



Zapatero's Spain among the large Member States? Between institutional weight and alliances

Number 2

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Introduction

"*Hablar los quintos*" -that is to say, to place their country on a basis of equality with the large Member States of the European Union (EU)¹- has long been one of the most eagerly sought objectives for Spanish politicians and diplomats. During the past 20 years or so in which it has been a member of the European club, Spain has been trying to keep up with France, Germany, the United Kingdom and, to a lesser extent, Italy, both in terms of power-sharing in EU institutions and of influence over the priorities of the European agenda. Thus it should come as no surprise that the weight granted to each state in the different institutions (e.g. number of votes in the Council of Ministers, representatives in the European Commission and seats in the European Parliament) has been a subject of debate and negotiation in which Spain has attempted to gain an advantage.

The main events during the 2004-2008 term of office have included the enlargement of Europe to include 25 states (May 2004), and subsequently to a total of 27 states (January 2007), as well as the constitutional paralysis that lasted for over two years. In April 2004, José Luis Rodríguez Zapatero found himself in a European Union that had 15 Member States, a markedly French-German leadership (in the hands of Jacques Chirac and Gerhard Schröder) and the prospect of a Constitution for Europe. However, in just a few months, the situation changed. First of all, the accession of 10 new Member States had a direct effect on the Union's institutional functioning and priorities; after that, France's and Holland's rejection of the Constitutional Treaty left the Union blocked and without any Plan B available. Finally, the weakness of the French and German leaders in their respective countries also brought about a cooling of the two states as motors of Europe. It was not until Angela Merkel came to power in May 2005, followed by Nicolas Sarkozy two years later, that the two countries regained some of their former importance in Europe. Zapatero came to power extolling the virtues of "a return to Europe", but during the past four years, the question that has been increasingly asked is: a return to what Europe?

This article analyses the various intergovernmental debates and negotiations to reach a consensus on the new institutional balance in the EU. To understand the context in which this European and Spanish debate is taking place, we need to carry out a brief review of the evolution of Spain's importance and influence in EU institutions. Any analysis of the actions of the Zapatero government in this field has to be divided into two very differentiated stages: the first covers the actions taken by the socialist government to approve and ratify the Constitutional Treaty, while the second analyses the government's efforts to defend the main achievements of the Constitutional Treaty during intergovernmental negotiations for the drafting of the new Treaty which replaced the aborted Constitution. In this way, I will assess the strategies employed by Spain in its

efforts to place itself on an equal footing with the large Member States of the Union.

Aznar's Spain: "*Nice is not the Bible*", but even so...

From the very start, Spain's main demand with respect to power sharing in the EU has been the rebalancing of population and votes in the Council of Ministers. The institutional weight that was negotiated before Spain joined the EU granted the country two commissioners -the same number as the large countries- though Spain would have fewer votes (8 votes compared to the 10 votes of the large Member States). Later on, when the Treaty of Maastricht was revised at the Intergovernmental Conference held in 1996, in the first few months of José María Aznar's government, Spain expressed a need for a real institutional reform. However, the other countries turned a deaf ear to Spain's demand, and the issue was shelved until the following reform. Even so, Aznar's government did succeed in its bid to insert a protocol in the Treaty of Amsterdam stating that Spain should be viewed as a special case, and that it should maintain its influence in Europe's institutions.

José María Aznar's success at the Intergovernmental Conference in 2000, where he achieved the same blocking capacity for Spain as a large state, marked the stance that Spain defended at the European Convention and in the subsequent intergovernmental negotiations for the European Constitution. For Spain, the Treaty of Nice represented the consolidation of its status as "a small actor among the big ones" thanks to Spain having obtained 27 votes in the Council (compared to the 29 votes granted to the large Member States) and the maintaining of the "one commissioner per state" system, even though all that came at the expense of a reduction of a considerable number of seats in the European Parliament. In short, for Spain, the Treaty of Nice represented verification that it was now a large Member State.

However, Spain's achievements were placed in doubt following the reorganisation of negotiation methods (national debates + European Convention + Intergovernmental Conference). In this new stage, the EU and its Member States sought to debate and reflect upon the Union's central objectives, and to draft a Constitutional Treaty that would simplify all preceding treaties. The Spanish governmental representatives at the European Convention (which opened in February 2002 and concluded in July 2003) defended the Treaty of Nice tooth and nail, and flatly rejected the proposal to establish a voting system based on a double majority brought together by a majority of Member States that represent less than 60% of the population of the Union. Ironically, with this rejection, Spain abandoned its traditional defence of the criterion of demography for deciding the way in which votes are shared out within the Council. At the Intergovernmental Conference, which opened on 4 October 2003, Spain firmly maintained this stance and as a result -together with Poland- paralysed the agreement on the signing of the Constitutional Treaty.

