INFLUENCES AND PROCESSES OF NEGOTIATION: SPANISH ACCESSION NEGOTIATIONS TO THE EC

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SPANISH ACCESSION TO THE EC: A COMPARATIVE CASE STUDY ON COMPLEXITY OF NEGOTIATIONS

ABSTRACT

This thesis analyses the complexity of negotiations by applying five variables from Druckman's (2003) framework of influences and processes of negotiation to three cases selected: a) Spain's accession negotiations to the European Community, (1962-1985) b) Constitutional negotiations (1978) and c) Negotiations of the Fontainebleau European Council, (1984). The five variables: Preconditions, background factors, conditions, process, outcomes and their sub themes are assessed for each case. The application of the variables to the selected cases, enables a comparative analysis demonstrating patterns of complexity in negotiations. The study thus traces shared aspects of separate negotiations, with distinct structural characteristics.

Key words: Negotiation, complexity, preconditions, background factors, conditions, process, outcomes, EC, Spain

İSPANYA'NIN AT'YE KATILIMI: MUZAKERELERIN KARMAŞIKLIĞI ÜZERİNE KARŞILAŞTIRMALI BİR ÇALIŞMA

ÖZET

Bu tez Druckman'ın (2003) "Müzakerelerde Etkileşim ve Süreç" adlı kavramsal çerçevesini üç müzakere vakasına uygulamaktadır. Bu amaçla İspanya'nın Avrupa Topluluğu'na katılım müzakereleri (1962-1985), Anayasa müzakereleri (1978) ve Fontainebleau Avrupa Konsey Zirvesi (1984) incelenmektedir. Kavramsal çerçevede belirtilen ön koşullar, çevresel etkiler, genel koşullar, süreç, sonuç değişkenleri ve de onların alt başlıkları seçilen müzakere vakaları kapsamında irdelenmektedir. Burada amaç müzakerelerin karmaşıklığını gösteren bir karşılaştırmalı analizi gerçekleştirmektir. Bu çalışma değişik yapısal özelliklere sahip farklı müzakerelerin ortak yönlerini ortaya çıkarmaktadır.

Anahtar Kelimeler: Müzakere, ön koşullar, çevresel etkiler, genel koşullar, süreç, sonuçlar, AT, İspanya

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Chapter 1. Introduction and Literature Review

1. Purpose of Study

In this study three cases of negotiation: a) Spain's accession negotiations to the European Community , b) Constitutional negotiations between Spanish political parties, and c) Fontainebleau European Council negotiations are analyzed by taking into consideration Druckman's (2003) framework of influences and processes of negotiation. The study aims to illustrate the complexity of a negotiation process by looking at various themes related to background factors, preconditions, conditions, process, outcome, and implementation in the three cases. The interest of the study is to offer a detailed description of the three cases individually, and a comparative analysis.

The study offers a description of the cases chosen, to provide a general overview of the case and an understanding of parties and issues involved. Following the description of the cases, five variables are applied to the three cases. Each variable consists of sub- themes, and the study looks at a few sub themes under the five variables in relation to the cases chosen. The application of the variables to the cases offers an understanding on the impact of each variable to each case. This study aims to conduct a comparative analysis on impact of preconditions, conditions, process, and outcomes focusing on shared and contradictory aspects. This study is interested in the findings of the application of Druckman's influences and processes framework , to three separate cases that are relational to each other through structure and content . Another aim is to contribute to negotiation theory by building on Druckman's framework of negotiation influences and processes, applying it to three cases, and comparing the results.

2. Relevance of Cases

The duration of accession negotiations, internal transformation of parties and structural characteristics of Spain contribute to the dynamics that have an impact on the influences and processes of negotiation, rendering Spanish accession negotiations a very interesting example to demonstrate complexity of negotiations. Spanish accession negotiations started with Spain's official request for membership in 1977, and concluded with a membership treaty in 1985. Thus accession negotiations correspond to a time frame of eight years. When the 15 year period of low level contact during the Franco period is also considered, Spanish EC discussions last 23 years. The duration

of the negotiations single's out Spanish accession negotiations, and provides an opportunity to analyze dynamics of the negotiation process in a long time span. As to internal change of parties, Spain transforms from a dictatorship to democracy, in the years following Franco's death (1975). Spanish accession negotiations also correspond to a time of internal transformation for the E.C. The impact of the synchronized transformation of negotiating parties, can be explained by the formation of a pattern of linkage, where internal matters of the parties are linked to the negotiations proper. Spanish accession negotiations also constitute an interesting subject matter due to Spain's unique structural characteristics. First of all, during official accession negotiations, Spain was a parliamentary monarchy, augmenting the number of parties involved in the negotiation process. Secondly Spain had a politically involved military. The political nature of the military also had an impact on accession negotiations, very well illustrated with the military coup attempt of 1981. Thirdly, elements of Spanish history such as the civil war, followed by a dictatorship of General Franco influenced Spanish negotiating behavior. Finally Spain was a country that had autonomous regions like Basque County, Catalonia, and Galicia. This aspect of Spain, determined the country's internal conflicts and resolutions to these conflicts, thus indirectly influencing the official negotiations.

Constitutional negotiations, the second case studied constitute an interesting subject matter due to the following reasons: a) relational character with accession negotiations, b) unique aspects of period and c) distinct structural characteristics. The constitutional negotiations are related to the accession negotiations, through structure and content. The structural relationship can be explained as the constitutional negotiations constituting an intra negotiation to one of the negotiating parties of the accession negotiations; namely Spain. Content wise constitutional negotiations are at the core of democratic consolidation, which from another perspective is a prerequisite for accession negotiations. Secondly the constitutional negotiations takes place at a very interesting time period, where consensual politics determines the style of governance. Thirdly the constitutional negotiations have distinct structural characteristics based on their parliamentary character. For example the parliamentary nature of negotiations brings together a specific negotiating format where the same issues are negotiated by different committees.

The last case of study, Fontainebleau European Council negotiations have significance based on their relational character to the accession negotiations, unique

aspects and distinct structural characteristics. The relation again is two fold; structural and content wise. Structurally the Fontainebleau European Council Negotiations constitute an example to internal negotiations of one of the parties to the accession negotiations; the European Community. An understanding of the European Community dynamics during the accession negotiations is necessary to be able to situate the link. Development in E.C. issues such as Iberian enlargement were blocked due an inability to solve the British Budgetary problem. Thus a solution to the British budgetary problem at the Fontainebleau European Council, opened the way in accession negotiations. Unique aspects of the Fontainebleau European Council include factors like the meeting taking place under French presidency. Considering that France blocks the accession negotiations two times, the French presidency's initiative to open the way in accession negotiations is a good example that demonstrates complexity of negotiations. The distinct structural characteristics of European Council meetings such as a common format that include the preparation of position papers, sessions of negotiations, and a concluding communiqué, provides substantial subject matter for the analysis of processes and influences of negotiation.

Thus it can be stated that the three cases selected; Spanish accession negotiations, Spanish constitutional negotiations, and the Fontainebleau European Council negotiations constitute interesting examples to demonstrate complexity of negotiations both individually, and in a relational context. When the analysis focuses on a relational context, looking at the three cases as a whole, a system of negotiations can be observed. This study defines a system with three different perspectives. The first perspective that presents a multi level negotiation system differentiates the cases studied as primary negotiations and secondary negotiations. Spanish-EC accession negotiations are considered as the primary negotiations. Inner or intra negotiations of parties to the primary negotiation make up the secondary negotiations. In this understanding, constitutional negotiations and Fontainebleau European Council negotiations constitute the secondary negotiations, the initial being an intra-Spain negotiation, and the latter being an intra E.C negotiation.

The second perspective, which can be also referred to as the party perspective accepts one party as the center of the system, and looks at the negotiation processes the party is engaged in. Putnam's (1993) two level games, at which the negotiator is present at both the domestic and international negotiating tables simultaneously, is very relevant in understanding what this study presents as the party

based system. In the current context, the Spanish government negotiated with the EC, on enlargement, and negotiated the 1878 constitution with other political parties. We can follow the same line of thought for the E.C, and say that the E.C negotiated with Spain, and also conducted internal negotiations. Thus the scope of this study corresponds to both a Spain centered system, and E.C centered system. In other words two separate two level games that are relational to one another are studied.

The third perspective underlines time as a common denominator of the cases studied. From a time based analysis it can be stated that the constitutional negotiations (1978) and the Fontainebleau European Council negotiations (1984) share brief time segments with the Spanish-EC accession negotiation. (1977-1985). This perspective accentuates that constitutional negotiation take place one year after the commencement of accession negotiations, and Fontainebleau negotiations take place one year prior to the finalization of accession negotiations.

3. Parties and Issues

The table below presents the primary and secondary negotiation sets relevant to the case of Spain, and identifies the elements of each negotiation set such as parties and issues. Spain and the European Community are the parties to the primary negotiation set. The Spanish opposition in exile, constitutes a secondary party during the Franco dictatorship. In the same time period, we see that democratization is an issue of priority. It is set as a prerequisite for the commencement of accession negotiations. Following consolidation of democracy in Spain, agriculture becomes a priority issue, especially for Mediterranean countries such as France that feared the consequences of Spanish accession, concerning their agricultural produce. Delay in negotiations became a priority issue for Spain, as impasses prevented the negotiations from proceeding. The primary negotiation set can be considered as an example to a negotiation between a state and an organization.

Primary parties to the initial secondary negotiation on the left of the political spectrum include the Socialist , and Communist Party. Parties on the center right of the political spectrum include the Union of the Democratic Center. The Popular Alliance, Catalan Democratic Convergence, and Basque Center Right Nationalists are the Spanish, and regional nationalist parties. Maintaining the monarchy, framing the principles of free enterprise in the constitutional text, were Union of the Democratic

Center's (UCD) priority issues. Constitutional recognition of civil rights and socio economic issues constituted the priority issues for the leftist parties. Basque and Catalan parties prioritized decentralization. The initial secondary negotiation set can be considered as an example to an intrastate and multiparty negotiation

The primary parties that dominate the negotiation process in the second secondary negotiation are Germany, France, and Britain. Resolution of the British Budgetary Problem is a core issue for all parties. The discussion of the other two issues, the relaunching of Europe and Iberian accession, is linked to a resolution on the British Budgetary problem by France. The second secondary negotiation can be considered as an example to international, intra organizational, and multilateral negotiation.. Table 1.1 summarizes issues and parties for each case.

Table 1.1 Issues and Parties of Cases

Case	Parties	Issues
Accession Negotiations	Spain and EC	Democratization, agriculture, delay in negotiations
Constitutional Negotiations	Union of the Democratic Center, Socialist Party, Communist Party, Popular Alliance, Catalan Democratic Convergence, Basque Center Right Nationalists	Maintenance of monarchy, free enterprise, civil rights, socioeconomic issues, decentralization
Fontainebleau Summit	France, Germany, Britain	British Budgetary Problem, relaunching of Europe, Iberian accession

4. Defining Negotiation.

Negotiation is defined as 'an interaction in which people try to meet their needs or accomplish their goals by reaching an agreement with others who are trying to get their own needs met' (Mayer, 2000). There are two principle types of negotiation; distributive and integrative. In distributive negotiation, there are fixed amounts of resources to be divided. The primary motivation of parties is defined with a 'I win, you lose' conception. Primary interests of parties are opposed to each other, and the focus of relationship is short term. Concepts such as target point, reservation point, BATNA , bargaining zone, and compromise are part of the distributive bargaining process. The target point is the party's most preferred form of settlement (Thompson, 1998). The reservation point represents the minimum settlement of a party (Raiffa, 1982). The bargaining zone is described as the region between parties' reservation points (Thompson, 1998) . Fisher and Ury describe Compromise as a midpoint agreement and BATNA as the Best Alternative to Negotiated Agreement (as cited in Mayer, 2000). Raiffa illustrates a pattern of concessions where prices successively purposed by seller and buyer are depicted and calls this pattern a "negotiation dance" (Raiffa, 1982).

In integrative negotiation there is a variable amount of resources to be divided. Primary motivation of parties is defined with a 'I win, you win' conception. Lewicki and Litterer describe primary interests of parties as convergent or congruent with each other, and the focus of relationship as long term (as cited in Robbins, 1998). The term integrative negotiation encompasses both a process and an outcome of negotiation: agreement. An integrative agreement is defined as ' a negotiated outcome that leaves no resources unutilized' (Thompson, 1998). Among the four strategies outlined by Pruitt (1986) problem solving, contending, yielding and inaction, Pruitt and Rubin state that the problem solving strategy offers methods for reaching an integrative agreement (as cited in Thompson, 1998). As to have an understanding of each strategy introduced, problem solving seeks to find an alternative acceptable to both parties, contending is to force one party's will on the other, yielding is to reduce one party's basic aspirations, and inaction is to do the minimum in the negotiation process (Pruitt, 1995). The problem solving strategy involves various tactics such as expanding the pie, cost cutting, logrolling, bridging, and non specific compensation. Expanding the pie refers to finding a way to increase resources (Pruitt, 1995). In cost cutting, one party

gets what he or she wants, and the other party's costs are reduced or eliminated (Thompson, 1998). In log rolling, each party concedes on his or her low priority issue (Pruitt, 1995). In bridging, a new option is created that satisfies both parties' interests (Thompson, 1998). In non specific compensation one party receives his or her most desirable option, and the other party is repaid in an unrelated issue (Thompson, 1998).

The negotiation process is analyzed in different stages by various researchers. For example, Saunders defines negotiation as a five part process, in which defining the problem, producing a commitment to negotiated settlement, arranging negotiations, the actual negotiation, and implementation constitute the stages (Saunders, 1995). Lewicki and Moskal introduce another model of the negotiation process that includes the following stages: preparation and planning, definition of ground rules, clarification and justification, bargaining and problem solving as well as closure and implementation (as cited in Robbins, 1998). Most of the analysis shares the view that at large negotiation is made up of a pre negotiation phase, the negotiation proper, outcome, and implementation.

The main elements of the negotiation process are parties, issues, and positions. Party is defined as a participant in conflict that can be individuals, groups, organizations, communities, or nations. Issues are the resources to be allocated or the considerations to be resolved in negotiation. Positions are the stated 'wants' a negotiator has for a particular issue (Thompson, 1998).

5. Different Levels of Negotiations , and Multilateral Negotiations

Negotiations take place in the interpersonal, intra-group, inter-group and international levels. Interpersonal negotiations are negotiations between two individuals, intra-group negotiations are negotiations within a group, inter-group negotiations are negotiations between groups and international negotiations are negotiations between nations. Intra organizational negotiations and intra national negotiations are examples to intra-group negotiations. Bilateral negotiations, which are negotiations between two parties can be between two groups, forming an example to inter-group negotiations, or within a group, forming an example to intra-group negotiations.

