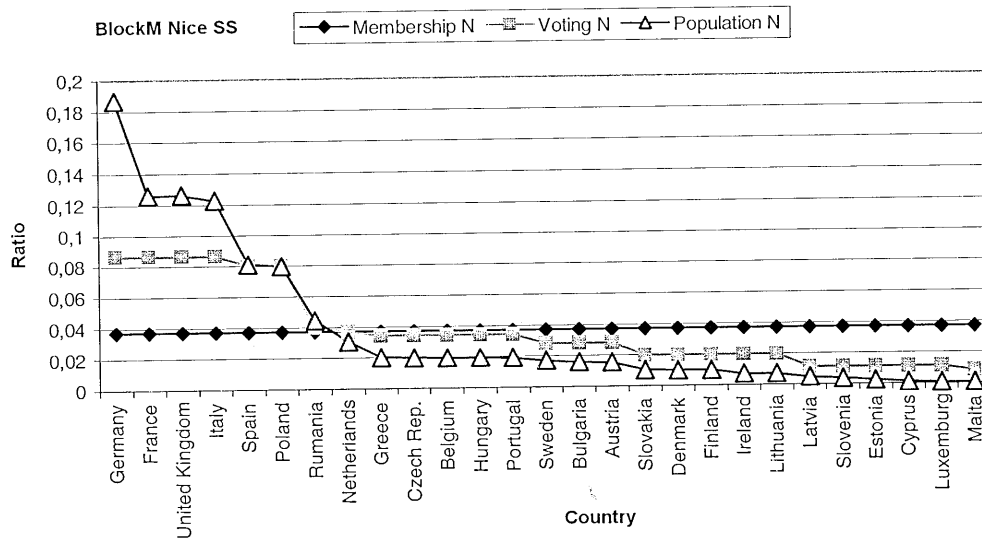
An answer to this is found by considering the effects of the new Constitution voting system on Spain's capacity to *block* Council decisions. As several authors have noted, European policy-making involves several institutions working under different rules: the majority rule is the driving force in the European Parliament, whereas the European Council mainly operates through blocking minorities⁴. As such, analysis of the ability to form blocking minorities in the Council offers insights into the relative power position of any state.

³ Several authors have underlined the inconsistencies for calculating the majority requirements according the Nice Treaty (Baldwin *et al.*, 2001: p.43-44; Algaba *et al.* 2001: 15-16). The blocking minority threshold is set at 91 votes according to the Protocol on the enlargement of the European Union attached to the Nice Treaty. This fact has to be considered when estimating the majority requirements. Consequently, the blocking minority requirement implies that QMT corresponds to 255 votes instead of 258 votes –74%– under Nice rules.

⁴ This is due to the characteristics of the European Council as an intergovernmentally-driven chamber, which deals with territorial representation that can veto legislation (in contrast to the Commission and Parliament which present a supranational profile). Hence, the use of power indexes can be considered in this contextual feature, and be applied also to the ability of political actors to block legislation.

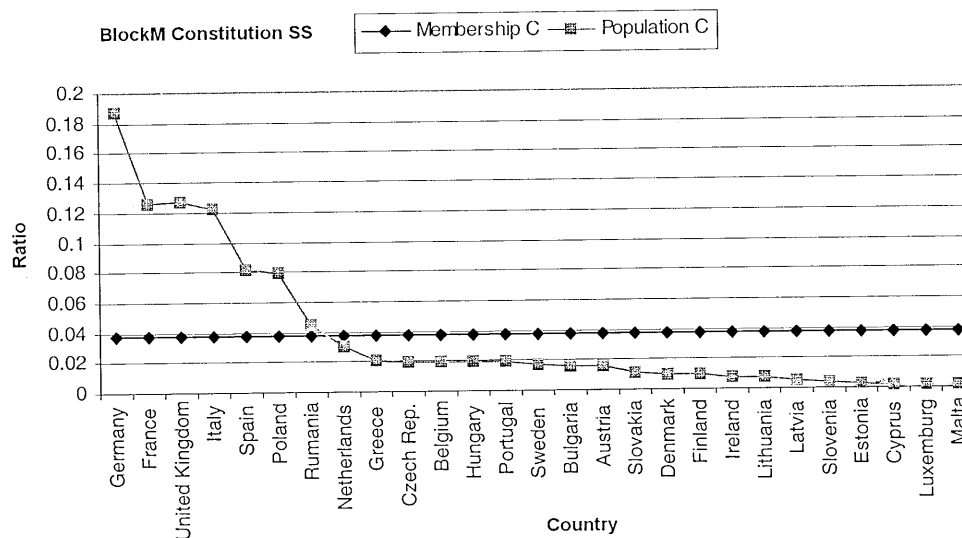
Based on ideas raised in the work of Algaba *et al.* (2004), who consider that the commonly used indexes (such as the SS and Banzhaf power indexes) can measure both the capacity to approve and block a decision, Graphs 2 and 3 estimate the blocking minority power for each national delegation under the Nice and Constitution rules. It is important to note that the chances of building a blocking minority depend on the criteria required to create a majority: in other words, considering that the Nice Treaty established three criteria to form a majority to pass legislation (based on population, vote and membership), there were three opportunities for member states to block such legislation.