And so, when José Luis Rodríguez Zapatero attended his first European Council in June 2004 he already had an issue on his hands that was something of a hot potato. In spite of the fact that in its official declarations, the Partido Popular government had warned against taking the Treaty of Nice as gospel², the facts show that the party had preferred the Nice agreement to the agreements of the European Convention. The Conservative government had placed the defence of national interests -or rather, Spain's weight in EU institutions- before European interests in achieving an agreement about the European Constitution.

Zapatero's Spain: "a friend of the Constitution"

One of the central *leitmotifs* of José Luis Rodríguez Zapatero's foreign policy during the early stages of his term of office was a "return to the heart of Europe" (a memorable declaration that was only surpassed by his decision to withdraw Spanish troops from Iraq). By accepting the voting system proposed by the Convention, the socialist government sought to emphasise its Europeist profile, at the same time as it assuaged the fears created by the Aznar government of a veto of the Constitutional Treaty. Finally, in October 2004, the 25 Member States signed the Treaty establishing a Constitution for Europe. Nevertheless, a protracted period of state ratifications promptly commenced, and which would grind to a halt following the "No" votes of France and Holland.

Spain became the first country to call a referendum on the ratification of the new European Treaty, and voting took place on 20 February 2005³. In fact, both the previous government and the current one had already publicly declared their intention to approve the new Treaty by referendum. The government's eloquent slogan for the campaign -"The first ones with Europe"- only confirmed the Zapatero government's determination to obtain political returns, on both internal and European levels. On one hand, thanks to the predictable victory of the "Yes" vote in Spain, a landslide effect was sought, especially in France (Chirac joined Zapatero for a campaign meeting in Barcelona), though in addition, efforts had been made to hold the referendum before the debate began on the Union's financial perspectives for the period 2007-2013, in order to minimise the effects of Spain's expected loss of European funds. The weakness of debate in the lead-up to the referendum and the low voter turnout (42%, of whom 76.73% were "Yes" votes), showed Spaniards' indifference with respect to the EU, even though Spain's participation in the European project had not been questioned.

Europe's paralysis following the French and Dutch "No" votes placed the supporters of the Treaty in a difficult position. Following a long period of reflection at state level, the "Yes-vote" countries, led by Spain and Luxembourg, decided to call a meeting of all the countries that had ratified the Constitution, as well as Ireland and Portugal, in order to assess the situation and reach an agreement that would satisfy everyone. Following José Ignacio Torreblanca, the aim was to "demonstrate that the longest stretch of the road to be taken should be covered by those who are the minority, and are further away from the most common denominator, and not the other way around" (Torreblanca, 2007: 5). Thus, when they met in Madrid on 26 January 2007, the Friends of the Constitution reaffirmed their willingness to "listen constructively to the proposals of the other Member States" in order to "reach an agreement that respects the substance and balance" of the Constitutional Treaty⁴. In this way, Spain showed an active, determined attitude as opposed to the paralysis of the other Member States.

Nevertheless, the defence of the Treaty did not only require an agreement among those who had already ratified it; a rapprochement would also have to be sought with the countries that had rejected or shelved it. Somehow, the gap between Spain's "Yes" and France's "No" had to be bridged. After winning the presidential elections, Nicolas Sarkozy made efforts to free up the European impasse by making contact with both Germany and Spain. In his first visit as the new President of the Republic of France to Madrid on 31 May, Sarkozy and Zapatero decided to join forces to seek an agreement that could unblock the situation⁵. This agreement was formalised in a joint document that was submitted to the

other EU Heads of States and Government some days before the European Council meeting. The document identified the advances that had been made at the Intergovernmental Conference in 2004, and which should be respected in the new Treaty. The "12 Commandments" contained in the Spanish-French proposal were: the Presidency of the European Council, the Ministry of Foreign Affairs (with two hats), the EU's single legal personality, the extension of qualified majority voting, the development of the European Area of Freedom, Security and Justice, the common policy on immigration, enhanced and structured cooperation, the progress made in governance in the Euro zone, the strengthening of policies on health, energy and civil protection, the solidarity clause, a linking reference to the Charter of Fundamental Rights and the support of the ultra peripheral regions⁶.

And so the European Council meeting took place in June 2007, and which represented the definitive unblocking of the constitutional paralysis. The Spanish government's objective was to push forward a Treaty that would preserve the great achievements of the European Constitution, and which was acceptable to all Member States. Prime Minister Zapatero was involved in the process of unblocking the negotiation: together with Sarkozy and Prodi, he supported (and thus strengthened) the proposals of the German Presidency; together with Tony Blair, he negotiated the replacement of the title of "Union Minister for Foreign Affairs" with that of "High Representative of the Union for Foreign Affairs and Security Policy" and, finally, with respect to the Council's voting system, the negotiations carried out with Poland by Spain, France, Luxembourg and the United Kingdom all helped to bring the new Reform Treaty into existence⁷. Speaking before parliament, the Spanish prime minister declared that it was "a success for Spain and for Spanish interests. Each and every one of the contents of the Constitutional Treaty that we consider to be unwaivable is included in the new treaty. This means that the more efficient, more democratic Europe that Spaniards voted for in the referendum will soon become a reality, as soon as the new Treaty comes into force"⁸.