Bazerman, Mannix, Thompson and Kramer define multiparty negotiation 'as a group of three or more individuals, each representing their own interests, who attempt to resolve perceived differences of interest' (as cited in Thompson, 1998, p.149)

The main characteristics of multiparty negotiations are the number of parties, informational and computational complexity, procedural complexity, and strategic complexity. The first characteristic of multiparty negotiations is the number of parties present at the negotiating table (Lewicki, Saunders and Minton, 1997). Rubin and Brown underline that the increase in the number of parties involved in the bargaining process increases the difficulty of coordination. Conflicting interests and interdependencies of negotiating parties cause a variety of problems (Rubin and Brown, 1975), rendering the negotiation process more difficult and more complex.

In regard to the second characteristic of multiparty negotiations, informational complexity, there are more issues, perspectives on issues, and total information present at the negotiating table (Lewicki, Saunders, and Minton, 1997). The third characteristic, social complexity, refers to the change in social environment from one to one dialog to a small group, bringing together group dynamics that have an impact on negotiators such as social pressure. The third characteristic, procedural complexity, refers to the complicated process followed in multiparty negotiations which results in longer negotiation time. The final characteristic, strategic complexity, refers to the strategies used by parties, most often distributive, in a multiparty negotiation setting (Lewicki, Saunders, and Minton, 1997). Raiffa points out that the multiparty negotiation setting may be chaotic and recommends the imposition of internal or external structure to meet this challenge (Raiffa, 1982). Constructive roles of external interveners such as facilitators, mediators, and arbitrators are highlighted (Raiffa, 1982). Palmer and Thompson define tactics used in multiparty negotiations such as circular or reciprocal logrolling (as cited in Thompson, 1998). In circular log rolling, each group member offers another member a concession on one issue and receives a concession from another group member on another issue (Thompson, 1998).

In the multiparty negotiation context, parties form alliances with other parties and create coalitions. Coalition is defined as 'the unification of the power and resources (or both) of two or more parties so that they stand a better chance of obtaining a desired outcome or of controlling others not included in the coalition' (Rubin and Brown, 1975). Rubin and Brown underscore that coalitions are more likely to form in competitive bargaining relationships of distributive character (Rubin and Brown, 1975). Parties are likely to enter coalitions when they view themselves disadvantaged in regard to obtaining some outcome and decide to join forces with another party to achieve the outcome they seek (Rubin and Brown, 1975).

International negotiation constitutes a type of multiparty negotiation, where parties are nation states. Starkey, Boyer, and Wilkenfeld highlight that a close look at diplomatic negotiations requires the examination of key processes of international relations (Starkey, Boyer and Wilkenfeld, 1999). The impact of contextual factors and situational factors such as internal situations of states on international negotiations is stressed.(Starkey, Boyer and Wilkenfeld, 1999). The negotiation process is divided into stages, rounds, and phases. Starkey, Boyer and Wilkenfeld use the metaphor of a game to describe international negotiations, where the board represents the negotiation setting, the players represent the negotiators, and the moves represent the decisions the negotiators make (Starkey, Boyer and Wilkenfeld, 1999) .

A multilateral negotiation is divided in three distinct phases: the pre-negotiation , formal negotiation, and agreement (Touval, 1995). In the pre negotiation stage parties decide on participants, coalitions among parties are formed, parties differentiate roles where sometimes a party takes the role of a mediator, and finally parties inform themselves on the issues and agenda. In the formal negotiation phase, parties negotiate over the details of the agreement. The agreement phase is the third phase of a negotiation process, (Touval, 1995) followed by implementation.

Multilateral negotiations can be both intra group, and inter group. If the negotiation parties, which are more than two in number are within the same group, the negotiation can be classified as an intra group multilateral negotiation. If the negotiating parties, which are more than two in number are from separate groups, the negotiation can be classified as an inter-group multilateral negotiation. The condition of the separate groups being separate states constitutes international negotiations.

6. Druckman's Negotiation Framework

Druckman presents the important themes of negotiation research in a framework of influences and processes. (Cheldelin, Druckman and Fast, 2003). The framework is made up of six distinct categories such as preconditions, process, outcomes, background factors and implementation which are demonstrated below in boxed. This study uses this framework as a blue print for the analysis of the primary and secondary negotiations concerning Spain.

6.1 Preconditions

The following sub themes for the variable 'preconditions' are discussed: Preparation for negotiation, issue structure, size, complexity, framing, goals and incentives.

6.1.1 *Preparation for Negotiation*

Preparation for negotiation is a very important part of the negotiation life cycle, since good preparation gives the negotiator a stronger hand at the bargaining table (Thompson, 1998). A good preparation serves as a key for a negotiation to produce a desired outcome. Lewicki, Saunders and Minton (1997) suggest that negotiators should choose whether to adopt a competitive, collaborative, or accommodative negotiation strategy. The process of choice of negotiation strategy requires an assessment of driving factors, principles and standards, the role of trust, assumptions about the episodic nature of the process, and negotiation goals.

Environments, contexts, outcomes, processes, and relationships constitute the driving factors to be taken into consideration when choosing a strategy. Principles and standards are the ethical values of a negotiation such as a commitment to honesty and maintain integrity. In regard to trust, negotiators derive this feeling from past experiences with the other party. Episodic assumptions refers to the perception that some goals can be attained in short term. Simple negotiation goals can be achieved in short term negotiations, however more complex negotiation goals requires a sequence of negotiation episodes (Lewicki, Saunders and Minton , 1977).

Planning the negotiation session is also an important part of the preparatory phase. Specific steps outlined for effective planning are defining and assembling issues and defining agendas, defining interests, consulting with others, managing goal setting, identifying your own limits, developing supporting arguments, and analyzing the other party. Defining issues requires a thorough analysis of the conflict problem, drawing from past experiences of similar conflicts, gathering information through research, and consulting with experts. As to assembling issues and defining the bargain mix, identifying issues, and the connection among different issues is essential. The interests of a party to a negotiation can be substantive, process based, relationship based, or based on principles and standards. Consultation with the other party is also important

and can serve to clarify issues, discuss the agenda, and negotiate ground rules. Prioritizing issues can be understood as defining the relative importance of our issues, and also assessing the priority's of the other party.

Setting goals is significant since it usually requires packaging among several issues and an understanding of trade-offs. Developing supportive arguments requires gathering facts, figures, and arguments that can be helpful in the actual negotiations. Finally, analyzing the other party, through information on the other party's resources, interests, needs, objectives, reputation, negotiation style, BATNA, authority to make an agreement, likely strategy and tactics, is a prerequisite for successful negotiation (Lewicki, Saunders, and Minton, 1997).

6.1.2 *Issue Structure, Size, Complexity and Framing*

Issues in negotiations come in different forms and structures. Sometimes the negotiator faces a single, dense, complex issue. At other times, simple issues are put together in a package. A negotiator attempts to simplify complexity of an issue by putting it into words that render the more understandable to both parties and by dividing the issue if the size is too immense, or by coupling it with an another relevant issue. Unbundling is cited as one way to handle complexity of negotiations. Lax and Sebenius underline the importance of unbundling issues, in single issue negotiations (as cited in Thompson, 1998). However addition of other issues to facilitate the negotiation is also a common practice (Thompson, 1998).

Framing information, which is an important cognitive bias, has a considerable impact on the process and outcome of negotiation. Neale and Bazerman underline the way in which the options are presented affects the willingness of parties to reach an agreement (as cited in Lewicki, Saunders and Minton, 1997). Framing an issue starts the search for a solution in the negotiation process. The interests of others are discovered through framing. Framing the issues, forming options, assessing the options, and reframing the remaining options and issues are all part of the negotiation process. Final framing is the last step leading to the final agreement (Mayer, 2000).

6.1.3 *Goals and Incentives*

Formulating goals is an important aspect of the negotiation process. Fisher, Kopelman and Schneider (1994) suggests that a goal pointing at the direction we would like to go, is better than a fixed objective that must be reached. One of the

most important criteria Fisher outlines regarding the formulation of goals, is that a goal should be conceivable attainable. Thus grand goals such as 'world wide equality' serve as a valuable political strategy (Fisher, Kopelman & Schneider, 1994) but it is doubtful whether they are helpful at the negotiating table. Thus realistic goals that are clearly defined can facilitate a negotiation process.

Common goals which are termed as superordinate goals in negotiation literature, facilitate the negotiating process by creating a common ground. Thompson (1998) underlines that a common goal, similar to a common enemy, eliminates the perception that the parties' interests can be completely opposed, and creates a new understanding that both parties find acceptable, and at times superior to their previous values. Rubin and Swap suggest that an effective leader can create a sense of transcendence by introducing superordinate goals that bridge existing bases of conflict or competition in order to reach increased cooperation. Rubin and Swap state that superordinate goals also serve to increase group cohesiveness (as cited Hopmann, 1996).

6.2 Background factors

The following sub themes for the variable 'background factors' are discussed: Culture, relationships, cognitive and ideological factors, experience and orientations, and alternatives.

6.2.1 *Culture*

Families, social groups, and departments in an organization, organizations, industries, states, regions, countries, societies and continents all contain cultural differences (Thompson, 1998). Negotiations across cultures have directed attention to the impact of culture in negotiations. The emphasis on culture when treating negotiation dynamics compliments the classical structural analysis of negotiation dynamics, adding value to the classical studies of negotiation. Cohen (2001), for example, uses the Syrian-Israeli peace talks to demonstrate the inability to convey abstract concepts through translation, and his work draws attention to complexities of negotiations across languages (as cited in Albayrak ,Bilali, Caglayangil, Eruzun & Sadık 2004). By studying e mail exchanges of Russian and Argentinian members of a software joint venture, Wu and Law (2003) look at how the sense of otherness can escalate conflict in negotiations (as cited in Albayrak et al, 2004).

Druckman and Hoppman state that despite the quantity of research done on negotiation and culture, whether to accept culture as another variable or the context of the negotiating environment is an unclear topic for researchers (as cited in Druckman, 2003). Gelfand and Realo underline that the lack of clarity of accepting culture as another variable is also related to the problem regarding the unit of cultural expression (as cited in Druckman, 2003).

6.2.2 *Relationships*

Structural relationships among parties and personal relationships both fall in the category of relationships (Thompson, 1998). Kelley underlines that the key characteristics of strong relationships are frequent interaction over a long period of time, variety of activities, or events, strong influence between people, and potential for arousing strong emotions (as cited in Thompson, 1998).

Research indicates that friends demonstrate different bargaining behavior than do strangers (Druckman , 2003). Shoeninger and Wood have proven that negotiation among friends is less competitive (as cited in Thompson, 1998), and Halpern has demonstrated that agreement is reached at a quicker time (as cited in Druckman, 2003). Halpern also points out that joint outcomes of negotiations among friends often tend to be less mutually beneficial or integrative (as cited in Druckman, 2003). Research by Fry, Firestone and Williams also shows that negotiations among close friends do not reach level 2 or level 3 integrative agreements (as cited in Thompson, 1998).

6.2.3 *Cognitive and Ideological Factors*

The psychological approach to negotiation focuses on cognitive bias which is displayed by selective perception, stereotypical distortion , attributional distortion, and self fulfilling prophecy (Kremenyuk, 2002). Selective perception is when a party perceives what s/he choices to see. Stereotypical distortion is described as the tendency to simplify a complex cognitive environment. Attributional distortion is when even kind acts of the other party as regarded as a result of manipulative intent, and negative actions by the other party are regarded as untrustworthy disposition (Kremenyuk, 2002). Zechmeister and Druckman illustrate that ideological factors are ideological dispositions of a party that have an impact on the negotiation process and that at some instances bargaining positions are linked to broader ideologies (as cited in Druckman, 2003)

6.2.4 *Experience and Orientations*

Research on negotiator behavior indicates that effective negotiators have experience. The orientation of the negotiator determines whether the experience is used to maximize personal or joint outcome. Thompson illustrates that competitively oriented negotiators use their experience to maximize personal outcome, and cooperatively oriented negotiators channel their know how to a joint outcome (as cited by Druckman, 2003) . Neale and Northcraft point out that experience also provides negotiators with analytical tools or frameworks that help them to deal with novel situations (as cited in Thompson, 1998). Research also indicates that in international negotiations which have an asymmetry in terms of experience, the outcome tends to favor the experienced delegation (Druckman, 1990).

6.2.5 *Alternatives*

Druckman underlines that attractive alternatives to negotiation terms produce better outcomes for negotiators that have an access to alternatives. Factors such as having less need to compromise or to rush into an agreement produce the opportunity to search for optimal agreements (Druckman, 2003). However, the opportunity of reaching an integrative agreement is lost when negotiators use their alternatives to pressure the other party. Pinkley, Neale and Benner underline that a self centered approach taken by the party who has a better alternative does not contribute to an integrative outcome (as cited in Druckman, 2003).

6.3 Conditions

The following sub themes for the variable 'conditions' are discussed: The negotiation context, time pressure, and third parties.

6.3.1 *The Negotiation Context:*

The negotiation context is defined from a variety of perspectives. Starkey, Boyer and Wilkenfeld who represent the realist school of thought portray the international system as the negotiation setting, and focus on power relations of actors. This definition is relevant for international negotiations. More precisely, social context is defined as the relationship between parties and the emotions during the negotiation

process (Thompson, 1998). It should be underlined that all negotiations take place within a certain context (Breslin and Rubin, 1995). The context at which the negotiations take place may both constrain the negotiators or facilitate the process. External events can be explained as incidents not directly related to the negotiation process, which however do have an impact on the process. As to openness versus secrecy, sometimes negotiations are carried out in secrecy, to minimize the external affects.

6.3.2 *Time Pressure*

Time pressure has both positive and negative effects on a negotiation process. Druckman (2003) states that time pressure is beneficial when used to close agreements arrived earlier. When facing time pressure, self interested negotiators become more competitive (as cited in Druckman, 2003) Collaborative negotiators become more willing to make concessions that favors the other party. Carnevale and Lawler illustrate that the time pressure also creates a decision dilemma, that reduces the chances for optimal agreements (as cited in Druckman, 2003)

6.3.3 *Third Parties*

The way negotiators react to mediators constitutes an interesting source of influence from third parties. Research by Carnevale and Henry demonstrates that when level of hostility between parties is high, the presence of a mediator who is perceived as trustworthy and competent can induce flexibility (as cited in Druckman, 2003). Research by Conlon, Carnevale and Ross indicates that mediators who suggest equal concessions by the parties produce more agreements than mediators who suggest integrative or asymmetrical outcomes (as cited in Druckman, 2003.)

6.4 Processes

The following sub themes for the variable processes are discussed: Phases, impasses, turning points, proposals, concessions, emotions and tactics.