Graph 2. Shapley-Shubik Power Index to Form a Blocking Minority in the Council of Ministers



Blocking Minority options under Nice rules:
 (a) Population: 39% (1877/4810).
 (b) Membership: 50% +1 (14/27).
 (c) Vote: 91/345.

Graph 3. Shapley-Shubik Power Index to Form a Blocking Minority in the Council of Ministers



Blocking Minority options under the Draft Constitution rules:
 (a) Population: 41% (1972/4810).
 (b) Membership: 50% +1 (14/27).

Graph 2 suggests that under Nice rules the membership criterion to form a blocking minority gave every member state the same political power to influence Council of Ministers' decisions. However, the other two criteria to oppose legislation present an unequal distribution of political power to member states. Specifically, the chances to block legislation by means of the population criteria offer notable differences between member states. The blocking minority related to the vote criterion (that is, 91 votes over 345 in a EU-27) present an intermediate character in terms of the disparities in political power distribution.

Graph 3 considers how this power position changes when considering the Draft Constitution provisions. The graph highlights how there is a notable reallocation of power when removing the 'weighted vote' criterion, especially when Poland and Spain are considered. This shift in the opportunities to block Council decision under the Constitution thus removes the privileged position held by these two countries in Nice. In fact, under Nice the power of influence of Spain and Poland was similar to the other four big member states while being simultaneously greater than the other member states (see Graph 2: squared-box line). Hence, Spain's reluctance to accept the new rules is better understood when considering its loss of power to block Council decisions: although Spain loses political power in the Council of Ministers as do the bulk of member states except the big four (namely, France, Germany, United Kingdom, and Italy), the Spanish government's rejection is based largely on this specific aspect of political power (blocking minority power).

While the above analysis highlights that a prime reason for Spanish opposition is its lack of ability to form blocking minorities under the Draft Constitution's proposals, a second, more theoretical, reason is based on Spain's conception of what 'representation' should entail in the Council of Ministers. One could argue that the adoption of the voting system involves two main elements. The first is an *acceptable level of efficiency*, that is, the probability of legislation being approved. This aspect is based on the likelihood of forming winning coalitions in order to support a law. A second element relates to a *fair distribution of votes* between members. In other words, the members represent different weightings according to several criteria (such as population or the socio-economic importance of each member state). The critical decision concerning the 'level of efficiency' of the voting system is to choose between unanimity and different majority combinations, whereas the crucial aspect regarding the 'fair distribution' criteria relates to the weightings of different political actors. By establishing two criteria in order to gain a majority of Council votes, the draft Constitution gains in efficiency but generates differences in the distribution of forces between member states. Baldwin *et al.* (2003, 7) have demonstrated this gain in efficiency by showing how the probability for passing legislation has grown from 7.8% in Nice to 21.9% in the draft Constitution.

This development has brought back to light the ongoing debate between small and big states in the European Union concerning the fairness of power distribution. But what is new is the tone of the current debate on the European Constitution regarding big and small states' distribution of political power. For example, the Praesidium had in mind the implications of enlargement for big states as follows:

'In the first years, the weighted voting was the rule: ten votes for big states, five for medium states, and two votes for the smallest state. The big states were able to

retain a comfortable majority. The successive enlargements have been targeted especially to small and medium states. These enlargements have changed the previous system. As a consequence, in a 25 member EU, the six states with the largest populations, which represent the 74% of the European Union's total population, would only have 53% of the votes'.

