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BEYOND THE SPANISH STATE? RELATIONS BETWEEN THE EU, CENTRAL GOVERNMENT AND DOMESTIC ACTORS IN SPAIN

by

Rachel Jones

A Doctoral Thesis

Submitted in partial fulfilment of the requirements
for the award of
Doctor of Philosopy of Loughborough University

April 1998

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Beyond the Spanish state? Relations between the EU, Central Government and Domestic Actors in Spain

Abstract

This thesis examines relations between domestic actors and central government or the state during the EC accession negotiations and EC/EU membership in Spain. It presents three theoretical perspectives on the role of the state: a state-centric approach which focuses on the state as autonomous actor; a two-level game framework which considers the state as gatekeeper between the European and domestic arenas; and a multi-level governance perspective where the state becomes an arena in which a number of different actors participate. A dynamic approach to the analysis is adopted, highlighting sets of changing conditions in the Spanish political system expected to influence the access to policy-making for actors other than central government, which it terms the domestic opportunity structure. The analysis of the high level of state autonomy during the EC accession negotiations acts as an essential baseline for an examination of the policy process during EC/EU membership when the state's autonomy is expected to be reduced by a more open opportunity structure. This changed context is explored in the specific areas of cohesion policy and fisheries, when the input of domestic actors is seen to depend on the particular policy setting, the policy-making stage and the type of decision, termed the EU opportunity structure. A combination of theoretical approaches is considered necessary to explain the changing levels of opportunity. Given that considerable evidence exists for the state's retention of its role as key decision-maker in the policy process, this thesis concludes that the state-centric approach is still relevant to the case of Spain. However, at certain stages of the process, particular sets of actors have gained greater access to policy-making during EC/EU membership, as illustrated by the increasing involvement of regional authorities in the implementation of the structural funds, thus indicating that theoretical insights which place greater emphasis on the influence of domestic actors other than the state may be needed to supplement a purely statist approach.

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List of Abbreviations

AEB	Association of Spanish banks
ARPEBAR	Asociación de Armadores de Buques de Pesca de Barbate (Association of Shipowners of Barbate)
ASEMAR	Asociación Profesional de Empresas Armadores de Buques de Pesca de Cádiz (Professional Association of Shipowners' Firms of Cadiz)
BOE	Boletín Oficial del Estado (Official State Gazette)
CAP	Common Agricultural Policy
CCAA	Comunidades Autónomas (Autonomous Communities)
CCOO	Comisiones Obreras (Workers' Commissions)
CEOE	Confederación Española de Organizaciones Empresariales (Spanish Confederation of Employers' Organisations)
CEPYME	Confederación Española de Pequeñas y Medianas Empresas (Spanish Confederation of Small and Medium-sized Enterprises)
CFP	Common Fisheries Policy
CiU	Convergència i Unió (Convergence and Union/Catalan Nationalist Party)
CNAG	Confederación Nacional de Agricultores y Ganaderos (National Farming and Livestock Confederation)
COAG	Coordinadora de Organizaciones de Agricultores y Ganaderos (Co-ordinated Farming and Livestock Organisations)
COPA	Committee of Professional Agricultural Organisations
CSF	Community Support Framework
DG	Directorate-General
EAGGF	European Agricultural Guidance and Guarantee Fund
EC	European Community
ECU	European Currency Unit
EFTA	European Free Trade Association
EMU	European Monetary Union
ERDF	European Regional Development Fund
ESF	European Social Fund
ETUC	European Confederation of Trade Unions
EU	European Union
FCI	Fondo de Compensación Interterritorial (Interterritorial Compensation Fund)
FETCOMAR	Federación Estatal de Transportes, Comunicaciones y Mar (Federation of Transport, Communications and Fisheries)
FIFG	Financial Instrument for Fisheries Guidance
GDP	Gross Domestic Product
GNP	Gross National Product
IFOP	Instrumento Financiero de Orientación de la Pesca (Financial Instrument for Fisheries Guidance)
IGC	Intergovernmental Conference
IU	Izquierda Unida (United Left)
MP	Member of Parliament
MEP	Member of the European Parliament
NATO	North Atlantic Treaty Organisation
OP	Operational Programme
PM	Prime Minister
PNV	Partido Nacionalista Vasco (Basque Nationalist Party)
PP	Partido Popular (Popular Party)
PSOE	Partido Socialista Obrero Español (Spanish Socialist Workers' Party)
RDP	Regional Development Plan
SEA	Single European Act
SME	Small and Medium-sized Enterprises

SPD	Single Programming Document
SPR	Spanish Permanent Representation
SSEU	Secretariat of State for Foreign Policy and the EU
TAC	Total Allowable Catch
UCD	Unión de Centro Democrático (Union of the Democratic Centre)
UGT	Unión General de Trabajadores (General Workers' Union)
UNICE	Union of Industrial and Employers' Confederations of Europe
VAT	Value Added Tax

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Chapter 1
INTRODUCTION

This thesis examines the role of the Spanish state or central government and its relations with key domestic actors in the European Union (EU) policy-making process. This is not a new topic for research. A shift has occurred in the literature on European integration in the 1990s from a focus on national governments in the policy process towards a greater emphasis on the roles of domestic actors other than the state. Although the literature has thus moved away from traditional state-centred analysis, and adopted diverse approaches, new angles or different 'conceptual lenses'[1] (Allison, 1971, p. 253), the role of the state remains a key focus in view of the many unanswered questions about its relations with domestic actors. A dynamic approach is adopted in this thesis which centres neither wholly on the central government nor on domestic actors, but on the changing interaction between the two. This analytical approach is applied to the case of the Spanish policy-making process, thus representing a shift from the predominant focus of existing studies of Spain on the role of the state (see Chapter 2).

The state-centric focus of the literature reflects Spain's historical legacy, namely its relatively late transition to democratic, participative society due to the imposition of the authoritarian Francoist state until 1975. Michael Keating (1993, p. 337) highlights the fact that 'Spain has long been notable for the relative weakness of its civil society, that is the network of organized groups and institutions outside the state apparatus. This is reflected in the small number and membership of interest groups and the weakness of most of them'. Policy networks and communities have been slower to develop in Spain during EU membership than in other EU countries. However, considerable changes in the relations between central government and key domestic actors during the negotiations for accession to the European Community (EC) and membership cannot be adequately analysed by using the statist emphases of existing literature. The more dynamic perspective of this analysis is expected to provide a fuller picture of the Spanish policy-making process.

Despite the wealth of studies of EU policy-making in key member states, relatively few analyses exist in the case of Spain, as illustrated in Chapter 2. The strongly pro-European position of the government, and the highly positive public attitudes to incorporation into the Community framework, may have tended to minimise

[1] Allison's concept of using different 'conceptual lenses' has since been used to view the European integration process by other theorists, for example Laura Cram (1997).

discussion about Spain's integration into the European framework. Three key aspects which distinguish the Spanish case are:

- its relatively late incorporation into the EC and its rapid adaptation to membership; the Spanish government learned quickly how to 'play the game' within the Community, as illustrated by its successful first EC Presidency in 1989 and its skilful negotiation of EC/EU funding for its economically underdeveloped regions.
- the scale of change in Spanish society given the simultaneous processes of democratisation, Europeanisation and decentralisation occurring during the period of study; the unscrambling of the autonomous effects on Spanish society of each of these processes represents a considerable challenge to the researcher, but also offers an important area for further study.
- the development of relations between the Spanish government and domestic actors; it is likely that domestic actors will be relatively weak in a newly established democratic society.

The starting point for the study is the beginning of a new democratic era for the Spanish state after the death of Franco in 1975. It centres on Spain's attitude to Europe, the long, protracted EC accession negotiations from 1979 to 1986, and Spain's EC/EU membership. The focus is largely on the period up to March 1996 when the main opposition party won the elections, although referring to key developments since 1996 where relevant to the analysis.

Objectives

The main objective of this thesis is to examine the extent to which the central role of the Spanish state has been reinforced or constrained by key factors expected to affect the level of state autonomy vis-à-vis domestic actors. Important factors are considered to be: the level of access to policy-making for domestic groups, their capacity to exploit available opportunities for participation, and the government's ability to control the level of domestic input, thus highlighting the key issues of access, resources and control. Rather than a purely static examination of objectives and achievements at European level, the analysis also seeks to focus on the process of ratifying EU policies in the domestic arena. Although the government may ultimately determine the formulation of the Spanish bargaining position, it is expected to be increasingly obliged to obtain the approval of key domestic actors for its policy decisions. A key objective is thus to explore the changing nature of the domestic ratification process. This allows a study of the changing relations between the state

and key domestic actors, and an evaluation of the state's strategies for adapting to a potentially new context.

Many studies of Spanish politics have highlighted the lack of research on policy networks and communities and their relations with government, even if they are less developed in Spain than in other EU member states; this thesis is a contribution towards filling the gap in the literature. Through viewing Spanish policy-making from a different angle, it seeks to enrich the debate on decision-making in Spain which tends to rest on the assumption of a fixed, unequal distribution of resources between government and domestic actors. The possibility that the research will merely reinforce the view of the central role played by the state is not ruled out, but a less static approach might be expected to yield a more fruitful analysis of the Spanish policy process.

Research questions

In view of the hypothesis that policy decisions are not purely the outcome of bargaining positions formulated by the national government, but may involve the participation of domestic actors, the study seeks to identify factors influencing relations between the state and domestic actors in the case of Spain. Key research questions which arise from this focus are:

- Has the level of access to the policy process for key domestic actors increased during EC/EU membership?
- Have domestic actors directly affected by negotiations at EC/EU level developed the capacity to exploit opportunities for greater access to policy-making?
- To what extent has the state retained its control of the policy process?

Addressing these key questions enables this thesis to evaluate the level of access to the policy process for particular groups of domestic actors, and the extent to which this can be expected to have an impact on the state's autonomy. The potential for increasing domestic involvement is likely to make the state's control over the policy-making process more problematic during EC/EU membership. This is expected to be influenced both by changes in the specific character of the Spanish political system, and by the effects of its incorporation into the European framework. The analysis does not seek to provide a clear-cut explanation of state development in the EU policy-making process as a whole, but selects specific policy areas for empirical case studies in which relations between the state and domestic actors are explored.

Case studies

A detailed analysis of Spain's EC accession negotiations allows a series of factors to be established at the outset of this thesis which characterise relations between the Spanish government and domestic actors. The potential for a changed context in the domestic arena after Spain's EC entry is considered, given that the overwhelming consensus in favour of incorporation into a European democratic framework could not be assumed once integration had been achieved. The examination of the role of the state and key domestic actors during the accession negotiations and EC/EU membership provides a broad perspective prior to testing the assumptions made in two specific case studies.

Cohesion policy, which seeks to reduce economic disparities between European regions, was selected as a first policy area since its development potentially illustrated a considerable change in the roles of state and domestic actors. The increased participation of regional or subnational authorities in the EU policy process, particularly in the implementation of Community-funded projects, raised many fundamental questions about the roles of central government and key domestic actors. Although the net positive effects of an inflow of EC/EU funding made the negotiation of cohesion policy for the Spanish government at European level relatively unproblematic, the distribution of funding in the national arena was likely to cause considerable tensions between the different administrative levels. An analysis of the Spanish government's role in negotiating the optimal deal for its domestic interests at EU level was expected to yield significant findings about the interaction between the EU and domestic arenas.

Given the consensus in favour of the government's policy on cohesion, the second empirical case was chosen with a view to focusing on an area more likely to lead to tensions between the state and domestic actors. Although the European Free Trade Association (EFTA) enlargement negotiations were initially selected for further analysis, an interviewee directly involved in the talks[2] considered that the strategies adopted by the Spanish government caused little tension in the domestic arena. When aware of high-level bargaining at EC level, domestic actors generally gave their full support to the Spanish position. Interviews with government officials and sectoral and regional representatives (see primary sources in Bibliography) led to the suggestion of a policy area where a consensus on European policy was less assured, namely fisheries. Even during the EC accession negotiations, fisheries caused considerable

[2]Interview with official in Spanish Permanent Representation, Brussels, 22 February 1996.

discontent and accusations of inadequate government support for the sector, thus providing a contrast to areas where full domestic support for the state's position was unquestioned. As the fishing sector sought to maximise its involvement in EU-level negotiations when permitted by national and Community structures, the case study offered wider scope to investigate the changing relations between the state and domestic actors. Within the area of fisheries, the episode of the re-negotiation of the EU-Morocco fisheries agreement in 1995 was selected in view of its high visibility, the direct involvement of the fishing sector, and strong public support for sectoral demands. The detailed examination of relations between the state and domestic actors in one specific episode was a necessary restriction on the range of the research. However, the analysis was also intended to raise more general questions about the policy area and the involvement of the fishing sector.

The focus of the fisheries study is the region most directly affected economically by the negotiation, namely Andalusia, which is also the main focus of the case study on cohesion policy as the principal recipient of European funding in Spain. The Spanish government has been a key protagonist in both areas during EC/EU membership, which may indicate a stronger role for the Spanish state than in other policy areas. Despite this parallel between the two case studies, a number of key factors clearly distinguish them. The case study on cohesion highlights the changing nature of the policy area during the 1989–93 and 1994–99 funding cycles, with a particular focus on subnational authorities. Cohesion policy is characterised by a series of negotiating rounds creating distributional tensions, which obliges the state to ratify its initiatives and negotiating positions at EU level in the domestic arena. The study within the area of fisheries examines a particular episode in a specific context, although the negotiating rounds of one of the EU's most significant fishing agreements with a non-EU Third country can also be located within a broader cycle of accords with Morocco, where Spain is clearly the most affected member state. In contrast to cohesion policy, the fisheries episode represents a short-term, localised crisis management issue for the Spanish state, where high involvement of the most directly affected domestic actors at regional level would be expected. The choice of case studies, therefore, provides the opportunity to analyse relations between the state and domestic actors in distinct issue areas, considering different episodes, and at varying stages of the process.

Evidence of the involvement of key domestic actors in the policy process is examined in each empirical case study with a view to identifying the key factors influencing their participation, taking into account the history of the specific issue in question. The level of negotiation and consultation between the state and domestic actors might

be expected to depend on the particular policy area. Furthermore, the degree of dependence of national government and EU officials on the skills and resources of regional and sectoral actors is considered likely to vary. Although effective implementation of policy at subnational level may require greater involvement of regional actors, the access of domestic actors to other stages of the policy process, for example the decision-making phase at EU level, may be problematic. This is further explored in Chapter 2.

Structure and content

Following an introduction to the key objectives of the thesis in Chapter 1, Chapter 2 consists of a critical review of the literature, both specifically on Spain, and on the wider questions raised about the role of national governments in the EU decision-making process. A clear theoretical framework for this thesis is thus developed in the first two chapters. Chapter 3 focuses on Spain's EC accession negotiations, exploring key factors influencing relations between the Spanish state and domestic actors during the negotiating process, and the extent to which the state was able to retain its autonomy in the domestic arena. Following the focus on the Spanish state as EC applicant, Chapter 4 centres on Spain as EC/EU member, analysing the development of the institutional structure established for EU policy-making, and the issue of access to the policy process for domestic actors. Chapters 3 and 4 establish the broad conditions determining the nature of relations between the government and domestic actors in the policy process. The validity of these macro-conditions is then considered in an analysis of the micro-conditions existing in specific policy areas, namely in the two empirical case studies in Chapters 5–8, which act as tests of the assumptions made in earlier chapters.

The structure of the two case studies reflects the focus of the thesis on the role of the state and domestic actors in the policy process. Each case is divided into two chapters, the first of which focuses on the intergovernmental level, thus putting a premium on the role of the state in the policy process, while the second focuses on the input of domestic actors and their relations with central government. The structure of the case studies is intended to demonstrate that an analysis going beyond a purely state-centred view explains more adequately changing relations between the state and domestic actors in specific policy areas. In view of the lack of emphasis on domestic actors in previous literature, the limited material on their role in the policy process led to the wide use of primary empirical and documentary material. Interviews were also essential for obtaining a fuller picture of the policy process (see Methodological note in Annex 3).

The final chapter evaluates key research findings related to both the broader framework, and the specific issue areas, and draws conclusions based on the theoretical framework established about the changing EU policy-making process in Spain.

Key definitions

For the purposes of this thesis, the term 'state' refers to the Spanish central government, and the term 'domestic actors' to actors other than central government in Spain. Regional or subnational governments are thus referred to as domestic actors rather than as part of the state. In addition to regional authorities, the analysis includes the Spanish parliament (also referring to the input of key political parties where relevant to the analysis), and trade unions and employers, collectively termed socio-economic actors. The study of the trade unions focuses on the two main unions in Spain, while the examination of employers is largely based on the principal employers' confederation (see Chapter 3). The particular sector which forms a key focus of the thesis, namely the fisheries sector, has its own individual structure incorporating trade unions, shipowners' associations and local associations. The organisation of the fishing sector is explained in Chapter 8 prior to the analysis of its relations with central government during EU-level negotiations.

The concept of 'autonomy' mainly refers to the autonomy of the state vis-à-vis domestic actors, rather than in relation to the EU, and alludes to the extent to which the government can act regardless of domestic constraints when formulating its bargaining position and implementing EU policy. Autonomy can be defined as 'the ability of a given actor to pursue its desired policy independently of, and without pressure from, another political actor' (Fioretos, 1997, p. 297).

The term EU is used when referring to events after November 1993 and to the European context more generally, whereas EC is reserved for events prior to the enactment of the Treaty on European Union. EC/EU is used to refer to the whole period of Spanish membership of the Community.

Research claims

Even if studies of European integration in the 1990s have increasingly highlighted organised interests and networks of non-state actors, studies of Spanish EU policy-making have tended to focus on the state in a generally static institutional framework. This may reflect the dominance of the executive in Spanish policy-making, but it

plays down any potential for evolution. The empirical research carried out for this thesis addresses key questions about the Spanish state which, previously, have been relatively unexplored, thus challenging the traditional conceptualisation of the Spanish policy process, and considering whether approaches other than a purely state-centred perspective can offer a greater insight into the policy process. The key rationale behind this study is that, if wider conclusions are to be drawn about the decision-making process, the dynamics of relations between governments and domestic actors need to be understood. The analysis thus seeks not only to be a useful contribution to the literature on Spain and the EU, but also to enrich the ongoing debate about the nature of EU decision-making processes.

Chapter 2
THE SPANISH STATE AND THE EU: APPROACHES TO ANALYSIS

EU membership has raised fundamental questions about the distribution of authority and decision-making power between EU institutions and member states, and between national governments and domestic actors. Although it could be argued that 'evidence from both the EU policy process and from major treaty negotiations has consistently reinforced...the critical role which national governments have played in the decision-making process' (Cram, 1997, p. 170), this thesis seeks to take into account changes in the nature of policy-making which may have an impact on the level of autonomy of the state, and on its interaction with key domestic actors.

The issue of the role of governments in policy-making remains problematic. The framework for this analysis covers a spectrum of roles offered by theoretical perspectives, whereby governments can be considered as autonomous actors, or as national gatekeepers between the EU and national arenas, or as only one of a number of levels in the domestic negotiation of European policy. In the case of Spain, Paul Heywood (1995, p. 241) refers to the policy-making process as one of the least researched elements of Spanish politics, rendering it 'difficult to locate policy-making in Spain within analytical categories familiar from the study of other west European polities'. A review of literature on Spain during the EC accession negotiations and membership examines the way in which relations between the government and domestic actors have been conceptualised in previous studies.

Spain and the EC/EU

Although Spain has had close economic links with Europe since the early 1960s, its political integration into the Community did not occur until 1986. EC accession was of fundamental importance for the newly established democracy, as illustrated by the analysis of the negotiations from 1979–86 in Chapter 3. This review of the literature identifies the key focus of existing studies of Spain prior to EC/EU membership, with particular reference to the accession negotiations.

Spain during EC accession negotiations

Early works on Spain's EC entry tend to discuss the application to join the Community in terms of the re-orientation of the foreign policy interests of the Spanish state, namely the shift from an isolationist policy line to a greater focus on the European context in the 1970s (for example Cortada, 1980; Minet *et al.*, 1981). Although the impact of the EC on the transition of post-Franco Spain in the 1970s and

1980s is covered in other works, the focus continues to be on Spain's overall foreign policy objectives (Preston and Smyth, 1984; Pollack and Hunter, 1987). EC accession is examined as a key element of Spain's modernisation process alongside entry into the North Atlantic Treaty Organisation (NATO), and the perspectives adopted tend to highlight global decisions taken by the state without referring to their ratification in the domestic arena. The existing literature thus provides an overview of the essential elements of the accession negotiations at interstate level, including the positions of key member states vis-à-vis Spain's application, and the overall impact of the second enlargement on the Community, but does not problematise key questions about the relations between the Spanish state and key domestic actors (for example George, 1985).

The predominantly economic focus of much of the literature has resulted in a relative neglect of political aspects of the process, as illustrated by the numerous studies of the likely effects of accession on the Spanish economy and the attitude of other member states to the economic consequences of Spain's EC entry (for example Holmes, 1983; Sampedro and Payno, 1983; Tamames, 1986). Detailed chronological accounts of each technical stage of the accession process also tend to pay little attention to the broader political impact of EC entry, a key example being the series of articles by Enrique González Sánchez, a government official during the negotiations (see articles from 1978–86). The economic bias indicates a significant gap in the literature in view of the fact that the rationale behind Spain's application for membership was largely political rather than economic.

Given that analyses of political aspects of the accession process are less common, the researcher is obliged to depend on partisan views of the government's negotiation of EC entry to inform the analysis of the accession process undertaken in this thesis. Studies by politicians from the main opposition parties tend to reiterate key criticisms of the negotiating strategies of the Partido Socialista Obrero Español (Spanish Socialist Workers' Party, PSOE) government, such as the negative terms of entry for sectors such as agriculture and fisheries, and the speed of accession being driven by the proximity of the elections and the linkage with the NATO referendum. For example, in addition to providing an outline of the government's negotiating tactics, Angel Gómez Fuentes (1986) expresses the views of many opposition politicians when he criticises the lack of information about the implications of the Accession Treaty for key sectors. Although such political viewpoints cannot be considered entirely objective analyses of the situation, the frequent criticism of the minimal domestic debate seems to be an indication of the lack of awareness of the implications of EC entry in Spanish society (for example Herrero de Miñón, 1986; Armero, 1989).

Studies written by officials involved in the early years of the accession process attempt to counter the notion that the negotiations only commenced in 1982 when the PSOE came to power, the most notable being that of Raimundo Bassols (1995), former ambassador in Brussels, and Secretary of State for the EC from 1981–82, who provides the first comprehensive account of the early negotiating period under the newly formed Unión de Centro Democrático (Union of the Democratic Centre, UCD). His study incorporates a wealth of information on internal negotiations, ministerial meetings and the opinions of key politicians during his term of office in Brussels from 1976–81 which previously had not been published. The detailed nature of the study, illustrated by the inclusion of the exact number of meetings held between the government and domestic groups, is an important source of information on the dialogue in the domestic arena during the early negotiations.

In view of the lack of analytical studies of EC accession, the researcher is also obliged to rely on the memoirs of key politicians for detail on the negotiating strategies of the government and its relations with domestic actors, for example the autobiography of former Prime Minister (PM) Leopoldo Calvo Sotelo (1990). Although they are personal viewpoints, the rationale behind the government's objectives can frequently be clarified by their accounts. Socialist politicians naturally focus on the period following their election victory in 1982, which they regard as the true starting point of the negotiating process. They generally give a positive, almost self-congratulatory account of the negotiations; a key example is the focus of former Foreign Minister, Fernando Morán, on the 1982–86 period (for example 1980, 1984, 1990). In his study of the accession process (1990), he describes the skilful bargaining tactics of the Socialist government which led to the achievement of the goal of EC membership. The study provides detail on the negotiations which is difficult to access in other sources, but is a personal account of his role, for example in unblocking the stalemate caused by French obstruction of enlargement, rather than an objective analysis. This body of literature provides empirical detail on the strategies of the Spanish government vis-à-vis the EC rather than a critical evaluation of the policy process. However, the works of Morán facilitate an understanding of the pro-European consensus in Spain during the negotiations by providing an analysis of the process of Europeanisation, the acritical unanimity of all political forces, and Spain's modernisation in the post-Franco era.

An indication of the involvement of domestic actors in the negotiations is provided by only a minority of studies of the second enlargement, for example the focus of Loukas Tsoukalis (1981) on the internal debate in Spain, and the limit to the level of discussion as a result of the consensus in favour of entry. His brief examination of the

relatively underdeveloped Spanish civil society and the inexperienced political class thus addresses the question of the awareness of EC entry at domestic level. However, the position of domestic actors such as Spanish political parties, trade unions and pressure groups vis-à-vis EC accession is rarely evaluated. The study by Beate Kohler-Koch (1982) of the alignment of political forces in the post-Franco era was written at too early a stage in the negotiations to form a full evaluation of the domestic arena, and studies generally refer to the overall pro-European position in Spanish domestic society without evaluating its origins or significance. One exception is the study of Berta Alvarez-Miranda Navarro (1995), which provides a helpful analytical insight into the rationale behind the Spanish cross-party consensus in comparison with Portugal and Greece. Studies of the interaction between the development of the public sphere and economic and political liberalisation provide an important contribution to the literature on Spain. However, the EC remains largely a sub-theme in works focused on the development of Spanish civil society, for example by a recognised authority in this area Víctor Pérez-Díaz (1993). In view of these significant gaps in the literature, evidence of the internal debate during the negotiations can generally only be found in the few works written by representatives of key domestic groups, for example in the evaluation of the main Spanish business confederation by Antonio Alonso (1985), who describes the tensions between the interests of EC negotiators and those of Spanish business.

Spain's EC application has frequently been examined in the literature in relation to the transition to democracy and the redefinition of its external relations (see Pridham, 1991, 1995). For example, well-documented analyses of the linkage between the domestic and international arenas analyse the government's use of external exigencies to enforce domestic policy decisions (Story and Pollack, 1991; Powell, 1993; Story, 1993, 1995). Although the evaluation of the impact of EC institutions and transnational organisations on Spanish society contributes to the analysis of the domestic arena in this thesis, existing studies of Spain's EC entry clearly focus on the global objectives of the Spanish state during the negotiating period. This relative neglect of the input of actors other than central government in the policy process is also evident from a review of the literature on Spain's EC/EU membership.

Spain during EC/EU membership

Studies of Spain as an established EU member state are relatively rare compared with the wealth of literature on Spain's transition to democracy. Although surveys of political science research (for example Ciavarini Azzi, 1994) note an important increase in both the quantity and quality of studies of Europe in Spain during its EU membership, the number of political studies is small when compared to economic

analyses, as was the case in the earlier discussion of studies of EC accession. According to the survey data, the ratio is approximately 50 per cent economic studies, 35 per cent political studies, and 15 per cent legal studies. The guide to studies of Southern Europe edited by John Loughlin (1993) also acknowledges the increasing amount of research on the Southern European region, but similarly concludes that economic analyses predominate. Studies of the influence of the EU on individual sectors in Spain, of the developing Spanish economy, including trade patterns and the impact on investment, and of Spain's role in the world economy are thus relatively common (for example, Hudson and Rudcenko, 1988; Ruesga, 1989; Tamames, 1991; Harrison, 1992; Salmon, 1995a, 1995b; Tovias, 1995; and a comparative study of European economies by Somers, 1991). Similarly, evaluation of the effects of the Maastricht Treaty on Spain has largely focused on its economic rather than political impact (for example, Círculo de Lectores, 1992). Heywood (1995, p. 6) highlights the fact that the study of politics in Spain is also shaped by its location within the discipline of law, which has encouraged its focus on constitutional and legal issues, for example works analysing the Spanish legal framework (see Mangas, 1987), and those outlining the constitutional basis of Spain's foreign policy (see Remiro Brotóns, 1984).

Overviews of the government and politics of Spain written in the 1990s, generally centring on the broad outlines of its political transformation, the economic and social changes in post-Franco Spanish society, and Spain's emergence as a significant voice in international affairs, are an acknowledgement of the significant gap in the literature, and an indication of a greater academic interest in the Spanish case (see Heywood, 1995; Gunther, 1996; Ross, 1997). However, studies of the Spanish political system, relatively recently written in comparison with other EU countries, tend to be introductory rather than an in-depth evaluation of key issues, and analogies with policy-making in other EU member states are rarely made. The focus on distinctive elements of the Spanish case in an examination of policy-making style in Spain by Joan Subirats (1992) is an important addition to the literature in this respect, although the author acknowledges that it only represents the groundwork for further study. Recent works have included an analysis of Spanish politics after March 1996, when the centre-right party, the Partido Popular (Popular Party, PP)[1] won the elections, as in the comprehensive guide to the Spanish political system by Michael Newton (1997). Such studies act as important reference works, but issues such as the autonomy of central government, and the development of Spanish interest groups,

[1] The centre-right Popular Party is the successor to the Popular Coalition, which lost to the PSOE in the 1982 and 1986 elections, and the Popular Alliance founded in 1976.

have only recently been identified as important areas for academic study, and the literature can thus only provide a starting point for further analytical development.

Studies of Spain's EU membership tend to consist of descriptive outlines of the institutional structure at national and EU level, rather than detailed evaluation of the impact of membership, as illustrated by works on the policy process (Salas Hernández and Betancor Rodríguez, 1991), and more specific studies of the key Spanish institutions dealing with EU policy, namely the Spanish Permanent Representation in Brussels (Hayes-Renshaw *et al.*, 1989), the Secretariat of State for Foreign Policy and the EU (Dastis, 1995), and the Spanish parliament (Martín Martínez, 1995; Closa, 1996) (see Chapter 4 for an analysis of the institutional framework in Spain). Existing studies of Spanish EU policy are a source of useful empirical data (see Almarcha Barbado, 1993), but rarely provide in-depth analysis of the impact of the EU on Spain. An exception is the study of Eduardo Zapico Goñi (1995) of the changing nature of the Spanish policy-making process, which represents one of the few attempts in the literature to adopt a more dynamic and analytical approach to the study of EU policy-making. Although works by Francesc Morata (1996, 1997, 1998) also provide an analysis of Spain's EU membership, the focus is on Spanish representation in EU institutions, the remit of key organs dealing with European policy in the domestic arena, and political and administrative adaptation to the European context. His studies do not seek to analyse in any detail the nature of interaction between key domestic actors in the policy-making process.

Keating (1993, p. 341) refers to views of Spanish policy-making being seen 'almost exclusively in terms of the state, which is given an exalted role in Spanish political culture'. A state-centric perspective is prevalent in the majority of studies of the key developments in Spanish politics in the 1980s and 1990s, where the focus on strategies at interstate level tends to neglect the changing relations between the state and domestic actors. The issue of EU membership is generally included as a success of the PSOE government in a wider analysis of Spain's international role (see Alonso Zaldívar and Castells, 1992; Guerra and Tezanos, 1992), while literature which focuses exclusively on Spain in the EU primarily evaluates key achievements at European level with little reference to the formulation of policies in the domestic arena (Barbé, 1996; Story, 1991a, 1991b). Similarly, works written by government officials and ministers only outline the key challenges of European integration at interstate level (see González, 1992; Guerra, 1993). A key theme which emerges from these works is that of Spain's established position in the EU as a middle-order country with considerable international prestige, whereas relations between the government and domestic actors are rarely problematised.

Studies of Spain's contribution to specific policy areas pay greater attention to the potential influence on the government's position of domestic interests, as illustrated by the focus of Heywood (1993) on the tensions caused in the domestic arena by the government's commitment to EMU, and the analysis of regional participation in cohesion policy of Morata and Muñoz (1996). Keating (1993) also seeks to take account of the development of relations between the strong Spanish executive and relatively weak domestic groups. However, in general, little consideration is given in the literature to the potential for a shift in the balance between state and non-state actors as a result of key changes in the EU and domestic arenas. This is perhaps largely due to the fact that the lobbying process in Spain was at an embryonic stage when Spain joined the Community. The few studies of the consultation process between the Spanish government and lobby groups generally provide a relatively unsophisticated description of the key channels used for dialogue (see Molins and Morata, 1994). Other articles about domestic actors such as business organisations, trade unions or key political parties do not tend to focus on their involvement in EU policy, even though their input is likely to have increased substantially during Spain's EU membership (see Gillespie, 1989, Share, 1989 on the PSOE; Martínez Lucio, 1991 on the main business confederation; Gillespie, 1990 on trade unions). Furthermore, the inclusion of the European context in studies of key groups such as political parties tends to be confined to an analysis of interstate negotiation at EU level rather than the domestic consultation process (for example Gillespie, 1996, on the PSOE). The impact of EU membership on internal domestic politics thus remains understudied in the literature (see brief studies by Wigg, 1988; Acuña, 1989; Robinson, 1992).

The neglect of the input of key domestic actors to European policy does not extend to the Autonomous Communities. Increasing Spanish regional participation in EU policy is the focus of numerous studies which analyse the implications of institutional changes at national, regional and European levels for subnational participation (for example Keating, 1993; Gutiérrez Espada, 1994; Burgorgue-Larsen, 1995; Bustos Gisbert, 1995; Ministerio para las Administraciones Públicas, 1995; Pérez Tremps, 1995). Works on the more politically active regions such as the Basque Country and Catalonia, are particularly common (Bullain López, 1990 on the Basque Country; García, 1995 on Catalonia). The effect of EU membership on the institutional framework at regional level forms a key theme in these studies. This reflects a more general focus in the literature on the influence on Spain's domestic transformation of the EC/EU, for example the work of Moxon-Browne (1989) which centres on political change in Spain, and the impact of EC membership on Spanish domestic politics. The key theme of the significance of the redefinition of Spain's external

relations in the literature on EC accession thus continues during membership. Linkage between Spain's external relations and the development of Spanish society is the focus of the volume edited by Richard Gillespie *et al.* (1995). The analysis of the Spanish case from a multidisciplinary perspective forms a useful contribution to the literature, but considers Spain's EU membership alongside other key developments, such as full entry into the Euro-Atlantic system and increasing interdependency with the world economy. This indicates its broad view of the transformation of the role of the Spanish state in the international system, rather than its specific role within the EU and its relations with domestic actors.

Existing studies of the role of the Spanish state within the EU tend to assume its high level of autonomy, and do not consider its changing role during EU membership. An exception is the study of Carlos Closa (1995) which explores the potential for a reduced level of autonomy of the Spanish state. He focuses on the limits of adherence to EU policy to legitimise the government's demands in the domestic arena, indicating that the state's monopoly of the policy process has become more problematic. The study does not extend to an exploration of the relations between the government and groups of domestic actors in different policy settings, but is an important contribution to the literature, and a useful starting point for further development in this thesis. Other analytical approaches to the role of the Spanish state tend to assume its full control of the policy process, and its continued capacity to shape demands in the domestic arena during membership, for example studies which focus on the internationalisation of domestic policies during EC accession negotiations and membership (Holman, 1996), and on the impact of ideas and knowledge on the changing preferences of the Spanish state within the EU (Marks, M., 1997).

This review of studies of Spain's EC accession and EC/EU membership has revealed the predominantly economic focus of the literature, while political analyses of the policy process remain underdeveloped. The few existing analytical studies of the Spanish political system generally provide a static view of negotiations and achievements at EU level, and pay little attention to the changing domestic context. Relations between the state and domestic actors, and the impact of increased domestic access to policy-making on the level of autonomy of the government, have thus not been problematised in the case of Spain. The use of key theoretical approaches in the next section therefore seeks to reconsider or develop many of the existing static interpretations of Spain's EU membership.

Theoretical approaches

Given the gaps identified in the literature on Spain, theoretical approaches used for the analysis of relations between the state and domestic actors in the EU policy-making process more generally are considered, with a view to establishing a framework for the Spanish case. Three sets of analytical insights which each delineate different roles for the state are examined, namely state-centric, two-level game and multi-level game frameworks. Although no definite boundaries can be drawn between the three approaches, the perspectives act as the organising focus for a review of the literature and form a clear framework for this thesis. The evaluation of the central tenets of each approach seeks to provide an indication of their validity for the Spanish case.

A state-centric perspective: the state as autonomous actor

According to proponents of a realist or neo-realist approach, the unitary state responds to external influences in the international system, and can make and remake the rules by which other actors operate. It is thus that a theory that denies the key role of states will be needed 'only if nonstate actors develop to the point of rivalling or surpassing the great powers' (Waltz, 1979, p. 95). Kenneth Waltz emphasises the importance of enduring structural factors in the international system which result in a similarity of outcomes despite changes in the agents which produce them, assuming that the state acts largely autonomously of domestic interests. The approach thus focuses on the 'purely positional derivation of interest shared by classical realism' (Caporaso and Keeler, 1995, p. 43). Although neo-functionalists do not give the state a central role in the EU policy process (for example, Lindberg, 1963, and the standard reference work of neo-functionalist thought, Haas, 1958), it is significant that Ernst Haas (1968) later acknowledged that the sovereign national state is a distinct entity with the potential to react differently to external challenges depending on specific national factors. A sovereign national state has been defined as 'a political organization which has fixed territorial boundaries that are in principle impermeable, a unified structure of political authority encompassing all state institutions, and a legitimate monopoly of ultimate control over societal organizations in the same territory as well as over their external relations' (Hooghe, 1996a, p. 16). Contemporary versions of the statist model reflect the realist emphasis on national governments as ultimate decision-makers, but also allow for the fact that state executives are located in domestic political arenas. A state-centric approach which highlights the fact that decision-making does not exist in a political vacuum would seem to be more valid for an analysis of EU member states than traditional realist conceptions of the state's role in the international system.

A key tenet of the state-centric approach is that decision-making is determined by bargaining among state executives which has enabled the nation-state to survive as the centre of political power. This can be seen in the work of a key advocate of the approach, Stanley Hoffmann (1982, p. 27), who defines state autonomy as its capacity to resist particular pressures, to produce its own ideas and goals, and to turn its preferences into decisions. He sets out a positive-sum relationship between European integration and the maintenance of national legitimacy and autonomy, an assumption made by other key theorists (for example, Taylor, 1991, 1996; Milward, 1992; Mann, 1993). For example, Michael Mann (1993, p. 116) argues that 'West European weakenings of the nation-state are slight, ad hoc, uneven, and unique', concluding that European integration represents little threat to the state's position. The line of reasoning developed is that the EC/EU has consolidated the power and autonomy of the nation-state vis-à-vis domestic actors. This is most evident in the work of Alan Milward (1992, pp. 2–3), who considers that the process of European integration has been 'an integral part of the reassertion of the nation-state as an organizational concept'. The underlying theme of the 'modified intergovernmentalist' or consociational approach of Paul Taylor (1991, 1996) is also the enhancement of state autonomy through participation in a common decision-making process. His model of consociationalism seeks to explain how state sovereignty can be fully retained while the EU develops its own distinctive level of political activity, which offers a useful means of understanding the strategies adopted by governments to retain their key role in the policy-making process in this thesis. Taylor (1996, pp. 82–3) considers that interstate bargains are often based on deals which suit the interests of their main supporters in particular sectors, but which may conflict with other 'segments' of society which the state is supposed to represent. Milward (1992, p. 3) goes beyond other statist theorists when he argues that the European nation-state would not have retained the allegiance of its citizens without the process of integration, which is described as rescuing it. He argues that 'the choice between interdependence and integration was made according to the capacity of either system of international order to advance domestic policy choices' (Milward, 1992, p. 437), thus indicating that the state pursues integration as a way of formalising and regulating interdependence without forfeiting its autonomy.

One key feature clearly suggested by a state-centric approach is the importance of the influence of national leaders and their bargaining strategies in interstate negotiations. Andrew Moravscik (1991) emphasises the importance of interstate bargaining between key member states in the negotiation of the Single European Act (SEA) when he views the state as the principal actor whose changing interests determine the

outcomes of bargaining in the EU arena. Despite the responsibility to domestic constituencies, political leaders are considered to possess a high level of autonomy from bureaucracies, political parties and interest groups in the domestic arena. The importance of interstate bargaining is also acknowledged by Keohane and Hoffmann (1990, p. 277) who consider that 'the expansion of Community tasks depends ultimately on the bargains between major governments'. However, other theorists such as Carlos Closa (1995, p. 294) highlight the fact that Moravscik's model seems to be applicable only to a single, concrete case, the SEA, which makes its explanatory value dubious until additional cases are analysed. The decisive role played by national governments may be most visible in the case of the biggest leaps of integration (Milward, 1992), but the analysis of an intergovernmental negotiation, where national governments are the only negotiators with decision-making powers, can be logically viewed as validating a state-centric approach (Closa, 1995, p. 294). Interstate negotiations are described by John Peterson (1995) as largely consisting of history-making decisions which tend to be the exclusive domain of the state, although he considers alternative perspectives more relevant for an evaluation of other stages in the policy-making process. However, state-centric theorists tend to assume that subsequent negotiations are only the final working out of the initial interstate deal and thus do not represent a significant part of the process.

Despite the importance attributed to interstate bargaining, intergovernmentalist approaches do not all assume that the state can retain its high level of autonomy as European integration proceeds. For example, the threat to state autonomy in the 1990s is recognised by William Wallace (1994, p. 76) when he describes how states may have adapted successfully to the requirements of shared policy-making, but at the cost of losing the confidence of a rising proportion of their national publics in their ability to meet domestic demands. His conclusion that 'the European nation-state is in retreat' is an important consideration in this analysis of the changing role of the Spanish state. Despite his emphasis on the biggest threat to government autonomy probably being from within the nation state, and his acknowledgement that an assessment of the level of state autonomy depends on the distinctive historical experience of different European countries, he does not elaborate on the nature of the variation between member states nor on the impact of domestic forces (Wallace, 1994, p. 55). Greater emphasis is placed on the differences between national institutional frameworks in works adopting a unit-level approach, where the basic unit of analysis is the domestic structure (for example Katzenstein, 1978; Krasner, 1978). This emphasis is significant in view of the fact that a state-centric approach may be less relevant to countries with a more established pluralist tradition.

Peter Katzenstein (1978) links national preferences to the structure of domestic groups and to their interaction with the state, distinguishing between 'weak' and 'strong' states depending on the level of autonomy in pursuing their own goals regardless of domestic interests. Although the state-centric perspective is generally considered to neglect domestic demands, reference is frequently made to the potential impact on policy preferences of the domestic arena (for example Nordlinger, 1981; Smith, 1993). However, the state is generally assumed to be an autonomous entity with authority to determine policy preferences, even when decisions taken diverge from the demands of the most powerful groups. The inclusion of domestic interests in the analytical framework does not therefore necessarily represent a greater threat to state autonomy. In fact, Martin Smith (1993, pp. 53–4) considers that, under certain circumstances, a close relationship between the government and domestic groups can seal off the policy process from other actors, and ultimately increase central government's autonomy. The potential for domestic demands to strengthen the government's position is also a key element of the study of Peter Haas (1992), who highlights the privileged access to the policy process of groups of experts or 'epistemic communities'. The provision of information to negotiators may allow domestic groups to shape international policy decisions, particularly under conditions of uncertainty. This is a key consideration in an analysis of specific policy areas, where the state could be expected to rely on the high level of expertise accumulated over time by domestic actors.

James Caporaso and John Keeler (1995, p. 44) criticise the fact that domestic interests are a given and remain theoretically unexplained in these approaches. For example, Simon Bulmer (1983) advocated 'disaggregating' the national position without elaborating on how this could be achieved, and Helen Milner (1992, p. 491) refers to the aggregation of domestic preferences as a 'difficult theoretical and practical issue'. The increasing importance of domestic factors is acknowledged by statist approaches, but a theoretical structure for the analysis of their effect on negotiations is generally absent (Sánchez-Cuenca Rodríguez, 1995, p. 6). Moravscik (1993b, p. 5) criticises the presumption of the realist tradition that 'states are assumed to have stable and broadly similar domestic preferences, decision-making procedures, and abilities to extract resources from society'. The liberal perspective adopted by Moravscik (1993a) represents a more systematic approach to domestic influences on decision-making, which is of particular relevance to an evaluation of relations between national governments and domestic actors. He regards the identity of domestic groups, the nature of their interests, and their influence on policy decisions as essential for a fuller understanding of the policy process, although still emphasising the bargaining power and autonomy of national governments. While other state-centric approaches are

generally based on the state's complete control of the process, and do not elaborate on policy choices in the domestic arena, Moravcsik thus considers that the role played by domestic interests needs to be more clearly identified. Although Wayne Sandholtz and John Zysman (1989) attempt to incorporate domestic politics into their explanation of changes in the international economy, their overall approach is systemic; even when included as determinants of national and European policy, the impact of domestic forces tends to be underestimated (see Bulmer, 1983). Moravcsik (1993a) argues that EU institutions can be used by the state to increase its autonomy in relation to domestic interests. This is facilitated where domestic interests are weak or ambiguous, described as 'agency slack', while stronger interests may lead to a greater constraint on central government's autonomy. His acknowledgement of the potential impact of domestic interests on the government's position distinguishes his approach from that of other statist theorists, although, in a later paper, he argues that 'international co-operation...tends on balance to strengthen the domestic power of executives vis-à-vis opposition groups' (Moravscik, 1994, p. 7).

The core presumption of the state-centric approach is clearly the continued autonomy and initiative of central government. As expressed by Mark Pollack (1995, p. 385), 'the interests and tenacity of the member states, and the institutional rules they establish to govern EC policy-making, should remain at the center of the picture'. Likewise, Fritz Scharpf (1988) argues that national governments resist any reduction in their powers, even if leading to potentially sub-optimal policy outcomes in the EU negotiating arena. In light of the predominantly statist approach to the analysis of the Spanish policy process of the literature, the applicability of the state-centric perspective to the Spanish case would seem plausible. However, despite the attempt to incorporate domestic interests, the unquestioned autonomy of the state makes the validity of the approach questionable for all stages of the policy process. Even if Moravscik's (1993a) focus on national preference formation as well as the relative bargaining power of governments would seem to enhance the perspective as a tool for analysing decision-making, the ratification in the domestic arena of the government's key policy decisions is still regarded as relatively unproblematic. This may indicate the need for other analytical approaches to supplement a purely statist perspective for a fuller analysis of the EU decision-making process.

The two-level game approach: the state as gatekeeper

The two-level game approach also considers that the state retains its autonomy and initiative in the policy process. However, its attempt to explain state behaviour pays more attention to the impact of domestic forces on international policies, namely the government's construction of winning coalitions to support its policy decisions. The

concept of the two-level game advocated by Robert Putnam (1993) assumes that domestic and international games are fully integrated and must be analysed simultaneously. The approach suggests that the domestic ratification process is the key to understanding negotiation in the international arena, as it clarifies the choice of strategies adopted by states to achieve their goals (Milner, 1992, p. 493). Its focus on the aggregation of domestic preferences thus moves beyond a purely state-centric perspective, and may be expected to enhance an understanding of relations between the state and domestic actors. The view of international negotiation as the product of politically mediated coalition bargaining in the domestic arena can be seen in the work of Charles Lipson (1984). This is supported by Peter Evans (1993, p. 404), who considers that an examination of the state level may be sufficient for general security issues, but that an analysis of the domestic level of negotiation is necessary for understanding the distributive bargaining involved in constituency-driven, economic issues.

The basic elements of the two-level perspective formulated by Putnam (1993) are discussed here with a view to evaluating its appropriateness for the analytical framework of this thesis. He considers that previous frameworks had not moved beyond the observation that domestic factors influence international affairs. In his framework, variations in domestic circumstances become part of the specification of the bargaining ability of states, and trade-offs must be made between international and domestic goals. He describes the second set of domestic negotiations nested within the first level of international negotiations. At national level, domestic groups pressurise the government into adopting policies favourable to their interests, and state actors aim to construct coalitions to consolidate their power. At international level, national governments seek to maximise their ability to satisfy domestic pressures, while minimising any adverse consequences at the EU negotiating table. The framework can be viewed in terms of two playing boards, representing the domestic and international negotiating arenas, where a move on one board can trigger realignments on the other, and a package acceptable to both must be found. As the negotiator needs acceptance of the state's position domestically (level II), a ratification process is necessary in order to negotiate effectively at international level (level I), and to consolidate power in the domestic arena. Ratification refers to 'any decision-making process at Level II that is required to endorse or implement a Level I agreement, whether formally or informally' (Putnam, 1993, p. 438). The two-level approach thus regards negotiations at EU level as an attempt to find overlap between negotiated domestic 'win-sets' which can evolve during negotiations, where the win-set is the set of all possible level I agreements that would gain the necessary majority support at level II (that would 'win'). According to this framework, the state retains

its full role as national gatekeeper between the international and domestic arenas throughout the process, indicating that domestic interests remain firmly nested within the national arena. Given the greater emphasis on the impact of domestic interests than a purely state-centric perspective, this approach seems to be a useful way in which to analyse relations between the government and domestic actors in EU member states in this thesis.

The nature of the ratification of government policies in the domestic arena forms the crucial link between domestic and international politics, and is considered by Putnam (1993) to determine the level of state autonomy. The approach highlights key factors which are considered to have an impact on the policy process, such as the level of mobilisation of domestic groups, their knowledge of the issues, and the institutional arrangements for ratification. Although it is argued that a more restrictive ratification process in the domestic arena may have an impact on the state's position, domestic constraints are not necessarily regarded as reducing government autonomy. Issue-linkage, side-payments and shaping the ratification procedure are all strategies which can be exploited by the state to retain control of the policy process. Domestic constraints can thus result in a smaller domestic win-set which can be used in the EU arena to gain a better deal (a strategy described as 'tying hands' by Putnam, 1993), illustrating the potential for manipulation of domestic constraints to increase state autonomy. Furthermore, international pressures may allow policies to be 'sold' domestically that would not have been feasible otherwise. The focus of the framework thus remains the role of the 'active state' (Ikenberry, 1986) as in the state-centric approach. Putnam's view of the state could be compared with the notion of 'creative statecraft' advocated by Moravcsik (1993b), which describes the use of EU-level rationales to enforce the government's policy decisions in the domestic arena, and with the concept of autonomy-enhancing actions vis-à-vis domestic groups proposed by Nordlinger (1981). Key elements of the two-level game framework can also be found in the study of established policy communities, where the restricted, elite nature of bargaining is considered to limit access to certain privileged groups which ultimately increases state autonomy (for example Smith, 1993; and the study of 'epistemic communities' of Haas, 1992). Putnam thus accepts and builds on the key tenets of the state-centric view of national governments, although placing greater emphasis on the constant bargaining relationship between the state and society, and on the state as gatekeeper between the domestic and international arenas.

Given that it provides a means of exploring relations between the government and domestic actors, the two-level approach has formed a useful framework for the analysis of the ratification of policy decisions in the domestic arena (see Lehman and

McCoy, 1992; Goldstein, 1996). However, the use of the approach for the analysis of policy-making in EU member states is not unproblematic in view of the fact that the focus on domestic factors is inevitably too descriptive and ad hoc to form a clear analytical framework. Sánchez-Cuenca Rodriguez (1995, p. 12) criticises the lack of formalisation of the determinants of win-sets, which leads to concepts such as the linkage between issue areas (described by Putnam as synergistic issue linkage) becoming ad hoc illustrations of possible interaction rather than a systematic evaluation of their importance. Other theorists expose shortcomings of Putnam's explanatory approach when applied to the analysis of the domestic negotiating arena. Frederick Mayer (1992) criticises the lack of clear definition of the win-set or bargaining set, which may only represent a win for a select number of powerful domestic actors rather than for the nation as a whole. Putnam does not specify the conditions required for different bargaining situations, nor the choice of the type of bargaining tactics used. Attempts have been made to develop a more precise evaluation of key concepts of the approach. Mayer focuses on clarifying the conditions under which domestic divisions are an asset or become a liability in international negotiations. He attempts to specify the key structural attributes of the bargain: the characteristics of domestic factions, the rules of the domestic game, and the nature of the external bargain (Mayer, 1992, p. 798). However, his focus is limited to one narrow issue, the strategic use of internal side-payments. Richard Friman (1993, p. 388) similarly seeks to provide 'a partial corrective' to the framework by focusing on two bargaining tactics, side-payments and issue redefinition, examining more precisely the conditions under which particular tactics are used through drawing on bargaining and negotiation literature. Although such analyses raise key questions about the two-level game approach, they are limited to the reconsideration of one or two bargaining strategies in specific areas, and do not necessarily enhance the use of the model for other empirical cases. Furthermore, efforts to increase the precision of the framework by adding further levels to the analysis (for example attempts to specify three levels of interaction by Knopf, 1993, and Patterson, 1997) do not seem to increase its validity for the EU context.

Despite limitations on the model's capacity to act as a full framework for EU decision-making, key questions about relations between the state and domestic actors which it addresses are significant for the exploration in this thesis. Even if the two-level approach does not accurately specify how its key concepts can be applied in concrete cases, it is an important attempt to create a single theoretical framework for observations about the interaction between the domestic and international arenas (Knopf, 1993, pp. 601–3). The fuller incorporation of domestic politics, and the greater emphasis on the state's need to ratify policy decisions in the domestic arena,

means that it allows a more dynamic approach to the analysis of policy-making. If it is considered that the increased legitimacy of actors other than central government is an important issue in this analysis, other theoretical approaches may also enhance an understanding of key developments, hence the consideration of the multi-level governance perspective in the next section.

The multi-level governance model: the state as arena

The multi-level approach could be considered to represent the other end of the spectrum from traditional, realist frameworks as it assumes that the centre of political control no longer fully lies in national governments. A view of the state retaining full control over the domestic arena is considered one-dimensional, and in danger of failing to take sufficient account of changing networks of actors in the bargaining process (John, 1997, p. 137). The approach moves beyond the two-level game model, in that the latter still considers central government to be the key decision-maker in the policy process, and rests on the assumption that the state can no longer form an exclusive link between domestic politics and international bargaining given that control over European policy is shared with other key actors. The multi-level governance approach has been adopted by a core group of analysts, the main advocate being Gary Marks (1992, 1993; Marks and McAdam, 1996; Marks *et al.*, 1996a; Marks *et al.*, 1996b, Marks, 1996; Marks, 1997). Whereas the state-centric model argues that state decision-makers respond to political pressures that are nested within each state, the multi-level perspective goes beyond areas that are dominated by member states, and incorporates the increasing importance of actors at several territorial tiers within the EU and domestic arenas (Marks, 1993, p. 392).

Marks *et al.* (1996a) provide a useful evaluation of the contending multi-level and state-centric models of EU governance. While accepting that state-centric approaches argue convincingly that the importance of the state executive is undeniable, multi-level theorists consider that the sovereignty of states is being diluted in a process where authority and influence are increasingly shared across subnational, national, and supranational levels. Although acknowledging the state's authoritative control in the policy-making process, the approach argues that a range of actors other than the government can now gain opportunities to participate. In brief, the locus of political control is considered to have changed. Kohler-Koch (1996, p. 371) describes the state as 'no longer an actor in its own right. Its role has changed from authoritative allocation and regulation 'from above' to the role of partner and mediator'. The state is thus considered as an arena where new patterns of interaction can develop, for example the establishment of networks which are able to resist the guidance of central government. Whereas theorists such as Moravscik (1993a, 1993b) argue that the state

monopolises the interface between the separated EU and domestic arenas, multi-level theorists consider that central government is no longer the exclusive channel for the representation of domestic interests. Their rejection of the separation between domestic and international politics is significant, and distinguishes the perspective from other approaches to the policy-making process.

The appropriateness of key theoretical approaches is expected to vary according to the particular group of domestic actors and the policy area. Multi-level governance theory would seem to be at its most convincing in its focus on regional mobilisation as evidence of the potential challenge to the monopoly of central government over European policy (for example in Marks, 1992; Hooghe and Keating, 1994; Hooghe, 1995). Marks (1992, p. 214) describes the regions as 'the new interlocutors of the Commission, a role that challenges the traditional monopoly of national governments to mediate between domestic and international affairs'. Charlie Jeffery (1997, pp. 217–8) also focuses on the increasing importance of the 'Third level', namely the involvement of subnational governments in external matters within their internal competencies. The potential for the creation of 'a new political game' (Keating, 1997, p. 26), as a result of devolution of power to the subnational level, is thus a key theme in the multi-level literature. Regional involvement is considered dependent on the level of decentralisation at domestic level which will not occur uniformly across the EU, and insufficient comparative research exists to evaluate the developments in different member states. Participation may be expected to be restricted to a select sub-set of regional actors, which limits the applicability of the multi-level approach. Furthermore, multi-level theorists refer to co-decision-making across several tiers of government without always considering the role of non-governmental actors; this has resulted in a neglect of the influence of other key domestic actors such as trade unions, business associations and interest groups. The urgent need for more empirical case studies to demonstrate the changed balance of relations between the state and a range of domestic groups in European policy-making is evident (Grande, 1996, p. 333), and this thesis demonstrates that the gap in empirical research is particularly significant in the case of Spain.

The multi-level approach highlights the growing access to the policy process of key domestic actors, as illustrated by the evaluation of Hooghe (1995) of the formal and informal channels used by regional authorities to promote their interests in the European arena. She concludes that institutionalised channels are generally more effective access points to the policy process than informal mechanisms, and that these are mostly used by an elite of regional actors who have a greater capacity to exploit the opportunities offered. The impact of key supranational institutions on the policy

process is also highlighted, for example the entrepreneurial role of the European Commission (hereafter, Commission), and its encouragement of a multi-level model of policy-making involving regional authorities (Hooghe, 1996b, 1997). Marks and Doug McAdam (1996) refer to the level of opportunity for domestic actors at EU level, or the EU opportunity structure, as an important determinant of the level of domestic input. The concept of the political opportunity structure is a notion developed by Herbert Kitschelt (1986) to refer to the level of access to national policy-making for key domestic actors (in his case, protest groups). Key studies by multi-level theorists provide illustrations of the changing opportunity structure which allows increasing regional access, for example the widespread analysis of the principle of partnership within the 1988 reform of the structural funds (see Chapter 6). Specific cases of regional mobilisation in the literature strengthen the case for a multi-level framework, one example being the study of Paul McAleavey and James Mitchell (1994) of the lobby organisation for economically declining industrial regions which pressurised EU institutions to maintain existing levels of funding. Accounts of enhanced regional mobilisation are an attempt to demonstrate that it is with a multi-level perspective rather than a state-centric approach that the evidence presented lies most comfortably.

Despite the emphasis on the increasing participation of subnational actors, theorists are obliged to acknowledge the importance in all countries of the central, moderating influence of the state in reconciling conflicting regional interests (for example, Bachtler, 1997, p. 89). Furthermore, a multi-level governance approach to areas other than cohesion policy could not be expected to come to such firm conclusions, which is an important consideration in the analysis of other policy settings in this thesis. Multi-level theorists have recognised that, even in the area of cohesion policy, regional mobilisation could be considered largely symbolic. It is significant that, in the 1993 reforms of the structural funds, member states were considered to have regained much of the autonomy that they had formerly lost vis-à-vis subnational authorities (Hooghe and Keating, 1994), which casts doubt on the greatly increased impact of regional actors. Although the transformation of the European policy process outlined is plausible, clear evidence to support arguments for the development of a multi-level game is not always presented. The perspective is thus in danger of becoming more ad hoc and anecdotal than systematic, and its use as a tool for analysing EU decision-making is therefore not unproblematic. A study of regional influence on EU funding found it was difficult to provide firm evidence of the relation between financial resources and regional representation in Brussels (Marks *et al.*, 1996b). Similarly, McAleavey and Mitchell (1994) acknowledge that the actual impact of regional lobbying is impossible to determine, which highlights the gap

between the illustration of increased domestic mobilisation, and evidence of its actual impact on the policy process. Multi-level theorists themselves admit that 'apart from a generalized presumption of increasing mobilization across levels, they provide no systematic set of expectations about which actors should mobilize and why' (Marks *et al.*, 1996b, p. 42), thus indicating that a focus on piece-meal, domestic factors, rather than overall, systemic developments, is inevitably less rigorous. Similarly, a review of studies of European integration in the 1990s considered that 'promoters of the notion of multi-level governance need to explicate the term in more detail, and need to formulate propositions, explicit assumptions, causal and other relationships. In short, they have to provide all the stuff theory is made of' (Christiansen, 1997, p. 487). In view of the lack of clear evidence of an impact on the role of the state of increased domestic mobilisation, many theorists are critical of the claims of the multi-level approach. The role and power of national governments have been re-established, even in policy areas which frequently have been used to strengthen the multi-level case. For example, Andy Smith (1995, pp. 365–9) describes the key roles retained by the central state in the area of structural funding.

The resilience of state political and bureaucratic elites cannot be underestimated, particularly during the policy initiation and decision-making phases. Multi-level theorists do not assume that increasing regional participation is a straightforward process which directly undermines state authority, and they acknowledge the key role played by central states which have 'proven adept at retaining their "gatekeeper" status' (Pollack, 1995, p. 363). Redistributive decisions taken at EU level are generally recognised as side-payments in larger intergovernmental bargains, but it becomes easier to illustrate a clear development of the multi-level game during the implementation phase, although dependent on the nature of the institutional structures established at domestic level. Key advocates of the approach argue that the negotiation of EU Treaties is only a starting point for analysis, and not representative of EU policy-making in view of the increasing involvement of domestic actors in the subsequent policy process (Marks, 1993). The multi-level perspective maintains that an examination of European policy-making cannot begin and end with intergovernmentalist analysis. It may thus be expected to be relevant to the Spanish case at stages of the policy process when full state autonomy cannot be assumed.

Beyond the nation state? An evaluation of key theoretical insights

Key differences distinguish the three analytical approaches considered in this thesis. A purely state-centric approach differs from the other perspectives on account of its static view of the policy process, which assumes the state's ultimate control

regardless of key changes in the domestic arena. While the two-level game model also argues that the state is able to retain its autonomy as gatekeeper between the domestic and EU arenas, it pays greater attention to the state's aggregation of domestic preferences. This is considered more problematic where strong, unambiguous domestic demands exist. According to the multi-level approach, the state no longer has the authority to regulate the policy process from above, but is obliged to share control over policy decisions with a range of actors at domestic and EU levels. The multi-level perspective could thus be realistically viewed as supplementing the state-centric approach with a range of actors and interactive processes which a statist perspective regards as relatively unimportant. The three analytical insights can thus be seen to have divergent views of the roles of the state and key domestic actors in policy-making.

All three approaches would accept the conclusion drawn by Andy Smith (1995, p. 369) that 'l'Etat n'est certainement pas mort, mais il est indiscutablement différent' (the state is certainly not dead, but it is undoubtedly different), thus acknowledging key changes over time in the nature of the policy process. However, their concept of the actual impact of the changes on the roles of the state and domestic actors differs, particularly with regard to the extent to which responsibilities have remained exclusively those of the state, or whether key domestic actors can also be involved in the policy process. They hence have different views of the five roles of the state considered by Smith (1995, pp. 365–9) to allow it to retain its control over policy-making, which are outlined here:

- an institutional role as participant in EU-level negotiations;
- an informational role as the direct recipient of information from EU sources;
- an intellectual role, having accumulated a high level of expertise in specific policy areas;
- a mediating role between key actors in the EU and domestic arenas;
- a symbolic role which allows it to use the 'national interest' to place its own priorities firmly on the agenda.

Multiple points of access to the policy process are assumed by the multi-level approach (outlined by Morton Grodzins as 'multiple crack' in Marks *et al.*, 1996b, p. 45), whereas two-level, and especially state-centric, approaches have a more restricted view of access to policy-making for domestic actors. Multi-level theorists would claim that changes in the policy process have enabled key domestic actors such as regional authorities to expand the scope of their competencies, for example as a result of a higher level of resources at regional level, and increased direct information exchange between the regions and EU institutions. In contrast, a purely state-centric approach regards the state's institutional and symbolic roles as a clear indication of its

ultimate control over policy-making, leading to the conclusion that limited opportunities exist for actors other than the state to gain access to the policy process. This limitation is also acknowledged by the two-level perspective which focuses on the mediating or gatekeeping role retained by the state, while recognising the potential influence of strong domestic interests on the government's position. The varying approaches of the three analytical insights to the key issues of access, resources and control addressed in this thesis indicate the different contributions they can make to the analysis.

Towards a framework for analysis: Spain and the EC/EU

The use of a single theoretical insight does not seem to provide an adequate framework for analysing the complex and changing nature of the policy process. This thesis considers that aspects of each perspective are required to analyse Spanish European policy in order to capture the dynamic nature of policy-making which previously has been largely neglected in the case of Spain. In this context, a key objective is to specify the conditions under which particular theoretical approaches are most valid for the analysis.

A potentially eclectic approach is made possible through the use of the concept of the political opportunity structure at domestic and EU levels. For the purposes of this thesis, the opportunity structure describes the varying level of opportunity for actors other than the state to participate in policy-making. The concept was developed by Kitschelt (1986, p. 58) to describe the 'specific configurations of resources, institutional arrangements and historical precedents for social mobilization...', thus highlighting the key research questions in this thesis of the degree of access to policy-making for domestic actors, their capacity to exploit the opportunities for increased involvement, and the extent to which this can be controlled by the state (see Chapter 1). This framework enables the analysis to bring together the differing views of the role of the state and key domestic actors adopted by the three theoretical insights into a single framework. It does this by identifying sets of factors or conditions which test the extent to which domestic actors can gain access to the policy process, described as the degree to which the opportunity structure is open or closed. The focus on the opportunity structure is then used to determine which analytical approach is most valid for the analysis, depending on the degree of access or openness to policy-making for domestic actors.

The key conditions identified are considered those which best investigate relations between the state and domestic actors for the purposes of this thesis. The roles of the

state set out by Smith (1995, pp. 365–9) form a basis for identifying key factors, namely the state's participation in EU negotiations (institutional role), its monopoly over information from EU sources (informational role), its high level of expertise in specific policy areas (intellectual role), its role as mediator or gatekeeper between the EU and domestic arenas (mediating role), and its capacity to set the national agenda (symbolic role). However, the conditions outlined here also reflect the focus of this thesis on the potential input of domestic actors to the policy process, thus seeking to adopt a more dynamic approach which allows for the involvement of domestic groups in roles formerly exclusively those of the state.

The institutional, gatekeeping and symbolic roles described by Smith are those most easily retained by the state, but are considered here to depend on key conditions influencing the nature of the opportunity structure, such as the extent to which the government can use political or economic rationales to legitimise policy decisions (condition 1), the size of the government majority (condition 2) and the level of decentralisation or the level of competencies of regional authorities (condition 3). Similarly, the extent to which the state can retain its informational and intellectual roles depends on the level of skills and resources of key domestic actors (condition 4), and on the degree of knowledge of EU policies in the domestic arena (condition 5), which is closely related to the length of EU membership. The identification of key sets of conditions (see Figure 2.1) seeks to determine the nature of the opportunity structure.

Figure 2.1 Sets of conditions expected to influence the domestic opportunity structure

1. rationale behind government policies: political/symbolic or economic/technical;
2. size of government majority/capacity to enforce policy decisions domestically;
3. level of decentralisation/centralisation of government;
4. level of skills and resources of domestic actors;
5. level of knowledge of the EU of domestic actors.

The general sets of conditions in Figure 2.1 can then be adapted to the particular focus of this thesis, namely the case of Spain during the EC accession process and during EC/EU membership. During the EC accession negotiations, an overwhelming consensus existed in favour of the political rationale for EC entry. It might thus be hypothesised that this would facilitate a high level of autonomy for the state which

could justify policy decisions by referring to Spain's need for integration within the European democratic framework. Furthermore, the majority of the ruling party in government in Spain from 1982–86 would be expected to enhance its capacity to withstand domestic pressures, which was likely to be more difficult for the weaker 1979–82 government. These factors formed key underlying themes in much of the literature on the accession period which focused predominantly on the role of the state. Although the regions began to attain increasing levels of competencies during the 1980s, the decentralisation process was still at an early stage. The state's key institutional role was thus not expected to be challenged by regional actors during the accession period. Furthermore, the weakness of civil society in the newly established democracy, another key theme in the existing literature, meant that interest groups would not be likely to gain a significant input to the policy process. This is linked to the fifth condition, namely the low level of awareness about the implications of accession, and the low demand in Spanish society for information about EC entry, which is also expected to close potential opportunities for domestic involvement. These sets of conditions, shown in Figure 2.2, are expected to lead to a closed opportunity structure and a high level of autonomy for the state during the accession negotiations.