6.4.1 *Phases/Impasses and Turning Points*

Phases are the distinct segments of the process that have special functions (Kremenyuk, 2002). An impasse or a deadlock is defined as an end to negotiations where parties do not reach a settlement (Thompson, 1998) . A constructive approach

underlines the natural character of impasses and holds the view that impasses are a helpful part of the conflict process (Mayer, 2000). Lewicki, Saunders and Minton (1997) state that factors such as breakdowns in communication, escalation of anger and mistrust, polarization of positions, refusal to compromise, or inability to create options that are satisfactory to both parties contribute to deadlocks in the negotiation process. Specific recommendations in relation to handling negotiation breakdowns are made. Firstly, negotiating parties are recommended to reduce tension and synchronize de-escalation. Graduated and Reciprocated Initiatives in Tension Reduction (GRIT)[1] aim to change the nature of relationships, from mistrusting to trusting (Lewicki, Saunders and Minton, 1997). Improving the accuracy of communication strategy is another strategy used to overcome deadlocks. Methods such as role reversal, and imaging, where parties are asked to describe themselves help to improve communication. Controlling issues is another strategy in a deadlock situation. A large conflict can be simplified through various mechanisms such as reducing the number of parties on each side, controlling the number of substantive issues involved and stating issues in concrete terms rather than as principles (Lewicki, Saunders and Minton, 1997). Establishing commonalities also constitutes an effective strategy in dealing with negotiation breakdowns. Superordinate goals, common enemies, and mutual commitment to rules bring parties together (Lewicki, Saunders and Minton, 1997). The last strategy is making preferred options more desirable to the other party.

In regard to turning points, they are defined as events or processes that mark the passage from one state to another (Druckman, 2003). Turning points can either be positive, instigating development in the negotiation process, or negative, causing impasses. Either way turning points are evaluated as benchmark events that depict the way a negotiation unfolds.

6.4.2 *Proposals and Concessions*

A proposal is the offer a party makes regarding an issue, and a concession is when a party accepts something lower than his or her target point to reach the other party at a midpoint, or compromise (Thompson, 1998). Sometimes we come across a pattern of concession when a party makes more than one consecutive concessions.

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[1] See Osgood (1962). Charles Osgood, who wrote about cold war and disarmament suggested a unilateral strategy for conflict de-escalation called GRIT (Graduated and Reciprocated Initiatives in Tension Reduction)

6.4.3 *Emotions*

Druckman (2003) indicates that positive emotions and good feelings are beneficial in negotiations. Research by Carnevale, Isen and Baron demonstrates that positive emotions reduce the use of contentious tactics and produce a stronger willingness to make concessions (as cited in Druckman, 2003). The display of positive emotions have a particular effect when following tough postures.

6.4.4 *Tactics*

A key bargaining tactic consists of presenting two faces. Research by Hilty and Carnevale demonstrates that having a cooperative and a competitive posture is more effective in producing optimal agreements than consistent cooperation or competition (as cited in Druckman, 2003). This can be achieved by different negotiators displaying different postures, or the same negotiator displaying both soft and hard postures over time. Another bargaining tactic is the use of rewards, or making concession without reciprocity. This tactic leads to quick, sub-optimal agreements (Druckman, 2003).

6.5 Outcomes

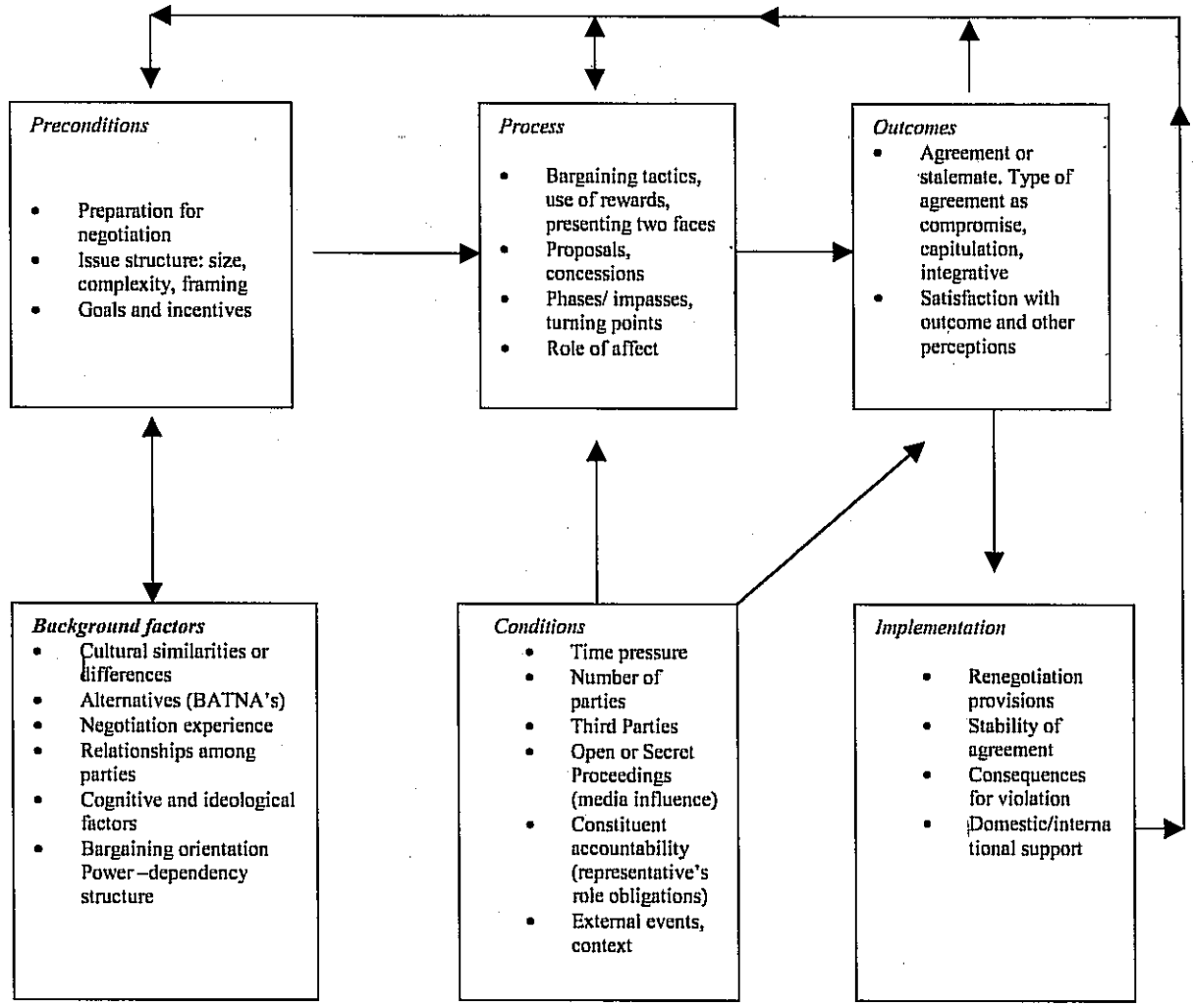
The following sub theme for the variable 'outcomes' is discussed: Agreement or stalemate

6.5.1 *Agreement or Stalemate*

Agreement and stalemate are both outcomes of a negotiation process: the former refers to an end to negotiations where parties do reach a settlement, and the latter to an end of negotiations where parties do not reach a settlement (Thompson, 1998). There are three different categories of agreements: integrative agreements, agreements bases on capitulation, and agreements as compromise. When all potential resources are utilized by parties, and the negotiated outcome is efficient, the agreement is characterized as integrative. There are three levels of integrative agreements. The first level reflects mutual settlement; the second, integrative outcome A compromise agreement is a midpoint agreement between two processes of negotiation.agreements;

and the third, *pareto optimal*, reflects the maximum settlement demonstrably superior to other feasible . Figure 1.1 summarizes influences and processes of negotiation.

Figure 1.1 A Framework of Influences and Processes of Negotiation



Source: Figure 11.1 A Framework of influences and processes of negotiation, From Druckman (2003), p.200

7. Application of Druckman's Negotiation Framework

This study applies the variables listed under background factors, preconditions, process, conditions and outcomes to a) the Spanish accession negotiations to the EC b) negotiations for the 1978 Spanish Constitution, and c) Fontainebleau European Council negotiations. The application of the above mentioned variables, aims to analyze their impact on the negotiation sets. As for the Spanish accession negotiations to the E.C., cognitive and ideological factors applied as part of background factors are the meaning of Europe for Spaniards and the meaning of Spain for Europeans. The

application of the variables is supplemented by a look at the formation of cognitive images regarding Spain and opinion poll results in France, Germany and Britain on attitudes concerning Spanish entry. The goals and incentives assessed as part of preconditions include Spanish reasons for joining the European Community.

Phases, impasses, bargaining tactics, and turning points are the process related sub variables evaluated in the context of Spanish-EC entry negotiations. The addresses of parties are introduced in order to illustrate the use of presenting two faces as a bargaining tactic. The two deadlocks caused by France are assessed in relation to their impact on the process. The impact of a turning point on a negotiation process is demonstrated by a detailed analysis of Spain's transition from dictatorship to democracy.

The study looks at the conditions such as external events and context for both parties. In regard to Spain, conditions such as economy, terrorism, and political developments are assessed. As for the EC, the study looks at the inter community developments during the seventies and eighties.

The outcome of the Spanish entry negotiations to the European Community, namely the Treaty of Accession is studied in regard to its structure. The study looks at whether or not the Treaty of Accession reflects an integrative agreement.

Regarding preconditions in the constitutional negotiations, goals and incentives are evaluated with an emphasis on the role of the process as a tool for consolidating democracy. Alternatives, the relationship among parties and bargaining orientation are evaluated as background factors. Concepts such as a perceived need for success in constitutional negotiations, the meaning of consensus in the post Franco Spain, and the Union of the Democratic Center's (UCD) style of governance are emphasized when illustrating the background factors mentioned.

In regard to condition, the study evaluates the impact of external events and context by assessing the following factors: the dynamics of political parties, democratic transition, political violence, national reconciliation, elections, the role of army, the role of the King, the return of the Catalan leader, Moncloa Pacts, and Spain's economic situation. Another concept studied is the secrecy of proceedings and the impact of violating the secrecy principle by leaking the information to the press. The process of the constitutional negotiations is analyzed by closely examining the use of presenting two faces as a bargaining tactic, by a specific negotiator. The impasse between the Union of the Democratic Center and Basque National Party (PNV) is

assessed, looking at factors that contributed to the deadlock. Finally the outcome of the constitutional negotiations is discussed, taking the text of the 1978 Spanish Constitution as a basis for discussion.

Preconditions evaluated for the Fontainebleau European Council negotiations emphasize the French presidency's preparation for the European Council meeting, the complexity of the British budgetary problem, goals and incentives for Britain, Germany and France in relation to the Common Agricultural Policy and Budget. The purposeful leakage of information to the press and its impact to the negotiation process is evaluated as part of conditions to the negotiation. Developments in Britain, West Germany and France are looked at as parts of external events and context. The context of the negotiations is also evaluated by offering an introduction to the British Budgetary Problem and providing an overview of European Council meetings preceding Fontainebleau. The Best Alternative to negotiated agreement publicized by Germany and France , the special relationship between Germany and France, and the power and dependency structure of the Council are analyzed as various background factors.

As to the process, the study closely examines the bargaining tactic of presenting two faces used by Germany and France, in form of hard negotiating tactics and collaborative negotiating behavior

8. Outline of Thesis

The following chapter looks at the primary negotiation process; the official adhesion negotiations between Spain and the EU and applies sub themes of five main variables of Druckman's negotiation framework to the case. Although the study mainly focuses on the time period between 1977, and 1985, Spain-EC negotiations during the Franco period are not excluded from the analysis in order to demonstrate how structural change in the Spanish political system, from dictatorship to democracy, acts as a turning point in the negotiation process. The life cycle of Spain EC negotiation process is illustrated in six phases and two impasses: The commencement of negotiations, low level negotiations, initial phase of negotiations proper, first deadlock, first phase of development in negotiations, second deadlock, second phase of development in negotiations, and final series of negotiations concluding with an accession treaty. Agriculture appears as the most prominent issue of negotiations.

The third chapter looks at one set of negotiations that took place within Spain prior to adhesion; constitutional negotiations between political parties. Again sub themes of Druckman's five main variables are applied to the case. The four level pyramid like negotiation structure formed through negotiations carried out by the subcommittee of the Congress of Deputies, Committee on Constitutional Affairs, Congress of Deputies, and Senate Subcommittee on constitutional affairs is illustrated in the chapter. Prominent issues include the relationship between church and state, role of monarchy, and degree of political and administrative autonomy of various regions (Gunther, Suni and Shabad, 1998).

The fourth chapter covers the Fontainebleau European Council of June 1984. The negotiation between France, Germany, and Britain over the British Budgetary problem is examined, underlining the distributive nature of the negotiations. The significance of the meeting in relation to the Spanish accession negotiations are emphasized. The study highlights the outcomes of the Fontainebleau European Council concerning budgetary imbalances, resources and enlargement, financing of the 1984 budget, dismantling of positive monetary compensatory amounts in the Federal Republic of Germany, social policy, a ' people' s Europe, and the formation of an *ad hoc* Committee on institutional affairs. The integrative and distributive aspects of the agreement are examined.

The concluding chapter includes a comparative analysis of the application of backgrounds, pre-conditions, conditions, process and outcomes tracing patterns of similarity and difference.

Chapter 2: A General Context of Negotiations and Analysis of Spanish Accession Negotiations

1. Introduction

This chapter addresses the Spanish negotiations to the E.C, in two different periods; the rapprochement between Spain and Europe during the Franco dictatorship, and the Spanish accession negotiations following democratization. Spain's incentive for joining the European Union was two fold. Firstly Spain wanted to be a member of the European Community to secure its democracy, and secondly Spain carried a strong European vocation which can be traced back to the 30ies. The Franco regime had also opened up during its last years, turning Spain's face towards Europe. Change was the catchword for both Spain and the E.C during the period between 1979 and 1986. Spain was going through democratic transition. Similar to the chance in Spain, the EC was also at a stage of development. The European Commission's 1979 ' Progress Toward European Union' report underlined issues such as the Treaty of Accession with Greece, the first direct elections to the European Parliament and the inauguration of the EMS (Dinan, 1994). In February 1984 the draft treaty of establishing the European Union was prepared (Dinan, 1994). Thus it can be concluded that both parties of the primary negotiations (Spain-EC entry negotiations) experienced an inner structural change, which in turn had an influence in their negotiating behavior. For example Spain wanted to be a member of the E.C. because membership would stabilize its political system. Likewise the difficulties and aspirations of institutional change in the European Community, sometimes eased negotiations, and at times rendered them difficult.

Secondarily, during the time frame selected, Spain and the EC both display that negotiation plays an important role in their inner party governance. In regard to Spain we see that consensus at the elite level was a significant aspect of the country's democratic transition (Gillespie, 1990) Consensual decision making can be mentioned as a characteristic of the Suarez government that took office in 1976 by the appointment of the King, and was elected in 1977. Consensual decision making included consultation of party leaders on the making of the 1978 constitution and socioeconomic issues (Gillespie, 1990) . It is argued that the Spanish transition had a negotiated nature (Share, 2002). From the beginning transition to democracy was negotiated with the

Francoist reformers, making negotiation an inseparable element of the new Spanish political machine. The most important sets of negotiations led by the Suarez government are the constitutional negotiations, and the negotiations for socioeconomic pacts. To sum up the new Spanish government had a priority of achieving consensus, and the way to achieve consensus was through negotiation.

In regard to the European Community intensity marks the negotiating practice. The fact that the Council meets at ministerial level over 60 times a year, reflects the intensity of negotiations. Proposals forwarded to the council by the commission also increased from 339 to 608 between 1975 and 1986, again accounting to the intensity of negotiations (Wallace, 1990). Appendix I demonstrates the proceedings of the Spanish-EC accession negotiations.

