



Spain's Referendum on the European Constitution: a Double Disappointment

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Theme: Spain held a non-binding referendum on the Treaty for the European Constitution on 20 February.

Summary: Despite the huge majority in favour of the European Constitution, the low turnout (42.32%, ie, seventeen points lower than turnout in 1986 when Spain's membership of NATO was at stake) calls into question the Government's two objectives in calling the referendum. The referendum has neither served to open a new space of democratic participation for Spanish society, nor will it serve to export enthusiasm to the rest of the EU in regard to ratification of the Constitutional Treaty. By breaking the psychological barrier of 40% turnout, the referendum cannot be described as a failure, but in view of such low participation the dual purpose can hardly be said to have been fulfilled. In the wake of the relief at having at least beat the crucial 35% turnout figure, the Government, and the political classes at large, which called the referendum unanimously, would do well to reflect calmly upon the causes of the low turnout. In a gesture of solidarity, Spain had hoped to export its enthusiasm, but it now has the responsibility of exporting some useful lessons to its European partners.

Analysis

Results in a comparative perspective

With 100% of votes counted, almost eleven million Spaniards (76.73%) voted 'Yes' to the question '*Do you approve the Treaty establishing a Constitution for Europe?*', whereas only just over two million four hundred thousand people (17.24%) opted to vote 'No'. Although the 'Nos' practically doubled the forecasts from pre-referendum surveys, these surveys were vindicated in their prediction of a victory for the 'Yes' camp. Similarly, results by Autonomous Regions also confirm what polls had suggested: in the Basque Country and Catalonia, the 'No' camp was significantly larger than the national average (33.66% and 28.07%, respectively), although it is also worth underlining the high percentage of 'Nos' in Navarra (29.22%).

Pending the outcome of similar referendums in another eight or nine countries in the European Union, we can conclude that the Spaniards' Pro-Europeanism is still not only firm but very noteworthy. From the internal standpoint, we can also confirm the existence in Spain of significant friction between European construction and the so-called 'territorial issue', an aspect which exceeds the scope of this analysis.

In short, the most significant result in a referendum whose positive outcome was

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predictable was the level of turnout. With 100% of votes counted, of the 34,592,278 Spaniards called to vote only 14 million (42.32%) went to the polls on Sunday 20 February. As media sources have stated, this is the lowest turnout figure of any of the 22 electoral consultations in Spain in recent democratic history. Although it is likely that a binding referendum, plus the compulsory threshold of over 50% turnout would have boosted participation, any figure under 50% is problematic from the democratic standpoint, especially when, as in this case, it is dangerously close to 40%.

As in all electoral results, the Government and Opposition tend to highlight whichever argument or figure serves their own interest best. On the one hand, it is easy to argue in regard to Europe that the comparison should be based on the last European elections, where turnout was 45.14%. However, the similarity of both figures indicates only that matters relating to Europe do not interest the electorate very much: it makes no sense to compare legislative elections, which are archetypal of parliamentary democracy, with a referendum, which is a typical example of direct democracy. Furthermore, the tone of the Government's campaign was fundamentally 'constitutional': the Prime Minister's speeches in particular were full of references to 1978 and the constitutional nature of the text which was now being submitted for the voters' consideration. Consequently, it seems evident that this referendum should be compared to other national or European referendums, rather than to the last European elections.

At the national level, we have two very useful yardsticks, one at the constitutional level and the other in international politics: on the one hand we have the referendum for the Spanish Constitution in 1978 and on the other the referendum on Spain's entry into NATO in 1986. On both occasions turnout was much higher than in this last referendum: 67.11% for the Constitution and 59.43% for NATO. Turnout for this latest referendum was 17.11 points lower than in 1986, despite the complexity of the question then being posed.

At the European level, referendums on the Maastricht Treaty drew variable turnouts: 57.31% in Ireland (June 1992), 69.69% in France (September 1992), 82.9% and 85.5% in Denmark (June 1992 and May 1993, respectively). In Ireland and Denmark there were also referendums on the Treaties of Amsterdam (56.26% and 76.24% turnout, respectively) and Nice (the latter was held twice in Ireland, with 34.79% turnout handing the 'No' camp a win, forcing a second referendum in which turnout was 49.47%). Consequently, to date, only the Irish referendum on Nice drew fewer voters to the polls than the Spanish vote on 20 February.

Likewise, although entry into the EU is a different kettle of fish, recent polls ratifying membership between March and September 2003 among new Central and Eastern European countries posted turnouts of above 50% across the board except in Hungary, where turnout was just 45.6%. In the Czech Republic the figure was 55.2%, 64.02% in Estonia, 72.5% in Latvia, 63.3% in Lithuania, 91% in Malta, 58.8% in Poland, 52.15% in Slovakia and 60.2% in Slovenia. Again, in all cases, these were higher turnouts than in Spain.