Figure 2.2 Sets of conditions during Spain's EC accession negotiations expected to encourage a closed domestic opportunity structure

1. political rationale for EC accession which has a capacity to overcome *economic or sectoral opposition*;
2. strong, majoritarian PSOE government from 1982;
3. process of decentralisation still at an early stage;
4. lobbying process yet to be established in a newly consolidated democracy/low level of resources of domestic actors;
5. low level of demand for information about the EC.

It can be hypothesised that sets of conditions existing in Spanish society during the EC accession negotiations, which facilitated broadly unopposed, centrally made decisions, would not necessarily continue to be prevalent during membership. An opening of the opportunity structure for key domestic groups following accession might be expected to result in a reduced level of autonomy for the state. The literature generally fails to analyse the impact of the changed domestic context on relations between domestic actors and the state during Spain's EC/EU membership, although highlighting key developments in Spanish society. For example, economic rationales could be expected to gain in importance following the achievement of the key political objective of Spain's incorporation into the Community. Furthermore, the

potential for considerable changes in the nature of relations between the state and domestic actors existed in view of the loss of majority of the PSOE government in 1993, the advances made towards a decentralised state, and the resurgence of group interests in the newly established democracy. An increasing awareness of European policy amongst domestic actors during EU membership would also be assumed. Figure 2.3 sets out the factors expected to lead to an opening of the political opportunity structure, and to changing roles for the state and domestic actors.

Figure 2.3 Changed sets of conditions during Spain's EC/EU membership expected to open the domestic opportunity structure

1. balance in favour of economic over political rationales for policy decisions;
2. loss of PSOE government majority in 1993;
3. process of decentralisation at a more advanced stage;
4. development of a more established lobbying process/increased level of resources of domestic actors;
5. increase in demand for information about the EC/EU.

However, even if it is hypothesised that a more open opportunity structure has developed in the domestic arena, access of domestic actors to the policy process cannot be assumed at all stages of the process and in all policy areas. Marks and McAdam (1996, p. 258) argue that the relative structural access a group has to EU institutions and the general policy receptivity of the EU shape the level of constraints and opportunities for any domestic group, described as the EU opportunity structure. Although this analysis focuses on the domestic context and regards opportunities at EU level as a constant factor, the degree of openness of the EU opportunity structure is considered to vary according to the particular policy area and, within specific areas, on the stage of the policy process and the type of decision.

Policy areas

Risse-Kappen (1996, pp. 65–6) argues that the development of networks of local, regional and national actors depends on the degree of Europeanisation or institutionalisation of the policy sector. A higher level of institutionalisation in a specific policy area may thus indicate an evolution towards a more open opportunity structure. Moravscik (1993a) also emphasises the variability of political mobilisation according to issue area, arguing that trade liberalisation issues involving significant costs may lead to a tight constraint on government policy as a result of strong producer interests, in contrast to areas such as social policy where the government has

greater autonomy in view of the relatively weak and less unified domestic interests. These factors are taken into account in the analysis of distinct policy settings in this thesis, for example in the study of fisheries where sectoral interests would be expected to exert a strong pressure on the government (see Chapter 8). Distinctions may be drawn between redistributive issues where broad gains and losses are negotiated by governments, for example the Spanish government's negotiation of structural funding at EU level (see Chapter 5), and distributive issues which 'are the stuff of functional politics, of sectoral interests cooperating with national and European administrators' (Wallace, 1996, p. 446). Governments' definition of issues could be viewed as a key determinant of the access of domestic actors to the policy process. However, Wallace (1996, p. 452) considers that 'it is possible for national governments to hold the gate between domestic and international politics only for a shrinking number of policy areas', adding that 'governments thus have to decide which issues they choose to define as key to the preservation of sovereignty, autonomy, or national idiosyncrasy'. The state's control over the definition of the national interest cannot therefore be assumed in all policy areas, and may also depend on the stage of the process.

Stages in the policy process

The degree of domestic participation is likely to vary across the distinct phases of policy-making which this thesis seeks to analyse. Policy-making stages have been identified as policy initiation, decision-making, implementation and adjudication (Marks *et al.*, 1996a). The state may be capable of retaining a high level of autonomy during the policy initiation and decision-making phases when minimal access to the process exists for domestic actors, but the implementation stage generally relies on the participation of a wide range of actors other than the state. Fioretos (1997, p. 300) considers that adding implementation to Moravscik's model (1993a) would 'further undermine the intergovernmentalist assumption of state centrality'. The variation of the opportunity structure according to the broader phases of policy-making provides a parallel to the focus on a lower common unit of analysis in the policy process, the decision type.

Decision types

This analysis considers the extent of involvement of domestic actors in the formulation of different decision types. These can be identified as history-making decisions at the super-systemic level which transcend the day-to-day policy process, policy-setting decisions at the systemic level, and policy-shaping decisions within individual sectors (see Peterson, 1995). A clear distinction can thus be made at the outset of this thesis between history-making decisions such as Spain's accession

negotiations, and other decisions less likely to be dominated by the state. Multi-level governance models would seem to be less suitable for the analysis of history-making decisions, which are generally determined through interstate bargaining. However, as argued by Peterson (1995), the state-centric approach loses its explanatory power when applied to policy-shaping decisions in particular issue areas where actors other than the state are actively involved. Decisions at the meso level are often influenced by the need to ensure that policies can be effectively implemented, thus needing the input of key domestic actors. The approach adopted for the analysis of Spain thus takes into account the varying constellations of actors involved in distinct decision types, which are expected to require different analytical perspectives. However, clear divisions cannot be drawn between them, as illustrated by the fact that policy-shaping decisions frequently facilitate an explanation of history-making decisions taken by the state (Cram, 1997, p. 27).

It is thus important that, in addition to its key focus on the changing domestic context for policy-making in Spain, this analysis also takes account of the potentially different roles for the state and key domestic actors according to the nature of the EU policy area, the stage of the policy process, and the type of decision.

Conclusions

Risse-Kappen (1996) specifies key conditions which determine whether the EU policy process is characterised by intergovernmental bargaining, or by a model more consistent with a multi-level governance perspective. The use of the concept of opportunity structures at domestic and EU levels in this thesis builds upon these insights. Figure 2.4 illustrates the potential pattern of the opportunity structures at domestic and EU levels, thus attempting to characterise in greater depth the sets of conditions in the domestic and EU arenas which determine the nature of relations between the state and domestic actors.

It is hypothesised that the closed opportunity structure at domestic level, as during the EC accession negotiations (see Figure 2.2), would enhance the state's autonomy and limit the involvement of key domestic actors. The level of openness of the opportunity structure at EU level is thus not relevant while the domestic opportunity structure remains closed (represented by 2 and 4 in Figure 2.4). A state-centric perspective may thus be expected to provide the most valid approach for an analysis of the closed opportunity structure where the high autonomy of the state can generally be assumed.

Figure 2.4 Domestic and EU opportunity structures

Opportunity structures	Domestic/ Closed	Domestic/Opening
EU/ Opening	2	1
EU/ Closed	4	3

Adapted from Marks and McAdam (1996, p. 258)

The opening of the domestic opportunity structure during EU membership (see Figure 2.3) is not expected to reduce the state's autonomy in the domestic arena where opportunities for domestic input are limited at EU level, for example when the nature of the policy area, the stage of the process, or the decision type militate against domestic participation, that is when the EU opportunity structure tends to be closed (represented by 3 in Figure 2.4). This changing domestic context for policy-making during EU membership may be expected to lie most comfortably with the two-level game approach, which takes account of the potential influence on the state's bargaining position of increasingly strong domestic interests, but considers that the state retains its role as gatekeeper between the EU and domestic arenas where direct access to policy-making at EU level is limited.

A more open opportunity structure at EU level, for example during the stage of implementation involving policy-shaping decisions, in addition to a relatively open domestic opportunity structure during EU membership, may be expected to increase the involvement of key domestic actors (represented by 1 in Figure 2.4). The evaluation of the changed context for decision-making may require an approach where the state acted more as an arena than an autonomous actor, which is consistent with the role of the state advocated by multi-level theorists. The implementation stage may thus be clarified through using an analytical insight which takes greater account of the potential opportunities for domestic involvement.

The focus of this thesis on the opening of opportunity structures does not indicate an assumption that the role of the state is significantly reduced by the changing context. Although changes in the configuration of conditions in the domestic arena may reshape the nature of the bargaining process, both the state-centric and two-level perspectives rest on the assumption that the state would retain, and even be able to enhance, its control of the policy process during EU membership. In fact, central government may encourage a more open political opportunity structure, either when

this strengthens its bargaining position at EU level ('tying hands' strategy outlined by Putnam, 1993), or when it is dependent on the resources of domestic actors, for example during the implementation phase. Furthermore, although multi-level theorists consider that evidence of increased regional and sectoral participation generally indicates a clear influence on the level of state autonomy, a state-centric approach would not consider greater domestic mobilisation to have a significant impact on the state's role.

Relations between the Spanish state and key domestic actors are analysed in Chapter 3 on the EC accession negotiations, and in Chapter 4 on EC/EU membership, which use the sets of conditions determining the nature of the domestic political opportunity structure as a basis for the analysis. A reassessment of traditional approaches applied to the study of the Spanish state may be necessary in view of the potentially changing policy-making context. Detailed empirical case studies in different policy settings, namely cohesion policy and fisheries, then seek to evaluate the impact on state autonomy of developments in the decision-making process in selected areas. Conclusions on the role of the state are expected to be different for the two case studies given the key factors distinguishing the policy areas (see Chapter 1). Theoretical insights are used to enhance the understanding of relations between the state and domestic actors at different stages of the process, and for different decision types within these policy settings. The nature of the domestic and EU opportunity structures can thus be fully explored in empirical research on the Spanish case using the framework established in this chapter.

Chapter 3
RELATIONS BETWEEN THE SPANISH STATE AND DOMESTIC ACTORS DURING THE EC ACCESSION NEGOTIATIONS

The focus of the chapter is Spain's negotiations for accession to the European Community from 1979–86. In addition to studying the role of the Spanish state at EC level, it examines the input to the negotiating process of domestic actors in Spain. Most analyses of the accession negotiations rest on the premise of the overwhelming consensus in Spanish society regarding EC entry and the high level of autonomy and initiative retained by the state, largely dismissing any significant impact on the formulation of the government's negotiating position of the domestic arena. This assumption is tested to determine whether a less state-centric approach, lending greater importance to the interaction between the EC and domestic arenas as in the two-level game approach, allows a more complete analysis of the accession process. The potential for the participation of a wide range of actors in addition to the state in the formulation of the Spanish bargaining position is examined. Conclusions are drawn on the role of the state and its relations with key domestic actors in the context of Spain's EC accession.

The main task of the newly elected parliament in 1977 was to draw up Spain's first democratic Constitution since 1931. Although the 1978 Constitution integrated the powers of executive and legislative, and established a firmly democratic framework, the primacy of the state executive was still unquestioned in Spanish society. However, the Constitution also led to significant changes in the longer term, namely provisions for the development of a decentralised state of seventeen regions or Autonomous Communities, and the restoration of trade unions. Representative trade unions, other than protected elite groups described as a 'thoroughly parasitical bureaucracy' (Giner and Sevilla, 1984, p. 117), had been banned under the Franco dictatorship, while a system of official representation was developed where only large firms and banks enjoyed privileged links with central government. The institutionalisation and legitimisation of interest groups was thus far less developed than in other European countries, a consequence of the fact that weak domestic groups needed what Juan Linz (1981, p. 367) has described as 'prolonged periods of political stability' in order to create the conditions necessary for the organisation of their interests.

The Spanish transition was managed by reaching a series of agreements between the main political and social forces, for example the Moncloa Pact signed in October 1977 by all major political parties. The consensual style of politics is illustrated by the

series of pacts between the government, employers and trade unions, which led to a more corporatist framework in Spanish society. However, the pacts have been described as 'a series of elite bargains among party leaders, with little public participation' (Keating, 1993, p. 317), and did not therefore have a significant impact on the prevailing political system. This historical legacy, described as atypical by one Spanish analyst (Subirats, 1992), forms an essential base for an examination of relations between the government and domestic actors during the accession period.

EC application

Following his triumph in the Spanish Civil War, General Francisco Franco promoted the isolation of Spain from the international arena to enforce his own nationalist rule. Faced with a weakening Spanish economy, he later sought to re-establish diplomatic relations with the West, illustrated by the signing of a defence treaty with the United States (US) in 1953, and Spain's entry into the United Nations in 1955. Political and economic policy was gradually liberalised under the influence of the technocrat economists from the Catholic lay order, *Opus Dei*, in his administration. Over the following years, the influx into Spain of foreign investment, the increase in number of tourists, and the growing migration of Spanish workers to Western Europe all led to greater access to foreign ideas, and the end of Spain's isolation.

The Franco regime applied for associate membership of the Community in 1962, but the application was rejected due to the undemocratic nature of the Spanish state[1]. A limited preferential agreement between the EC and Spain, signed in 1970, was the furthest advance that the Community would contemplate. Franco attempted to limit European influence to economic development until the end of his term, but this restriction of influence was problematic, especially when opposition forces knew that Spain's lack of democratic credentials was the reason for the EC's rejection of its application for associate membership. Although opposition parties were still initially keen to develop links with other parts of the world such as Latin America, the majority viewed incorporation into the European framework as the only way to bury definitively the Francoist legacy and Spain's isolation. 'The idea of Europe would be incomplete without a reference to the presence of the Spaniard' according to King Juan Carlos I following Franco's death in November 1975 (Preston and Smyth, 1984, p. 24). The political importance of Spain's EC entry was fully illustrated by PM Calvo Sotelo's investiture speech on 18 February 1981 when he declared: 'quiero

[1]According to the Birklebach report of the European Parliament of 1962, a state without democratic legitimation could not aspire to be admitted into the EC.

reafirmar aquí el carácter eminentemente político de nuestra opción europea que constituye, ante todo, un objetivo histórico de primera magnitud' (I want to reaffirm here the eminently political character of our European option which constitutes, above all, an historical objective of the greatest importance) (Ministerio de Asuntos Exteriores, 1981, p. 104). As well as the clear objective of EC accession, Calvo Sotelo's government attained Spain's entry into NATO, which was approved by a simple majority in the Spanish parliament in May 1982.

The Spanish Foreign Minister, Marcelino Oreja, under PM Adolfo Suárez in the UCD government, submitted Spain's application for EC membership on 28 July 1977. On 5 February 1979, formal negotiations were opened following the Commission's Opinion (European Commission, 1978b) supporting Spain's accession in November 1978. Spain's position seemed unproblematic. All political parties were in agreement with the government that 'no economically viable or politically suitable alternative to the European Community existed' (Pollack and Hunter, 1987, p. 138). Not only was Spain economically tied to the Community (in 1976, 46% of Spain's total exports in value terms went to EC countries and 38% of Spain's imports came from the Community) (*European Trends*, no. 54, February 1978, p. 16), but EC entry was vital politically to consolidate the newly formed democratic framework. However, negotiations were never likely to be easy considering that the negotiation of the 1970 preferential agreement had dragged on for eight years. The 1970 accord gave a 60% EC tariff reduction to Spain on industrial goods in exchange, with certain exceptions, for a 25% cut on Spanish industrial tariffs. The negotiation of a more balanced industrial agreement, involving EC concessions on Spanish agricultural exports, was expected to be problematic from the outset in view of the threat to existing markets, and the Spanish insistence on easier access to satisfy its agricultural sector. The application was made several months earlier than expected as the government feared an increase in the domestic arena of 'hesitations among sections of industry and commerce about the wisdom of early entry into the EEC' (*The Guardian,* 19 July 1977). Political pressures in member states such as France and Italy were already mounting from agricultural lobbies which feared the Spanish threat to their fruit, wine and vegetable markets. PM Suárez was also concerned to keep up with progress made by fellow applicants Greece and Portugal, which were viewed as more straightforward than Spain by EC member states because of the lesser threat to existing agricultural markets.

Framework for negotiations

The Council of Ministers authorised the opening of negotiations on 19 December 1978 following its approval of the Commission opinion (European Commission, 1978b) setting the framework for the talks. The Spanish and Portuguese applications confronted the EC with a set of complex issues, both in terms of specific sectoral areas which would cause difficulties for the EC as a whole, and for some member states in particular, and more generally in terms of the enlargement of the Community.

European Community

The Commission was obliged to perform the role of 'honest broker between the member states' (Preston, 1997, p. 72), and had responsibility for setting the agenda and preparing the technical detail of bargaining positions. Negotiations took place at ministerial level within the Council of Ministers, where the requirement of unanimity amongst EC member states acted as a serious limit on the progress of the talks. However, the formal framework established for negotiations was very different in practice, described by former Foreign Minister Morán as:

> tedioso, detallista, carente de espectacularidad. De hecho, muchas veces los ajustes en un capítulo se alcanzaban a través de un intermediario de la Comisión o del Consejo que nos traía a nuestro despacho un papel....Solamente había sesiones plenarias cuando se había logrado el acuerdo.
> (tedious, detailed, unspectacular. In fact, adjustments to a chapter were frequently made through an intermediary from the Commission or Council who brought a paper to our office...There were only plenary sessions when agreement had been reached (Morán, 1990, pp. 440–1).

The development of bilateral relations, particularly with key member states such as France and Germany, informal bargaining with high-ranking EC officials, and linkage across issue areas generally occurred outside the main negotiating arena. The attitude of key EC member states determined the pace of the talks, the position of France having been described as 'pivotal in determining the way forward' (Preston, 1997, p. 75). Felipe González frequently maximised diplomatic efforts to speed up the negotiating process, for example in meetings with the German Chancellor Helmut Kohl where he secured Germany's support for Spain's EC accession as a pre-condition of NATO membership (Preston, 1997, p. 79).

Central government

The institutional framework initially established for the accession negotiations was a Ministry for Relations with the EC, responsible for the co-ordination of the Spanish

administration and for the dissemination of information in Spanish society. The Ministry was characterised by its transitory nature and its relatively simple structure, as it was intended only to support and co-ordinate other ministries (Westendorp, 1980, p. 315). The small team of key officials sought to safeguard a unity of action in Spain's external relations. The Ministry for Relations with the EC enjoyed close relations with the Ministry of Foreign Affairs (known as the *Trinidad* and *Santa Cruz* respectively on account of their locations). However, the division between the ministries caused what former Minister for Relations with the EC as well as PM, Calvo Sotelo (1990, pp. 145–6), described as a 'malestar profundo' (deep uneasiness) amongst Ministry of Foreign Affairs officials, who were concerned about not being fully involved in developments at EC level. In parliamentary debates at the time, government officials denied any tension between the two ministries; in a debate on EC accession in 1979, Foreign Minister Oreja referred to the establishment of clear responsibilities for departments, and to the existence of a Co-ordinating Committee (Consejo Coordinador) including representatives of both ministries in the case of borderline issues (Diario de Sesiones del Congreso de Diputados, hereafter Congress, no. 21, 27 June 1979, p. 1084). In the same 1979 debate, Calvo Sotelo highlighted the greater likelihood of tensions between the Ministry for Relations with the EC and sectoral ministries eager to defend their own particular interests in negotiations (Congress, no. 21, 27 June 1979, p. 1094). The Ministry's seat in the government cabinet enhanced its level of autonomy and authority in the EC arena[2], indicating the importance of the direct link between the Presidency of the government and the Ministry during the early accession negotiations.

When Calvo Sotelo took over from Suárez as PM in 1981, he replaced the Ministry with a Secretariat of State for Relations with the EC within the Ministry of Foreign Affairs. UCD government officials did not approve of the reform, describing it as politically motivated, unconnected with its actual functioning, and not necessarily positive for the government's negotiating strategy[3]. They considered that the Ministry had adopted a horizontal view of the process, which would not be possible when it lost its ministerial status[4]. It was difficult for the Secretariat of State for Relations with the EC to retain the same political weight and autonomy when control of the negotiations was passed over to the Ministry of Foreign Affairs, although its key role of co-ordination was largely the same.

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[2]Interview with former official of Ministry for Relations with the EC, Madrid, 24 May 1996.

[3]Interview with official of Secretariat of State for Foreign Policy and the EU and former official of Ministry for Relations with the EC, Madrid, 29 May 1996.

[4]Interview with former official of Ministry for Relations with the EC, Madrid, 28 May 1996.

Negotiating EC accession was a centralised process involving a group of senior civil servants whose autonomy was enhanced by the predominant role of the executive in the Spanish policy-making process. Officials took decisions by consensus, the approval of the Presidency being required for the final decision (Zapico Goñi, 1995, p. 52). When the Co-ordinating Committee could not reach a decision, agreement on sensitive EC issues was ultimately attained in the government's cabinet committee (Comisión Delegada). Morán (1990, p. 126) denied that the Presidency (commonly known as the *Moncloa* because of its location) tried to bypass the Ministry of Foreign Affairs and thus undermine its importance. However, most officials acknowledge the key role played by post-Franco PMs in foreign policy, particularly in the case of González. His keen interest in European affairs, and the high level of expertise of his international affairs team, were key factors enhancing a predominant role for the executive, and particularly the Presidency, in the policy process. In 1984, Morán showed his full support for the strong position of the PM publicly, declaring that 'Felipe González es un presidente fuerte con un Gobierno fuerte y es lógico que se dedique a fondo a la política exterior' (Felipe González is a strong President with a strong government and it is logical that foreign policy is a key focus for him) (Interview in *La Vanguardia*, 21 July 1984, Ministerio de Asuntos Exteriores, 1984, p. 161). Regular dialogue between the Ministry of Foreign Affairs and the Presidency was assured by key individuals in the Presidency's international affairs team (Morán, 1990, p. 126).

Although the 1978 Constitution theoretically enhanced the role of the parliament in foreign policy, thus making external relations less the exclusive domain of the Ministry of Foreign Affairs as during the Franco era (Pollack and Hunter, 1987, pp. 104–17), little influence on Spain's international affairs was exerted by the parliament in practice (see Chapter 4 for role of parliament during EC/EU membership). The role of key ministries was also limited as the Ministry of Foreign Affairs insisted on overall control of the accession process because of its higher level of expertise in EC negotiation, although other ministries argued for a greater degree of input when decision-making was in technical and economic areas. Morán (1990, p. 440) referred to the fact that key ministries were increasingly keen to intervene personally at EC level as negotiations progressed, whereas, formerly, they had been content to play an active part in the formulation of the negotiating position in the domestic arena.

Some politicians regarded the reform of policy-making structures made imperative by the demands of the accession process as a positive development in view of the relatively antiquated structure of the Ministry of Foreign Affairs, the lack of unity between the PM and the Ministry, and the duplication of roles (Herrero de Miñón,

1986, p. 154). Although adjustment to EC norms within government departments was only gradual, they were obliged to develop higher levels of flexibility and co-ordination for the effective formulation of a strong Spanish bargaining position. According to one analyst of the policy-making process, Eduardo Zapico Goñi (1995, p. 52), administrative co-ordination in Spain was rapid, flexible and effective during the accession negotiations, which he attributes to three key factors, namely the informal nature of discussions between key government officials and domestic actors, the strong political support enjoyed by the Secretariat of State for Relations with the EC, and the overriding priority given to integration by the government. Changes in Spain's political regime led to alterations in the ministerial structure and to new appointments in high-level positions[5]. However, progress made was more dependent on the will to reach agreement at intergovernmental level than the institutional framework at domestic level.

Negotiations at interstate level

In April 1978, the Commission (European Commission, 1978a) published its so-called 'fresco' on EC enlargement which stressed the need for a positive answer to both Spain and Portugal. The negotiations of the applicant countries were closely linked in many key areas, Portugal's relatively passive line in negotiations frequently leaving it vulnerable to problems encountered in the Spanish negotiations (Preston, 1997, p. 81). The political decision on enlargement was speedily taken, although the Commission, while supportive of Spanish demands, highlighted the importance of the Community's own internal reforms and stressed the need for adjustment on both sides. Key member states had shown concern at the time of Spain's application, for example Germany's fears regarding Spanish agriculture (*Europe*, no. 2280, 5–6 September 1977, p. 7), which were shared by France and Italy. However, in the Council of Ministers on 20 September 1977, national representatives all supported the political objectives of the Spanish application (*Europe*, no. 2291, 21 September 1977, p. 4). This section outlines key elements of the negotiation, focusing on Spanish objectives formulated in the domestic arena, and the demands placed on Spain at EC level.

[5]Restructuring occurred in September 1980 when Eduardo Punset became Secretary of State for Relations with the EC after Calvo Sotelo, and José Pedro Pérez-Llorca took over from Oreja as Foreign Minister. In February 1981, Bassols became Secretary of State for Relations with the EC, which Manuel Marín took over in 1982 following the PSOE victory. From 1982–85, under the PSOE government, Morán was Foreign Minister, Gabriel Ferrán was the Ambassador to the EC, and Carlos Westendorp was President of the Executive Committee of the Coordinating Committee.

Negotiations did not actually begin until after the European Parliament elections in June 1979 and lasted until June 1985. The negotiation period can be divided into three phases: 5 February 1979–8 September 1980; 8 September 1980–28 October 1982; 28 October 1982–12 June 1985 (Bassols, 1995, p. 235). During the first phase, only twelve negotiating sessions were held. The second phase was considerably slowed down by French obstructive tactics[6], although the Spanish delegation tried not to let technical difficulties alter fundamental political objectives in the domestic arena. Little progress was made until the third phase on any of the controversial issue areas which urgently needed reform at EC level, such as agriculture, fisheries and the budget.

Former ambassador in Brussels, Bassols (1995), highlights the achievements of the 1979–82 period which he regards as undervalued in works by PSOE officials responsible for the negotiations from 28 October 1982. For example, Morán (1990, p. 44) notes that when the PSOE took over, the hard core of the negotiation had not yet begun. Former UCD officials support the claim made by Bassols that the groundwork for EC entry was firmly established pre-1982[7]; the ruling UCD party enjoyed a high degree of autonomy at EC level, despite its relatively weak and divided government. However, the slow pace of negotiations meant that agreement had only been reached on six of the less controversial chapters of the sixteen to be negotiated in October 1982.

The substantial obligations as well as benefits of EC membership were emphasised in negotiations, an example being the stiff rebuke to the Spanish government about the need to dismantle restrictions on EC exports. As this came ten days before the formal negotiations on entry began, it was seen by Spain as a warning of the obstacles ahead (*Financial Times (FT)*, 26 January 1979). In 1980, Commission Vice-President Lorenzo Natali highlighted the specific problems resulting from Spain's EC entry, criticised Spanish industrial structure, and demanded that Value Added Tax (VAT) be applied from the moment of accession (Bassols, 1995, p. 241). Commission demands to remove tariffs and other obstacles to selling in the Spanish market, firmly backed by key member states, were initially ignored by the Spanish government in view of the fear that concessions made in advance would weaken its bargaining hand during the negotiation. Spain's 'failure to show any flexibility' was a result of the fact that its industry was uneasy about anything less than a ten-year transition period, and the

[6]In six months, only one session at ministerial level took place, on 25 November 1980, compared with five in the previous one and a half years (Bassols, 1995, p. 252). Only six ministerial negotiating sessions were held between February 1981 and October 1982 (Bassols, 1995, p. 261).

[7]Interview with MEP and former member of the UCD party, Brussels, 22 February 1996.

government feared that early concessions would lead to greater misgivings about the wisdom of membership (*FT*, 11 February 1981). From a Spanish perspective, Community policy was being conducted on two levels. Public statements by both Commission officials and representatives of key member states continued to support enlargement, while the Community's policy in specific policy areas such as agriculture refused to meet Spanish demands (Preston, 1997, pp. 76–7).

A key illustration of the obligations placed on Spain by the Community is the area of fisheries where the expansion of waters to a 200-mile zone (see Chapter 7 on fisheries policy) limited the activity of fishermen who had been accustomed to liberal rights for centuries. The Spanish government fully supported its fishermen, but was also obliged to acknowledge the legitimacy of proposals at EC level even when a serious threat to the Spanish sector, for example the Commission's proposal on 23 September 1976 to limit fishing rights in its waters to member states (Bassols, 1995, pp. 171–2). Aside from its application for EC membership, the Spanish delegation lacked any bargaining power in its demand for greater access to fishing waters, illustrated by the acknowledgement by Bassols (1995, p. 173), who was in the negotiating team, that 'nunca me he sentado en una mesa de negociación con menos argumentos en la mano' (I had never sat at a negotiating table with fewer arguments at my disposal). The framework for an annual negotiation of Spanish fishing rights was agreed in 1980, although the Spanish government emphasised the need for a longer term agreement. According to a representative of the Andalusia parliamentary group, Alejandro Rojas Marcos, in the debate following Calvo Sotelo's investiture speech on 19 February 1981, the government lacked any medium to long-term strategy in the area of fisheries, concluding that 'la actitud de nuestro Gobierno en el tema de la pesca realmente ha sido desastrosa' (the attitude of our government in the area of fisheries has really been disastrous) (Ministerio de Asuntos Exteriores, 1981, p. 107). Spain's negotiators were accused domestically of making temporary concessions on agriculture to win a better deal on fisheries. Terms agreed during the negotiations caused further difficulties during membership (see Chapters 7 and 8), exacerbated by the achievement of a European Common Fisheries Policy (CFP) in January 1983, and the Community's reluctance to admit a 17,000 strong Spanish fleet which far exceeded the EC fleet in size.

A key bargaining tool used by the Spanish delegation was to accuse EC negotiators of placing excessive demands on its relatively fragile democracy. It constantly reminded the EC of the dangers of overestimating the stability of the Spanish democratic framework, and of relying on an unquestioning internal consensus whatever the speed of negotiation or the conditions demanded. The pressure exerted by such arguments

was limited until the attempted coup by a minority in the Spanish armed forces on 23 February 1981 provided a clear illustration of the fragility of the regime. The coup was followed by a Commission declaration on 24 February which firmly emphasised Spain's place in the EC, and an European Parliament resolution on 13 March stressing the Community's responsibility, and urging an acceleration of the negotiations (Bassols, 1995, pp. 255–6).

The overall aim of the Spanish delegation was to obtain a balanced agreement between different policy areas, to ensure internal cohesion within each chapter, and to make sure that the accession was not subject to a hasty political decision (Morán, 1990, p. 294). Opposition from other member states was criticised by the Spanish delegation. France was the key opponent of enlargement throughout the negotiations, although its obstructionist tactics were welcomed by other member states such as Italy, whose agriculture was also in direct competition with Spain, and Germany, who feared the free movement of Spanish workers. French President Giscard d'Estaing told PM Suárez in Autumn 1977 that Spain's accession would be accepted only if French agricultural interests faced no sacrifice as a result, and he called for a pause in negotiations in order to protect French markets. French concern over sectors threatened by Spanish entry continued to have a major impact on the accession process in the 1980s. On 5 June 1980, d'Estaing declared the necessity for EC reform before enlargement at a meeting of agricultural representatives, thus threatening a delay in agriculture and budgetary negotiations. The proximity of the presidential elections and the importance of the farming lobby in France were regarded as a key influence on French tactics by Spanish negotiators who feared that the French attitude would fuel internal anti-EC coalitions. The Spanish Secretary of State for Relations with the EC held bilateral talks with key leaders across Europe in November and December 1980 in an effort to speed up the pace of negotiations (Bassols, 1995, p. 253). The Spanish delegation hoped that François Mitterrand's victory in May 1981 would lead to a more constructive French bargaining position, although the hope was dampened by French opposition in 1981 to texts on customs union and agricultural issues (Bassols, 1995, p. 262). Other member states supported France, but at least offered to compromise in other chapters if Spain accepted VAT from accession.

July 1981 was one of the lowest points in the negotiations according to key officials (Bassols, 1995, p. 263) and, in view of the lack of negotiating documents for the agricultural chapter, a breakdown in the talks was feared by Spanish officials. However, a greater acceptance of debate on EC reform in parallel with talks on enlargement meant that negotiations were unblocked on 14 September 1981. An illustration of the new attitude to the negotiations was the presentation of an EC

document on customs union prior to Spain fully committing itself to the adoption of VAT on accession (Bassols, 1995, pp. 270–1). With a view to unblocking talks in other areas, the Spanish government later committed itself to the application of VAT on 26 February 1982. Despite the revitalisation of the process, a further setback occurred when the French delegation demanded an inventory of problems related to enlargement. Some UCD members considered the French block to be politically inspired as the French government preferred an agreement to be reached under the new PSOE government which was likely to gain power in October 1982 (Bassols, 1995, p. 274). Member states agreed to the French proposal to produce a report on outstanding issues regarding Spain and Portugal's accession, although 'fellow heads of government were uneasily aware that Spanish entry could be delayed far longer than most of them would wish' (*The Economist*, 3 July 1982, p. 55).

The pace of negotiations began to speed up when the report, produced by the Commission in November 1982, asked the EC 'to reward Spain and Portugal with a definite date for joining the Communities if they took more drastic steps to cut back key crisis industries such as steel and shipbuilding' (*FT*, 17 November 1982, *Keesings Contemporary Archives*, no. 3, May 1985, p. 33588). In view of the Commission report, the Copenhagen European Council of 3 December 1982 paved the way for the revision of existing rules for certain Mediterranean products within the EC. The final communication of the Copenhagen Summit contained a reaffirmation of the political commitment to enlargement of the EC member states. The PSOE government took over control of the negotiations in October 1982, and set out a clear strategy for achieving EC integration before the end of its first legislature. Although state interests persisted despite the change of government, the PSOE's substantial majority gave it a strong position which had not been possible for the weaker UCD government. Marín, as the new Secretary of State for Relations with the EC, indicated some changes in government policy towards Europe in the Foreign Affairs Committee of the Congress on 13 April 1983 (Ministerio de Asuntos Exteriores, 1983, pp. 244–72), for example the refusal to set dates for concluding rounds of negotiation, in view of the widespread discontent in the domestic arena when deadlines set by the UCD government had not been achieved.

Although the EC and Spain agreed on the customs union in 1983, according to Foreign Minister Morán, only 15% of the negotiating task had been completed (*FT*, 27 April 1983). EC proposals in early 1983, including rapid access for EC industrial goods to Spanish markets, were viewed as unacceptable by the Spanish delegation. Negotiations seemed once more to be at a standstill. On 28 April 1983, Morán expressed 'sa désillusion devant le manque de progrès dans la réforme des règlements

agricoles méditerranéens' (his disappointment faced with the lack of progress in the reform of rules for Mediterranean agriculture) (*Le Monde,* 28 April 1983). Furthermore, although supporting the enlargement, the United Kingdom (UK) and Germany blocked the associated increase in the agricultural budget. However, progress was made to establish a clear link between EC reform and enlargement under the German Presidency at the Stuttgart Summit, paving the way for further debate at the Athens Summit in December 1983 where German proposals dominated the budgetary negotiations. Spain approved a new agricultural agreement in October which placed high tariff barriers on Spanish fruit and vegetables until full integration. However, the tariffs were regarded as an excessive EC demand in the Spanish domestic arena, and González hinted at dropping Spain's EC application (*International Herald Tribune (IHT)*, 29–30 October 1983). In November, the tough position of the Spanish government was again revealed when González threatened to cut government purchases of French goods unless Paris adopted a more favourable stance towards Spain (*FT,* 18 November 1983). The approval of larger subsidies for Mediterranean agriculture and the commitment to reform of the Common Agricultural Policy (CAP) persuaded the French delegation to give greater consideration to Spanish demands. According to Bassols (1995, p. 286), 'los agricultores franceses estaban servidos; se podía volver a pensar en España' (the French farmers had got their way; they could start thinking about Spain again). González sought to step up Spanish pressure on member states when he wrote a letter to all EC Heads of government asking them to declare their position on enlargement prior to the Athens Summit. Spanish officials were optimistic about the progress made, although the press in Spain was critical of any triumphalism (Morán, 1990, p. 166). This criticism was borne out when the clash of national interests at Athens in December prevented any further progress in negotiations.

Fisheries, agriculture, and the lowering of trade barriers for industrial goods were still unresolved issues in 1984. The debate of agricultural issues, especially regarding the length of the transition period to integrate goods into European markets, dominated the negotiations. On 21 February 1984, Spain criticised the unreasonable demands made by the EC declaration on agriculture. The Spanish government was prepared to restructure sectors such as olive oil, but considered that other member states, such as Italy, had to adopt similar measures (*Ya*, 26 February 1984, Ministerio de Asuntos Exteriores, 1984, p. 197). Morán called for 'a complete revision of the basic principles on which the negotiations are proceeding' (*FT,* 20 June 1984). It was not until the Brussels Summit in March 1984, and the Fontainebleau Summit during the French Presidency in June 1984, that the foundations for the CAP reform were finally laid, and the UK budgetary contribution was determined. In June 1984, the

Commission's focus on French concerns rather than Spanish olive oil and wine markets led to a negative reaction in Spanish sectors (Morán, 1990, pp. 48–9). However, Spain was ultimately forced to accept the deal on agriculture with relatively few EC concessions, its only victory being an increase in the transition period for free access for EC industrial goods into Spain from three to six years (*FT*, 21 June 1984). Spain's attempts to backtrack on these agreements, for example when it hardened its position in July 1984 regarding sensitive products such as olive oil, were rejected by the EC delegation on 23 July. The Spanish government was thus forced to make key concessions in problematic areas in the later years of the accession process. The final accord was dependent on the reform of the regulations for Mediterranean products to satisfy French demands. Additional agreements were made on 29 March 1985 regarding the dismantling of EC tariffs on fruit and vegetable exports over ten years, and the seven-year transition period before the full customs union. The final package formed the basis for Spain and Portugal's integration into the Community on 1 January 1986.

From an economic perspective, despite the final success of the negotiations, Spain accepted a 'punishing treaty of accession' (Harrison, 1992, p. 205). During negotiations, it had been forced to accept the broad outline of EC proposals in several key sectors. Spain was, in many respects, an unequal partner as it opened its markets to the EC, and reduced the external tariff on industrial goods from Third countries to the EC average of 5% within seven years. Most Spanish agricultural products were subjected to a waiting period of ten years before being fully integrated into the Community, and iron and steel subsidies had to be eliminated by 1990. Restrictions on EC industrial imports were phased out over a two to seven year period[8] (for full details of Spain's entry terms, see Tovias, 1995, pp. 88–92). Political criticism of the deal in the domestic arena highlighted the relatively tough terms agreed for Spanish agriculture and fisheries, considered as the outcome of the early conclusion of the industry chapter in December 1984. This left the Spanish delegation with little bargaining power in other key areas although satisfying Spanish industrial groups (Gómez Fuentes, 1986, p. 44). Despite strong domestic pressures, the Spanish government bowed to EC demands on fisheries, acknowledging the need for restructuring of the sector, while seeking to avoid any further decrease of the size of the Spanish catch in EC waters. The EC immediately took over the management of agreements with Third countries (as illustrated in Chapter 7) and obliged Spain to make concessions such as ending state subsidies on fuel for fishing boats, which led

[8]Foreign industrial firms based in Spain had put pressure on their governments not to enforce a drastic transition period on Spanish industry, which may have influenced the outcome of negotiations.

to considerable discontent in the sector (Marks, M., 1997, p. 94). In the area of agriculture, Spanish farming would not be phased into the CAP for ten years, and, at this early stage, Spain was a net contributor to the budget. During the first year, Spain paid in 8,405 million pesetas more than it received (Miller and Barclay, 1990). Furthermore, EC rights on free movement of labour were withheld from Spaniards for seven years to restrict the flow of emigration.

The key role of the Spanish government in the interstate bargaining framework at EC level was evident throughout the negotiations. Frequent discussions between González and the German Head of State secured German support for Spanish accession, based on its trade surplus with Spain and the strong links between the Socialist parties in the two countries. For example, the Spanish government had direct contact with ministers such as the German Liberal, Hans Dietrich Genscher, in numerous meetings in Spring 1983 in an attempt to reach a compromise on their demands (Morán, 1990, p. 165). A key example of the influence of González on the accession process was his negotiating skills at a Summit meeting of five Socialist PMs from France, Greece, Italy, Portugal and Spain in Athens in October 1983, which facilitated the agreement of the Council of Agriculture Ministers on agricultural markets. Morán (1990) highlighted the personal role he played in overcoming French opposition to enlargement, such as the first meeting of Spanish and French ministers in Celle Saint Cloud on 10–11 January 1983, and his meetings with Foreign Minister Roland Dumas in March 1985. Intensive interstate bargaining outside the official EC accession negotiations thus formed a crucial element of the process, as expressed in a letter from Spanish ambassador Ferrán to the Foreign Minister on 20 October 1983 (Bassols, 1995, p. 288), but this chapter also seeks to take into account the internal co-ordination of the Spanish position with key interest groups and political parties.

Relations between the state and domestic actors

Government officials claimed that domestic demands were taken into account throughout the negotiations, particularly in vulnerable sectors. This is illustrated by the statement of González when in opposition, in the debate following Calvo Sotelo's investiture speech on 20 February 1981:

> El ingreso en la Comunidad Económica Europea no es sólo un problema del Gobierno; el Gobierno tiene que negociar el ingreso, pero tiene que negociar respetando y defendiendo los intereses de la sociedad....yo creo que le puedo afirmar que si el Gobierno no coincide sustancialmente con los empresarios y con los sindicatos en la negociación para el ingreso en la

> Comunidad, esa negociación será muy frágil, esa negociación será muy difícil y esa negociación será distorsionante.
> (Entry into the European Economic Community is not only a problem for the government; the government has to negotiate entry, but it has to negotiate with respect for and in defence of the interests of society...I think I can affirm that if the government does not largely agree with business circles and unions in the EC accession negotiations, that negotiation will be very fragile, that negotiation will be very difficult and that negotiation will be distorted) (Ministerio de Asuntos Exteriores, 1981, p. 117).

It is significant that, in May 1983, following the PSOE's success in local and home-rule elections, González referred to trade unions and employers as the 'true negotiating forces' through which the government could achieve social and economic reform (Giner and Sevilla, 1984, p. 133). However, key socio-economic actors, as well as the most politically active regional governments, frequently criticised their lack of input to the policy process in the domestic arena.

Regional government

The input of the majority of regional governments during the accession negotiations was minimal. This was to be expected in view of the fact that, even though Spain's newly created Autonomous Communities were fast developing a new institutional framework at regional level by the Summer of 1983, they still had to wait some time before the competencies they had inherited were officially devolved to them (Newton, 1997, p. 123). However, a minority of the more active regions demanded information on the implications of EC entry and carried out detailed, sectoral studies. For example, the government in Catalonia formed a working group with the Secretariat of State for the EC, which held its first meeting on 3 April 1981 to exchange opinions on the negotiations. It presented a document (*libro blanco*) listing their demands to the Secretariat of State on 17 June 1982 (Ministerio de Asuntos Exteriores, 1983, p. 454). Furthermore, the Catalonia parliament approved a motion on 11 November 1980 which called for the setting up of a joint committee to monitor the negotiations. The committee was treated apprehensively initially, but became an acceptable forum for the serious debate of EC issues (Granell, 1982, p. 830)[9]. Attempts to have an input to the negotiations were made in other regions at a late stage in the accession process; the Gabinete Técnico para asuntos relacionados con la Comunidad Económica Europea (Technical Committee for European Economic Community Affairs) was established in the Basque Country on 26 June 1984 (Granell, 1984, p. 18). Although the more active authorities monitored carefully the implications for their region in the later stages of the negotiations, particularly in sensitive policy areas such as

[9]The Monitoring Committee was formally constituted on 22 January 1985, having been approved by the Catalonia parliament on 27 September 1984 (Ministerio de Asuntos Exteriores, 1985, p. 752).

agriculture and fisheries, central government retained a high level of autonomy from regional governments at EC level.

Socio-economic actors

The development of the interests of key domestic actors, namely the main trade unions and employers' organisations, is briefly outlined here prior to an analysis of the nature of consultation in the domestic arena. Pérez-Díaz (1993, p. 57) developed the notion of civil society which he defines as 'social institutions such as markets and voluntary associations and a public sphere which are outside the direct control, in a full or in a mitigated sense, of the state'. A more developed civil society and a corporatist framework (see, for example, Giner and Sevilla, 1984) was established during the years of democratic consolidation, gradually laying the foundation for greater domestic participation in the policy-making process.

TRADE UNIONS

Two main union organisations exist in Spain, the Comisiones Obreras (Workers' Commissions, CCOO), under Communist leadership, and the Unión General de Trabajadores (General Workers' Union, UGT), established at the same time as the PSOE, and traditionally Socialist. Membership of smaller unions declined in the early 1980s, as around 80% of workers who joined a union between 1978 and 1984 opted for either the UGT or CCOO (Pérez-Díaz, 1993, pp. 267–8). However, financial difficulties and legal insecurity after Franco, weak organisational structure, and disagreements over key policies limited the input of the two unions to the debate on EC entry. Paul Heywood (1995, p. 242) considers that 'the unequal distribution of resources which characterises the Spanish policy process is reinforced by low, and declining, levels of associational activity'. Although union membership briefly flourished in the post-Franco era, the level of membership fell dramatically between 1978 and 1984; whereas in 1978, the level of affiliation was 57.4%, in 1984, it had decreased to 23% (Pérez-Díaz, 1993, p. 267) (see Chapter 4 for levels of affiliation during EC/EU membership). High levels of membership could not be assured in view of the predominance of small companies in Spain, union reliance on public funding rather than membership figures, and the system of workplace elections where non-members are able to vote (Ross, 1997, p. 119). Although pacts with the government during the transition set a precedent for a consultation process based on a 'neo-corporatist' framework[10], no regular consultative role existed for the unions apart from infrequent negotiations with the government (Gunther, 1996, p. 52).

[10]Pacts and agreements became a key element of the policy process during the transition and early 1980s. Agreements included the Inter-Confederation Agreement in 1980 between the UGT and the CEOE, the National Agreement on Employment in 1981 between the government, unions and the

EMPLOYERS

Under Franco, large firms had little need to organise their interests as they were generally offered tariff protection and state subsidies. The organisation of Spain's employers thus only began after 1975, also a reflection of the relatively late economic development in Spain. The organisation representing employers' interests at national level, the Confederación Española de Organizaciones Empresariales (Spanish Confederation of Employers' Organisations, CEOE) was founded in 1977. The CEOE incorporates many important associations within its framework, although they remain relatively autonomous, including the Confederación Española de Pequeñas y Medianas Empresas (Spanish Confederation of Small and Medium-sized Enterprises, CEPYME), which joined in 1980, and the Association of Spanish Banks (AEB). It is divided into sectoral and territorial groups, which leads to conflict of interests as sectoral organisations tend to be more powerful than regional groupings. During the transition, collective bargaining between the government and business associations was commonplace, and the CEOE was one of the main participants in the bargaining process. Although the CEOE supported the right-wing coalition during the 1982 election campaign, its President claimed in 1984 to have established good relations with the Socialist government (*Le Monde*, 12 January 1984). Despite its weaknesses, the CEOE was considered a key channel for communicating business interests to the Spanish government.

The impact of both trade unions and employers during the accession negotiations was uneven as their input was not institutionalised. The development of 'civil society' was still only in its preliminary stages, although the most powerful domestic actors sought to increase their input to the negotiating process. The lack of a pluralist tradition and the low level of associational activity are evident from a study of the main unions, and, although the employers' confederation represented a growing number of employers, it had yet to establish access points to the policy process. This resulted in a lack of awareness of negotiations at EC level in domestic society.

Domestic awareness of negotiations

The 1970 agreement between Spain and the EC was hardly known in the domestic arena despite the considerable benefits to Spain[11]. At the start of the accession negotiations, a similarly limited knowledge of EC issues existed in Spanish society.

CEOE, the Interconfederation Agreement in 1983 between the employers and unions, and the most far-reaching, and the first tripartite agreement for the González government, the Economic and Social Agreement in 1984.

[11]Interview with official of Secretariat of State for Foreign Policy and the EU and former official of Ministry for Relations with the EC, Madrid, 29 May 1996.

This led the Ministry for Relations with the EC to organise a series of information days from 2 October to 20 December 1978. The objective was to inform regional and sectoral actors of the implications of EC entry, to ensure their participation in the process, and to gauge the opinions of a wide range of actors which would be taken into account in the formulation of the government's position (Ministerio para las Relaciones con las Comunidades Europeas, 1978). The Chambers of Commerce (Cámaras de Comercio)[12], which had a pro-active role at local and regional levels during the early stages of the accession process, played a key part in the organisation of around 500 ad hoc meetings with regional authorities, business and trade unions. Meetings with agricultural and business representatives took account of their particular concerns regarding EC entry, the final report noting the 'reacciones pasionales y, a veces, de espíritu nacionalista, ante la aparición de problemas específicos, sectoriales...' (the passionate and sometimes nationalist reactions to the emergence of specific sectoral problems...) (Ministerio para las Relaciones con las Comunidades Europeas, 1978, p. 8). Regional concerns focused on the potential increase in economic inequalities, and the likelihood of greater privileges being given to some regions to the detriment of others, while agricultural representatives feared losing out to industrial interests as a result of their limited influence on the government. According to the organisers, the seminars were successful; one of the civil servants in control of publicity measures highlighted the 'esfuerzo singular y único' (unusual and unique effort) made by the government administration, which represented a decisive change in mentality[13]. The Ministry aimed to continue the campaign despite the change in government and the reform of institutional structure in 1981. In March 1982, the Secretariat produced a *plan de acción interior* (internal action plan) which set out its strategies for full information exchange with Spanish society, including regular meetings in the *Trinidad* with sectoral representatives and parliamentary spokespersons, and the publication of extensive documentation (Secretaría de Estado para las Relaciones con las Comunidades Europeas, 1982).

Government officials referred to the seminars in all Spanish provinces and the wide range of publications on EC entry in response to criticism of inadequate consultation. Although individual companies were relatively ignorant about the negotiations, the CEOE was generally regarded to be better informed. One analyst considered that the Spanish business community was more closely involved in negotiations than its counterpart in Greece, and that Spain was better prepared than either Greece or

[12]The full title is Chambers of Commerce, Industry and Navigation whose statutes depend on central government. They date from 1911 and are organised on a provincial basis.

[13]Interview with former official of Ministry for Relations with the EC, responsible for conducting the information campaign from 1978–80, Madrid, 24 May 1996.

Portugal in terms of background work and technical studies (Tsoukalis, 1981, pp. 126–7). The Minister for Relations with the EC, Calvo Sotelo, affirmed that meetings with the Head of the CEOE, Carlos Ferrer Salat, were held whenever requested during the early years of the negotiations, the aim being to reassure the Confederation about the implications of EC entry[14]. However, he also acknowledged the often tense relations resulting from the CEOE's claim that he was not adequately defending their interests (Calvo Sotelo, 1990, p. 163). Members of the opposition even suggested that the UCD government was avoiding putting EC entry to public analysis (Morán, 1980, p. 336). However, it was reported that the Secretariat of State for Relations with the EC promoted or participated in 2593 colloquia, conferences and round tables on EC entry, and organised 175 trade union and business working groups, 210 sectoral meetings and four journalists' seminars between 5 February 1979 and 28 October 1982 (Bassols, 1995, p. 237). A, perhaps predictable, discrepancy thus emerges between the claims of UCD government officials and domestic actors regarding the level of information about EC accession during the early years. The opinions of UCD and PSOE politicians and officials also differ markedly, each claiming that adequate measures were taken to inform Spanish society during their term in office.

Former UCD government officials described the negotiation as external rather than internal in the post-1982 period[15], illustrated by complaints in the agricultural sector of the minimal consultation with Spanish negotiators (*FT*, 27 March 1985). Members of the main opposition party claimed that they frequently had to read the press to find out about ongoing negotiations, particularly regarding the economic costs of concessions made to reach an agreement[16]. However, according to PSOE officials, information was widely disseminated from 1982–85, and criticism was considered to be largely politically inspired[17]. For example, in 1984, the Secretary for Relations with the EC contrasted the demands for an evaluation committee for the accession negotiations in the Senate with the total lack of interest in negotiating documents when they were made available (*Ya*, 26 February 1984, Ministerio de Asuntos Exteriores, 1984, p. 196). Government officials claimed that, from January 1983 to August 1984, the Secretariat of State for Relations with the EC held more than 300 meetings with representatives of Autonomous Communities, professional sectors, Chambers of Commerce and trade unions, the number having reached 450 by

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[14]Seminar given by Calvo Sotelo at Fundación Ortega y Gasset, Madrid, 15 April 1996.

[15]*Interview with former official of Ministry for Relations with the EC, 28 May 1996, who advised the* Secretariat on the issue of public information on the EC from 1980–82.

[16]Interview with MEP and former member of the UCD party, Brussels, 22 February 1996.

[17]Interview with member of Senate and former PSOE spokesperson on EC issues 1982–86, Madrid, 27 May 1996.

February 1985, which represented a total of more than 2000 hours of work[18]. Furthermore, the Secretariat organised and participated in more than 462 public information events and meetings between January 1983 and July 1985 (Consejo Superior de Cámaras de Comercio, 1985, p. 5).

Although Foreign Minister Morán (1990, p. 41) denied any lack of transparency, some officials referred to the highly technical and complicated nature of negotiations, which made it difficult to communicate full details of the negotiating process to the public[19]. Just before the Accession Treaty was signed, eight out of ten Spaniards interviewed considered themselves badly informed about EC membership, and more than 60% of small and medium-sized enterprises (SMEs), and 41% of bigger firms, complained of inadequate information about EC entry conditions according to a Citibank España survey of 508 firms (Gómez Fuentes, 1986, pp. 17–18). The two main trade unions claimed they had been marginalised throughout the accession process, although, according to government officials, they had shown little interest in EC issues; one illustration is Calvo Sotelo's claim that he had contacted trade unions regularly to inform them of the negotiations[20]. In its official opinion on EC accession, the UGT stressed that 'ni nuestro sindicato ni ningún otro, ha sido consultado previamente de forma global sobre los distintos aspectos de la negociación...' (neither our union nor any other has been previously consulted in a global way on the specific aspects of the negotiation...) (UGT, n/d, p. 6). Similarly, the CCOO was critical of meetings with the Secretariat of State for the EC, which were described as consisting of *a posteriori* information on the government's bargaining position without any evaluation of the likely socio-economic implications; the exception was the area of social affairs, where talks with the Secretariat were often held prior to negotiations. CCOO officials referred to the sporadic nature of meetings, the importance of which was reduced by the limited nature of information made available (CCOO, 1985a).

Key sectoral actors and business circles seemed less marginalised from the process, although the President of a key business association, the Círculo de Empresarios (Business Circle) claimed in December 1984 that business representatives had been

[18]Unpublished letter (CCOO archive, 22 February 1985) from Secretary of State for the EC Marín to the Secretary General of CCOO, Marcelino Camacho, in reply to the CCOO's letter of complaint regarding the Secretariat's lack of consultation with the union. The Secretary of State claimed that he had organised ten meetings from 1982–85 specifically with the CCOO and that, after each negotiating session at EC level, had forwarded the negotiating documents to the union. Significantly, he added that, following a working group meeting with the CCOO on 16 February 1984, the Secretariat had offered on numerous occasions to hold a further meeting, but the CCOO had not agreed to the proposal until 22 January 1985.

[19]Interview with member of Senate and former PSOE spokesperson on EC issues 1982–86, Madrid, 27 May 1996.

[20]Seminar given by Calvo Sotelo at Fundación Ortega y Gasset, Madrid, 15 April 1996.

'someramente informados pero no en profundidad. Ni a nivel de organizaciones empresariales ni a nivel de sectores han tenido acceso a la información sobre la marcha de las negociaciones....' (superficially informed but not in depth. Neither at the level of business organisations nor at the sectoral level has there been access to information on the progress of negotiations) (*Diario 16*, 26 December 1984). The Co-ordinating Committee of the Chambers of Commerce held regular meetings from October 1983 with the *Trinidad* to discuss contact with regional actors throughout Spain (Ministerio de Asuntos Exteriores, 1983, p. 743). Another illustration of the developing relations between the administration and key associations is CEPYME's plan to inform small companies about the EC in 1981 (CEPYME, 1981), which was drawn up in close collaboration with the Secretariat of State for Relations with the EC.

Regional authorities were generally better informed than other domestic actors about the EC, although the level of information varied from region to region. In the March 1985 parliamentary debate on EC accession, Manuel Fraga of the opposition Popular Coalition party considered that a regular dialogue with key regional actors during the negotiations could have been established (Congress, no. 195, 27 March 1985, p. 8922)[21]. However, the Secretary of State for the EC complained of the lack of attention that many regions paid to briefings passed on to them (*Ya*, 11 June 1984), claiming that only a minority of regions enquired about the implications of EC entry or carried out studies. Nonetheless, a growing number of economic analyses were carried out as the negotiations advanced, particularly by regions able to articulate their interests most effectively, such as Catalonia, the Basque Country and the Canaries. Conferences were also organised to discuss the likely effects of EC integration with representatives of the Autonomies, for example those held by the Ministry of Territorial Administration in 1984 (*Ya*, 11 June 1984). The *Trinidad* held a series of meetings with subnational actors, for example twenty two meetings with Catalonia, twenty one with Galicia and eighteen with Andalusia up to the Summer of 1984 (Granell, 1984, p. 16). Furthermore, a technical working group with the Secretary of State for the EC was set up by Catalonia to lobby for its regional interests and demand explanations for negotiating positions (Recio Figueiras, n/d, p. 19), and a European programme was established in Andalusia in December 1983 to run training courses for civil servants, and evaluate the accession negotiations.

[21]Questions about the transfer of information to the regions were regularly asked in the Spanish parliament prior to the 1985 debate, for example in the Congress Foreign Affairs Committee on 21 December 1982, when a Basque representative requested more consultation with the regions prior to negotiations at EC level to exploit their level of expertise (Ministerio de Asuntos Exteriores, 1982, p. 229). Morán responded that EC-level negotiations were an affair for the state, but ensured full information exchange throughout the remaining talks.

Despite central government's reticence, regional authorities also made direct contact with EC institutions, for example the Presidents of the regional governments of Catalonia and Andalusia headed a delegation to the Commission in June 1983, and the Joint Committee in Catalonia held meetings with the Commission in October 1983 (Granell, 1984, p. 17). However, although the EC accession process may have encouraged the involvement of the more active regions in the policy process, it was too early in the decentralisation process for the majority of regions to have any influence on the government's negotiating position; they thus remained largely sidelined from the process.

In the first parliamentary debate on EC entry in June 1979, some opposition members not only advocated greater parliamentary involvement via an institutionalised evaluation committee for the negotiations, but proposed establishing permanent, formal consultation mechanisms with socio-economic actors (Congress, no. 21, 27 June 1979, pp. 1039–1110). The Minister for Relations with the EC responded by highlighting the efficient functioning of existing consultation mechanisms, even if not formalised. Although the creation of a forum for consultation with socio-economic actors was advocated in the Constitution, namely the Economic and Social Council, the Spanish administration had no intention of establishing it during the negotiations (Congress, no. 21, 27 June 1979, pp. 1093–4) (it was eventually established in 1991, as described in Chapter 4). Opposition MPs were concerned about the lack of parliamentary control of the government's negotiating positions, accusing the PSOE of using the excuse that making information publicly available could serve the interests of other EC member states. One opposition member considered that 'un Gobierno que goza de una amplia mayoría parlamentaria y que, en consecuencia, no debería temer a esta Cámara, sino hacer de ella el foro privilegiado de su comunicación con la opinión pública, rehúya las posibilidades que esta Cámara le ofrece...' (a government which enjoys a large parliamentary majority and which, as a consequence, should not fear this Chamber, but, rather, make it a privileged forum for its communication with public opinion, rejects the possibilities which this Chamber offers...) (Congress, no. 98, 29 February 1984, p. 4617). When the Accession Treaty was signed, key ministries were accused of not having met representatives from affected sectors for many years. For example, the Ministry of Agriculture, Fisheries and Food was criticised for only consulting national farming organisations at a very late stage in the process (Armero, 1989, p. 168). One commentator noted that 'parece una gran incongruencia que quienes iban a tener que competir con Europa no fueran escuchados a la hora de negociar' (it seems highly incongruent that those who were going to have to compete in Europe were not listened to at the time of the negotiation) (Armero, 1989, p. 168). It is probable that the consensus in favour of EC entry in

Spanish society, described in practically all analyses of Spain's EC accession, made the government less obliged to consult domestic actors throughout the process.

Internal consensus in favour of EC entry

Even before negotiations began, one press article asserted that 'politically, the case for applying to join the EEC goes unchallenged among Spanish businessmen, union leaders, Government officials and all political parties' (*Daily Telegraph*, 2 May 1977), and the basic consensus was not eroded throughout the negotiations. Tsoukalis (1981, p. 121) describes the picture in Spain at the time of the EC application as 'dull' as everyone seemed to agree about the desirability of accession. The politics of consensus among major political forces seemed to be reinforced by the question of EC entry. Limited discussion of economic implications occurred in key sectors, while political integration was accepted seemingly unquestioningly by the Spanish public. The loss of sovereignty which membership would entail was hardly debated in the Congress prior to the ratification of the Accession Treaty, and the rapidity and overall unanimity of the ratification, along with the generally positive press coverage, underlined Spanish enthusiasm for its incorporation into the European framework (Congress, no. 221, 25 June 1985, pp. 10177–217). The portrayal of Spain's EC accession as a vital historical goal by the government encouraged the almost instinctive acceptance of the urgent need for incorporation into the European framework, which tended to inhibit domestic involvement in the process. Foreign Minister Pérez-Llorca referred in 1981 to EC entry being supported by 'la voluntad política del pueblo español, de la aplastante mayoría de las fuerzas políticas y sindicales y del gobierno (the political will of the Spanish people, the overwhelming majority of the political and union forces and the government) (*La Libre Belgique*, 16 March 1981, Ministerio de Asuntos Exteriores, 1981, p. 130).

Although a more critical ethos in society was gradually built up after Franco, it did not succeed in encouraging widespread public debate of EC issues, especially at the outset of negotiations. The lack of Spanish tradition in the analysis of international affairs may have made Spain overly optimistic and unrealistic about the implications of EC entry (Calvo Sotelo, 1990, p. 125). The public generally recognised the importance of playing a full part in a democratic European framework and, as a result, the general consensus on Spain's policy towards Europe went unquestioned. An opinion poll carried out by the Public Opinion Institute (attached to the PM's office) in October 1979 showed that 67% of Spaniards were in favour of entry, and only 7% were opposed (26% did not respond), although it was reported that support for Spanish entry was, perhaps predictably, 'still instinctive rather than rational' (*FT*, 4

October 1979). The significance of EC membership for the Spanish public is also demonstrated by *Eurobarometer* polls: in 1984, 73% of Spanish interviewees felt Community affairs to be important or very important (*Eurobarometer*, no. 22, 1984, p. 97)[22]. The Spanish and international press played a key role in encouraging support for Spain's accession[23], generally unanimously backing EC entry and, in some cases, criticising the lack of progress when negotiations came to a halt, for example on 23 March 1985 when the French delegation blocked any further advance (Gómez Fuentes, 1986, p. 45).

In the parliamentary debate on EC accession on 27 June 1979, the Minister for Relations with the EC stressed the importance of obtaining a consensus of all political forces on the final objective of EC entry, if not wholly on the methods of obtaining it (Congress, no. 21, 27 June 1979, p. 1042). He advised against viewing Europe as a magical solution to all Spain's problems, but argued that vulnerable sectors would ultimately benefit from accession, for example fisheries whose access to EC waters would only be possible via Spain's application for membership (Congress, no. 21, 27 June 1979, p. 1048). Government officials regarded the issue of EC entry as a 'tema de estado, situado por encima de las perspectivas partidistas' (an affair for the state, placed above party considerations), thus maximising the parliamentary consensus on Europe (Morán, 1990, p. 45). Some differences in focus existed, illustrated by the Communist Party's hope for long-term economic and social change including improved rights for workers, compared with the PSOE's focus on economic modernisation. However, both the Socialists and Communists gave full support to the government's policies towards the EC from a very early stage in the process (*The Guardian*, 28 July 1977). The limited discussion of EC entry in the Spanish parliament was partly a reflection of the broad consensus, its input generally being regarded as ineffectual by government officials. According to the former Chair of the parliamentary Foreign Affairs Committee from 1982–86, political parties were 'only effective by being ineffective' given that no voice of opposition to EC membership was raised in the Committee[24].

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[22]A more negative response was recorded when the negotiations were delayed, for example 12% fewer Spaniards were in favour of accession in 1983 than three years previously in a Gallup Institute Poll, and only 46% considered that the EC would actually be good for Spain (*The Times*, 15 September 1983).

[23]However, it must be noted that many press articles also highlighted the costs of EC membership for Spain once the terms had been agreed. For example, when the Treaty was signed, an article in *The Times*, cynically suggested that the Spanish government should reap the benefits of EC accession in the general elections before public opinion realised the costs of membership (Gómez Fuentes, 1986, p. 266).

[24]Interview with Spanish MEP, Brussels, 21 February 1996.

Trade unions accepted the overall necessity of EC membership, forced to acknowledge that they had no alternative to offer to the government's medium-term economic policy. The UGT declared that it had expressed for a long time 'una posición claramente favorable a la adhesión de España a las Comunidades Europeas' (a clearly favourable attitude towards Spain's accession to the European Communities) (UGT, n/d, p. 1), illustrated by its support for the modernisation of the Spanish economy and the adaptation of the labour market to the European model. Widespread debate about the implications of EC entry was unlikely given the workers' preoccupation with more immediate needs such as high unemployment, the level of income, and the low level of politicisation of the unions (Kohler-Koch, 1982, pp. 52–9). Spanish unions also voiced their overall support for EC entry via pan-European organisations at EC level such as the European Confederation of Trade Unions (ETUC) in Brussels, which regularly pressurised the Commission to speed up negotiations, and the Economic and Social Committee[25], which retained a favourable position regarding EC entry throughout the accession process.

Despite some reservations regarding conditions which threatened to weaken the position of Spain vis-à-vis her European partners, the CEOE considered EC membership as a clear priority for Spain. Similarly, the Chambers of Commerce collaborated closely with the government's administration throughout the negotiations, and wholeheartedly supported the EC application. Larger, more competitive sectors were positive about their incorporation into a European framework, and retained a majority view in favour of EC entry. For example, successful exporting industries, such as the Barcelona-based chemicals industry, were keen to import raw materials for their expanding output, and some thirty Catalan companies had already successfully set up subsidiaries over the French border to gain a foot-hold inside the Community. The positive attitude of larger firms is illustrated by a survey carried out in 1980 where out of 1500 larger Spanish firms, 68% said they were prepared for EC entry in 1980, and 83% predicted that they would be by 1985 (Fundación para la Investigación Económica y Social y Asociación para el Progreso de la Dirección, 1980, p. 3). Although less optimistic about EC entry, firms attached to the state industrial holding company, Instituto Nacional de Industria (National Institute for Industry, INI), supported the application for EC entry.

[25]The Economic and Social Committee was established by the Treaty of Rome in 1957 as a forum in which the major economic and social groups of EC countries could express their views to the Community institutions. Its members, divided into three groups representing employers, workers and other sectors, are appointed by member states.

This brief analysis of the views of key domestic actors illustrates the overwhelming consensus in favour of EC entry. Although this enhanced the state's strongly pro-European position, the Spanish delegation, fearing that this might reduce their bargaining power at EC level, also drew attention to the serious concerns over the implications of EC accession expressed in specific sectors.