Source: D'Estaing, Amato & Dehaene (2003), 'La falsa disputa entre países 'pequeños' y 'grandes', *El País*, Opinión, 17/XI/2003, p. 13 (authors' translation from the original).

Consequently, the Convention offered a double criterion in order to compensate the increment of small states versus the smaller number of big states (but with larger populations). The institutional reforms have focused on the Council voting system targeting its 'level of efficiency', but generating more discussion about the 'fairness' of the distribution of power (Felsenthal and Machover, 2003).

With these ideas in mind, the Spanish Foreign Ministry's defence of the Nice voting system is based on the idea that because the Council of Ministers is a second chamber dealing with territorial representation, an equal distribution of power should be required. As the Ministry of Foreign Affairs stated in 2003:

'... the basis for this supposed increased efficiency is rooted simply in the concentration of real decision-making power in fewer hands, basically the four largest Member States. To stretch the argument further, mathematically speaking, the most efficient decision-making system in a given group is one that places all the power in the hands of one individual: 100% efficiency.

'Moreover, it is somewhat surprising that those in favour of reforming the Nice voting system claim that the system proposed by the Convention is more democratic. This argument can only mean that, in their opinion, truly democratic representation is only that based on a purely proportional system –which incidentally is not used in Member States, particularly those with Upper Houses in federal states–. The reverse argument would be that those who use corrective devices to facilitate representation of minority or weaker positions are not democratic. That is a political nonsense, which flies in the face of all modern developments in constitutional theory on democratic systems.'

Source: Spanish Foreign Ministry (ARI 125/2003).

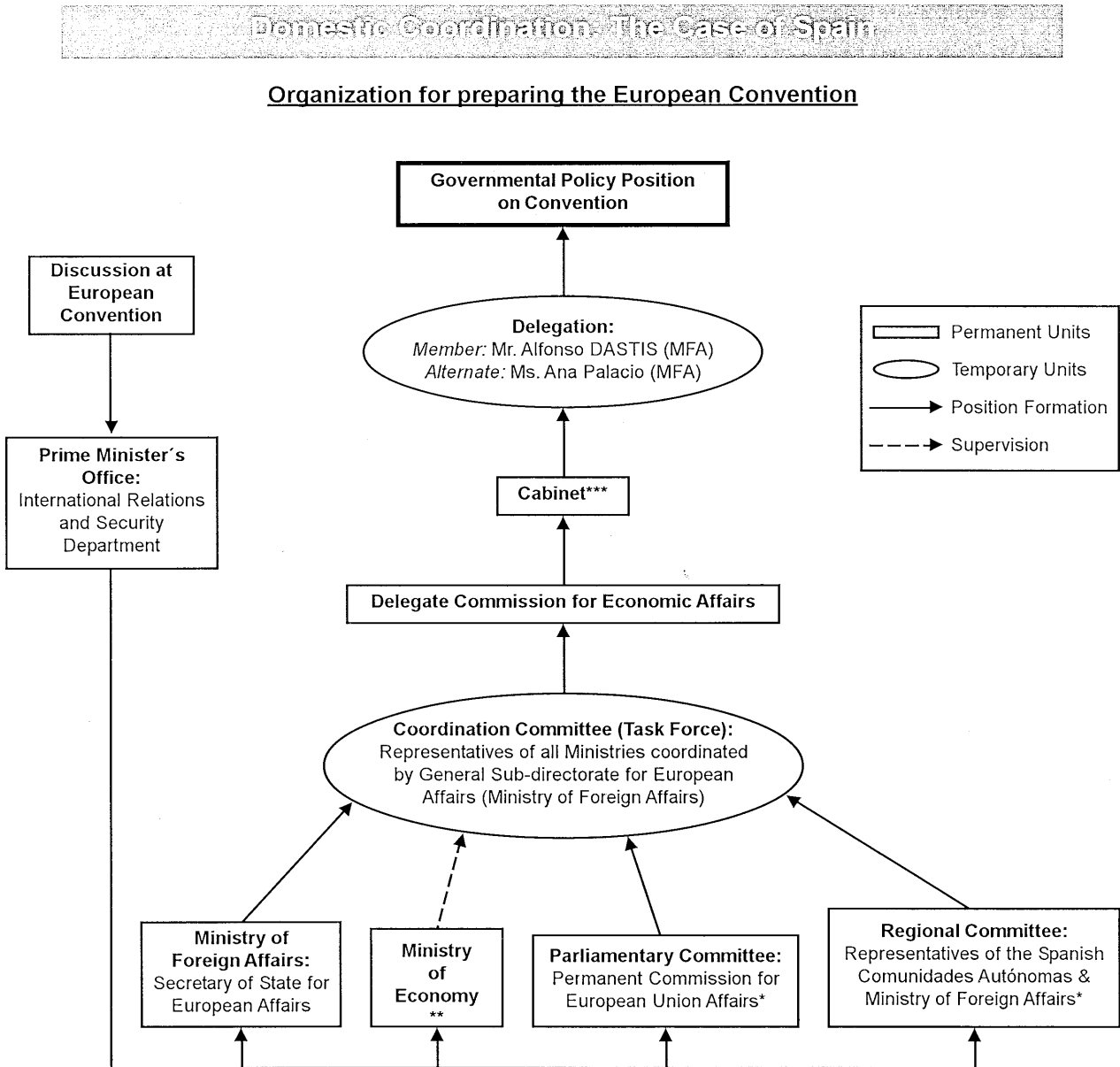
SECTION 2. WHICH DOMESTIC ACTORS HAVE BEEN INVOLVED AND WHY: CHARACTERISATION OF THE POLICY-MAKING PROCESS