Assessing the results

To assess the outcome of the referendum in Spain on 20 February, one must look at the reasons for it being held in the first place.

The first reason was civil-democratic. In a country in which neither entry into the Union in

1986 nor successive Treaties (Maastricht, Amsterdam and Nice) were submitted for consultation, the Government was quite justified in calling a referendum from a civil-democratic standpoint, especially when the formal and nominal aspirations of the new Treaty have been elevated to Constitutional standing. Opening debates on Europe in a society that has traditionally been little given to such exercises seemed not only justifiable but desirable. And so the *Partido Popular* (PP) understood it, since in 2002 it openly considered the idea of holding a consultation coinciding with the European elections in June 2004. As Iñigo Méndez de Vigo himself said at the time: 'If we are to preserve the great advances achieved in Europe and project them for the future [...] we must anchor the Constitution in the consciousness of the people' (*ABC*, 24/XI/2002); this vision received the maximum backing of the higher echelons of the PP and the then Minister for Foreign Affairs, Ana Palacio. Nevertheless, it is worth noting that the date which was considered, 14 June 2004, aimed at making the referendum coincide with the European elections themselves, proved unviable both for legal reasons and in terms of calendar organisation.

In any event, despite the Government's evident responsibility in designing the communication strategy and implementing the information campaign, it is equally obvious that the failure to convince citizens of the constitutional nature of the text and the time in which Spain and Europe are immersed should also be collective, not least because all the political forces supported the idea of the referendum. Would the PP have obtained a better result in terms of turnout had it governed at the time of calling the referendum? Probably not.

A second reason which partly explains the referendum, and more especially the choice of 20 February as the date, is related to foreign policy. As is well known, the current Government used the slogan 'back to Europe' as one of the linchpins of the electoral campaign which brought it to power. European integration and the Constitutional Treaty, immediately unblocked by Prime Minister Rodríguez Zapatero, thus became the flagship of the Government's turnaround in foreign policy. A quick and overwhelming ratification of the Constitution would very easily be a political asset for the Government both at home and abroad, since a successful referendum in Spain would have been expected to create momentum for other countries, especially France. Furthermore, since this Government's European agenda was quickly going to become complicated with a number of problematic issues (most notably, the distribution of funds for 2007-2013), an early referendum would better serve the interests of both Government and Socialist Party than a later one. So how to assess the results?

In the first place, the referendum was not a plebiscite. To talk about a plebiscite, such as the NATO consultation in 1986, only the Government must support the 'Yes' option and it must link its ongoing presence in power with a victory. This was not the case on this occasion. Naturally, it is up to the Government to manage the overwhelming 'Yes' vote in the EU, but this does not mean that we should overlook that a victory for the 'Yes' camp is not a victory for the Government but rather for all parties who asked their electorate to vote 'Yes'. This also makes sense from the political standpoint since the ratification of this Constitution, which was almost entirely negotiated by the PP, has the support of 332 of the 350 members of Spain's Congress of Deputies.

It therefore follows that since the 'Yes' vote was guaranteed, the main issue was going to be that of turnout, especially in the wake of recent European elections, where turnout had fallen below 50%. Low turnout is doubtless a problem for the entire political class,

apparently unable to convey its enthusiasm for Europe to the citizens, and very especially for the Government, responsible for organising the referendum, choosing the date and implementing the information campaign. Let us examine the issue part-by-part.

The great debate on Europe which we never had

So far, for obvious historical reasons, Europe, its options and alternatives, costs and benefits, were not debated in Spain. Nineteen years after our entry, it makes sense not to talk so much of 'Europe Yes' or 'Europe No', but of how to be in Europe and what for. Consequently, if the referendum was aimed at making people in Spain talk about Europe, we cannot proclaim it a success. This is due first to the fact that most political parties, one way or another, began by denying the debate where it was most necessary: inside their own organisations. Unlike France or other countries, in Spain it was the party leaderships, and also union and business leaders, who decided for everyone, without consulting their grassroots membership and without generating the slightest hint of debate in this regard.

Of all political parties, only *Iniciativa per Catalunya* and *Convergència Democràtica de Catalunya* staged an internal debate, within the framework of their party conferences, in which they presented two alternative proposals, one in favour of a 'Yes' and another in favour of a 'No', which were then submitted to a vote in an example of fearless willingness for democratic debate. *Izquierda Unida* (IU), for example, which has so lamented the lack of internal debate within other organisations, such as unions, can hardly be said to be a paragon of internal democracy itself, since it quickly and quietly put an end to all discussion with its decision to promote the 'No' vote.