Internal opposition to EC entry terms

A press article in 1978 announced that 'the political fanfare is over and the hard economic bargaining is on the horizon' (*The Times*, 20 March 1978), although it was several years before any serious debate of EC entry began in Spanish society. In the early stages of negotiations, despite some sectoral resistance, voices of dissent did not threaten the domestic consensus because of the lack of alternatives and often minimal awareness of the full implications of accession. However, although the Economic and Social Committee considered that the EC was far more aware of the difficulties than Spain itself, describing the Spanish as being 'unwaveringly optimistic' compared with the more sombre assessment in Brussels (*IHT*, 20 November 1978), Spanish public opinion developed a greater critical capacity as negotiations continued (Morán, 1984, p. 53). Morán (1990, p. 40) refers to the 'legítima impaciencia y la natural frustración manifestadas a lo largo del proceso que se abre cuando los esfuerzos españoles tropiezan con la cerrazón de los intereses económicos' (the legitimate impatience and the natural frustration shown throughout the process which emerges when Spanish efforts come up against the obstacle of economic interests). Increasing reservations about the implications of EC entry were fuelled by the publication of in-depth sectoral studies. Spanish industry particularly feared that it might be weaker and less competitive in the short term because of its inflexible labour laws, its weak managerial structure, and the poor relations between management and the trade unions (*FT*, 6 February 1979)[26]. In January 1984, in the parliamentary assembly of the Council of Europe, González referred to the government's clear objective from the first day of the negotiations, but also highlighted the Spanish public's waning enthusiasm compared with six years previously (Armero, 1989, pp. 163–4). Even within the Spanish administration, a consensus could no longer be assumed, for

[26]A report prepared in 1980 by the Ministry of Industry in Madrid concluded that only 25% of the 500 companies surveyed across industrial sectors thought membership would have an immediately positive effect, largely because of access to cheaper imported materials. Major pre-entry re-structuring aids, combined with a tariff transition period of up to ten years, would be necessary according to 20% of companies. In sectors such as steel and textiles, 40% believed they could benefit in the long term, but needed aid for pre-entry restructuring. The remaining 15% had built up strong export markets, and believed this would compensate for increased competition (*FT*, 17 December 1980).

example the Ministry of Trade and Tourism did not always share the clearly European vision of the Ministry of Foreign Affairs (Morán, 1980, p. 325).

Although expressing the Confederation's strong support for the overall objective of EC entry, the Director General of International Relations of the CEOE accused the government in 1981 of sacrificing sectoral interests to obtain a political success (Calvo Sotelo, 1990, p. 166). The Confederation monitored carefully the negotiations, although its input was mostly reduced to criticism of terms of entry which had already been negotiated. The government's agreement to introduce VAT from the time of accession in early 1982 was particularly criticised as an unjust concession demanded by the EC; as leader, Ferrer declared in Brussels in 1983 that the CEOE would not apply VAT without adequate transition periods for industrial products. The declaration led to considerable tension with the Minister for Relations with the EC (Alonso, 1985, p. 144). In view of the likely rise in prices, the question of VAT was a sensitive issue in the domestic arena, which ensured strong public support for the CEOE's tough position. The CEOE also rejected the Commission's proposal for a transition period in industry of one year before a 50% reduction in tariffs, stressing the need for a ten-year transition period (*Le Monde*, 12 January 1984). This blocked the talks on customs union in 1984 until the EC made concessions on agriculture (Morán, 1990, p. 394). The CEOE slogan was 'adhesión si, pero no a cualquier precio' (accession yes, but not at any price), a phrase originally used by Calvo Sotelo when Spain's application was made in 1979. Bassols (1995, p. 236) described the CEOE's opposition as 'una fisura en el bloque espanol, un signo de desconfianza hacia el negociador...' (a break in the Spanish consensus, a sign of a lack of confidence towards the negotiator).

The President of the Chambers of Commerce, José María Figueras, was less critical of EC entry in 1984 than the CEOE, considering that it would ultimately have less impact on SMEs than on large companies (*El Nuevo Lúnes*, 4 June 1984). However, small, often inefficient firms were accustomed to a highly protected market, and felt particularly threatened by EC accession (Pollack and Hunter, 1987, p. 145). They were represented by CEPYME within the CEOE, although its input to the government's negotiating position was limited, as illustrated by its serious dissatisfaction with the entry terms in March 1985. The weak organisation and fragmentation of interests within key sectors also inhibited a significant involvement in the policy process. For example, the citrus fruit industry's lobbying capacity was described as highly underdeveloped or 'stunted', thus leaving 'more sophisticated and concerted sectors, though not necessarily more deserving, at the head of the queue in

the government's dealings with Brussels' (*FT*, 10 May 1979)[27]. Sectoral demands were sometimes weakened by divergent interests within sectors. For example, the fears expressed by the car manufacturer, Seat, of the threat to its domestic market were not shared by Ford, which was oriented primarily towards exports, and welcomed EC entry (*The Times*, 31 March 1977). Similarly, the variation between farming types reduced the influence of agricultural lobbies, who feared that their weak negotiating capacity, in contrast to the strong French farming lobby, would lead to an unacceptable deal for the sector. For example, although the tomato and banana-growing industries in the Canaries would benefit from the fall in tariffs following membership, accession threatened to cause serious problems for small and relatively inefficient dairy farmers in Galicia and Cantabria, where a large anti-EC lobby resisted any change.

Although the fragmentary nature of lobbying in both agricultural and industrial sectors strengthened the government's capacity to win over opposition to EC entry, certain sectors, such as steel, gradually developed a greater capacity to represent their interests, and succeeded in exerting considerable pressure on the government. Steel became a very tough area of negotiation as a result of the strongly opposed interests of producers in Spain and the EC, and the lack of willingness of the Spanish industry to make concessions (*European Trends*, no. 59, May 1979, pp. 23–33). The sector was particularly vulnerable as severe financial difficulties demanded efforts to increase its exports to the European market while EC demand was falling. The Spanish delegation sought to negotiate longer transition periods and limits to tariff barriers for the industrial sector, while still insisting on early accession (*European Trends*, no. 72, August 1982, p. 5). This position was criticised by EC negotiators, who insisted on long term restructuring of the industry, and were unwilling to make major concessions to placate sectoral interests. Awareness at EC level of the politically sensitive nature of restructuring in view of the inevitable job losses, made the negotiation of the entry terms for steel producers problematic.

Despite domestic opposition, the Spanish government was generally able to enforce unpopular decisions in the domestic arena. An example of the restructuring which the government carried out was the modernisation of olive oil production, involving the disappearance of over 12% of the existing two million hectares, and a total of 16.4 billion pesetas in credits and subsidies (*FT*, 15 October 1981). Previous plans had been viewed with reserve by the relatively powerful agricultural workers' union in

[27]However, some regions had stronger lobby groups, for example the powerful Valencia orange exporters' lobby which protested against the gradual reduction in the EC's barriers against Spanish citrus products (*FT*, 14 August 1984).

Andalusia, but the PSOE government stressed that fear of an increase in unemployment had to be weighed against the need for adaptation, justifying tough policies by convincing regional constituencies that they would be compensated once inside the EC. The government also sought to modernise dairy farming in the North West, granting special credits to farmers to encourage them to form co-operatives and mechanise production (*FT,* 16 December 1981), and set aside 200 billion pesetas for the industrial sector between 1981 and 1983 to subsidise the necessary investment for restructuring (*The Economist*, 17 April 1982, p. 67). The government showed its determination to modernise industry when, despite widespread protest, González affirmed in a television broadcast on 11 March 1984 that plans to slim down loss-making sectors would go ahead (*The Economist*, 17 March 1984, p. 54). However, the Spanish government sought to avoid negative consequences for vulnerable sectors, particularly those within politically sensitive regions, and EC officials were frequently critical of the Spanish objective of gaining something concrete in each negotiation to present as a triumph in the domestic arena (Gómez Fuentes, 1986, p. 35).

Leading up to the Dublin Summit in 1984, sectoral representatives criticised the government for permitting the politics of entry to outweigh other considerations, interpreted as a betrayal by Spain's domestic constituents. Harsh criticism was also voiced of the more conciliatory approach adopted by Spain in the final negotiations between March and June 1985. Despite enthusiastic responses from industrial lobbies such as Confemetal representing the metal industries when the negotiations were concluded (*Le Monde,* 13 June 1985), the mood at the time of the agreement, particularly in the agricultural sector, was described as an 'anti-climax' (*Daily Telegraph*, 31 December 1985). A sizeable farm lobby against EC entry terms had developed at a relatively late stage in the negotiations, as illustrated by the protests when the Spanish government was asked in 1983 to cut off aid to olive growers, and to begin phasing out subsidies over a ten-year transition period in order to pacify French and Italian farmers. Even sectors which had largely supported EC membership throughout the negotiations were critical of the entry terms. The Comité de Gestión de la Exportación de Frutos Cítricos (Management Committee for the Export of Citrus Fruits) claimed that the sector would not enjoy the same conditions as exporters in Morocco for a further six years (*El País*, 30 March 1985). Farming organisations recognised the importance of EC entry, but the Confederación Nacional de Agricultores y Ganaderos (National Farming and Livestock Confederation, CNAG), including many of the bigger, more prosperous farmers, and the Coordinadora de Organizaciones de Agricultores y Ganaderos (Co-ordinated Farming and Livestock Organisations, COAG), representing smaller farmers, were both highly

critical and urged the government to help out the worst hit sectors[28]. Wine producers, while acknowledging the need to curtail volume production, considered that the application in Spain of the criteria for Greece represented a disaster for the industry (*FT*, 11 June 1985). While the prospects for Spanish Mediterranean agriculture, essentially citrus fruits and vegetables, were relatively positive, sectors in Northern Spain, such as dairy farming, cattle rearing and cereals, were severely hit by entry terms (*The Times,* 10 June 1985)[29].

The two main trade unions, particularly the CCOO, were also critical of entry terms. The resolution adopted by the CCOO Executive Committee in 1985, although in favour of EC entry, criticised the electoral and party-led interests of the government, the lack of debate in Spanish society, and the actual content of the Treaty which it considered did not reflect national interests (CCOO, 1985b). The union considered that more pressure could have been placed by the Spanish government to gain concessions in the worst hit sectors (*El País*, 29 March 1985). The CCOO Secretary General highlighted the harmful effects of the immediate application of VAT, the lack of priority given to employment issues and Spanish workers' rights, and the negative effects on sensitive sectors. In June 1985, both the main unions protested against the lack of social measures accompanying the modernisation of Spanish society.

Regional opposition to EC entry developed in the final stages, although the majority of regional authorities had generally been in favour during negotiations. In June 1985, the President of the Canaries resigned after parliamentary opposition groups rejected the terms of Spain's EC entry by 30 votes to 27. In a struggle between economic lobbies on the islands, the importers won over the producers of cash crops, the preference thus being the opting out of the customs union (*The Times,* 16 July 1985). Farmers protested against the treatment of their produce as if it were from a non-EC country. Although free-port status and other fiscal privileges were maintained (*IHT,* 24 June 1985), conditions enjoyed by Third countries in the fruit and vegetable sector would not be attained until two years after accession (Congress, no. 195, 27 March 1985, p. 8917). Basque terrorists resorted to killings on the day of the signing of the treaty in Madrid as a protest against entry. One region which maintained its full

[28]Although opposition was not homogeneous, as some lobby groups considered that agriculture would benefit from EC entry, the majority of agricultural unions were highly critical of the government. The Young Farmers' union (*Jovenes Agricultores*) announced that the agreement would be disastrous for the dairy and pork sectors, and the Union representing farmers in Asturias (*Unión de Campesinos Asturianos*) declared that the transition period should have been for ten years instead of five. Agricultural protests in Irun against the terms of the treaty clearly illustrated the sense of discontent with the agreed terms (*El País,* 29 March 1985).

[29]This countered the notion in many EC member states that Spanish agriculture would obtain the benefits, and industry the disadvantages of EC membership (*Le Monde,* 12 June 1985).

support for EC entry was Catalonia; its leader, Jordi Pujol, claimed that this was a sign of its strong European credentials compared with more hesitant, isolationist tendencies in other parts of Spain.

Although parliamentary ratification of the Accession Treaty was largely a foregone conclusion, opposition parties in Spain already referred to a phase of re-negotiation within the Community (*FT*, 29 October 1985). The opposition particularly criticised the negotiation of the agriculture and fisheries chapters, accusing the PSOE government of not explaining the potential losses to affected sectors. Some opposition MPs also criticised González for using Europe to enhance his own image domestically and internationally[30]. Key sectors, such as agriculture in Galicia, viewed the rushed nature of the final negotiations as a result of the imminence of general elections and the linkage with NATO membership[31], and many sectors referred to their lack of preparation for EC entry. However, the PSOE argued that the shock would not have been significantly lessened by delayed accession. Although a spokesman for the main opposition Popular Coalition group, Miguel Herrero de Miñón (1986, p. 63), supported EC entry, he was critical of the idealistic terms in which the government viewed Europe, the strictly political base of the accession process, and the PSOE negotiating formula which had not maximised Spanish interests. The low respect for parliamentary debate during the negotiations was a further key criticism. PSOE government officials such as Morán predictably justified their negotiation, arguing that Spanish negotiators had often rejected the terms dictated by the EC, for example the Spanish refusal of the EC's proposals on agriculture on 21 February 1984 (Congress, no. 98, 29 February 1984, p. 4615). In areas such as fisheries, which were particularly prone to domestic criticism, government officials acknowledged the fear of the Spanish fleet prevalent in other member states, and the reluctance at EC level to admit Spain into the CFP (Congress, no. 221, 25 June 1985, p. 10192), but considered that the optimal deal had been obtained for the sector.

This analysis provides evidence of widespread opposition to EC entry terms, even if the overall political rationale in favour of accession was not seriously doubted. Criticism was only fully articulated when the negotiations drew to their conclusion in 1985, which led to a more intense interaction between the EC and domestic arenas.

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[30]Interview with Spanish MEP (PP), Brussels, 22 February 1996.

[31]Interview with Head of Galicia regional office, Brussels, 21 February 1996.

Conclusions

At EC level, Spain set forward tough bargaining terms, demanding equality of respect and recognition of its status as a middle ranking power in view of its belief in 'a self evident right to be treated as an equal by the Community' (Preston, 1997, p. 85). At domestic level, the Spanish government had to maintain the balance in favour of membership throughout the negotiations (*El País,* 22 March 1985). This set the scene for a long and complicated accession process in which the Spanish state played a key role at domestic and EC levels.

During the talks on accession, tough economic decisions solidified the PSOE's status as a party of state, and the only political force able to deal with EC issues, thus contributing to its 'electoral hegemony' (Marks, M., 1997, p. 76). Otto Holman (1996, p. 92) highlights the key importance of the incorporation into the Community for the Spanish government when he describes the progressive subordination of its domestic policies to the PSOE's European project. The need to build and sustain an internal coalition in favour of EC accession was minimised by the overwhelming consensus existing in Spanish society, although discrepancies between domestic expectations and EC obligations had to be explained in sectors set to lose heavily from EC entry. Constituent support was important in view of the national elections in 1986, but the large majority of the PSOE government from 1982 generally enhanced its level of autonomy in the formulation of European policy. Despite interparty criticism, even the main opposition parties could not oppose the fundamental objective of attaining EC entry. González had an unquestioned control over government, the party and electorate, which meant he was able, unlike the UCD who had resorted to financial palliatives, to carry through electorally unpopular economic policies. Even former UCD government officials acknowledged the use of EC entry as a strategy to carry out essential domestic restructuring:

> Es difícil tomar la decisión de cambio de legislaciones en una democracia nueva, por miedo a las repercusiones electorales que ello pudiera tener. La adhesión nos marca el camino del progreso, sin coste político alguno en la lucha electoral interna, ya que la transformación legislativa y la modernización se nos imponen desde fuera...'.
> (It is difficult to take the decision to change laws in a new democracy, for fear of the electoral repercussions that that could have. Accession sets out the path towards progress, without any political cost in the internal electoral struggle, given that legislative changes and modernisation are imposed on us from outside...' (Bassols, 1995, p. 170).

EC accession thus acted as a strong force against established vested interests opposed to liberalisation in Spanish society. Evans (1993, p. 400) considers that 'interests that

create intractable obstacles to international agreements in the short run...are likely to be the object of restructuring efforts in the long run'. For example, the Agriculture Minister, Carlos Romero, stressed that one-third of the agriculture sector would be lost without EC entry (*El País,* 20 April 1985), arguing that the benefits would become evident in the medium term even if the transition period was difficult. Morán (1984, p. 59) openly admitted the difficulties and the vulnerability of certain sectors but emphasised the 'volonté de transformation et de rationalisation économique' (the willingness to adapt and carry through economic rationalisation) in Spanish society. The government highlighted the fact that EC entry would put the country on an equal footing with other EC member states, for example through providing funding for underdeveloped regions. This was an important consideration given that Madrid, the most developed province, represented 85% of the average EC gross domestic product (GDP) prior to accession, whereas the less advanced provinces represented only 36% (Payno, 1983, p. 14). Spain therefore believed from an early stage in the accession process that the EC would 'arm them with the weapon of re-negotiation' (*FT*, 15 December 1980). González assured his constituents that 'the EC will not impose further demands beyond our social and economic means' (*Europe 86,* no. 253, January-February 1986, p. 48).

The Spanish government had to adjust its policies considerably to reconcile its domestic policies to long-term EC aims. Therefore, 'each part of the government's domestic, social, and economic policy was presented and legitimized by reference to the necessity of adjusting Spanish socio-economic and political structures in the light of future membership of the EEC...' (Holman, 1996, p. 80). A key example is the case of fisheries, where the interests of the sector had to be compromised in return for the expected benefits of EC membership. The government expressed its determination to protect the sector's existing rights, while gaining additional advantages from incorporation into the CFP. Michael Marks (1997, p. 94) concludes that 'in the end, the Socialist government changed from protecting the narrow interests of Spain's huge fishing fleet to adopting the Community line that it was best to limit the size of the Spanish fleet in favor of strengthening the Common Fisheries Policy of the EC'. The aim was to prove to its counterparts in the negotiating arena that its policies would also largely benefit the EC as a whole. Despite the overall domestic consensus, the PSOE's objectives were strongly attacked from outside the party, and underlying tensions were even caused within the party by the increasingly neo-liberalist direction of policy (Holman, 1996, p. 84).

Couching membership negotiations in political terms was an effective government ploy to overcome opposition in certain sectors, although the EC tried to emphasise the

economic realities of entry. Spain was seen by one analyst as a 'sensible and realistic polity', which was not expecting too much from the EC economically but regarding it as vital politically, although its greater awkwardness once a member was considered likely (Holmes, 1983, pp. 177–8). French opposition to Spanish produce was thus seen as 'an attempt to keep Spain in backward isolation' rather than sectoral opposition to the threat to their markets (*Europe 85*, no. 5, May 1985, p. 15). A study of the UK domestic negotiating arena leading up to EC accession showed how interest groups concerned with material benefits had less influence as the negotiations became more politicised (Lieber, 1970). In the case of Spain, the balance between economic and political rationales was reversed, as negotiations were politicised at the outset, and economic concerns only became more pronounced later. Although the political imperatives were genuine and existed from the outset, state strategies (described in Chapter 2 as 'creative statecraft' by Moravcsik, 1993b, p. 16) were a way of dealing with narrower economic interests, since opposition could be interpreted as disloyalty to the 'national interest'. Friman (1993, pp. 393–4) refers to the shaping of perceptions of domestic actors by stressing the broader issues at stake, thereby increasing the costs of opposition, at least morally. It is thus that 'domestic factors are manipulated by elites in order to create support for their chosen policy initiatives' (Marks, M., 1997, p. 6). The definition of issues to strengthen the position of the state vis-à-vis domestic actors would seem relevant to the Spanish case. For example, a key objective of NATO membership was to stabilise the democratic framework, and enhance a fuller acceptance of Spain in the European context. Political goals seemed far more important than national security issues in the debate.

González increased pressure on key member states by emphasising the growing tide of disillusion nationally. In 1980, according to PM Calvo Sotelo, 'los ámbitos empresariales y la opinión pública...se encontraban cada vez más desengañados ante el hecho de que los intereses económicos de la Comunidad pesasen ahora más que el interes político de nuestra entrada' (business circles and public opinion...found themselves increasingly disillusioned with the fact that EC economic interests now had more weight than political interest in our entry) (Bassols, 1995, pp. 241–2). Although the Spanish government alerted industry at national level to the necessity of facing up to the realities of the market economy, it criticised EC negotiators for insufficient understanding of Spain's problems which was in danger of strengthening internal anti-EC feeling. The Secretary of State for the EC described EC agricultural demands in 1984 as going beyond what could reasonably be expected of Spain in sensitive sectors such as the olive-growing industry in Andalusia (*Ya*, 26 February 1984, Ministerio de Asuntos Exteriores, 1984, pp. 194–98). The transition ban on fishing in EC waters for ten years, proposed for the Spanish fishing sector in 1984,

was also regarded as unacceptable by the Spanish government. It anticipated firm opposition when it presented such terms for endorsement to its parliament, particularly as many fishermen were in politically sensitive regions such as Galicia and the Basque Country (Harrison, 1992, p. 207). Despite this caution, many opposition politicians considered the state's autonomy was enhanced by the EC context, and that the government was freed from even a minimal parliamentary control over its running of external affairs (Herrero de Miñón, 1986, pp. 146–7). Control over resources and agenda-setting gave Spanish negotiators the power to build up coalitions of support domestically, and to reconcile sensitive sectors to intransigent EC demands. The control of information is particularly important where a high degree of uncertainty exists amongst domestic constituencies, even if the government itself is relatively inexperienced in EC-level negotiation, and unsure of the actual costs and benefits.

An example of domestic influence on the government's negotiating position at EC level was when a ten-year integration period for Spanish fruit and vegetables was decided on 20 June 1984, and, in the light of increased opposition from home, the Spanish government declared in July that it was seeking a general seven-year programme, with the exception of citrus crops (*Keesings Contemporary Archives*, no. 3, May 1985, p. 33590). This shows that a study of the accession negotiations as a single, unopposed, rational choice by the Spanish state at EC level without any reference to the Spanish domestic arena would be incomplete. An examination of the input of key domestic groups to the accession process, and their relations with the state, provides a fuller analysis of the negotiating process. However, the influence of domestic actors on the negotiations depends not only on their power, information resources, and visibility, but also on the extent to which the political opportunity structure allowed them access to the policy-making process. Chapter 2 set out key factors which were expected to close the opportunity structure during the accession process and permit a high level of state autonomy. Evidence from the analysis in this chapter affirms the predominant role of the state in the process as a result of the following sets of conditions:

1. Political rationale for EC accession which had a capacity to overcome economic or sectoral opposition

The overall political consensus in favour of EC accession was very important in dispelling major opposition to entry. It gave the government a broad-based level of support, enabling it to remain in control of the negotiations. Disputed entry terms were accepted, if reluctantly, because of the overall imperative of EC entry for which there were no real alternatives.

2. Strong, majoritarian PSOE government

The task of holding the balance in favour of membership, despite the existence of anti-EC lobbies in some key sectors, was far easier for a strong government backed by an ample majority in parliament. This was the case for the Socialist government which took power in 1982. González was able to carry through electorally unpopular economic policies, which the former UCD government had been less able to do. In February 1985, Secretary of State for the EC Marín denied that a strong government needed to make concessions at EC level to satisfy electoral objectives, considering that its strength lay in the conviction that 'la opinión pública se va a colocar detrás de nosotros por mantener esta actitud' (public opinion will support our adoption of a firm position) (Interview in *Ya*, 17 February 1985, Ministerio de Asuntos Exteriores, 1985, p. 231). This is one illustration of the confidence of the PSOE government in the support of its domestic constituency, which considerably enhanced its level of autonomy at EC level.

3. Process of decentralisation still at an early stage

The moves towards EC integration were occurring in parallel with the process of decentralisation in Spain so that, in key EC policy areas, the distribution of competencies between central and regional authorities was still being defined. This made regional involvement in EC negotiations a key issue; only some of the regions had the right to receive information on the drawing up of international treaties and agreements in areas of specific interest written down in their recently created statutes. Regional competencies had developed considerably since 1978 when 89% of all spending was controlled by central government (Gunther, 1996, p. 53), but the level of transfer of competencies was still limited when negotiations were concluded in 1985.

4. Lobbying process yet to be established in a newly consolidated democracy

Lobbies were only just beginning to establish themselves in the new democratic framework, despite the 'hurried ferment of interest group formation' noted in the years of the consolidation of the democracy (Giner and Sevilla, 1984, p. 134). The Spanish polity had recently emerged from the era of protected, elite groups under Franco, and civil society needed to establish itself to create the conditions necessary for the organisation and legitimation of interests. The lobbying process in Spain was therefore noticeable for its fragmented nature during the accession negotiations, when even the strongest domestic groups only had a sporadic and restricted influence over policy decisions.

5. Low level of demand for information on the EC

A general lack of information about the implications of EC entry existed in Spanish society, which, in some cases, meant that criticism only emerged late in the process when domestic actors became more aware of the length of transition periods and the detail of safeguard clauses. Only a minority of better informed regions sought to obtain an input to the negotiating process, and trade unions had a limited knowledge of negotiations at EC level.

The state was not significantly constrained by opposition to entry terms in the domestic arena, which ultimately gave it full control over the negotiations. Furthermore, the majoritarian PSOE government was able to justify domestically tough measures agreed at EC level. This was even the case when demands clashed with those of the electorate, with the danger that 'the long-term benefits that economic restructuring was expected to have might not materialize in time to vindicate the governments' actions in the eyes of voters and economic interest groups alike' (Marks, M., 1997, p. 12). The state was able to manipulate domestic demands to increase its bargaining power at EC level, for example in the case of the demands of steel producers, which the government used to obtain the optimal deal for the sector. Although the Spanish delegation argued that it was at the mercy of key sectoral interests, the extent to which the EC took this negotiating ploy seriously is doubtful in view of the consensus in favour of membership commonly known to exist. Putnam's (1993) strategy of 'tying hands' to increase the bargaining advantage was thus of limited utility in Spain's accession negotiations. As argued in Chapter 2, domestic constraints can only be exploited when bargaining involves relative gains for each state, whereas they are more likely to obstruct an agreement where all states aim to obtain mutual benefits (Mayer, 1992).

The state-centric perspective thus seems appropriate for an analysis of the accession negotiations. Only minimal evidence exists for the development of a domestic ratification process, as in the two-level game approach described in Chapter 2. However, the incorporation of domestic political considerations within the state-centric approach helps to explain how national preferences were aggregated, and clarifies the strategies adopted by the state to achieve its international goals. The development of a multi-level process was inhibited during the 1979–86 period by sets of conditions which allowed central government to monopolise the interface between the separated EC and domestic arenas. The evidence examined in this chapter supports the predominant assumption in the literature that the government's strategies to retain a consensus in favour of EC entry in the domestic arena were facilitated by its high level of autonomy. The costs of non-agreement were high in view of Spain's

political necessity for EC accession, and it was ultimately the state which remained the exclusive channel for the representation of domestic interests throughout the negotiating process.

Chapter 4
CHANGING RELATIONS BETWEEN THE SPANISH STATE AND DOMESTIC ACTORS DURING EC/EU MEMBERSHIP

The central role played by the Spanish state during the negotiations for Spain's EC accession, and the limited participation of actors other than the state in the process, were presented in the previous chapter. The nature of the political opportunity structure during EC/EU membership, as a result of the changing sets of conditions outlined in Chapter 2, may be expected to lead to a higher level of domestic involvement in the policy-making process after accession. This chapter seeks to reconsider many of the existing, relatively static interpretations of Spain's EC/EU membership, thus adopting a perspective which takes greater account of the participation of key domestic actors in the policy process.

Firstly, the institutional arrangements and key actors involved in the national policy-making process are examined. An initial focus on the nature of the pre-existing national framework is important as it can be considered to mediate the process of adjustment to EC/EU membership. Secondly, the mechanisms developed for the formulation and co-ordination of EU policy during Spain's membership are analysed, including an examination of the involvement of key domestic actors. Conclusions are then drawn on the extent to which the political opportunity structure has changed, and the potential impact of the new context for policy-making on the level of state autonomy.

Institutional framework

The framework for policy-making in Spain is a relatively recent development following the end of the Franco era in 1975. The centralist control of both political and economic structures in Spain was a key element of the Francoist dictatorship, thus enhancing the role of central government while inhibiting the development of independent organisational life (see Chapter 3). This section seeks to highlight significant features and key developments in the nature of the policy-making process, focusing on central government, parliament, regional government, and key socio-economic actors.

Central government

In Spain, the domination of the policy-making process by the executive is particularly marked. Its role is enhanced in the 1978 Constitution, as illustrated by the privileged position of government bills, the vast majority of which are initiated by the executive.

The primacy of the Spanish central state has led to analogies with the institutional structure in France (Lequesne, 1993), in contrast to a more dispersed executive in other member states such as Germany (Bulmer, 1986). Political circumstances have enhanced the role of central government, for example highly disciplined Spanish political parties (see section on parliament), and the single-party majoritarian PSOE government from 1982–93. The Constitution accords particular importance to the strength of the president of the government, described in this thesis as the Prime Minister or PM, who is chosen following the King's consultation with representatives of the main political groups, and elected by means of a vote of investiture in the parliament.

The PM enjoys considerable autonomy in shaping the political agenda in the Spanish policy-making process. It is his programme that is voted on, a personalisation which indicates the importance of the position in Spain (Heywood, 1991, p. 99; 1995, p. 90); this emphasis continues during Aznar's term of office in the late 1990s, described as the 'sobredimensionamiento de la figura del jefe del Gobierno en el ordenamiento constitucional' (exalted status of the figure of Head of government in the constitutional order) (*El País*, 8 March 1998). According to Michael Newton (1997, p. 77), the PM 'becomes almost synonymous with the government'. Article 98.2 of the Constitution outlines his powers as the direction and co-ordination of the government's activities, and supreme control over all ministries including the appointment and dismissal of ministers. The Constitution also refers to the existence of one or more deputy PMs without indicating their specific duties, which have largely depended on each leader's objectives[1]. The most important political resource for the PM is the party, the management of which is one of the central roles of the leader (Jones, 1991). He also has an expert team of advisers who keep him regularly informed of policy developments[2]. His control of the policy process depends on many contingent factors such as the unity and homogeneity of the party, the extent of the party's parliamentary majority, and the level of popular support he commands (Bar, 1988, p. 112). In addition to these endogeneous factors, exogeneous challenges also determine his level of authority (Heywood, 1991, p. 100; 1995, p. 91). For example,

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[1]While González was PM, he concentrated more on foreign policy and general political strategy, while his deputy concentrated on internal matters including institutional problems, illustrated by the division of powers between González and Alfonso Guerra in the 1980s. The PM's power to modify the institutional structure is illustrated by Aznar's appointment in 1996 of two deputies or Vice-presidents, responsible for the Ministry of the Presidency, and the Ministry of Economy and Finance.

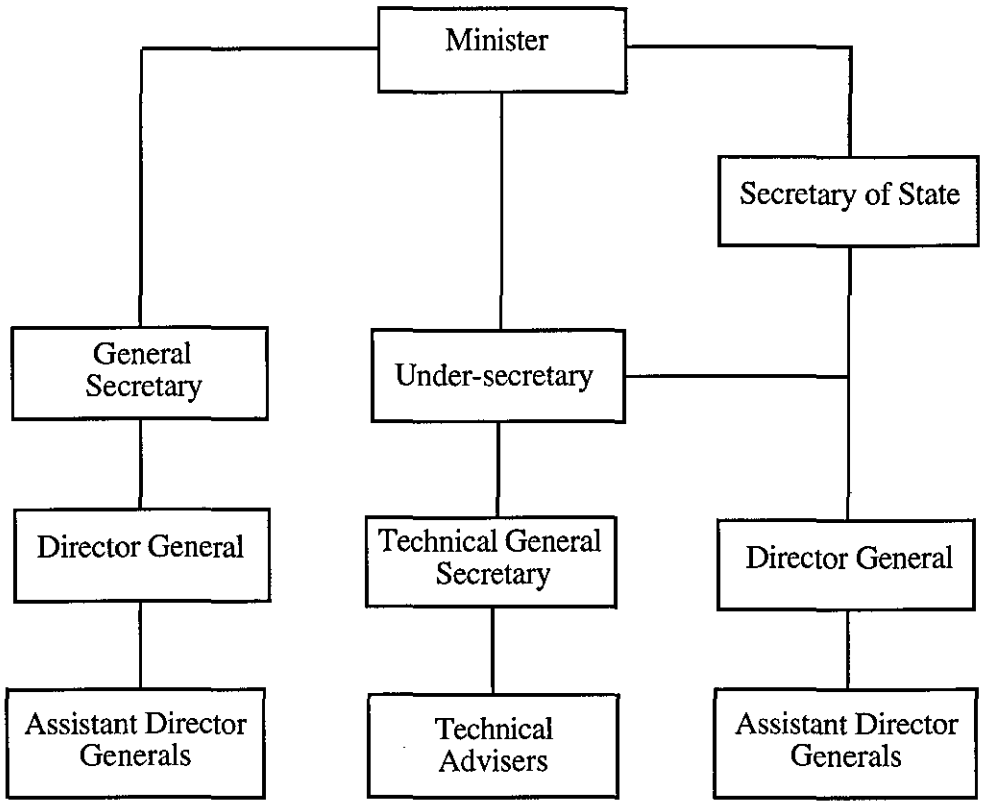
[2]The Presidency's office began as a small department, but has become equivalent to a ministry, its main purpose being to provide an advisory service, particularly in relation to issues to be discussed at cabinet meetings. The most important sub-division is the cabinet of the Presidency or PM (*Gabinete de la Presidencia*), which began to function when González came to power. This is a separate entity from the government's office or the Ministry of the Presidency (*Ministerio de la Presidencia*), which includes the office for relations with the parliament.

Suárez faced considerable political challenges during his 1976–81 term of office, namely the need to establish the new Constitution, economic recession, and increasing demands for regional autonomy, whereas González had a far more solid basis for political success in 1982, using the prospect of economic recovery and EC accession as a foundation for his policies (Heywood, 1991, pp. 105–6; 1995, pp. 95–6).

The top political category of the government is the cabinet (*Consejo de Ministros*), described by Newton (1997, p. 81) as 'the highest political and executive body in the land'. The cabinet is headed by the PM and includes the Deputy PM(s) and the ministers. The agenda is prepared by the General Committee of Secretaries of State and Under-secretaries which allocates the budgets to the various ministries and plays a key part in the decision-making process, only passing on the most controversial issues to the cabinet for discussion. The key roles of the cabinet are to exercise the executive function of formulating and approving national policy, to discuss and then present draft bills to parliament, and to propose regulations for the implementation of law already approved by parliament. Five cabinet committees have been established, which act in an advisory capacity and improve policy co-ordination between departments; the Committee for Economic Affairs is the most frequently convened. Ministers form a key element of the core executive, but also manage departments of public administration, indicating the overlap between administrative and political positions. They enjoy considerable autonomy in the running of their ministry, although they are ultimately responsible to the cabinet, to whom they present outline draft laws, and to the parliament, where they can be called upon to explain their policy decisions at any time. Figure 4.1 shows the structure of a typical ministry in Spain in 1995.

The positions of Secretary of State and General Secretary were introduced by the 1983 Law on Central Government Structure and are filled by political appointees, whereas the majority of positions below this level are, in theory, restricted to career civil servants. The PSOE sought to clarify political and administrative roles in 1984 when an effort was made to establish specific guidelines for all positions (Keating, 1993, p. 336). No other radical reforms of the administration occurred until 1997 when two new laws updated that of 1983. Changing political circumstances have led to alterations in the structure and role of ministries. For example, in May 1996, the new PP government merged the ministries of Culture, and Social Affairs with existing ministries, and established a Ministry of Promotion (Fomento). However, restructuring is more an indication of the priorities of the new PM and the government, and their power to shape the institutional structure, than of substantial

Figure 4.1 Structure of a typical ministry in Spain



(Source: Newton, 1997, p. 94)

Notes:

The Secretary of State, despite considerable power within the ministry, is not involved in legislative functions, but can stand in for the Minister, for example in parliamentary hearings. Not all ministries have this position, although they are increasing in number. The Secretary of State may attend the Council of Ministers if invited, but is not a formal member of the Cabinet.

The Under-secretary is responsible for the administration of the ministry, for communication between its various divisions, and for the drawing up of legislative drafts and other legal documents. The position has an important role in the weekly General Committee of Secretaries of State and Under-secretaries meetings where key decisions on government policy are taken.

The General Secretary, which does not exist in all ministries, officially has the same rank as the Under-secretary, but does not enjoy the same prestige (Newton, 1997, p. 96).

The Technical General Secretary often enjoys direct contact with the Minister, despite ranking below the Under-secretary, and heads an important team of technical advisers, experts and researchers who provide essential expertise to the ministry. Some commentators consider that this position has declined in status, given the importance of the minister's own team of advisers (Ross, 1997, p. 38).

The Director Generals and their Assistants are responsible for the day to day running of specific departments and provide an annual report to the Minister on progress made.

changes in policy-making. The monopoly of the PSOE government over the policy-making process was criticised by one analyst who concluded that 'the government, and the premier in particular, have not always resisted the temptation (offered by an initially unassailable parliamentary majority) to act in ways that have been allegedly authoritarian' (Newton, 1997, p. 89). However, Holman (1996) highlights the less assured power base of the PSOE in the 1990s, namely the end of its parliamentary majority in 1993, the growing internal divisions within its organisation, and the increasing conflict with domestic groups over tough economic decisions. These factors could be expected to have a considerable impact on the government's relations with parliament, although the strong role of the executive in Spain, and pacts with regionalist parties, have enabled Spanish governments in the 1990s to retain their key position in the policy process.

Parliament

The Spanish parliament or Cortes Generales is divided into two houses, the Congreso de los Diputados (Congress or Lower House) which has precedence in most matters, and the Senado (Senate or Upper House). According to Article 66 of the Constitution, the role of the Cortes is to 'exercise the legislative power of the state, to approve the state budgets, to control the actions of the government and to exercise the other powers vested in them by the Constitution'. However, the emphasis on consensus and negotiation during the transition resulted in a weak parliament whose main role was to facilitate pacts between the different political parties. The defeat of the government using a formal vote of censure is extremely unlikely, and the cabinet only needs the support (ordinary majority) of the Congress. The Senate is described as the chamber of territorial representation, although the vast majority of representatives are elected from the provinces as for the Congress. The effectiveness of the Senate is questionable when it is given only two months, or in urgent cases twenty days, to review bills passed to it by the Congress (Heywood, 1995, p. 100), and it has no significant role in the relationship between government and parliament. A reform to enhance its role as a territorial chamber representative of the views of the Autonomous Communities remains on the political agenda.

Although a more active role was possible for the parliament in the post-Franco 1979–82 period, after 1982, the majoritarian PSOE government gave little importance to parliamentary debate. The strength of González's position as PSOE leader was reinforced by the low levels of party membership, and the fact that few cabinet members were simultaneously members of the party's executive committee. The role of the parliamentary Socialist group was weakened by the highly centralised nature of the party. This resulted in the parliament having a 'subordinate position in which its

role amounts to little more than that of a privileged observer of the direct and intense relationships that exist between the government and the opposition. Accordingly, it tends to limit itself to supporting dutifully whatever the government does or proposes to do' (Capo Giol *et al.*, 1990, pp. 116–17). All members of the Spanish parliament are generally bound by a strict party discipline, especially on matters requiring voting, and full support is expected for the party leader. Little space is left for divergent views or independent initiatives when the party spokespersons tightly control both procedure and outcomes. The decline in parliamentary influence is exacerbated by the rare occasions for spontaneous debate, the few opportunities to question the PM, and the focus of the electoral system on parties rather than individuals (Newton, 1997, pp. 71–2).

Legislation can be initiated by parliamentary groups and, if the government presents no objections to the bill within thirty days, it is submitted to the Congress followed by the appropriate committee for debate. However, government bills are clearly prioritised over parliamentary proposals. From 1982, 90% of all legislation debated was proposed by the government, the majority of which was speedily approved in parliament with minimal debate and minor amendments (Alda Fernández and López Nieto, 1993, p. 257). Few limits to the power of the executive exist when a passive parliament generally follows the government's line, rarely setting up investigative commissions and not even serving as a forum for public debate. Domestic groups prioritise dialogue with the government for access to the policy process; parliamentary debate is generally regarded as being of minor importance for their interests. The lack of an effective opposition party reinforced the centrality of the government, and even the clear loss of majority for the PSOE in 1993, and the rise in importance of opposition parties, did not significantly change the executive-legislative balance.

Regional government

The Constitution establishes that regions may have a degree of limited self-rule; Article 148 defines areas where powers would be assumed by the Autonomous Community, and Article 149 lists those powers reserved for central government. The speed of devolution depended on the route to autonomy used, the so-called 'rapid route' used by Catalonia, the Basque Country and Galicia permitting higher levels of regional competency sooner than the slower route[3], although it was intended that all regions would eventually be able to attain the same level of autonomy. The

[3]While it did not qualify for the fast route option as an historic nationality, widespread support for full autonomy existed in Andalusia and, following a referendum on the issue, the region joined the other three historic nationalities in their accelerated procedure towards full autonomy.

devolution process began in Catalonia and the Basque Country, whose Statutes of Autonomy were ratified in parliament in 1979, and power was transferred to all regions by 1983. The rapid development in Spain of a semi-federal structure ensured expanding regional competencies in an increasing number of areas formerly controlled by central government.

Each region has a legislative assembly elected by universal suffrage, a government headed by a president, and a high court of justice. The Statutes of Autonomy determine the regional government's capacity to draw up, approve and administer laws, and its relations with central government, while it is left to each regional executive to decide on the structure of public administration. From the outset, regional governments have been given considerable freedom in drawing up their own budgets, although the state generally retains responsibility for taxation[4] (See Chapter 5 for the system of regional financing in Spain). The Autonomy agreements of 28 February 1992 advanced the open-ended process of devolution, seeking to harmonise the level of decentralisation between the regions, and establish intergovernmental co-operation between central and regional authorities. The dependence of the government on regionalist parties for a majority in parliament from 1993 resulted in an enhanced bargaining power for key regions such as Catalonia and the Basque Country (see section on the framework for EC/EU policy-making).

Socio-economic actors

Despite the considerable development of key domestic groups in Spain, trade unions and employers continue to criticise the lack of consultation with the state. Relations between trade unions, employers and central government are considered here with a view to highlighting the attempts of socio-economic actors to obtain a greater input to the policy process.

TRADE UNIONS

The declining influence of the union movement can be noted in most EU member states, including Spain, in the 1980s and 1990s, partly as a result of structural changes in European economies which have inhibited union activity. The level of affiliation was still only around 10–15% of the Spanish working population in 1994 according to most estimates. However, between 1989 and 1993, the UGT recorded an increase of over 50% in their membership, partly explained by its growing distance from the increasingly unpopular PSOE government, and its more militant policies in favour of

[4]The exception is the statute for the Basque Country and Navarre which includes certain tax-raising privileges.

workers (Newton, 1997, p. 234). The CCOO also reported rising membership, although the number of members declined in regions with high unemployment (Newton, 1997, p. 239).

A more fragmented movement has emerged in the 1990s due to the rise in importance of smaller unions representing particular sectors, and the greater autonomy of regional federations in the decentralised structure of the two main unions. A further cause of weakness has been the disunity between the UGT and CCOO. The CCOO has often advocated militant methods to win concessions from the government, while the UGT has mostly adopted a more moderate line, focusing on negotiation with both individual employers and the government to highlight its demands. In general, the UGT's strategy has been more successful than the CCOO's militancy, but both unions combined forces in the late 1980s, reflected in the united action agreement of February 1988, which was facilitated by the election of a new, more flexible CCOO leader, Antonio Gutiérrez. Faced with the PSOE government's increasing cuts in social spending in the late 1980s, three major strikes were called between 1988 and 1994 by the two unions, the UGT having formally severed its links with the PSOE in 1988. Even though the unions sought to maximise their influence on the government, particularly on issues such as wage bargaining and labour market reforms, their protest had little effect on policy decisions, as illustrated by the fact that widespread union opposition to economic policies in the 1990s seemed to have little impact on the government (Heywood, 1995, p. 253). This is clearly illustrated by the statement of the former Economy Minister Miguel Boyer to the UGT leader Nicolás Redondo that 'the norm in democracies is that the government takes decisions and afterwards informs the social agents' (Petras, 1993, p. 120). Tripartite negotiation with employers and the government became increasingly problematic in the 1990s, and it is significant that neither the Competitiveness Pact (1990) nor the Social Contract for Progress (1991) were ultimately signed. Despite moves towards co-operation with social partners by the new PP government[5], relations were reported to have worsened in 1998 (*El País*, 8 March 1998); union influence thus remains limited. Increased dialogue with government officials is still a key objective in view of the lack of success of public protest, and the UGT and CCOO have published joint documents and adopted united strategies with a view to enhancing their influence on the government's economic and social policy decisions.

Another channel used to gain access to the policy process has been the Economic and Social Council (Consejo Económico y Social), belatedly established by the Law

[5]Pacts between key socio-economic actors and the PP government were signed in 1997.

21/1991 of 17 June, as originally set out in the 1978 Spanish Constitution (see Chapter 3). The Council is a consultative organ on economic and social issues, providing trade unions, business and various sectoral and other representatives with a forum in which expert advice and recommendations can be given to the government on draft laws submitted to them by ministries. However, the forum has little impact on the policy process given that the cabinet is not obliged to implement recommendations, which are made in the absence of government representatives. Furthermore, because of the large number of members, it is difficult to reach consensus on the range of issues which fall within its remit (Soláns Latre, 1995, pp. 93–4). Evidence from interviews would suggest that trade unions will have little confidence in the Council until its structure and status are reformed[6].

EMPLOYERS

The CEOE is a loose alliance of organisations which, in the 1990s, incorporates around 184 employers' federations representing nearly one million employers (Newton, 1997, p. 258). The majority of business organisations have affiliated to the Confederation, accounting for 75% of all employment (Keating, 1993, p. 340)[7]. Conflict of interest between sectoral and territorial groups is common, especially in important sectors such as metals and construction, although regionally based groups, for example in Madrid and Catalonia, have also become more established (Keating, 1993, p. 340)[8]. The size and broad-based membership of the CEOE should make it a privileged discussion partner of the government in economic questions, but it lacks negotiating authority (Heywood, 1995, p. 255). Few policy areas exist where the CEOE has a substantial input, although it has sought to expand its areas of intervention. Ironically, its attempt to reduce labour involvement in policy-making ultimately restricted further its own input to policy formulation (Martínez Lucio, 1991, p. 47). Despite its monopoly of business interests, it has still not developed the capacity to represent the demands of diverse sectoral and business groups. As well as the loose nature of its organisational structure, the high level of foreign ownership works against organised employers' interests. Spanish industry lacks 'leader' companies to play a key role and strengthen the CEOE's influence on the government, and competition between employers has further inhibited the development of an influential organisation. Other bodies such as the Chambers of Commerce constitute an important form of representation for smaller employers at

[6]Interview with official of CCOO, Madrid, 21 May 1996.

[7]Other commentators (such as Colomer, 1995, p. 228) have reported that more than 90% of businesses are affiliated to the CEOE.

[8]The 184 federations of the CEOE consist of seventeen confederations representing Spanish regions, thirty seven provincial associations, and 130 sectoral organisations at national or regional level (Newton, 1997, p. 258).

local level, while larger, multinational firms negotiate directly with the government without needing a representative association, or use alternative channels to pressure policy-makers within groups such as the Círculo de Empresarios. Newton (1997, p. 259) considers that 'the supremacy of the CEOE-CEPYME was clearly signalled when it secured the totality of employer representation on the Economic and Social Council'. However, the Council's lobbying power was limited, not least because of the obligation to reach a common position with the unions whose interests often conflicted with those of business.

Despite the limitations of the CEOE, its attempts to improve links with both central and regional government as well as the trade unions in the 1990s may lead to greater access to the policy process. The Confederation's relations with the party in power have been important in determining its influence. In the latter half of the 1980s, under the leadership of José María Cuevas, it placed greater emphasis on deregulation, wage restraint and liberalism than previously, and was less committed to achieving pacts with the government and unions. Access to the policy process under the Socialist government was more difficult, and relations with the unions also became increasingly strained[9]. In the early 1990s, attempts at political dialogue with the unions and government were renewed, but the CEOE was often marginalised from debates. Although its support for the PP varied according to its policy line, close links with the party were expected to increase the CEOE's potential for influencing government policy from 1996. However, during the election campaign in 1995–96, Aznar highlighted the distinction between the Confederation's demands and his party's policy (Ross, 1997, p. 117).

Other than the lobbying mechanisms established by the CEOE, Spanish employers lack an effective system of interest mediation, thus making their participation in the formulation of Spanish government policy problematic. Interest groups tend to be small and weak, and have limited capacity to negotiate on behalf of their members. This is partly the result of the relatively new democratic framework established in Spain, and also of public reliance on the state to deal with domestic problems, as is consistently shown in opinion polls (Ross, 1997, p. 131). Consequently, pressure is largely channelled through state-controlled organisations. Some economic sectors exert a greater influence, a key example being the banking sector whose control of

[9]At the outset, the CEOE, under the leadership of Ferrer, enjoyed close relations with the UGT and reached a series of accords with the unions from 1979, thus contributing to the strengthening of the position of the UGT over the CCOO (Martínez Lucio, 1991, p. 52). However, the subsequent leader, Cuevas, developed closer relations with the PP, and was less sympathetic to the union cause (Heywood, 1995, p. 255). Although the unions' influence was considered limited, the CEOE was wary of any increase in their standing vis-à-vis the government (Heywood, 1995, p. 254).

considerable commercial interests has ensured its impact on government policy. However, a succession of mergers has significantly reduced the number of leading banks, which may have increased their commercial power, but has not enhanced their collective political influence. This has happened to a large extent because the main banks often work independently rather than presenting a unified policy position (Ross, 1997, p. 115). Furthermore, increasing presence of foreign banks in Spain has limited their autonomy, although they still remain one of the most powerful Spanish lobbies. By contrast, the lobbying strategy of other economic sectors is considerably underdeveloped, as illustrated by the limited influence of the agricultural sector, with the exception of certain well organised sectors dependent on exports such as fruit and vegetables, and wine. In view of the generally weak representation of business interests, the CEOE has acted as the most important point of reference for employers despite its limited access to the policy process, thereby contributing to the forging of an employers' identity at national level (Martínez-Lucio, 1991, pp. 53–4).

In conclusion, the policy-making process in Spain is characterised by a strong executive and a relatively weak legislative. A pluralist framework is only gradually developing in comparison with the more established lobbies found in other European countries. Little evidence exists for the development of access points to the policy process for key domestic actors such as trade unions and employers, although regional authorities have been able to increase their competencies and influence to a greater extent as the decentralisation process has advanced.

Framework for EC/EU policy-making

Spain's incorporation into the European framework led to new demands being placed on the Spanish administration, which are explored in this section. Key domestic actors sought to maximise their access to the bargaining process by adapting to the potentially new opportunity structures at national and EU levels.

Central government

From an analysis of the impact on national administrations of the need to accept organisational modernisation, reform, and innovation on accession to the Community, Vincent Wright (1996) concludes that a change in the balance of power is likely, depending on the prevailing domestic political climate. The process of Europeanisation can be considered as 'an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making' (Ladrech, 1994, p. 69). The Spanish government adapted rapidly to the new demands,

its first EU Presidency in 1989 being widely regarded as proof that Spain, as a relatively new member, had developed the necessary administrative framework for European policy-making. The impact of some EU policy areas on the Spanish administration has been notable, for example cohesion policy (see Chapters 5 and 6), and environmental policy, which was largely a new area prior to accession. Pressure from the Commission may have contributed to the government's allocation of responsibility for the environment to the Secretary of State for Water and Environmental Policies in 1991 and, following the initial impetus, the policy area gained ministerial status in 1993, and a separate Ministry for the policy area was created by Aznar's government in 1996. The EU's impact on the development of the Spanish institutional framework is thus an important area for further analysis in view of its potential influence on policy formation.

The Secretariat of State for Relations with the EC within the Ministry of Foreign Affairs, responsible for co-ordinating the Spanish position during the accession period (see Chapter 3), continued to be responsible for co-ordinating EU policy during EC/EU membership (Law 1458/1985 of 28 August, replaced by Law 758/1996 of 5 May) (Secretariat of State for the EC, now the Secretariat of State for Foreign Policy and the EU, hereafter SSEU). In 1986, the SSEU consisted of a total of 158 employees, 105 of whom were career civil servants (Secretaría de Estado para las Comunidades Europeas, 1987, p. 11). SSEU officials have been recruited from the different ministries, which facilitates co-ordination because of their direct experience of departments and personal contacts. The SSEU has a number of working groups, not formally institutionalised, which discuss issues raised in the Council of Ministers at EU level. Ad hoc, informal meetings are held with ministerial representatives in the Secretariat, although the formal convocation of co-ordination meetings is within the framework of the Interministerial Committee for EU Affairs chaired by the SSEU (Law 1567/1985 of 2 September, replaced by Law 2367/1996 of 18 November). The Interministerial Committee seeks to achieve a consensus on issues which have caused conflict between ministries in the working groups, and to reach a united policy line. However, it has less power than the government's cabinet committees, and can only make recommendations. Representatives from the various ministries implicated in EU policy serve on the Committee; they are usually officials of lower rank than Director General, which does not enhance the Committee's standing (Dastis, 1995, p. 333). When agreement is not achieved on this level, or when the issue is considered highly important politically, the debate is transferred to the government's cabinet Committee for Economic Affairs (Law 1568/1985 of 2 September), or ultimately to the cabinet, which always has the last word on controversial issues. The final decision becomes an instruction communicated to the Permanent Representation in Brussels via the SSEU.

The structure of the Secretariat did not substantially change between 1986 and May 1996 when the government widened its remit to include foreign policy as well as the co-ordination of EU affairs, largely as a result of the need to streamline public administration rather than a logical restructuring of the EU policy-making process[10]. The broader remit of the Secretariat is illustrated in Figure 4.2. It is too early to evaluate the impact of the reform, although the increase in workload signified by the drawing of a wide range of foreign policy under the umbrella of the Secretariat would seem to be in danger of giving less priority to EU issues. Furthermore, initial impressions from government officials indicate that co-ordination between the Secretariat and the Ministry of Foreign Affairs will not be enhanced by the restructuring which is seen as representing 'un difícil equilibrio entre una necesidad de austeridad y ahorro y un funcionamiento flúido' (a difficult balance between a necessity for austerity and saving and a smoothly functioning system), although the basic mechanisms established by the Secretariat were not changed by the 1996 restructuring[11].

The Spanish Permanent Representation (SPR) was set up in 1986 (Law 260/1986 of 17 January), and is the only body to have the right to represent Spain in Brussels and ensure its interests are defended in all areas of European policy. It is also responsible for keeping the domestic arena informed of developments at EU level. In 1987, the SPR was staffed by forty eight officials, its relatively large size reflecting the Spanish objective of familiarising as many officials as possible with EC procedures (Hayes-Renshaw *et al.*, 1989, p. 124)[12]. The number increased during Spain's EC Presidency in 1989, making it second only to the Greek Representation. The SPR officially sends the initial draft position to Madrid for approval, but often votes in Council meetings without formal written instructions from central government. This has sometimes been due to a lack of instructions from Madrid, although central administration ultimately has full responsibility (Dastis, 1995, p. 326). In general, central government representatives have a detailed knowledge of the technical issues, which is relied on by officials in Brussels, but less awareness of more horizontal, strategic

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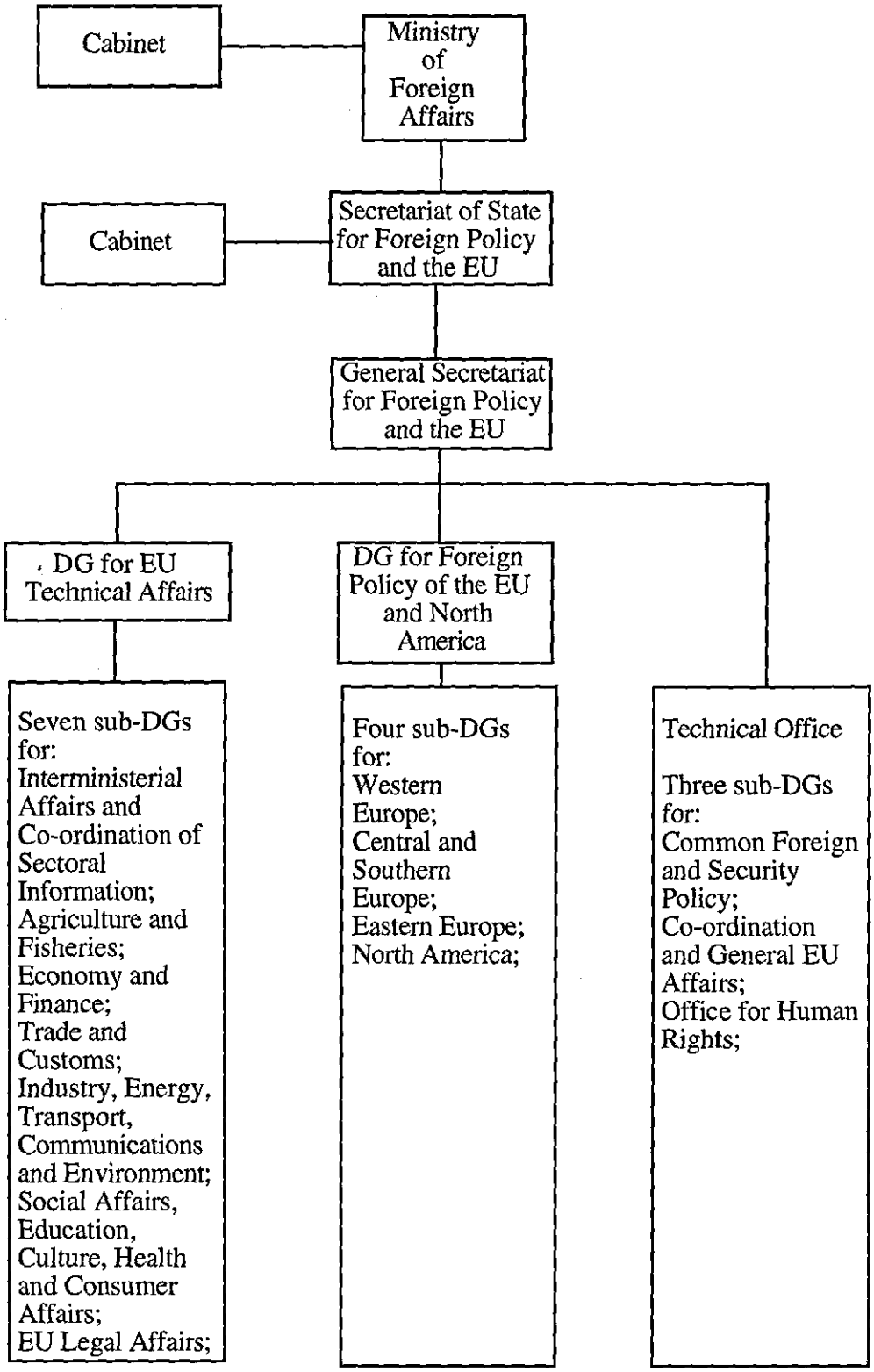
[10]The Secretariat was formerly divided into two DGs, responsible for the Technical Co-ordination of EC issues, and for the Co-ordination of Legal and Institutional affairs. The DG responsible for Technical Co-ordination was restructured in 1996, while the DG responsible for Legal and Institutional Affairs was disbanded, and its functions transferred to other sections of the Ministry.

[11]Interviews with official of the SSEU (Technical Co-ordination), Madrid, 29 May 1996, 13 June 1997.

[12]In an interview, an official in the Spanish Permanent Representation highlighted the small size of the SSEU in Madrid compared with the larger Permanent Representation in Brussels. Although an expansion of the SSEU has been considered, the number of officials in Madrid has not changed significantly (Interview, Brussels, 22 February 1996). This may be an indication of the greater importance given to the SPR for the monitoring of developments at EU level, and for the formulation of the national bargaining position.

Figure 4.2 Simplified structure of the Secretariat of State for Foreign Policy and the EU

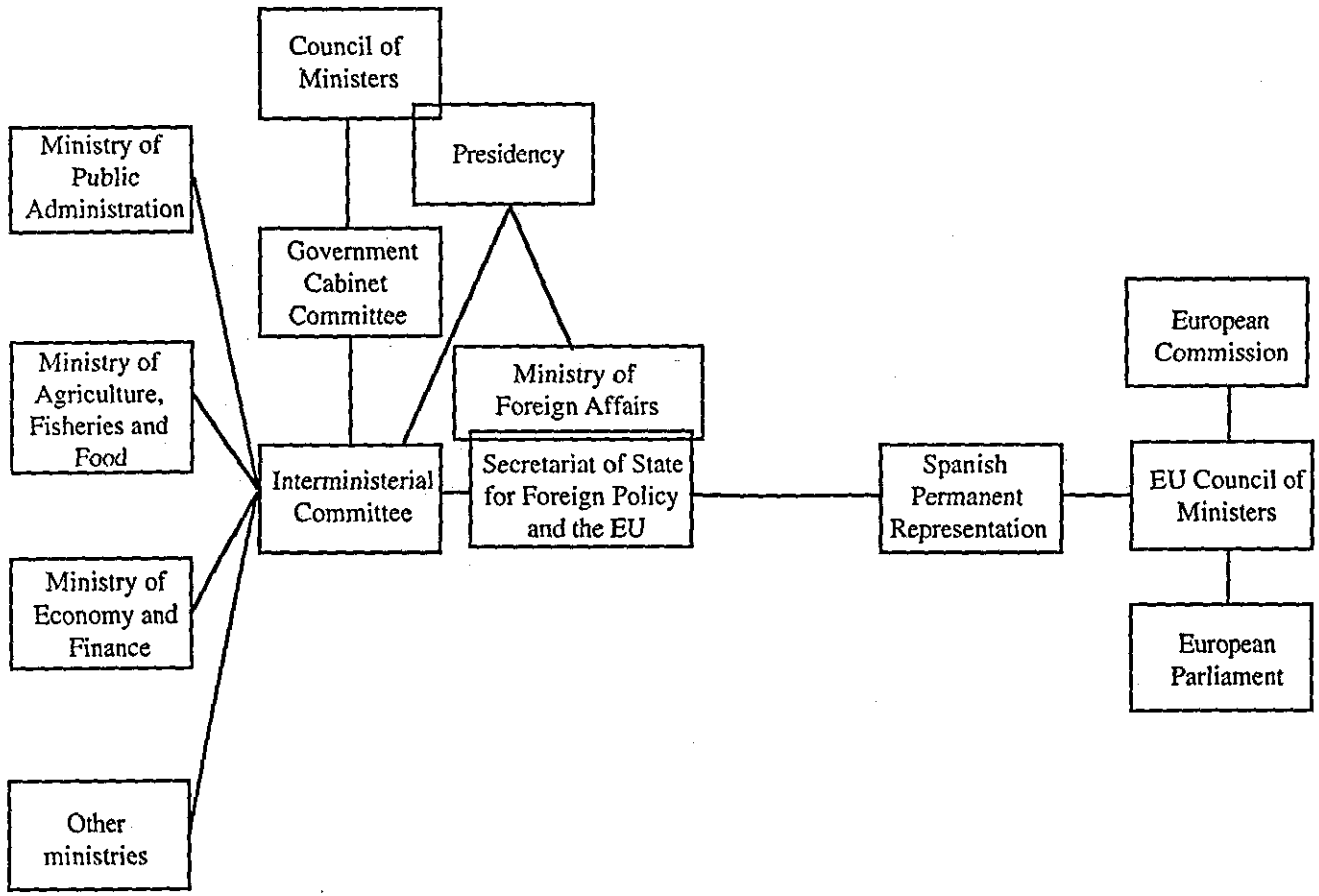


matters. The presence of Spanish administrators in Brussels allows close monitoring of EU policy development, and the establishment of contacts with a wide range of actors. The SPR enjoys a fairly high degree of autonomy in its formulation of the Spanish position, particularly in the case of officials with long experience of EU policy-making who often take the initiative in negotiations. The Spanish Permanent Representative and the Deputy Permanent Representative play an important role because they have a horizontal vision of all policy areas. Their contact with officials in the International department of the Presidency of the government is essential for the formulation of a strong Spanish position in the most controversial areas. The PM is informed of all politically sensitive EU issues, and plays a key co-ordinating role in the preparation of the European Councils. High-level policy decisions would thus seem to be the domain of a very small team of experienced officials which has remained fairly constant from Spain's EC accession negotiations[13]. Figure 4.3 sets out the official structure for EU policy-making, although the influence of the Presidency, the government cabinet committee and key ministries on policy formulation is expected to vary according to the specific policy area.

Ministries in Madrid are keen to maximise their involvement in negotiations at EU level which sometimes leads to duplication of effort and even a fragmentation of interests (González Sánchez, 1987, pp. 704–5). Problems of policy co-ordination, such as contradictions between instructions from SSEU, and influential ministries such as Agriculture, were commonplace even during the early years of membership (Hayes-Renshaw *et al.*, 1989, p. 131). Direct contact between the SPR and the particular ministry in question was often considered essential for a rapid formulation of the Spanish position, although the SSEU was mostly kept informed of the issues discussed. Co-ordination of EU policy depends on the effectiveness and capacity of the Spanish government to aggregate its internal interests and formulate a common position, rendered increasingly problematic when each ministry tends to establish direct contact with its interlocutor in Brussels. The Interministerial Committee has

[13]In an interview with an official of the Spanish Permanent Representation (Brussels, 22 February 1996), it was emphasised that the role played by key individuals in EU policy could not be overstated; for example Javier Elorza (Spanish Permanent Representative), who had a considerable influence in key ministries in Madrid and often a 'free hand' in Brussels, and Westendorp (formerly Secretary of State for the EC), who is highly regarded for his wide experience of Spanish involvement in EU affairs. The importance of such individuals is illustrated by the interviewee's allusion to a shift in the decision-making process in the early 1990s when Elorza and Westendorp moved from Brussels to Madrid. Pedro Solbes, who was formerly Secretary of State for the EC, was also noted by EU officials for his capacity to sell ideas formulated in Brussels domestically (Interview with official of Forward Studies Unit, European Commission, Brussels, 23 February 1996). The key influence of González was repeatedly emphasised in interviews; one interviewee described his briefings to parliament on Spain's achievements at the European Council meetings as largely accepted without debate (Interview with former official of Basque regional office, Brussels, 23 February 1996), an indication of the high level of autonomy enjoyed by the PM in the domestic arena.

Figure 4.3 Official structure for EU policy-making in Spain



frequently struggled to define Spain's position on issues on the COREPER and EU Council of Ministers agendas (Molins and Morata, 1994, p. 118). This is an indication of the development of a 'compartmentalisation' of government, where ministries act independently of the EU and develop their own relations with sectoral actors, as has been illustrated in the case of Germany (Bulmer, 1986, pp. 38–9). According to Article 2.1 of the law establishing the SSEU, its co-ordinating role should not negatively affect the competencies given to other departments (Dastis, 1995, pp. 330–31). Zapico Goñi (1995, p. 55) considers that the SSEU's Interministerial Committee is more a forum for information exchange, restricted to debate about specific episodes in the short term rather than long-term strategic issues. He describes it as merely 'una institución para la legitimación de las instrucciones que eran enviadas a la Representación Permanente' (an institution for the legitimation of the instructions sent to the Permanent Representation) (Zapico Goñi, 1995, p. 63), and argues that a permanent co-ordination unit within the SSEU would lead to a more horizontal, strategic defence of Spanish interests. It has been suggested that the SSEU would enjoy a greater degree of authority if directly attached to the Presidency of the government (Moderne, 1987, p. 154; Zapico Goñi, 1995, p. 55). This view was also put forward by a former official of the Secretariat, although he considered that one advantage of its position within the Ministry of Foreign Affairs was that it caused less conflict with the Autonomous Communities over the division of competencies between central and regional levels (Dastis, 1995, p. 331).