2. Spanish EC Rapprochement during the Franco Period

The time period between 1957 and 1975 corresponded to modernization of the Franco regime. The Opus Dei [2] technocrats who were appointed at several ministries, worked for the opening of the Francoist regime (Share, 2002). In economic terms, they sought economic reform, illustrated with the 1962 Plan of Development. The Opus Dei wanted to integrate Spain into the international capitalist economy. The desire of integration was not limited to economic terms. Ending the long isolation of Spain from western nations was also a top priority for the Opus Dei (Carr 2001, Juste 1998). Thus prior to General Franco's death in 1975, a rapprochement with the European Community was observed. The assignment of a Spanish ambassador to the E.C in 1960, is a very good example to the European vocation of the Franco regime governed by Opus Dei technocrats (Angoustures, 1995). The Franco dictatorship perceived full integration with Europe as a necessity. The regime desired to maintain or increase exports to the EC zone. (The EC zone was the principle market of Spanish exports), and this was only possible by a forming a structural link with Europe. The establishment also had political interests in the EC The establishment perceived that forming links with the EC would strengthen the regime. The principles of Catholicism, anticommunism and belonging to a European vocation were also highlighted in the rhetoric used by the regime wanting to turn westward (Juste, 1998) .

[2] *Opus Dei* (God's Work), a secretive catholic organization founded in 1928. Opus Dei technocrats were influential in the opening of the Francoist regime.

However the regime's European vocation was not sufficient for the commencement of accession negotiations, since the European Community, in principle, refused to negotiate membership with a non democracy. An examination of requests and responses is essential in understanding the pattern seen in the rapprochement. Prior to the country's official request of opening accession negotiations, Spain's foreign minister underlined the possibility of a status of association, similar to that of Greece in a speech that he gave in 1961. The Birkelback address (15.1.1962) of the EC underlined geographic, economic, and political conditions for adhesion. The address pointed out the use of regional systems such as customs union, zone of free trade, and possibility of commercial agreements (Juste, 1998). Thus with the Birkelback address the EC conveyed to the other party that negotiations could be on commercial agreements and not on accession. The EC had made it clear that accession negotiations with non democracies was not an option. The 1950 resolution of the Consultative assembly of the Council of Europe listed free elections, and the establishment of a constitutional regime as prerequisites. Position adopted by the European Parliament in June 1962 also underlined that only democratic states could be members of the community.

Spain's officially requested the opening negotiations on possible Spanish entry to the EC with the *Carta Castiella* dated 9.II.1962. There was no act of reciprocity to the first demand, except a formality letter of response. Spain made a second request (14.II.1964) two years later. Issues brought up in the second request were the Plan of Stabilization and the Plan of Economic and Social Development implemented by Spain. The request underscored that the plans had the objective of achieving compatibility with principles outlined in the treaty of Rome. The Council of Ministers of the EC responded by an authorization of the opening of negotiations with the goal of examining the economic problems and finding appropriate solutions. Thus, the EC set the ground where the negotiations were headed, underlining what was possible and what was not. Spain's aspiration point was full integration as mentioned before. However what the EC offered was higher than Spain's least desirable outcome, which meant no negotiations at all. Thus, the exploratory talks started in 1964 and concluded with a preferential trade agreement at 1970. The preferential trade agreement created a zone of free trade between Spain, member states, and associates (Juste, 1998). The talks that lead to the preferential trade agreement experienced technical and political difficulty. Spain's form of government; dictatorship, was the most tangible handicap. Again, using a

negotiations analytical framework, Spain's initial demand was membership, and what it received at the end of the negotiations was the 'preferential trade agreement.'

Spain had reservations regarding the trade agreement. The administration thus requested renegotiation based on the existing agreement, introduction of necessary modifications concerning economy, readjustment of the agreement, concessions in favor of Spanish agricultural exports. An interesting note, the different items in the request include many repetitions.

The Opus Dei technocrats had not achieved full integration as desired, however they formed the initial grounds of the relationship that the democratic governments to come would build on. Following, General Franco's death in 1975, Juan Carlos became King of Spain. The King appointed Adolfo Suarez as Prime Minister in June, and law on political reform was passed by referendum in December. Spain held its first democratic elections in June 1977, which resulted with a victory of the Union of the Democratic Center (UCD) and Suarez became the elected Prime Minister. (Perez-Diaz, 1999)

3. Spain-EC Negotiations after Democratic Consolidation

The new democracy had a strong belief that E.C membership would reinforce democracy, contribute to the solution of the nationalities question, transform social reality of the country, and highlight Spain's international position. Thus, the expected outcomes of membership formed Spain's interest in starting negotiations.

As to the E.C, the structural obstacle, namely Spain's type of government, was out of the way since the transformation to democracy had taken place. The E.C held the position that a democratic Spain belonged among European countries. As a matter of fact, Spain entered the Council of Europe in 1977, right after democratic consolidation.

After an introduction to the parties' positions following the establishment of democracy, let us look again at the identity of the parties. It would be an oversimplification to continue an analysis on a two primary party basis. Especially in the negotiations after democratic consolidation in Spain, we see that the EC is represented by its various institutions such as the presidency and commission . Issues are sometimes simultaneously negotiated with different institutions of the E.C. Thus, each institution can be seen as a primary party. Regarding Spain, the Suarez government initiates the negotiations, which are later on followed by the Gonzales government.

Similar to the track followed before, this thesis proceeds with an analysis of requests and responses. In 1977, Spain, under the Suarez government, requested adhesion. The position of the country was also clearly outlined in this formal request which read " Our hope is that the negotiations proceed in a reasonable time table and reach mutually satisfactory results". [3] A response by the President of Council of Ministers H. Simonet followed. (20.IX.1977). However, again negotiations were not started. As a reaction to the delay in the start of negotiations, the Spanish Foreign Minister gave an address in 1978 and outlined his country's specific positions concerning specific issues. In his speech the Minister underlined that Spain expected an agricultural policy that balanced the distance between the north and south, a fishery policy that allowed the utilization of Spain's membership application, a commercial policy that could resist protectionism, an economic and monetary union that could stabilize the markets of foreign exchange, policies that allow the use of the Spanish membership application, regional policy that revalorizes the importance of intermediaries and municipalities, immigration policy that addresses problems of Spanish immigrants. The speech concluded with the following remarks " Spain does not accept an adhesion process with phases, nor a regime of pre adhesion"[4] laying the conditions on the negotiation table. [5] Interestingly, the address not only covered Spain's positions regarding adhesion negotiations but also highlighted Spanish positions on the inter institutional debate. For example, the address reiterated that Spain in favor of the majority voting system (Juste, 1998)

The adhesion negotiations commenced in 1979. The EC for its part put the *acquis communitaire* on the negotiating table. Despite the good will of both parties, negotiations did not continue smoothly. France blocked the negotiations, first in 1980, and then again in 1983. At a visit to Madrid in June 1982, the French President expressed his views regarding Spanish accession as such : ' under existing

[3] Fr. Bulletin of European Community. No 7/8 (1977), pg 6, cited as source by Juste, A.M. (1998), p. 86
[4] Fr. Diary of Senate Sessions, 1978, pg 456-457, cited as source by Juste, A.M . (1998), p.86
[5] The quotes 32 and 33 are translated from the Spanish by the author of this study
[6] Fr. Nicholsan and East, *Enlargement*, p.222 quoted by Dinan, D. (1994), p.133

circumstances accession would mean an unfortunate state of anarchy, adding new pressures to those already facing the communities' [6]

France was particularly against Spanish accession since it would increase the Community's agricultural area by 30 % and its farm work force by 25%. This development would bring about direct competition between France and Spain in the production and sale of fruit, vegetables, and olive oil. (Dinan, 1994) The attempted military coup in Madrid, in February 1981 reminded Europeans of the political imperative of Spanish accession. (Dinan, 1994). The European Parliament declaration, which was made following the military coup attempt, underlined responsibilities of the community in providing the continuity of democratic forces in Spain and called for the competent institutions to adopt the necessary measures to accelerate adhesion negotiations. The military coup acted as a facilitating factor for the continuity of negotiations during the first deadlock, but the negotiations experienced a second impasse in 1983.

Felipe Gonzales reacted to the second deadlock in the negotiation process by writing a letter to heads of state of ten member states. (1983). In this letter he reminded the decision of the Stuttgart Summit and underlined that after the Stuttgart Summit, overcoming the intercommunity crisis and enlargement are parts of the same political project. Gonzales also mentioned that adhesion to the community is top priority and called for a clear attitude from member states and institutions. He requested integration of Spain to the community in a reasonable time.

French president François Mitterand replied to Gonzales's letter in December, 1983. Issues for France in Mitterand's letter are listed as the following: markets of fruits and vegetables, viniculture and fishery, internal disposition of tomatoes to the Community of 10, having in mind the eventual enlargement. (Juste,1998)

Finding a middle ground between the Spanish and French positions was the main challenge of the negotiators. In other words, the bundle to untangle in the negotiation process was the France factor. An informal meeting among the Socialist Ministers of the Mediterranean EC member countries and applicants that took place on 16, 17 October 1983, set the ground for a breakthrough in the agriculture issue . The EC Bulletin of 1983 points out that the Luxembourg meeting that took place two days

[6] Fr. Nicholsan and East, *Enlargement,* p.222 quoted by Dinan, D. (1994), p.133

after the informal meeting of the socialist Prime Ministers, resulted with an agreement among agriculture ministers to organize the communities fruit, vegetable, and oil markets (as cited in Dinan, 1994)

Fisheries constituted another area of dispute between France and Spain. . Under the common fisheries policy , the EC was trying to limit the access of the Spanish fishing fleet which was larger than the combined fishing fleets of member countries. The fisheries dispute between France and Spain surfaced when French patrol boats fired on two Spanish trawlers which were within the Community's 200 mile fisheries limit. The Spanish government responded by lodging an official complaint in Paris. Spanish fishermen, for their part, attacked foreign trucks, and the truck drivers blockaded the Spanish border (Dinan, 1994). The fisheries dispute continued until early 1985. Interestingly, it was the settlement of the British Budgetary question at the Fontainebleau Summit that put Spanish entry negotiations back on track, rather than a break through in the primary negotiation process itself (Dinan, 1994).

Finally, the EC sought to eliminate the 'threat' of Spain's entry by persuading Spain to agree to the following points: ten year transition period for Spanish agricultural exports, seven year transition period for freedom of movement, seven year transition period in free trade of industrial goods, and a sixteen year transition period to full access to E.C fishing grounds (Bidelaux and Taylor, 1996).

4. Application of the Framework

In this chapter, the variables preconditions, background factors, conditions, processes and outcomes, and their sub themes are applied to the Spanish accession negotiations to the EC.

4.1 Preconditions

Spanish goals and incentives related to the outcome of accession negotiation are studied as preconditions

4.1.1 *Goals and Incentives*

Spain's reasons for joining the European Community are discussed as an example to goals and incentives.

Reasons for Joining the European Community

The democratic political forces of Spain interpreted accession to the European Community as a guarantee of democracy (Juste, 1998). In his book, *Espana y el Proceso de Construccion Europea,* Juste expresses the reasons to support accession to the E.C. Primarily, Juste accentuates the net contribution of the accession process to the legitimization of democracy among the Spanish elite and in the Spanish public opinion. He highlights the consensus among democratic political forces that accession to the community would be a guarantee for the continuation of the democratic system in the country. Secondly, the expectation of integration with Europe strengthened Spain's hand in issues concerning the regions, by toning down the confrontation between the central administration and regional autonomies. Post Francoist Spain's attempt to reconcile aspirations of Catalans, Basques, Galicians, Asturians, and Castilians by shifting power to autonomous regions, coincided very well with the E.C concept of 'Europe of the regions' (Bideleux & Taylor, 1996). Thirdly, Spaniards expected integration with Europe to radically transform the social reality of Spain by modernizing Spanish political culture. The Spaniards also perceived the adaptation of the finance and production structures, as a positive impact of Spain's entry negotiations with the EC. Finally accession to the EC was perceived to resolve an important Spanish foreign policy issue, by determining the country's international position. (Juste, 1998)

Exports were a crucial issue in the package of benefits of accession . President Felipe Gonzales had stated that Spain sold 50% of its total exports to the European community as one of the reasons for joining the EC (Fuentes 1986). Since Spain had lower prices than the set E.C levels in agricultural products, it had the ability to gain more from its agricultural production (Klein, 1998). As a concluding remark, finance and economy wise, the European Community had thus become anonymous with economic security, growth, more foreign capital, and monetary aid from the EC

4.2 Background Factors

The study highlights Spain's perception of Europe, and the European countries' perception of Spain, since perception of the other constitutes a significant aspect of cognitive factors. How a party sees the other, has an impact on negotiating behavior. After a review of perceptions, the study continues with an analysis of how the European perception of Spain was formed. The role of the Spanish cinema, during the

accession negotiations, plays an important part in constructing the image of Spain, which in turn influences how Spain is perceived by Europeans.

4.2.1 *Cognitive and Ideological Factors*

How the two parties, Spain and European Community member states perceived Spanish accession to the EC is discussed as an example to cognitive and ideological factors.

Spain's Perception of Europe

During the period of democratic consolidation (1975-1985) Europe carried a special significance for Spain. Spaniards associated accession to the European Community with the functioning of the Spanish democracy, securing Spanish exports, facilitating the choice of products, overcoming the economic crisis, a strengthened agriculture, and a betterment Spain's position in the world (Juste, 1998). Spaniards believed in the idea of a 'return' to Europe. The feeling that Spain was already a part of Europe, yet separated from it, due to political problems was dominant among Spaniards. Unlike many other candidate countries, there was not a debate on whether or not to join the European Community. Rather, becoming a part of Europe, or returning to Europe as Spaniards saw it, was a national priority, supported by all political parties and the civil society. At 1978, during its second National Congress the UCD (*Union de Centro Democratico*) reaffirmed the three directions of Spanish foreign policy: Europe, democracy, and the West. At 1979 the European vocation was supported by all forces of the Parliament. (Juste, 1998) . The resolutions of PSOE's (*Partido Socialista Obrero Espanol*) October 1981 Congress also reflect a strong European conviction. For the socialists, the idea of Europe was equivocal with the ideas of liberty and democracy (Juste, 1998)

What Accession of Spain Meant for Europeans

How Europeans perceived Spain or Spanish accession can be analyzed in a few ways. This study looks at Euro-barometre poll results in three distinct countries: France, Germany, and Britain to gain an understanding of the European public opinion on Spanish accession. In order to have an insight of the cognitive images about Spain, the study analyses images of Spain during the period of official negotiations.

