

Spanish domestic politics clouds EU constitutional debate

By Marie-Noelle Valles. Agence France Presse. November 1, 2004.

Spanish domestic political bickering is clouding the debate over the country's moves towards adoption of the mooted EU constitution when it had appeared consensus existed on the issue prior to a referendum due to take place on February 20.

Assuming the vote goes ahead as planned Spain would, as things stand, become the first country to have a popular vote on adoption of the text.

But before then, opposition leader Mariano Rajoy of the conservative Popular Party (PP) has joined the communist-ecologist United Left (IU) in demanding that the Socialist government first submit the matter to Spain's Constitutional Tribunal.

Whereas the government and the PP both favour adoption of the text, the IU is opposed. But what has swung Rajoy is a judgment handed down last week by the Council of State that preceding a referendum, the Tribunal should first examine if the EU constitution is compatible with Spain's own existing text.

The government has let it be known it intends to go ahead with the referendum and then consult with constitutional experts before broaching potential tweaks of the Spanish constitution to bring it in line with the EU version.

All 25 EU states must ratify what would be the body's first ever constitution for it to come into effect.

The Spanish government of Prime Minister Jose Luis Rodriguez Zapatero in its manifesto prior to taking office in April had already undertaken to look at constitutional amendments with the northern Basque and Catalan regions in particular straining for greater autonomy.

The PP, however, wants the consultation to take place before the referendum. That could benefit the main opposition party as article 168 of the Spanish constitution provides for the dissolution of parliament and hence a general election in case of far-reaching constitutional amendments.

One possible source of conflict between the two -- domestic and EU -- texts is the Spanish constitution's article 9, which holds that "citizens and public authorities are subject to the constitution and to the body of law" already prevalent.

But that could pose a contradiction with article I-6 of the EU text which states that EU laws would prevail over those of member states.

According to Rajoy "it would be more to see if in order to approve the European constitution it is first necessary to reform the Spanish constitution."

But while Rajoy castigates the government for seeing the issue the other way round Zapatero, keen to "return Spain to the heart of Europe," wants a big yes vote to put Spain in the vanguard of countries validating the EU text.

"Europe is watching us carefully and we have to cast our ballots knowing that a significant decision is at stake," first vice deputy prime minister Maria Teresa Fernandez de la Vega said

Friday.

But IU leader Gaspar Llamazares believes that what is at stake is a reform of Spanish law, "which necessitates a dissolution of the chambers" of parliament and the senate and he accuses the Socialists of acting in their own interest.

Rather than submit to a new election just months after taking office the Socialists are determined to put domestic constitutional reform on the back burner to the end of the current legislature around 2008.