The SSEU seeks to centralise the EU policy-making process as far as possible, although the high level of co-ordination achieved during the accession process was far less easy to maintain during membership. Zapico Goñi (1995, p. 62) comments that many of the civil servants responsible for negotiating accession left the SSEU on Spain's entry, and new officials, although highly qualified, lacked the knowledge of Community procedures. Furthermore, the SSEU could not have in-depth expertise in a rapidly increasing number of policy areas, particularly when Spanish interests had to be defended multilaterally in the EU arena rather than bilaterally as during accession. However, co-ordination has been enhanced in the 1990s by more developed relations between the SSEU and the various ministries, improved intra-ministerial co-ordination and more stable representation in the Interministerial Committee (Zapico Goñi, 1995, p. 63). However, this positive view of the learning process undergone by Spain is not held by other commentators such as former SSEU official, Alfonso Dastis (1995), who concludes that co-ordinating mechanisms have deteriorated during EU membership, as illustrated by the diminished status of the Interministerial Committee. He relates the problems to increasing maturity of ministries who are assuming greater control of their particular policy area, but also to

the functioning of SSEU itself, highlighting the ad hoc, informal meetings which only occur in specific cases, and the 'cierta relajación en la labor de los propios responsables de la coordinación' (a certain relaxation in the work of those responsible for co-ordination) (Dastis, 1995, p. 349)[14]. Although the Technical General Secretary in each ministry is generally responsible for the dissemination of information and for making contact with EU institutions, the level of co-ordination varies considerably between ministries, and even those most active in European affairs have not always developed effective strategies to replace the SSEU's co-ordinating role.

Although the SSEU has minimal contact with key domestic actors, ministries active in EU policy generally maintain close relations with sectoral and regional interest groups prior to and during the drafting of directives, and during the formulation of the ministry's position. The increasing autonomy of key ministries could signal greater access to the policy process for domestic actors, particularly during the implementation phase when officials increasingly rely on their involvement. Although communication between Brussels, Madrid and regional authorities has been facilitated by technological advances such as the establishment of electronic mail links, implementation of a rapidly expanding EU policy agenda at regional level is problematic for central government, which relies on the participation of subnational authorities at ground level. Morata (1996, pp. 139–40) notes that a public survey among 650 senior public officials in 1991 by the Ministry of Public Administration concluded that an improvement in the mechanisms for implementation of European legislation was needed, as well as an enhanced level of co-ordination with regional administrations.

Access to the policy-making process is far more problematic during the policy initiation and decision-making phases, and national positions formulated by officials in Brussels and Madrid have not necessarily been approved domestically by the private sector (Molins and Morata, 1994, p. 129). Where relations between government officials and domestic actors have developed, they remain ad hoc and informal rather than institutionalised. EU membership could be considered to have given central government the opportunity to strengthen its decision-making functions and increase its monopoly over the policy process. As one of Lynn Maurer's (1995, p. 147) interviewees acknowledged in her doctoral research on executive-legislative relations, 'actually, the Government, and no-one else, is the one who has contact with

[14]One current SSEU official considered that the fact that Dastis had been based in the SSEU at an early stage, and had then returned to the Secretariat at a later date, meant that he was comparing two completely different situations, many changes being logical developments for any member state during EC/EU membership in view of the increase in number of actors and policy areas (Interview with official of the SSEU, Institutional Relations, Madrid, 29 May 1996).

the other members. In other words, the language, the gestures, and the codes are known only by the Government and the Ministers'. The role of the PM in formulating the Spanish bargaining position is particularly important. González played a key part at the highest level, generally enjoying greater autonomy in Brussels than in the domestic arena. This indicates the continued centralisation of the policy process, involving a higher number of ministries and a less developed role for institutions such as the SSEU, but more rarely including the involvement of key domestic actors in the formulation of the government's position. Parliamentary debate of the Spanish bargaining position prior to negotiations in Brussels could potentially act to lessen the high level of autonomy of the government, but limitations to the role of the parliament remain during EU membership.

Parliament

The PM reports on each European Council Summit in parliamentary plenaries and responds to questions from party leaders. Resolutions and recommendations resulting from the debate should, theoretically, be taken into account in the formulation of the Spanish position. In reality, central government retains a large margin of manoeuvre, with the danger that the briefing to parliament can become a mere formality. The lack of parliamentary participation in EU policy is not unique to Spain; in all EU member states, governments remain responsible for transferring information to parliaments, and hence largely control the extent of their involvement. However, in the case of Spain, the existence of a majoritarian government for most of the 1980s, the generally high degree of consensus on EU policy, and the weak nature of opposition parties, at least until 1993, meant that the parliament was particularly unlikely to exert a high degree of influence on government policy.

Although the parliament does not have a direct role in defining Spain's position on EU policy, a Joint Committee for the EU (Comisión Mixta Congreso-Senado para la Unión Europea) (Law 47/1985 of 27 December) was created in 1986 to monitor European policy, as has occurred in varying forms in all EU member states. The Committee initially focused on examining the enactment of regulations and directives into Spanish law. Twice a month, the Secretary of State for the EU answers questions in the Joint Committee for the EU as well as the Congress Budget Committee, although little interest is taken by the parliament or public in this opportunity to monitor the implementation of Community policy (Molins and Morata, 1994, p. 118). The objective of the Committee is to formalise the systematic and permanent transfer of information from the government to parliament, merely aiming, according to one Spanish parliamentary official (Delgado-Iribarren, 1997, p. 15), to avoid the duplication of information in the Congress, Senate and the various committees.

The acknowledgement of the inadequacy of the guidelines established for the monitoring of EU policy led to the reform of July 1988 (Law 18/1988 of 1 July), which allowed the Committee to expand its competencies. In the reform, it was recommended that it should be informed by the government of all agreements and decisions in the Council of Ministers affecting Spanish membership, and of the objectives of central government at EU level. The reform also allowed it to write reports on issues of interest, and provided for the development of relations with Spanish MEPs and other national parliaments. This reform led to a higher level of activity, especially following the creation in 1990 of three sub-committees, on the effects of EC accession, EMU, and political union, which encouraged greater parliamentary debate. Furthermore, the competencies of the Committee have increased during the third legislature, leading to some increase in its standing[15]. In 1993, the opposition PP proposed involving it more closely in the preparation of the IGC. The creation of a Subcommittee for the Monitoring of the IGC in the 29 October 1996 session of the Joint Committee led to a unanimously approved report on the IGC in its session of 29 May 1997 following thirteen Committee sessions[16]. In 1994, it was established that the Committee should be informed by the Ministry of Foreign Affairs about proposals made by the Commission relevant to Spanish interests, along with an evaluation of their likely effects (Law 8/1994 of 19 May). More generally, information would also be transferred on the activities of the EU institutions to allow the Committee to intervene at an earlier stage in the process. However, the fact of not being able to question EU policy until 'after the event' led to harsh criticism of the government and a growing demand for greater accountability. The May 1994 reform included the Committee's capacity to request discussion on the floor of the House of a specific legislative proposal; this led to the passing of a resolution on 14 November 1994 setting out the terms of reference for the government's negotiation of the reform of the market for wine production, which gave rise to a full debate with the Agriculture and Fisheries Minister on 27 April 1995[17]. Increasing requests for ministers to explain their policies before the negotiation of important legislative proposals are a key illustration of the Committee's attempts to adopt a more active role in European policy.

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[15]Interviews with member of the Joint Committee since 1993, Madrid, 28 May 1996, 3 June 1996.

[16]The list of sessions is an indication of the increased activity of the committee: 18 November 1996, and 19, 25 February, 4, 18 March, 1, 11, 15, 25 April, and 6, 22, 28, 29 May 1997, with guest speakers including the Secretary of State for Foreign Policy and the EU, Ramón de Miguel (18 June 1996), the Spanish Ambassador in the EU, Elorza (11 April 1997), and Commissioner Oreja (25 April 1997) (*Report of the Special Monitoring Subcommittee, responsible for studying and debating the IGC* process, Congress, 29 May 1997, pp. 16–17).

[17]Information supplied by the Clerk to the Joint Committee in a communication to the author in August 1995.

However, despite some positive developments, the actual impact of the Committee on European policy remains minimal. It is not a legislative committee. Its initial task was to examine the fifteen legislative decrees issued by the government to adapt Spanish legislation after accession, but their opinions, according to Closa (1996, p. 141), 'did not have any political relevance nor were they discussed in plenary session'. No significant bilateral relations have developed with either EU or national institutions as a result of the 1988 reform, and the ad hoc sub-committees set up on EMU and political union have had little effect; the document on political union, after only two hearings with ministers, was issued after the Maastricht Summit (Closa, 1996, p. 143). An official in the Spanish Parliament questioned the function of the Committee after the 1988 reform:

> Cuál era entonces la función de esa Comisión? Limitarse a ser un buzón de recepción de documentación gubernamental y, todo lo más, celebrar comparecencias sin que todo ello se tradujese en acuerdos o tomas de posición sobre los asuntos tratados?
> (What then was the function of this Committee? Limited to being a postbox for the receipt of government documentation and, what is more, holding hearings without translating all this into agreements or positions on the issues debated?) (Delgado-Iribarren, 1997, p. 15)

Despite some increase in the Committee's standing, subsequent reforms have also seemingly failed to give it any importance in the policy process. Although the committee on the IGC in 1996–97 had considerably more hearings, its conclusions largely reflected the government's position. In parallel to other EU member states, the links between national parliaments and the EU have thus been described as having a 'carácter indirecto y bastante débil' (indirect and fairly weak character) (Sánchez de Dios, 1995, p. 105). The Committee has generally sought to reach an overwhelming consensus on state policy vis-à-vis the EU and avoid interparty conflict (Martín Martínez, 1995, p. 466). The minimal level of discussion of its conclusions on EU policy is an indication of its limited role, although some members justify the greater degree of consensus in comparison with other committees as being required to strengthen the government's position at EU level and, therefore, as a key objective of the proceedings[18].

The level of efficiency of the Committee seems to be far less than in other committees such as Foreign Affairs and Agriculture, which have a higher political standing and a greater capacity to hold informed debate on specific issues. Analysts have illustrated this with statistical data which show that, in 1996, taking into account the reduced activity due to national elections, only eight sessions of the Committee were held with

[18]Interview with former member of the Joint Committee (1986–93), Madrid, 18 June 1996.

a total duration of eighteen hours, compared to the Economy, Trade and Finance Committee, which met twelve times for a total of forty five hours (Delgado-Iribarren, 1997, p. 17). In practice, the huge increase in paper work received by members on all subject areas as a result of the 1994 reform has not necessarily enhanced the level of political debate[19], and, for so long as the information received from government still arrives after the Spanish position is determined, its role will remain largely symbolic. Central government argues that the rapidity with which decisions must be taken makes parliamentary backing for positions on EU legislation impossible (Sánchez de Dios, 1995, p. 108). Therefore, although an increase in the exchange of information between government and parliament has occurred, the number of questions and hearings having doubled between 1989 and 1993 (Closa, 1995, p. 141), the Committee continues to have little input to the EU policy process.

Spain's incorporation into the Community would thus seem to have distanced the parliament from the decision-making process. Despite the greater powers for acquiring information in the 1994 reform, the evaluation of the information in reports produced by the committees lacked any significant input. A Committee member denied that its non-legislative nature reduced its importance, and highlighted the limited remit of all parliamentary committees which can only approve or reject EU treaties[20]. However, in practice, the lesser political standing of the Committee tends to mean that it is less prioritised by the bureau of each House responsible for passing on legislative proposals from the government to committees. Even if the Committee's debates occasionally have a greater input, for example on the question of regional participation (see section on regional government), it does not form an essential part of the EU policy-making process; the key problem according to commentator Magdalena María Martín Martínez (1995, p. 461) is the 'escaso o nulo valor concedido por el Gobierno a la actividad que la Comisión desarrollaba' (little or no value given to the activity carried out by the Committee by the government). Without legal modifications, which are unlikely, the Committee will continue to receive *a posteriori* information on EU issues. According to the Speaker of the Congress in a speech in 1997,

> en el caso específico de las Cortes Generales, parece aconsejable dotar a nuestra Comisión Mixta de mayor agilidad y entidad. Posiblemente haya

[19]The information sent to committee members, according to one interviewee who has been a member of the Joint Committee since 1993 (Interview, Madrid, 28 May 1996), was excessive, covering a wide range of legislation in specific areas. He considered that the focus should be on broad EU policy lines rather than technical detail which could be dealt with in other committees. He also commented on the facility with which information was obtained by PSOE members during the Socialist term of office up to 1996, especially when good relations had been established between ministers and parliamentarians.
[20]Interview with member of the Joint Committee since 1993, Madrid, 28 May 1996.

> llegado también el momento de plantearse la posibilidad de desdoblar la actual Comisión Mixta en dos comisiones nuevas, una en el Congreso y otra en el Senado.
> (in the specific case of the Spanish parliament, it seems advisable to give our Joint Committee greater energy and capacity. Possibly the moment has also come to consider the possibility of dividing the current Joint Committee into two new committees, one in the Congress and the other in the Senate) (Trillo-Figueroa, 1997, p. 9).

The fact that the President and Speaker of the Lower House acknowledges that a fundamental reform of the Joint Committee is necessary illustrates its lack of input. Although the majority of national parliaments have a limited role in EU policy, the level of parliamentary control in Spain seems to be less developed than in other member states, which further enhances the autonomy of central government. One parliamentary representative claimed that key domestic groups 'were not specifically interested in their national parliament's position, but only in what is being actually negotiated behind closed doors in Brussels'[21]. The lack of interest of key sectoral actors and the Autonomous Communities in parliamentary debate of EU issues indicates its lack of implication in the process.

Regional government

In the debate on Spain's EC accession in June 1985 (Congress, no. 221, 25 June 1985, pp. 10177–217), Foreign Minister Morán acknowledged the necessity for increased co-operation between the government and the regions. Despite progress at EU level in attaining greater regional participation, most notably in the Maastricht Treaty[22], obstacles remain at national level. According to the Spanish Constitution, although the government is able to delegate power to the Autonomous Communities via Article 150.2, international relations are the exclusive competency of the central state (Article 149.1.3). However, higher levels of regional competency in key policy areas have led to demands for greater subnational input to European policy during membership.

Regional participation in EU policy can be divided into three main stages according to the progress made: 1985–87; 1988–92; 1992 to the present (Ministerio para las Administraciones Públicas, 1995, p. 137). During the first stage, the aim was to sign

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[21]Information supplied by the Clerk to the Joint Committee in a communication to the author in August 1995.

[22]The regions were not mentioned in the Treaty of Rome (1957), which focused solely on the member state. The SEA (1986) did not fundamentally change the situation, and it was not until the EU Treaty (1992) that the regions were given a place in the institutional system. In brief, the Maastricht Treaty made three fundamental changes: regional authorities were allowed to vote in the Council for the first time, although still representing member states; the Committee of the Regions was created to represent regional interests in Brussels, and the principle of subsidiarity was included which would in theory encourage greater regional participation.

an agreement which would set out the key principles to be followed. This was very much a preliminary stage, and the series of draft accords drawn up (four including the Catalan alternative proposal) only ever amounted to an identification of the main problems to be fully debated in the second phase. In December 1988, a meeting was held to inform the Autonomous Communities of the priorities for the Spanish Presidency in the first half of 1989. At this meeting, which marks the start of the second phase, the need for a formal institutional mechanism to manage the relations between central and regional governments was recognised. On 15 February 1989, the Spanish parliament approved a motion which recommended establishing a more formal dialogue, and, in a meeting on 16 March 1989, a series of issues were prioritised for the following months. It was not until the 5 April 1989 session of the Joint Committee for the EC, after two years during which no official statement was made on the issue, that the Minister of Public Administration acknowledged that attempts to reach an overall accord were being abandoned due to the lack of a common regional agreement. A more progressive approach was then adopted based on gradual and often partial agreements according to the policy area rather than a more rigid, global vision (Burgorgue-Larsen, 1995, p. 132). Although regular meetings between regional and central government representatives on specific policy areas had existed since 1983, the existence of sectoral meetings *(conferencias sectoriales)* was now formalised, and a forum was established for the discussion of horizontal issues related to the EC, the Conferencia para asuntos relacionados con las Comunidades Europeas (hereafter *Conferencia*). The plenary meeting of this committee is attended by the Minister of Public Administration, the Secretaries of State for the EC and for Territorial Administration, and representatives from each of the Autonomous Communities. The global outlook of the forum gives it an added importance as compared to the technical focus of sectoral meetings, its main functions being to provide information on European Council meetings and EU policy developments, to work towards an agreement on the method of regional participation in EU affairs, and to monitor the activity of the sectoral meetings.

Two agreements were signed by central and regional authorities on 29 November 1990, firstly, on the position of the regions in cases of violation of EC rules involving regional competencies brought to the Court of Justice by the Commission (according to Article 169 of the EC Treaty), and secondly, an agreement on the procedure to follow regarding Commission rulings on state aids[23]. Although these were small advances, as a result of the first agreement, a dialogue has developed between the Secretary of State for the EC and the Autonomous Communities, and meetings held

[23]*Boletín Oficial del Estado* (Official State Gazette, *BOE*), no. 216, 8 September 1992, pp. 30853–4.

by the Commission to discuss violation of EC rules have included regional representatives. The forum also set up a permanent working group responsible for the preparation of plenary meetings, the Co-ordinating Committee for EC affairs, and agreed to establish the position of co-ordinator in each region (Ministerio para las Administraciones Públicas, 1995, pp. 150–1).

On 28 February 1992, agreements on the Autonomies were signed by the two main political parties which proposed that the *Conferencia* should be institutionalised. This occurred on 29th October 1992[24]. The only significant change was the decision to hold regular, formal meetings, for example prior to each European Council. A further small step forward was taken on 14 June 1994, when an agreement was signed establishing that areas other than purely Community issues would now also be discussed, for example relevant issues debated in the Council of Europe. It also set out an internal code of conduct which was approved unanimously[25].

The first important agreement to be signed, after almost two years of negotiation, was that of 30 November 1994. It set out the framework for the internal participation of the Autonomous Communities in EU affairs[26]. Significantly, the accord obliged central government to take into account the common viewpoint of the regions in policy areas within exclusive regional competencies when formulating its initial negotiating strategy. In the case of shared competencies, the views of central and regional government would be co-ordinated. Central administration would be obliged to keep regional authorities informed of the negotiations in areas within the exclusive competency of the state. Cesáreo Gutiérrez Espada (1994, pp. 225–7) has identified two major elements which threaten the coherence of the 30 November 1994 agreement. The first is the fact that the agreement is not legally binding and is therefore dependent on the political will of the participants. The second is the difficulty of achieving a common agreement amongst the regions, which is particularly problematic considering the independent position adopted by the Basque Country.

The biggest threat to attempts at enhanced regional collaboration is the tendency of more active regions to develop individual mechanisms for representing their specific interests. Central government in Spain only has to be informed of the various arguments put forward by the regions if no common position is possible and, although multilateral co-operation should theoretically be the norm, bilateral agreements

[24]*BOE*, no. 241, 8 October 1993, p. 28669.
[25]*BOE*, no. 257, 27 October 1994, p. 33815.
[26]*BOE*, no. 69, 22 March 1995, p. 9037.

between central and regional governments are still prevalent. This was a key issue for the *Länder* in the German framework set up in 1979 (Bustos Gisbert, 1995, p. 160), and is especially the case for the Basque Country; it did not sign the 29 October 1992 and 14 June 1994 agreements until 30 November 1995 in response to the establishment of the Bilateral Committee for co-operation between the central and Basque administrations on EU issues[27]. The Basque position has generally been the most extreme, whereas Catalonia, although articulating individual demands, has been keener to adopt multilateral solutions. An intermediate group has included regions, such as Andalusia and Galicia, which are generally active, but less vocal in their demands. Finally, some regions have shown little interest in EC/EU issues and have not articulated specific demands for greater participation (Ministerio para las Administraciones Públicas, 1995, pp. 130–1). The formulation of a regional position, including the opinions of the 'historic Autonomies'[28], would be facilitated by higher levels of co-ordination, for example in the form of a permanent meeting or standing committee (Burgorgue-Larsen, 1995, pp. 138–9). Meetings of regional representatives have been held, for example in January 1995 in Valencia, but no plans have been made to institutionalise consultation between the Autonomies. The opinion of Iñigo Bullain López (1990, p. 203), that achieving a common regional agreement would weaken the Basque political position, illustrates the key obstacle to attaining a consensus. Agreement by simple majority may well be both more realistic and effective (Pérez Tremps, 1995, p. 613). Amendment of the 1978 Constitution to transform the Senate into a genuinely territorial chamber has also been proposed as a way of establishing a firmer basis for regional demands (for example, Calonge Velázquez, 1995, p. 13).

A number of criticisms have been made of the implications of the 30 November 1994 agreement in practice, such as the lack of transparency of the institutional mechanisms developed, as well as the need for greater co-ordination of the meetings. Sectoral meetings had been largely ineffective in the past both because of the wide range of topics covered, and the large number of participants (López Castillo, 1993, p. 147). This problem remains. Relevant information is often received by regional authorities at too late a stage for their interests to be defended adequately, especially if the Spanish position is adjusted during the negotiations themselves. In practice, taking into account regional interests is difficult in view of the time constraints and the lack of subnational representation in EU institutions. Furthermore, the political

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[27]*BOE*, no. 305, 22 December 1995, p. 36759.

[28]The historic Autonomies are Catalonia, the Basque Country and Galicia, so-named because they were the only regions to gain the right to autonomous government by 1936 during the Second Republic.

rather than economic bias[29] of regional representatives may tend to encourage less pragmatic solutions to the problem of regional participation (Ministerio para las Administraciones Públicas, 1995, pp. 172–3).

The Co-ordinating Committee of the *Conferencia* set up a working group to carry out an evaluation of the functioning of the 30 November agreement, but the report had not materialised in 1997. Similarly, plans to set up mechanisms for regular monitoring of sectoral meetings, focusing on five at the outset, had not been carried out. Their functioning has been problematic in practice as the general norms established have not been adapted to the needs of each policy area. A few of the meetings, for example in the area of the environment and agriculture, have been more effective and have given greater priority to EU issues, although they are still largely reduced to *a posteriori* evaluation of issues which have been negotiated in the EU arena[30]. Furthermore, any agreement adopted requires the approval of central administration, limiting the degree of regional influence. Since 1994, the *Conferencia* has lost some of the dynamism of its first years, perhaps due to political factors brought to the fore by the March 1996 elections[31], for example the lack of informed debate on the IGC in the 24 September 1996 plenary meeting[32]. Limited progress on the activation of the 1994 agreement had thus been made in 1997. However, signs of renewed activity can be noted following the 1995–96 election period, one illustration being the elaboration of a common position on regional participation in EU policy for the IGC, which was passed in the plenary of the *Conferencia* of 21 April 1997. However, it is significant that the regional position was substantially modified by the Spanish government before it was presented at EU level[33].

In a meeting of central government with regional representatives on 22 July 1996, the plan set out in the pact between the new government and the Catalan party Convergència i Unió (Convergence and Union/Catalan Nationalist Party, CiU) to have a representative for the Autonomies in the Spanish Permanent Representation in Brussels was approved. This development is, to some extent, an indirect result of the increased influence of regional parties on the Spanish government since 1993, which has strengthened their bargaining power. The representative has been actively

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[29]For example, ten representatives in a meeting on 14 September 1995 were officials from regional ministries of the Presidency, and two were public administration officials, while four were from an Economy or Finance Ministry (Ministerio para las Administraciones Públicas, 1995, p. 170).

[30]Interview with official of Ministry of Public Administration, Madrid, 9 October 1996.

[31]Interviews with official of the Ministry of the Presidency, Junta de Andalucía, Seville, 4 October 1996, 19 June 1997.

[32]Interview with official of Ministry of Public Administration, Madrid, 9 October 1996.

[33]Interview with official of Ministry of Public Administration, Madrid, 12 June 1997.

establishing relations with regional offices in Brussels and distributing information to the Autonomies, forming part of the Spanish delegation in all meetings debating issues within regional competencies. At the same 22 July 1996 meeting, a motion was passed to create a legal basis for the regulation of the *Conferencia*, which was approved in the Spanish parliament in March 1997. However, an Andalusia government official considered that only a law which regulated regional participation as a whole could make a significant difference. Such a law was proposed by Andalusia at the 22 July 1996 meeting, but did not receive the backing of other regional representatives[34].

Although the SSEU is responsible for relations with the Autonomous Communities, formal mechanisms for relations with central government are often bypassed, and subnational authorities seek to make direct contact with officials in Brussels wherever possible. Regions such as Andalusia have backed the demands of Catalonia and the Basque Country for direct participation in Council of Minister meetings. In December 1993, González stressed that the responsibility for foreign policy remained with central government, and that regional representation, potentially resulting in a doubling of the number of participants at Council of Ministers meetings, was not feasible (*El País*, 19 December 1993). Opposition to regional representation at this level was echoed by the PP Foreign Minister Abel Matutes in the Spanish parliament on 28 February 1998, when he highlighted the state's need to represent the overall national interest and arbitrate between conflicting regional demands (*El País*, 5 March 1998). However, the Joint Committee for the EU voted unanimously in favour of Spanish regional representation in the Council of Ministers in their session of 4 March 1998, a move welcomed by regional authorities, although this is only a first step towards implementation.

Central government has been increasingly obliged to take regional interests into account in the formulation of European policy during membership. The level of political autonomy of the region would seem to be a significant factor in encouraging the assertiveness of subnational actors. An example is the Spanish Constitutional Court's ruling 165/1994 of 26 May[35] on the appeal presented by the Basque regional government. The ruling that relations between EU and Basque public institutions would not be regarded as within the area of international relations exclusively controlled by the state, as outlined in Article 149.1.3, was viewed as an important advance. Moves towards a greater regional input to the EU policy-making process are

[34]Interview with official of Ministry of Public Administration, Madrid, 12 June 1997.
[35]*BOE*, no. 151, 25 June 1994, pp 68–75.

significant compared with the lower levels of participation of the parliament and socio-economic actors in policy-making, although the limited advances are the outcome of a long and laborious operation. The most important step forward was the 30 November 1994 agreement; previously, little progress had been made. However, the 1994 agreement still needs to be activated to build on the groundwork laid for greater regional participation.

Socio-economic actors

The input of socio-economic actors, at least in the early years of Spain's EU membership, was limited by the low level of demand for increased participation; according to an official in the Spanish Permanent Representation, 'society does not demand it'[36]. However, during EC/EU membership, the demand for information and greater consultation on EU issues increased, and trade unions and employers gradually began to adapt their administrative structure and lobbying mechanisms to the new European context.

TRADE UNIONS

The two main unions both have departments responsible for EU affairs, the EU department in the CCOO having been set up at a relatively late stage in 1990, while the UGT's EU section, within the International Relations department, was established at the outset in 1976, with only one official focusing exclusively on the EU in 1996[37]. Both unions have become increasingly aware of the implications of the EU level for national policy. This is illustrated by a key focus in the 1996 CCOO Congress on the 1997 IGC (*El País,* 16 March 1996). Increasing reference to European issues in their publications is also evident, as illustrated by the UGT/ CCOO document 'Union Initiative for Progress' of November 1991 written in the context of Spain's relatively weak position in the EU (Newton, 1997, p. 247), and their joint statement on Spain's European Presidency in 1995 (UGT/ CCOO, 1995). Although generally adopting a pro-European position, the unions also expressed their criticism of moves to fulfil EU economic obligations through neo-liberal policies with high social costs.

The trade unions have also increasingly realised the importance of representation at EU level, and have sought to develop their international links. The UGT has its own office in Brussels, and both the UGT and CCOO are members of ETUC. The UGT has also become a member of the European Syndicals Committee whose objective is to provide a forum for sectoral interests at EU level (Newton, 1997, p. 234). In

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[36]Interview with official of Spanish Permanent Representation, Brussels, 22 February 1996.

[37]Interview with official of CCOO, Madrid, 6 May 1996, and official of UGT, Madrid, 7 May 1996.

conjunction with ETUC, both unions have actively campaigned for greater priority to be given to social issues, and for a more democratic European executive. One illustration is the joint UGT/ CCOO statement published in *El País* in March 1996 on the ETUC's proposals on employment and social affairs for the IGC (*El País*, 28 March 1996). The unions have also aimed to enhance their influence via the Economic and Social Committee at EU level, although its impact on policy as a purely consultative body is limited[38].

The unions' involvement in policy formulation is often reduced to sending their evaluation and recommendations to the relevant ministry at national level, as well as to officials at EU level, in the absence of formal consultative measures. The government was criticised by the unions in the 1990s for only going through the motions of consensus, while using the EU to justify the ratification of unpopular measures domestically. Mechanisms to increase union influence include the development of informal channels through establishing firmer contacts with government officials and ministers. For example, relations with the SSEU were enhanced while Westendorp was Secretary of State for the EU; information was more readily made available to the unions than previously, thus facilitating their awareness of, and participation in, the policy process[39]. The Economic and Social Council at national level is seen as a useful forum for obtaining information on EU policy, but union officials generally consider that dialogue with government officials has not been facilitated by its establishment[40]. Although a moderate increase in information and greater transparency of EU policy formation has developed during EU membership, union influence remains limited by the government's reluctance to encourage their input to the Spanish bargaining position. The dialogue with government officials is thus still described by union representatives as a 'diálogo forzado' (a forced dialogue)[41].

EMPLOYERS

The CEOE has widely supported EU membership and further European integration. It has not always fully endorsed the government's bargaining position, but has largely shared its priorities, particularly with regard to its promotion of free-market deregulating policies. Business organisations have been hesitant about their actual involvement in the EU arena, giving the CEOE a key role in influencing EU policy

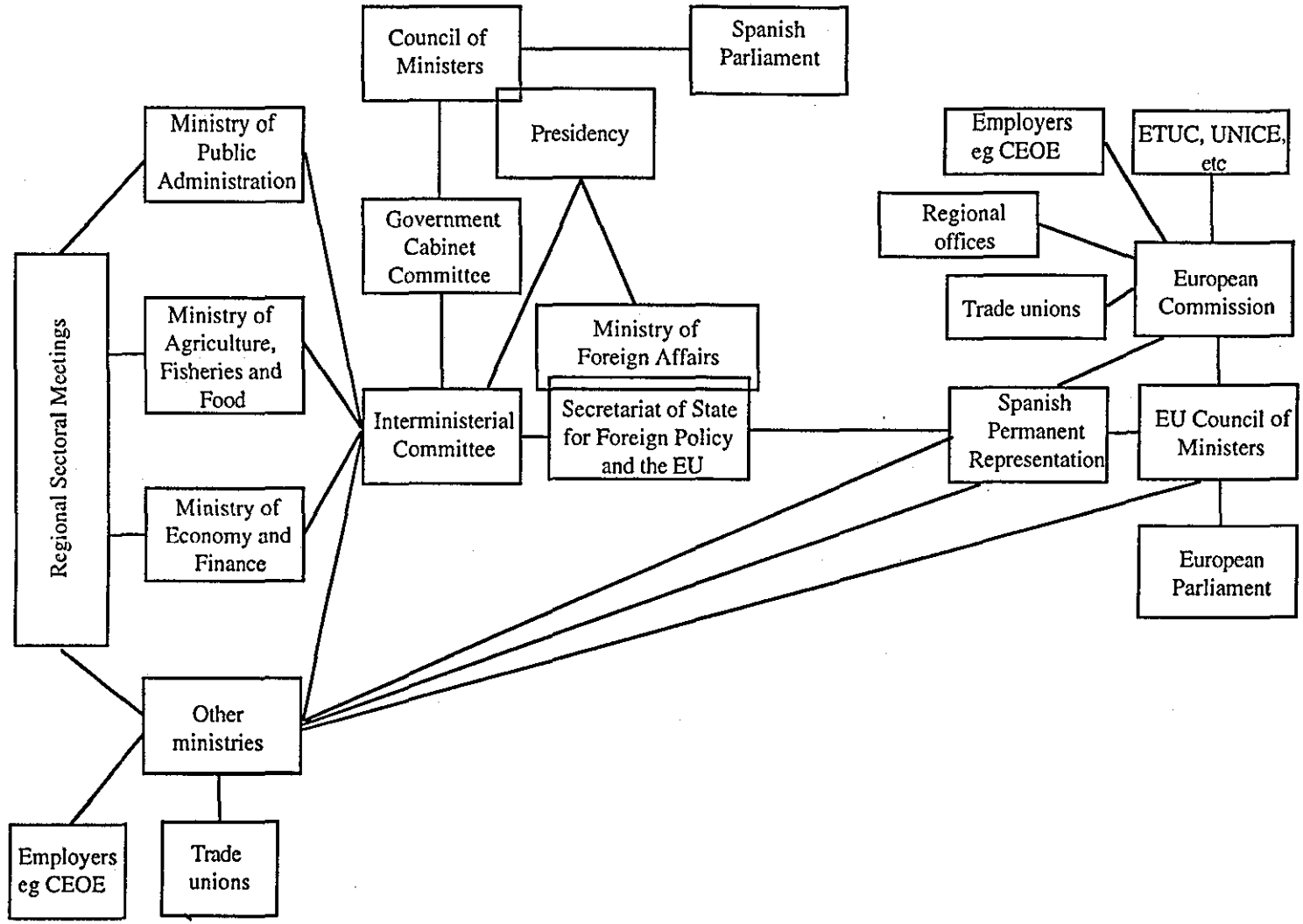
[38]The influence of the CCOO in the Committee was particularly limited as it was only represented by 3 out of the 222 members in 1996.
[39]Interview with official of CCOO, Madrid, 6 May 1996.
[40]Interview with official of CCOO, Madrid, 6 May 1996.
[41]Interview with official of UGT, Madrid, 7 May 1996.

development. The Confederation has aimed to establish itself as a significant lobbying force, belonging to the major international economic and employers' institutions, including the Union of Industrial and Employers' Confederations of Europe (UNICE). However, its bargaining strategies at EU level remain underdeveloped, and it cannot regard itself as the sole representative of employers. According to one former government official, few regional and sectoral actors rely on the Confederation for representation in Brussels, thus minimising its influence in EU affairs[42]. The Chambers of Commerce tend to represent smaller employers and local firms which the nationally based CEOE neglects. Furthermore, the lack of Spanish multi-nationals weakens the Confederation's lobbying power, and larger companies and the more important industrial sectors tend to lobby independently in Brussels rather than rely on intermediary channels.

No tradition exists in Spain of close relations between public administration and private interests, nor have they developed in the area of European policy. Morata (1996, p. 150) notes that 'participation of the private sector in the decision-making process is seen as an obstacle in the achievement of the so-called 'public interest''. However, the increasing establishment of direct contacts between the EU level, national ministries and interest groups may transform this situation, for example the reliance of key ministries on technical expertise provided by sectoral representatives in the formulation of the Spanish position. This is also reflected at subnational level where administrations increasingly encourage the involvement of regionally based interest groups. New access points to the EU policy-making process have been established in both the EU and domestic arenas, as illustrated in Figure 4.4. Key actors can bypass central government by contacting EU officials directly, thus indicating a new political opportunity structure. However, the lobbying procedure is still much less developed than in many other European countries. Spanish domestic groups generally have a far more reactive than active strategy, linked to structural weaknesses inhibiting the development of stronger lobbies. For example, the large number of small Spanish companies (over 90% in 1995 had less than nine employees) are generally less well informed about European policy, although greater knowledge of Community procedures, for example as a result of increased representation in Brussels, is gradually improving their capacity to participate compared to the early years of EC/EU membership. However, despite the establishment of a CEOE representation in Brussels as early as 1980, some sectors have been slower to realise

[42]Interview with former official of the Secretariat of State for Foreign Trade, Madrid, 4 June 1996.

Figure 4.4 Development of the structure for EU policy-making in Spain



the advantages of a base at EU level, for example agricultural lobby groups[43]. The fragmentation of the national agricultural lobby has led to its informal approach to European policy, with relatively few contacts at national and EU level[44].

The incorporation into the European framework has transformed the economic and political circumstances in Spain, demanding considerable adaptation by existing lobbies. However, adjustment to the new context by trade unions and employers has only been very gradual, and, in most cases, in contrast to the progress made by regional authorities, their access points to the policy process in both the EU and domestic arenas have resulted in little substantive input to government policy.

Conclusions

A preliminary evaluation of the changing policy process during Spain's EC/EU membership seems to indicate the continued strength and autonomy of central government which has been able to control access to the policy process for key domestic actors. According to Heywood,

> in contrast to the high degree of institutional co-ordination characteristic of policy communities, in which a professional public administration acts to marshal and regulate competitive interests within a bureaucratic market place, the policy process in Spain appears to favour dominant elites, notably the party of government, which is able to utilise the resources of the state to control access to the policy arena (Heywood, 1995, p. 241).

In view of the fact that no clear evidence exists for a decline in its capacity to control Spain's EU policy, central government has thus retained its legitimate monopoly over the formulation of Spain's bargaining position at EU level. One Spanish official in Brussels concluded that European policy is ultimately determined by a small, relatively constant, and highly talented elite of EU experts or 'veterans', the outcome being that 'European policy is not negotiated domestically'[45].

While acknowledging the key role retained by central government, this analysis also takes into account the changing nature of the policy process in the domestic arena. A

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[43]The agricultural union COAG does not have a permanent delegation, while the *Unión de Pequeños Agricultores* (Union of Small Farmers, UPA), is represented by the UGT, an indication of the diversity of forms of representation in the agricultural sector (Molins and Morata, 1994, p. 122).

[44]One illustration of the lack of co-ordination is the disagreement between Spanish officials and agriculture organisations caused by the nomination of a Spanish candidate for a vice-presidency of the Committee of Professional Agricultural Organisations (COPA). Relations between the government and sectoral actors improved when the former Secretary of State for the EC became Minister of Agriculture in 1991 (Molins and Morata, 1994, pp. 127–8).

[45]Interview with official of Spanish Permanent Representation, Brussels, 22 February 1996.

study of the Europeanisation of the French policy-making process refers to exogeneous factors originating from EU sources and processes, and endogeneous factors which have their own impetus, such as the process of decentralisation (Ladrech, 1994, p. 71). Both sets of factors could be expected to have transformed the nature of the political opportunity structure in Spain during EC/EU membership. Chapter 2 outlined the expected changes in the sets of conditions which could reduce the level of autonomy of central government and provide greater access to the EU bargaining process for domestic actors during membership. Evidence from the analysis in this chapter affirms the prevalence of these conditions:

1. Balance in favour of economic over political rationale for membership

The overwhelming political consensus in favour of incorporation into a European democratic framework during the accession negotiations allowed central government to determine the national bargaining position with minimal consultation of domestic groups. In view of the more economically oriented critique of EU policies which has developed during membership, the bargaining position of central government is no longer passively accepted by its domestic constituency. This was particularly the case where tough economic policies had to be implemented in line with long-term EU objectives, described by Holman (1996, p. 211) as ''top-down' internationalization of austerity'. One illustration is the rising tensions between the government and unions caused by the high social costs of policies aimed at meeting EU macro-economic targets.

2. Loss of PSOE government majority

During the first years of membership, the majoritarian PSOE government enjoyed a large margin of manoeuvre, which enhanced the predominance of the executive in the EU policy-making process. The loss of the government's majority in the 1993 elections meant that its high degree of autonomy could no longer be assumed. Although it has retained its central position in the policy process, imposing EU policies in the domestic arena may require building up favourable coalitions, particularly within sensitive sectors in key regions. The strong role of the state in actively shaping domestic demands thus became less assured during membership when the PSOE's 'electoral hegemony' (Marks, M., 1997, p. 76) ceased to exist.

3. Process of decentralisation at a more advanced stage

A more developed institutional structure has increased the regions' capacity to participate in European policy. Considerable progress towards developing mechanisms for subnational participation in EU policy created a new framework for consultation in the domestic arena as the decentralisation process advanced. This has

strengthened the argument that central government cannot represent Spain if a particular aspect of the policy area is within regional competencies, as illustrated by a statement from a Basque spokeswoman, who claimed that it was logical for a regional representative to accompany the Industry Minister at EU level when discussing the issue of the steel industry in the Basque Country (*El País*, 11 April 1994). The approval of Spanish regional representation in the Council of Ministers in the 4 March 1998 session of the Joint Committee for the EU thus represents an important initial step towards a greater regional presence in the EU arena.

4. Development of a more established lobbying process

Key domestic actors were increasingly organising their interests more effectively and developing lobbying strategies at national and EU levels. The growing number of Spanish associations and interest groups with representations in Brussels illustrates a greater awareness of the importance of seeking to influence the EU agenda. Although institutionalised dialogue between unions, employers and the government was still peripheral to the bargaining process, a more regular consultative role was developing for key domestic actors compared with the infrequent debate of EC issues during the accession negotiations, indicating an opening of the opportunity structure.

5. Increase in level of knowledge about the EC/EU

The level of awareness in the domestic arena of the implications of EU policy, and of potential access points to the bargaining process at national and EU levels, has increased during membership. For example, the government transfers increasing amounts of information on EU legislation at an earlier stage to the parliament and to subnational authorities, and the presence of ministers is requested more regularly to answer parliamentary questions on key policy decisions. The actual impact of domestic groups on the bargaining process may still be questioned, but evidence of a greater awareness of the EU arena during membership is clear.

Domestic lobbying activity is rarely aimed at the central co-ordinating institutions, namely the SSEU in Madrid and the SPR in Brussels, but at specific DGs within national ministries, which then have the task of channelling demands directly to the EU level. Particularly influential ministries reluctantly cede any power to the SSEU, and the task of making sectoral priorities compatible with a national bargaining position is thus often beyond the remit of the Interministerial Committee. Although some analysts have highlighted the gradual development of more effective co-ordination of EU policy (for example, Zapico Goñi, 1995), evidence suggests that a less centralised policy process with less dependence on the SSEU is a logical evolution, even if co-ordination mechanisms in key ministries have not always been

established. This is illustrated by the varied competencies enjoyed by officials in the Ministry of Economy and Finance in relation to the EU (Salas Hernández and Betancor Rodríguez, 1991, pp. 510–11). The growing autonomy of ministries may facilitate access to the policy process for key domestic actors in specific policy areas. Furthermore, domestic groups can increasingly obtain direct contact with EU officials, thus bypassing established mechanisms for consultation in the domestic arena. Taking into account both Spain's adaptation to the EU framework, and important internal changes in the policy-making process, the government's monopoly of the interface between the separated EU and domestic arenas can no longer be assumed.

However, interest group representation remained less developed in Spain than in many other EU member states. Potentially important channels of influence provided by the changing opportunity structure were still underexploited by Spanish domestic actors, for example via the Spanish Permanent Representation, the Chambers of Commerce, or regional offices in Brussels (Bescós, 1995, p. 28). The level of access to the policy process in the domestic arena continued to be controlled by central government structures, which tended to marginalise domestic influence, particularly of the parliament and key socio-economic actors. The lack of consultation and dialogue with the government on EU issues has been highlighted by many domestic groups. For example, in a series of interviews carried out in 1987, Spanish domestic groups concluded that the government 'furnished information parsimoniously', and that they were better informed by EU officials of decisions taken in the Community (Sidjanski, 1991, p. 207). Evidence from interviews carried out in 1996 and 1997 for this thesis does not seem to suggest that the level of consultation in the domestic arena has developed substantially.

Despite evidence of the opening of the domestic opportunity structure, the actual impact on the policy-making process and on the level of autonomy of central government remains marginal, one illustration being the lack of influence of the Economic and Social Council. The far stronger institutional mechanisms established for regional participation were only effective in a few cases, the majority of sectoral meetings being reduced to *a posteriori* discussion of issues previously negotiated in the EU arena. In fact, many of the regions considered that their institutional position had been weakened by the transfer of competencies to the EU level, leading Morata (1996, p. 153) to conclude that 'the integration process has had a negative impact on both the horizontal and the vertical division of powers'. The government is only obliged to consider the regional position if a common agreement is reached between the Autonomies which, given the heterogeneity of interests, is itself a formidable

challenge. However, Kitschelt (1986, pp. 66–7) considers that the opening of the opportunity structure to domestic actors may not necessarily lead to a substantive impact on policy formulation, but may have the potential to transform the opportunity structure by legitimising new channels of influence. The progress towards establishing a new institutional framework to enhance Spanish regional influence could thus be more significant in the long term, even if sectoral meetings currently remain 'an internal co-ordination instrument that does not diminish the exclusiveness of state representation vis-à-vis the Community' (García, 1995, p. 128).

A Spanish interviewee[46] in Brussels referred to an increase in domestic participation in European policy as an indication of a growing maturity or 'acculturation' of Spanish society, considering that 'domestic groups are not constraining policy; they are even strengthening it, making Spain more of an established force' in the EU arena. The changing domestic context does not necessarily reduce the government's autonomy at EU level. In fact, the two-level game approach considers that a more developed domestic ratification process could be an asset rather than a liability if domestic demands result in a smaller win-set which can gain a better deal at EU level. The position of central government as the locus of political power in EU policy-making is not therefore necessarily displaced. As argued by Dehousse (1996), it is less a question of a loss of state autonomy, which can be enhanced by integration into the EU at key stages of the process, than of the government's adaptation to a new context.

The multi-level game approach draws attention to the opening of the political opportunity structure to a range of actors other than central government. It highlights the fact that domestic constraints do not always remain nested within the national framework with central government as the sole channel to EU level. However, although the changing domestic context may mean that a multi-level perspective is more valid than during the accession negotiations, the history-making decisions described by Peterson (1995) continue to be co-ordinated by a relatively small elite of high-ranking central government officials, which allows little access for other domestic actors. An analysis of the institutional framework established in Spain for EU policy-making clearly indicates the resilience of central state structures and the government's role as a strong national gatekeeper. According to one analyst of the policy-making process in both Spain and Portugal, 'la mayor parte de las relaciones de cada uno de los dos Estados con la CE es vehículada a través de sus gobiernos' (the majority of relationships between each of the two states and the EC is channelled

[46]Interview with MEP (PSOE), Brussels, 21 February 1996.

through its governments) (Colomer, 1995, p. 236). However, the analysis of specific issue areas, where domestic actors would be expected to have greater expertise, resources and access to the process, in Chapters 5–8 might be expected to modify the conclusions drawn on the institutional framework.

Chapter 5
THE ROLE OF THE SPANISH STATE IN THE NEGOTIATION OF COHESION POLICY

The development of EU cohesion policy has been a priority for Spain throughout its membership of the Community. Chapter 5 analyses the key role the Spanish state played in setting the agenda, and negotiating the optimal level of funding. A substantial body of literature on cohesion policy focuses on the increasing role played by regional governments, arguing that the state is less in control of the policy-making process in view of enhanced subnational input. The multi-level governance approach has frequently been used for the analysis of regional policy, where theorists seek to illustrate the potential threat to the monopoly of central government over European policy-making represented by increased regional mobilisation, as illustrated in Chapter 2 (for example Hooghe and Keating, 1994). Chapter 5 tests this assumption by focusing on the resilience of state political and bureaucratic elites, particularly during the policy initiation and decision-making phases, which has led to the 'retention of almost exclusive powers of negotiation by the states in the phase of policy formulation with the Commission' (Nanetti, 1996, p. 87). This chapter considers the development of cohesion policy, the role played by the Spanish government in negotiations, and the interaction between the EC and domestic arenas, with a view to gaining a better understanding of the role played by the state at key stages in the policy process. Chapter 6 will then consider the role of actors other than the Spanish state in the area of cohesion policy.

Development of cohesion policy at EC level

The SEA, which came into effect in 1987, made promotion of economic and social cohesion in the Community a key requirement for the first time. Article 2 of the Treaty of Rome merely referred to the objective of 'a harmonious development of economic activities' via the establishment of a common market and the approximation of the economic policies of member states. The key aim of Article 130a of the SEA was to promote the development of the Community by 'reducing disparities between the various regions and the backwardness of the least-favoured regions'. Article 130b specifies the means of achieving these objectives, namely the implementation of common policies and of the internal market, supported by the three structural funds, the European Agricultural Guidance and Guarantee Fund, Guidance Section (EAGGF), the European Social Fund (ESF), and the European Regional Development Fund (ERDF).

The SEA coincided with the enlargement of the EC to Spain and Portugal on 1 January 1986. The accession of the two Iberian countries led to a widening of regional disparities in the Community, namely a doubling of the population of the least-favoured regions (those with a per capita GDP of less than 50% of the EC average) (European Commission, 1989c, p. 9). The funds co-ordinate multi-annual programmes for the promotion of economic development in the less developed areas of the EU. The objective of achieving the internal market by 1993 required the convergence of member states' economic policies, and a reduction in major regional disparities. By signing the SEA in 1986, the member states thus laid the foundation for a major advance in the development of the Community's structural policies. At the London European Summit on 5 and 6 December 1986, the President of the Commission, Jacques Delors, gave a detailed report on the state of the EC's finances, and concluded that a thorough revision would be necessary. In February 1987, he presented the Delors 'package' to the European Parliament, calling for a settling of the budget, and a doubling of the structural funds over the following five years. Cohesion policy thus became one of the key priorities in the Community, strongly promoted by the Spanish government from the time of its EC accession, and linked to the development of its domestic regional policy.

Development of regional policy at domestic level

The process of decentralisation of powers to the Autonomous Communities (see Chapter 4) remained problematic during EU membership due to the varying level of competencies between regions, and the shared responsibilities between national and subnational levels. The issue of regional financing was also controversial given the high level of disparity between the regional economies. Article 2 of the 1978 Spanish Constitution refers to the aim of achieving solidarity between Autonomous Communities. The Fondo de Compensación Interterritorial (Interterritorial Compensation Fund, FCI)[1] was created to fulfil the objective of reducing regional disparities by providing grants for capital investment according to relative levels of income, migration and unemployment rates. Since 1986, its budget has been limited to 30% of the state's total public investment (Heywood, 1995, p. 152). The FCI was reformed in 1990 in an attempt to prevent the financing being channelled to services in the more developed regions (Newton, 1997, p. 128). The state also provides aid to the regions via the Regional Incentives Programme, administered by the Ministry of

[1]The FCI was put into effect in 1982, its regulations being formally set out in Law 7/1984 of 31 March, substituted by Law 29/1990 of 26 December.

Economy and Finance, as well as via specific projects in areas such as public transport.

Article 156 of the Constitution recognised the right of the regions to financial autonomy, and the 1985 Organic Law on Financing of Autonomous Regions established the key variables determining the intrastate transfer of resources, This laid the basis for the first instruments of a full regional policy. The Consejo de Política Fiscal y Financiera (Council for Fiscal and Financial Policy), consisting of Economy Ministers at central and regional levels, and the Minister of Public Administration, was a consultative forum created for the co-ordination of key economic policies such as state funding and public investment. The Council reached an agreement in November 1986 on public sector spending for the 1986–91 period, followed by another set of accords for 1992–96 agreed on 7 October 1993. One of the most important elements of the 1993 agreement was the access of all Autonomous Communities, apart from the Basque Country and Navarre which have a special statute (see Chapter 4), to 15% of personal income tax generated at regional level. Many regions were opposed to the concession, and considered the agreement largely a result of strong Catalan pressure, which was particularly influential given the PSOE's dependence on Catalan support in parliament from 1993[2]. Despite this concession, and the right of the regions to count their own resources as part of their total revenue (Article 157.1 of the Constitution), central government transfers continue to provide the majority of the funding. For example, in Andalusia, regional resources only amounted to 8.2% of their total funding in 1995 (Newton, 1997, p. 127). However, regional governments have been granted a high level of freedom to draw up their own budgets and, in 1995, the budget for Andalusia alone was 1,905,488.2 million pesetas (Newton, 1997, p. 124). The increase in regional power over the budget is illustrated by the fact that, while central government was in control of 84.5% of public expenditure in 1979, this had fallen to 65.5% by 1990 (Heywood, 1995, p. 154). In 1996, the regions were responsible for 25% of total public expenditure, and for approximately one-third of public investment (Morata, 1996, p. 136).

According to Article 8 of the Law 7/1984 establishing the FCI, all Autonomous Communities had to elaborate their own programme of regional development, thus laying the groundwork for their involvement in EC regional policy. EC accession

[2]Catalan pressure has continued during the PP's term of office. Following the March 1996 elections, it was agreed that the quota of income tax retained by the region would be increased from 15 to 30%. The accord was viewed by most regional authorities as a concession to the Catalan nationalist party whose support remains essential for the government's parliamentary majority.

prompted a new phase in Spain's regional policy by re-introducing the concept of regional planning to Spain, which might not have developed very far without the external stimulus of the Community (Lázaro, 1988, p. 6). The Spanish government endeavoured to co-ordinate the actions of the FCI, ERDF and other financing mechanisms in an effort to create an efficient, global system of regional funding. Initial regional plans were, to a great extent, inspired by EC norms, and formed the basis for those presented to the Commission during the first year of membership. The working methods of the FCI have increasingly been brought into line with those of the ERDF. For example, areas funded by the FCI in 1990 and 1991 coincided exactly with Objective one areas funded by the ERDF (Lázaro, 1991b, p. 305). The structural funds have thus had a considerable influence on the system of regional funding in Spain, although it was already adapting to the increased level of competencies at subnational level.

Role of the Spanish government in interstate negotiations

Following its EC accession, Spain considered that its position as a net contributor during the first year should be amended. One of its key objectives was the inclusion of a firm commitment to economic and social cohesion policy within the SEA which required the Commission to implement major budgetary reform. The proportion of EC redistributive funds had been increased, for example the new 1986 budget, agreed on 10 July, took the financing of enlargement into account, and included 175 million ecu of ERDF funding for Spain. However, the funding arrangements did not satisfy the Spanish government which, during discussions of the 1987 draft budget on 22 July, insisted that non-obligatory spending be increased (Brewin and McAllister, 1987, p. 364). Spain vigorously argued its case in the negotiations over the Community's resources, demanding financial compensation for the economic adjustments caused by the Single Market.

The first 'victory': the 1988 Brussels Summit

Towards the end of 1987, strong pressures were put on Spain by other member states to accept the 1988 budget, but Spain would not remove its veto unless its demands on funding were accepted. The Copenhagen Summit of December 1987 sought to reach agreement on the package, but ended in major disagreements between member states which were only resolved at the emergency summit called by the German Presidency in Brussels in February 1988. At Copenhagen, González was critical of the lack of political will of the richer member states, particularly as they approved an increase in agricultural spending, while refusing a similar rise in the structural funds. Spain's main demand during the negotiations was the doubling of funding, and it threatened

to obstruct the package deal if there was any reduction in the amount of money originally proposed by the Commission. Its position was not energetically supported by the other poorer countries, who were satisfied with an increase in funding only for their most underdeveloped regions which, unlike Spain, covered the majority of their national territory. Germany, the largest member state contributor, eventually agreed to Spanish demands over a six-year period when it was decided that the EC budget would gain a new source of finance in the form of a contribution based on member states' GDP. Likewise, despite strong objections initially, the UK was eventually convinced by the compensations received in the form of agricultural payments. The structural funds increased from approximately seven billion ecu in 1987 to fourteen billion in 1993. Spain had established itself as a tough negotiator during its first years of membership, and the successful outcome at Brussels owed much to its uncompromising, often isolated position.

Spanish strategies at the 1991 Intergovernmental Conference

The Commission supported the Spanish arguments for budgetary increases in the structural funds, as illustrated by the communication on cohesion by Delors at the Luxembourg Summit in June 1991, which skilfully justified regional redistribution. However, he warned the Spanish delegation that excessive demands would jeopardise the IGC negotiations. His cabinet was critical of Spain's subordination of all other aspects of the negotiations to gaining higher levels of financing (Ross, 1995, p. 105), and Commission officials were also irritated by Spanish criticism of the functioning of the structural funds, which they feared would re-open a complicated dossier (Ross, 1995, p. 153). The Commission would have preferred to delay greater financial commitments until after Maastricht, seeking to pacify Spain by promising that the structural funds would be doubled in the Delors II package. However, the Spanish minister responded that 'Spain would not let Maastricht get by without treaty insurance on cohesion' (Ross, 1995, p. 182), thus showing its determination to hold up the IGC rather than wait for future concessions which were less likely given the demands of Central and Eastern Europe. The government's emphasis on cohesion policy was strengthened in 1991, as not only was Spain a more experienced player at the EU negotiating table, but it was also concerned about a decline in net receipts from the Community in 1990. Two-thirds of Community funds came from VAT, thus penalising the high-spending, low-saving Spanish economy, which was also dependent on its tourist industry. The Spanish delegation considered that it had been discriminated against in both regional and agricultural funding since its EC entry (*El País*, 17 March 1991), and that only the receipt of larger amounts of funding would prevent it becoming a net contributor. For example, González stressed in the Maastricht negotiations that, although Spain's per capita income was 22% below the

EC average, it obtained proportionately less overall income from EC funds than the other three less advanced countries (*The Guardian*, 3 December 1991). However, proposals for ambitious resource transfers were particularly resisted by net contributors to the Community, who were themselves facing recession. Furthermore, even Ireland, who backed the demand for an equalising budgetary fund, was willing to delay debating the issue until later negotiations. According to one EC diplomat, 'there was no applause from the other beneficiaries' (*FT*, 18 June 1991), which often left Spain arguing for the inclusion of cohesion on the EC agenda from an isolated position.

The issue of social and economic cohesion remained an obstacle throughout the Luxembourg Presidency. Spain strongly criticised the contrast between repeated EC commitments to redistribution, and the lack of reference to cohesion in the IGC negotiations. A Spanish working group, including officials from the Ministry of Economy and Finance, the Bank of Spain and the Secretariat of State for the EC, sought to maximise Spanish input to negotiations at EC level. Documents outlining the Spanish position were presented to the Commission in March and May 1991. The March 1991 document, clearly negative about existing Community efforts, stressed the need to reinforce the concept of cohesion in general, while, two months later in May, more specific recommendations were put forward (Spanish delegation, 1991a, 1991b). The three major proposals were: an increase in the share of Community funding to structural programmes; the setting up of a fairer system of resources where member state contributions are measured by their relative prosperity; and the establishment of a fund for interstate compensation, or an equalising budgetary fund, based on the FCI at national level. The proposals generally faced firm opposition in the Community, the Northern member states accusing Spain of jeopardising the Treaty talks to obtain solutions to financial problems which were outside the IGC's brief (*FT*, 18 June 1991). The interstate compensation fund was regarded as unrealistic by the Commission, and, despite the backing of Portugal, Ireland and Greece, the proposal was rejected during the Luxembourg Presidency. However, Spain continued to argue for fiscal transfers to make EMU viable for poorer states. The Spanish Secretary of State for Economy, Pedro Pérez, declared that such transfers would not be open-ended, but 'only until the playing field is more or less level' (*FT*, 18 June 1991).

When the Netherlands took over the Presidency in 1991, their draft treaty on political union largely ignored Spanish demands on cohesion which they described as intransigent, isolated, and unacceptable to the majority of member states (*El País*, 15 November 1991). It was not until the penultimate ministerial meeting in November

that, in response to Spanish pressure, the issue was debated, using the Luxembourg draft treaty as a basis. Spain's position remained unchanged, but the Commission sought to influence the Irish and Portuguese who were considered 'softer' negotiators (Ross, 1995, p. 188). The Spanish delegation did not directly threaten to veto the Maastricht agreement, but the Economy Minister, Carlos Solchaga, made clear that the national parliament would not necessarily ratify the EU Treaty if it was dissatisfied with the negotiations (*El País*, 15 November 1991).

Little advance was made on the cohesion issue on the first day of the Maastricht Summit. The Commission's support for Spanish proposals was crucial, as it not only broke Spain's isolation, but also encouraged the other poorer countries to be more vigorous in their demands (*El País,* 26 November 1991). A meeting was held to discuss cohesion in which Spanish and German diplomats, and the Head of Delors' cabinet, Pascal Lamy, participated[3]. The Spanish delegation demanded legal guarantees on the issue within the Treaty and, by the morning of the second day of the Summit, the Dutch Presidency had proposed the inclusion of a 'cohesion fund' in a protocol as well as an agreement on relative prosperity. Although the majority of member states considered a non-binding declaration sufficient, the Dutch Presidency proposed a legally binding protocol as a compromise between the two positions. Initially, German officials would only consider an environmental fund and dismissed a compromise proposal, put forward by Belgium and Italy, which proposed addressing Spanish concerns in a protocol. However, the importance of interstate bargaining is illustrated by talks between Kohl and González on the eve of the summit which enabled a compromise to be reached. This commitment, along with the agreement to base budgetary contributions on the relative prosperity of member states, led one Spanish spokesman to declare that Spain had 'won everything we set out to achieve at Maastricht' (*The Independent*, 11 December 1991). González, although recognising that Economic and Monetary Union (EMU) remained a formidable challenge, said that it was 'now almost inconceivable that by 1996 Spain was not in the group of countries that begins the process towards a sole currency' (*FT,* 12 December 1991). The review of the EU's finances in 1992 was closely monitored by Spain, to ensure that a firm legal commitment to cohesion was retained.

The second 'victory': the 1992 Edinburgh Summit

Just as the Brussels European Council was the 'essential financial counterpart' of the SEA, the Edinburgh Summit performed this role for the Maastricht Treaty (Duff *et*

[3]The Spanish representatives included the Director of International Relations of the cabinet of the Presidency (José Pons), the Director General of the Treasury (Manuel Conthe), and the Secretary General for the EC (Elorza), who was described as the Spanish spokesman on cohesion.

al., 1994, p. 135). Delors presented the Commission's proposals (the so-called Delors II package) to the European Parliament on 12 February 1992, and an agreement was reached in Edinburgh in December 1992. Michael Shackleton (1993, p. 11) describes the fact that the budgetary negotiations were concluded in a marginally shorter time than in February 1988 as surprising in view of the lack of an urgent need to raise the amount of Community resources. However, Spain's threat of a veto of the EFTA enlargement unless it obtained the full Delors II package, designed to double the receipts of the poorer countries by 1997, ensured that priority was given to budgetary issues. The Spanish government thus had a key role in setting the agenda for the negotiation of cohesion at the Edinburgh Summit.

The Portuguese Presidency in the first half of 1992 sought agreement on general guidelines rather than specific figures, in an atmosphere which was generally negative following the Danish 'no' in their EU referendum (*FT,* 26 June 1992). This left the main decisions for the UK Presidency which Spain feared would be far less receptive to Southern member state demands. Although Spain was the strongest advocate of the doubling of structural funds, Portugal also backed tough Spanish statements in pre-Summit meetings (*El País,* 20 June 1992). The UK and Dutch delegations firmly opposed any raising of the ceiling before 1997, and other member states were unsympathetic towards the amount of funding demanded by Spain, even suggesting that the Cohesion Fund could be delayed until 1999. Delors tried to bridge the North/South divide by conceding that his plan to raise EC spending by one-third could be spread over another two years, which he hoped would gain the approval of Southern European states if the increase affected policies such as research and development rather than cohesion (*FT,* 26 June 1992). However, the Commission was more critical of specific Spanish proposals, such as its demand in January 1992 for 487,500 million pesetas, of which 300,000 would be received by Spain (*El País,* 24 January 1992). Kohl was described as the most vocal in his refusal to pledge more aid, arguing, with support from the UK and France, that a substantial increase in funding could undermine the support for Maastricht in the richer countries (*IHT,* 29 June, 1992). The final Lisbon communiqué declared that the budget from 1993 was set for either five or seven years, and that it would lead to an 'appropriate' increase in support. González accused the UK and Germany of reneging on prior commitments. However, a private Commission note, sent to offices after the Summit, considered a doubling of the financial effort by 1997 in the poorer member states likely, thus indicating a move in Spain's direction despite the lack of progress made at Lisbon (*The Times*, 29 June 1992).

Spain's bargaining power was strengthened at Edinburgh by the need for its support for the acceptance of both the Danish exemptions from Maastricht and enlargement. The UK plan was presented to a meeting of EC Foreign and Finance ministers in Brussels in November. It was immediately criticised by the less developed countries, particularly Spain, as the plan was to freeze EC spending for the following three years, and to limit growth to 1.2% Gross National Product (GNP) until 1996–97, and 1.25% in 1998–99 (*FT,* 30 November 1992). France was more sympathetic to Spanish demands, as it needed Spain's support for its re-negotiation of farm subsidies with the US, but the UK sought to prevent Spain from strengthening the previously isolated French position and warned of the market risks of a Summit failure during its tour of capitals prior to the Edinburgh Summit. The UK highlighted reductions on VAT from 55 to 50%, which Spain had obtained immediately rather than over five years, as a significant victory in an attempt to pacify the Spanish delegation. Furthermore, it stressed that the difference between the amounts of funding it proposed, and those put forward by the Commission, was only 2.5 billion ecu a year. Diplomatic sources claimed González was 'bordering on outright anger' because of the UK and Danish delays on Maastricht ratification, even before the UK had tabled the compromise EC financing plan (*The Independent*, 1 December 1992). González described the proposal on the budget as 'insufficient', and the spending package as 'minimal' (*FT,* 2 December 1992). However, the Spanish delegation agreed to compromise on certain of its demands, including the approval of a less generous budgetary deal than that originally demanded, which enabled informal talks to begin on enlargement before a financial agreement was reached (*El País*, 10 December 1992).

The establishment of a multi-annual financial framework was eventually agreed at Edinburgh, involving an increase from 18.6 to 30 billion ecu in the budget by 1999. The main increase was in the structural funds, with the newly created Cohesion Fund (see Chapter 6) making up the 2.6 billion ecu balance[4]. The budget froze the ceiling on resources at 1.2% of GDP for two years, with a phased increase to 1.27% by 1999. The Spanish delegation was generally satisfied, although the agreement fell short of the original Spanish proposal of 1.37%. The importance of interstate relations in reaching a final agreement is underlined by Kohl's claim that he had made a 'substantial verbal contribution' to convince González that a compromise on financial arrangements was possible (*FT*, 14 December 1992). The Spanish delegation had been a key player throughout the negotiations; according to the Foreign Minister

[4]It was agreed that the Cohesion Fund would be extended beyond the Delors II levels to include 3.15 billion ecu for 1998 and 1999. This fell short of the 5.6 billion pesetas originally demanded by Spain, and the Cohesion Fund finally approved amounted to 41% of the amount requested by the Spanish negotiators.

Francisco Fernández Ordóñez in his briefing to the Joint Committee for the EC on 13 October 1988, 'lo que se haya hecho en cohesión se ha hecho con el impulso de España' (what has been achieved in cohesion has been the result of Spanish initiative) (Ministerio de Asuntos Exteriores, 1988, p. 386). Although cohesion policy was on the EC agenda prior to Spain's accession, 'it took Spain to pitch it at the level it deserved' according to a former adviser to González[5]. The fact that it was fully taken into account in the areas of research and development, the Single Market, the EFTA enlargement, and environmental policy was viewed by key Spanish government officials as largely the outcome of Spain's initiative. Its tough position was retained in 1994 during enlargement negotiations, when it insisted on an increase in cohesion funding using the contributions of the new members, Austria, Sweden and Finland, of between 2000 and 4000 million ecu (*El País*, 15 February 1994). The Spanish government was not prepared to facilitate the entry of other countries into the Community by changing the rules in key areas such as cohesion policy, arguing that their position was entirely logical in view of the tough EC accession terms which had been imposed on Spain[6].

An analysis of negotiations at EC/EU level clearly depicts an interstate bargaining framework to which domestic actors had minimal access. Considerable evidence exists for the key role of the Spanish government in the negotiation of cohesion policy, its skilful bargaining tactics being widely recognised by both the Commission and other EU member states. This evaluation thus suggests that the Spanish delegation enjoyed a high level of autonomy vis-à-vis domestic actors throughout the negotiations.