France's Perception of Spanish Accession:

France mainly feared the economic aftermath of Spanish accession. Producers of Mediterranean farm products and also steel, coal, automobile, textiles and footwear industries can be listed as the sectors that were uneasy about Spanish entry (Bideleux and Taylor, 1996). Attitudes towards Spanish membership in Europe were measured by euro-barometre surveys conducted in Autumn 1977, Autumn 1978, Spring 1980, and Spring 1985. A two-fold question was directed at interviewees, aimed at measuring how Spanish membership was regarded for one's own country and for Spain. The surveys conducted in 1977 and 1978 reflect that mostly RPR voters and Communist party voters opposed Spanish accession. On the other hand Spanish accession was regarded as beneficial by UDF supporters (Euro-barometre, 1979).

According to the opinion survey of Autumn 1977, 33 % of French nationals that took part in the survey saw Spanish membership as beneficial for own country, 20 % saw Spanish membership as harmful for own country, 27 % replied neither beneficial nor harmful, and 20 % did not have an opinion on the issue (meaning replied 'I do not know'). As to the results of the opinion survey conducted in Autumn 1978, 26 % perceived Spanish accession as beneficial, 20 % as harmful, 36 % replied neither beneficial nor harmful, and 18 % did not have an opinion. The Autumn 1978 survey also reflects that 74% of the French nationals that took part in the survey think that Spanish accession is beneficial for Spain, 2 % think that it is harmful for Spain, 8 % perceive Spanish accession as neither beneficial nor harmful for Spain, and 16 % does not have an opinion (Euro-barometre, 1979).

An interesting observation is that support for Spanish membership was more widespread among opinion leaders. Support among leaders had fallen between autumn 1977 and autumn 1978. The perception of Spanish membership as beneficial for own country reflected in the 1977 survey by leadership rating in France, ranging from non leaders to leaders is as such: 24 % (non leaders --), 31 % (-), 40 % (-+) and 40 % (leaders + +) . The perception of Spanish membership as beneficial for own country reflected in the 1988 survey by leadership rating in France on the other hand is as such: 20 % (non leaders --), 24 % (-), 28 % (+), and 35 % (leaders + +) . The perception of Spanish membership as beneficial for Spain reflected in the 1978 survey is as such: 56 % (non leaders --), 74 % (-), 80 % (+), and 86 % (leaders + +). The results indicate a

weighted average. Table 2.1 illustrates attitude towards Spanish membership in France, related to voting intentions in national elections of 1978.

Table 2.1 French Attitude towards Spanish Accession

	For own country				*For Spain*				
Base	*A good thing*	*neither bad nor good*	*a bad thing*	*don't know*	*A good thing*	*neither bad nor good*	*a bad thing*	*don't know*	
Parti-socialist unifié (far left)	(18) %	(42) %	(19) %	(21) %	(80) %	(12)%	(2)%	(5)%	(48)%
Parti Communiste (P.C.F)	26	28	32	14	71	12	6	11	118
Parti socialiste (P.S et Radicaux de Gauche R.G.)	27	39	20	14	78	8	2	12	385
Ecologistes	29	42	11	18	78	4	-	18	56
Parti Républicain (U.D.F)	38	36	12	14	87	5	-	8	133
Démocrates sociaux (U.D.F)	(40)	(30)	(16)	(14)	(69)	(7)	(9)	(15)	(38)
Radicaux (U.D:F)	(21)	(48)	(11)	(20)	(83)	(7)	(-)	(10)	(27)
Rassemblement pour la republique (R.P.R	28	35	23	14	72	7	3	18	132

Source: Part of Table 59 *Attitude to Spanish Membership of the community related to voting intentions in national elections* printed in Euro-barometre No.10, p. 112, January 1979

The opinion survey conducted in 1980 focuses on the public knowledge in Europe of the candidate countries. When asked which South European countries were demanding accession to the European Community, 57 % of French nationals that took part in the survey could site Spain. When asked whether they had the chance to visit

Spain in the last 10 to 15 years, 36 % of French nationals that took part in the survey replied 'yes'. (Euro-barometre, 1985)

Awareness of Spain's accession process together with Portugal's was again tested by a public opinion Survey in 1985. 70 % in France named Spain and Portugal, 13 % named Spain or Portugal, and 17 % did not name either of the two or did not reply. (Euro-barometre, 1985)

Regarding positions for and against Spanish accession in France, 10 % were strongly for, 34% somewhat for, 17 % somewhat against, 10% strongly against and 29% did not know according to the October 1983 opinion survey. The March-April 1985 public opinion survey indicated that 17 % of the French interviewees were strongly for Spanish accession, 41 % were somewhat for, 19 % were somewhat against, 9 % were strongly against and 14 % did not know (Euro-barometre, 1985)

Political inclinations and attitude in France to Spanish membership at 1985 is as illustrated in Table 2.2

Table 2.2. Political Inclinations and Attitude towards Spanish Accession in France

		Left	Centre	Right	Extreme right
Strongly for		20 %	14%	15%	21%
Somewhat for		49	43	39	33
Somewhat against		19	21	23	12
Strongly against	13	5	9	10	19
Don't know	8	7	13	13	15
Total	100	100	100	100	100
Index	2.84	2.91	2.71	2.67	2.65
N	89	2G7	359	195	51

Source: Table titled *The French and their attitude to Spanish accession according to their political leanings* printed in Euro-barometre 23, June 1985, p 37

An interesting observation is stated at euro-barometre report number 23. The report underscores that the strong opposition by the Communist Party and the Rassemblement pour la République to Spanish accession has not influenced the mass of the population.

Another question asked at the March/April 1985 Survey is whether Spanish accession is a bad thing for the community. According to the results 39 % of the French respondents perceived Spanish accession as a good thing for the community, 29 % perceived it as neither good nor bad, 18 % perceived Spanish accession as a bad thing for the community, and 14 % did not know. (Euro-barometre, 1985)

German Perception of Spanish Accession

Compared to other European nationals, Germans had a positive attitude towards Spanish accession. Generally Germans shared the view that accession would have a positive affect for their country The euro-barometre public opinion survey conducted in Autumn 1977 indicates that 48 % of the German respondents perceived Spanish accession to the Community as beneficial for own country, 8 % perceived it as harmful , 27 % perceived it as neither beneficial nor harmful, and 17% did not have an opinion (meaning answered I do not know) (Euro-barometre, 1979) According to the public opinion Survey conducted in Autumn 1978, 37 % of German respondents perceived Spanish accession to the E.C as beneficial for own country, 12 % perceived it as harmful , 32 % perceived it as a neither beneficial nor harmful, and 19 % did not have an opinion. Again at Autumn 1978, 72% of German respondents saw E.C accession as beneficial for Spain, 2% saw it as harmful, 10 % perceived it as neither beneficial nor harmful , and 16 % did not have an opinion.

The German perception of Spanish membership as beneficial for own country at 1977 ranging from non leaders to leaders is as such: 31 % (non leaders - -), 49 % (-), 53 % (-+) and 58 % (leaders ++). The 1978 results demonstrate 26 % (non leaders --), 36 % (-), 43 % (+) and 52% (leaders ++). The German perception of Spanish membership as beneficial for Spain at 1978 ranging from non-leaders to leaders is as such: 60 % (non leaders --), 72 % (-), 77 % (+) and 81 % (leaders ++) (Euro-barometre, 1980) The results reflect weighted averages. Table 2.3 illustrates German attitude towards Spanish accession in relation to voting intentions in national elections.

Table 2.3 German Attitude towards Spanish Accession

	For own country				*For Spain*				
	A good thing	Neither good nor bad	A bad thing	Don't know	A good thing	Neither good nor bad	A bad thing	Don't know	Base
Sozialdemocratische Partei (SPD)	43%	31%	13%	13%	79 %	10 %	2%	9 %	358
Frei Demokratische Partei (FDP)	40	31	13	16	70	10	3	17	70
Christlich-Demokratische Union/ Christlich Soziale Union (CDU/CSU)	36	34	12	18	71	10	3	16	384

Source: Part of Table 59, *Attitude to Spanish Membership of the community related to voting intentions in national elections* in Euro-barometre No.10, January 1979, p. 112

The table above illustrates that there is not much variation among German voters. However it can be noted that SPD supporters are slightly more in favor of Spanish accession than CDU/CSU supporters.

In regard to knowledge on the candidate countries, 51 % of the German respondents could identify Spain when asked to name the three South European countries demanding membership. As to personal knowledge on the candidate countries, 26 % of German respondents had visited Spain during the last 10 to 15 years. These results were obtained in the 1980 euro-barometre Survey.

Familiarity with the candidate countries was also researched at 1985. Out of the German respondents, 70% could identify Spain and Portugal, 9 % could identify either Portugal or Spain and 21% did not identify either of the two or could not reply (Euro-barometre, 1985). The results have been obtained by a weighted average. At the March April 1985 public opinion survey 25 % of the German respondents indicated that they were strongly for Spanish accession, 41 % indicated that they were somewhat for , 12 % indicated that they were somewhat against, 4% indicated that they were strongly against, and 18 % did not have an opinion. In the October 1983 public opinion survey 17 % of the German respondents were strongly for Spanish accession, 30 % somewhat

for, 13 % somewhat against, 9 % strongly against, and 31 % did not have an opinion (Euro-barometre, 1985) . As to whether Spanish accession is beneficial or harmful for the Community, 45 % of the German respondents interviewed at 1985 indicated that it was beneficial, 31 % perceived the event as neither beneficial nor harmful, 11 % perceived it as harmful, and 13% did not have and opinion. (Euro-barometre, 1985)

If we look at the variation in German public opinion from 1977 to 1985 we will see that there is an increase in negative replies and 'don't knows'

British Perception of Spanish Accession

British public opinion regarding Spanish accession is also reflected in the Euro-barometre public surveys. The autumn 1977 public opinion survey indicates that 31 % of the British respondents regarded Spanish accession as beneficial for own country, 22% regarded the event as a bad thing, 27 % perceived it as neither beneficial nor harmful, and 20% did not have an opinion. At autumn 1978, 24 % of British respondents saw Spanish accession beneficial for own country, 16 % regarded the event as harmful, 41 % perceived it as neither beneficial, nor harmful and 19% did not have an opinion. Again at Autumn 1978, 61% of the British respondents perceived Spanish accession as beneficial for Spain, 7 % perceived it as harmful, 11 % perceived it as a neither beneficial nor harmful, and 21% did not have an opinion. The results reflect weighted averages. (euro-barometre, 1979)

The British perception of Spanish membership as beneficial for own country at 1977 ranging from non leaders to leaders is as such: 23 % (non leaders --), 31 % (-), 38 % (+), 37 % (leaders + +). The 1978 public opinion survey indicates again ranging from non leaders to leaders 19 % (non leaders --), 21 % (-), 30 % (+), 31 % (leaders ++) support for Spanish accession among British respondents. The percentages regarding British perception of Spanish accession as beneficial for Spain at 1978 ranging from non-leaders to leaders is as such : 44 % (non leaders - -), 63 % (-), 69 % (+), 70 % (leaders ++) (euro-barometre, 1979). The results indicated above reflect weighted averages. Table 2.4 illustrates the attitude to Spanish membership of Britain related to voting intentions in national elections.

Table 2.4 British Attitude towards Spanish Accession

	For own country				*For Spain*				
	A good thing	Neither good nor bad	A bad thing	Don't know	A good thing	Neither good nor bad	A bad thing	Don't know	Base
Labour Party	23 %	39	19	19	56	12	8	24	407
Liberal Party	32	40	3	25	71	6	8	15	51
Nationalists (SNP Plaid Cymru, etc...)	(16)	(58)	(19)	(7)	(56)	(27)	(14)	(3)	(18)
Conservative Party	28	43	15	14	71	9	5	15	381

Source: Part of Table 59 *Attitude to Spanish Membership of the community related to voting intentions in national elections* printed in Euro-barometre No.10, January 1979

The table above demonstrates that Liberals mostly support Spanish accession.

Familiarity with the countries demanding accession was tested at 1980. Of the British nationals interviewed, 37% could name Spain among the countries demanding accession. (euro-barometre 13). In the same public opinion survey, 29 % of the British respondents stated that they had visited Spain in the last 10 to 15 years. When interviewed again at 1985 42 % of the British respondents could name Spain and Portugal, 20 % could name Spain or Portugal, and 38 % could not name either or did not reply. (euro-barometre, 1985) The results reflect weighted averages. The 1985 (March-April) public opinion survey results reflect that 18 % of the British respondents was strongly for Spanish accession, 32 % was somewhat for, 12 % was somewhat against, 8 % was strongly against, and 30 % did not have an opinion. At October 1983, 9 % was strongly for, 29 % was somewhat for, 10 % was somewhat against, 9 % was strongly against and 43% did not have an opinion. (euro-barometre, 1985) The results reflect weighted averages. As to whether or not Spanish accession was perceived as beneficial for the Community, at April 1985, 37 % of British respondents perceived Spanish accession as beneficial, 30 % perceived it as a neither beneficial nor harmful, 16 % perceived it as harmful, and 17 % did not have an opinion. (euro-barometre, 1985) Again results reflect weighted averages.

An analysis of the relationship between the poll results and the negotiation process highlights an interesting pattern. In all three countries looked at, public support for Spanish accession decreases from 1977 to 1978, and increases from 1983 to 1985. Thus once the accession negotiations start, public support in France, Germany and

Britain decreases. The decrease of public support is followed by an impasse in 1980. The negotiations experience a second deadlock in 1983. Once the deadlock is overcome the accession negotiations proceed, and agreement is reached in 1985. This development in negotiations is also reflected in an increase for support of Spanish accession from 1983, to 1985. Thus the relation does resemble the chicken and egg dilemma. At times, public opinion seems to be influenced by the negotiations, and at other times negotiations seem to be influenced by public support.

Forming the Cognitive; Images of Spain during Official Negotiations

Tracing the images sent by Spain via government publicity and private industries such as cinema, and received by Europeans in the period of official negotiations offers an understanding on how cognitive schemas regarding the other are formed.

In the sixties the tourist slogan commonly used was 'Spain is different'. This slogan intended to appeal to a desire for what was seen as the other, and what was seen as the exotic (Graham and Labanyi, 1996) . Thus, the notion of 'difference' was accepted both by the Spaniards and Europeans. In the eighties, the images of Spain were transmitted to Europe by the films of Spanish directors such as Carlos Saura, and Pedro Almodovar . Jordan underlined that it was Spain's 'Movida' (explosion of creative activity centered around youth culture , which dominated the Madrid cultural scene) generation who defined what was Spanish at home and abroad (Jordan and Tamosunas, 2000). Jordan, in what he calls the 'Almodovar affect' , articulates the 'filmic constructions' of Spain's national image. Almodovar, displayed an elevation of tastelessness, contemporaneity, hedonism, fluid identities, female centred-ness, generic mixing and an obsessive interest in sex which could have reinforced the association between Spanishness and sex, or sensuality (Jordan and Tamosunas, 2000). Almodovar also portrayed a schizophrenic dislocation that described the contemporary Spanish identity.