How can one better understand how the Spanish government arrived at its policy position on the draft Constitution? In order to answer this we will evaluate the internal coordination process and focus specifically on which domestic level actors have been most influential in shaping the Spanish position and *why* this is the case. Thereafter, we will consider how this coordination process can be better theoretically characterised in light of the different models raised earlier.

Which actors were involved in shaping the position?

Chart 1 considers the various actors that were involved in the formation of the Spanish position after the Convention was developed.

Graph 4. Domestic Coordination: The Case of Spain



* This kind of relationship is developed on a non-binding basis. More in concrete, both the Parliamentary Committee and the Regional Committee are able to express their position. However, the Coordination Committee may not follow the recommendations of these Committees. Thus, the relationship between the Task Force and these Committees is a way of allowing other important institutional actors to be aware of the process.

** Informal governance: There is a network of informal meetings where the Ministry of Economy has got a leading position. In other words, the Ministry of Economy supervises the outcomes of these informal meeting. The Ministry of Economy also resolves should any technical problem appear.

*** The Cabinet approves without further amendments of the decision taken by the Delegate Commission for Economic Affairs.

The Graph shows that the Convention first went through the International Relations and Security Office of the Prime Ministers' Office (PMO) and then the Secretary of State for European Affairs (Alfonso Dastis, Secretary General) under the Ministry of Foreign Affairs (Minister Ana de Palacio). The Ministry of Foreign Affairs would then play a key role in establishing the 'Coordinating Committee' (task force; henceforth referred to as CC). CC, whose actions were coordinated by the General sub-directorate for European Affairs (under the Ministry of Foreign Affairs), consisted of representatives of all ministries. The CC's main objective was to deliberate and discuss the governmental position on all aspects of the Convention. However, the main Ministry that would play a key role in terms of setting the direction of the Committee, as well as discussing any informal problems that may have emerged at CC meetings, was the Ministry of Finance (MEH) headed by Minister Rodrigo Rato. Rato would also be a key player as the Chairman of the Delegate Commission for Economic Affairs, which would approve final decisions made by the CC before they were rubber-stamped by the Cabinet. The PMO would also be involved in policy-making in the CC because, as one expert interviewer attested, there were also informal contacts throughout the process with the General sub-directorate of European Affairs (that coordinated the Committee) and MEH.

The other two committees that were established during the process were the 'Regional Committee,' consisting of representatives of the *Comunidades Autónomas*, as well as the 'Parliamentary Committee' on European Affairs, consisting of House deputies (where representation was proportional to the number of seats). However, both of these committees, which represented other regional and partisan interests, were of limited importance: according to experts interviewed, these two other committees were informed of decisions taken in the CC, rather than influencing them. Evidence of this is seen when one examines how the desires and interests of those that played key roles in shaping outputs arrived at the CC – Foreign Affairs, the PMO and MEH shaped the government position that was not always reflective of other interests–. For example, as desired by officials from Foreign Affairs and the PMO, the Nice voting model was preferable because it meant more power for Spain, even though other opposition parties (such as the Socialists) as well as regional governments were willing to compromise on this position in order to attain consensus between all member states. And, as desired by Ministry of Economy (MEH) officials, the Spanish position favoured a free-market model over the social market model for Europe, even though several opposition party members and regional governments would have preferred otherwise.