Interaction between the domestic and EU arenas

Marks (1992, p. 194) argues that the clearest way of explaining the growth in structural funds is to consider the funding as a side payment to the poorer countries in return for the assent to the Single Market, thus amounting to 'a combined optimal solution'. His analysis highlights the fact that countries such as Spain lack a cushion of affluence against any downturn in the economy, and could suffer from a 'negative political fallout' if the Spanish population's high expectations of the EC are not fulfilled (Marks, 1992, p. 203). The tough position on funding adopted by the Spanish government at EC/EU level was, to a certain extent, a response to the need to present a successful outcome to parliament and public opinion in the domestic arena. In the

[5]Interview with former diplomatic adviser to González on foreign policy, Madrid, 30 May 1996.
[6]Interview with former diplomatic adviser to González on foreign policy, Madrid, 30 May 1996.

press conference following the Brussels summit on 12 February 1988 (Ministerio de Asuntos Exteriores, 1988, p. 127), González highlighted the politically sensitive process of explaining the outcome of the summit to the public in each member state by the Head of government, thus underlining the importance of the domestic ratification process. The high visibility of the structural funds, representing the direct gains from Spain's incorporation into the European framework, made their presentation in the domestic arena particularly important for retaining an internal consensus in favour of membership. In the 1988 press conference, González stressed that Spain's gains at EC/EU level were not for senior government officials, but for Spanish citizens (Ministerio de Asuntos Exteriores, 1988, p. 129). This section seeks to analyse the interaction between interstate negotiations and the ratification of the state's position in the domestic arena.

Definitions of cohesion

Cohesion was defined by the Spanish delegation in its March 1991 document to the IGC as a 'necessary political balance between efficiency, stability and equity', and not merely as compensation for EMU (Nicoll and Salmon, 1994, p. 274). This took into account the varying effort required by economies at different stages of development to implement EU policies. The Spanish Presidency's statement to the European Parliament in January 1989 declared that the SEA not only set out specific measures to strengthen cohesion, but included 'an effective and parallel presence of that objective in developing the various policies and the internal market' (European Commission, 1989a, p. 88). Cohesion policy is thus viewed as part of the progress towards European integration, rather than a quantitative concept detached from key developments. The EC's obligation to the Spanish domestic arena in return for the tough conditions imposed for accession was highlighted, for example by incorporating the concept of cohesion in the reform of the CAP[7]. In a speech in 1988 in Brussels, González declared that:

> si unos hacen un ejercicio duro, pero necesario, de convergencia de políticas económicas...otros deberán, lógicamente, corresponder con una aproximación semejante por la vía de la solidaridad, mediante la aceptación de decisiones que impliquen un grado mayor de cohesión económica y social.
> (if some countries go through a tough, but necessary, exercise in order to converge their economic policies...others should, logically, respond with a similar effort of solidarity by accepting decisions which imply a higher level of social and economic cohesion)[8].

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[7]This was suggested by Ugalde Ruiz de Assín of the Popular Coalition party in a question to Foreign Minister Fernández Ordóñez, following his briefing to the Joint Committee for the EC on 13 October 1988 (Ministerio de Asuntos Exteriores, 1988, p. 396).

[8]Speech given by González in Brussels, 12 December 1988 (Ministerio del Portavoz del Gobierno, 1988, p. 79).

González was aware of the likely resistance of key EU member states to the development of cohesion policy, but sought to maximise support for his demands at EU level by presenting Spain's objectives as part of a political, pro-integrationist discourse, rather than highlighting the gains at domestic level (Closa, 1993, p. 304). González thus included the request for an increase in structural funding as part of a Europeanist vision. For example, in September 1987 in Bonn, González rejected the notion of a mere free trade zone[9] and, in October 1987 in Florence, he described the close relationship between the internal market and cohesion in an integrated Europe[10]. The protocol obtained at Maastricht was considered by González as the minimal solution to avoid a damaging political climbdown domestically and, in the domestic arena, González stressed that Spain's fulfilment of EC obligations would be compensated for by the Community's 'indispensable solidaridad política y económica' (indispensable political and economic solidarity)[11].

Domestic responses to the government's negotiation at EU level

The government's tough negotiating position on cohesion policy was generally supported by all political parties, including influential regional parties such as the CiU and the Partido Nacionalista Vasco (Basque Nationalist Party, PNV). Likewise, the government received the full backing of the CEOE in its negotiation of cohesion funding, whose only major fear was regarding its distribution to less developed regions and to SMEs (Youngs, 1996, p. 201). Key domestic actors were concerned to maximise Spain's net benefits from Community membership; criticism that Spain had become a net contributor during the first year of EC membership was voiced by the CEOE and opposition parties (*El País*, 9 January 1987). González sought to gain the approval of key actors, such as the main trade unions, by highlighting the economic benefits obtained in negotiations in Brussels to counter their increasing criticism of governmental reforms (see Chapter 6 for a fuller discussion of the input of domestic actors). However, relations between the government and unions had generally deteriorated in the 1990s, and were exacerbated by Spain's attempts to meet the EMU convergence criteria during a time of growing economic crisis.

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[9]Speech given by González at the German Society for Foreign Policy, Bonn, 17 September 1987 (Ministerio del Portavoz del Gobierno, 1988, p. 39).

[10]Speech given by González in the European University Institute, Florence, 19 October 1987 (Ministerio del Portavoz del Gobierno, 1988, p. 62); other speeches underlining his definition of cohesion include the plenary in the Congress on 9 December 1987 to report on the European Summit of 4–5 December 1987 (Ministerio de Asuntos Exteriores, 1987, pp. 177–85).

[11]Speech given by González in the ceremony for the beginning of the academic year at the College of Europe, Bruges, 28 October 1985 (Ministerio del Portavoz del Gobierno, 1988, p. 19).

As illustrated in Chapter 4, the sets of conditions which enhanced government autonomy during the negotiations for EC accession (see Chapter 3) were changing during membership. The increased lobbying capacity of domestic actors, and the greater vulnerability of political leaders to their demands, meant that a new context for policy-making was developing. Richard Youngs (1996) draws a clear distinction between the 1986–90 and the post-1990 periods in his analysis of the domestic political context in Spain; key changes included a hardening of public opinion vis-à-vis the EU, and a greater consideration of the extent to which Spain's EU membership benefited national interests. This is illustrated by the harsh criticism of the Izquierda Unida (United Left, IU)[12] of the ratification of the Maastricht Treaty without prior EC commitments to economic and social cohesion, and the opposition parties' initial rejection of the draft text on Maastricht in the Joint Committee for the EC (*El País*, 19 November 1991)[13]. Key actors in the domestic arena increasingly demanded more information on EC/EU policy decisions, as illustrated by the criticism of the 'total desinformación gubernamental' (total lack of information from the government) in the Joint Committee for the EC of 13 October 1988 (Ministerio de Asuntos Exteriores, 1988, p. 395); according to opposition parties, this had encouraged a break in the Spanish consensus on Europe (*El País,* 20 November 1991). In its defence, the government referred to the lack of amendments made by the opposition to the text on political union in the Joint Committee for the EC over a four-month period, also arguing that it could not be bound to a parliamentary resolution when it had to retain a high degree of flexibility and autonomy during negotiations in the EC/EU arena (*El País*, 21 November 1991). Obtaining increasing levels of funding from the EU to present to the domestic arena had thus become more urgent for a government faced with a less assured consensus on European policy. Business and trade union representatives, and opposition parties, urged the blocking of advances in other policy areas if Spain did not obtain its demands, and parliamentary debate, particularly during pre-election periods, frequently criticised the government's negotiating position in Brussels. In November 1991, González declared in the Spanish parliament that he would exercise his veto if no satisfactory agreement on cohesion policy was obtained, and the chief Spanish negotiator at Maastricht in 1991 acknowledged that uppermost in his mind was the probability that a weak agreement on cohesion would not get through the national parliament (*El Mundo*, 7 December 1991).

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[12]The United Left was formally established in 1986, the Spanish Communist Party being the largest of the member parties.

[13]However, the Maastricht Treaty was eventually ratified almost unanimously in the Spanish Parliament with only three *Herri Batasuna* (radical Basque Nationalist) votes against and eight IU abstentions.

Despite the growing criticism, the government ultimately relied on full parliamentary backing for its bargaining positions. For example, Spanish Commissioner Abel Matutes referred in December 1992 to the similar understanding of the Cohesion Fund of the PSOE and PP (*El País*, 11 December 1992). Nonetheless, the increasingly critical stance put pressure on the Spanish delegation at EU level, and increased the public awareness of the issues at stake. In the July 1992 plenary following the Lisbon Summit, the main parliamentary groups highlighted the lack of achievement following the commitment to cohesion policy made at Maastricht. The government's triumphalist propaganda was strongly criticised by the opposition, while government officials drew attention to the difficult circumstances in which the negotiation had occurred (Congress, no. 204, 1 July 1992, pp. 10014–50). Opposition parties emphasised the disillusionment in the domestic arena, and the lack of consensus on European policy amongst the main political parties and trade unions. They were particularly critical of the lack of dialogue between the government and domestic groups (Congress, no. 204, 1 July 1992, pp. 10014–50).

While González highlighted the firm defence of Spanish interests at Edinburgh (Congress, no. 238, 15 December 1992, p. 12040), the leader of the PP pointed to the Spanish government's 'begging stance' within the EU (as *pedigueños*) while they were prone to high spending in the domestic arena (*El País,* 13 December 1992). Other key points of criticism were the minimal nature of the funding (the fact that the Cohesion Fund actually represented less than 0.5% of the overall national budget), and the neglect of Spanish sectoral interests while concentrating on EU funding; this was described as 'un punto débil para influir en la evolución de la Comunidad y en la protección de nuestros más inmediatos intereses' (a weak way in which to influence the development of the Community and protect our most immediate interests) (Congreso, no. 238, 15 December 1992, p. 12025). The PP highlighted the insufficient EC commitment to the Cohesion Fund which it considered to be a declaration of intentions rather than a firm guarantee (*El País*, 15 December 1991), and the IU stressed the need to address the problem of growing inequalities instead of relating cohesion funding purely to the EMU convergence criteria (Congress, no. 238, 15 December 1992, p. 12030). Outside the parliamentary arena, both the CCOO and the UGT criticised the considerable reduction in funding from the level agreed at Maastricht. Although much of this criticism could be viewed as part of a politically motivated, premature election campaign, the uncompromising position of González on Spain's financial demands was influenced by the need to present a good deal to his domestic constituency to consolidate their support prior to national elections.

Morán claimed that an overall consensus on European policy still existed in Spain in 1992, arguing that 'el caso español se caracteriza todavía por una menor maduración crítica respecto al proceso europeo...' (the Spanish case is still characterised by a less mature critical outlook with respect to the European process) (*Diario 16*, 24 May 1992). However, the demand for more participation in European policy was coupled with greater awareness of EU obligations at a time of economic recession. A united position was even difficult to achieve within central administration once the concerted effort to attain a co-ordinated policy on EC accession was over. For example, the Ministry of Economy and Finance argued for an increase in ERDF funding, while the Social Affairs Ministry was concerned that this increase was not to the detriment of the ESF, thus leading to internal wrangling over Spanish priorities (*El País,* 24 January 1992).

Conclusions

Despite the presentation in the domestic arena of the negotiation at Brussels in 1988 and Edinburgh in 1992 as major victories for Spain, the Spanish government wanted to avoid being labelled as a *demandeur* of increasing amounts of funding at EU level. González affirmed that the defence of Spain's interests in the area of cohesion policy had been demanded by all political groups, but that it was not 'un elemento decisorio de la solución de nuestros problemas respecto de nuestra aproximación a los índices de prosperidad de la Comunidad Europea' (a decisive element for the solution of our problems in meeting the European Community's economic indicators) (Congress, no. 204, 1 July 1992, p. 10049). By reconciling its key role as a pro-integrationist player at EU level with its strong defence of national interests, the Spanish government sought to deflect potential criticism from other member states. The Secretary of State for the EU declared on 26 November 1992, in the Joint Committee for the EU, that the government would ultimately opt for further European integration rather than concrete benefits for Spain (Ministerio de Asuntos Exteriores, 1992, p. 771), indicating that European unity should not be endangered by Spain's tough negotiating tactics. The Spanish government also wanted to avoid raising overly high expectations in the domestic arena regarding transfers of funding from the EU, particularly as it had been accused in the plenary following the Lisbon Summit of using Europe and Maastricht as scapegoats for the failure of its national economic policies (Congress, no. 204, 1 July 1992, p. 10042). A delicate balance between domestic and EU objectives thus had to be achieved whereby the government could succeed in consolidating its bargaining power and standing in both arenas.

Evidence from the analysis in Chapter 5 points to a clear interstate bargaining framework where the state enjoys a high level of autonomy even when domestic pressures for an optimal deal on EU funding have increased. The negotiation of funding and distribution of resources were purely state-run operations. The input of the domestic arena was reduced to criticism of the government's position following the bargaining process at EU level. One official referred to the key role of González and the importance of his personal convictions regardless of pressure from the recipients of funding at regional level, at least in the early negotiations[14]. The state's control of the process was fully retained, even where interstate bargains potentially conflicted with the 'segments' of society which it was representing (see Taylor, 1991, 1996 in Chapter 2). Negotiations at intergovernmental level among national executives seemed to enhance the state's autonomy vis-à-vis domestic actors. The closed nature of the EU opportunity structure during the decision-making phase meant that even strong, unambiguous demands, increasingly articulated as a result of the opening of the opportunity structure in the domestic arena, had little impact on the state's bargaining position at EU level.

Pollack (1995, p. 363) concludes that member states have 'proven adept at retaining their "gatekeeper" status'. However, although the state enjoyed a wide margin of manoeuvre, the growing awareness of European issues increasingly obliged it to act as aggregator of domestic interests to consolidate its power and construct coalitions in favour of EU membership. This was even the case in an area where backing for the government's negotiating position was unproblematic. At national level, cohesion policy was used by the state to illustrate the visible benefits of EU membership, and to detract attention from domestic economic problems. At EU level, domestic constraints helped to justify Spain's intransigent negotiating position to its counterparts. Successive rounds of domestic ratification, and the role of the active state in maximising its room for manoeuvre in the EU and domestic arenas, thus become increasingly important elements of the policy process, indicating the validity of the two-level game approach for the study of relations between the state and domestic actors.

An examination of the negotiation of cohesion policy at EU level indicates that regional mobilisation has little impact on the policy initiation and decision-making stages of the process. However, the impact of increasing regional involvement is likely to vary according to the type of decision and the stage of the policy-making process. Before concluding that the state has retained its full control in the issue area,

[14]Interview with former diplomatic adviser to González on foreign policy, Madrid, 30 May 1996.

a closer examination of relations between the state and domestic actors at all policy-making stages is necessary. Studies of subsequent stages have provided multi-level theorists with considerable evidence for an increase in subnational involvement (as shown in Chapter 2). The potential impact of this is the focus of Chapter 6 which completes the cohesion case study.

Chapter 6
THE INPUT OF KEY DOMESTIC ACTORS TO COHESION POLICY

The role of the Spanish state in the area of cohesion policy is evident from the analysis of negotiations at EC/EU level in Chapter 5. This chapter seeks to broaden the study of the policy area to consider the role of domestic actors other than central government. In view of the potential for an increase in regional mobilisation in the EU context, and the importance of the subnational level in the area of cohesion policy, the Spanish regions are a valid focus of enquiry in this chapter. However, the input of other domestic groups, such as key socio-economic actors, is also outlined, and compared with the advances made by regional authorities. Despite key limitations, institutional mechanisms established by the regions to enhance their involvement in the EU policy-making process were shown to represent a significant advance in Chapter 4. This provides a framework for an evaluation of their access to policy-making in a specific issue area in this chapter.

A survey by the Commission (European Commission, 1996e, p. 61) in EU member states concluded that the highest level of enthusiasm for greater regional input to EU policy-making existed in Southern Europe, for example some 83% of those surveyed in Spain. However, the nature of the opportunity structures at EU and domestic levels did not enhance subnational involvement at all stages of the policy process. Many analysts have highlighted the essentially centralised nature of the cohesion policy process, resulting in the state's retention of its control at key points of the negotiation. For example, Morata and Xavier Muñoz (1996, p. 196) adopt a sceptical attitude regarding an increase in regional participation in the case of Spain, on account of 'the dominant role played by national authorities in fixing priorities and managing Euro-funds'. However, as established in Chapter 2, other analysts consider that the multi-level governance framework is far more appropriate for an examination of areas such as cohesion policy. For example, Hooghe (1995) emphasises the development of partnership between the EU, central and regional administrative levels, which has resulted in an acceleration of subnational mobilisation since the mid-1980s, particularly during the implementation phase of structural funding. The focus of this chapter is the operationalisation of the structural funds, given that the central role of the state during the decision-making phase was firmly established in Chapter 5. The divergent conclusions of key analysts on the role of the state and domestic actors in cohesion policy are evaluated, with a view to drawing conclusions about the extent to which the policy-making process has changed in the specific case of Spain.

The chapter pays particular attention to the case of Andalusia as the beneficiary of the highest level of Objective one funding, and to the ERDF as the largest source of funding in the region. The ERDF was created in 1975 and aimed to 'redress the principal regional imbalances in the Community through participating in the development and structural adjustment of regions whose development is lagging behind and in the conversion of declining industrial regions' (Article 130c).

Reform of the structural funds

As well as a substantial increase in the amount of funding (see Chapter 5), the operational rules of the structural funds underwent a fundamental reform in 1988. In Article 130d of the SEA, the Commission was asked to present a proposal for a reform of the structural funds to the Council and, in February 1987, it outlined the major developments it advocated in the document 'The Single Act: A new frontier for Europe' (the so-called 'Delors I' package) (European Commission, 1987a). In June 1988, the Council of Ministers approved the legal base for the reform, and implementing legislation for the ERDF was passed on 19 December 1988, coming into force on 1 January 1989[1]. The 1988 reform could be regarded as the first attempt to impose uniform procedures for regional policy on all member states.

Structural fund assistance now concentrated on five priority objectives[2]. The aim of the reform was to make structural actions more consistent with member states' economic policies, and to improve the administration of the funds through multi-annual budgetary planning, greater simplification and flexibility, and more efficient monitoring of operations. The reform also referred to the additionality of EC resources which should not replace national funding. The key innovation in 1988, relevant to the focus of this chapter, was the introduction of the concept of partnership, which can be viewed as the basis of the reform as it determines the implementation of the other principles (European Commission, 1989c, p. 14). According to the framework regulation, the principle is 'established through close consultations between the Commission, the Member State concerned and the

[1]Regulation 2052/88, *Official Journal of the European Communities* (*OJ*) L185/9, 1988 (Framework regulation), Regulation 4253/88, *OJ* L374/1 (Co-ordination regulation), Regulation 4254/88, *OJ* L374/15 (ERDF), Regulation 4255/88, *OJ* L374/22 (ESF), and Regulation 4256/88, *OJ* L374/25 (EAGGF).

[2]Objective one focuses on the development of lagging regions, defined as those where per capita GDP is less than 75% of the EC/EU average; Objective two covers regions seriously affected by industrial decline; Objective three aims to combat long-term unemployment; Objective four aims to facilitate the occupational integration of young people; Objective five, subdivided into agricultural and forestry assistance, and development of rural territories, aims at promoting the activity of rural areas; Objective six (newly created) focuses on the sparsely populated regions of the Nordic countries.

competent authorities designated by the latter at national, regional, local or other level, with each party acting as a partner in pursuit of a common goal'. The reform was intended to shift the balance of power between actors at different levels of administration in relation to the planning, implementation and monitoring of the structural funds, indicating the changing nature of the policy area at EC level. A speech made by Delors to a meeting of Objective two regions in July 1991 expressed the view that 'Nous voulons favoriser ce partenariat pour une raison simple: nous croyons qu'aujourd'hui, penser le développement c'est plus une affaire des agents locaux qu'une affaire de l'échelon central...' (We want to promote this partnership for one simple reason: we believe that development strategies today are more an area for local agents than for actors at central level)[3]. According to the principle of partnership, regional authorities are given a key collaborative role in the implementation of programmes. The principle reflects the concept of subsidiarity, according to which initiatives should only be taken at EU level where the objectives of the proposed action cannot be adequately achieved nationally. Firstly, the Commission intended that regional authorities should be fully involved in the drawing up of Regional Development Plans (RDPs), where maximum consultation with the competent authorities designated by the member state was recommended for their preparation, although the final plan would be presented by central administration. Secondly, the adoption of programmes through negotiation of the Community Support Framework (CSF) with the Commission should include representatives of all the regions in its meetings. Thirdly, the objective was to encourage subnational actors to participate fully in the implementation stage, involving the drawing up of operational programmes (OPs) and the monitoring and assessment of projects. Separate regional multi-annual plans were intended to encourage a greater role for regional monitoring committees.

The six revised regulations for the structural funds for the period 1994–99, adopted by the Council of Ministers on 20 July 1993, maintained or strengthened the major principles adopted in the 1988 reform. Article 4 of the amended framework regulation[4] advocates the participation of socio-economic actors as well as regional and local authorities, although 'in full compliance with the respective institutional, legal and financial powers of each of the partners' (European Commission, 1996a, p. 17). The seventh annual report on the structural funds in 1995 (European Commission, 1996b, p. 229) recognises that participation depended on member

[3]Speech published in European Commission, 1991, *La reconversion des régions industrielles: rencontre des 60 régions éligibles à l'objectif 2 des fonds structurels*, Brussels, 8 July 1991 (Hooghe, 1996b, p. 122).

[4]Regulation 2081/93 (Framework regulation), *OJ* L193, 1993.

states' institutional structure, highlighting the fact that 'the effective operation of the regional partnership in the context of the Structural Funds is influenced of course by this institutional and political diversity'. A further factor which led to inadequate implementation of the partnership concept was its lack of clear definition. Smith (1995, p. 133) considers that 'la notion de partenariat est donc particulièrement molle. Elle permet les interprétations à la fois des rapports inter-acteur "verticaux" et "horizontaux" qui sont nettement différenciées selon les cas'. (the notion of partnership is therefore particularly fluid. It permits interpretations of both "vertical" and "horizontal" relations between actors which vary considerably from case to case). In practice, the state can use its interpretation of the definition of partnership to limit the extent of domestic participation in the process.

Analysts considered that national policy-makers became increasingly concerned about the influence of the Commission during the 1989–93 period, and thus attempted to reinforce their position in the 1993 reforms (for example Wishlade, 1996, p. 55). In 1993, member state priorities and national statistical data were emphasised in the designation of areas eligible for funding, thus shifting the focus towards the national level. However, Marks (1996, pp. 395–6) argues that the 1993 reform enhanced the role of the Commission as arbiter at the centre of the policy process in view of the increased competition between member state governments, and that greater competition between regional authorities also encouraged regional actors to seek to maximise their influence on decision-making. The regions were also far more widely consulted prior to the 1993 reform in contrast to the elitist drawing up of the 1988 regulations (Hooghe, 1996b, p. 118).

Institutional framework

The level of access to policy-making for key actors is determined by the nature of the institutional framework at domestic and EU levels, and the degree of willingness of EU and central government actors to accept greater domestic participation. This framework is examined here prior to a detailed analysis of the policy process.

European Union

The EU's regional policies and cohesion are the responsibility of Directorate-General (DG) XVI of the Commission. In contrast to other DGs involved in regional policy, it deals exclusively with regional issues and has full responsibility for relations between the Commission and the General Affairs Council (Smith, 1995, p. 454). Furthermore, it is responsible for managing the largest amounts of funding, namely for Objective one and two areas. The DG has thus been described as 'the informal leader of

cohesion policy' (Hooghe, 1996b, p. 90). The political importance of DGXVI was enhanced by the firm support of Delors throughout his Presidency, the high priority given to the DG by Commissioner Bruce Millan, and the appointment of a close colleague of Delors, the Spanish socialist Eneko Landaburu, as Director General in 1986 (Smith, 1995, p. 456). During the re-organisation of its structure in 1994, DGXVI acquired responsibility for the Cohesion Fund, and for relations with the Committee of the Regions from the Secretariat General, which further boosted its budget and range of competencies.

DGXVI is extensively involved in the negotiation of the allocation of funding, the priorities of the programmes, and the implementation of policy. In 1997, the DG, consisting of approximately 200 A-grade civil servants, was divided into seven directorates, which are shown in Figure 6.1. A large number of experts seconded from their member states are based in the DG (30% of the A-level Commission staff in early 1993) which, as well as potentially enhancing member state influence on policy, also leads to a high level of in-house expertise (Hooghe, 1996b, p. 108). The implementation unit responsible for Spain has around the same number of administrators as other countries such as Ireland, despite the higher level of funding received. The low number of EU officials responsible for Spain increases the likelihood of greater responsibility being given to Spanish central and regional governments for the administration of projects. This development is more probable than an expansion of the division at EU level according to one DGXVI official[5]. Enhanced national and regional input is also likely in view of the increasing priority given by the Commission to strengthening its policy conceptualisation, at the expense of project administration carried out by traditional desk officers (Hooghe, 1996b, p. 104).

Hooghe (1996b, p. 98) considers the Commission a significant autonomous actor in the promotion of greater regional participation[6]. The Commission's powerful agenda underlying the 1988 reform was hardly altered in the Council of Ministers[7]. She describes how 'the insular drafting, the backing of Jacques Delors, the timing, and the

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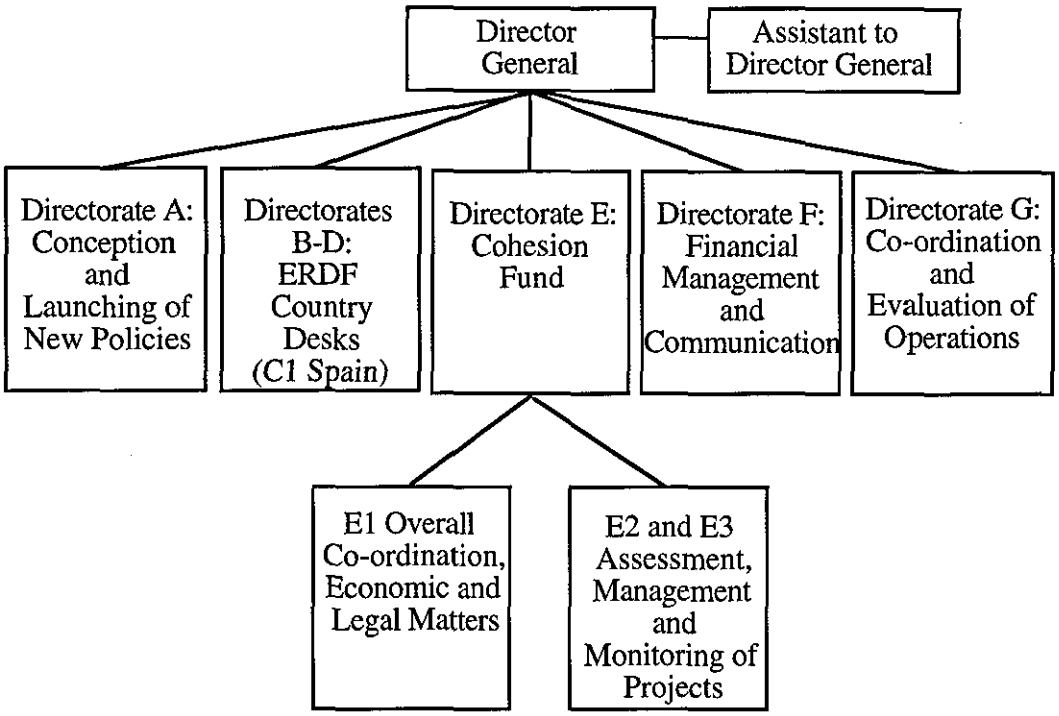
[5] Interview with official of DGXVI/C1, European Commission, Brussels, 17 April 1997.

[6] One of the Commission's early attempts to promote subnational representation was on 24 June 1988 when it set up the Consultative Council for Regions and Localities. The powers of the Consultative Council remained limited during its existence (the Committee of the Regions took its place in 1991), and the institution was thus a political gesture rather than a genuine attempt to enhance regional input.

[7] The power of the Commission was enhanced by the 1988 reform, which reduced the control of member states over the structural policy instruments, and established the Community aspects of the policy area. For example, it allowed the Commission to use 15% of ERDF resources for its own initiatives, which would not require Council of Ministers approval (Lázaro, 1991a, pp. 80–1).

Figure 6.1 Structure of Directorate-General XVI (Cohesion and Regional Policies), European Commission



careful selection of the negotiation team suggest that the Commission had not been acting on behalf of the states', thus highlighting its 'monopoly of initiative on the institutional design' (Hooghe, 1996b, pp. 99–100). However, the gap between the theory and practice of the concept of partnership highlights the problems of implementation of policy (Hooghe, 1996b, 1997). Furthermore, competing interests within the Commission did not always allow a clear-cut policy on subnational participation[8]. The changing opportunity structure at EU level thus depended on the balance of power within the Commission's administration.

Other EU institutions have sought to enhance regional input to the policy process, although their influence has been limited in comparison with that of the Commission. The Committee of the Regions[9] is regularly consulted on economic and social

[8]The small unit responsible for masterminding the 1988 reform was upgraded in 1986 to become the DG responsible for co-ordination between the structural funds, namely DGXXII, which was keen to maximise subnational input. However, DGXVI advocated a more flexible approach to partnership, only encouraging regional participation where it increased the overall effectiveness of policy implementation (Hooghe, 1997, pp. 93–5). The more functional approach of DGXVI seemed to win through, as DGXXII was disbanded in 1992, although DGXVI administrators remained keen to maximise the input of local and regional actors.

[9]The Committee consists of 229 representatives of regional and local bodies, its organisation, size and the national composition of its membership resembling the Economic and Social Committee. It is interesting that the Spanish government showed little enthusiasm for setting up the Committee in the

cohesion, including the aims and rules of the structural funds. The Committee demanded greater regional participation in the Cohesion Fund in its plenary session of 5 April 1994 (*El País*, 6 April 1994), and its own-initiative opinion of 20 July 1995 (Committee of the Regions, 1995) argued the case for greater regional and local participation in the structural funds. In 1997, the Committee (Committee of the Regions, 1997) advocated the Commission's reinforcement of the partnership principle at the programming stage. However, despite a Commission communication in April 1995 establishing a potentially stronger consultative role for the Committee of the Regions, its influence is restricted to a limited advisory role (European Commission, 1996a, p. 35).

The final declaration of a joint conference organised by the European Parliament and the Committee of the Regions in 1996 on regional participation in EU policy-making called for the partnership principle to be strengthened by incorporating it into the EC Treaty, and extending it to other policies[10]. The European Parliament has frequently criticised the lack of regional access to Community institutions, and has made bold proposals to increase subnational input, for example its demand for more transparent information for local and regional authorities, and greater regional competencies in the management and control of EU funding. Although the influence of its proposals on the policy process remains limited[11], it frequently acts as an effective mediator between the EU institutions and regional authorities, thus creating the possibility of bypassing central government structures, even if the central state still retains its key role in the funding process.

Central government

The Ministry of Economy and Finance has the most involvement in European policy after the Ministry of Foreign Affairs, largely because it is the general co-ordinating agency for all EU structural funds and initiatives. Within the ministry, the structural funds are co-ordinated by the DG for Analysis and Budgetary Programming, as shown in Figure 6.2. The sub-DG for Administration of the ERDF is responsible for

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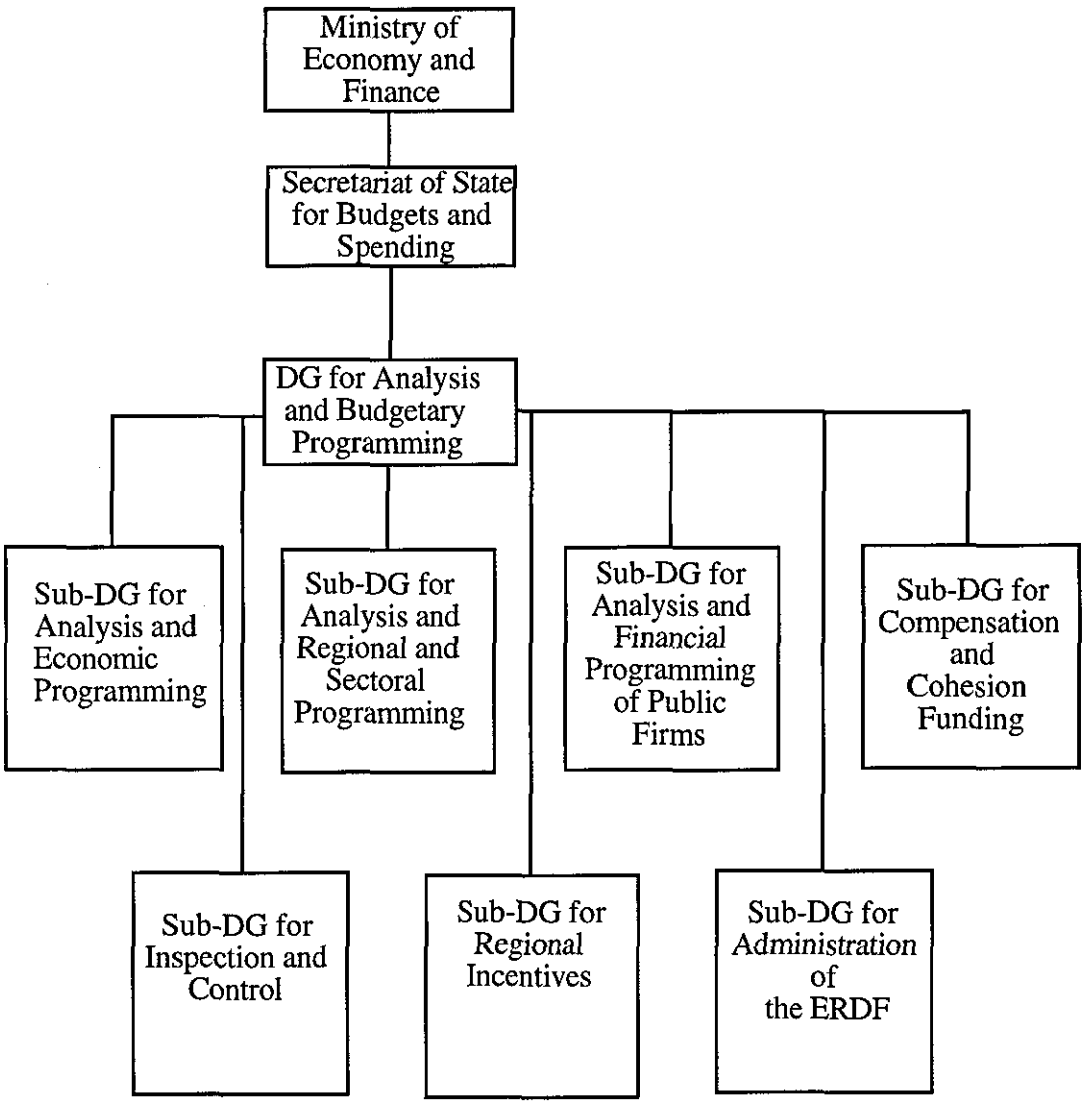
1991 IGC, as it feared a rise in subnational influence, particularly in the more economically developed regions.

[10]Conference on 'The European Parliament and the Regional and Local Authorities of the European Union for a Europe based on Democracy and Solidarity', Brussels, 1–3 October 1996.

[11]The 1988 reform of the structural funds merely provided for the Commission to present a report on the implementation of the structural funds to the Parliament, Council of Ministers, and the Economic and Social Committee. In its resolution on the Commission's sixth annual report on the structural funds (European Parliament, 1996, pp. 30–31), the European Parliament's lack of involvement in the setting of the 1994–99 financial perspective is highlighted, which it describes as being negotiated 'behind closed doors' at the Edinburgh Summit. The 1993 reform permitted greater parliamentary involvement; development plans submitted by the member states are now forwarded to the European Parliament, and MEPs are provided with regular and detailed information on the implementation of the funds.

Figure 6.2 Organisation of structural funding at central level



the implementation of funding and constitutes a permanent Secretariat for the preparation of documentation in conjunction with regional authorities, including the organisation of monitoring committees (Instituto de Desarrollo Regional, 1997a, pp. 614–5). It is significant that the Secretariat of State for Foreign Policy and the EU only has a secondary role in the funding process, and that the Ministry of Economy and Finance frequently has direct contact with the Permanent Representation in Brussels on cohesion policy issues[12].

The centralised funding process initially established by Madrid, where central government is responsible for the proposal of programmes and requests for payment to the Commission, the authorisation of any modification of projects, the

[12]Interviews with officials of Ministry of Economy and Finance, Madrid, September 1996.

administration of ERDF receipts, and the transfer of funding to the appropriate authority, has not changed substantially during EC/EU membership. The number of officials responsible for EU funding at central level is still very small, and interviewees in Brussels highlighted the lack of resources for more global thinking on regional policy, given the huge administrative and technical workload, and the non-involvement of the Ministry of Public Administration in the EU funding process[13]. The participation of regional authorities, especially for the implementation of projects, was therefore needed in view of the limited resources at central level.

Ministry of Economy and Finance officials consider that the transfer of all information and resources should be via central government, and that the development of multilateral relations between the Commission and regional actors would not enhance the functioning of the system[14]. On 24 March 1988 in the Committee for the Monitoring of the FCI of the Senate, the Secretary of State for the EC highlighted the need for the state to be informed of any direct contact between the regions and the EU, while accepting subnational input to the formulation of the government's position in areas which affected them (Ministerio de Asuntos Exteriores, 1988, pp. 411–24). According to a Ministry official, 'the state is finally responsible and central control and co-ordination are essential'[15]. Central government officials consider that the regions have generally seemed satisfied with the negotiation of funding by the Spanish government at EU level (see Chapter 5), suggesting that this acceptance has increased rather than diminished as regional authorities have acknowledged the importance of a co-ordinated, national approach[16]. However, continued tensions over the distribution of resources and responsibilities are inevitable, even if resistance to greater regional input in central administration has declined during EC/EU membership.

Regional government

Raffaella Nanetti (1996) describes the new industrial model where the region becomes an active participant in the development process, gains a pro-active role in policy formulation, and is increasingly recognised as the appropriate level for development planning. The process of learning the complex funding procedures has been important in increasing regional capacity to participate in the process. Growing demands for information, and a greater subnational input, can no longer be resisted by

[13]Interview with official of DGXVI/C1, European Commission, Brussels, 17 April 1997.

[14]Interviews with officials of Ministry of Economy and Finance, Madrid, September 1996.

[15]Interview with official of Ministry of Economy and Finance (Adviser, DG for Analysis and Budgetary Programming), Madrid, 23 September 1996.

[16]Interview with official of Ministry of Economy and Finance (formerly responsible for Andalusia, sub-DG for Administration of the ERDF), Madrid, 18 September 1996.

member states in policy areas within regional competencies. The learning process at regional level could thus be ultimately more important for enhancing subnational involvement than reform at EU level (Ordovas Blasco, 1989, p. 94). Regional governments are also increasingly taking the opportunity to lobby the EU institutions directly, for example the President of the Andalusia government, Manuel Chaves, held talks with Delors in November 1990 in order to lobby for EC financial support for the National Park of Doñana (*El País*, 22 November 1990).

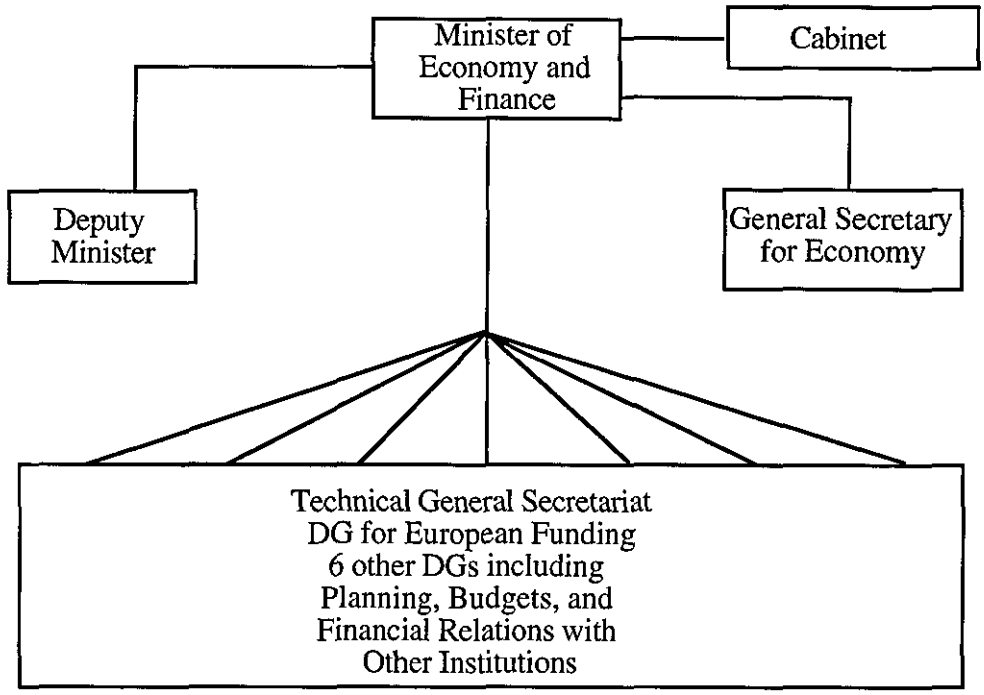
In the case of Andalusia, only one person in the regional administration was responsible for ERDF funding when Spain joined the Community[17]. In 1987, a Comité Técnico de Coordinación para asuntos relacionados con las Comunidades Europeas (Technical Committee for Co-ordination of European Community Affairs) was created to co-ordinate European policy, including the structural funds. The regional government attempted to enhance the standing of the Committee in 1988 by attaching its Secretariat to the regional Presidency, but the capacity of the institutional structure established for the EU funding process remained limited. The new structure of the Committee was partly in response to the greater opportunities for regional participation in the 1988 reform of the structural funds. Further significant institutional changes were not made until 1996, when the new PP government created the DG for European Funding within the Ministry of Economy and Finance, as shown in Figure 6.3. The DG groups together the three structural funds for the first time, and is responsible for the evaluation of all structural funding and the management of the ERDF. The management of ESF and EAGGF funding is carried out in the Ministries for Employment and Social Affairs, and Agriculture respectively[18].

Regional participation from 1986–88

Regional authorities were described as the absentees in EC regional policy by one analyst in 1984, in view of the fact that central government was responsible both for sending the regional plans to the Commission, and for monitoring their implementation (Granell, 1984, pp. 38–39). The Commission was concerned about the marginalisation of regional authorities and had already proposed their greater involvement in 1981, for example the elaboration of regional plans, and the direct receipt of funding for projects which were within their area of responsibility (Granell, 1984, p. 39). Although a more effective relationship between the Commission and

[17]Interview with official of Instituto de Fomento de Andalucía (IFA), Seville, 2 October 1996.
[18]Interview with official of regional Ministry of Economy and Finance, Seville, 2 October 1996.

Figure 6.3 Organisation of structural funding at regional level



regional authorities had been recommended in the 1984 ERDF reform, advisory bodies such as the Committee for Regional Policy still only consisted of national and Commission representatives. State executives enjoyed a high degree of autonomy until 1988; as Hooghe (1996a, p. 2) describes, 'essentially the European Commission wrote a cheque and the individual state executives cashed it'. The result was that funding became the instrument of national rather than European policy-making, whereby 'governments tended to regard ERDF commitments as a welcome but unexpected windfall which could most usefully be employed to mitigate the national budgetary implications of regional policy incentives'. The fixed national quotas enabled governments to filter project applications and thus enhance their predominant role in the funding process (Scott, 1995, pp. 17–18).

Spain presented its first regional plan to the EC in July 1985, under the co-ordination of the Ministry of Economy and Finance, in order to be able to take full advantage of EC resources from the beginning of its membership. The capacity of new member states to obtain and manage EC funding in their first year had been limited during previous enlargements, and Spain thus applied for funding for national projects which already existed, and where EC transfers could merely substitute national funding. According to EC guidelines on the formulation of regional plans, the law establishing the 1985 budget set 31 January 1985 as the deadline for the approval of a common methodology. The list of eligible regions and development plans were presented by

central government to the Commission for its approval, although the Autonomous Communities had contributed to the formulation of the sections dedicated to their region (Lázaro, 1986, p. 150). However, all EC funding went to the national budget during the first year, which was regarded as important for the reduction of the state deficit of 4.5% of GNP in 1986. This led to tensions between central government and regional authorities, illustrated by the criticism of the government openly expressed in Valencia and Catalonia (Hildenbrand, 1987, p. 138). The system was considered provisional until the revision of the financial system of the Autonomous Communities was completed, and it was agreed that a definitive plan would be presented during 1986 which would aim to cover the 1986–90 period.

The agreement on financing of the Autonomous Communities on 7 November 1986 created an automatic mechanism which allowed the participation of regions with territories eligible for EC funding. The level of financing was up to a maximum of 30% of the resources received from the FCI. While all the projects were the responsibility of central administration in 1986, the management of ERDF funding was already changing from 1987, when projects within regional competencies were presented and approved at subnational level (Lázaro, 1988, pp. 13–14). However, the absence of guidelines for the distribution of funding during the early years gave central government a significant weight in the policy process (Conejos i Sancho, 1993, p. 327). Central administration continued to initiate and co-ordinate the funding of projects, largely because of its wider experience and more established contacts with the Commission. Furthermore, only a minority of the more active regions, such as Catalonia and the Basque Country, demanded greater involvement and direct contact with the Commission. Regions such as Andalusia focused on maximising the amount of resources received, and were little concerned, at least initially, about gaining an input to the policy process[19]. Some analysts highlight the general lack of sensitivity of the Spanish central government to the question of regional participation, illustrated by the rare references made to subnational input during the first years of membership (Ordovas Blasco, 1989, p. 99).

Development of regional participation since 1988

From 1988, a new phase can be distinguished, when greater knowledge and experience of the funding process, coupled with reform of the structural funds, enhanced the prospects for regional participation throughout the EU. The Spanish regions sought to develop their status as interlocutors of the Commission in the

[19]Interview with former official of Ministry of Economy and Finance, Madrid, 8 October 1996.

implementation of regional policy, particularly in the operationalisation of programmes. The collaborative effort between central and regional authorities was intensified, especially in the formulation of RDPs, as illustrated by the increased number of bilateral and multilateral meetings. However, authorities complained about the lack of time for consultation, given the speed with which they had to present the plans. Many regions also highlighted the long delays for the Commission's approval of RDPs, during which time it was difficult to get information from EC officials on progress made[20]. Although the three multi-regional sub-CSFs were directly managed by central government, nine regional sub-CSFs for Objective one were the responsibility of the appropriate regional authority. According to a government official in Madrid, subnational authorities enjoyed complete autonomy in the operationalisation of projects within their competencies once the budget had been decided, and were thus free to decide on projects in conjunction with the Commission without the interference of central government[21].

Despite increased regional involvement, the central state continued to retain control during key stages of the funding process, as illustrated by its responsibility for sending an indicative budget to each regional government. Although authorities then responded with their preliminary programmes and the proposed level of funding, central government had the final say on the use of funding. The formulation of the RDP was still ultimately the responsibility of the Ministry of Economy and Finance, where changes could be made to the regional programmes before their presentation to the Commission (Morata and Muñoz, 1996, p. 206). Furthermore, although the individual negotiation of the CSF with each region facilitated greater involvement, regional participation in the negotiation of the CSF with the Commission remained limited. The Commission and central administration organised separate meetings to discuss overall distribution or major modifications, and the regions were generally excluded from final decisions[22]. The distribution of funding between the Spanish regions, the most politicised stage of the policy process, was determined by the Commission in consultation with the member state government which retained its central moderating role. The criteria used were very similar to those used for distribution between member states to maximise objectivity, and the decision was then presented *a posteriori* to the regions for their approval. However, the level of regional awareness of the process had increased, and co-ordination mechanisms were

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[20]Interview with official of Instituto de Fomento de Andalucía (IFA), Seville, 2 October 1996.

[21]Interview with official of Ministry of Economy and Finance (Adviser, DG for Analysis and Budgetary Programming), Madrid, 13 June 1997.

[22]Interview with official of Ministry of Economy and Finance (Adviser, DG for Analysis and Budgetary Programming), Madrid, 23 September 1996.

set up which sought to ensure that the system established for EU funding took account of powers enjoyed by subnational authorities.

Maximising their access points to the policy process was a key objective for regional authorities. Officially, the Committee for Public Investment, created by the Secretariat of State for Economic Programming within the Ministry of Economy and Finance, is the forum for co-ordination between central and regional administrative levels. It provides the regions with the opportunity to be fully involved, although the final decision rests with central government. The Committee meets officially only on exceptional occasions, for example when the RDP is presented to the Commission. However, this is only the formal name, which appears in the Official State Gazette, for far more regular meetings co-ordinated by the Ministry, which essentially involve the same group of representatives although an official meeting is not called under this name[23]. Regional sectoral meetings (see Chapter 4) are the instruments of co-ordination most often used for determining the level of regional responsibility for OPs within different sectors, although regional policy forms only one of many other issues discussed. Plans can be established in the absence of the Autonomies in policy areas where the state has exclusive competency, but regional authorities are mostly informed of decisions taken. Meetings between central and regional administrations on economic issues, known as Foros de Economía y Política Regional (Economy and Regional Policy meetings), also occur every three to four months, where regional and central governments can exchange information, and discuss developments on a range of economic issues including regional policy[24]. Meetings between subnational and central governments existed prior to EC accession, for example a working group of regional and central representatives was created on 21 December 1984 for the formulation of regional plans, but the level of information exchange and discussion has developed considerably during membership.

The evaluation phase of the process provided Spanish regional authorities with the opportunity to develop a greater input in view of the need for their technical expertise. The monitoring committees are the principal mechanism for ensuring the functioning of the partnership principle in evaluation at both national and regional levels. Committees meet at least twice a year for each form of assistance, allowing involvement of regional and local partners. The annual report on the structural funds for 1995 (European Commission, 1996b, p. 229) considered that monitoring

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[23]Interview with official of Ministry of Economy and Finance (Adviser, DG for Analysis and Budgetary Programming), Madrid, 23 September 1996.

[24]Interview with official of Ministry of Economy and Finance (Adviser, DG for Analysis and Budgetary Programming), Madrid, 23 September 1996.

committees were functioning well, and that their operating procedures permitted regional and local partners to become more involved than previously. Regional authorities could also participate in the committees at subnational level for the multi-regional plans for Objectives one and two. However, despite the increase in regional participation, strict time limits for the monitoring of projects tended to discourage the full participation of all partners. Furthermore, the complexity of procedures, depending on the particular sector and level of co-operation, inhibited full subnational involvement, a view put forward by the Committee of the Regions (1995). Key problems were the lack of strict legal requirements for the membership of committees, which allowed each member state to determine their composition, and a shortage of technical resources, which limited the effectiveness of evaluation at regional level. Furthermore, the concept of evaluation was a far less established aspect of the policy process in Spain than in other member states (Smith, 1995, p. 333). According to the Commission's first report on economic and social cohesion (European Commission, 1996c, p. 121), the operation of partnership in the monitoring committees across the EU was only just beginning to contribute creatively to problem analysis, and to the local implementation of Community priorities; it advocated more dialogue between national and regional authorities, greater efforts to explain EU policies, and pilot actions involving EU, national and regional partners as a means of enhancing regional input.

Single Programming Documents (SPDs), incorporating both the development plan and the relevant financing request, have been increasingly used in EU cohesion policy in an attempt by the Commission to simplify the policy process. The plans may be expected to reduce subnational input in view of the lesser access for the Commission and regional authorities to the member state's formulation of the single proposal. However, the view of Spanish central government officials is that its capacity to obtain information on projects from the regions, and thus retain full control of the process, has been diminished by the use of SPDs. The Spanish government thus decided to retain CSFs for Objectives one and two, which has not been strongly opposed by regional authorities[25]. SPDs are viewed by central administration as a threat to the government's autonomy, and a further attempt by the Commission to strengthen the role of both supranational and subnational actors. According to a former official of the Ministry of Economy and Finance, the real interest of the Commission was to decrease the monopoly over the policy instruments held by central administration, and give the regions a decision-making capacity not permitted in the EC Treaties as autonomous actors at EU level (Lázaro, 1991a, p. 87). The

[25]Interview with official of DGXVI/C1, European Commission, Brussels, 21 April 1997.

resistance of the Spanish government to the Commission's interference in its domestic arena is reflected in the speech in the Joint Committee for the EU in 1992 by the Secretary of State for the EU, Westendorp, when he questions the Commission's right to decide on the institutional arrangements within each member state (Ministerio de Asuntos Exteriores, 1992, p. 771). During the negotiation of the CSF for the 1994–99 period, central government officials criticised the Commission for insisting on more contact with the regions than during the previous period, the aim being to push forward its own agenda[26].

Despite the gradual inroads made by the Spanish regions into the policy process, the Autonomous Communities, particularly Catalonia and the Basque Country, were still highly critical of the overly centralised funding system. For example, in April 1993, the PNV spokesperson in the Congress, Iñaki Anasagasti, put forward a proposal in the parliament for greater subnational input to EU regional policy, criticising the financial centralisation of the state (Congress, Series D, no. 400, 2 April 1993, pp. 11–12). PNV representatives proposed regional CSFs, as well as direct financial relations between the Commission and regional administrations, claiming that subnational authorities had a far better knowledge of specific projects than central government. Demands for more regional participation were also frequently articulated by the CiU, which, in the Joint Committee for the EU in February 1995, called for greater account to be taken of regional competencies in the management of funding, and criticised decisions taken in advance by the state on quotas for each level (Congress, no. 63, 13 February 1995, pp. 1276–7).

Comparison of the 1989–93 and 1994–99 funding cycles

Taking into account both the criticism of the lack of access to key points of the policy process highlighted by regional authorities, and the advances made towards fuller articulation of the partnership principle, the two cycles of structural funding, 1989–93 and 1994–99, can usefully be compared with a view to drawing conclusions on the extent to which the nature of the policy process has changed in the case of Spain. The Regional Plan for Spanish Objective one regions for the period 1989–93 was presented to the Commission on 30 March 1989, and the Commission approved the CSF on 31 October 1989 following a tense period of negotiation from 26 May to 5 September. Although the plans for each of the Objectives were finally presented by central government, the regions were able to have an input to the priorities drawn up.

[26]Interview with official of Ministry of Economy and Finance (official responsible for Andalusia, Sub-DG for Administration of the ERDF), Madrid, 12 June 1997.

However, many regions still considered that the plan presented in March 1989 lacked adequate regional participation because of the speed with which the 1988 reform had to be implemented, although the Director General of Planning in the Ministry of Economy and Finance denied that the decision on the destiny of the structural funds was carried out in Spain in a centralised way (*El País*, 4 August 1989). Despite the Commission's pressure on the Spanish government to involve the regions more (it delayed signing Spanish CSFs in 1989 as Spain had not permitted sufficient regional involvement), the regions have obtained little input at the CSF negotiation stage (Marks, 1996, pp. 402–3). Analysts of partnership arrangements considered that the concept had far more chance of being put into effect where EU regions had the competencies and capability to play a full role; despite calls for greater subnational participation,

> some local authorities, notably in Objective one member states, admitted privately that the implementation of structural fund policies required skills and competencies that exceeded their resources. Furthermore, the financial situation of such regions was often such that they could not compete with the private sector to attract staff with the requisite skills and technical expertise (Wishlade, 1996, p. 45).

The plan for Objective one regions for the 1994–99 funding cycle was approved by the Spanish government and presented to the Commission on 20 October 1993. The Autonomous Communities were fully involved in the elaboration of the RDP and the setting of priorities, culminating in the meeting on 23 July 1993 of the Committee for Public Investment in which all regional representatives were present. Considerably more bilateral and multilateral meetings with regional authorities took place during the formulation of the RDPs for the 1994–99 funding cycle, partly because more time was allowed for the elaboration of plans. The preparatory negotiations for the CSF began at the start of 1994, and the framework for Objective one for 1994–99 was approved by the Commission on 1 June 1994, and was definitively adopted on 1 July 1994. The Economy Minister affirmed in the Senate Committee of Economy and Finance in June 1994 that the amount of funding received directly by the Autonomous Communities represented a significant proportion of the regional budget (Senate, no. 119, 27 June 1994, p. 6). Furthermore, the Ministry of Economy and Finance made a greater effort in the 1994–99 period to indicate, *a priori*, the distribution of the multi-regional financing initially received by central government, a significant development considering the conflict with regional authorities caused by its reluctance to regionalise the funding in the previous cycle. The operationalisation of the programmes involved greater direct regional contact with the EU level; regular transfers of information between regional authorities and the Commission were not always sent via Madrid, and meetings between regional and EU officials became

more common, although a representative from central government would generally also be present[27].

Access to the policy process was still limited for subnational authorities, one illustration being the reluctance of Spanish central government to allow regional participation in monitoring committees for the Interreg programme, despite the active subnational role in its implementation, and the fact that national funding only amounted to around 35% of the total[28]. Nonetheless, an evaluation by the Commission (European Commission, 1996b, p. 229) concluded that, on the basis of information available on the management and monitoring of assistance in 1995, regional authorities in the EU now enjoyed a broad level of participation which represented an improvement on the previous programming period. This was echoed by the Committee of the Regions (1995) which noted that, although the programmes were in most cases constructed by central government, 'with a few exceptions local and regional authorities are more involved at present than in the last programme period'. However, the eighth annual report on the structural funds, while noting some consolidation of the partnership principle, acknowledges the difficulties involved in its application. Increasing the number of initiatives at Community level in conjunction with local and regional authorities, for example territorial employment pacts, was considered an important mechanism for consolidating collaboration, as well as enhancing the partners' capacity to participate through supporting training and technical assistance measures (European Commission, 1997). A comparison of the two funding cycles does not reveal a transformation of the process, or a considerably reduced role for the state, but indicates the advances made by Spanish regions towards a greater input to the policy process and an enhanced capacity to shape state policies. The transfer of structural funds is still essentially a centralised operation, but the state's full control of all stages of the process is no longer guaranteed.

As well as these general findings, the level of distribution of resources between central and regional authorities could be expected to act as a more concrete indicator of the potential increase in regional participation during the 1994–99 funding cycle. This can be illustrated by comparing the distribution of ERDF funding between the levels of Spanish administration during the two funding periods. The CSF for Objective one for the period 1989–93 amounted to 1.27 billion pesetas (9393 million ecu at 1989 value) of which around 806,000 million is ERDF funding. As shown in Figure 6.4, regional administrations manage 33.8% of the funding. If the overall

[27]Interview with official of DGXVI/C1, European Commission, Brussels, 17 April 1997.
[28]Interview with official of DGXVI/C1, European Commission, Brussels, 17 April 1997.

Figure 6.4 Distribution of ERDF funding between levels of administration 1989–93

Institution	Millions of pesetas	%
Central administration	412,630	51.2
Regional administrations	272,350	33.8
Public firms	64,470	8.0
Local authorities	56,420	7.0
Total	805,870	100.00

Source: Lázaro, 1991a, p. 111

level of funding, including ESF and EAGGF, is considered, similarly, 66% of the funds finance programmes or projects under the responsibility of central administration and local authorities, and approximately 33% of the funding is earmarked for programmes under the competency of the Autonomous Communities (Conejos i Sancho, 1993, p. 336). The CSF for 1994–99 grants around 33.75% of the total of structural fund resources given to Spain for Objective one areas to the Autonomous Communities to finance projects within their competency (Ministerio de Economía y Hacienda, 1995, p. 89), which indicates that the distribution of funding between regional and central authorities has not changed significantly between the 1989–93 and 1994–99 periods. This is supported by a study by Marks *et al.* (1996b), which finds no evidence for a resource pull hypothesis whereby the active lobbying of subnational governments at EU level can influence the distribution of funding.

The level of funding received by Andalusia can also be considered to explore whether any significant increase in the level of resources managed at regional level can be noted. In the 1989–93 funding cycle, Andalusia obtained approximately 10.5% of the total of Objective one funding, and, in the 1994–99 cycle, it received around 10.6%. It would be necessary to examine the exact level of co-financing with national authorities during the 1994–99 cycle to confirm fully the level of participation in Andalusia[29], but the data suggest that the amount of resources under its responsibility has remained broadly the same.

[29]Until the end of the 1994–99 cycle, not all the multi-regional finances under the control of central administration will have been allocated, so that any evaluation of the level of distribution of finances between central and regional authorities will remain incomplete.

The case of Andalusia

The formulation of the regional plan at domestic level for Andalusia for 1987–90 was carried out in very different circumstances from that drawn up in 1984–86, according to an evaluation of Andalusia's regional policy for the Commission by the Instituto de Desarrollo Regional (Institute for Regional Development) (1997a, p. 56) in Seville. Not only were the economic circumstances more favourable, but considerable adaptation to EC norms was compulsory following accession to the Community. Furthermore, in 1986, most competencies in the Statutes of Autonomy had been transferred to the regions. The Economic Development Plan for Andalusia for 1991–94 was again formulated in a different context, given the added knowledge of the funding process, the learning experience within the EC, and the expansive economic cycle. International economic changes and the creation of the Single Market were realities to which Andalusia was forced to adapt, the key objective being greater economic growth in order to catch up with other regions. A report in 1997 by the Instituto de Desarrollo Regional concluded that:

> El Plan nace de una Administración que dispone de la práctica totalidad de las competencias, que cuenta con un soporte organizativo ya no sólo de carácter embrionario, y que ejerció a lo largo de varios años la tarea de gobierno.
> (The Plan comes from an administration which enjoys practically the full range of competencies, which can count on organisational support no longer of an embryonic nature, and one which has carried out the role of government for several years) (Instituto de Desarrollo Regional, 1997a, p. 59).

In the case of Andalusia, regional reform was particularly urgent because of the extent of its economic crisis, which had been exacerbated by the lack of action to combat key problems by central government (Instituto de Desarrollo Regional, 1997a, p. 53). The Andalusia government considered the development of an administration with the capacity to deal with the region's underdevelopment to be a key priority, including the management of European funding. Only a relatively small number of officials were responsible for EU funding at subnational level, although the regional administration relied on the expertise of a large number of external analysts to monitor and evaluate projects effectively[30]. The new DG for European Funding (see Figure 6.3), created in 1996, did not expand the division significantly, but its creation reflected the increased priority given to the management of the structural funds. Despite greater organisation, contradictions between the finalised regional plan, and the economic priorities demarcated at regional level, were used by Andalusia

[30]Interview with official of DGXVI/C1, European Commission, Brussels, 21 April 1997.

government officials to demonstrate the lack of collaboration between the two levels of administration (Rodríguez de la Borbolla, 1989, p. 570). The Ministry of Economy and Finance in Andalusia is responsible for formulating its RDP and the regional sub-CSF, fixes the financial priorities, and is responsible for the co-ordination of programmes in conjunction with central administration. The development of the division of labour between central and regional governments is a consequence of both the process of decentralisation, and the impact of the EU on policy formation. However, officials in Madrid stressed the key role they played in the co-ordination of EU funding for Andalusia, given that mechanisms at regional level remained inadequate[31]. Furthermore, despite evidence of greater regional input, interviews at subnational level suggested that the partnership principle had a limited impact on the nature of the policy process. An administrator in the DG for European Funding in Andalusia was sceptical of 'concepts such as partnership used in Brussels which are very distant from the reality of the process in the regions', considering that central government's continued control of the process was accepted by the Andalusia administration[32].

The establishment of Andalusia's regional office in Brussels as an official delegation in 1995 (Law 164/1995 of 27 June), managed since its creation in February 1991 by the development agency IFA, was symbolically important. Although it retained its roles of information-gathering and lobbying at EU level, it was the first region to apply the outcome of the May 1994 Constitutional court decision on the external representation of the Autonomies (see Chapter 4). However, in general, an economic, more functionally oriented rationale seemed to dominate Andalusia's concept of European policy. The conclusion drawn by Morata and Muñoz (1996, p. 210) that 'administrative 'partnership' was mainly financial instead of effective or operational' thus seems relevant for the case of Andalusia. The issue of participation in EU policy-making was more politicised in other Spanish regions, whose level of regional identity and political activity led them to exploit further the opportunities at EU level[33]. The greater lobbying capacity of regions such as Catalonia and the Basque Country even resulted in moves towards regionalisation of the Cohesion Fund, which was initially intended to be controlled purely by the state. The achievement of subnational involvement in EU funding earmarked for central government provides an important illustration of the impact on the policy process of regional demands for greater participation.

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[31]Interview with official of Ministry of Economy and Finance (official responsible for Andalusia, Sub-DG for Administration of the ERDF), Madrid, 18 September 1996.

[32]Interview with official of regional Ministry of Economy and Finance, Seville, 19 June 1997.

[33]Interview with former official of Ministry of Economy and Finance, Madrid, 8 October 1996.

Regional participation in the Cohesion Fund

The Commission regulation establishing the Cohesion Fund took effect on 26 May 1994, replacing the cohesion financial instrument established on 1 April 1993, which had been a provisional measure in view of the delay in the ratification of Maastricht[34]. Nowhere in the interim instrument or in the Cohesion Fund regulation was reference made to the concept of partnership, and regional participation was similarly absent from guidelines established for the assessment and monitoring of projects. The Spanish government lobbied hard for the establishment of the fund at intergovernmental level, its link to the EMU criteria lending it a clearly state-centred perspective in contrast to structural funding. Any evidence of a regionalisation of the Fund would thus represent a significant evolution.

The fund is based on three major principles. It provides a financial contribution to member states with a per capita GNP of less than 90% of the EC average; assistance is restricted to the part-financing of projects in the fields of the environment and trans-European transport networks (although Spain had initially also requested the financing of health and education projects); and it assists member states which have drawn up a programme complying with the conditions on excessive public deficits linked to the implementation of EMU (Article 104c). Funding is conditional on the macro-economic situation, aiming to act as a restraint on lack of budgetary discipline, and to promote continued economic growth in the country as a whole. It was argued that the focus on interstate instead of regional cohesion was necessary in the context of EMU, whereby member states lost a large degree of freedom in determining their economic policies[35] (Elorza, 1994, p. 320). The Secretary of State for the EU explained in the Joint Committee for the EU on 12 March 1992 that the Cohesion Fund was an interstate fund which, in keeping with Spanish constitutional arrangements, took regional opinions into account (Ministerio de Asuntos Exteriores, 1992, p. 731). The Economy Minister, Solbes, refused to present the regional distribution of the Cohesion Fund in the Joint Committee for the EU as requested by parliamentary groups in 1994, considering that the 'territorialisation' of the fund should be avoided (Congress, no. 52, 11 October 1994, pp. 1076–7). While the sub-DG for Compensation and Cohesion Funding within the Ministry of Economy and Finance (see Figure 6.2) has responsibility for the co-ordination and evaluation of the Cohesion Fund, the Autonomous Communities would be expected to have limited

[34]It was intended to set up the Cohesion Fund by 31 December 1993 as the second paragraph of EC Article 130d stipulated.

[35]The national focus was also important as it meant that the poorest regions of the other eight member states would not be eligible for funding.

participation both in setting priorities, and in the direct management and financing of projects. However, despite the fact that little potential existed for interadministrative collaboration, the contradiction between a nationally oriented fund without a territorial basis, and the level of decentralisation of the Spanish state remained. This was particularly the case in policy areas where the regions enjoyed full competencies, for example in the field of the environment.

The Annual Report on the Cohesion Fund (European Commission, 1995a, pp 92–93) referred to concerns within the Economic and Social Committee and the Committee of the Regions regarding low levels of consultation of local and regional authorities, and key socio-economic actors. The lack of objective criteria for the distribution of funding was repeatedly criticised by regional authorities. Although the regions were initially relatively uninformed about the Cohesion Fund, the considerable amount of funding available led increasingly to written requests for information from the Ministry of Economy and Finance, particularly from the more active regions[36]. A document sent to the regional government in Catalonia by the Ministry of Economy and Finance in 1994 established that projects selected by Autonomous Communities could now be financed by the Fund in agreement with central government (*El País*, 5 July 1994), although it warned against a process of 'territorialisation'. However, according to a government official responsible for the Cohesion Fund, it was intended from the outset that regional authorities would become more involved in the process in an increasingly decentralised state, although the central administration had full control during the first year[37].