The second most influential director, in presenting Spain was Carlos Saura. Interestingly Saura's flamenco trilogy corresponds very well to Spain's accession process, since *Bodas de Sangre* was completed in 1980, *Carmen* in 1983, and *El Amor Brujo* in 1986. The first of Saura's flamenco trilogy *Bodas de Sangre (*blood wedding) is based on a classical drama by Frederico Garcia Lorca. The underlying themes of the drama are death and love. The second of the trilogy *Carmen,* is an adaptation of the

famous Bizet opera *Carmen*.. Saura's *Carmen* is interpreted as to reflect Spain's reconciliation with its European and internal heterogeneous *culture* (Graham and Labanyi, 1996) . The third of the trilogy *El Amor* Brujo is Saura's adaptation of Manuel de Falla's flamenco ballet based on an Andalusian ghost story. Jo Labanyi interprets Saura's trilogy as a reduction of Spanish culture to folkloric cliché, and an exposure to the constructed nature of the cliché (Graham and Labanyi, 1996). The post Franco film directors had opened the box which had been closed for years, and were bringing the hurting episodes of their history back to the surface, to the eyes of their own audience, and to the eyes of foreign audiences. Thus, as the country was negotiating accession, Spanish cinema had entered Europe, telling the story of Spain, as they had lived.

Spain is a dramatic country, ... the country of *Blood and Arena (Sangre y Arena),* and of *Wedding of Blood (Bodas de Sangre),* of *Carmen,* of Bolero, of *Fascinating Love (Amor Brujo),* of Death in the Afternoon and of *For whom the Bell Tolls*[7]

The quote above taken from a prominent Spanish political journal dated 1986, illustrates very well how Saura's trilogy found its place in the definition of Spain on the eve of accession .The discussion on images and representations can be further elaborated by Juste's treatment of the subject. In regard with the images and representations of the "Spaniard" in his book *Spain and the European Construction Process,* Antonio Moreno Juste underlines that the stereotypes went between the traditional images and the Spain of drama and of tragedy. The traditional image had a national character and encompassed the idiosyncrasy of a developing Spain (Juste, 1998). During the 20th century, Spain, or the Spaniard also signified a bursting romanticism and a search for the exotic (Juste, 1998).

In the period of isolation European contact with Spanish culture was through the Spanish community in exile. In his work, Juste highlights that the spirit of antifascist resistance, or the 'Spain of heart" described in poet Pablo Neruda's verses, for most of its part lived in the community of exile. The Spain in exile displayed an emotional character and had a significance for the European left. (Juste, 1998). So if we rephrase Juste, during the long period of isolation the Europeans were in contact with

[7] From Gooch, A "The language of Spanish Politics" *Review of Political Studies* n. 52 (1986) pg. 137 as footnoted by Juste, A. M. (1998), p. 10

the Spaniard in exile, and thus came to know what was experienced in Spain, through the stories of exiled Spaniards.

4.3 Conditions

The third variable to be looked at is the conditions of negotiation process. The external events and context shall be analyzed, for both of the parties, respectively.

4.3.1 *External events, context for Spain*

Economy and terrorism are among the factors that determined the context for Spain. As for external events the relevance of elections and the military coup attempt are discussed

Economy

In regard to Spain, by 1975 the country was facing the costs of its rapid growth. The 1970's OPEC oil crisis had a negative impact on the economy of the country. If we look at some figures of the time period, when accession negotiations took place, unemployment increased from 5 % in 1975 to 16 % in 1982. During democratic transition, the country experienced economic stagnation (From 1975 to 1982). The economy of the period can be characterized by a slowing down of growth, increase in inflation and unemployment, decrease in industrial production and investment and a budget deficit. (Almond, Dalton and Powell, 2002). When the 1982 elections were held, the unemployment rate among the Spanish labor force was 16%, translating to 2.2 million workers without a job (Pérez-Diaz, 1999). Other than experiencing an economic crisis, Spaniards were living with terrorism and struggling to democratize when official negotiations with the European Community took place.

Terrorism

Terrorism is another element which defines the Spanish context of negotiations with the European Community. The main terrorist organizations in Spain were Basque Homeland and Liberty (Eusadi ta Askatasuna, ETA) and the October First Revolutionary Antifascist Group. (GRAPO) Both groups had developed during the Francoist period. The latter withered away after 1980, but 70 % of ETA's terrorist acts were carried out from 1976 to 1980; corresponding with the initial phases of the European Community negotiation process.

Elections

From 1977 to 1982, the country was led by Adolfo Suarez's Union of the Democratic center. In the 1982 elections, the socialists had a overwhelming victory, and Felipe Gonzales became prime minister.

'Gonzales was a Europhile whose primary objective was to bring Spain into the Community. Young , personable, and extremely able, Gonzales emulated Soares by embarking on a series of visits to Community Capitals, using personal charm, political savvy, and, where appropriate, ideological affinity to make the case for Spanish accession.....'[8]

The quote above highlights the advantages Gonzales had. The fact that Spain was lead by a socialist government, when also Mediterranean member states had socialist governments acting as a facilitating factor during the impasse concerning agriculture. Table 2.7 demonstrates Spanish election results from 1977 to 1986.

Table 2.5 Overview of Spanish Elections[9]

Party(%)	**votes**	**seats**	**votes**	**seats**	**votes**	**seats**	**votes**	**seats**
	1977		**1979**		**1982**		**1986**	
PSOE	29.3	118	30.5	121	48.4	202	44.1	184
AP (CD,CP)	8.3	16	6.0	9	26.5	107	26.0	105
UCD	34.4	166	35.0	168	6.7	11		
PCE (IU)	9.4	20	10.8	23	4.1	4	4.6	7
CDS					2.8	2	9.2	19
CiU	2.8	11	2.7	8	3.7	12	5.0	18
PNV	1.6	8	1.5	7	1.8	8	1.5	6
HB and EE	0.9 a	1a	1.4	4	1.4	3	1.7	7
Others	13.3	10	12.1	10	4.3	1	7.9	4
Total	100.0	350	100.0	350	100.0	350	100.0	350
Abstention	21.4		32.0		20.0		29.0	

Source: H.R Penniman and E.M. Mujal-Leon (eds), *Spain at the Polls,* 1977, 1979, and 1982; *Cambio 16,* 30 June 1986 as cited by Gillespie, R. (1990) in G. Pridham (Ed.), p.127

[8] Dinan. D. 1994. *Ever Closer Union. An Introduction to the European Community.* Lynne Rienner Publishers. Great Britain. P: 133

[9] EE stands for only EE standing

Military Coup Attempt

The military coup attempt that took place on February 23, 1981 acted both as an external factor impacting on the negotiation process, and another element determining the context. The military coup attempt displayed by a fraction of the militarized police force taking over the parliament, was not successful, due to lack of support among majority of armed forces. The coup did not have the opportunity to achieve its ends: however it served as a reminder of the fragility of the new democratic process in Spain, against the armed forces. The coup attempt especially conveyed a strong message to France, the main opponent to Spanish accession, and facilitated overcoming the primary impasse, caused by the French agricultural concerns. The military coup attempt was also important in regard to the perceptions of the European Community as perceived in the European Parliament declaration underlining the Community's responsibility to provide the continuity of democratic forces.

4.3.2 *External Events and Context for the EC*

The mid 70's and early 80's are described with the words "euro-pessimism" and "euro sclerosis" (Moravcsik, 1998). During this period the European Community witnessed a paralysis in the decision making process, and there was a visible decline in competitiveness. The European Council of Athens that took place in December 1983 is a very good example for the paralysis in the decision making process, since the participants failed to reach an agreement on the concluding communiqué. Greenland's decision to leave , in February 1982 accentuated the state affairs for the Community. The British Budgetary Question blocked development in the European Community, since it remained as the main issue from 1979, until the 1984 Summit of Fontainbleau where it was solved. The newly elected British Prime Minister Margaret Thatcher (May 1979), held the view that Britain's contribution to the Community was more than its gain and demanded a budget rebate. Another issue dominating the agenda in the European Community was CAP reform. There was an accumulation of surplus production for which farmers continued receiving high prices.

The year 1979 also witnessed positive developments such as the first direct elections to the European Parliament, the treaty of accession with Greece, and

the inauguration of the European Monetary System which envisaged to establish a zone of monetary stability. Dinan holds the view that these developments marked the beginning of the end of the community's depression. Other factors that determined the context for the European community are the power struggle between Council and Commission Presidencies, and French Presidency which lacked direction and imagination during the first six months of 1979 (Dinan, 1994).

The mid 80ies can be associated with extraordinary transformation for the European Union (Dinan, 1994). Optimism and institutional momentum had replaced the former pessimism and stagnation (Moravcsik, 1998). The approval of the Single European Act, by heads of government in 1986 acted as the motor of transformation by launching the single market program, by establishing a complex bargaining structure as to improve the decision making process, by increasing efficiency, by achieving market liberalization and by promoting cohesion.

4.4 Process

The third variable to be examined in the primary negotiation is process. The following elements of the process are evaluated; bargaining tactics, phases, impasses and turning points.

4.4.1 *Bargaining Tactics: Presenting Two Faces*

In the set of primary negotiations, Spain uses a bargaining tactic of presenting two faces. The first face conveys positive messages to the other party, signaling Spain's enthusiasm and desire to enter the community. The second face conveys dissatisfaction with the other party. Prime Minister Felipe Gonzales's letter to heads of state of member countries, dated 1983, is a very good example to the tactic of presenting two faces. The letter conveys a positive message, underlining that adhesion to the community is a top priority for Spain. The same letter also conveys dissatisfaction with the delay in negotiations. French President François Mitterand's reply to Prime Minister Gonzales's letter, also reflects this use of two faces. Similar to Gonzales's letter, Mitterand conveys a positive message, such as French support for the Spanish accession but also lists the considerations of France regarding the negotiations (Juste, 1998).

The address Spanish Foreign Minister gave in 1978, in relation to the delay of the commencement of negotiations reflects toughness on the part of Spain and

frustration. Especially the sentence used by the minister that reads 'Spain does not accept an adhesion process with phases, nor a regime of pre-adhesion' [10] illustrates very well one of the faces presented.

4.4.2 *Phases and Impasses*

The period of rapprochement between Spain and the EC during the Franco period can be divided in two phases. The first phase is the period between Spain's initial accession request at 1962, to its second accession request in 1964. The major characteristic of this period is that no negotiations take place. There is only a request by Spain on the negotiating table. The low level negotiations that continue from 1964 to 1970 constitute the second phase. The important aspect of the second phase, is that parties negotiate on a trade agreement, and not on accession. This phase terminates with a preferential trade agreement in 1970.

Following Franco's death and first democratic elections, democratic Spain request E.C membership. The time period from democratic Spain's request for E.C. membership until the initial deadlock in negotiations constitutes the third phase. An intra European Community mechanism is put into action prior to the commencement of official accession negotiations between Spain and the EC . Following the Spanish request of membership in July, 1977 Council of Ministers of the European Community state having received the Spanish request of membership, and recommend the commission to prepare a report, known as the 'fresco'. In December formal commencement of accession negotiations is approved by the European Commission. In February, 1979, accession negotiations between Spain and the EC commence in Brussels. A general analysis of the application and adaptation of the community legislature to Spain are the issues that dominate this phase in the negotiations.

In 1980, the negotiations face an impasse caused by French agricultural concerns. In June of 1980, French President Giscard D'Estaing places the solution of inter community problems as a prerequisite for second enlargement. The attempted coup d'etat in February 1981, leads to various community bodies passing resolutions in favor of accelerating negotiations. The coup attempts also results in France reconsidering its position, and the impasse is overcome.

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[10] Fr diary of senate sessions (1978), p. 456-457 cited as footnote by Juste. A.M (1999) in *Espana y el proceso de construccion europea* , (Spain and the process of European Construction) Ariel Practicum: Barcelona, p 88

The period between March 1982 to October 1983 corresponds to the fourth phase of negotiations, and is characterized by development. Agreements in the movement of capital, harmonization of legislations, transportation, economic and financial questions, regional politics, freedom of establishment and freedom of services are reached in March 1982. In April 1983 parties agree to new points on foreign relations and customs union, and in July 1983 they agree on the monopoly issue.

The second impasse is caused by France in October, 1983. Due to its persisting agricultural concerns, France pressurizes the commencement of the agreement on agriculture, and reinforces protection of Mediterranean products. The impasse is overcome, by the agreement reached on the organization of fruits and vegetables at the European Community Council of Agriculture, in October 1983.

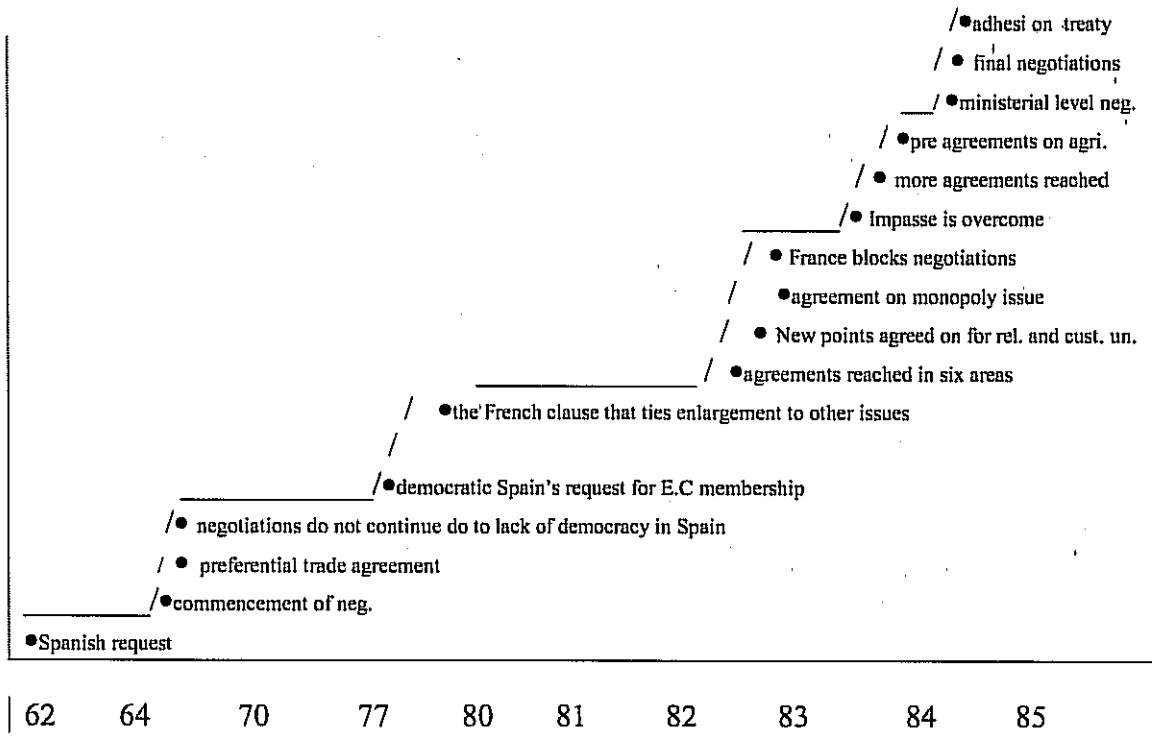
The period from January 1984 till October 1984 constitutes the fifth phase, and is characterized by development. Spain-EC fishing council reaches agreement in February 1984. In April parties reach agreement on issues concerning foreign relations and patents. However issues remaining establishment rights remain unsolved. In June 1984 parties reach pre agreement on agriculture and industrial disarmament. Following the European Council meeting of Fontainebleau (25, 26 June) where intra European problems that prevented development in accession negotiations are solved, negotiation session continue at the ministerial level, and positions of parties are clarified. This phase is also characterized with visits of European heads of state to Spain, to demonstrate their support. French Minister of Community Affairs Roland Dumas, German Chancellor Kohl, Italian Prime Minister Bettino Craxi and Dutch Prime Minister Ruud Lubbers are the foreign statesmen that visit Madrid during this period.