Given the evidence, one might argue that there are two main characteristics of the coordination process when the Spanish position on the draft Constitution was formed. First, the process was strongly centralised around three principal actors: the Ministry of Foreign Affairs, the PMO, and the Ministry of Economy (MEH). The first played a key role in terms of coordinating the position, while the other two players informed, guided, supervised or supported the actions of Foreign Affairs at various stages of the process. Quite clearly, other potential actors, such as social, regional and partisan interests, were of limited relevance. Secondly, the policy-making process in which these three actors played principal roles can best be characterised as an informal one. As experts (both of whom were involved in the process) stated in interviews, outputs finally arriving at the CC would

often be based on ideas raised in informal meetings, hallway discussions or simple phone calls, outside of 'official business' raised in meetings or public scrutiny through parliamentary debate.

Explaining the characteristics of the policy-making process

Why was the coordination process so tightly centred around three key actors (to the exclusion of other interests) and characterised by a sense of informality? Building on issues raised in Spanish political literature, we consider the importance of two main explanations. The first ponders the historical role of 'a few strong institutional players' in Spanish policy-making, while the second considers the 'new foreign policy paradigm' that guided the PP's administration.

First, strong centralisation around a few institutional players has characterised Spanish policy-making since the Socialist administrations of the 1980s. A good example is seen in privatisation policy-making during both the PSOE and PP administrations throughout the 80s and 90s when several companies of the National Industry Institute (INI) were sold by way of IPOs and trade sales (Chari, 1998; Chari and Cavatorta, 2002). Examination of the privatisation process reveals the decisive and exclusive role of three institutional actors that informally negotiated the different stages of the policy-process: the Ministry of Industry (to which the companies belonged), MEH (which was responsible for securing Treasury Funds for some of the sales that required the recapitalization of companies) and, to a lesser extent, the Prime Minister who would have the final say in some of the sales. Absent from this process were both parliamentary debate and interest group inputs, a similar dynamic also seen in labour market reform throughout the 1990s (Chari, 2001). The only difference in the main players involved in the INI sales, compared with those involved in forming the Spanish position towards the draft Constitution as above, was that Industry was involved in the privatisation policy-process (for the obvious reason that it was responsible for industrial policy), whereas Foreign Affairs was involved in shaping the position of the draft Constitution (for the equally obvious reason that this Ministry is responsible for external policy development.) In other words, both the PMO and MEH were key figures in the formulation of both policies and worked together with the other institutions responsible for policy-development in their specific areas. With this in mind, one might argue that a centralised policy-role for specific institutional actors has become guaranteed, or embedded, over time. The fact that the decision-making process when the Spanish position on the Convention was formed involved only a few key institutional players that acted informally, simply reflects how all public policies are generally arrived at in Spain.

A second explanation of the tight policy-process, which also highlights why Spain so staunchly defended Nice Treaty rules, relates to the 'new foreign policy paradigm' that drove all members of the PP administration. As Closa (2004) has argued, over the last four years the PP established a new 'paradigm' for Spanish foreign policy, where the traditional, almost blind, pro-European stance of Spain since 1976 has been altered by the PP on two fronts. First, the party sought to make Spain 'more visible' at the international level by forging ties with the US. This was most evident in Aznar's taking Spain into the Iraq War with the US and the UK, despite the fact that over 85% of the population was against the

war and wanted European states to find a solution together (Heywood, 2003; Chari and Cavatorta, 2003). Secondly, the PP wished to make Spain 'more respected' at the EU level. In doing so it was only interested in pursuing EU policy options that would 'strengthen' the Spanish position vis-à-vis other European superpowers such as Germany and France. One might argue that the effect of this 'new paradigm' on the policy process was to help further centralise it given that all policy-makers, consisting exclusively of members of the PP administration, would be working within a specific mind-set. By serving as a framework to guide policy participants, the 'new paradigm' also had the effect of excluding any other potential participants guided by different views on Spain's international role (such as, for example, opposition parties and other social interests).