In 1994, the government was obliged to accept a greater recognition of regional competencies in priority areas of the Commission, although the financial allocation was still transferred initially to the national budget. Regional demands for greater participation came to a head in a meeting of the Council for Fiscal and Financial Policy on 21 September 1994, when a decision was taken on subnational participation in the Cohesion Fund. The most active regions in the September meeting were the Basque Country, Navarre and Catalonia, who managed to obtain a common regional agreement on the issue to the effect that the Autonomous Communities would manage 40,000 million pesetas of the funding received from the Cohesion Fund in 1995; 11,000 million pesetas would be set aside for infrastructure projects, and 29,000 million for the environmental field, namely 10% and 40% respectively. The

[36]Interview with official of Ministry of Economy and Finance (Assistant Director General, Cohesion Fund), Madrid, 23 September 1996.

[37]Interview with official of Ministry of Economy and Finance (Assistant Director General, Cohesion Fund), Madrid, 23 September 1996.

agreement was approved in October 1995, and was generally regarded as a first positive step towards greater regional involvement, although Solbes stressed that subnational participation could not continue to increase so that it became detrimental to the state budget (Congress, no. 52, 11 October 1994, p. 1077).

The impact of the domestic political situation on EU policy is clearly illustrated by the Cohesion Fund. The 21 September 1994 decision could be interpreted as the result of the increased leverage of key regions following the 1993 elections (see Chapter 4). The regions most active in their demands for greater participation were also those in receipt of relatively small amounts of Objective one structural funding, namely Catalonia and the Basque Country, which both obtained financing from the Cohesion Fund for a significant number of projects in 1995–96. Other regions have criticised the fact that the most economically advanced regions receive a disproportionately large share of the Cohesion Fund, viewed as a political payment from the government for the support of Catalonia and the Basque Country. One DGXVI official claimed that the Spanish government even attempted to conceal Commission funding of projects, for example the modernisation of Mallorca airport, with the aim of taking full credit for successful projects at national level[38]. The state's capacity to manipulate its use of the Fund is facilitated by the fact that its guidelines do not highlight the concept of additionality, thus allowing member states to disregard the principle without risk of penalisation.

Regional authorities are involved in the Cohesion Fund at a relatively late stage in the process, namely the implementation and evaluation stages, but demand for greater regional involvement in the earlier planning stages is inevitable according to a DGXVI administrator[39]. However, other officials consider that little potential for further involvement exists[40]. According to a national expert in DGXVI, 'at the end of the day, there is a single interlocutor in the Cohesion Fund for the Commission: the member state'[41]. The largest Cohesion Fund projects are still managed by central government, although the regions try to prioritise environmental projects to maximise their input in areas where they enjoy a higher level of competency[42]. Regional and local participation does not occur in a systematic way, and the Commission is mainly

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[38]Interview with official of DGXVI/E2, European Commission, Brussels, 16 April 1997.

[39]Interview with official of DGXVI/E1, European Commission, Brussels, 17 April 1997.

[40]Interview with detached national expert of DGXVI/E2, European Commission, Brussels, 16 April 1997.

[41]Interview with official of DGXVI/E2, European Commission, Brussels, 17 April 1997.

[42]All the projects presented by the regions during the first year were in the area of the environment according to an interview with an official of Ministry of Economy and Finance (Assistant Director General, Cohesion Fund), Madrid, 13 June 1997.

in contact with central administration, as stipulated in the Cohesion Fund regulation. However, regional authorities increasingly make direct contact with EU officials, although generally discouraged from doing so by central government. Commission officials acknowledge that greater regional involvement is more time-consuming and complicated in view of the frequent lack of knowledge of EU funding procedures at subnational level. This particularly caused problems in the first year of participation in 1995, as subnational authorities expected the Cohesion Fund projects to work in a similar way to the ERDF programmes[43].

Socio-economic actors in Spain have not obtained access to policy-making in the area of the Cohesion Fund. They have made little contact with government officials regarding the Fund, while the Economic and Social Council has not requested information on projects[44]. A central government official responsible for the Fund denied his opposition to their participation, but did not see it as useful in view of the areas financed by the Fund, which are in the public sector and have little relevance for socio-economic actors. Their full involvement in public sector funding would mean their participation, and even co-decision, in the state budget[45]; their consultative role via the Economic and Social Council at state level was thus considered adequate. The input of socio-economic actors to EU funding other than the Cohesion Fund may be expected to be greater, given that the priorities of structural funding are more relevant to their interests. However, many institutional obstacles continue to exist at domestic level. This analysis of the level of access to policy-making of trade unions and employers provides a useful contrast with the case of regional authorities.

Access of socio-economic actors to the policy process

Socio-economic actors consider that they have been sidelined from the EU policy-making process during membership (see Chapter 4). The shift towards greater regional participation has not been accompanied by a similar shift in the participation of actors such as trade unions, despite the fact that Article 7 of the Spanish Constitution refers to the role of socio-economic actors in defending and promoting social and economic interests (García Díaz, 1995, p. 79). Although the 1993 reform of the structural funds was generally seen as a fine-tuning of the 1988 reform, one of its innovations was the recommendation of enhanced partnership with socio-economic

[43]Interview with detached national expert of DGXVI/E2, European Commission, Brussels, 17 April 1997.

[44]Interview with official of Ministry of Economy and Finance (Assistant Director General, Cohesion Fund), Madrid, 23 September 1996.

[45]Interview with official of Ministry of Economy and Finance (Adviser, DG for Analysis and Budgetary Programming), Madrid, 23 September 1996.

actors. The 1988 reform had left open the possibility for their inclusion in the principle of co-operation, but their presence was not usual in practice, particularly as the relatively short time within which the CSFs had to be approved meant that consultation, even with regional and local actors, was limited.

The absence of detailed rules defining the nature of participation meant that their involvement was contingent upon the political will of member states (Scott, 1995, pp. 33–4). In one of the final Commission drafts of the reform, the clause on 'institutional norms', which encouraged governments to interpret the co-operation principle restrictively, was omitted, but was then re-introduced following pressure from member states at European Council level[46]. Furthermore, the fact that the type of funding was not clearly specified made it likely that their participation would still be reduced to membership of ESF monitoring committees (CCOO, 1993a, p. 1). The Economic and Social Committee (1994a, 1994b) at EU level criticised the lack of measures established for socio-economic participation, and stressed the need for the support of relevant public authorities at local, regional, and national levels. However, the influence of the Committee on the policy process is limited; proposals such as the creation of a single consultative committee for all the funds were largely ignored by the Council and Commission (Economic and Social Committee, 1988, p. 1). Although the Commission expressed willingness to support the participation of key trade unions and employers, their input was largely reduced to its annual obligation to consult them on the EU's structural policy, which clearly indicates the closed nature of the EU opportunity structure for socio-economic actors. However, some advances have been made. A working group, established in 1995, made it possible to bypass the strictly annual nature of the consultation procedure, and turn it into an 'on-going cooperative process' (European Commission, 1996b, p. 238) and, in 1996, the Commission (European Commission, 1996b) recognised that recent trends indicated a greater willingness to involve socio-economic partners. This was illustrated by the representation of social partners on Objective three and four committees in most member states, although participation varied considerably between Objectives and countries.

In Spain, socio-economic actors are not members of the monitoring committees for Objectives one and two CSFs and OPs. Any formal representation is generally limited to the ESF evaluation committees[47]. In 1995, the Commission persuaded the Spanish authorities to inform socio-economic partners of the conclusions of the committee

[46]Interview with official of CCOO, Madrid, 20 June 1997.

[47]An amendment to the reform in 1995 means that they can now attend all ESF monitoring committees (Interview with official of CCOO, Madrid, 20 June 1997).

evaluating the Objective one CSF, although generally regarded as a minor advance if they are excluded from the negotiations[48]. Socio-economic actors were concerned that regional plans, which strongly conditioned the content of the CSFs, were determined by the priorities of the government, over which they had little, if any, influence (García Díaz, 1995, p. 77). The plans were presented to the Economic and Social Council at national level, where they were discussed by union and business representatives. However, delay in the presentation of plans, and the complexity of operational procedures, meant that little time was allowed for any in-depth analysis or genuine input to the debate. Socio-economic actors complained of the lack of discussion of the social implications of projects, claiming that their participation was mostly reduced to an informative role when decisions had already been taken. This has also been the criticism of regional evaluation committees, such as the one set up in Andalusia by the pact signed by the regional government, the UGT and CCOO, and the Confederación de Empresarios de Andalucía (Confederation of Andalusia Business Organisations, CEA) in February 1995 (Junta de Andalucía, 1995). However, consultation is considerably more advanced than in other regions, and the Economic and Social Committee (1994b, p. 13) refers to the good will shown by the Andalusia regional authority which 'does not seem to have rubbed off on the national authorities as regards the central funds allocated to Andalusia'. The participation of socio-economic actors is dependent on the existence of a tradition of consensus and social dialogue and, even in Andalusia, the influence of socio-economic actors remains limited when major political decisions are taken (Porras Nadales, 1994, pp. 89–90).

The presence of socio-economic actors in Objective one evaluation committees was considered largely unnecessary, and even impractical, by the Ministry of Economy and Finance in view of their lack of technical expertise in such projects[49]. Another government official confirmed the view that their participation was not logical, given their minimal involvement in the formulation of regional plans[50]. Evidence would thus seem to suggest a general resistance in the Ministry of Economy and Finance to socio-economic participation. A similar reticence can be found within many regional authorities; for example, in Catalonia, little evidence exists of participation of socio-economic actors in the ERDF Objective two monitoring committee (Morata and Muñoz, 1996, pp. 211–2). The Commission's 1996 report on economic and social

[48]Interview with official of CCOO, Madrid, 20 June 1997.

[49]Interview with official of Ministry of Economy and Finance (Adviser, DG for Analysis and Budgetary Programming), Madrid, 23 September 1996.

[50]Interview with official of Ministry of Economy and Finance (Assistant Director General, Cohesion Fund), Madrid, 18 September 1996.

cohesion (European Commission, 1996c, p. 121) proposes distinguishing between decision-making and consultative partners, the former being authorities responsible for co-financing, and the latter being mainly the social partners and interest groups, which 'might allow the political authorities responsible to take a more objective and constructive view of the latter and embrace their involvement more whole-heartedly'.

The Commission recognises that socio-economic participation can only be effective where actors have the necessary technical capacity. The Economic and Social Committee organised fifteen seminars in 1995, funded by the ERDF, to prepare regional and national representatives of its member confederations for attendance at the Objective one monitoring committees. It has also promoted the idea of a network of regional experts to assist union officials who have little experience of EU funding (European Commission, 1996b, p. 238). A proposal for a tripartite Co-ordination Committee for the discussion of structural funding, consisting of representatives of central government, unions, and the employers' confederation, remained under discussion in 1995 (Economic and Social Council, 1995, p. 77–8). The Economic and Social Committee (1994b, p. 13) praised regional initiatives, such as that taken in Valencia, where a forum was organised by the regional authority, in conjunction with trade unions, to discuss decentralised development. The forum discovered a serious lack of information about EU regional policy mechanisms, including Article 4 of the framework Regulation.

Although some progress has been made since the 1993 reform of the structural funds, the outcome is uneven, and socio-economic actors remain largely peripheral to the process. Socio-economic participation depends, to a great extent, on the level of commitment to their input at regional and national levels, determined by the institutional norms and practices of each region and member state. A study of the role of trade unions in a regional context, carried out by DGXVI between September 1991 and November 1994, concluded that the subnational level should be seen as an important field of action for trade unions (European Commission, 1996d). The Economic and Social Committee (1994b, p. 17) confirmed this view when it referred to the 'regional authorities' greater amenability to the implementation of Article 4, in contrast with the wariness displayed by the national governments'. However, key socio-economic actors, such as the CCOO (1993a, p. 2), continue to emphasise the importance of direct contact with central government, given that it defines the main lines of economic policy, and has the final say on the formulation of RDPs.

Other key interest groups also sought to gain greater access to the implementation and evaluation stages of the policy process. For example, the 1993 reform made

participation by environmental authorities compulsory in the preparation and implementation of relevant programmes (European Commission, 1996b, p. 229). They were made members of monitoring committees, and rules on their level of involvement were included in the programming documents. However, the rhetoric of partnership was not always translated into practice, and environmental actors faced similar resistance to their greater participation in the policy process. A Court of Auditors evaluation considered their involvement in the formulation of RDPs, CSFs and OPs minimal, concluding that even environmental departments in regional authorities were not formally consulted about the preparation of relevant programmes[51]. They are excluded from national and regional monitoring committees, unless there is an absolutely explicit environmental remit, and the lack of information on national development plans inhibits their influence. A study by Joanne Scott (1995) of the functioning of the ERDF examines the participation of more than seventy non-governmental environmental organisations in a 'European Campaign for the Reform of the Structural Funds'. She highlights the minimal influence on regional development planning of environmental organisations, particularly as drafts of national development plans, CSFs and OPs are excluded from the public domain, which has been repeatedly criticised by environmental groups (Scott, 1995, pp. 83–4). The lack of political will to implement the partnership principle in member states remained a major obstacle to the full participation of interest groups and key socio-economic actors. In Spain, it could be considered that 'the national authorities have hitherto taken an extremely centralizing approach to regional development policies' (Economic and Social Committee, 1994b, p. 12).

Conclusions

During the first years of EC membership, regional participation in the structural funds was limited in Spain, and central administration retained full control of the funding process. However, information exchange, collaboration, and co-ordinating mechanisms between central and regional authorities have developed during membership. This is a result of the Commission's initiative to encourage subnational participation, greater awareness and capacity at regional level, and less resistance within central administration to a more regionalised policy process. According to Keating (1997, p. 35), 'regional institutions are important in defining the issues, in mobilizing resources, in providing differential access, in mediating interests and in implementing policy'. Smith (1995, p. 355) concludes that EU funding programmes have had a considerable influence on the structure of territorial relations in Spain,

[51]Special Report, 1992, no. 3/92 Concerning the environment, *OJ* C245/1, 1992, p. 13.

describing the funds as 'catalyseurs de la fédéralisation du système politique' (catalysts of the federalisation of the political system). Despite the lack of change in distribution of resources between central and regional authorities, the difference between the 1989–93 and 1994–99 funding cycles is essentially one of much enhanced experience, increased resources, and greater opportunities for regional participation. The increase in regional involvement was partly the result of the extended time scale for negotiations, and the larger amount of available resources, but the decision rules established at EC/EU level also significantly enhanced the role of regional authorities. This indicates the opening of the opportunity structures at both EU and domestic levels, encouraged by the partnership principle in the 1988 reform. Keating (1997, p. 26) concludes that states are no longer the privileged arena for all policy areas as they 'may not be able to control the processes they have set in train. New actors and networks may emerge to create a new political game'. The changed context may mean that the state could be considered less capable in the long term of controlling access to the policy process of domestic actors during the implementation and evaluation stages.

A state-centric perspective no longer seems to provide an adequate analysis of a policy process where a range of actors other than central government can gain opportunities to participate in the process, and the extensive consultation process between actors at regional, national and EU levels indicates a development beyond a two-level game process confined to the national arena. Given the high level of regional mobilisation, the potential exists for the development of a multi-level governance process. Key illustrations of the changing relations between groups of actors at different administrative levels are:

1. Relations between regional and central government

Information exchange and more developed co-ordination mechanisms in the implementation of structural funding enhanced collaboration between regional and central government during EC/EU membership. However, a high level of subnational variation tended to result in a minority of regions maximising their involvement in the process.

2. Relations between regional government and the EU level

Regional authorities were increasingly able to obtain direct contact with officials at EU level, although, at key stages of the process, central government still retained its strong national gatekeeper role. However, increased EU resource dependence on the regional level for implementation and evaluation of projects resulted in a more established collaboration between the two levels.

3. Relations between socio-economic actors and regional government
Although the Economic and Social Committee highlighted the regional governments' greater acceptance of socio-economic participation in structural funding, key socio-economic actors rarely exploited the opportunities for greater access to policy-making at regional level. Evidence suggests that consultation between unions, employers and the regional government is more advanced in Andalusia than in other regions, as illustrated by the Pact signed in 1995.

4. Relations between socio-economic actors and central government
The absence of rules clearly defining the nature of socio-economic participation in structural funding led to restrictive interpretations of the partnership principle by member states. The involvement of socio-economic actors often remained restricted to membership of ESF monitoring committees.

5. Relations between socio-economic actors and the EU level
The proposals of the Economic and Social Committee to enhance socio-economic participation at all levels have largely been ignored by the Council and Commission. Although the Commission expressed its determination to increase socio-economic participation, this was largely restricted to annual consultation on structural funding at EU level.

The partnership principle stands the best chance of realisation at the implementation and monitoring stages, given the greater demands on regional knowledge and resources to implement detailed projects on the ground. Hooghe (1996a, p. 15) considers that 'who is dominant varies with the phase of policy-making, the policy instrument, and the particular territorial niche'. Chapter 2 considered that it was not only the particular policy area and episode which determined the extent of domestic participation, but also the stage of the policy process. Marks (1996) outlines the stages of structural programming, highlighting the lesser dependence on regional input during the formulation of RDPs and the negotiation of the CSF, which contrasts with greater subnational participation in the implementation of the OPs and the evaluation of projects. He concludes that 'this ordinal sequence of decreasing functional reliance on subnational government is reflected without exception in the relative strength of subnational actors...across the stages of structural programming within individual countries' (Marks, 1996, p. 408). His conclusions would seem to be borne out in the analysis of the input of Spanish regions at different stages of the process. Although some analysts have dismissed the implementation stage, Smith (1997) underlines its significance as an intensely political process. He acknowledges the importance of high level bargaining at intergovernmental level in the Council of

Ministers where 'the input of the central state is thus at its purest' (Smith, 1997, p. 122). However, he also highlights the fact that an exclusive focus on the negotiation of budgetary issues at interstate level, which only occurs every four or five years, ignores the intense consultation and political bargaining with a range of actors other than the state outside the big negotiating 'occasions'.

Evidence from Chapter 6 has illustrated the varying level of domestic involvement in the EU structural funds between different groups of actors. The marginalisation of socio-economic actors reflects their less developed access points to the policy process at national and EU levels. Although the involvement of regional authorities is far greater, an analysis of subnational mobilisation is forced to acknowledge the high level of variation between and within member states. Udo Bullmann (1997, p. 17) refers to the asymmetric course of regionalisation processes, arguing that participation depends on the strength of the regional government, and key factors such as their economic functions, their methods of democratic participation and their regional identity (though he considers that identity has often been overestimated as a pre-condition for enhanced input). The high level of regional variation in Spain carried the risk that only a 'select subset' would be empowered to obtain maximum involvement in the policy-making process (Marks *et al.*, 1996b, p. 63). This is illustrated by the case of Andalusia, where the level of partnership with central and EU levels was less effective than in more politically active regions, thus underlining the danger that an increase in access to the process will exacerbate tensions over resources and competencies. The Castilla and Leon government criticised Catalonia's bid to play a bigger part in the management of the Cohesion Fund, considering that EU financing was being used to achieve domestic political goals rather than the objectives outlined at EU level (*El País,* 3 September 1994). Similar concerns were voiced regarding the distribution of structural funding. Some regions advocated the selection of projects by central government to maintain greater objectivity, for example as expressed by the mayor of Malaga, Pedro Aparicio, in 1994 (*El País*, 28 August 1994). This can be compared with the tensions resulting from the efforts to attain a common regional position in sectoral meetings, as described in Chapter 4. The moderating influence of central government is thus important in reconciling frequently conflicting regional interests (Bachtler, 1997, p. 89), giving it a key role as the only organ able to mediate between different levels of actors, and represent the regions as a whole in an area of 'overlapping competencies, tensions and conflicts' (Marks *et al.*, 1996b, p. 63).

Jeffery Anderson (1990) refers to the strong position retained by state actors at key stages of the process, the state thus remaining an essential gatekeeper and mediator

between EU and domestic actors as the only recognised interlocutor at EU level. The institutional structure established in each member state ultimately seems to determine the level of domestic participation. Regions such as Catalonia, Navarre and the Basque Country still complained about their absence from the negotiation of the allocation of the funding because of remaining obstacles at national level. Distribution of resources between regions within member states remained the initiative of the Spanish government in conjunction with the Commission, and the domestic ratification process tended to be an explanation and justification of decisions already taken. Morata and Muñoz (1996, p. 217) illustrate central government's continued hold on the policy process when they describe how the Spanish government opted for the presentation of global plans for each of the Objectives instead of specific regional CSFs, and prioritised infrastructural projects to minimise subnational input. They conclude that a national approach has largely persisted in Spain. Despite his view of the regions as the new interlocutors of the Commission in a multi-level pattern of governance, even Marks (1996, p. 402) acknowledges that the Spanish regions are 'still struggling to institutionalize their influence in the EU'. It is difficult for multi-level analysts to deny the firm evidence for:

> the importance in all countries of central administration in the implementation of Structural Funds. This is because of the Commission's lack of administrative capacity and that of the regions, when these exist....Central governments and administrations can thus not be considered as marginalized by Community regional policy and indeed they sometimes gain in influence over the regions...
> (Balme, 1997, p. 73).

Despite moves towards a greater number of access points for subnational actors, and evidence of increased regional mobilisation, the state agrees to share authority to a limited degree and only at certain stages. Subnational authorities may seek to maximise the level of EU funding obtained by their particular region, and exploit the political opportunity structure to enhance their regional autonomy, but the state ultimately enjoys full capacity to formulate a unified national bargaining position at the negotiating table in order to maximise its overall returns from the EU. Despite the opening of opportunity structures at domestic and EU levels, the state still retained considerable control over the extent of regional participation in the policy process, and, at times, a closing of the opportunity structure seemed to be encouraged by regional governments which feared losing out to stronger regions with more effective lobbying strategies.

The state's role has thus not been significantly reduced by increasing regional input, although the changing nature of the policy-making process, as illustrated by a

comparison of the 1989–93 and 1994–99 funding periods, means that its role in the process has had to adapt to a new context. Although a more pluralist tradition has developed in Spain, and the lobbying capacity of key actors has been strengthened during EC/EU membership (see Chapter 4), obstacles still exist which inhibit regional access to the policy process. However, the progress made towards a more decentralised state, and the enhanced knowledge of EU policy-making at subnational level, are conditions which encourage a greater impact on the autonomy of central government in the area of cohesion policy.

Taking into account an increased number of agendas from a wider range of actors requires the insights of the multi-level game perspective to analyse the implementation of structural funding. Although central government continues to control the articulation between the EU and domestic agendas, it may agree to play a weaker role in the implementation and evaluation stages. This is particularly the case where it is more dependent on expertise at regional level to implement projects, even if it refuses to give up its monopoly at other stages of the process. Marks (1997) considers that political actors may agree to disperse authority to subnational or supranational actors for a variety of reasons, such as the need to attain the support of powerful interest groups in the domestic arena. In the case of Spain, the new domestic context, represented by the dependence of central government on regional parties for the survival of its coalition from 1993, may have allowed the more active regions to increase their input. This is illustrated by the government's approval of regional involvement in the Cohesion Fund in 1994. A state-centric approach is clearly inadequate for clarifying the wide range of interactive processes which have developed in the area of cohesion policy. The multi-level perspective allows a fuller analysis of the developing context, although it is obliged to acknowledge the capacity of the state to structure the conditions under which domestic actors participate throughout the policy process. As the role of the state is expected to vary in different policy settings, the conclusions drawn on cohesion policy may not apply in other areas, an hypothesis which is tested by the case of fisheries in Chapters 7 and 8.

Chapter 7
THE ROLE OF THE SPANISH STATE IN THE NEGOTIATION OF THE EU-MOROCCO FISHERIES AGREEMENT

The Spanish government was a key protagonist at EU level in the policy area of fisheries. It played an important role in the re-negotiation of the fisheries agreement between the EU and Morocco in 1995, seeking to maximise the defence of its national interests in view of the potentially negative impact of the accord on its fishing sector. Former Agriculture and Fisheries Minister Luis Atienza (1996, p. 12) recognises the considerable importance of fisheries agreements with non-EU or Third countries for the Spanish fishing sector, but also acknowledges that the negotiating process 'no está exento de tensiones de carácter periódico' (is not free from tensions of a periodic nature). Chapter 7 focuses on the series of talks in 1995 to re-negotiate the 1992 EU-fisheries agreement, which caused a high level of tension in the Spanish domestic arena. At national level, the Spanish state sought to obtain the optimal deal for its fishing sector, while being obliged to accept the EU's overall control of the negotiating process. At EU level, Spain had to justify its tough bargaining position vis-à-vis Morocco to fellow member states and to the Commission, whilst seeking to preserve its role as a leading player in the area of Mediterranean policy. The aim is, therefore, to examine the extent to which, in view of the prominent role played by the Spanish government, a state-centric model is the most appropriate approach for the analysis. Chapter 8 will then consider the input of key regional and sectoral actors in the domestic arena to the EU bargaining position, and their relations with central government. The conclusions of the fisheries case study assess the capacity of the Spanish government to retain its autonomy during the negotiating process, whilst meeting demands at both domestic and EU levels.

Development of fisheries at EC/EU level

Prior to an evaluation of the negotiations at interstate level, an examination of EU fisheries policy, the impact of Spain's EC accession, and relations between Spain, Morocco and the EC/EU sets the context for the analysis.

Spain's EC accession

The doubling in size of the Community fishing sector, and an increase of 75% in fishing capacity and 45% in fish consumption, was one result of the accession of Spain and Portugal in 1986[1]. Prior to accession, Spain had an agreement with the EC

[1]Europa web site, DGXIV home page: http://europa.eu.int/en/comm/DG14/DG14.html

which accounted for approximately 10% of its total fish catch. The Accession Treaty set out transitional arrangements, valid until the end of 2002, which guaranteed mutual access to selected fishing areas for EC countries including Spain and Portugal. The Spanish government considered that the quotas established for each member state in the 1983 agreement, negotiated in the absence of Spain, had an extremely negative effect on its fishing sector. The measures imposed by the entry terms have been viewed by one Spanish analyst as 'extraordinariamente duro, largo e irracional' (extraordinarily tough, long and irrational) (Díez-Hochleitner, 1995, p. 15).

It was not until eight years after entry that it was agreed that the arrangements for incorporation of the two new members into the CFP should be adjusted by the Council of Ministers[2]. The decision was formally taken on 22 December 1994, bringing forward the end of the transitional period to 31 December 1995. Although this agreement allowed some commentators to adopt an optimistic vision of the future of the Spanish fishing sector, for example Gonzalo Vázquez *et al.* (1996), who conclude that Spain is likely to be a leading player in the future CFP, other observers highlight the minimal knowledge of the serious, long-term problems at national level. Miguel Peña (1997, pp. 56–8) criticises the lack of priority given to Spain's own fishing waters, the government's postponement of unpopular decisions, and its inadequate support for the long-term planning of fishing following EC accession. Another key problem caused by Spain's entry into the Community was that access to European markets for many Moroccan imports became more problematic, thus causing tensions between the two countries.

Relations between the EC/EU, Spain and Morocco

Although the Moroccan government feared a deterioration in its relationship with Spain when the Socialists gained power in 1982 (de Larramendi, 1997, p. 405), the PSOE made a major effort to normalise relations which had been ambivalent for centuries. Gillespie (1995, p. 167) argues that the links between Spain and Morocco were diversified and intensified during the Socialist term of office, the beginning of top-level summits from 1990 being one illustration. The issue of Morocco's claims on Spain's populated enclaves in its territories, the coastal towns of Ceuta and Melilla, caused less tension in the early 1990s, although proposals to grant them Autonomy Statutes in 1994 aroused strong reactions in Morocco, illustrated by the decision to suspend summits of Heads of government and ministerial visits. Mustafá Sehimi (1996, pp. 110–11) refers to the lack of communication and understanding between

[2]Council Regulation EC 1275/94 of 30 May 1994 on adjustments to the arrangements in the fisheries chapters of the Act of Accession of Spain and Portugal, *OJ* L 140, 3 June 1994.

the two neighbours, with two issues, the enclaves of Ceuta and Melilla, and fisheries, being most likely to cause tensions.

Spain lobbied in the early 1990s for a restricted free trade agreement between Morocco and the Community. However, Spanish sectors set to lose most from increased competition from Morocco, such as citrus fruit, vegetables and textiles, opposed any further liberalisation of entry conditions, and direct competition between Moroccan and Spanish products led to a deterioration in their relations (de Larramendi, 1997, p. 416). The lobbying power of key Spanish sectors can be illustrated by the final declaration of the EuroMediterranean (EuroMed) conference in Barcelona in November 1995[3], which was cautious regarding preferential access for fruit and vegetables from non-EU Mediterranean countries, particularly as the overall level of imports from these countries into Spain had tripled over the previous fifteen years (Bataller Martín and Jordán Galduf, 1997, pp. 143–8). Morocco feared losing its markets as a result of Spain's EC entry, and therefore reinforced its efforts to establish closer relations with the Community. This was illustrated by its second application for EC membership in July 1987, which was rejected by the Council of Ministers on 15 September (de Larramendi, 1997, pp. 275–6). A protocol was signed by the EC and Morocco referring to Spain and Portugal's accession on 26 May 1988, which ensured the same terms for the entry of Moroccan agricultural products into the EC as for Spanish and Portuguese imports[4].

Following EC entry, an increased rate of growth in Spain promoted a higher level of investment in Morocco, which rose by a factor of thirty seven in five years (de Larramendi, 1997, p. 431). In June 1988, a framework agreement for economic and financial co-operation between Spain and Morocco was signed, whereby export credit of 125,000 million pesetas, subsequently increased to 150,000, provided for purchases of Spanish goods and services (Gillespie, 1995, p. 168). Spanish exports to Morocco increased by a factor of four, partly as a result of the 1988 agreement (de Larramendi, 1997, p. 430). Although France was still well ahead of Spain in terms of its trade with Morocco, Spain was reducing the gap. In February 1996, at a bilateral summit held in Rabat, the Spanish government agreed on a new economic and financial co-operation agreement amounting to 150,000 million pesetas for Morocco

[3]The EuroMed conference was the first ever summit between the EU and non-EU Mediterranean countries, held under the Spanish EU Presidency on 27–28 November 1995. It resulted in the Barcelona Declaration, including agreements on the gradual introduction of a free trade area known as the EuroMediterranean Economic Area.

[4]Adding new protocols of co-operation was an EC/EU strategy for responding to Moroccan demands. For example, in 1988, a new financial protocol was signed (the third since the signing of the co-operation agreement in 1976), which allocated 62.8% more funding to Morocco than in 1981 (de Larramendi, 1997, p. 277).

for the period 1996–2000 (de Larramendi, 1997, p. 429). A friendship and co-operation treaty was also signed between the two countries on 4 July 1991, coming into effect on 28 January 1993, after a long ratification process during which the Spanish parliament questioned the appropriateness of the agreement in view of Morocco's human rights record. The accord, which institutionalised bilateral summits, and established measures to increase co-operation in a number of sectoral, financial and cultural fields, marked a considerable advance in relations between Spain and Morocco.

At EU level, Spain was the member state most committed to promoting Mediterranean policy according to many analysts[5] (for example, Baixeras, 1996, p. 150), even though it has also been a priority for other countries such as France. Although Spain blocked talks on Moroccan agriculture during the first nine months of membership (de Larramendi, 1997, pp. 416–7), it also played an active role in Mediterranean policy, as illustrated by the Hispano-Italian initiative for the Conference on Security and Co-operation in the Mediterranean in 1990, the Co-operation Council during the first Spanish Presidency in July 1989, aimed at establishing closer relations with Morocco, and the organisation of the 1995 EuroMed conference during its second EU Presidency. Factors such as the firm position on Mediterranean policy taken by Spanish officials in the Council of Ministers, and the position of Spaniards in key posts dealing with the Mediterranean (including the two last Commissioners responsible for this area), have continued to enhance its role as protagonist of the non-EU Mediterranean countries. However, Gillespie (1997a, pp. 11–12) considers that Morocco has been less prioritised from March 1996 by the new PP government, although the first official trips as PM of both Aznar and González were to Morocco.

Spanish diplomatic efforts successfully promoted the creation of a Euro-Maghreb 'partenariat' at the Lisbon Summit in June 1992, when Morocco was considered by the EU to be a candidate for a special free trade agreement[6]. Talks in 1992 focused on political dialogue, co-operation in key sectors, financial co-operation involving EU economic aid of around 56,000 million pesetas over three years, and the aim of creating a free trade area in exchange for limited concessions in agriculture. The

[5]Spain's key role in laying the basis for the EU's Mediterranean policy is illustrated by the commissioning of two reports in February 1992, one directly from Spain on the political situation in the Maghreb, and the other a response by Commissioner Matutes to the economic problems of the region (Gillespie, 1997a, p. 5).

[6]The EC and Morocco signed the first co-operation agreement on 27 April 1976, which came into effect in February 1978. It was expanded in 1988, and expired on 20 April 1995, ten days before the expiry of the fishing agreement. The inclusion of economic, technical, scientific and social co-operation opened a new phase in EC-Morocco relations.

Commission's mandate for negotiating the Association agreement was originally approved by the Council of Ministers on 7 December 1993, and Mediterranean policy was given a considerable impulse at the 1994 Corfu Summit when the Commission was asked to write a report on a EuroMediterranean free trade area. The proposal was approved at the Essen Summit in December 1994, and negotiations finally began in 1995. Spanish Commission officials were very eager to organise the EuroMed conference under the Spanish EU Presidency, and direct communication during 1994 and 1995 between Commissioner Marín in Brussels, and the Ministry of Foreign Affairs in Madrid, enhanced the key role Spain played in the initiative (Baixeras, 1996, p. 159). The Spanish commentator Miguel Hernando de Larramendi (1997, p. 288) considers that Morocco sought to globalise its relations with the EU, 'vinculando la cuestión de la pesca con el futuro de sus exportaciones agrícolas así como con el contenido del Acuerdo de Asociación...' (linking the question of fisheries to the future of its agricultural exports as well as to the content of the Association agreement...). Morocco's key interest was thus in a substantial increase in the level of economic compensation, and an improvement in the terms for the export of its agricultural products, while Spanish interests in the Association agreement were firmly linked to obtaining fishing rights in Moroccan waters. The development of EU fisheries was a key source of tension in Spain's relations with Morocco during EC/EU membership.

Common Fisheries Policy

The CFP covers all activities involved in the fishing and farming of living aquatic resources, as well as the processing and marketing sectors. Provisions for a CFP were already made in 1957 in the EEC Treaty of Rome[7], and it was established in a transitory form in 1983 before Spain joined the EC (Regulation EEC 170/83 and 171/83), with a view to consolidating it in 1986 on the accession of Spain and Portugal (Regulation EEC 3094/86). A review in 1992 (Regulation EEC 3760/92) on the basis of a Commission report (European Commission, 1991) assessed the situation of the industry and its outlook. The CFP focuses on four major areas, namely conservation of stocks, organisation of markets, structural measures, and international agreements. The restructuring of the fleet forms a constant underlying theme of fisheries policy, the aim being to reduce the fleet to a size commensurate with the stocks available. Multi-annual guidance programmes, enforcing reductions of up to 20% in fishing effort on member states, were established for the periods 1983–86, 1987–91, 1993–96, and 1997–2002, and measures to assist fisheries were incorporated into the structural fund arrangements in the 1993 reform of the funds

[7]Article 39 (1) sets out the aims of the CAP; under Article 38, these are also the aims of the CFP. The Treaty on European Union inserted Article 3 (e) stating that a fisheries policy is one of the activities of the EU.

(Regulation EEC 2080/93). The various fishery finances available were grouped into one fund, the Financial Instrument for Fisheries Guidance (FIFG), which aims to achieve the objectives of the CFP, while contributing to strengthening economic and social cohesion under Article 130a of the Treaty on European Union (see Chapter 6 on cohesion policy, and Chapter 8 on regional involvement in FIFG funding). The Community Initiative, PESCA, was established in 1994 to supplement the structural aid available under the FIFG[8]. Despite increased measures to assist fisheries, the EU fleet is dependent on agreements with other coastal nations to provide vital access to fishing grounds in the sector's search for new stocks, which thus form a central element of the CFP.

Third-country fisheries agreements

Without third-country agreements, the general extension of fishing zones to 200 miles[9], and the resulting substantial reduction in fishing opportunities, would have had serious repercussions for Community fishermen. According to a former government official, during Spain's early accession negotiations, the extension to the 200-mile limit was 'un trauma sin precedente para los intereses pesqueros españoles' (a trauma without precedent for Spanish fishing interests) (Bassols, 1995, p. 170). Over one-quarter of all fish caught by Community boats for human consumption is taken from international waters, or from those under the jurisdiction of non-EU countries, accounting for 40% of total CFP expenditure (European Commission, 1994, p. 29). The Community makes various forms of concessions to the non-member countries with which it negotiates agreements. From 1990, in the so-called second-generation agreements, it sought to promote the mutual development of both parties' fishing industries, and to highlight the opportunities for co-operation (European Commission, 1994, p. 32).

Prior to the negotiations with Morocco, the illegal capture of the Spanish ship 'Estai' by Canadian coastguards led to a fisheries dispute. Canada's struggle for the control of international waters threatened the Spanish fishing presence in the area, and Spain requested the defence of legitimate fishing rights in its protest against the Canadian action. The fisheries agreement between the EU and Canada was heavily criticised in Spain for the granting of excessive concessions to Canada by the EU, and for not adequately representing Spanish interests. As a result, the Spanish fleet in the area

[8]Notice from the Commission 94/C 180/01 (PESCA), *OJ* C 180, 1 July 1994.

[9]A conference which opened in New York in 1973 proposed the idea of extending the fishing zone towards the 200-mile limit, and discussions continued until 1982 when the United Nations General Assembly adopted the 200-mile Exclusive Economic Zone. The creation of such an area around coastal states such as Morocco, within which they would have the right to determine the conditions of access to any economic resources, represented a considerable change for the EU fleet.

was reduced from thirty six to twelve boats, and the number of jobs fell from approximately 1000 to 150 (*La Gaceta de los Negocios*, 18 April 1995). The issue of access to Moroccan waters was particularly important in view of the outcome of the conflict with Canada, and the Spanish fishing sector feared that the EU, having set a precedent with the Canadian dispute, would give in to excessive Moroccan demands. However, the President of the Andalusia government highlighted the fact that Moroccan dependence on the EU distinguished the case from that of Canada (*Diario 16*, 27 April 1995). Nonetheless, Moroccan moves to establish its own fishing industry led to the questioning of the traditional rights of Spanish fishermen to fish in its waters and, thus, to the protracted re-negotiation of the terms of the agreement in 1995.

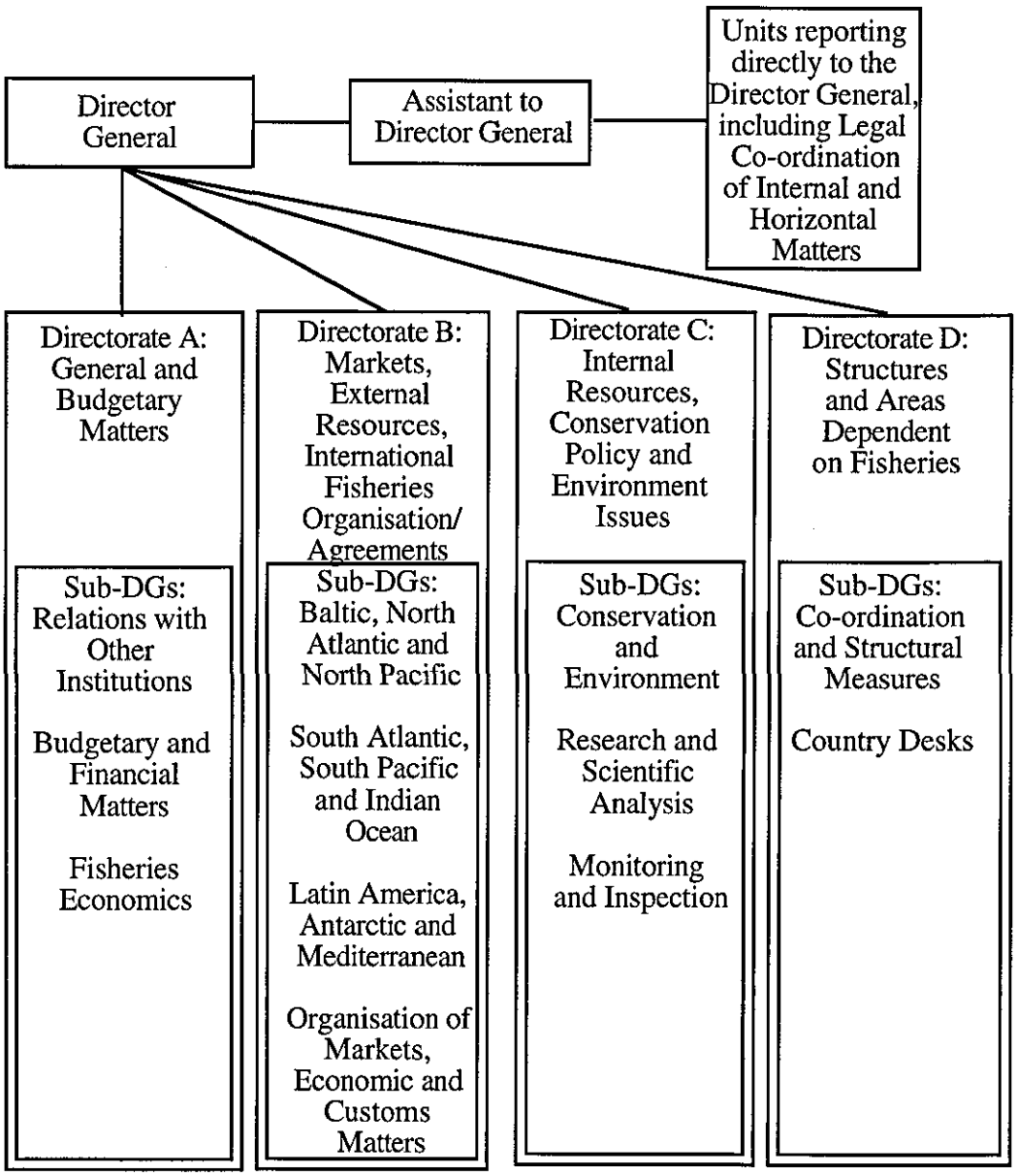
The Commission has sole power to negotiate EU third-country fishing agreements. The DG for fisheries, DGXIV, under the Commissioner Emma Bonino, was responsible for the negotiations, the chief EU negotiator being the Head of the Latin America, Antarctic and Mediterranean Unit in 1995, John Spencer. The Unit was within Directorate B, which was responsible for international fisheries agreements, as shown in Figure 7.1. Agreements with non-member countries have to be approved by the Council, following consultation of the European Parliament. According to Article 43, the fishing agreement also had to be ratified by the European Parliament, although MEPs were critical of the limitation of their role to the approval of an agreement which had already been negotiated[10].

Previous fisheries agreements with Morocco

The lack of a well-established legal framework for negotiations in the area of fisheries, the signing of transitory accords in an atmosphere of tension, and the relatively high public awareness of the issue, make fishing agreements with Morocco particularly problematic for EU negotiators. Morocco can use its pressure on the Spanish government via sensitive or economically weak regions where the fishing sector is dependent on Moroccan resources (Núñez Villaverde and de Larramendi, 1996). The question of fishing rights thus has a high impact on the state of political relations between Spain and Morocco, frequently determining the extent of Spanish concessions to Moroccan demands on political and territorial issues. An analyst of Spain's relations with the Maghreb, de Larramendi (1997, p. 35), gives an illustration of an attempt by Morocco to strengthen its bargaining power vis-à-vis the

[10]Interview with MEP, President of the Fisheries Committee from January 1997, Brussels, 23 April 1997.

Figure 7.1 Structure of Directorate-General XIV (Fisheries), European Commission, during the 1995 negotiations



Community when, following the annexation of the Sahara[11], it refused to ratify the 1977 fisheries agreement. Bilateral fishing agreements with Morocco were negotiated by the Spanish administration until 1988[12]. In December 1982, a six-month fishing agreement was signed between Spain and Morocco, but it was not until 1983 that a longer term four-year accord was agreed, which marked a new period of co-operation. The agreement committed Spain to a 40% reduction in fishing rights, and to the

[11]Spain's renunciation of direct responsibility for the territory of the Western Sahara was recognised in an agreement between Spain and Morocco in November 1975.

[12]From 1975–79, tripartite accords on the administration of the Western Sahara existed between Spain, Morocco and Mauritania.

protection of fishing stocks, while also seeking to establish a Moroccan fishing industry. The accord was significant as its aim was to end Morocco's use of the non-ratification of agreements as an instrument of political pressure. The Accession Treaty (Article 167) transferred responsibility for managing third-country fisheries agreements formerly negotiated by Spain and Portugal to the EC, and a new EC accord was signed on 25 February 1988 after the former one expired in July 1987. From the beginning of 1988, all EC boats were forced to leave Moroccan waters, and, when a new agreement was reached, the Spanish sector, constituting more than 90% of the fishing boats affected, opposed the reduction in fishing quotas imposed. It could be considered that,

> in terms of the fishing negotiation itself, the transfer of responsibility from Madrid to Brussels was an inconvenience, while in broader terms it was advantageous to Spain, bringing an uncoupling of the fisheries issue from political questions (including pressure on Ceuta and Melilla) and various forms of bilateral cooperation, economic, cultural and military (Gillespie, 1995, pp. 167–68).

Spain was able to free itself of Moroccan pressures and take advantage of the EC/EU's stronger bargaining position in the negotiations, thus exploiting the opportunities presented by the new EC framework to justify policy decisions in the domestic arena. Some Spanish shipowners were more critical of the Community's defence of their interests, highlighting the greater degree of autonomy in the negotiation of bilateral agreements prior to EC accession[13]. It is significant that Gillespie (1997b, p. 101) also notes that the Spanish government discovered the disadvantages of not directly controlling the negotiations during key points of the 1992 fisheries talks; one illustration is the panic in Spanish central government when, on 15 January 1992, the European Parliament rejected the fourth protocol on financial co-operation for political reasons, which then jeopardised negotiations on fisheries. This was considered particularly damaging for relations with Morocco by the Spanish administration. However, the importance of fisheries for Spain was recognised in the EU arena where negotiations were frequently regarded as an essentially Spanish affair, although the Spanish government was often pressurised into making bilateral concessions to attain a new agreement. For example, Spain approved the signing of an accord on 31 March 1988 on the transport of Moroccan citrus fruits through Spanish territory to unblock stalled negotiations on fisheries (de Larramendi, 1997, p. 421).

[13]Interview with President of the Professional Association of Shipowners' Firms of Cadiz (Asociación Profesional de Empresas Armadores de Buques de Pesca de Cádiz, ASEMAR), Cadiz, 3 October 1996.

On 1 May 1992, a new fisheries agreement between the EU and Morocco came into effect, which retained largely the same conditions for EU boats as in the previous accord, while increasing the financial flows to Morocco by 50%. The Commission's offer to begin setting the framework for an Association agreement with Morocco eventually permitted an accord to be reached on fishing rights. The agreement provided for approximately 700 EU fishing boats, more than 90% Spanish, to fish in Moroccan territorial waters for a four-year period in return for a payment of 102 million ecu a year (López García-Asenjo, 1994, p. 338). It was the most important fishing arrangement with a Third country that the EU has signed in terms of the potential catch, the number of boats and workers, and the socio-economic impact on regions such as Andalusia, the Canaries and the South of Portugal. The accord involved a mix of finance and easier access for fishery products to the EU market, in exchange for fishing rights and preferential trade terms for selected fish exports. A Commission document (European Commission, 1994, p. 32) claimed that the agreement between the EU and Morocco was 'in some ways, a forerunner of the new-style fishing agreements, based more on partnership than price', illustrating the Commission's determination to encourage closer economic links and co-operation between the EU and Moroccan fishing industries.

Article 15 of the agreement established that a meeting would be held halfway through the period to examine its functioning. In May 1994, Morocco used Article 15 to request a revision of terms, demanding a substantial reduction in EU fishing rights in its waters, and greater control and inspection of EU fleets, a large proportion of which were Spanish. Morocco withdrew fishing licences from 200 EU boats in 1994 in view of the increasing scarcity of catches and, despite the difficulty in monitoring Spanish fishing activity, accused Spain of sending out three times more than the 700 boats allowed by the 1992 agreement, of catching mainly small fish which the Moroccans were prohibited from fishing, and of extending their activities beyond the allowable zones. Morocco also insisted on the EU's adoption of measures for the restructuring and relocation of the Spanish fleet during the period of the agreement. The Spanish delegation, in a communication to the Fisheries Commissioner in 1994, considered that the large reductions in fish quotas proposed by Morocco were totally unacceptable (Unpublished letter, 7 September 1994). After five months of tense negotiation, a compromise was reached on 13 October 1994, whereby the 1992 agreement would remain unchanged until 30 April 1995, but its length would then be reduced by one year. Spain was in agreement with Morocco on a full re-negotiation of terms for the fishing agreement (Unpublished document, 7 September 1994). In November 1994, the Council of Ministers agreed on a negotiating mandate for the

Commission, and, following a delay, which was partly a result of the formation of a new government after the Moroccan elections, negotiations began in March 1995.

Although some commentators consider that relations between Spain and Morocco have become increasingly normalised, key illustrations being the new period of collaboration marked by the Hispano-Moroccan Summit in Rabat on 5–6 February 1996 (Núñez Villaverde and de Larramendi, 1996, p. 33)[14], and the meeting in Casablanca on 26 and 27 May 1997 on partnership arrangements in their fishing industries, other analysts have highlighted the deterioration in their relationship in the mid-1990s (Gillespie, 1997b, p. 143). This is illustrated by the tensions caused by the re-negotiation of the fishing agreement in 1995.

Role of the Spanish government in interstate negotiations

The sub-DG for International Fisheries Agreements, in the DG for Fishing Resources within the Ministry of Agriculture, Fisheries and Food (see Figure 7.2) was directly responsible for the negotiations with Third countries, its officials acting as key members of the Spanish delegation[15]. The delegation was regarded by the Commission as well prepared and competent, enabling Spanish officials to exert a significant influence on Commission negotiators, who relied on their high level of expertise, their past experience of Moroccan negotiating tactics, and their close relations with the sector[16]. The re-negotiation of the fisheries agreement was expected to be difficult in view of previous negotiations, and the tension caused was intensified by the severe economic crisis in the fisheries sectors of both Morocco and Spain. The fishing problem had become a national issue in Morocco, and caused great agitation in political and media spheres, which were particularly critical of Spain's tough negotiating position.

Opening positions

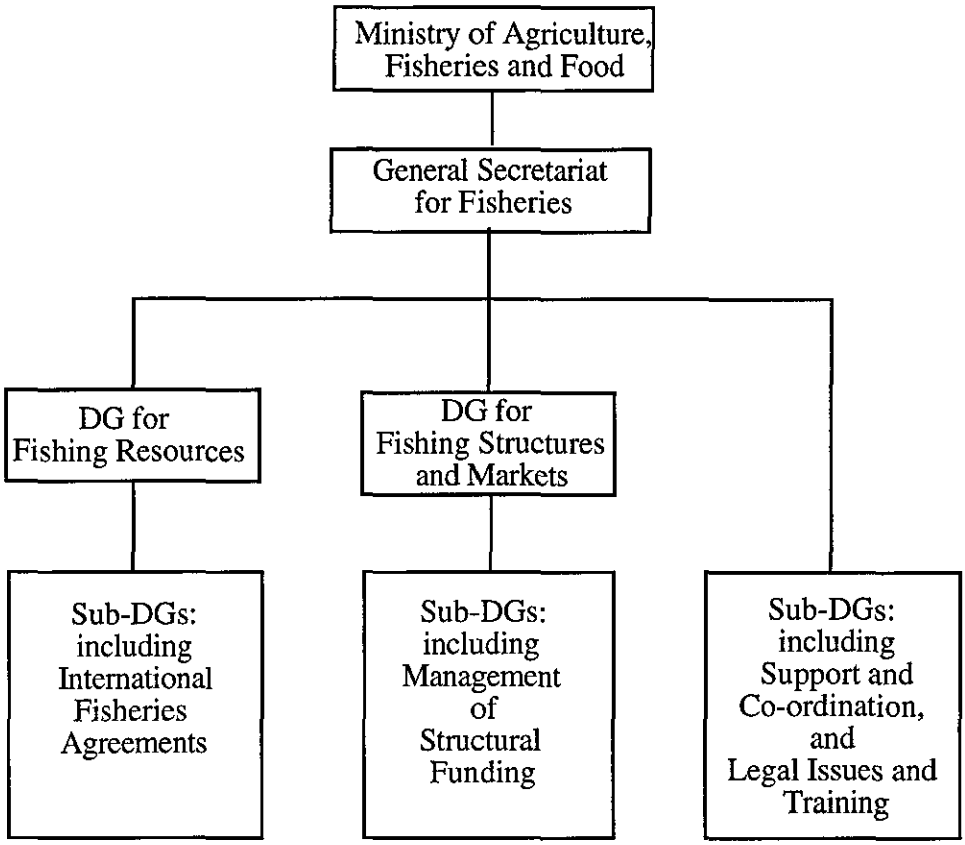
Morocco was developing a national fleet, and wanted to assert its sovereignty over its 200-mile area, considering that only the surplus stock should be fished by EU fishermen. According to Abdelmajid Smires, President of the Moroccan shipowners' association, Morocco had shown its determination 'to regain the respect it is owed by

[14]An interviewee responsible for fisheries in the Spanish Permanent Representation (Brussels, 22 April 1997) also affirmed their good relations in 1996, illustrated by rising Spanish investment in Morocco.

[15]Luis de Andres and Rafael Conde of the DG for Fishing Resources were key members of the Spanish delegation; Conde presided over the negotiations during Spain's EU Presidency.

[16]Interview with official responsible for fisheries in the Spanish Permanent Representation, Brussels, 22 April 1997.

Figure 7.2 Organisation of fisheries at central level



exercising its sovereignty over its resources' (*FT*, 1 May 1995). In the presentation of his programme on Friday 2 March, PM Abdellatif Filali expressed considerable discontent with the EU's policy towards Morocco for not complying 'with the geopolitical position of the kingdom, its political options and its economic and social achievements' (*Europe*, no. 6435, 8 March 1995, p. 6). An indication of the priority given to reformulating fisheries policy and rationalising its industry, was the number of policy statements issued by the Moroccan government on fisheries in the 1990s, including frequent references to the problem of the EU fleet[17]. The extension of the fishing agreement had been a formality in the past but, according to the President of the Moroccan shipowners' association, it had now become a real negotiation (*FT*, 1 May 1995).

The Moroccan delegation, headed by the Director General for Fisheries Mohamed Rami, presented a series of tough demands for the new fisheries agreement. They considered that the fishing quotas currently established for EU fishermen should be

[17]Interview with chief EU negotiator of fisheries agreement, European Commission, Brussels, 21 April 1997.

substantially reduced, the biggest reductions in fishing possibilities being 65% for cephalopods (squid, octopus and cuttlefish) over a three-year period. Furthermore, the delegation demanded that the percentage of Moroccan fishermen on EU fishing boats be raised to 35% (over a certain tonnage, they currently represented about 25% of the crew), and that a partnership between Moroccan and European shipowners be established rather than continue with conventional co-operation measures. A three-year duration was demanded for the fishing agreement, as well as a substantial increase in the payment to Moroccan shipowners. A further controversial demand was for the unloading of catches by Spanish boats partly, or even totally, in Moroccan ports.

The Commission considered the reduction in fishing quotas excessive, and proposed a gradual reduction of 25% in cephalopods over three years, and cuts of 5–10% in quotas for other fish types (*El País*, 29 August 1995). The reductions demanded by Morocco were regarded as unacceptable, unless it could present technical data which showed a substantial reduction in fish stocks over the previous two years. However, EU negotiators largely approved other Moroccan demands on the duration of the agreement, the need to ensure conservation of current stocks, and the unloading of catches in Moroccan ports, although not for all EU fishing boats.

The Spanish delegation lobbied hard for a tough EU position vis-à-vis Moroccan demands throughout the talks. For example, the shortening of the fishing agreement by one year was a Spanish proposal in September 1994 in response to Moroccan demands, which eventually obtained the agreement of other member states. In an interview in June 1995, Bonino considered the strong pressure from the Spanish government on the Commission to be natural in view of the greater implications for its sector (*El Mundo*, 9 June 1995). According to one Spanish analyst:

> Parece lógico que en la Comisión de la UE se tenga especialmente en cuenta la opinión del sector y de la administración pesquera española para diseñar una política pesquera audaz y agresiva en beneficio de todos los intereses españoles y comunitarios'.
> (It seems logical that in the Commission of the EU the opinion of the Spanish fishing sector and administration is especially taken into account in formulating a bold and aggressive fishing policy for the benefit of all Spanish and Community interests) (de Aldasoro, 1995, p. 43).

However, despite acknowledgement at EU level of the implications for the Spanish fishing sector of substantial cuts in quotas, the Spanish government was frequently under pressure from the Commission to compromise its bargaining positions.

Deadlock in negotiations: March-August 1995

Negotiations between the EU and Morocco began in Brussels on 28–30 March 1995, but mainly consisted of setting out the opening positions of the two delegations. The first round of talks was considered to be reasonably favourable as a starting point for reaching an agreement, allowing time for a full examination of the details before the second round (*Europe*, no. 6454, 3–4 April 1995, p. 9). The talks took the form of co-ordination meetings between the Commission and member states to establish a common position prior to and during the round, followed by plenary meetings with the Moroccan delegation. Bilateral meetings with the Commission took place when specific problems arose in relation to one member state. The political importance of the agreement in Spain and Portugal was illustrated by the presence of a senior official from the Ministry of Foreign Affairs or the Permanent Representation in the delegation, as well as officials responsible for fisheries[18].

In the second round on 11–12 April in Rabat, following consultation with key member states, the Commission submitted counterproposals which included less radical reductions in fishing quotas in certain categories, limits to the compulsory biological rest period for some species without discrimination between Moroccan and EU fleets, and optional off-loading in Moroccan ports (*Europe*, no. 6466, 22 April 1995, p. 6). However, Morocco did not modify its negotiating position, arguing that the conditions demanded for EU fishermen would be detrimental for its own fishing sector. Negotiations were resumed on 26 April in Rabat but, despite the politically positive talks between Bonino and Moroccan Fisheries Minister Mustapha Sahel prior to the negotiations, the conclusion of an agreement seemed unlikely before the interruption of EU fishing in Moroccan waters on 30 April. The Spanish delegation had shown considerable concern at Bonino's previous optimism regarding the conclusion of negotiations before the end of April, fearful that a rapid agreement would be reached involving terms unacceptable to its sector. However, although the Fisheries Commissioner noted agreement on key principles such as the need to preserve fish stocks, she acknowledged that 'the positions concerning actually putting these principles into the text of an agreement are still far apart' (*Europe,* no. 6469, 27 April 1995, p. 12).

During the third round of negotiations, the Commission emphasised the importance of partnership arrangements in the fishing industry, involving the promotion of joint ventures between Moroccan and EU fishermen, training schemes, and Moroccan

[18]Interview with chief EU negotiator of fisheries agreement, European Commission, Brussels, 21 April 1997.

research initiatives. The Spanish delegation was more reticent regarding Commission proposals, stressing the high rate of failure of joint ventures set up since the 1992 agreement. Wide differences remained on the reduction of quotas, resulting in the breakdown of negotiations on 27 April, and the decision to resume talks in May in Brussels. Morocco's intransigent position remained unchanged despite financial incentives offered by the EU, namely over 100 million ecu in annual financing from the Community budget (*Europe,* no. 6471, 29 April 1995, p. 8). The emphasis on partnership continued in the fourth round of negotiations, which began in Brussels on 15 May, where the emphasis was on a long-term framework to facilitate an agreement on the issues of quotas and the financial counterpart (*Europe*, no. 6480, 13 May 1995, pp. 7–8; no. 6482, 17 May 1995, p. 8). The Commission forwarded a 'non-paper' to the Moroccan delegation, including a potential framework for partnership, with a view to eliciting a response before the following round. However, Moroccan fishing associations criticised arrangements which amounted to sharing the 'pillaging of resources with the Spanish' (*Europe*, no. 6495, 6–7 June 1995, p. 11), and the Moroccan delegation was deeply suspicious of proposals which, according to the chief EU negotiator[19], were viewed as an attempt to avoid debate on quota reductions. The Commission stressed that proposals were not aimed at circumventing key Moroccan demands (*Europe*, no. 6484, 19 May 1995, p. 8), while acknowledging that negotiations had not gone beyond the least controversial issues, and that 'the tough talks still lie ahead' (*FT,* 18 May 1995).

The Spanish delegation largely determined the extent of reductions in quotas during each negotiating round. For example, EU negotiators indicated that they would be willing to approve a cut in quotas of up to 30% during the fifth round, while Spain was opposed to what it viewed as a major EU concession, and would only accept a maximum of a 15% global reduction. This made the formulation of a common EU position almost impossible. Nonetheless, Bonino hoped that the fifth round of talks opening in Rabat on 1 June would enable the Commission to take a substantial step towards concluding negotiations (*Europe*, no. 6492, 1 June 1995, p. 10). Talks were expected to clarify the nature of partnership arrangements in exploitation, processing, and marketing, thus facilitating a resumption of bargaining on quotas on a case-by-case basis according to the type of fishing. Although, according to Moroccan sources, 'it immediately seemed that the European delegation had no response to the Moroccan offer presented' (*Europe,* no. 6495, 6–7 June 1995, p. 11), the EU delegation highlighted its presentation of counter proposals following extensive co-

[19]Interview with chief EU negotiator of fisheries agreement, European Commission, Brussels, 21 April 1997.

ordination meetings between the Commission and Spanish delegation to try to find a common position on quotas (*El País*, 3 June 1995).

In June, the Spanish proposal of a cut of only 2% for the cephalopod fleet was immediately rejected by Morocco, and the Commission sought to persuade the Spanish delegation to accept reductions in quotas of 10–30% to convince Morocco to enter the negotiating process. However, the Spanish delegation was aware that the 30% cut in quotas proposed by the Commission would involve a decrease of around 200 Spanish fishing boats, and a loss of 6000 jobs, which would have to be justified in the domestic arena (*Ya*, 3 June 1995). Spain thus refused to compromise its bargaining position any further. The divergences between the EU and Spanish positions were evident and, despite Commission support for the Spanish fishing sector, Spain's demand for a far tougher, less compromising bargaining position was criticised by the Commission and EU member states, particularly when it put short-term gains above more strategic thinking about the future of its sector. For example, Bonino was particularly critical of the Spanish government's postponement of the restructuring of the sector, although acknowledging the difficulty of the task (*El Mundo*, 9 June 1995). Most member states were generally supportive of the Spanish fishing sector, but countries such as France, whose economic interests in Morocco led it to favour Rabat over Madrid at certain stages of the negotiation, were more reticent regarding Spanish interests. The Director General of DGXIV, Almeida Serra, declared that all fifteen member states had to be taken into account (*Industrias Pesqueras*, no. 1636, 15 June 1995, p. 5), indicating his criticism of the predominance of Spanish interests in the negotiations.

Following the failure of the fifth negotiating round, Bonino highlighted the necessity for further Spanish concessions before a date was set for the resumption of talks during a visit to Madrid. The suspension of negotiations was a 'pause for reflection', intended to lead to a more flexible stance according to a Commission spokesperson (*Europe*, no. 6495, 6–7 June 1995, p. 11). Bonino, who intervened personally whenever political pressure was considered advantageous, held talks in Madrid, Rabat and Lisbon in June in an attempt to establish a more accommodating EU negotiating position (*Europe*, no. 6500, 14 June 1995, p. 12). She sought to maximise political pressure on the government in meetings with González to obtain Spanish approval of concessions to Morocco, attempting to separate high-level political discussions from economic, sectoral issues discussed with officials responsible for fisheries[20]. A diplomatic source described the Spanish attitude as 'no agreement rather than a bad

[20]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

agreement', and the Commission feared that Spanish proposals, in addition to the uncompromising position defended by Moroccan shipowners, would block the negotiations indefinitely (*Europe*, no. 6500, 14 June 1995, p. 12). The Spanish government resented the Commission's criticism of its bargaining terms, and monitored the EU's strategies carefully for fear of becoming the victim of an overly flexible EU negotiating position. Spain was critical of what it viewed as the Commission's attempt to play the role of intermediary between Spain and Morocco, rather than defender of global EU interests including those of the Spanish fishing sector[21]. No progress was made in reaching a compromise between Spain and Morocco in June (*Europe,* no. 6504, 19–20 June 1995, p. 10), although Morocco was encouraged to return to the negotiating table by the outcome of the Cannes Summit in June 1995, when total funds of 4685 million ecu for the 1995–99 period were approved for the non-EU Mediterranean countries (Khader and Núñez Villaverde, 1996, p. 63). This was partly the result of a deal between Kohl and González, which represented a considerable victory for Spain, even if it meant a 10% reduction in the budget originally proposed by Commissioner Marín (Gillespie, 1997a, p. 10).

The Spanish Agriculture and Fisheries Minister pointed out in a plenary in the Spanish parliament on 29 June 1995 that, although the EU had exclusive competency as negotiator of the new fisheries agreement, relations between Spain and Morocco were of immense importance for improving the climate for the negotiating process (*El Correo de Andalucía*, 30 June 1995). Actions were taken to improve bilateral relations, for example the visit of Foreign Minister Javier Solana to Rabat in June to hold talks with PM Filali and King Hassan II, the aim being to improve the general political atmosphere. However, the Commission continued to play a key role in finding a solid base for compromise between the Spanish and Moroccan delegations, for example by discussing the financial counterpart to be conceded to Morocco.

Towards an agreement: August-November 1995

Fisheries negotiations resumed in Brussels on 11 August, following a meeting between Bonino and Fisheries Minister Sahel which concluded that the foundation for reaching an agreement now existed (*Europe*, no. 6532, 29 July 1995, p. 6). Bonino was hopeful that fishing activity could recommence by 1 September in view of the progress made in high-level political talks. After a brief pause, the EU proposal of a global reduction of around 30% in fish quotas was presented on 17 August, but was immediately rejected by Morocco (*El País*, 13 August 1995). The Moroccan delegation demanded as a basis the actual use of fishing possibilities, which were in

[21]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

fact not fully exhausted (until the end of April, the EU had used about 64,000 tonnes out of a possible 82,000), while the EU delegation, under pressure from Spain, insisted on former fishing possibilities as the point of departure. The demand for compulsory offloading in Morocco of EU catches met with the Commission's counterproposal that a system of voluntary offloading be established, with financial incentives to encourage EU shipowners. Financial compensation was another outstanding issue, and talks were suspended from 19 to 25 August when no compromise could be found. The plenary session on 25 August ended after forty five minutes following Morocco's refusal to reduce its demands for quotas of 65% for cephalopods, and 50% for fish caught by trawlers, while the EU was only prepared to accept cuts of 21% and 10% respectively. Fishing of cephalopods represented 30% of Spanish employment directly linked to fishing in Moroccan waters, whereas the lesser reductions in fish caught by trawlers represented 23% of employment, fish caught by multiple hooks, another 23%, and the remainder, around 24%[22]. The Commission showed signs of compromise when it submitted a unilateral proposal on 27 August for a 25% reduction in catches of cephalopods during the three years of the agreement (*Mar*, no. 331, September 1995, p. 9); it had been preparing to negotiate on the basis of between 30 and 35% according to EU sources (*Europe*, no. 6556, 6 September 1995, p. 8). The Commission's objective was to stimulate an actual negotiating process for the first time, but the sixth round of negotiations was suspended when the Moroccan delegation refused the Commission's working papers, including substantial EU concessions, and demanded a re-opening of all issues.