This phase is also characterized by brief suspension of negotiations. For example in October 1984 a brief suspension of the negotiation session takes place, due to the inability of reaching an agreement on the presentation of the global package. However this suspension can not be described as a deadlock, since it does not block the negotiating process. In December 1984 parties reach agreement on industrial disarmament, steel industry, and institutions.

February and March 1985 negotiations, constitute the sixth phase. Density of negotiations, characterize this phase. In February 1985 the European Commission presents the Committee of Permanent Representatives a proposal on agriculture, fishery and social affairs. The proposal is refused by the Council of Foreign Affairs, and Spain. In 19 February 1985, a negotiation session in ministerial level is conducted. In

this negotiation session Spain presents a document on Latin America. In 25 February, 1985 semi permanent contacts are initiated. Secretary of State, Manuel Mari visits Brussels to discuss the issue of agriculture and fishery with the Committee of Permanent Representatives and Presidency. In March president Felipe Gonzales initiates a shuttle diplomacy and discusses adhesion with French, German and British heads of state. Between March 17 and 21 series of negotiations between Spain and the EC takes place in Brussels. Again suspension of talks takes place within this phase. In similar fashion to the prior phase the suspension can not to be categorized as an impasse since it does not block the negotiating process. In this example, talks are suspended without reaching an agreement and parties decide to continue negotiations on the 25th. The negotiations at the ministerial level that take place on March 25th conclude with agreements in agriculture, fishery, social affairs, Canary Islands and the application proper. Negotiations for Spanish adhesion are essentially concluded in this phase. In March 26 and 27, parties finalize negotiations and agreement is reached on Spanish adhesion. The problem concerning Mediterranean integration Programs is the last issue negotiation between the parties (Juste, 1998). Figure 2.1 illustrates the phases and impasses of the Spanish accession negotiations to the EC.

Figure 2.1 Spanish Accession Negotiations to the EC



(adaptation of data from Juste's chronology on a negotiation table)

4.4.3 *Turning Points*

Spain's transition from dictatorship to democracy (1975-1978) acted as a turning point in the primary negotiation process in many aspects. Most importantly, it carried negotiations between Spain and the EC, from low level contact to negotiations actually targeting accession. For evaluative purposes, this study looks at what impact the turning point had on the elements of the negotiation process, such as parties, positions, and issues.

In regard to parties, one of the negotiating parties underwent a significant structural change. Democratic consolidation in Spain results in a redefinition of party due to a change of characteristics. Words such as 'consensual', and 'democratic'; replaced words such as 'authoritarian' and 'regime' when describing the party. A structural change in one of the negotiating parties (Spain) , led to a change in the

position of the other negotiating party (European Community) and also a change in issues. The European Community adopts a pro accession position following democratic consolidation, and once negotiations proceed, agricultural issues replaced the former issue of democratization.

4.5 Outcomes

The Treaty of Accession constitutes the outcome of the Spanish-EC accessions. Distinct characteristics of the Treaty of Accession are discussed.

4.5.1 *Agreement*

The entry negotiations between Spain and the EC concluded with the Treaty of Accession on the 12th of June, 1985. The Treaty of Accession reflects agreements of two different primary negotiation sets. The initial negotiation set is the entry negotiations between Spain and the EC, and the latter negotiation set is the entry negotiations between Portugal and the EC. Thus, from the European Community's point of view, the community negotiated accession separately with the two Iberian countries. Agreement on Spanish accession, and agreement on Portuguese accession that were part of the same Iberian enlargement package, concluded with the Treaty of Accession. The European Community negotiating with Spain and Portugal, as part of the same 'Iberian enlargement' package carries special significance since it can be interpreted as a deliberate E.C. tactic to decrease complexity of negotiations.

Structurally the agreement, or Treaty of Accession involves a few distinct processes. First, the treaty requires the signature of all parties. Each member state of the European Community is required to sign the treaty. This procedure can be understood as such: the parties involved in the negotiation process are Spain and the EC, the parties involved in the agreement are The Kingdom of Denmark, the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Greece, the Republic of France, Ireland, the Republic of Italy, Luxembourg, The Kingdom of Holland, The United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain, the Portuguese Republic, The European Economic Community, as well as European Atomic Energy Community. Secondly, the ratification of the treaty needs to be authorized by Spain. The law dated 2nd of August 1985, signed by Juan Carlos 1, the King of Spain, authorizes the ratification of the treaty (Juste, 1998)

The treaty of accession can be interpreted as a compromise agreement rather than an integrative one since parties agreed with a compromise rather than implementing integrative options such as expanding the pie. The agreement satisfied Spain's primary concern, becoming a part of the European Community, but problematic issues such as agriculture were tied to conditions in order to answer anxieties of member countries such as France. As a result the agreement included a ten year transition period for Spanish agricultural exports, seven year transition period for freedom of movement and free trade in industrial goods, and a sixteen-year transition to full access to EC fishing grounds and the Common Fisheries Policy. Full access to EC fishing grounds and the Common Fisheries Policy was later modified and brought forward to 1996, in the context of the European Union's 1995 northern enlargement (Bideleux and Taylor, 1996).

Another point to be made regarding the non integrative character of the agreement is that the E.C first stated that it would reduce the customs union tariffs 60 % for the totality of the industrial products, but the concession actually made was lower than the initial offer. Spain for its part reduced its customs tariffs for community products, between 25 and 60 % (Angoustures, 1995). Part of the adhesion treaty is included in the Appendix in order to illustrate the content of articles.

Chapter 3. Analysis of Constitutional Negotiations

1. Description of Constitutional Negotiations

An understanding of the Spanish E.C accession negotiations, taking themes from Druckman's (2003) framework of influences and processes into consideration was offered in the previous chapter. This chapter aims to offer an understanding of the 1978 constitutional negotiations in Spain. As stated earlier, the constitutional negotiations have a twofold significance. Primarily the constitutional negotiations are essential in consolidating democracy in the Post Franco Spain. Given that democratization is the first condition in Spanish EC accession negotiations, the constitutional negotiations serve as an inner building block for the E.C accession negotiations. In relation to the systems analysis, the constitutional negotiations constitute the initial of the secondary negotiations according to the multi layer systems analysis. From a perspective that defines a system by intra and inter negotiation sets of a party, constitutional negotiations constitute the intra negotiation set of the Spanish negotiations. Thus the constitutional negotiations make up an important part of the overall study.

The relationship of the Spanish constitutional negotiations with the Spanish EC accession negotiations can also be interpreted by taking into consideration Putnam's (1993) two level games metaphor. Putnam envisages politics of international negotiations as a two level game. The national level is described by domestic groups pursuing their interests by pressuring the government to adopt desired policies. In the national level politicians look for power by constructing coalitions among these groups. As for the international level Putnam (1993) underlines that national governments seek to maximize their ability to satisfy domestic pressures, and minimize the negative consequences of foreign developments. In Putnam's two level game metaphor, statesmen negotiate at two tables, one domestic and the other international. Thus reaching international agreement and securing domestic ratification are necessary for a successful negotiation (Moravcsik, 1993). Putnam decomposes the two level game process in two stages. The first stage includes bargaining between negotiators leading two a tentative agreement, and the second stage includes separate discussions within each group of constituents whether to ratify the agreement (Putnam,

1993). The distinction between voluntary and involuntary defection from international agreements, the contrast between issues on which domestic issues are homogeneous and heterogeneous, and the possibility of synergetic issue linkage are some of the links between domestic politics and diplomacy suggested by Putnam (1993). Under the light of Putnam's two level games metaphor, it can be stated that the Suarez government, negotiated the Constitution in the national level, and negotiated accession in the international level. The synergetic issue linkage described by Putnam is manifested in an interesting manner as such: Spain's democratization is a must condition put on the negotiating table by the European Community from the early rapprochement of the two parties. The constitutional negotiations that seek to draft a constitution also highlight democratization. To sum up democratization is a priority issue for the European Community, and political parties within Spain.

To give a brief description of constitutional negotiations, they can be characterized as an example to multiparty negotiations. As for the structure of the negotiating process, it is made up of four negotiation sessions. The draft was first negotiated by a subcommittee of the Congress of Deputies. The distribution of its seven members according to the political parties were three UCD representatives, one socialist representative, one communist representative, one representative from the Popular Alliance, and one representative of regional parties. The Committee on Constitutional Affairs conducted the second session of negotiations. The distribution of its 36 members according to the political parties were 17 UCD members, 13 socialists, two PCE members, one Catalan representative, one Basque representative, and two AP representatives The constitution text was thirdly negotiated by congress of Deputies and the final session of negotiations was conducted by the senate subcommittee on constitutional affairs. The distribution of the senate subcommittee members were as such: 25 UCD, 5 PSOE, two Catalan, one Basque, and six representatives from other groups (Coverdale, 1979).

Constitution negotiations were based on three issues: relationship between church and state, role of the monarchy, and degree of political and administrative autonomy of the various regions (Gunther, Suni and Shabad, 1988). Issues such as maintaining the monarchy, framing the principles of free enterprise in the constitutional text were priority issues for UCD. On the other hand, constitutional recognition of civil rights and socio economic issues were priority issues for the socialists and communists. The decentralization issue was of top priority for the AP , CDC (Catalan Democratic

Convergence) and PNV (Basque Nationalist Party). The AP had a strong position in maintaining the unitary state while the regional parties had strong positions in creating particular institutions for their communities.

The positions of parties regarding the decentralization issue were that the UCD and AP advocated the maintenance of 50 administrative provinces. The UCD was open to a general regional administrative decentralization. The Basque nationalists; advocated reestablishment of the traditional administrative and fiscal institutions called 'fueros' in the three Basque provinces and Navarre. The Catalans advocated an autonomous government called the 'generalitat'. The socialists and Communists also accepted the idea of autonomous Catalan and Basque governments, but advocated a general decentralization for the rest of the country (Heywood, 1999).

As to the negotiation process in the subcommittee session, the meetings took place in closed sessions. The main disagreement in this session was the differences of PSOE and UCD over constitutional provisions about the Church, education, and lockouts. During the final revisions of the constitutional text, the UCD demanded that articles on education be changed. The PSOE, on the other hand, wanted the articles on education to stay as is. As a reaction to UCD insistence on its positions, the socialist member Peces-Barba withdrew from the negotiations. However, this withdrawal seems to be a tactical move, since Peces-Barba signed the subcommittee's final report.

The issues that dominated the Constitutional Affairs Committee negotiation session were the status of the Catholic Church, lockouts, state aid and control of private education, and regional autonomy. The Committee approved 24 articles at the negotiations that had begun on May 5, 1978. However, the possibility of a deadlock in negotiations, due to the differences between the PSOE and the UCD, became evident as the committee started to discuss topics of sensitivity.

At this point, a useful tactic was implemented by President Suarez to ensure the success of negotiations. He enabled the negotiations to be brought out of the multiparty context, and given a bipartite private context so that PSOE and UCD could sort out their differences. The tactic implemented results as desired, and First Vice President for Political Affairs, Fernando Abril Matorell, and the organizational secretary for the PSOE Alfonso Guerra reached an agreement on the problematic issues during a dinner at a Madrid restaurant that lasted till 4 AM, on May 29.

The question of regional autonomy dominated the 4th of July dated Congress of Deputies negotiation session. In this session we see a bipartite negotiation between

the UCD and PNV. A compromise was reached at the end of long negotiations, but the process returned to where it started with the UCD withdrawal of the proposal. The constitution was taken for final vote on July 21. The yes votes were 258, the no votes were 2, and there were 14 abstentions. PNV deputies did not attend the voting session in order to protest against the constitution not guaranteeing the historic privileges of the region.

The final session of negotiations, the Senate negotiations started on August 9, 1978. The Senate worked over a week on classifying the amendments. Education was the issue that dominated the August 18 negotiations. UCD senators wanted to make a modification on the constitutional text in favor of private schools. Two amendments that sought to guarantee the central government's role in cultural and educational affairs were pushed by centrist senators in mid September. The move of centrist senators caused irritation of other senators. Partly as a reaction to this, the committee approved the Basque amendment. Following the Senate negotiations, the constitution went for referendum (Coverdale, 1979)

As a result, it can be concluded that although a pareto-optimal agreement was not reached, a level two integrative agreement was. Through which negotiation strategies did the parties achieve a level two integrative agreement which is difficult to obtain given the multi-party character of negotiations.

First of all, parties traded issues. To demonstrate this by an example, a party accepted giving an insincere vote on one issue, say a pro monarchy vote, in exchange for reciprocal behavior by other party (Heywood, 1999). This was possible since different issues were of priority for parties. The hardest issue to compromise on was the decentralization issue since all parties had strong positions. Party positions were different on the following issues: the maintenance of provinces, the reestablishment of particular governments for Catalonia and Basque country, and a general country wide decentralization. However, as a result of repeated negotiation sessions, with President Adolfo Suarez's input, vote trading in this issue was achieved as well (Heywood, 1999).

The final picture included the maintenance of 50 provinces. Thus, the demands of the centrists and conservatives regarding this issue were met. The historic nationalities, (Catalonia, Basque Country, and Galicia) and the other second rank regions attained different ways of access to autonomy. General decentralization was accepted for the whole country. To get to this final picture, the UCD agreed to initial

levels of autonomy for historic nationalities, in exchange of maintaining the 50 provinces (Heywood, 1999) If we look at it from the other way round, the socialists and the communists agreed to the 50 provinces in exchange for the political autonomy of nationalities. For its part, the CDC agreed to both provinces, and a general formula of autonomies that resulted in a diminished status for Catalonia in exchange for political autonomy of nationalities (Heywood, 1999)

The negotiations failed to reach a pareto-optimal level because of the inability to reach an agreement with the Basque National Party, PNV.

2. Application of the Framework

In this chapter, the variables preconditions, background factors, conditions, processes, and outcomes, and their sub themes are applied to the Spanish constitutional negotiations

2.1 Preconditions

Goals and incentives of parties are the preconditions discussed.

2.1.1 *Goals and Incentives*

Sole Tura and Aja underline that parliamentary negotiations between different groups was the only way to consolidate democracy in the post Franco Spain (as cited in Capo Giol , Cotarelo, Garrido & Subirats, 1990). Previous democratic experiments had not settled the differences of the nation. The political elite wanted to diminish the traditional conflicts between the political left and the political right, the center and the regions; the parliament was the place, and the constitution seemed to the best instrument to achieve this goal.

2.2 Background Factors

The background factors discussed include alternatives, relationships among parties, and bargaining orientation.