Theoretical Characterisation of the Policy-Process

Having examined the main actors involved in forming the Spanish position towards the draft Constitution and having considered why this was the case, it is useful to characterise the policy-process in the context of the different theoretical models that have guided Spanish policy-making literature as discussed at the beginning of the paper, namely corporatism, elitism and policy networks. It is difficult to suggest that the process is reflective of corporatist arrangements given that there was no guaranteed position for labour. Further, because the evidence does not suggest that there was a privileged role for economic actors, ideas raised by instrumental Marxists seem weak as well.

Rather, the evidence does suggest that there were some elements of a policy community at play on four fronts. First, there were a limited number of participants that operated in a largely insulated fashion. Key here were the actions of the three main players –the PMO, MEH and Foreign Affairs– that acted almost exclusively in developing the Spanish position. Because other potential actors were consciously excluded, the process pointed to a highly restrictive membership. Secondly, general consensus was attained between the main actors and, significantly, there was 'policy paradigm', or a view of the world that guided and influenced the policy participants' opposition to the draft Constitution's qualified majority threshold. In this respect, the new 'foreign policy paradigm' that guided all (PP) participants is of significance. Thirdly, there was informal interaction between the different members. This was seen in evidence suggesting that arriving at a position often occurred in informal settings outside public scrutiny. And, finally, as seen in the dynamics of the Consultative Committee, one might argue that interaction between members might have taken place in a hierarchical fashion. Key here was the idea that Economy and Finance, along with the PMO, played a type of supervisory role for the Consultation Committee that was chaired by Foreign Affairs.

SECTION 3. CONCLUSIONS AND REFLECTIONS ON THE EFFECTS OF THE RECENT SOCIALIST VICTORY

This paper has examined how Spain has formed its national position towards the draft Constitutional proposal. It first highlighted that experts considered that Spain's position, as developed by the Popular Party administration, was generally positive towards the constitutional draft. Nevertheless, Spain's major problem of vital significance (which

represented one of the main reasons for the failure to reach agreement in December 2003) related to the 'qualified majority' threshold. The paper argues that the PP preferred the Nice Treaty model because it allowed Spain more power to potentially block Council proposals, thereby ameliorating its power position vis-à-vis larger states such as the UK, France, Germany and Italy. Following this, the paper examined the internal coordination process and analysed the main actors that were most influential in shaping the Spanish position. The actors involved in the rather closed and centralised process involving a few players that informally interacted included high-ranking members from the Prime Minister's Office and the Ministries of Foreign Affairs and Economy. Other potential participants, including opposition parties, regional interests and other social actors, were excluded from the process. In order to explain this rather closed and opaque, yet informal, process, two explanations were considered. The first suggested that this process is reflective of larger dynamics in Spanish policy-making since the mid 1980s, where the literature points to the same types of characteristics when economic and social policy is made. The second factor considered the significance of the new foreign policy 'paradigm' pursued by the PP, which sought to increase Spain's international profile while increasing its strength and presence in the EU. It was argued that this paradigm not only served as a framework guiding the participants in the process, but also served as a barrier preventing other (non PP) actors to participate. From a theoretical perspective, the paper then attempts to place these findings in context of the larger Spanish policy-making literature as discussed at the beginning. It suggests that because domestic level coordination occurred in a rather closed, yet informal, venue that was comprised of a limited number of like-minded actors working in isolation, there was evidence pointing to a type of 'policy-community'.

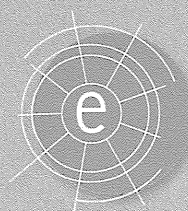
Regardless of developments under the PP, however, the Spanish position towards the draft Constitution could significantly change over the next few weeks given the election of the Socialist Party led by José Luis Rodríguez Zapatero. Shortly after the election victory of 14 March 2004, Rodríguez Zapatero promised that his government would 'solve' the Constitutional crisis by taking a more conciliatory and compromising position towards the other member states and returning to a more 'integrationist' view of Spain in the EU. Although no firm proposal have been made as of the time of writing, one solution may be to accept the qualified majority threshold as outlined in the draft Constitution, in exchange for more Spanish representation in the European Parliament. If past experience is a guide, the *process* for arriving at the Spanish position under the PSOE will not necessarily differ from that of the PP given the evidence raised here that suggests that foreign policy is developed in much the same way as economic and social policy in Spain over the last 20 years. Nevertheless, the national position, or *outcomes*, finally arrived at by the Socialists may offer some hope for the rest of Europe given the return of the 'pro-European paradigm' that has historically characterised Spain.

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