Morocco was reported by a Spanish commentator to have tried to gain support for its position from member states with economic interests in the country when the sixth round failed, but 'la respuesta de la Unión Europea fue en alguna medida contundente, al cerrar filas con las posiciones españolas frente a Marruecos' (the EU's response was to some extent conclusive, closing ranks with the Spanish positions towards Morocco) (*Mar*, no. 332, October 1995, p. 8). Key Spanish government officials were more confident of obtaining an accord in September and October, when Morocco began to export its agricultural products via Spain, informing Morocco that it could not expect better conditions for its exports to the EU while its fishing sector had to accept major adjustments to its fleet[23]. The Spanish delegation considered Bonino's contribution to be positive, although remained concerned about her eagerness to reach a hasty agreement which did not fully consider Spanish

[22]According to sources in the fishing sector, the fish type 'arrastre' refers to fish caught by trawling, and 'palangre' to fish caught with a multiple-hooked line.
[23]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

interests[24]. Atienza highlighted the contradictory Moroccan negotiating position as a key obstacle to reaching a successful compromise with the Spanish delegation (*El País*, 1 September 1995). This is illustrated by the acceptance of the Moroccan Fisheries Minister of global reductions in quotas of 30% in a private meeting with Bonino on 27 July, and PM Filali's later rejection of this agreement, attributed to his own private fishing interests by diplomatic sources (*El País,* 7 September 1995). The Moroccan delegation's refusal to draft a written agreement also caused tension, although some EU officials regarded this as ultimately working to their advantage as it allowed the EU text to become the basis for negotiation[25].

A comprehensive and general re-evaluation of relations between the EU and Morocco was proposed at a meeting of the College of Commissioners on 6 September to discuss the crisis situation. The meeting reaffirmed the EU's determination to conclude negotiations as soon as possible, but highlighted the need for a greater will to negotiate from the Moroccan delegation (*Europe,* no. 6557, 7 September 1995, p. 8). Strengthening relations with Morocco was considered a priority for the EU, but Bonino declared that the Commission was also fully aware of the serious socio-economic problems in Spanish regions most affected by the suspension of fishing activity, the Commission's support for the sector being illustrated by actions such as the EU's suspension of imports of tinned sardines from Morocco. Bonino's awareness of the high political importance of the issue was indicated by her statement to the European Parliament that she would appear herself at any plenary session in September where oral questions on the fisheries agreement were raised (Unpublished document, European Parliament, 1 September 1995).

A successful meeting was held between Bonino and Sahel on 15 September 1995 to create the most fruitful atmosphere possible for the resumption of negotiations and, on 29 September, González and Bonino met in Madrid to discuss potential compromises, particularly on reductions in fish quotas (*El País*, 30 September 1995). According to negotiators, significant headway had been made by the end of September to reduce differences on the total size of the EU catch, and on financial compensation, to 'a reasonable negotiating zone' (*FT*, 4 October 1995). However, a major obstacle to the successful conclusion of negotiations was EU opposition to the demand that a significant share of the fish caught by foreign boats should pass through Moroccan ports. Morocco proposed a phased change-over as an economic imperative, but Spain was reluctant to enforce the condition on more than a

[24]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.
[25]Interview with chief EU negotiator of fisheries agreement, European Commission, Brussels, 21 April 1997.

'symbolic' number of vessels (*FT*, 4 October 1995). The Spanish delegation favoured a voluntary regime, and argued that fishermen could not be expected to unload their catches in Morocco until an adequate infrastructure was in place. Although Morocco's agreement to lower the amount demanded in financial compensation, which was initially three times that obtained in the 1992 agreement, removed an obstacle to the successful conclusion of negotiations in the seventh round beginning on 17 October, major differences remained regarding reductions in quotas and unloading in Moroccan ports. Morocco would only accept cuts of 45% in cephalopods compared to the 35% maximum accepted by Spain. The Spanish delegation was prepared to consider a substantial increase in payments to Morocco, in exchange for reductions in fishing quotas, but was aware that other member states would be more reticent about an excessive rise in the EU's financial contribution (*Diario 16*, 14 October 1995)[26]. Intensive negotiations at a high ministerial level, where the Spanish delegation played a key diplomatic role, contributed to concessions from the Moroccan and Spanish delegations. Following a meeting on 17 October between the Spanish delegation and members of Bonino's cabinet, Atienza declared that he was optimistic for a conclusion to the negotiations which would not be excessively traumatic for the Spanish fishing sector (*El País*, 19 October 1995), and a Commission fisheries spokesperson considered that the terms constituted adequate compromise for a successful outcome (*FT*, 19 October 1995).

The re-negotiation of a fisheries agreement was concluded during the eighth round of negotiations from 10–12 November, when the agreement eventually gained the approval of all delegations. The EU's payment was fixed at 350 million ecu over four years for the right to fish in Moroccan waters, and a gradual 20% decrease overall in the number of EU fishing vessels. The major compromises in the negotiating positions which brought an end to the stalemate were a reduction in fishing possibilities of 40% for cephalopods over the four years, an increase in financial compensation of up to 30 or 35%, compulsory off-loading in Moroccan ports only for frozen cephalopods, and a suspension period of two to three months a year to enable stocks to reconstitute themselves[27]. As for the controversial issue of unloading in Moroccan ports, most of the fleet were able to continue landing fish in Spain, but some of the larger boats, twenty five in the last year of the agreement, were obliged to

[26]This was also commented on in an interview with an MEP, President of the Fisheries Committee from January 1997, Brussels, 23 April 1997.

[27]The agreement reduced the number of licensed EU boats from over 600 to 477 at the end of four years, with a gradual increase in fees from the second year. Spanish boats would also have to take on some 950 Moroccan crew, representing about one in six (*FT*, 19 December 1995). The average reduction in fish quotas was 23% over the four-year period, although this was unequally divided between fish types.

unload their catches in Morocco. Rabat managed to obtain funding for training and research, and a substantial increase in economic compensation from 16,400 to 20,000 million pesetas, to which would be added the payments from the EU shipowners themselves.

According to one Spanish commentator, a compromise had been made between the EU and Moroccan delegations with the 'especial peso de la Administración española' (particular weight of the Spanish administration) (*Mar,* no. 332, October 1995, p. 8). Although the Moroccan Fisheries Minister described the four-year accord without mid-way revision as the last agreement of its type (*FT*, 19 December 1995)[28], the Spanish government still hoped that their needs would be accommodated by Morocco after 1999. Spain and Portugal only reluctantly accepted that the agreement would not be renewed automatically after four years (*Europe,* no. 6585, 16–17 October 1995, p. 9). The Moroccan Fisheries Minister declared that Morocco wanted its sector to become capable of exploiting its own fishing grounds, and that the EU financial contribution would be used to develop facilities to this end (*FT,* 19 December 1995). An accord was also reached with Mauritania regarding fishing possibilities for eighteen additional vessels, essentially Spanish, and for a maximum tonnage of 5250 gross registered tonnes in its waters (*Europe,* no. 6606, 16 November 1995, p. 10). The economic compensation provided by the EU was the major factor behind Mauritania's approval of the agreement. This offset the reductions imposed on the EU fleet under the new agreement with Morocco, and was described by the Secretary General for Fisheries, José Loira, as crucial for obtaining the agreement of the Spanish fishing sector, especially in the Canaries, to the reduction in quotas of cephalopods[29].

The EU and Morocco officially signed the fishing and Association agreements on 26 February 1996, which then had to be ratified by parliaments in all EU member states, Morocco, and the European Parliament. Solana, as Spanish President of the EU Council of Ministers, considered that the two accords guaranteed stable political and economic relations between the EU and Morocco (*El País*, 12 November 1995), and PM Filali declared that Morocco was 'turning a page in...relations with the world's major trading bloc and entering a new era' (*FT*, 27 February 1996). The Spanish state played a key role in linking the two agreements, and was satisfied with the acknowledgement by EU member states that it was impossible to 'agree a good

[28]However, a four-year agreement not subject to mid-term review was preferable to a three-year accord, as it allowed more time for Spain to reduce the size of the fleet dependent on Moroccan waters.
[29]Interview with former Secretary General for Fisheries, Madrid, 9 June 1997.

association agreement with Morocco if Madrid is suffering from concessions on fish' (*FT*, 30 August 1995).

Linkage between fisheries and Association agreements

Faced with Spanish pressures to reach a fisheries agreement, the Commission increasingly recognised that additional concessions for sensitive agricultural products of importance to Morocco would reinforce the bargaining power of the fisheries sector, and would thus 'play a determining role in the outcome of negotiations' (*Europe,* no. 6478, 11 May 1995, p. 10). In Commission talks with the Moroccan PM on 6 July, the parallel between the agreements was acknowledged, although Bonino had initially attempted in April 1995 to separate the two negotiations (*Diario 16*, 27 April 1995). PM Filali had also opposed greater linkage until strong domestic pressures to obtain increased EU financial aid made talks on the Association agreement more urgent. No progress was made in the negotiation of the agreement until the political impetus from talks on 6 July between the Moroccan PM and Foreign Minister, the President of the European Commission Jacques Santer, and Commissioners Marín and Bonino led to the relaunching of talks on 26 July (*Europe*, no. 6515, 5 July 1995, p. 5).

In response to the Moroccan delegation's refusal to discuss fish until trade concessions were offered, the Commission did not demand a definite timetable for negotiations on fisheries. Morocco eventually agreed to temporary arrangements for its exports of tinned sardines, and a re-examination of the situation of certain agricultural products, but its negotiating position was divided between those who would permit some concessions, and those, including the Moroccan PM, who adopted a much tougher, non-conciliatory position (*Mar*, no. 331, September 1995, p. 8). Commission officials discussed the possibility of granting Morocco financial support worth one billion ecu over a period of five years in order to restart the fisheries negotiations (*Europe,* no. 6518, 8 July 1995, p. 9), as well as trade concessions including reduced or zero duty tariff quotas for the import of tinned sardines and citrus fruit (*Europe*, no. 6524, 17–18 July 1995, p. 10)[30]. Although the proposals met with strong sectoral opposition in the Portuguese domestic arena, Marín considered that the trade concessions were not excessively detrimental to key EU sectors, and would restore a climate of confidence, 'making it possible to conclude a good fisheries agreement' (*Europe,* no. 6524, 17–18 July 1995, p. 10). Proposals submitted

[30]Concessions amounted to an annual import of 8750 tonnes at zero duty, and of 3750 tonnes at the 10% rate, for 1995. Morocco had benefited under the 1992 agreement from a reduced duty of 6% but, following its expiry, the rate returned to 22.5%. The Moroccan delegation considered that the re-establishment of the reduced rate would be 'a political gesture facilitating the pursuit of negotiations' (*Europe*, no. 6503, 17 June 1995, p. 14).

by the Commission at the end of July remained on the table in Council until September due to the stalemate in the fisheries negotiations.

The fishing row threatened to conflict with the EU's broader strategy of strengthening ties between the EU and the Maghreb, for example through the conclusion of Association agreements with Morocco and other Third countries which was a key priority for the Spanish Presidency (*Europe*, no. 6498, 10 June 1995, p. 4). Atienza considered that Spain's EU Presidency was not decisive for negotiations with Morocco, but that it gave the Spanish government a privileged position at the centre of the bargaining process, necessitating a full knowledge of the positions of all member states[31]. As the Spanish Presidency had a key role in formulating the EU bargaining position, it could thus use broader interests to increase awareness of the crisis situation in its fishing sector, although obliged to maintain an objective position.

Many Northern EU member states were more concerned about Moroccan agricultural imports than fisheries but, although critical of Spain's overly tough bargaining position and frequently aggressive fleet, largely lent their support to Spanish fishing interests in view of the crisis in its sector. Any support for the Moroccan position from EU member states was skilfully countered by the Spanish delegation. As one commentator claimed, 'en este caso, parece que España ha logrado que se pongan los intereses del sector de la pesca por encima de las presiones de esos grupos' (in this case, it seems that Spain succeeded in placing the interests of the fishing sector above the pressures of those groups) (*Mar*, no. 331, September 1995, p. 8). However, opposition of some member states to agricultural concessions to Morocco still held up the agreement and, although many member states thought the move was premature, the Spanish Presidency submitted the issue to the General Affairs Council for discussion. It was not until October, when both agreements were placed under a single banner at the highest level, that any progress was made (*Europe,* no. 6580, 9–10 October 1995, p. 7). In the 30 October General Affairs Council meeting, the Spanish Presidency's attempts to break the deadlock failed, as Germany, Belgium and the Netherlands refused to agree to agricultural concessions on cut flowers, tomatoes and new potatoes proposed by the Commission. Westendorp, as Secretary of State for the EU, declared Spain's approval of the limited increases in agricultural imports, and criticised the attitude of member states who were normally advocates of free trade. This is illustrated by Germany's refusal to accept the entry of 5000 tonnes of cut flowers into the EU from Morocco, only 300 of which would reach the German

[31]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

market (*Industrias Pesqueras,* 1 November 1995, no. 1645, p. 5). However, the Spanish tomato sector also opposed annual increases in Moroccan imports of 15,000 tonnes, thus illustrating the sectoral opposition also existing within Spain. Although such opposition was criticised by the Spanish Ministry of Agriculture, Fisheries and Food, which compared the increase with the thirteen million tonne s produced annually by the EU, senior government officials suggested that the concern of Northern member states about the threat to their agricultural sectors was shared by the Spanish delegation. The obstructionist tactics of other member states thus enabled Spain to grant concessions to its own agricultural sector which would have been impossible otherwise[32]. In a debate on the issue in the Spanish parliament on 10 November 1995, parliamentary groups were particularly critical of the agreement on fruit and vegetables, which they considered had been sacrificed to obtain a better deal on fisheries. The weak influence of the parliament on the government's position (see Chapter 4) is illustrated by the fact that the Spanish government largely maintained its negotiating position at EU level despite strong parliamentary support for a PP motion rejecting the agreement (*El País,* 9 November 1995).

The General Affairs Council session was suspended until 10 November to allow delegations more time to assess the agreement (*Europe,* no. 6596, 1 November 1995, p. 5). Following the deal reached on fishing on 13 November, the Spanish Presidency worked hard during the month of November to obtain approval of the accord despite continued German, Dutch and Belgian opposition to limited agricultural concessions. Spanish EU ambassador Elorza highlighted the fact that the Spanish delegation would do all they could to obtain a final agreement (*El País,* 30 November 1995). The Commission's approval of compensation to Portugal enabled the complete liberalisation of access to Moroccan sardines by 1998, an important bargaining point in the final negotiations. The Commission exercised caution in its role as chief negotiator, in view of the possible repercussions on the EuroMed conference in November. Morocco had expressed its reluctance to attend the first preparatory meeting, thus causing considerable tension between Morocco and EU member states, particularly Spain. In Morocco, the press hinted at the direct relation between the conclusion of negotiations, and its attendance at the EuroMed conference (*Algeciras Marítimas,* 18 October 1995), the Moroccan presence being problematic if the Spanish fleet was still inactive in its waters. The Association agreement was finally approved in November 1995, a few days before the EuroMed conference began, following twenty days of intensive meetings (*El País,* 11 November 1995). A high degree of co-ordination between the cabinets of the Commissioners Bonino and

[32]Interview with former government official, Madrid, July 1996.

Marín, along with the strong leadership skills of the Spanish EU Presidency, had been crucial to the successful conclusion of negotiations, involving last minute adjustments to the terms under which agricultural products could enter the EU[33].

Interaction between the domestic and EU arenas

The key role of the Spanish state in negotiations at EU level is clear from an analysis of the negotiations. However, it was not the best moment politically for the Spanish government to take advantage of a position of leadership as EU President after poor results in the municipal and regional elections in May 1995, particularly in fishing villages affected by the negotiations. The main opposition party used every opportunity to criticise the government's strategies during the electoral campaign; the political sensitivities surrounding the local elections were thus an important influence on the government's response to regional demands in economically weak areas dependent on Moroccan fishing grounds. Although the vulnerable position of the minority government vis-à-vis domestic actors was denied by officials involved in the negotiations at the time[34], press reports considered that the Spanish delegation seemed happy to skirt around the toughest problems to avoid concluding an agreement prior to the elections 'para no pagar el precio electoral de sus inevitables concesiones en la negociación pesquera' (in order not to pay the price for inevitable concessions in the fishing negotiation in the elections) (*El País,* 26 April 1995). This illustrates the close interaction between the EU and domestic arenas, and the influence of sectoral and regional actors on the government, to which Chapter 8 pays greater attention.

The delicate balance between the EU and domestic arenas was clear at the 1995 EuroMed conference, where official Spanish statements on the opportunities presented by closer links with the Mediterranean contrasted with sectoral protest against Moroccan imports. The statement by Pujol, as President of the Catalonia government, at the opening of the EuroMed Civil Forum at the conference on 29 November 1995, illustrates the conflicting rationales at play in Spain's Mediterranean policy:

> Hay un sector de la opinión pública española, y de la europea, que tiene la siguiente postura respecto al Magreb: no quieren ni naranjas ni claveles del

[33]Under the new deal, Morocco would be allowed to export 5000 tonnes of cut flowers between mid-October and mid-May, phased in over several years. The compromise on tomatoes cancelled a 10,000 tonne allowance for April, but increased the total Moroccan export allowance to 150,000 tonnes, permitted to enter the EU between the end of October and the end of March (*FT,* 10 November 1995).
[34]Interviews with former Secretary General for Fisheries, Madrid, 10 July 1996, 9 June 1997.

> Magreb...quieren poder pescar sin trabas en las aguas del Magreb y no quieren inmigración del Magreb. Hay que hacer entender que esto es en primer lugar insolidario, pero que, además, es imposible, peligroso, y que a medio plazo resulta contrario a los intereses españoles y europeos.
> (A sector of Spanish, and European, public opinion has the following position with regard to the Maghreb: they do not want oranges or carnations from the Maghreb...they want to be able to fish without limits in the waters of the Maghreb and they do not want immigration from the Maghreb. It must be demonstrated that this, firstly, shows no solidarity, but that, in addition to this, it is impossible, dangerous, and in the medium term will be harmful to Spanish and European interests) (Bataller Martín and Jordán Galduf, 1997, p. 151).

The Spanish government thus had to strike a difficult balance between the demands of its fishing and agricultural sectors in the domestic arena, and its need to defend Maghreb interests as a leader in the area of Mediterranean policy at EU level.

Domestic responses to the government's negotiation at EU level

A briefing, written by a MEP representing the PP in 1995, enumerated the major criticisms of the PSOE government's negotiation of fisheries agreements with Morocco; key aspects criticised were its non-insistence on the suspension of activity for the Moroccan fleet in parallel to that of the EU fleet, the lack of enforcement of stricter controls on fish imports from Third countries leading to the boycott in Andalusia, and the setting of a precedent by re-negotiating the 1992 fisheries agreement a year before its expiry without demanding concessions in return (Unpublished document, European Parliament, June 1995). The report considered that the Spanish government, as the only member state with such a strong interest in fisheries, did not have the influence in the EU to enforce a more global treatment of fisheries issues. This briefing, which sought to supply ammunition for the opposition in the domestic arena during the 1995–6 election campaign, highlights some of the key criticisms of the Spanish government during the negotiations.

The high level of debate of the fisheries agreement in Spain, which contrasted with the minimal discussion of other EU policy areas, raised the profile of Spanish fishing interests in the EU arena. Despite the key influence on the EU bargaining position exerted by the Spanish delegation, the government faced harsh criticism in the domestic arena for its insufficient defence of national interests, for example the claims of the PP that the Spanish government gave in to Moroccan demands without gaining concessions. The MEP Antonio Gutiérrez Díaz (IU) considered that a key problem for the Spanish fishing sector was the fact that 'la credibilidad y la autoridad de nuestro Gobierno en Europa se encuentra muy degradada' (the credibility and authority of our government in Europe is very low) (*Sur*, 7 May 1995), echoed by the

criticism of Matutes MEP (PP) of the lack of firmness of the government's negotiating strategy (*El Periódico*, 12 May 1995). The PP accused González of being more concerned about his own personal, pro-European image in Brussels than the defence of Spanish sectoral interests (for example *ABC*, 23, 24, 29 May 1995). The opposition also highlighted the fact that the government's weakness was exacerbated by its image as a *demandeur* of funding at EU level (see Chapter 5), which reduced its influence in the decision-making process in other key policy areas such as fisheries (*Gaceta de los Negocios*, 19 April 1995). However, in its defence, government ministers highlight the PP's approval of the fishing agreement when it won the elections in 1996, the only changes in its terms being negative, namely the longer duration of the suspension period for certain fish types (See Chapter 8)[35]. The PSOE considered the majority of the criticism to be politically inspired, as further analysed by the study of the input of key domestic actors in Chapter 8.

Conclusions

Analysis of the role of the Spanish state illustrates the importance of the government's strategies at the EU negotiating table for obtaining the optimal deal for its fishing sector. The Spanish government was frequently criticised by both the Commission and other key EU member states for the predominance of its interests in the negotiations, particularly when short-term sectoral interests were put before more strategic considerations about the future of the fishing sector, and the EU's relations with the Mediterranean. Despite overall support for the Spanish fishing sector, key member states, such as France, were critical of the uncompromising Spanish bargaining position, and were unwilling to accept considerable increases in EU payments to Morocco to attain its demands. Considerable evidence exists for Spain's strong influence on the fisheries agenda. It is significant that the former Secretary of State for Fisheries considered in 1996 that 'el esquema actual de la Política Común de Estructuras Pesqueras responde hoy, en lo esencial, a las aspiraciones de España cuando se incorporó a la Comunidad' (the present framework for the policy of Common Fisheries Structures is, currently, largely a response to Spain's aspirations when it joined the Community) (Loira, 1996, p. 11).

The negotiation of fisheries agreements with Third countries, and particularly Morocco, was a priority for the Spanish government in view of the dependence of its fishing sector on Moroccan waters. Although the chief negotiator of the accord was the Commission, the Spanish government placed considerable pressure on EU

[35]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

negotiators to support its demands, and Spain's EU presidency from July 1995 gave it a central position in the negotiating process. The Moroccan press frequently referred to the uncompromising EU position on fisheries being largely determined 'bajo presión del gobierno español' (under the pressure of the Spanish government) (*Industrias Pesqueras*, no. 1641, 1 September 1995, p. 5), and the Spanish delegation also successfully ensured close linkage between the Association and fisheries agreements to increase the pressure on the Moroccan delegation to meet its demands on fishing rights.

Although the evidence would seem to point to the relevance of a state-centric approach to the analysis, the increasing interaction between the domestic and EU arenas means that the autonomy of the Spanish state vis-à-vis domestic actors cannot be assumed, and a two-level perspective may thus provide a fuller account of the negotiating process. The Spanish government was able to exploit the high visibility and awareness of the fisheries issue in Spain to explain its intransigent position at EU level to other member states, and to obtain the best deal for the fishing sector, thus 'tying its hands' domestically (Putnam, 1993). Likewise, decisions taken in the EU arena were used to justify to the affected regions the substantial reductions in fishing quotas demanded by Morocco, and the urgent restructuring which was particularly necessary in Andalusia. The state thus acted as a gatekeeper between the EU and domestic arenas, and used the interaction between them to obtain a balance between sectoral demands at domestic level, and its obligations as an EU member state, and EU President from July 1995, to take a leading role in the formulation of a strong EU Mediterranean policy. Spain's role as an 'active state' (Ikenberry, 1986) is thus illustrated by its manipulation of EU and domestic demands to enhance its autonomy. However, before assuming that the state retained its full control of the interface between the domestic and EU arenas throughout the negotiations, Chapter 8 considers the input of key sectoral and regional actors, some of whom had considerably developed their capacity to gain access to the policy process at both domestic and EU levels.

Chapter 8
THE INPUT OF KEY DOMESTIC ACTORS TO THE FISHERIES AGREEMENT

The focus of the chapter is on the input of sectoral and regional actors to the negotiation of the 1995 EU-Morocco fisheries agreement. Chapter 7 highlighted the state's framework-setting role at EU level, but was largely limited to central government's role in the negotiations. An analysis of the mobilisation of sectoral and regional actors throughout the negotiating rounds provides a more complete analysis of the policy process. The Spanish government was expected to act cautiously by Commission officials over an issue which was far more explosive domestically than the EU fishing dispute with Canada, considering that few of the boats fishing in Moroccan waters were suitable for operating further afield. The study centres on the case of Andalusia, which is the region most economically dependent on the agreement in view of its lack of alternative fishing grounds, even if other regions such as the Canary Islands have larger fishing quotas in Moroccan waters.

The substantial reductions in fishing quotas, proposed by Morocco in 1995, distinguished the negotiations from those of previous accords, and the sector thus sought to maximise the defence of its fishing interests, aware of the serious crisis in affected regions if Morocco's demands were met. In view of the lack of analytical studies of the negotiation of EU fishing agreements, the starting point for the analysis is less clear than in the study of cohesion policy. The evaluation of the domestic arena could be expected to conclude that domestic actors were able to exert a strong influence on the government in view of the highly visible protest reported in the press throughout the negotiations. The relevance of a purely state-centric approach to the analysis cannot be assumed, even if access for domestic actors to the decision-making phase of the policy process at EU level is far more problematic than their input to the implementation of the agreement at ground level.

The chapter firstly examines the institutional framework at central and EU levels, and then analyses the changing structure and organisation of regional government and the fishing sector. This evaluation lays the foundation for a detailed study of domestic input to the policy process, both through widespread protest, and an enhanced level of dialogue, which enables conclusions to be drawn on the relations between central government and key domestic actors in the fisheries negotiations.

Institutional framework

The institutional framework at central and EU levels shapes the nature of the political opportunity structures for key domestic actors. However, exploitation of the available access points also depends on the extent to which key actors had developed a greater capacity to participate in the negotiations during Spain's EC/EU membership, which is examined in the analyses of regional government and the fishing sector.

European Union

In addition to the negotiation of EU agreements with non-member countries, the role of DGXIV of the Commission (see Figure 7.1 in Chapter 7) is to initiate legislative and policy proposals in the area of fisheries, to manage and administer the CFP, and to monitor compliance with Community law. On the basis of proposals from the Commission, the Council of Ministers passes legislation relating to the CFP, for example the Total Allowable Catches (TACs) and fishing quotas, and the establishment of measures laying down the conditions of access to waters and resources. In the European Parliament, fisheries issues were discussed in a Subcommittee of the Agriculture Committee until a separate Committee for Fisheries was created in 1994, indicating the increasing importance of the policy area. The first two Presidents, both Spanish, have been able to influence the agenda to maximise discussion of contentious issues for Spain such as the agreement with Morocco[1].

Bonino declared in 1998 that direct consultation of the EU fisheries sector would be a priority for the Commission prior to revising the CFP after 2002 (*Pesca Info*, DGXIV Newsletter no. 13, 1998, p. 3), indicating how sectoral and regional actors are encouraged to maximise their contact with Commission officials to raise awareness of their demands. The European Parliament has also acted as an effective mediator between key regional and sectoral actors, and institutions at EU level. However, in view of its inability to participate directly in the negotiations, it was not a priority for key sectoral actors but, rather, an important additional channel for influencing policy.

Central government

Central government was responsible for the basic regulation of the fishing sector, international relations, and the monitoring of international waters (see Chapter 4 for the basic structure of ministries). Despite the importance given to fisheries, a relatively small number of people deal with the policy area. One official has responsibility for fisheries in the Spanish Permanent Representation in Brussels, who

[1]Interview with MEP, former President of the Fisheries Committee, Brussels, 23 April 1997.

has a single interlocutor in the SSEU in Madrid, although contact is frequently made directly with the Ministry during EU negotiations. Around twenty two civil servants were based in the sub-DG for International Fisheries Agreements (see Figure 7.2 in Chapter 7) in 1997, approximately five of whom were responsible for Morocco, while a total of around 170 officials in central administration work in the area of fisheries[2]. This is a relatively small number when one considers the Spanish fleet of at least 18,000 fishing boats (see Annex 1 on the Spanish fishing sector). Despite the relatively low number of officials, the political importance of fisheries in Spain is evident[3], especially given the high level of public interest.

Central government sought to maintain a dialogue with key regional and sectoral actors throughout the negotiations, one illustration being the Agriculture and Fisheries Minister's visits to the worst affected regions to speak directly to local representatives at key points of the negotiation. However, it was the Secretary General for Fisheries, as well as key officials in the International Agreements division, who were responsible for maintaining regular contact with the sector, for example through attending regional seminars, and organising meetings with key representatives.

Regional government

At regional level in Andalusia, the DG for Fisheries in the Ministry of Agriculture and Fisheries in Seville, shown in Figure 8.1, enjoyed close relations with central government during the negotiations. An increase in regional influence on the bargaining position of central government was attributed to a different mentality in the DG following the appointment of a new Agriculture and Fisheries Minister, Paulino Plata, in August 1994, rather than to institutional changes at subnational level[4]. Plata was considered to have exploited more fully the regional capacity to have an input to the talks; less evidence exists for collaboration during the 1992 fisheries negotiations when, according to a key sectoral representative, agricultural interests predominated in Andalusia[5]. The increased input was partly the result of Plata's initiative to set up a working group consisting of representatives of both the regional government and fishing sector, the aim of which was to establish a strong,

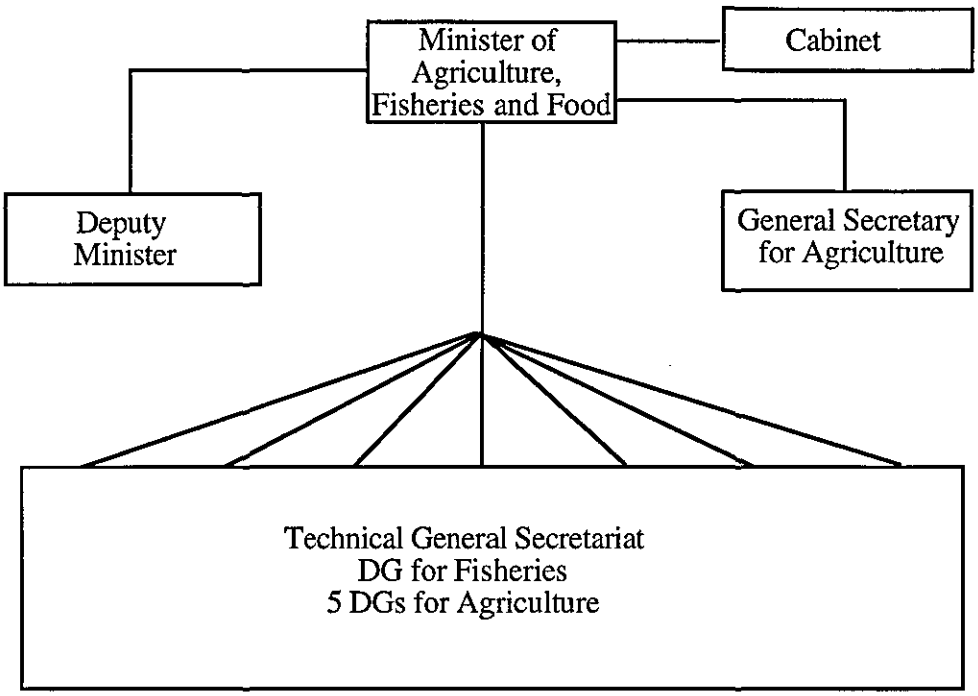
[2]Interview with official responsible for fisheries in the Spanish Permanent Representation, Brussels, 22 April 1997.

[3]According to an official responsible for fisheries in the Spanish Permanent Representation (Interview, Brussels, 22 April 1997), a strong linkage seems to exist between high-level diplomatic and ministerial positions, and past experience in fisheries, one illustration being the former position of the current Secretary of State for the EU, Ramón de Miguel, in the area of fisheries. He considered that many senior officials have previously been involved in the negotiation of fishing agreements, negotiations with Morocco being particularly highly regarded in view of their problematic and protracted nature.

[4]Interview with official of regional DG for Fisheries, Seville, 30 September 1996.

[5]Interview with President of the Association of Shipowners of Barbate (Asociación de Armadores de Buques de Pesca de Barbate, ARPEBAR), Barbate, 3 October 1996.

Figure 8.1 Organisation of fisheries at regional level



consensual position to present to Madrid. Sectoral meetings also provided regional government with increased opportunities for collaboration with central government (see Chapter 4). One official in the sub-DG for International Fisheries Agreements in Madrid expressed doubts about a possible increase in the influence of regional government as a result of sectoral meetings, but considered their organisation a considerable advance, given that they encouraged greater transparency at central level prior to the ratification of agreements in the EU arena[6].

As well as working group meetings to decide on a unified bargaining position in the negotiations with Morocco, regional meetings were held to formulate the Modernisation Plan for the Andalusia fishing industry in close collaboration with the sector, which thus had a major input to the plan finally approved[7]. According to the plan, proposed on 12 September 1994, and approved by the regional parliament on 13 and 14 December 1994, both the EU's CFP and Andalusia's Statute of Autonomy point to an adequate legal framework at regional level for the planning of its own fishing policy on the basis of a general consensus with key interest groups (Junta de

[6]Interview with official of sub-DG for International Fisheries Agreements, Madrid, 11 June 1997.

[7]For example, during the first phase of the formulation of the plan, seventeen fishermens' associations, four producers' organisations, sixteen shipowners' associations, two trade unions and five other organisations participated, and twenty meetings were held in the ports, and five in the provinces (Junta de Andalucía, 1997).

Andalucía, 1997). The Modernisation Plan is indicative of the progress made towards greater co-ordination of fishing policy with the Autonomous Communities, acknowledged by the Agriculture and Fisheries Minister in central government (Atienza, 1996, p. 13).

The greater exploitation of the capacity of regional government to manage FIFG funding is an illustration of the growing collaboration between central and regional levels in the area of fisheries (see Chapter 6 on regional participation in structural funding). The Agriculture and Fisheries Minister from 1996, Loyola de Palacio, proposed institutionalising a more stable framework for co-operation, as many procedural problems had resulted from the difficulty of maintaining close relations between central and regional government during the first years of funding. The new Secretary General for Fisheries in the PP government from 1996, Samuel Juárez, considered that 'el IFOP se estaba utilizando como un sistema para tener sujetas a las CCAA, y eso es un tremendo error' (the FIFG was being used as a system to control the Autonomous Communities, which is a major error) (*Industrias Pesqueras, no.1667, 1 October 1996, p.4*). In the sectoral meeting on fisheries in Vigo in July 1996, de Palacio highlighted the reliance of the funding system on the co-operation of the Autonomous Communities, claiming that 90% of the competencies in the area of fisheries had already been transferred to regional governments (*Industrias Pesqueras*, no. 1663, 1 August 1996, p. 14). Central administration hoped that an enhanced role for the regional administration would enable more efficient use of the funding. For example, only 8% of the money allocated by the EU had been spent by May 1996 (*Mar*, no. 346, January 1997, p. 21). Regional governments considered that developments such as the revision of OPs, to adapt them to the demands of subnational authorities and to ensure improved distribution and use of funding, would lead to their greater input to EU fisheries policy more generally.

Fishing sector

The fishing sector in Andalusia represents a significant proportion of the Spanish fleet, namely 14.9% (see Annex 1 for further detail on the Spanish fishing sector). The objectives of the Andalusia modernisation plan included support for the establishment of organisational structures and the consolidation of existing organisations within the fishing sector to enable the more effective defence of fishing interests, and the participation of socio-economic actors (Junta de Andalucía, 1997). The successful implementation of the plan sought to establish a more organised fishing sector in Andalusia, particularly in view of its incorporation into the wider EU framework.

Faced with substantial reductions in quotas imposed by Morocco and Mauritania, the fishing sector has been increasingly obliged to organise its interests more coherently (Núñez Villaverde and de Larramendi, 1996, p. 54), as illustrated by the more professional and business-oriented policy developed by key shipowners' associations. In addition to the shipowners' and producers' organisations, fishermen and shipowners have also organised themselves jointly into associations (*cofradías*) in Andalusia, although this is less developed than in other regions. Its lack of unity was particularly problematic during negotiations at EU level. According to an article in 1995 in a specialist fisheries journal, 'la desunión del sector pesquero andaluz, la debilidad del Gobierno Español y los intereses contrapuestos de los países comunitarios son factores que favorecen a Marruecos y que van a utilizarse en nuestra contra' (the disunity of the fishing sector in Andalusia, the weakness of the Spanish government and the conflicting interests of EU countries are factors which favour Morocco, and which will be used against us) (*Productos del Mar,* nos. 89–90, May-June 1995, p. 14). The President of the European Parliament Fisheries Committee in 1997, Carmen Fraga Estevez MEP (PP), highlighted the lack of a common position in the sector in Andalusia as largely a result of the fact that its associations of fishermen and shipowners represented very different fish types[8]. Furthermore, many organisations and trade unions were more politically radical in Andalusia, illustrated by the extreme positions of some CCOO representatives, which led to tension with unions in other regions[9]. Andalusia sought to co-ordinate its interests with other fishing areas opposed to substantial quota reductions imposed by Morocco, but a united position was difficult in view of the existing tensions between groups within the region. In the 1994 re-negotiation of the fishing agreement, conflict between groups from Andalusia observing the negotiations was reported, and lobbying actions, such as strikes and port closures, were rarely well co-ordinated (*Productos del Mar*, nos. 89–90, May-June 1995, p. 5). Despite attempts to present a united regional position in 1995, representatives of Almeria and Malaga organised joint actions without taking into account the position of other ports. A further illustration of the conflict of interests is the disagreement between the fishermens' association in Algeciras and the President of the Almeria Association, Francisco Mayor, whose radical views were more politicised (*El País*, 15 October 1995).

Despite clear differences in sectoral interests which made a united position highly problematic, co-ordination of the sector was improving even in Andalusia, as illustrated by the common position reached in the working group created by regional

[8]Interview with MEP, President of the Fisheries Committee from January 1997, Brussels, 23 April 1997.

[9]Interview with former government official, Madrid, July 1996.

government. Another illustration of the attempt to co-ordinate regional interests was the creation of the Federation of Shipowners' Associations in Andalusia. It had a clear symbolic importance despite the little direct input to the 1995 negotiations and minimal contact with fishermens' associations, and the profile of the Federation was raised by the efforts of its President Pedro Maza to defend acceptable fishing quotas for the sector. In the majority of associations, the management had become more professional, although this was more the case in the larger industrial sector with a higher level of resources, such as cephalopod fishing associations in the Canaries, rather than in the smaller, often family-owned businesses and diverse fishermens' associations common in Andalusia[10]. However, even associations in Andalusia were renovating their organisational structure, a key objective being to create a representative regional federation to reduce tensions between the subnational administration and the various associations. One of the central objectives, according to both Rafael Montoya, President of the Andalusia Federation of Fishermens' Associations, and the Director of the DG for Fisheries in Andalusia, Francisco Gómez Aracil, was to present fishermens' demands more effectively to the administration and to shipowners (*Industrias Pesqueras*, no. 1673, 1 January 1997, p. 24). In an interview, Gómez Aracil drew attention to the fact that:

> el sector ha tenido logros sustanciales en su reestructuración. Las cofradías se han articulado en federaciones provinciales y regionales, lo cual es un éxito para la vertebración que necesita el sector, representado parcialmente por las cofradías. En otros ámbitos de la estructuración, como los organizaciones profesionales pesqueras, se ha acrecentado la consolidación económica y empresarial de los armadores. Prueba de ello es que el vigor estructural y la interlocución con la administración pesquera andaluza es eficaz y eficiente.
> (Major progress has been made in the restructuring of the sector. The fishermens' associations have joined together in provincial and regional federations, signifying a success for the restructuring needed in the sector, partially represented by the fishermens' associations. In other areas of the structure, such as the professional fishing organisations, the consolidation of the shipowners has increased in the economic and business spheres. Proof of this is that the solid structure and the communication with the fishing administration in Andalusia is effective and efficient) (*Industrias Pesqueras*, no. 1676, 15 February 1997, p. 7).

The former Secretary General for Fisheries, José Loira, also referred to a more organised fishing sector in the 1990s, although the major task of establishing a single representative association continued to be debated (*Industrias Pesqueras*, no 1655–6, April 1996, p. 8). The increasing organisation of the sector facilitated a greater input to EU-level negotiations, the long duration of the 1995 negotiation and the substantial

[10]Andalusia currently has twenty three fishermens' associations to which around 8000 fishermen are affiliated (*Industrias Pesqueras*, no. 1676, 15 February 1997, p. 28).

cuts in quotas demanded by Morocco having particularly encouraged a more coherent articulation of interests.

Trade unions complained about their lack of representation vis-à-vis central government (see Chapter 4), although divisions between socio-economic actors often inhibited a common position to present to the government on key issues. The input of socio-economic actors to the regional modernisation plan was assured through the sectoral meeting on fisheries (Mesa Sectorial de Pesca), which had been set up by the Andalusia Pact on Employment and Productivity of 13 February 1995, for example their presence in monitoring committees (Junta de Andalucía, 1995) (see Chapter 6). Furthermore, a Interministerial Committee (Comisión Interministerial) was jointly created by the Ministries responsible for Employment and Social Affairs, and Agriculture, Fisheries and Food, to increase discussion of issues affecting workers with union representatives. The CCOO had lobbied hard for the constitution of such a forum, as they considered that the government ignored socio-economic actors in its negotiation of fisheries issues. However, according to trade union representatives, the committee has been of limited effectiveness[11]. The Secretary General of the CCOO Fisheries Division, FETCOMAR, Jon Azkue, criticised the fact that 'las medidas de la UE eran exclusivamente para los armadores' (EU measures were exclusively for the shipowners) (*Gaceta Sindical,* no. 140, October 1995, p. 22)

Opportunities for participation of domestic actors

Considerable domestic pressure on the Spanish government was inevitable during the negotiations, given the crisis in the fishing sector and the high level of dependence on Moroccan fishing grounds. In previous fishing negotiations with Morocco, the government's bargaining position had also been obliged to take into account key sectoral interests. This is clearly illustrated by a letter in June 1982 from the Spanish Agriculture and Fisheries Minister, José Luis Alvarez, to the Moroccan Economy Minister, to inform Morocco that 'un accord imposant de plus grandes limitations à notre flotte et comportant un accroissement de la coopération espagnole ne pourrait pas politiquement être présenté ni au secteur de la pêche, ni à l'opinion publique et encore moins au Parlement espagnol' (it would not be politically possible to present an agreement imposing greater limitations on our fleet, and including an increase in Spanish co-operation, to the fishing sector, or to the public, or, even less so, to the Spanish parliament) (Unpublished letter, Spanish Ministry of Agriculture, Fisheries

[11]Interviews with representative of CCOO fisheries sector, Federation of Transport, Communications and Fisheries (Federación Estatal de Transportes, Comunicaciones y Mar, FETCOMAR), Madrid, 10 May 1996, 9 July 1996.

and Food, Madrid, 14 June 1982). However, in 1995, the negotiation was potentially more politically sensitive in the domestic arena in view of the greater threat to Spanish fishing rights. Regional authorities lobbied for a greater input to the talks throughout the negotiating rounds, and criticised the lack of transparency of the process.

The PP government in Galicia requested integration into the Spanish delegation on the basis of the argument put forward by Juárez, who was a regional government official in 1995, that 'tiene que entender que las comunidades autónomas son estado...De la misma forma que se cuenta con delegados científicos y representantes de la administración central, debe haber un lugar para las CCAA más afectadas' (they should understand that Autonomous Communities are the state....In the same way that they count on scientific delegates and representatives of central government, there should be a place for the worst affected Autonomous Communities) (*Industrias Pesqueras,* no. 1641, 1 September 1995, p. 10). However, in the Andalusia parliament on 29 March 1995, the regional Agriculture and Fisheries Minister emphasised the limits to the pressure which could be exerted in the negotiations from the regional level (*Ideal,* 30 March 1995). Plata's appearance in parliament had been requested by both the PP and the Andalusia regionalist party which had criticised the weakness of the regional government in the negotiating process. Debates in the regional parliament, although regarded as relatively unimportant by central government, included regular warnings from opposition parties of the disastrous outcome of a weak EU negotiating position. While aware of their limited competencies in negotiations at EU level, regional representatives in affected regions such as Andalusia were extremely critical of the minimal subnational input to talks (*Diario 16,* 19 April 1995), especially when the future of their economy depended on the outcome of the bargaining. Sectoral associations in the Canaries similarly criticised their lack of representation. The President of the main fishing association in the Canaries, José Ramón Fontán, expressed concern that the more visible and violent protest in Andalusia would lead to their demands being prioritised at the expense of regions such as the Canaries (*Industrias Pesqueras,* no. 1641, 1 September 1995, p. 9) (in parallel to the fears that more active regions would gain higher levels of EU funding, as illustrated in Chapter 6). The Spanish government generally considered that established rules did not permit greater representation for subnational governments, as they were not recognised interlocutors at EU level. However, government representatives from Andalusia observed negotiating rounds to maximise opportunities to lobby negotiators, and, according to central government officials,

regional governments were always consulted on political issues, while more technical issues were discussed with sectoral representatives[12].

The fishing sectors from affected regions were also consulted by central government at all negotiating rounds, although one commentator on the 1994 re-negotiation of the agreement considered that the sectoral presence amounted to waiting for minimal information from the Spanish delegation after each session had closed (*Productos del Mar*, nos. 79–80, July-August 1994, pp. 17–19). However, the sector regarded the opportunity to obtain information firsthand, and defend its specific regional interests, as highly important. Representatives were consulted by the Spanish delegation at key points of the negotiation which, according to interviewees, formed an important part of the input of the sector to the Spanish bargaining position[13]. The comparative study of the relations between the government and the fishing sector in the UK and France by Shackleton (1986) analyses the UK government's effort to develop a close relationship with sectoral representatives and to encourage their presence at negotiations, describing how the Fisheries Minister

> proved remarkably successful in developing a close relationship with the nine main industry representatives. He revelled in their presence in Brussels and got them to accept concessions bit by bit, persuading them to move ever closer to the government position and get their own members to do likewise. By the end, it was difficult for them to say that they had been sold-out, as they had been intimately involved in what had been going on (Shackleton, 1986, pp. 228–9).

The Spanish government similarly welcomed the sector's full involvement in the negotiations. It acted as an arbitrator between dispersed regional interests, in parallel to the UK government's strategy of gaining a general consensus through the use of informal persuasion.

The sector was particularly concerned about the agreement with Morocco, as it felt that the conflict with Canada had been resolved without its involvement. For example, the President of the shipowners' association in Cadiz, Arturo Castaño, was highly critical of the concessions made to Canada by the EU delegation, which he considered had placed the EU in a weak, vulnerable position vis-à-vis Morocco[14]. The Federación Nacional de Cofradías de Pescadores (National Federation of Fishing Associations) considered direct and permanent contact with officials at central and

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[12]Interview with official of sub-DG for International Fisheries Agreements, Madrid, 4 July 1996.
[13]Interviews with President of ARPEBAR shipowners' association, Barbate, 3 October 1996, 16 June 1997, and with President of ASEMAR shipowners' association, Cadiz, 3 October 1996.
[14]Interview with President of ASEMAR shipowners' association, Cadiz, 3 October 1996.

EU level the most effective mechanism for raising awareness of its demands and lobbying negotiators (*Productos del Mar*, nos. 95–96, November-December 1995, p. 13). Contact with regional government was considered an important accompanying measure, as officials acted as effective mediators with the EU level, assisting in the organisation of meetings[15]. Commission officials in DGXIV welcomed direct contact with the sector, and considered that this caused minimal tension at national level as central government representatives were generally also present to enhance the articulation of sectoral interests. According to a DGXIV official, 'es normal; no hacemos el acuerdo ni para el gobierno central ni para nosotros, sino para satisfacer los intereses de los armadores' (it is normal; we do not negotiate the agreement for the central government nor for ourselves, but to meet the demands of the shipowners)[16]. In addition, the fishing sector lobbied the European Parliament, which sought to increase awareness of regional demands at EU level, and put forward questions raised by the sector to the Commission[17]. In the 1995 re-negotiation, the aim of key fishing representatives was to use all potential channels to maximise their influence; the increasing presence of sectoral representatives on EU consultative fishing committees was thus also seen as an important additional channel (*Productos del Mar,* nos. 81–82, September-October 1994, p. 18).

Input of domestic actors to the 1995 negotiations

The political opportunity structure may have increased access for key regional and sectoral actors during EC/EU membership, but a more established dialogue with government and EU officials did not necessarily ensure their actual influence on the bargaining process. In addition to seeking to formalise dialogue at regional, central and EU levels, the sector in Andalusia thus sought to maximise its pressure on the Spanish government and the EU in 1995 via direct measures of protest to show their discontent, such as the boycott of Moroccan goods, strikes, and public demonstrations. This is an illustration of both confrontational and assimilative strategies adopted by domestic actors to exploit the domestic opportunity structure, described by Kitschelt (1986).

Level of protest

Domestic protest raised the visibility of the crisis situation, and increased the pressure on the Spanish delegation to meet regional demands. The sense of crisis in the Spanish fishing sector was exacerbated by what it regarded as the unacceptable

[15]Interview with President of Producers' Organisation, Barbate, 17 June 1997.
[16]Interview with official of DGXIV, European Commission, Brussels, 18 April 1997.
[17]Interview with MEP, former President of the Fisheries Committee, Brussels, 23 April 1997.

demands of Moroccan fishing industry representatives, for example their warning to the Moroccan government against accepting increased EU payments in return for more fishing rights (*FT*, 1 May 1995)[18]. However, although regional protest was an effective pressure on the government, particularly during the pre-election period, the lack of co-ordination of actions often reduced their impact. Actions were rarely organised in the region as a whole, and never nationally, so that in May and June 1995, 'por el momento cada puerto afectado parece estar haciendo la guerra por su cuenta' (for the moment each affected port seems to be making war unilaterally) (*Productos del Mar,* nos. 89–90, May-June 1995, p. 14). However, central government was fully aware of the high visibility and potential impact of sectoral protest in the domestic arena, and considered maintaining calm in Andalusia during the suspension of fishing activity as a key objective[19]. Even during the EC accession talks, one of the key negotiators criticised the fact that the fishing sector was rarely satisfied, illustrated by the fact that 'un pequeño fallo del negociador o una posición menos dura de lo que ellos deseaban los llevaba a protestar con vehemencia' (a minor mistake made by the negotiator or a less tough position than they wanted led them to protest strongly) (Bassols, 1995, p. 171) (see Chapter 3). The Spanish fishing sector regarded their acts of protest as enforcing a direct response to their urgent demands, and increasing awareness of the extent of the dependence of the Andalusia economy on Moroccan fishing waters.

Spanish government officials, in regular meetings with representatives of fisheries and agricultural associations, sought to show the negative effects of an illegal boycott and violent acts against Moroccan imports, considering such actions as largely politically inspired, and particularly prevalent during a pre-election period. However, opposition parties highlighted the complacency of government officials, whose response was described as being limited to verbal criticism of the more violent actions taken. As a result of the Spanish boycott, Morocco was forced to establish new maritime routes to European markets via the Mediterranean ports of France, and the Moroccan press exposed the fear of the authorities that a rise in Spanish protest would prevent the transit of emigrants (for example *Al-Bayane,* 9, 21 June 1995). The Commission considered Spanish acts of vandalism against Moroccan fishing products

[18]Evidence from an interview with an official in the Spanish Permanent Representation (Brussels, 22 April 1997) would seem to suggest that the re-negotiation of the accord differed from previous negotiations, as the fishing sector in Morocco was far more aware of the implications of the EU agreement. This was illustrated by its criticism of the Moroccan government for only allocating around 12% of EU payments for fishing rights to the sector.

[19]Central government officials were particularly concerned about any Spanish actions during the holiday period when thousands of workers returned to Morocco via Algeciras, illustrating the direct impact on negotiators of domestic protest (Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996).

harmful to the progress of negotiations (*Europe*, no. 6489, 26–27 May 1995, p. 13), while central government emphasised the importance of the EU's support for its negotiating position to avoid exacerbating domestic tensions. However, at regional level, the Director General of Fisheries in Andalusia announced his support of a legal boycott following a meeting with representatives of the Federation of Andalusia shipowners on 19 April 1995, which led to the approval of strict health inspections on Moroccan fish imports; the rigorous nature of controls amounted to an effective boycott. The measure was passed in an attempt to defuse tension in the ports of Algeciras, Malaga and Almeria (*FT*, 16 May 1995). However, in keeping with the demands of negotiators at EU and central levels, violent protest was condemned, and even some provinces of Andalusia were critical of the more radical actions against Moroccan lorrydrivers in ports such as Algeciras. The Moroccan press drew attention to the two-sided nature of the Spanish position, namely the official position adopted by the Spanish delegation at EU level, and its complacency towards illegal acts against Moroccan goods at domestic level for fear of being accused of not fully supporting its fishing sector's demands. This is illustrated by headlines in the Moroccan newspaper *Al-Bayane* on 17 July 1995, which refer both to Madrid's support for increased Moroccan exports of sardines and oranges, and to the pressure placed on the Spanish government by the fishing sector in Algeciras (Ojeda García, 1996, p. 33).

Financial support for the fishing sector, from both the Spanish government and the EU, was a key factor in reducing the rising tension during the suspension of fishing activity. The government highlighted the financial backing in the pre-election period as a clear illustration of its support for the sector, while some press reports cynically linked the speed with which the payments arrived to the government's need to win votes in the elections (for example *Ya*, 16 May 1995). Spain placed high pressure on the Commission to co-finance the support given to the Spanish fleet by central government, as it had done during the suspension period in 1991. The Spanish government argued that the European negotiating position vis-à-vis Morocco would be strengthened if the EU provided aid to sustain the fishermen for a longer period, but the Commission remained reticent regarding Spanish demands. In the European Parliament Fisheries Committee on 20 March 1995, Bonino ruled out automatic EU payments, and proposed financial backing from the structural funds already allocated to member states, although agreeing to investigate legally acceptable ways of providing aid from the EU budget (Unpublished communication from Spanish Permanent Representation to European Parliament on 14 February 1995). The Spanish cabinet approved a two billion peseta aid package for Spanish fishermen on 28 April 1995 in view of the fact that the EU-Morocco fisheries agreement

represented the livelihood for 28,000 workers in Spain and Portugal, and would affect up to 40–50,000 of the workforce (*Europe,* no. 6471, 29 April 1995, p. 8). A specific measure for the crews concerned was established by the Commission, using a system of monthly individual compensation payments, although delays in the transfer of payments caused considerable tension in Andalusia. In addition, FIFG appropriations (see Chapter 7), already granted to Spain and Portugal under their operational programmes, were partly re-directed to compensate ship owners for the temporary inactivity of their vessels (on the basis of article 14 of Regulation EC 3699/93). During the period, fifty two million ecu was made available (forty eight million for Spain and four million for Portugal), of which thirty nine million ecu came from EU resources (European Commission, 1996b, p. 99).

Level of dialogue

The Spanish government was fully aware of the sector's reluctance to accept EU legislation which brought an end to traditional fishing rights in Moroccan waters, claiming from the start of the talks that it would fully support the sector as it had done in previous negotiations. The Secretary General for Fisheries assured sectoral representatives that the EU would reject conditions which were unacceptable for the Spanish fishing sector[20], and the Agriculture and Fisheries Minister described Moroccan demands as 'clearly out of proportion and unacceptable' (*FT*, 28 April 1995). After each stage of the negotiation, the Spanish delegation held extensive meetings with sectoral representatives and the Andalusia regional government, considering that direct contact was important for a full awareness of the issues involved, and for maintaining good relations with the sector. The high political importance of the agreement was underlined by the warning of Miguel Arias Cañete MEP (PP) in April 1995, that the agreement could jeopardise 18,000 jobs in Andalusia (*Ideal Granada*, 9 April 1995).

The Andalusia working group set forward its overall position, and more specific demands for each fishing type, in a document on 27 February 1995 prior to the commencement of negotiations. In March 1995, the Andalusia Agriculture and Fisheries Minister held meetings in Brussels with key officials in both the Commission and the Spanish Permanent Representation to present the position of Andalusia before negotiations began (*Diario 16,* 21 March 1995). Meetings had been held prior to the beginning of negotiations in January 1995 to inform the Commission directly of specific regional demands, and contact with Fisheries Commissioner Bonino was a priority during the negotiations, including key meetings during the

[20]Interviews with former Secretary General for Fisheries, Madrid, 10 July 1996, 9 June 1997.

third, seventh and eighth negotiating rounds[21]. Furthermore, regular meetings were held throughout Andalusia in an attempt to formulate a strong position to present to the central and EU levels. One illustration is the presentation of an Algeciras working group document, approved by the General Assembly of the Federación Andaluza (Andalusia Federation) to government officials on 18 April 1995, which totally rejected Moroccan demands, and other provinces applied similar pressure. For example, it was agreed on 19 May, in a meeting of fishing representatives in Barbate, that a document listing demands agreed by the regional government in conjunction with the sector would be presented to central government for its defence at EU level. The fishing village of Barbate is a key example of a locality which is totally dependent on the fisheries agreement with Morocco for its livelihood, and the government was fully aware of the social and economic implications for the community if Moroccan demands were met by the EU. Full government support for Barbate was evident in earlier fishing negotiations, as illustrated by a letter in 1981 from the Ministry of Agriculture and Fisheries to the Moroccan Fisheries Minister, where the particular interest of the Spanish government in the Barbate fleet is expressed (Unpublished letter, Ministry of Agriculture, Fisheries and Food, Madrid, 1 April 1981) (see Annex 2 for a fuller analysis of the case of Barbate).

Despite the different interests of the provinces, the Andalusia fishing sector and regional government sought to maintain a united position, and set out their latest series of demands on 19 June, urgently requesting meetings with both Bonino and Atienza to argue their case directly. The failure of each negotiating round exacerbated domestic tensions at key ports such as Algeciras, and officials from central administration discussed the negotiations with representatives in the worst affected zones whenever another deadlock was reached. Atienza declared that his arguments against violent protest, and for a reasoned defence of fishing interests, were well received by the sector, for example by Andalusia representatives in a meeting with the Minister on 24 May 1995 (*Diario de Jerez*, 25 May 1995), although press declarations following the meeting described the dissatisfaction of representatives with the government's response. Sectoral representatives in Andalusia accused the EU of treating Morocco more like an EU member than Spain (*Industrias Pesqueras*, no. 1636, 15 June 1995, p. 5), and were particularly critical of the notion of partnership which, according to the President of the ASEMAR shipowners' association in Cadiz, was not viable in practice (*Diario de Cadiz*, 6 May 1995). Criticism of the lack of transparency of the policy process was also voiced, although, according to press reports, key actors at regional level, such as the President of the

[21]Interview with official of regional DG for Fisheries, Seville, 30 September 1996.

Andalusia shipowners' association, frequently managed to obtain information directly from Brussels. In a meeting with Bonino on 29 June 1995, Plata, and sectoral representatives from Andalusia, highlighted the tensions within the sector, and presented their key demands (*El Correo*, 30 June 1995). Plata had sought to co-ordinate the Andalusia bargaining position as far as possible prior to the meeting, following extensive talks with the President of the regional government, Chaves, and representatives of the sector. A key point highlighted by Plata was Andalusia's acceptance of a gradual 15% reduction in quotas, but not for key fish types with major social and economic implications for the region. Bonino promised to increase awareness of Spanish regional problems at EU level, considering an agreement which did not take account of their interests unacceptable to the EU. The close relations between the EU and regional levels are illustrated by Plata's praise of Bonino's sensitivity, and in-depth knowledge of the situation experienced in Andalusia, after the meeting (*El Correo*, 30 June 1995).

When negotiations resumed in Brussels on 11 August, tensions were high in the fishing sector in view of the continued suspension of activity. Key sectoral representatives made pessimistic statements about a successful conclusion of negotiations. For example, a key Andalusia representative considered that Spain should veto the signing of a negative agreement, fearing the approval of an accord in the absence of full consultation with the sector (*Algeciras Marítimas*, 9 August 1995). The most contentious issues in the Andalusia fishing sector still held up the negotiations, namely fishing quotas, and the issue of Moroccan fishermen on Spanish boats (see Chapter 7). In a document sent to the Spanish delegation, the CCOO (1995a) highlighted the fact that the Moroccan presence on Spanish ships meant less employment for local fishermen in mainly family-owned businesses, especially in towns in Andalusia such as Barbate and Algeciras. On 30 August, Atienza held meetings with representatives from affected regional governments and the fishing sector to report on all areas of the negotiation. He stressed the importance of a tough Spanish position which was dependent on a unity of action in the sector. A spokesman for the fishermen in Algeciras, Miguel Alberto Díaz, considered that Andalusia's interests were being prioritised for the first time in the negotiations in August (*Algeciras Maritímas*, 10 August 1995).

The lack of agreement on any key issues worked to the Spanish government's advantage in one respect, namely in ensuring unanimous opposition to Moroccan demands as long as no individual region had attained their specific objectives[22].

[22]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

Despite the criticism of the government, all regional authorities, including those ruled by the PP, were reported to have largely supported the government's position at EU level (*Mar*, no. 331, September 1995, p. 9). The linkage with the Association agreement (see Chapter 7), and the EU's commitment to financial aid, was considered an effective means of placing pressure on the Moroccan delegation by Andalusia shipowners, who were prepared to accept the inactivity of the fleet rather than an agreement which ignored Spanish interests. Nonetheless, the lack of any concrete results following Bonino's talks in Rabat led to unrest, and demands for greater consultation, exacerbated by the criticism of the main opposition party. According to a spokesperson in Algeciras, where some of the most serious protests had occurred, the breakdown of negotiations at the end of August was an 'auténtica declaración de guerra para el sector' (real declaration of war for the sector) (*El País*, 29 August 1995). Pressure on the government from key fishing representatives was maintained until the final negotiating round in November when, after eight months of suspended activity, tensions were particularly high in the domestic arena.

Reactions to the agreement and implementation

Although the final agreement was, in the view of one Spanish fisheries official, 'the best we could have hoped for' (*FT*, 19 December 1995), the EU's concessions to Morocco in the final negotiating rounds were criticised in the Spanish fishing sector. The Commission's offer of a 25% reduction in fishing quotas in August was regarded as an unacceptable concession by representatives from the Canaries in view of Morocco's refusal to make any compromises (*Industrias Pesqueras*, no. 1641, 1 September 1995, p. 9), and, as President of the Andalusia Fishermens' Federation, Montoya declared that Andalusia was not in a position to accept a 21% reduction in its fish catch (*El País*, 13 August 1995). Although the biggest reductions in fish quotas, namely in cephalopods, had the most impact on the fishing sector in the Canaries, the sector in Andalusia was more dependent on the outcome of the agreement and particularly critical of the accord approved by EU negotiators; this is shown by the widespread protest against the agreement. The government was accused of not having insisted on a tougher EU negotiating position, but central government officials responded by highlighting the fact that Morocco did not manage to obtain a number of its initial demands, namely the huge reductions in quotas, the increase in number of Moroccans on Spanish ships, and obligatory unloading in Moroccan ports.

Many fishing representatives complained of a lack of information; the President of the Andalusia Federation of Fishermens' Associations drew attention to the secretive way in which negotiations were conducted, illustrating this with the lack of awareness

of whether an agreement had been reached in the seventh negotiating round. However, it was highlighted at EU level that not even member states could be given the full information on negotiating positions during the talks, the lack of transparency being considered by EU negotiators as a natural part of the bargaining process[23]. The regional government in Andalusia was less critical of the government's negotiating tactics, which was to be expected in view of the PSOE also being the ruling party at regional level. It declared its general satisfaction with the outcome, regarding the input of the regional working group to have been important for the final accord reached. Plata stressed the fact that the majority of the Andalusia fleet remained active in Moroccan waters made the agreement globally positive, the final reductions in fish quotas being less than he had anticipated.

The implementation of the 1995 agreement is considered to have been far less problematic than prior accords. Evidence from interviews seems to suggest that this is largely due to an increasing awareness in the Spanish fishing sector of the need to reduce fishing quotas in Moroccan waters, and to a greater respect for Moroccan sovereignty over its waters. One key problem was the unilateral Moroccan insistence on a revision of the agreement to permit a suspension of fishing activity in March and April 1997 for cephalopods, in addition to the two months of inactivity in September and October agreed on in the 1995 accord. The demand was at first rejected by Brussels, but was eventually accepted in January 1997. This caused considerable unrest in Andalusia in view of the impact on the fresh fish market, whereas the frozen fish market in the Canaries could adapt more easily to the revised terms[24]. Both the fishing sector and the regional government considered that negotiators were at fault for not demanding concessions in return for the extension of the suspension period, and regarded the acceptance of Moroccan proposals as setting a dangerous precedent. However, according to central government officials, the revision of the agreement was generally accepted by the sector, particularly in the Canaries where the fact that reciprocity had been accepted by Moroccan fishermen for the first time was welcomed[25]. A widespread feeling of apprehension existed in 1997 regarding the negotiation of the next fishing agreement, in view of the crisis situation in the fishing sectors of both Spain and Morocco. Despite claims from the Moroccan government that the agreement will not be re-negotiated, working group meetings organised by

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[23]Interview with chief EU negotiator of fisheries agreement, European Commission, Brussels, 21 April 1997.

[24]Interview with official of sub-DG for International Fisheries Agreements since 1996, Madrid, 11 June 1997.

[25]Interview with official of sub-DG for International Fisheries Agreements from 1996, Madrid, 11 June 1997.

the regional government in Andalusia in conjunction with the fishing sector were already formulating a negotiating position in 1997–98.

Conclusions

Whereas the fishing agreement with Mauritania only affected Cadiz, the agreement with Morocco was of fundamental importance for all the ports of Andalusia; the fishing sector was thus determined to make its demands as visible as possible to regional and central government in 1995. The sub-DG for Fisheries in Andalusia played a key role in keeping central government informed of the sector's demands, and of its response to the Spanish delegation's negotiating terms. The Director General of Fisheries in Andalusia highlighted the firm position of the regional government throughout the negotiations, following extensive and regular consultation with the sector (*Industrias Pesqueras*, no. 1636, 15 June 1995, pp. 7–9). The Secretary General for Fisheries affirmed that the Autonomous Communities were consulted throughout the negotiating process[26]; senior government officials thus acted as an important channel between the sector and central government. In the case of Andalusia, good relations between the PSOE Agriculture and Fisheries Ministers at central and regional level aided effective collaboration[27].

However, key sectoral representatives still voiced their criticism of insufficient support from central government. For example, certain associations felt that the government could have defended the sector at EU level to a greater degree, and taken advantage of direct contact with EU negotiators to emphasise further the crisis situation in the Spanish sector. Some sectoral representatives had similarly complained in 1994 of insufficient meetings with the government, and declared a lack of confidence in both central administration and the EU regarding the negotiations of a fair fishing agreement (*Industrias Pesqueras,* nos. 1620–21, 1 November 1994, pp. 10–11). In 1995, in view of the crisis in the sector, the visibility of the fishing issue was greater, and it is significant that an informal agreement allowed the EU to resume fishing in Moroccan waters on 25 November to avoid disruption by Spanish fishermen at the EuroMed conference in November. Furthermore, central government officials highlighted the fact that they had repeatedly declared at EU level that the Spanish delegation would not sign an Association agreement while the future of the fishing sector was at risk. The Spanish government assured the sector that its bargaining position was firmly based on the demands which it had communicated to

[26]Interviews with former Secretary General for Fisheries, Madrid, 10 July 1996, 9 June 1997.
[27]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

it. The PSOE government had no choice but to pay attention to a highly dependent sector, faced with huge regional pressures, and the fact that it could not afford to lose face in the domestic arena. The high impact of fisheries at regional level, and the traditionally strong attachment to the fishing industry, ensured overwhelming public support for the fishing sector's demands.

As illustrated in Chapter 2, certain sets of conditions in the Spanish domestic arena have allowed greater participation of regional and sectoral actors in the EU policy process during EC/EU membership. Key factors are particularly relevant to the case study on fisheries, namely the development of a more advanced lobbying process, illustrated by the increasingly organised fishing sector, greater competencies at regional level as a result of decentralisation, and the loss of the PSOE majority in 1993 which decreased the government's margin of manoeuvre, particularly significant during a pre-electoral period in 1995. Other factors are more specific to the negotiation in question, namely the high tension in the sector caused by the suspension of activity over a long period of time, the potential social and economic crisis in key affected regions faced with substantial cuts in quotas in Moroccan waters, and a lack of alternative fishing grounds.