Were the two major parties frightened, or was it merely a question of indolence? Let us imagine for a moment an internal debate within the PP in regard to Europe, with one proposal in favour and another against, followed by a vote among party members. Predictably, questions relating to Aznar's pro-Atlantic stance, Turkey's membership or references to Christianity would generate an extraordinarily lively discussion. Was the *Partido Popular* prepared to allow its members to talk freely about foreign policy? Probably not.

Alternatively, we can also imagine an internal debate within the left, with an explicit questioning of the federal and social limits of this Constitution. Was the PSOE prepared for an in-depth discussion with *Izquierda Unida* and *Esquerra Republicana de Catalunya* about the Constitution and their respective world visions? Probably not, either.

In all of these cases, internal debate, followed by a vote, would have afforded an opportunity to party leaders and organisations to convince their members of the advantages of the text and its meaning, thus avoiding gratuitous attacks on the adversary and oversimplification. The fact that political leaders have sidestepped this debate does not say much for democratic quality inside Spanish political parties and indicates that part of the alleged consensus in regard to Europe was, or is, fictitious. In any event, it is obvious that a great public debate cannot emerge from the absence of internal party political debate.

An additional factor which has influenced the absence of debate was the division among the members of the coalition that supports the Government. The PSOE, fearful of weakening its parliamentary support, has minimised the criticism (some of which is very far-reaching) from IU and ERC in regard to the Constitutional text with the argument that, in any event, their criticism has been in favour of 'more Europe'. Consequently, the

PSOE's courtesy with ERC and IU has been in stark contrast to the rhetoric of IU and ERC, who were determined to characterise the European Constitution as an instrument of neoliberalism and a tool of the United States, destined to destroy the Welfare State, subordinate Europe to NATO, dilute the identities of Europe's peoples and (as alleged in the final stretch of the campaign) reintroduce the death penalty. Without doubt the fact that parliamentary partners can launch such grave accusations against the Government has not only not contributed to help rationalise the European debate in Spain but has brought to light the existence of significant ideological differences in the coalition that supports the Government.

Europe or the text? The communication campaigns

In addition to scant debate, poorly set out, with few resources and nil internal depth within the parties, the campaign was short, and wrongly focused. It was easy to talk about Europe, and it was difficult to talk about the text of the Constitution and its content. Obviously, not everyone could be required to read the Constitution, but having given up in advance the idea of each voter receiving a copy in his home seems, in retrospect, a serious mistake. In democracy, form is important, and distributing four million texts to 35.4 million voters does not seem in tune with the civic vocation demonstrated in calling the referendum in the first place. A more exhaustive distribution of the text would have likely generated somewhat more security, and therefore confidence, among the electorate.

In the end, the issue was a 'Yes or No to Europe' vote, but not 'what Europe' or 'Europe: what for?' Nineteen years after Spain's entry into the (then) European Community, it is a little late to talk of the values of Europe and our belonging thereto. Consequently, an attempt to bring Europe closer to the people using easy slogans ('*it's about Europe, it's about you*') or the reading of selected articles of the Constitution by famous personalities (artists, footballers, etc.) has undoubtedly caught people's attention more than a campaign based on an explanation of the text or the progress it embodies. But in exchange for bringing Europe closer to the people, it seems that the campaign has contributed to making the idea of Europe even more banal. The result is that Europe is all and nothing at the same time, when it is not a simplistic choice between black and white. As a result, both the Government's institutional campaign and the parties' own campaigns have failed miserably to help citizens establish the link between the Europe they know, feel and want and what was in the Constitutional text. The vote of confidence has therefore been transformed into voting blindly.

Consequences of the failed referendum

The Government may feel relieved: the worst, turnout below 40%, did not happen. However, results are close enough to that threshold to make the most pro-Europeans worry. Inside Spain, the Government is questioned because it did not efficiently manage a communication strategy to get more than half of the voters to the polls; abroad, the Government does not have much more capital than it would have been afforded by a parliamentary ratification; from the collective standpoint, the people have confirmed the existence of a gap between them and the political class in regard to Europe.

Conclusion: The 'Yes' vote won the day, but it is hard to dig up much enthusiasm about the results in Spain and their chances of spreading across Europe. Other Member States may well ask if the low turnout in Spain is a question of apathy or consensus, but, above all, they will be concerned. The case of Spain is not strictly 'exportable', since turnout is logically going to be higher where dissent is greatest and results are unclear and,

consequently, incentives to vote are greater. In any event, the Spanish referendum has signalled the start of the wave of Constitutional referendums in Europe and has clearly brought to light some of the most significant problems this Constitution faces. Hold on tight, because it's just starting!