In short, according to the Spanish government's evaluation, the Reform Treaty (or Treaty of Lisbon, signed in the Portuguese capital on 13 December 2007) maintains almost 90% of the innovations of the European Constitution, despite the fact that it waives the symbols of the Union (anthem, flag, motto and Europe Day) and it has not succeeded in unifying the series of previous Treaties or sufficiently simplifying them. It appears that the ratification process will be simpler, as there will be no referendums and all the Member States have recognised the need to accept the new Treaty as a lesser evil. As an article points out in *The Economist*, it seems paradoxical that José Luis Rodríguez Zapatero and Gordon Brown should have signed the same treaty⁹. For Spaniards, the Treaty opens up new horizons for the EU¹⁰, while the British consider the new Treaty to be of little significance, and play down its importance. These are just a few of the paradoxes of the European Union.

Conclusions

One of Spain's constant goals in the European Union has been to reach a situation where the country is on an equal footing with the large Member States, and the most recent term of office has been no exception. However, the European context has changed; one unexpected consequence of the EU-25/27 enlargement has been the increased weight and influence of the larger Member States¹¹. I agree with Vicente Palacio when he claims that "*hablar los quintos*" "has a greater relative value in a Europe that is enlarged to 27 Member

States, instead of one with only 12 or 15" (Palacio, 2008: 99). And so, while Spain's objective has been to achieve the status of one of the Union's large states, the strategy to achieve this end has changed, compared to that of previous governments. The Zapatero government has prioritised becoming an ally of the large Member States rather than fighting for greater weight within the institutions.

European practice has shown that a state's influence is not measured so much by the number of votes in the Council, or by the number of its Euro MPs, as by its ability to find necessary allies to execute out the reforms that are closest to its interests, and the interests of other EU members. In this 27-member Union, it is increasingly common for states to establish fluid, changing alliances (e.g. the Friends of the Constitution, the Mediterranean countries, the large Member States). We can now clearly see that the future of the European Union lies in variable geometry, and in this field, Spain is working on developing a profile of a country that is Europeist, Mediterranean and, if not "large", at least one that is minimally useful (and even necessary) for the negotiations between the large Member States. The role that Spain has played in the negotiations to (re)define the future framework of the European Union has demonstrated that if it has a specific, constructive agenda and seeks suitable allies, Spain can operate *de facto* as one of the Union's large Member States.

Notes

¹ The expression "*hablar los quintos*" – which expresses a situation in which Spain would be on an equal footing with France, Germany, the UK and Italy – was coined by Francisco Fernández-Ordóñez, Spanish Foreign Affairs Minister from 1985 to 1992.

² "Aznar: 'Niza no es la Biblia'", *El País*, 17 October 2003.

³ Spanish ratification of the Treaty required parliamentary approval following the referendum.

⁴ "Por una Europa mejor" ministerial meeting of the Friends of the Constitution, Madrid, 26 January 2007. Charter signed by Luxembourg, Germany, Slovenia, Italy, Finland, Belgium, Austria, Slovakia, Cyprus, Hungary, Estonia, Malta, Lithuania, Latvia, Greece, Bulgaria, Romania and Spain (who had all ratified the Constitution previously), and by Ireland and Portugal (who had not).

⁵ "Point de Presse conjoint de M. Nicolas Sarkozy, Président de la République, et de M. José Luis Rodríguez Zapatero, Président du gouvernement du Royaume d'Espagne, à l'issue de leur entretien à Madrid", Madrid, 31 May 2007.

⁶ "Non Paper Hispano-francés", 17 June 2007.

⁷ Negotiations over institutional power sharing continued even after an agreement had been reached in the European Council in June 2007. Italy demanded that it should have the same weight as the United Kingdom in terms of seats at the European Parliament. This dispute over one seat could have been damaging to Spain, which had managed to increase its parliamentary representation by four more seats than the amount that the Treaty of Nice had granted to Spain. Finally, a Solomonic solution was found: one more seat was given to Italy without any other state losing any of theirs. As a result, the European Parliament is made up of 750 Euro MPs, plus its president.

⁸ "Comparecencia, a petición propia, del Presidente del Gobierno ante el Pleno de la Cámara para informar sobre el Consejo Europeo de los días 21 y 22 de junio de 2007, en Bruselas", *Diario de Sesiones del Congreso de los Diputados*, 8th term of office, No. 267, Plenary meeting No. 249, 27 June 2007.

⁹ "Who are you going to call?" *The Economist*, 19 October 2007.

¹⁰ José Luis Rodríguez Zapatero, "Un nouvel horizon pour l'Union européenne", *Le Figaro*, 18 October 2007.

¹¹ "España, Francia y Europa: Percepciones, sintonías y desajustes ", address by José Ignacio Torreblanca at the Spain-France Civil Forum, Paris, 10 January 2008.

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