An analysis of a one-off negotiation in the area of fisheries allows a study of the relations between actors at the level of the EU, Spanish central and regional government, and key representatives of the Spanish fishing sector. Even if some of the characteristics of the negotiation are unique to the Moroccan case, it provides an illustration of the implication of the increased involvement of key domestic actors in the EU negotiating arena. The negotiations required a delicate balance between tough domestic demands and external EU obligations, which meant a potentially difficult role for the Spanish government. The political rationale for EC entry during the accession negotiations could no longer be used to maintain a clear consensus on European policy, especially as the economic implications of EC/EU membership in areas such as fisheries were increasingly criticised. This is illustrated by a *Eurobarometer* poll in May 1995 which showed that only 20% of Spaniards believed Spain had benefited from EU membership, and 60%, the highest percentage of all EU member states, considered it had not been beneficial (*Eurobarometer*, no. 43, 1995, p. 5). This provides a contrast with the highly pro-European attitude revealed by polls in Spain during the accession negotiations (see Chapter 3).

Evidence in this chapter has demonstrated that a range of actors other than central government can gain opportunities to participate in the policy process. The extensive consultation process between actors at all levels, between and even during the rounds

of negotiations, means that, to some extent, a state-centric perspective no longer adequately analyses the policy process. The interaction between the different levels of actors in the area of fisheries had clearly developed during EC/EU membership, as outlined below:

1. Relations between the fishing sector and regional government

Evidence from the analysis suggests that regional government and the fishing sector enjoyed closer relations during EC/EU membership. Working group meetings were held at regional level to formulate a bargaining position in negotiations with Morocco, as well as to elaborate the Modernisation Plan for the Andalusia fishing sector. Interviewees in the fishing sector considered their participation in the Modernisation plan significant as it set a precedent for future consultation, and especially for the sector's increased input during negotiations with Morocco[28].

2. Relations between the fishing sector and central government

Central government's defence of fishing interests was generally acknowledged in the sector, although sectoral representatives complained about insufficient information, and excessive concessions to the Moroccan delegation. Evidence from interviews suggests that a network of direct contacts between key sectoral representatives and government officials was firmly established during the negotiating rounds, which facilitated the direct input of the sector to the Spanish bargaining position. The Agriculture and Fisheries Minister referred to the 'gran coincidencia en el proceso de negociación' (the high level of agreement during the negotiating process) between the sector and central administration[29]. Central government officials often relied on data supplied by key fishing organisations to argue the Spanish case at EU level, indicating the government's dependence on the resources of key sectoral actors.

3. Relations between the fishing sector and the EU level

The fishing sector managed to obtain direct contact with EU officials, even at the highest level, namely with the Fisheries Commissioner. Meetings were often arranged by regional government, and were considered as highly important for raising awareness of their interests directly, instead of relying on the state as an intermediary channel. Observation of negotiations at EU level was also a key mechanism for direct consultation with EU officials, when sectoral representatives could provide their expertise on talks in progress and influence the bargaining process.

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[28]Interviews with President of ARPEBAR shipowners' association, Barbate, 3 October 1996, 16 June 1997.

[29]Interview with former Agriculture and Fisheries Minister, Madrid, 19 July 1996.

4. Relations between regional and central government

The increased collaboration between regional and central government, for example in the management of FIFG structural funding, and the acknowledgement by the current Minister for Agriculture and Fisheries that regional government enjoys 90% of competencies in the area of fisheries, fully illustrate the growing capacity at regional level, and the increasing co-operation between the two levels of government. The crisis situation in affected regions gave regional government a particularly prominent role in representing sectoral interests in the re-negotiation with Morocco.

5. Relations between regional government and the EU level

Representatives from regional government also observed the negotiations at EU level, and sought to maximise their contact with EU officials, for example Plata's meetings with DGXIV officials prior to, and during, the negotiations. The direct contact was encouraged in Brussels by both the Commission and European Parliament, although central government representatives were usually also present at meetings.

An analysis of relations between the various actors illustrates that, although the fishing sector had always sought to maximise its input to talks at EU level, the increased facility with which representatives had direct contact with national and EU officials indicates an opening of the opportunity structure in 1995. This enhanced their implication in negotiations. Regular contact between government officials and the sector meant that moves towards the development of an active fisheries 'network' could be noted, involving key representatives of the fishing sector, regional and central government and key informants and negotiators at EU level[30]. The sector was more likely to have confidence in the Spanish delegation's articulation of the national position as a result of this increased contact. One government official illustrated the complicity between the government and sector by the fact that it was agreed between government officials and sectoral representatives that the fisheries agreement with Mauritania, in the final stages of the negotiations with Morocco, would be kept secret for a period of time, in case it resulted in a weaker EU bargaining position vis-à-vis the Moroccan delegation[31]. If the sector's interests were not adequately defended, the government faced domestic protest, increased scepticism about Spain's EU membership and the risk of losing the support of the electorate. The political weight of fisheries in Spain increased the visibility of the sector, and could not be ignored by

[30]The 'fisheries network' was evident during my fieldwork in July-October 1996 and June 1997, when sectoral and regional representatives in Andalusia were contacted directly by central government and EU officials with whom they were on familiar terms. Some interviewees considered that such a network was more developed in fisheries than in other policy areas in Spain.

[31]Interview with former government official, Madrid, July 1996.

a government whose continued power was no longer assured. One interviewee emphasised the strong dependence of the fishing sector, the large number of employees, and the high visibility and public awareness of fisheries, which ensured fisheries was prioritised by the government during the 1995 negotiations[32]. Furthermore, meetings between the fishing sector representatives in Andalusia and the EU level were important for the direct representation of sectoral interests, meaning that the state was no longer relied upon as the sole channel of influence at national level.

The margin of manoeuvre enjoyed by the government was considerably reduced during the negotiating period, the timing of the early rounds ensuring that domestic political factors had a high impact on EU-level negotiations. Although a greater degree of autonomy was possible after the May elections, its minority status, and the predicted opposition victory in the 1996 elections, still weakened its position vis-à-vis the fishing sector. Other key factors, such as the increasingly assertive role of key regional authorities affected by the negotiation, and the more organised fishing sector, also increased the pressures on the government. Although this would seem to indicate that a multi-level perspective would be more appropriate for analysing the negotiations, the opening of the political opportunity structure does not indicate that all actors have enhanced their actual influence in the policy process. Despite regular dialogue between government and sector, sectoral representatives complained that the Commission was making decisions at EU level to which the Spanish central government agreed without consulting fishing and agricultural sectors. One commentator highlighted the lack of consultation with affected sectors with the result that 'al final...Bruselas ha tomado sus propias decisiones con el consentimiento de la Administración española y cierto malestar en los sectores afectados' (ultimately...Brussels took its own decisions with the consent of the Spanish administration and a certain resentment in the affected sectors) (*Mar,* no. 330, July-August 1995, p. 12). Relations between actors at regional, central and EU levels may have developed, but evidence indicates that the state still retained its strong national gatekeeper role as the only recognised negotiator at EU level, and that the two-level game approach is thus a useful tool of analysis. However, in view of the delicate balance to be attained between tough domestic demands and external EU obligations, the state could no longer be viewed as an autonomous actor in the EU negotiating arena.

[32]Interview with MEP, former President of the Fisheries Committee, Brussels, 23 April 1997.

Chapter 9
CONCLUSIONS: BEYOND THE SPANISH STATE?

The key role played by the Spanish state in the policy process emerges from the analysis in this thesis of Spain during its EC accession negotiations and EC/EU membership. The dynamic approach adopted for the study of the Spanish case has made it possible to look beyond the role of the state, and examine new constellations of actors and interactive processes which previous academic work on Spain has tended to underplay. The conclusions of the chapter of the thesis on the EC accession negotiations supports the dominant view in the literature that the state played a major role in the process. However, the analysis also highlights key changes in the institutional framework for policy-making in Spain during EC/EU membership which suggest that a new policy-making context was developing. In view of the predominantly statist focus of the available literature, detailed empirical work was carried out to explore further the role of the Spanish state and key domestic actors in selected policy settings. The case studies of cohesion policy and fisheries illustrate the changing opportunity structures at domestic and EU levels which have enabled domestic actors to increase their input to the policy process in particular policy areas. Ladrech (1994, p. 85) highlights the importance of differences in the capacity of domestic actors to exploit the opportunities for greater input, 'some fearing a loss of autonomy, others perceiving an opportunity'. This thesis examines variations in the level of access to policy-making, and in the resources of key domestic actors such as regional authorities and socio-economic groups, as well as the differing degree of control which the state is able to exert over their involvement.

Although the main objective of this thesis was to evaluate the nature of the changing relations between the state and domestic actors, it did not set out to prove that the state's role had diminished as a result of key developments at domestic and EU levels. Rather, the aim was to show that the state would be obliged to adapt to a new policy-making environment where domestic actors would have greater potential for enhancing their input. Although evidence from the analysis suggests that relations between the Spanish government and key domestic actors have developed significantly during EC/EU membership, the real impact of greater domestic mobilisation on the level of state autonomy cannot be assumed. The conclusion could not be drawn that increased opportunities for domestic mobilisation lead logically to a reduction in the role played by the Spanish state; it appears rather to have maintained its position as a key strategic actor in the EU and domestic arenas. The central state has conceded power to domestic actors only where domestic involvement strengthened its bargaining position at EU level, or where it was dependent on their

skills and resources for effective policy implementation. The degree to which the policy-making process has changed is thus found to be dependent on the level of access, resources and control which were highlighted at the beginning of this thesis.

Key research findings are presented in this concluding chapter, and the analytical framework established for the study is then applied to them to enable an evaluation to be made of their significance for the Spanish case.

Overview of key empirical findings

The key conclusions drawn from the analysis of the role of the Spanish state and domestic actors during the EC accession negotiations and EC/EU membership are summarised in this section, which includes key findings from the study of specific policy settings.

EC accession

The study of the EC accession negotiations in Chapter 3 demonstrated the key role of the Spanish state throughout the negotiations. At domestic level, the state's use of EC-level rationales to justify tough policies, such as the modernisation of key sectors, illustrated the level of control it exercised over the interaction between the EC and domestic arenas. At EC level, although the overall pro-European consensus within the country generally strengthened Spain's application for membership, opposition to specific entry terms in vulnerable sectors was also used by the state to gain a better deal. For example, the Spanish delegation sought to negotiate longer transition periods and limits to tariff barriers in the steel sector in the face of strong demands from domestic producers, and the CEOE warned the government against sacrificing sectoral interests to obtain a political success. However, domestic constraints were of limited use at EC level in view of the high political costs which would have been incurred for Spain's future integration into the European framework.

The analysis of the accession period suggests that relations with domestic actors were not developed during the negotiations, although a predictable discrepancy emerged between the claims of UCD and PSOE government officials, and those of key domestic actors regarding the level of information about EC entry that was conveyed to Spanish society. For example, the CCOO claimed they only received *a posteriori* information from government officials during sporadic meetings, while central government, for its part, highlighted the lack of interest shown in the negotiations by the unions. Key lobby groups, such as CNAG representing farmers, were particularly critical towards the end of the negotiations of the lack of consultation with the

agricultural sector regarding concrete entry terms. The more active regional authorities were generally better informed than socio-economic actors about the implications of EC entry, although most of the regions were also sidelined from the process. The formulation of the Spanish bargaining position has been shown to be a centralised process, involving a small group of senior civil servants whose autonomy was enhanced by the predominant role played by the executive in the Spanish policy-making process. The unquestioned control of González over the party and electorate from 1982 further centralised the formulation of key bargaining positions.

EC/EU membership

The increasing number and complexity of policy areas, and the growing awareness of EU policy amongst a wider range of actors, inevitably changed the nature of policy-making in Spain during EC/EU membership. Key changes in the nature of the policy process have included the growing autonomy of key ministries such as Economy and Finance, the higher level of knowledge of EU policy among key domestic actors, and the greater focus of the SSEU on information exchange rather than policy formulation. However, the evidence presented in Chapter 4 points to the continued centralisation of the process despite these key developments. Until 1993, the majoritarian PSOE government enjoyed considerable autonomy and, even after 1993, it retained a large margin for manoeuvre in the domestic arena, although dependent on the support of regionalist parties. Furthermore, the role of an elite of government officials with a high level of expertise in European policy was essential in formulating the Spanish bargaining position.

The complaint of key domestic actors, such as unions and employers, that they were peripheral to the policy-making process continued to be voiced during EC/EU membership. Despite reforms intended to strengthen the role of the Joint Committee for the EU in the Spanish parliament, its actual impact on European policy remained minimal. Sectoral meetings established by regional authorities to enhance their participation in the policy process succeeded in making some progress towards greater regional representation, but only gradually, and in certain policy areas. Furthermore, the lack of common agreement between the regions on many key issues reduced their influence on the negotiating position of central government. Fora developed for consultation with socio-economic actors, such as the Economic and Social Council, were found to exert a minimal influence on the government's position at EC/EU level. Both trade unions and employers have been shown to have made efforts to enhance their influence on European policy, but progress has been limited, particularly when they were faced with the reluctance of government officials to establish mechanisms for consultation. Union involvement is still largely confined to

sending its recommendations to relevant government officials who are under no obligation to take them into account. The CEOE's bargaining strategies in the EU arena remain underdeveloped, and only the most important sectors, who tend to have independent lobbying strategies in the EU arena, seem to exert any influence on the government's EU policy. Little evidence exists for the development of closer relations between public administration and private interests in the area of EU policy in Spanish society. Despite greater awareness of European issues and growing access to the policy process by key domestic groups, the central state is found to have retained its key role in the institutional framework.

Cohesion policy

The case study on cohesion policy clearly indicates the key role played by the Spanish government in interstate negotiation of structural funding. Spanish arguments for budgetary increases at the Brussels, Maastricht and Edinburgh Summits, analysed in Chapter 5, had a significant influence on the policy agenda. Spain had to overcome opposition from net contributors to the Community, who resisted proposals for ambitious resource transfers, by arguing that the development of cohesion policy was in the Community's general interest. Although the 1991 Dutch Presidency initially ignored Spanish demands, Spain ultimately obtained legal guarantees on cohesion within the Treaty. Its voice was strengthened at the Edinburgh Summit by the fact that its support was needed for the acceptance of both the Danish exemptions from Maastricht and enlargement of the Community. The increase in the financial framework from 18.6 to 30 billion ecu by 1999 was regarded as a key victory in the Spanish domestic arena. The Spanish government's intransigent bargaining position was, to a certain extent, a response to the need to present a successful outcome to parliament and the public at large as a means of countering increasing criticism of government reforms, and a less assured consensus on European policy. Key domestic actors increasingly demanded information on policy decisions at EU level, and opposition parties became more critical of the government's negotiation of structural funding. Despite increasing pressures on the government to negotiate an acceptable deal, evidence of the direct input of domestic actors only emerges during the analysis of the operationalisation of structural funding in Chapter 6.

EC funding for Spain was all fed into the national budget during the first year of membership, regarded as an important means of reducing the state deficit of 4.5% of GNP. From 1987, projects that fall within subnational competencies were presented and approved at regional level, although the central state continued to retain control over the process, including the formulation of the RDP. Despite the lack of change in the distribution of resources between regional and central governments between the

1989–93 and 1994–99 funding cycles, the increased direct transfers of information between the Commission and regional authorities was one of the key developments which indicated that the context for the funding process had changed. However, the level of regional participation depended on the particular stage of policy-making. The CSF was still largely negotiated by the Commission and member states and, even if the partnership principle functioned increasingly effectively in monitoring committees, the Ministry of Economy and Finance maintained that the transfer of resources was the responsibility of central government.

The level of participation has been found to vary significantly between different domestic actors. Politically active regions, such as Catalonia and the Basque Country, succeeded in making considerable advances, for example in the area of the Cohesion Fund, where the pressures they exerted on central government in the 21 September 1994 meeting led to their involvement in an initially purely state-run fund. In contrast, in Andalusia, officials were more concerned about maximising the level of funding received rather than being directly involved in the policy process. The analysis of cohesion policy thus highlighted the high level of variation between regional authorities, to the extent that some even welcomed a central, moderating role for the state to avoid losing out to the more politically active regions. The minimal access to the process for socio-economic actors, despite their inclusion as participants in the 1993 reform of the structural funds, is an indication of the government's greater reluctance to permit the involvement of trade unions and employers. For example, socio-economic actors are not members of the monitoring committees for CSFs and OPs for Objectives one and two in Spain, their formal representation still being largely restricted to the ESF committees. Even where regional plans were given to the Economic and Social Council for discussion, delay in their presentation and the complex nature of procedures meant that little time was allowed for any input to their formulation. The conclusions of the case study indicate that the Spanish government has allowed greater domestic involvement for a select group of actors, and only at specific stages of the funding process.

Fisheries

The analysis of the re-negotiation of the EU-Morocco fisheries agreement in 1995 illustrates the key role of the Spanish delegation in lobbying for a tough EU position vis-à-vis Morocco. The extent of reduction in EU fishing quotas was largely determined by the Spanish position, although Spain was sometimes obliged to compromise over its demands. For example, the proposal to cut only 2% of the cephalopod fleet in June 1995, intended to minimise the loss of jobs in the domestic arena, was rejected by the Commission. The evidence examined in Chapter 7 suggests

that Spain's EU Presidency enhanced its central role in the negotiations, for example by developing greater linkages between the fisheries and Association agreements in order to obtain the optimal deal for its fishing sector. The Spanish state played an important role in setting the agenda, and in influencing the Commission and other member states, throughout the 1995 re-negotiation of the agreement, which was generally acknowledged by the fishing sector and the regional authority in Andalusia. Sectoral pressures in the domestic arena were used to strengthen the Spanish bargaining position at EU level.

Close interaction between the government and sectoral and regional actors was evident during the negotiations, particularly as the demands of the fishing sector became a key issue during the municipal and regional elections in May 1995. The high level of protest in affected regions, namely the boycott of Moroccan goods, strikes and high-profile demonstrations, and the public sympathy for the sector's demands, ensured regular consultation between the PSOE government and the fishing sector, although the actual impact on the government's position could not be assured. Chapter 8 draws attention to regional governments' increasing participation in EU fisheries policy, for example in FIFG funding, and to the greater organisation of shipowners' and fishermens' groups into more representative associations. Whereas the prevalence of smaller, often family-owned businesses in Andalusia was found to have reduced their lobbying capacity, pressure on Spanish negotiators was strengthened in 1995 by the establishment for the first time of a working group by the Andalusia government which sought to reach a common position. Although direct access to negotiators was obtained with increasing facility, for example informal meetings with senior officials such as Commissioner Bonino during the observation of negotiating rounds, the sector still claimed that the EU bargaining position was determined by the Spanish government in conjunction with the Commission and involved minimal dialogue with the sector. The case study concludes that the mobilisation and strong lobbying capacity of key sectoral and regional actors was evident during the 1995 negotiations, but that the state ultimately remained the only recognised negotiator at EU level.

The starting point of this thesis was that the context for EC/EU policy-making in Spain had changed during membership, affecting the role of the state and key domestic actors, in both the overall policy process and institutional framework (Chapters 3 and 4), and in specific issue areas (Chapters 5–8). The empirical work clearly demonstrates the growing access to the process of key domestic actors, particularly regional authorities, but also shows that the state has successfully adapted to the new context and has thus retained a strong role at key policy-making stages.

Theoretical approaches

Evidence emerging from the empirical research concerning the role of the Spanish state and key domestic actors has been examined in this thesis using the three analytical approaches outlined in Chapter 2, namely the state-centric, two-level game and multi-level perspectives. Key conclusions on their application to the Spanish case are summarised in this section.

An interstate bargaining framework: the state as autonomous actor

The core presumption of a state-centric approach is the continued autonomy of the state which was expected to be appropriate for the Spanish case where domestic input remained minimal. The analysis of the EC accession negotiations showed that, even if domestic actors had their own agendas, either the capacity to articulate them was absent, or the state was sufficiently strong to take little account of them. The state acted as the exclusive channel for representing domestic interests throughout the period. The state-centric approach would seem to be the most appropriate perspective for an analysis of the accession process, given that it also takes account of the fact that decision-making did not occur in a political vacuum. The incorporation of domestic politics into the approach by theorists such as Moravscik (1993a) facilitates a fuller explanation of the rationale behind Spanish state strategies during the negotiating period, for example its reaction to opposition to EC entry from key Spanish sectors.

Although the potential for greater domestic input during EU membership has been demonstrated in this thesis, in Chapter 4, little evidence was found to point to the new context having an impact on the level of autonomy of central government. Although changes in the institutional framework can be discerned, such as far more direct contact between domestic actors and the EU level, the input of domestic actors to the policy process is minimised by the strong role of the executive. New channels of participation, for example those established by regional authorities, may gain in importance during membership, but do not, as yet, represent a significant constraint on the autonomy of the central state.

The analysis also explored the role of the state and key domestic actors in specific policy areas. The study in Chapter 5 of Spain's negotiation of EU funding clearly established an interstate bargaining framework where the Spanish government retained almost exclusive powers of negotiation in policy formulation and the distribution of EU funding. The Brussels and Edinburgh European Councils were state-run operations, largely inaccessible to domestic actors. The analysis of the

negotiation of the 1995 EU-Morocco fisheries agreement similarly provides clear evidence of the key role of the state in the decision-making process. However, the fuller incorporation of domestic politics in the two-level game approach was expected to enhance the explanation of the state's strategies in the domestic negotiating arena.

Increasing interaction between EU and domestic arenas: the state as gatekeeper

The two-level game approach provides a dynamic framework for exploring the increasing interaction between the EU and domestic arenas, considered in this thesis to be a useful tool for the analysis of the changing context for policy-making in Spain. Even though the role of the central state was shown in Chapter 4 to be enhanced by the EU decision-making process, the state-centric perspective was not found to take full account of new formal and informal channels which domestic actors have developed to gain greater input to specific policy areas. In particular, a statist approach did not provide a sufficient explanation of the process in cases where domestic actors have developed a high level of expertise and resources. The dynamic focus of the two-level game framework may thus provide a more accurate description of the changing policy process during EU membership than a purely state-centric approach. Kitschelt (1986) distinguishes between a substantive impact on policy formulation of key domestic actors, and an impact which merely legitimises new access points to policy-making, which he describes as procedural. Applying this distinction, the material examined in Chapter 4 indicated that new channels of participation can be established which, even if not initially influential, may have a greater effect in the long term, as illustrated by the gradual advances made by regional authorities towards greater representation in the EU arena.

The role of the state as gatekeeper between two interacting arenas thus affords a more appropriate framework for the analysis at stages in the policy process where the ratification process in the domestic arena has become more established. Although the analysis of the institutional framework for policy-making demonstrated the key role of the state, the increasing awareness of domestic actors of policy-making at EC/EU level meant that the state was more often obliged to act as an aggregator of domestic interests. The evidence examined in the thesis strongly suggests that the interstate bargaining framework which emerges from the evaluation of the internal dynamics of key policy areas cannot be examined separately from the domestic negotiating arena. Chapters 5 and 7 illustrate how the state has increasingly been forced to take account of domestic interests, even if it ultimately retains a high level of autonomy.

In the area of cohesion policy, increasingly assertive regional actors and their demands for higher levels of financing were used to strengthen Spain's tough position

on structural funding at the Edinburgh Summit in 1992. The Spanish government avoided raising overly high expectations in the domestic arena regarding cohesion, and used the net gains to demonstrate to its domestic constituency the concrete benefits from EU membership. Pressures at EU level also allowed the state to 'sell' policies domestically which would have been difficult to justify otherwise. For example, in the area of fisheries, substantial cuts in fishing quotas in the 1995 EU agreement with Morocco were justified in the domestic arena as the optimal deal for Spain given the pressures of other EU member states, the Commission and the Moroccan delegation. The central state had to strike a delicate balance between the EU and domestic arenas, and its role as national gatekeeper was shown to be crucial throughout the negotiations. The existence of a more demanding domestic ratification process, for example to gain the Andalusia fishing sector's approval of the terms of the EU-Morocco fisheries agreement, indicates that domestic interests became part of the specification of the bargaining ability of the state. Sectoral demands were thus used to justify a tough national bargaining position to counterparts at EU level, while the crisis nature of the issue in the domestic arena made the representation of sectoral interests crucial to the state's continued hold on power.

Even if the two-level approach can be criticised for not clearly specifying the factors which lead to different bargaining situations, evidence from empirical material demonstrates that it usefully explains state strategies in the EU and domestic arenas. The state's manipulation of two arenas was illustrated in selected policy settings, namely the use of a small domestic win-set to increase its autonomy at EU level (the 'tying hands' strategy), and the use of EU-level rationales to justify its policy decisions in the domestic arena. This clearly distinguishes the second perspective from the multi-level game approach which focuses on the direct involvement of domestic actors.

Multi-level participation: the state as arena

The multi-level governance framework considers that the state is no longer the exclusive channel for the representation of domestic interests. The approach is potentially relevant to the case of Spain in view of the growing participation of domestic groups, which is played down by a more statist perspective. However, as long as the Spanish state executive retains a strong role, a number of factors militate against the development of multi-level participation in the policy process. The lack of a pluralist tradition in Spain has meant that networks of key actors have been slow to develop, thus enhancing the role of the state as national gatekeeper and autonomous actor. The continued marginalisation of socio-economic actors from the process provides an illustration of how central government interpreted the partnership

principle restrictively, and acknowledged the legitimacy of only a select set of actors in the policy process. The impact of greater access by domestic actors to policy-making depends on their capacity to exploit opportunities, and only a minority of the strongest regional authorities have been able to gain direct access to the EU arena.

The increasing involvement of regional authorities in the implementation phase of structural funding is the only clear illustration in this thesis of a developing multi-level game. Chapter 6 offered evidence of the development of more elaborate co-ordination mechanisms and channels for information exchange in the 1994–99 funding cycle. The Commission's promotion of regional involvement, the greater awareness at regional level, and the lesser degree of resistance of central government to subnational involvement have changed the policy-making environment. Considerable evidence exists of increasing regional involvement during the operationalisation of structural funding, and can be contrasted with the minimal input of regional authorities to history-making or policy-setting decisions. Marks (1996) refers to the varying functional reliance on regional authorities within the implementation phase, as manifested by the lesser dependence on regional actors during the formulation of RDPs and the negotiation of CSFs, and a much greater dependence on subnational resources for the implementation of OPs and during the monitoring phase. The state was able to minimise domestic input at key stages in the process when it wished to retain full autonomy, for example by establishing global plans for each of the Objectives, and by ultimately deciding on the destination of funding at regional level. This example indicates that the development of a multi-level game framework only occurs when encouraged by a greater resource dependency of the state on subnational actors.

In the area of fisheries, mechanisms were established for regular consultation between EU and central government negotiators and the fishing sector which made a purely state-centric approach clearly inadequate for the analysis. However, despite the clear evidence presented in Chapter 8 of a more advanced lobbying process and an increased facility of dialogue at all levels, the validity of the multi-level perspective is limited in a context where the state remains the only recognised interlocutor in the decision-making process. The use of the multi-level approach is not unproblematic given that increased domestic mobilisation can be shown to have a minimal impact on the role of the state in key policy areas.

The conclusion can thus be drawn that different theoretical insights are needed to enhance the understanding of the decision-making process at varying stages and in different issue areas. Sandholtz (1993, p. 39) considers that 'our explanatory goals are

best served by specifying the analytic strengths, and limitations, of approaches that work better in combination than alone'. Chapter 2 clearly demonstrated the different approaches of the three analytical insights to the key issues of access, resources and control. It was suggested that all three could be combined in this thesis by using the concept of the political opportunity structure as an optimal way of evaluating the significance of the changed policy-making context in Spain, since it helpfully draws together the differing analytical approaches into one single framework.

Changing opportunity structures

The limited access to the policy process for domestic actors during the EC accession negotiations was clearly demonstrated in Chapter 3. Key sets of conditions in Spanish society resulted in a closed opportunity structure: the political rationale for EC accession, the majoritarian PSOE government, the early stage in the decentralisation process, the weak nature of civil society, and the low level of demand for information about the EC. The 'game' has changed during membership, as illustrated by the changing sets of conditions outlined in Chapter 4, which have allowed a more open political opportunity structure to develop with greater access to policy-making for domestic actors. Although the central state has retained a high level of control over the policy process, the government's monopoly of the interface between the separated EU and domestic arenas can no longer be assumed. The balance in favour of economic over political rationales for membership, the loss of the PSOE government majority, the more advanced stage of decentralisation, the development of a stronger civil society, and an increased awareness about EC/EU membership were the changes considered to have encouraged a more open opportunity structure.

The factors identified in Chapter 2 have been shown to determine the nature of this opportunity structure, and the appropriateness of theoretical approaches for the analysis of the policy process. Figure 9.1 shows the key variations in the opportunity structures illustrated by the research findings of this thesis.

The closed opportunity structure during the EC accession negotiations meant that the impact of domestic actors on the government's level of autonomy at EC level was marginal, thus pointing to the relevance of the state-centric approach for the analysis of this period, as clearly illustrated in Chapter 3.

Growing domestic awareness of policy decisions at EC/EU level, and increasing access to the policy process for those actors able to exploit the opportunities for input, have led to a development of the state's role as aggregator of domestic interests. This

Figure 9.1 Variations in the domestic and EU opportunity structures

OPPORTUNITY STRUCTURES	Domestic/CLOSED	Domestic/OPENING
EU/OPENING	EC accession negotiations: minimal domestic input even where opportunities exist at EU level **(Chapter 3)**	EC/EU membership: increasing participation of regional authorities in the 1994–99 period during the implementation stage **(Chapter 6)**
EU/CLOSED	EC accession negotiations: minimal domestic input to history-making decisions at EU level **(Chapter 3)**	EC/EU membership: participation of domestic actors inhibited during the decision-making phase, despite a more developed ratification process in the domestic arena **(Chapters 4, 5, 7, 8)**

has made the policy-making process during EC/EU membership far more consistent with a two-level game perspective, which views the state as gatekeeper between two interacting negotiating arenas. Although direct contact with the EU arena was increasingly possible for key domestic actors in particular policy areas, the active role of the state in aggregating and manipulating both domestic and EU demands clearly emerged from the analysis of both the overall institutional framework for policy-making in Chapter 4, and from the clear interstate bargaining framework established in the areas of cohesion and fisheries at EU level in Chapters 5 and 7. In addition, although sectoral interests were shown to be increasingly articulated in Chapter 8, the state remained the only recognised negotiator at EU level and acted as a strong national gatekeeper throughout the 1995 negotiations. The two-level game was shown to be relevant for an analysis of sectoral input to the government's bargaining position on the fisheries agreement.

The evidence assembled in this thesis indicates that the development of multi-level governance was only enhanced where permitted, and even encouraged, by the state and by the nature of the policy setting at EU level, as illustrated by enhanced regional participation in the implementation of the structural funds. The validity of key theoretical insights, presented in Figure 9.2, thus depends on the nature of the

Figure 9.2 Validity of analytical approaches

OPPORTUNITY STRUCTURES	Domestic/CLOSED	Domestic/OPENING
EU/OPENING	**State-centric** perspective is valid in the majority of cases. (**Chapter 3**)	Potential for increasing domestic participation may make **multi-level** perspective more appropriate. (**Chapter 6**)
EU/CLOSED	**State-centric** perspective is clearly adequate. (**Chapter 3**)	Potential for an enhanced domestic ratification process may make the **two-level** perspective more appropriate. (**Chapters 4, 5, 7, 8**)

opportunity structures in the EU and domestic arenas. Despite clear limitations to their role, regional authorities have been able to obtain direct contact with EU officials, manage their own budgets, and represent their interests in meetings between the Commission and member states, as was clearly illustrated in Chapter 6.

The focus of the analysis on the changing domestic context has meant that the EU opportunity structure has generally been regarded a relatively constant factor. However, the extent to which the opening opportunity structure at domestic level can be exploited has been shown to depend on the particular EU policy area, the stage in the process, and the decision type. Detailed evaluation of the internal dynamics of cohesion policy and fisheries allowed a comparison of the role of the state and domestic actors in different policy areas, thus providing a more rigorous test of conclusions on the role of the Spanish state and its relations with domestic actors.

Policy areas

The different nature of the two selected policy settings analysed was outlined in Chapter 1 where the localised, crisis management nature of the specific fisheries episode negotiated at EU level was contrasted with the series of negotiating rounds during EU membership in the area of cohesion policy, although they were both shown to be part of the broader EU negotiating cycle. A further key difference between the

policy areas, which was seen to be important in an evaluation of the findings of the cases, was the nature of the most directly implicated domestic actors in each policy setting.

While examining the access of socio-economic groups to the policy process, the key focus of the study of cohesion policy was on regional authorities. The most directly involved actors in fisheries were sectoral representatives, even if supported by their regional authority. In the area of structural funding, regional authorities have made increasing input to policy formulation, the management of funding, and the implementation and evaluation of projects. They have used both established mechanisms and their increasing level of skills and resources to gain access to policy-making, particularly in the case of the most active regions. Chapter 4 clearly demonstrated that the access of socio-economic actors to the policy process was more difficult than that of regional authorities, making the input of shipowners' associations and unions to the formulation of a bargaining position in the area of fisheries problematic. However, given the crisis nature of the negotiations and the strong domestic protest, the fishing sector maximised its visibility and pressure on the government in 1995, and was able to establish new channels for dialogue, even if it still complained about the lack of consultation with government and EU officials.

Despite these key differences, a changed political opportunity structure was evident in both policy areas. In the two cases, the degree to which domestic input was enhanced was found to be dependent on the level of resources of domestic actors, and the extent to which the state could control their involvement. A study of the interstate negotiating level also demonstrates the Spanish state's central role as a strategic actor working to maximise its gains in the EU and domestic arenas in the two policy areas. In the area of cohesion policy, the Spanish government sought to attain a balance between the net gains at domestic level, and its pro-integrationist position at EC/EU level, which highlighted the importance of cohesion for all EU member states. In the area of fisheries, the state maintained a delicate balance between domestic gains for its fishing sector, in the form of a satisfactory fishing agreement, and its pro-Mediterranean position in EU-level negotiations which emphasised the importance of strengthening ties with Morocco. In both policy areas, evidence thus points to the role of the active state as gatekeeper between the domestic and EU arenas.

Stages in the policy process

Despite the similarly strong role of the state in both policy areas, an element which distinguishes the case studies is the evidence provided in Chapter 6 of the development of a multi-level game in the area of cohesion policy which is absent

from fisheries. This reflects the varying level of participation according to the stage in the policy process, which was hypothesised in Chapter 2 to be a key variable determining domestic participation. The study of cohesion policy offers considerable evidence of increased regional participation, but this is largely during the implementation phase, while the key role of central government is fully retained during the decision-making phase, as was hypothesised in Chapter 2. The study of fisheries focuses on the attempt of regional and sectoral representatives to maximise their influence on the government's bargaining position at interstate level. Logically, this means that their access to the process is far more problematic when the state remains the only interlocutor at EU level. The implementation of the fishing agreement requires direct sectoral involvement, but the sector has sought to maximise its pressure on the decision-making phase to avoid the serious economic and social implications of substantial quota reductions, hence the focus in Chapter 8. Despite the factors militating against greater domestic involvement in the fisheries negotiations, its high visibility across the EU, public sympathy for the sector in the domestic arena, and the enormous social and economic implications for specific regions meant that the articulation of domestic interests was strengthened, and could succeed in exerting considerable direct pressure on the government in a pre-election period.

Decision types

The conclusions on the role of the state and domestic actors also indicate how they varied according to the type of decision, and this is considered to be broadly analogous to the variation according to the policy stage, although focusing on a lower unit of analysis. Access to the policy process when history-making decisions are involved, such as the decision to join the EC made by the Spanish state, is clearly problematic. The 1995 re-negotiation of the EU-Morocco fisheries agreement is a further example of a history-making decision, as is the decision at Edinburgh in 1992 to double the level of structural funding. These key decisions were clearly shown to be determined through interstate bargaining at EU level where the Spanish state enjoyed a high level of autonomy. Awareness of the state's negotiating tactics was limited in the domestic arena, although the analysis of a fisheries agreement with direct implications for the livelihood of the fishing sector illustrated that firm boundaries cannot be drawn between different decision types. In the case of the fisheries agreement, key sectoral actors placed considerable pressure on the Spanish delegation during the negotiating rounds, and maximised their input to history-making decisions wherever possible. However, the conclusion can be drawn that it is far easier to find evidence of domestic input and access to the process in the case of policy-shaping decisions within individual sectors, which frequently required the resources of key domestic actors with a growing capacity to participate and expanding

competencies, such as regional authorities. The level of domestic participation is thus found to depend on the particular policy stage, decision type and the capacity of actors to gain access to the process in different policy settings in this thesis.

Concluding remarks

The focus on the changing domestic context, while acknowledging the variation according to the policy-making stage and decision type in two distinct EU policy areas, has made it possible to contribute to the debate about the impact of both EU and domestic factors on relations between the state and domestic actors. The analysis has thus highlighted key conditions in Spain which have encouraged greater domestic input to the policy-making process as a result of the influence of autonomous domestic factors and EC/EU membership, although without claiming to draw conclusions on the extent of their relative influence, which remains an issue for debate.

The conclusions point to the continued primacy of the Spanish state in different policy settings despite key developments, supporting the view of the exalted role of the state in Spanish political culture (Keating, 1993, p. 341). However, this study has gone beyond this assumption, predominant in existing literature on Spain and the EU, and has taken a more dynamic approach which focuses on the state's ability to adapt to a new policy-making context. Although the analysis may be criticised for having gone beyond the state-centric view prevalent in previous literature only to return to the primacy of the state in its conclusions, it has clearly shown the justification for a more dynamic view, which encompasses a wider range of actors in EC/EU policy-making. This is illustrated by the fuller analysis of the decision-making process in the areas of cohesion and fisheries in Chapters 6 and 8, which are a significant addition to the predominantly statist picture of decision-making at EU level portrayed by Chapters 5 and 7. Increasing access to the policy process for domestic actors does not necessarily mean a reduced role for the state. The opening opportunity structure does not rule out the possibility that the state's role has even been strengthened by its adaptation to the changed sets of conditions. The journey beyond the Spanish state is merely intended to contribute to a fuller analysis of the relations between state and domestic actors.

Despite the single-country focus, the key findings of the analysis could also have wider significance for other EU member states. The case study on cohesion draws conclusions which are applicable to regions not only throughout Spain, but also across the EU. Although the issues raised by fisheries are more specific to Spain as

the member state most affected by the accord, the evaluation of state strategies, and access to policy-making of key regional and sectoral actors, could have wider applicability. Conclusions on Spain may be particularly relevant to recently democratised Mediterranean states such as Greece and Portugal, even if their institutional frameworks, for example their level of decentralisation, differ in many key respects. Furthermore, the evaluation of changing opportunity structures in the countries of Central and Eastern Europe may be a fruitful way of analysing their domestic contexts as they move closer to integration into the EU framework, although key differences between the level of economic and political development in Spain at the time of its EC accession, and that in the current applicant countries, should not be overlooked. On the basis of detailed empirical research, this thesis has thus drawn conclusions which most directly pertain to Spain, but which may offer insights into the changing nature of the policy process in other EU member states. Although not a central objective of the analysis, it may, therefore, help to fill an important gap in the conceptualisation of the EU policy-making process through a better understanding of the changing relations between the state and key domestic actors in the wider EU framework.

Annex 1
THE FISHING SECTOR IN SPAIN

The key characteristics of the Spanish fleet are outlined, followed by a brief study of the sector in one of the main fishing regions, Andalusia, which is the focus of Chapters 7 and 8.

The Spanish fishing sector

Spain has 8000 km of coastline, and its fishing fleet is the most powerful of all EU member states, consisting of around 18,091 fishing boats and directly providing employment for 74,798 fishermen in 1996 (Juárez, 1997, p. 9). Around 16,750 ships and 50,000 workers fish in Spanish waters, with a further 1000 ships in EU waters, and 1140 in waters of Third countries. The average annual catches are over 1.1 million tons, a large majority of which comes from outside Spanish waters (approximately two-thirds, if aquaculture and 300,000 tons of mussels are excluded) (*El País*, 19 March 1995). The activity of the Spanish fleet thus depends considerably on its access to waters of Third countries, where more than half of the fish caught are found. The sector only represents approximately 1–1.2% of Spanish GNP, but its importance should rather be judged by its considerable socio-economic impact on specific regions. The importance of fisheries is illustrated by the fact that Spain is one of the main fish consuming nations in the world, requiring an official figure of around 840,000 tons annually to meet domestic demand (*El País*, 19 March 1995).

The Andalusia fishing sector

The fishing sector in Andalusia officially consists of 2843 fishing boats, which represent 14.9% of the total Spanish fleet, and around 19.3% of Spain's total fish catch (*Mar*, no. 325, February 1995, p. 68). Approximately 16,059 fishermen work in Andalusia, representing 19% of the national total (Junta de Andalucía, 1994). If the employees are divided according to province, 37% of workers are based in Cadiz, 31% in Huelva, 14% in Malaga, 11% in Almeria, and 7% in Granada (*Mar*, no. 325, February 1995, p. 68). Other Spanish regions where the fishing sector is important are Galicia, which represents 47% of the ships in the Spanish fleet and 32% of the fish catch, the Basque Country (13% of the total catch) and the Canaries (9% of the total catch) (European Commission, 1995a, p. 2). According to the Modernisation Plan (Junta de Andalucía, 1997), fishing in Moroccan waters represented approximately 17% of employment in Andalusia in December 1995, and Andalusia's boats represented 48% of the total fishing in Morocco. In a period of ten years, Andalusia's fishing in Morocco has been reduced by 50%, and has lost more than 60% of the employment formerly based on fishing rights in Moroccan waters.

Annex 2
A STUDY OF BARBATE

One example of the lobbying capacity at regional level is the town of Barbate whose economy depends on the fishing agreement reached with Morocco. The port of Barbate lies at the Atlantic end of the strait of Gibraltar. Thirty nine boats were based in Barbate in 1995 (the fleet consisted of 170 boats in the 1970s, employing approximately 3000 sailors), representing 550–600 jobs, which would be endangered if Moroccan demands were accepted. The tonnage varies between forty and ninety gross registered tonnes.

The economy is dependent on fishing of the *cerco norte* in Moroccan waters. The EU's acceptance of the Moroccan proposal to end this fishing right would mean the death of the local economy, and the fishing community in Barbate thus fought to retain its fishing rights at the level set in the 1992 agreement. Approximately 70% of the boats are at least twenty years old, which means they have no alternatives to fishing in nearby Moroccan waters.

Barbate felt it had been discriminated against in the 1979 fishing agreement between Spain and Morocco when its historic fishing rights were denied. The agreement reduced the fishing area to one-fifth of the original fishing zone, meaning that only around two-thirds of Barbate's boats had access to Moroccan waters during any one period. A study produced by the ARPEBAR shipowners' association (ARPEBAR, 1995) in Barbate in March 1995 concluded that the 1979 and 1983 agreements gave priority to Ceuta and Melilla (all their boats obtained licences), and discriminated against Barbate. Subsequent agreements have further reduced the fishing zones and the number of licences, while the payments to Morocco for fishing rights have increased considerably. Barbate was determined not to accept further reductions in its fishing quotas in 1995. The community felt particularly vulnerable, faced with economic and political decisions at EU level which did not take account of local factors, namely Barbate's exclusive fishing of one fish type. The crisis situation was exacerbated by the scarcity of resources, overfishing by other ports, and a fall in the price of fish, partly a result of an increase in low quality imports.

Key actors and associations

The fishermens' association in Barbate accused central government of ignoring its interests, particularly those of the workers, for political reasons, and sought to maximise pressure on central administration. However, its lobbying strategies were weakened by its lack of collaboration with other associations, for example its refusal

to join the National Federation of Fishermens' Associations, and its criticism of the Andalusia Federation of Associations, presided by Montoya, in view of the lack of priority given to workers' interests (*El Correo de Andalucía*, 3 May 1995).

ARPEBAR, founded in 1977, represents the majority of shipowners in Barbate, and firmly defended the interests of the sector during the negotiations. The President of the Association attended all negotiating rounds, the aim being to exert direct pressure on negotiators and provide firsthand information to key actors at local level. Central administration relied on the expertise of associations such as ARPEBAR to provide detailed information on the sector, on the terms of past agreements, and on the prospects for future fishing in Moroccan waters. During negotiations, this information was frequently given to the Spanish delegation to strengthen the case for retaining Barbate's fishing quota. For example, comparative data demonstrated the high number of jobs provided by Barbate's fishing of the *cerco norte*. The data also showed that the cost of maintaining the 740 jobs generated by Barbate's fishing activity was minimal in comparison with the high costs for other fishing types such as cephalopods, and that it provided 9.24% of national employment, and 22.36% of Andalusia's employment. The information provided the Spanish delegation with an important bargaining tool in the negotiation of fishing conditions for Barbate in the 1995 agreement[1], and clearly illustrates the collaboration between the local, regional and central levels in the negotiation of the optimal deal for the sector.

The President of ARPEBAR was also a member of the Plataforma de Defensa del Sector Pesquero de Barbate (Platform for the Defence of the Fishing Sector in Barbate) consisting of representatives from local government, political parties, trade unions and various other associations. The key objective was to defend local interests, keep the public constantly informed of the current state of negotiations, and increase the level of local and regional representation. They considered that the EU delegation was acting weakly, and doubted its satisfactory defence of Andalusia's fishing interests. The Technical Committee, consisting of ARPEBAR, the Exporters' Association and the CCOO, declared its lobbying strategies in a meeting on 13 April 1995. The platform aimed to hold meetings with local and regional government in order to obtain their full support, inform central administration in Madrid of the situation in Barbate, and organise peaceful demonstrations to increase public awareness of the implications of the re-negotiation. Another committee was established by the IU in Barbate for the monitoring of fisheries negotiations, aiming to make contact with all the political and social forces of the locality, and to maximise

[1]Interview with President of ARPEBAR shipowners' association, Barbate, 3 October 1996.

pressure on the Spanish government to defend its fishing interests. The IU declared that the Committee would be responsible for keeping the local population fully informed of the negotiations (*Diario de Cádiz*, 6 April 1995).

Domestic Protest

Key actors sought to increase the awareness of the case of Barbate during the negotiations through direct contact with officials at regional, central and EU levels, and through protest which was widely publicised in the press. For example, in April 1995, a demonstration was held in Barbate to show the extent of support for the fishing sector which was attended by around 7000 people. Demonstrations were organised to publicise their demands whenever negotiations reached another deadlock, including the demand for financial support from central government during the suspension of activity. In May 1995, the fishermens' association refused to listen to the recommendations of regional government regarding the negative effects of a boycott of Moroccan fish, and continued to block fish imports. The threat of the boycott and other acts of protest were used to increase the pressure on regional government for a full defence of their fishing rights and for prompt payment of compensation to fishermen. The President of the Barbate fishermens' association, showed his determination to lobby for the best deal, affirming that 'no nos podemos quedar con las manos cruzadas para que no ocurra con el tratado de Marruecos lo mismo que sucedió con el de Canadá' (we cannot keep our arms folded so that the agreement with Morocco turns out like the one with Canada) (*ABC*, 3 May 1995).

Support of regional and central government

Central administration frequently expressed its determination to defend Barbate's cause. According to the Agriculture and Fisheries Minister, in his visit to the fishing villageg in May 1995 to express his solidarity with the sector, Barbate was considered a symbol of the Spanish fishing sector, and the Secretary General for Fisheries declared that the Spanish delegation was committed to the 'defensa a muerte' (defence to the death) of its situation in negotiations (Unpublished document, local government of Barbate, April 1995). A former government official also acknowledged that Barbate was a key priority for the Spanish negotiators, and, although denying that this priority was due to the strong pressures on negotiators exerted by local actors, praised the role of the 'interlocutores muy pragmáticos, de gran sinceridad, nada político' (the very pragmatic, extremely sincere actors, who were not at all politicised) in highlighting the crisis situation[2]. Barbate's situation was frequently discussed at regional level in meetings in Seville with government

[2]Interview with former government official, Madrid, July 1996.

officials, who declared their full support for its fishing sector. The regional Agriculture and Fisheries Minister considered that its existing quotas should be fully retained. Meetings at local level were also important for raising awareness of the crisis situation, for example discussions between the Mayor of Barbate and the Spanish Moroccan Ambassador.

Strong lobbying at all administrative levels throughout the negotiations, and the increasingly tense atmosphere as the negotiations continued, made Barbate's fishing quota a key issue during the negotiations. It is significant that its quota was fully retained in the 1995 agreement. However, the problem of the non-recognition of the historical fishing rights of the fleet remains, and it has been estimated that if an agreement is re-negotiated in 1999, the Barbate fleet will be reduced by a further three boats, representing a loss of sixty three jobs (Junta de Andalucía, 1997). Despite the considerable pressure placed on the Spanish delegation from Barbate representatives, central government could not always fulfil their demands. For example, in meetings between regional and central government during the August negotiating round, as a key member of the Spanish delegation, Conde explained that, while fully aware of its crisis situation, he could not argue for a return to its fishing rights of 1979 at that stage of the talks, in view of the negative implications for Spanish interests as a whole (Unpublished notes on August negotiating round, ARPEBAR). However, the skilful bargaining of the Spanish delegation was generally appreciated at local level, although key representatives expressed a lack of confidence in the government's dissemination of information on negotiations, fearing that agreements with negative implications for the Barbate fleet were hidden for electoral reasons (*El Correo de Andalucía,* 3 May 1995). The government claimed that the optimal agreement had been obtained, acknowledging its reliance on the expertise of representatives of local associations who were present at every negotiating round. This brief study illustrates the high level of contact between local, regional, central and EU levels in the negotiation of the optimal deal for a small fishing village entirely dependent on the EU agreement with Morocco.

Annex 3
METHODOLOGICAL NOTE

Chapter 2 illustrates how existing interpretations of Spain's EU policy are inadequate for a full analysis of the evolving role of the Spanish state. Empirical and documentary material were thus used extensively to provide an instrument for gaining a greater understanding of relations between the Spanish state and key domestic actors in addition to the analysis of a range of primary material, and extensive interviews in Madrid, Andalusia and Brussels.

The limitations of the secondary literature on Spain and the EU led to the wide use of material from primary documents (see list of primary sources in Bibliography). Many of them, mostly accessed during the period of field work in Spain from March to October 1996, were unpublished and had not previously been the subject of academic analysis. The primary sources included policy statements and opinions issued by key socio-economic actors, parliamentary debates, internal briefings written by government officials at both the central and regional levels, and unpublished letters and memoranda. Such documents were sometimes accessed in libraries, but were more often made available by interviewees, for example a Spanish Member of the European Parliament supplied his dossier on the 1995 re-negotiation of the EU-Morocco agreement including many unpublished communications between high-ranking EU officials in Brussels, civil servants in Madrid, and the European Parliament. Another interviewee[1], a representative of one of the main trade unions, allowed full access to the archives of the EC accession period which included a series of communications between government officials and trade union representatives. The trade union archives were ad hoc and incomplete, but yielded interesting documents which provided an insight into trade union relations with the government during the negotiations. It is significant that interviewees, sometimes the authors of the original communications, gave a quite different view of relations between key socio-economic actors and the government during the accession period to the perspective given in official documentation. The disparity between the evidence indicated the importance of primary source material in capturing tensions between state and domestic actors which were rarely revealed in interviews. Access to primary source material was particularly invaluable as the positions of key domestic actors had seldom been subject to academic research previously, as illustrated by the paucity of analytical studies on the subject in the case of Spain.

[1]Interview with official in CCOO, Madrid, 6 May 1996.

Press articles were used to supplement the material found in the primary and secondary literature, mainly from Spain and the UK, but also from other countries, such as France, which took an active interest in the Spanish case. Articles from the UK press were mainly consulted in Chatham House, London, where the files on Spain's EC accession and on key aspects of its EC/EU membership were invaluable for the study. The *FT* provided a solid analysis of relevant developments throughout the period and was accessed via CD-rom for more recent years. The Spanish newspapers were initially consulted in Colindale Newspaper Library, London, for the EC accession period, and, subsequently, in the Juan March library in Madrid which holds articles of interest from *El País* on microfilm. Articles in *El Mundo*, for example its coverage of the 1995 EU-Morocco fisheries agreement, could be accessed via CD-rom at the Juan March library which considerably facilitated the task. Access to extensive press files on the 1995 fisheries agreement at the DG for Fisheries of the Andalusia government provided the opportunity to consult press articles at local, regional and national levels in both Spain and Morocco.

The relatively small amount of material existing on political aspects of the EC/EU policy-making process in Spain was found at libraries at the Centro de Estudios Constitucionales, the Instituto Juan March, CERI (Centro Español de Relaciones Internacionales) and the Fundación Ortega y Gasset, Madrid. The use of such libraries made it possible to obtain most relevant secondary sources in Spanish which had been difficult to access in the UK, including a wide range of Spanish journals. Useful material on the accession period was obtained at the documentation centre of the Secretariat of State for Foreign Policy and the EU, Madrid, although their archives, to which early literature on the institution refers, were not accessible to the public. Documentation centres in relevant government ministries also proved invaluable for consulting a wide range of primary and secondary literature, namely the Ministry of Agriculture, Fisheries and Food, and the Ministry of Economy and Finance. The libraries of both the Congress and Senate allowed access to parliamentary debates throughout the period. Policy statements and opinions produced by trade unions were obtained at the Fundación Pablo Iglesias as well as other trade union supported foundations such as the Fundación Caballero, while policy statements from the main business confederation could be obtained directly from their documentation centre, if the title and date of the particular document were known. Other sources were found via interviews with policy-makers, Spanish academics and fellow researchers, and through the Internet.

Although primary source documents were essential to fill the gap in the literature, interviews were also necessary to obtain the reactions of officials to the positions of

key domestic actors, and to explore the more concrete effects of the changing policy process. Interviews yielded anecdotal evidence as well as fairly precise information on the nature of institutional changes, and illustrations of the roles of central government and key domestic actors in the policy process. The statements of key socio-economic actors on their influence on the government were rarely confirmed in interviews with civil servants, and a key element of the research involved piecing together the story from the many divergent opinions and comments provided. Interviews were carried out in Brussels in February 1996 and April 1997; in Madrid, April-October 1996 and June 1997; and Andalusia, October 1996 and June 1997. Key interviewees were EU officials from institutions such as the European Commission and European Parliament, officials from the Spanish Permanent Representation in Brussels, Spanish regional office representatives in Brussels, central and regional government officials, and representatives from trade unions, business, and key sectoral organisations, for example local shipowners' associations (see list of interviewees in Bibliography).

Interviews provided useful material which, even if anecdotal and not always reliable, enlivened the subject of the thesis. They were particularly invaluable for the fisheries case study where relations between state and domestic actors during the relatively recent negotiations had not previously been examined by an academic researcher. Interviews with key representatives of fishing associations in the village of Barbate in Andalusia were informative and set a clear context for the fisheries case study. Descriptions of meetings with government civil servants and high-ranking EU officials, such as Commissioner Bonino, allowed a greater understanding of relations between the different levels of actors, even if the material could not always be directly used for the thesis. The EC accession period, although well covered by the literature, included little research on state-domestic relations, and interviews with officials based in the Secretariat of State for Relations with the EC during the period were used to extract precise information on the domestic negotiating arena from 1979–86, although their reliability was dubious given the need to depend on the memory of civil servants. Other sources were more readily available for the case study on cohesion policy, in view of the larger amount of academic research in the area, but interviews at regional, central and EC/EU levels were still essential for the confirmation of research findings, and for charting the changing relations between the different actors in the policy area. The concentration on economic rather than political aspects in interviews with officials at the level of central and regional government made it difficult to gather material on subnational participation in the policy area. However, interviewees in DGXVI of the Commission were far more willing to

discuss the political issues, providing anecdotal evidence as well as the DG's most recent publications.

Interviews from February to July 1996 were carried out at an early stage in the research process[2], and were initially used to determine the choice of case studies, to define the scope of the study, to make further contacts, and to gain an understanding of the functioning of the policy-making process in Spain. More structured interviews aimed at obtaining precise information on events were carried out in September and October 1996. Fieldwork in Brussels, Madrid and Andalusia in 1997 involved shorter periods of intensive interviewing with key individuals. Former interviewees proved helpful, not only agreeing to second interviews but also commenting on drafts of case studies[3].

Obtaining interviews at the outset in Madrid was difficult, but once initial interviews had been conducted, an extensive database of names of civil servants, politicians and regional and sectoral representatives was established. A network of representatives and officials was speedily built up for the fisheries case study, providing an indication of the nature of the policy area. Key problems, analogous to those faced by any researcher, were the reluctance of key civil servants, particularly high-ranking officials, to express a view on any controversial questions, the problem of relying on the memory of interviewees for information on past events, and, more generally, the lack of reliability and objectivity of interview material. As a foreign student, interviewing was sometimes more problematic although, on certain occasions, interviewees might have felt less ready to give their opinions to an established Spanish researcher. A further consideration was the timing of the visit to Madrid just after the general elections in March 1996. Many politically appointed PSOE civil servants lost their key positions in the administration and had time for interviews prior to subsequent appointments. In some cases, interviewees were glad to have the opportunity to 'tell their story' and felt they were at last free to speak openly about events. However, April-June 1996 was a chaotic period when the administration was in flux. New PP officials rapidly took over key positions, were not always informative about the whereabouts of their predecessors, and were of limited use themselves for my research as they were about to start their term (although some officials interviewed in June 1997 provided a useful insight into their first year of office).

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[2] A successful application to the European Commission for a Training and Mobility of Researchers (TMR) grant to carry out doctoral fieldwork in Madrid from April to October 1996, based at the Fundación Ortega y Gasset, enabled the field work to commence earlier than planned.

[3]The help given is illustrated by the willingness of a former PSOE Minister to read a draft chapter on the EU-Morocco fisheries agreement, giving invaluable advice for the final analysis written.

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Interviews

The position of interviewees is provided in the thesis, unless the interviewee specifically asked for information not to be made attributable to him/her. Interviewees can be identified from the list, which is ordered chronologically.

February 1996

Fernando Morán López, Member of the European Parliament (MEP) (PSOE) and former Foreign Minister, Brussels, 20 February 1996

Manuel Morán, Head of Galicia regional office (Fundación Galicia), Brussels, 21 February 1996

Manuel Medina Ortega, MEP (PSOE), Brussels, 21 February 1996

Carlos Robles Piquer, MEP (PP) and former member of the UCD party, Brussels, 22 February 1996

Gerardo Galeote Quecedo, MEP (PP), Brussels, 22 February 1996

Gonzalo Bescós Ferraz, Spanish Permanent Representation, Brussels, 22 February 1996

Francisco Fonseca Morillo, Forward Studies Unit, Secretariat General, European Commission, Brussels, 23 February 1996

Lucía Recalde, formerly in Basque Regional office, Brussels, 23 February 1996

Juan Ignacio Alvarez-Gortari, formerly in Spanish Permanent Representation, Brussels, 26 February 1996

Joan Cornet Prat, Party of European Socialists parliamentary group, European Parliament, Brussels, 26 February 1996

April-July 1996

Mariano Daranas, Clerk to the Joint Committee on the EU, Madrid, 30 April 1996

Ramón Baeza Sanjuán, European Section, CCOO, and representative in Economic and Social Committee, Madrid, 6 May 1996

Mila Lacanal, International Department, UGT, Madrid, 7 May 1996

Jesús Cuesta Martínez, Representative of CCOO fisheries sector (FETCOMAR), Madrid, 10 May 1996

María Solanas, EU spokesperson, PSOE, Madrid, 20 May 1996

Miguel Angel García Díaz, Adviser on regional policy, CCOO, Madrid, 21 May 1996

Ricardo Pérez Villota, Assistant Director General, EU Technical Co-ordination of Economic, Social and Financial Affairs, Secretariat of State for Foreign Policy and the EU, Madrid, 23 May 1996

Luis Sánchez-Merlo, former Assistant Secretary in Ministry for Relations with the EC, Madrid, 24 May 1996

Luis Planas, Member of Senate and former PSOE spokesperson for European Affairs (1982–86), Madrid, 27 May 1996

Angeles Holgado Cristeto, Adviser, Ministry of Economy and Finance, Madrid, 28 May 1996

Daniel de Busturia, former political adviser in Ministry for Relations with the EC, Madrid, 28 May 1996

Antonio Costa, Member of Parliament (PSOE) and member of Joint Committee on the EU from 1993, Madrid, 28 May 1996

Sr. Bonet, official of Secretariat of State for Foreign Policy and the EU and former official of the Ministry for Relations with the EC, Madrid, 29 May 1996

Manuel Salazar Palma, Assistant Director General, Co-ordination of EU Institutional Relations, Secretariat of State for Foreign Policy and the EU, Madrid, 29 May 1996

José Luis Ostolaza Zaballa, Assistant Director General, EU Technical Co-ordination, Secretariat of State for Foreign Policy and the EU, Madrid, 29 May 1996

Ricardo Díez-Hochleitner, former diplomatic adviser to Felipe González on foreign policy May 1995–March 1996, Madrid, 30 May 1996

Antonio Costa, Member of Parliament (PSOE) and member of Joint Committee on the EU from 1993, Madrid, 3 June 1996

Apolonio Ruiz Ligero, formerly in Secretariat of State for Foreign Trade, Madrid, 4 June 1996

Elena Flores, former member of Joint Committee on the EC (1986–93), Director of the International Department of the Fundación Pablo Iglesias, Madrid, 18 June 1996

Guillermo Martínez Casañ, Member of Parliament (PP) and member of Foreign Affairs Committee and Joint Committee on the EU, Madrid, 28 June 1996

Luis de Andrés Ortiz, formerly Assistant Director General, sub-DG for International Fisheries Agreements, Ministry of Agriculture, Fisheries and Food, Madrid, 4 July 1996

Juan Herrero, sub-DG for Agriculture and Fisheries, Secretariat of State for Foreign Policy and the EU, Madrid, 5 July 1996

José Loira, former Secretary General for Fisheries, Madrid, 10 July 1996

Jesús Cuesta Martínez, Representative of CCOO fisheries sector (FETCOMAR), Madrid, 9 July 1996

Pablo García-Berdoy Cerezo, Director of the Cabinet of the Secretary of State for Foreign policy and the EU, Madrid, 15 July 1996

Luis Atienza Serna, former Agriculture and Fisheries Minister, Madrid, 19 July 1996

Luis Ortúzar Andéchaga, Assistant Director General, sub-DG for Sectoral Co-operation with the Autonomous Communities, Ministry for Public Administration, Madrid, 26 July 1996

September-October 1996

Germana Bornay, formerly responsible for Andalusia, sub-DG for Administration of the ERDF, Ministry of Economy and Finance, 18 September 1996

Joaquin Ortiz, official responsible for Andalusia, sub-DG for Administration of the ERDF, Ministry of Economy and Finance, 18 September 1996

José María Piñero Campos, Assistant Director General, Cohesion Fund, Ministry of Economy and Finance, 23 September 1996

Gervasio Cordero, Assistant Director General and Adviser, DG for Analysis and Budgetary Programming, Ministry of Economy and Finance, 23 September 1996

Juan Antonio Merina, DG for Fisheries, Ministry of Agriculture, Fisheries and Food of Andalusia, Seville, 30 September 1996

Juan Pedro Morena, Representative of CCOO fisheries sector, Seville, 1 October 1996

Antonio Avila Cano, Director General, DG for European Funding, Ministry of Economy and Finance of Andalusia, Seville, 2 October 1996

Mercedes León Lozano, International Affairs Manager, Confederación de Empresarios de Andalucía (CEA), Seville, 2 October 1996

Carlos Ruiz Beneyto, Head of EU Funding, Instituto de Fomento de Andalucía (IFA), Seville, 2 October 1996

Ramón Rivera Sánchez, President of ARPEBAR shipowners' association, Barbate, 3 October 1996

Arturo Castaño, President of ASEMAR shipowners' association, Cadiz, 3 October 1996

Carmen Marfil Lillo, Head of Cabinet for Co-ordination and Evaluation of EU Legislation, DG for European Affairs and External Co-operation, Ministry of the Presidency of Andalusia, Seville, 4 October 1996

Laureano Lázaro Araujo, former official in Ministry of Economy and Finance, 8 October 1996

Luis Ortúzar Andéchaga, Assistant Director General, sub-DG for Sectoral Co-operation with the Autonomous Communities, Ministry for Public Administration, Madrid, 9 October 1996

April 1997

Cristina Hernández Montanari, Temporary administrator in DGXVI/E2 (Cohesion Fund/ Assessment, management and monitoring of projects), European Commission, Brussels, 16 April 1997

Caridad González de Vega, Detached National Expert in DGXVI/E2 (Cohesion Fund/ Assessment, management and monitoring of projects), European Commission, Brussels, 17 April 1997

Peter Stub Joergensen, Head of Unit, DGXVI/E1 (Cohesion Fund/ Co-ordination, economic and legal matters), European Commission, Brussels, 17 April 1997

Francisco Peira, Administrator, Structural Funds, DGXVI/C1 (ERDF Country desks/ Spain), European Commission, Brussels, 17 April 1997

Eduarda Duarte de Sousa, Administrator, DGXIV and member of negotiating team for the 1995 EU-Morocco fisheries agreement negotiations, European Commission, Brussels, 18 April 1997

Jesús González, Administrator, Structural Funds for Andalusia, DGXVI/C1 (ERDF country desks/ Spain), European Commission, Brussels, 21 April 1997

Miguel Lucena, Andalusia regional delegation in Brussels, Brussels, 21 April 1997

John Spencer, chief EU negotiator of 1995 EU-Morocco fisheries agreement and former Head of Latin America, Antarctic and Mediterranean Unit, DGXIV, European Commission, Brussels, 21 April 1997

Alberto López Garcia, Fisheries division, Spanish Permanent Representation, Brussels, 22 April 1997

Carmen Fraga Estevez, MEP (PP), President of the Fisheries Committee from January 1997, Brussels, 23 April 1997

Miguel Arias Cañete, MEP (PP), Former President of the Fisheries Committee, Brussels, 23 April 1997

June 1997

José Loira, former Secretary General for Fisheries, Madrid, 9 June 1997

Eduardo O'Shea, Assistant Director General, sub-DG for International Fisheries Agreements from 1996, Ministry of Agriculture, Fisheries and Food, Madrid, 11 June 1997

Luis Ortúzar Andéchaga, Assistant Director General, sub-DG for Sectoral Co-operation with the Autonomous Communities, Ministry for Public Administration, Madrid, 12 June 1997

Germana Bornay, formerly responsible for Andalusia, sub-DG for Administration of the ERDF, Ministry of Economy and Finance, 12 June 1997

Joaquin Ortiz, official responsible for Andalusia, sub-DG for Administration of the ERDF, Ministry of Economy and Finance, 12 June 1997

José María Piñero Campos, Assistant Director General, Cohesion Fund, Ministry of Economy and Finance, 13 June 1997

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José Luis Ostolaza Zaballa, Assistant Director General, EU Technical Co-ordination, Secretariat of State for Foreign Policy and the EU, Madrid, 13 June 1997

Ramón Rivera Sánchez, President of ARPEBAR Shipowners' association, Barbate, 16 June 1997

Christóbal Carmelo Cid Vadillo, President of the Fresh Fish Producers' Organisation, Barbate, 17 June 1997

Juan Antonio Merina, DG for Fisheries, Ministry of Agriculture, Fisheries and Food of Andalusia, Seville, 18 June 1997

Carmen Marfil Lillo, Head of Cabinet for Co-ordination and Evaluation of EU Legislation, DG for European Affairs and External Co-operation, Ministry of the Presidency of Andalusia, Seville, 19 June 1997

Antonio Valverde Ramos, Administrator, DG for European Funding, Ministry of Economy and Finance of Andalusia, Seville, 19 June 1997

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