2.2.1 *Alternatives*

The success of constitutional negotiations, or achieving an integrative outcome, was of primary importance, given that the country was just embarking on democratic rule. Thus the success of constitutional negotiations was perceived as success,

therefore a guarantee of continuity for the democratic system. The new civil leadership had to prove the capability of itself, and its institutions in solving Spain's problems (Pérez-Diaz, 1999). It was clear that the country's leading elite did not have an alternative to negotiated agreement, and this clarity strengthened the chances of success for the constitutional negotiations.

2.2.2 *Relationship among Parties*

The theme 'consensus' determined the relationship between negotiating parties (Capo, 1986) during constitutional negotiations. The term consensus in Spain, implied a certain spirit, rather than a precise concept, and was used to focus on specific problems (Capo, 1986). In the relationship determined by consensus, parties searched for agreements in which all parties could participate (Capo, 1986). The consensual relationship among negotiating parties, contributed to the integrative nature of the negotiations.

Capo links the consensual relationship to an informal coalition between political parties. He asserts that although a grand coalition existed, it was not publicly announced by any of the parties (Capo, 1986) . The described coalition lacked precision, but its policy making model strengthened negotiation desire between leadership of the parties (Capo, 1986).

2.2.3 *Bargaining Orientation*

Bargaining orientation of the political parties that negotiated the constitution was cooperative rather than competitive. The UCD's style of governance is of particular importance, to understand the dominant bargaining orientation. The government tried to incorporate other parties and share political responsibility with pressure groups in the country such as domestic economic and regional elites (Perez-Diaz, 1999).

Pérez-Diaz uses the word 'mesogovernment' to describe the governing style and accentuates the importance of consensus formation for the new leadership. The consensus formation was carried out by government and the opposition parties' getting together with business unions and regional politicians, in order to share the responsibility of handling the issues concerning Spain (Pérez-Diaz, 1999).

Attitudes of political party leaders also reflect bargaining orientation. For example, socialist and communist negotiators Gregorio Peces-Barba and Jordi Solé

Tura demonstrated a pragmatic and moderate bargaining orientation. Catalan negotiator Miguel Roca I Junyent also displayed a collaborative negotiating behavior. Basque negotiator Xabier Arzallus is mentioned as not being moderate. Interestingly, non cooperative negotiator orientation was defined as an obstacle to progress in negotiations, and some parties made the decision to change their negotiator. For example UCD negotiator Miguel Rodriguez Herrero de Minon was replaced by José Péres Llorca. Another method of overcoming the difficulty caused by non cooperative negotiator orientation was excluding the non collaborative negotiator from negotiation sessions. For example, the AP negotiator Manuel Fraga Iribarne was excluded from the later stages of private negotiations in order to render compromise possible among other parties (Gunther, Sani, and Shabad, 1998)

2.3 Conditions

External events and context and open or secret proceedings are the themes evaluated.

2.3.1 *External Events and Context*

The dynamics of political parties are among the factors that determine the negotiating context. Lopez Nieto underlines that followers of Franco were not strong in the Parliament and. most had joined the far right nationalist party Alianza Popular (as cited in Capo Giol *et al*, 1990) . Huneus points out that Suarez's UCD had chosen a middle of the road political orientation which contributed to the mitigation of the left right conflict (as cited in Capo Giol *et al,* 1990). Mercet underlines that the Catalan nationalist party had endorsed social democratic ideas (as cited in Capo Giol *et al*, 1990). Tezanos and Maravall state that the PSOE targeted a moderate electorate (as cited in Capo Giol *et al,* 1990).

The orientation of the Communist Party is worth special attention since it contributed significantly to the consensus politics by playing an active role in the process. The Communist Party lead by Carrillo defined itself as 'eurocommunist'. Factors such as the dramatic experience of the Civil War, and the legalization of the Communist Party in April 1977 caused the party to adopt a collaborative strategy. The

party leadership declared consolidation of democracy as its main objective (Gunther, Suni and Shabad, 1998).

Certain characteristics of the democratic transition are also significant when thinking about the context since they prepared the setting for constitutional negotiations. First of all, the domestic climate of the country supported change and desired a closure of memories related to the Civil War (O'Donnel, Schmitter and Whitehead, 1986). In other words, the Spaniards wanted to leave the cleavages and violence behind. During the period from Franco's death to the June 1977 elections, 67 people died in political violence. The government had to handle violence from the extreme left, extreme right, its own police forces, and Basque nationalists (Coverdale, 1979)

The political elite of the country also shared the people's wish of reconciliation . The amnesty granted on July 31, 1976, and legalization of the Communist Party contributed the spirit of national reconciliation (Coverdale, 1979) The amnesty affected over 600 political prisoners. In the above described atmosphere of political violence, these steps towards reconciliation carry significance. Legalization of the Communist Party, especially, highlighted the government's democratic character (Coverdale, 1979). Change was also supported by various political actors such as the army an the king. The army which traditionally had a dominant role in Spanish politics was committed to a peaceful orientation. The army gave importance to respect for national unity and the functioning of the state apparatus (Pérez-Diaz, 1999). As for the Crown, King Juan Carlos is described as one of the moving forces behind political change (Coverdale, 1979)

Elections were an important event in the political life in Spain during the initial years of democratic transformation. As mentioned earlier, democratic elections of 1977 resulted with a victory of UCD. The elections results reflected that public opinion favored political moderation, ruling out options of the extreme left and the extreme right (Pérez-Diaz, 1999). Pérez-Diaz underlines that the elections results set the ground for writing the constitution and working out compromises (Pérez-Diaz, 1999). The possibility of radical politics or continuity with the Francoist legacy had disappeared with the 1977 elections. The 1977 elections also resulted in a victory for Catalan nationalists. The conservatives' immediate reaction was that Catalan nationalists would not favor negotiations. However, that was not the case. Following the elections, Catalan leader Reventos negotiated both with the King Juan Carlos and

Suarez for the return of the exiled President of the Generalitat, Joseph Taradellas, and the formation of a Catalan assembly (Coverdale, 1979). The return of Taradellas to Catalonia, had a positive impact on the constitutional negotiations. The Catalan representatives displayed a collaborative bargaining orientation during constitutional negotiations. The return of Taradellas could have translated into a collaborative bargaining orientation.

Following elections, the first consensus exercise initiated by the government was the Moncloa pacts. The negotiation behavior parties displayed during the negotiations for the Moncloa Pacts, situated the parties in a context of negotiating. Therefor a close look at the Moncloa negotiations is important in order to understand the context in which the constitutional negotiations took place.

The Moncloa Pacts was the first of the economic pacts negotiated between political parties, labor unions, and business associations. Enrique Fuentes Quintana, who was later on appointed vice president, and the Banco de Espana offered a proposal which entailed persuading the workers to accept a limitation on the increase of their salaries in exchange for a reduction in inflation, fiscal reform, reform in the area of social services, and structural reform. The interests of parties when the proposal was made carries significance. President Suarez had experienced grave difficulties in the summer of 1976 and believed that he could tackle these problems by a series of compromises between parties. The communists for their part, wanted to become a part of the Spanish political establishment. Therefore the proposal appeared as an opportunity to enter the system. The socialists were also aware of the instability in the country and sought a way out of it although their reaction to the proposal was rather ambiguous. The unions acknowledged that reinforcing democracy was a prerequisite for their own survival. They lacked the economic resources, and organizational ability to act on their own. On the other hand, they wanted to display independence from the parties. Therefore they did not openly sign the pacts although they were present at the process. It should be noted that the UGT and CC.OO were controlled by the socialists and communists, respectively (Pérez-Diaz, 1993).

Suarez assumed the leading role in the beginning of negotiations. When he invited the leaders for a two day meeting at the Moncloa Palace on October 5, 1977, he underlined the need to form an emergency plan to solve the difficulties the country is facing (Coverdale, 1979). Suarez resorted to a bipartite secretive meeting as to avoid a deadlock in the negotiation process, or, in this case, get the process started. Suarez held

secret meetings with the communist leader Santiago Carrillo to gain his support for the austerity measures that were going to be introduced by the Moncloa Pacts. Given that the communist leader was looking for an entry into the system, it was a win-win case for both Suarez and Carrillo. The support of the communist leader, also translated as support of the workers' commissions which had links with the communist party. Thus the support of the workers' commissions and the Communist Party gave Suarez the necessary means to pressure the PSOE in accepting the package (Preston, 1986).

The Moncloa pacts were a result of compromises by parties. The leftist parties agreed to wage ceilings of 20-22 percent and a series of monetarist measures that aimed at restricting credit and public spending. On its part, the government promised structural reform in the areas of agriculture, the tax system, accepted the reorganization of the police, and the return of the trade union assets confiscated by the Francoists after the Civil War (Preston, 1986).

When evaluating the Moncloa negotiations in relation to the Constitutional negotiations, the closeness of time can not be neglected. The Moncloa negotiations took place in October. As for the constitutional negotiations, the entire first draft was completed by mid November 1977. Carr, describes the Moncloa Pacts as the first exercise of consensus with the opposition (Carr, 1980). It can be furthermore stated that the first exercise of consensus, set the ground for the second exercise of consensus, the constitutional negotiations. The relationships between parties formed during the Moncloa negotiations, and the fact that the outcome of the Moncloa negotiations was an agreement served as facilitating factors for the constitutional negotiations.

Finally, looking at the economic situation in the country would be helpful in understanding the context. Three factors characterized the economic situation in the summer of 1977, a rising deficit in the balance of powers, rising inflation, and high unemployment (Coverdale, 1979). By mid September, Suarez was facing a deepening of the economic crisis. The economic crisis also caused a dissatisfaction of bankers, business leaders, labor unions, and in Suarez's UCD itself.

2.3.2 *Open or Secret Proceedings*

The Sub-Committee negotiations proceeded in closed sessions. A brief communiqué outlined the articles approved after each meeting, but the text was kept secret. This secrecy continued until the completion of the entire first draft (Mid

November, 1977). Members of the Sub-Committee wanted to continue their work in secrecy until the report to be presented to the Committee on Constitutional Affairs was ready and revision of the draft was complete. However, the information leaked and, and the draft was first published by a magazine and then a Madrid newspaper. Interestingly, the appearance of the draft in the media gave rise to public debate that was beneficial for the negotiation process (Coverdale, 1979).

2.4 Process

Presenting two faces as a bargaining tactic, and impasses are looked at as sub themes of process.

2.4.1 *Bargaining tactics: Presenting of Two Faces*

The bargaining tactic of presenting two faces is apparent at the incident of the socialist representative withdrawing from talks. Socialist member Gregorio Peces-Barba withdrew from the subcommittee as a reaction to the UCD's insistence on pushing through its amendments. Clear differences of opinion had emerged over constitutional provisions regarding the Church, education, and lockouts.

Coverdale (1979) assesses Peces-Barba's withdrawal as a tactical maneuver, highlighting that the subcommittee had completed its work by the time the socialist representative chose to leave the talks. In other words, Peces-Barba's presence at the final session would not have resulted in an introduction of changes to the Constitution (Coverdale, 1979). Coverdale underlines that the withdrawal of Peces-Barba intended to give the message that the socialists were serious in their demands, and they would only support the constitution in exchange of substantial concessions. The withdrawal served another purpose, enabling the PSOE to give its electorate the message that the features of the constitution they opposed were impositions of the UCD. Thus, Peces-Barba and socialists openly attacked the draft for a certain time. In contrast to the face presented when withdrawing from the talks, Peces-Barba presented a cooperative one by agreeing to sign the sub-committees' final report (Coverdale, 1979).

2.4.2 *Impasses*

The impasse between UCD and the Basque national party PNV, constitutes the most significant deadlock in the constitutional negotiations. The impasse was largely

because of the constitutional provision on restoration of the Basque *fueros*. The provision underlined that the respect for the historic rights of the *fueral* territories would be accomplished within the framework of the constitution. The PNV position was that *Fueros* were historic rights. It refused to the provision referring to the framework of the constitution in relation to the Fueros. For its part, the UCD opposed the complete restoration of *fueros* since the term implied acknowledgement of right to self determination (Gunter, Sani and Shabad, 1998). As a result the impasse was not overcome, an the parties failed to reach an agreement.

A few factors obstructed the parties from overcoming the impasse and reaching an agreement. Gunter, Sani and Shabad (1998) link the inability of reaching an agreement to the absence of a PNV representative in the drafting committee, and, more importantly, the absence of a PNV commitment. The PNV's lack of commitment was highly ideological. Pridham points out that the PNV refrained from embracing the constitution due to its desire of not being labeled 'espanolista' (Liebert, 1990). Therefore the PNV reiterated that historical rights were the source of legitimization of Basque autonomy and not the constitution (Liebert, 1990). ETA announced to support PNV's demands through military means and there was a rise of terrorist attacks during the negotiation process (Liebert, 1990)

2.5 Outcome

The constitutional text is looked at as the outcome of the constitutional negotiations.

2.5.1 *Agreement*

The outcome of the constitutional negotiations was the 1978 Constitution of Spain. The constitutional text was first voted at the Parliament (21 July 1978) and then approved by the public through a referendum that took place on December.

The constitution's significance was primarily because it marked an institutional and judiciary rupture between the francoist and democratic Spain. (Angoustures, 1995). It also provided a solution for the regional problem by guaranteeing autonomy , and abandoned Catholicism as official religion of the state (Carr, 1980). Pérez-Diaz asserts that the 1978 constitution symbolized national reconciliation. The constitution illustrated the accommodation between the political right and the political left, between the church and secular culture, between capitalism

and social reform, and between the center and the national aspirations of the periphery. (Pérez-Diaz, 1999). Coverdale describes the 1978 Constitution as a lasting document acceptable to most political forces (Coverdale, 1979) The Constitution that established a democratic constitutional monarchy represented a negotiated compromise between parties (Carr, 1980).

The constitutional negotiations, thus resulted in an integrative agreement. The agreement is considered as integrative since most parties needs were satisfied with the outcome and most resources were utilized during the process. Given the assumption that integrative agreements are more difficult to reach in multiparty negotiations due to the complexity of trade offs (Thompson, 1998) the result reflects success for all parties involved. The second article of the constitution which underlines the right of autonomy, and indivisibility of the nation, is a very good example of how opposing sensitivities are brought together in one sentence . As highlighted by Pérez –Diaz the constitution symbolizes reconciliation of the historical polarities of the country, and that is why precisely the agreement is integrative. The agreement can be categorized as a level two agreement, and not a level three agreement due to the inability to reach an agreement with the Basque national party PNV. Otherwise the agreement holds all the characteristics of a Pareto-optimal agreement, since it transforms or aspires to transform the relationship between different segments of the society, from enmity to reconciliation. Appendix III illustrates parts of the 1978 Constitution , in order to offer and understanding of some of the basic principles of the articles.

Chapter 4. Analysis of Fontainebleau negotiations

1. Fontainebleau European Council Meeting

The previous chapters offered an analysis of the Spanish E.C. accession negotiations, and the Spanish constitutional negotiations. This chapter addresses the negotiations between France, Germany and Britain at the Fontainebleau European Council meeting, dated June 1984. From a multi-layered negotiation system perspective the Fontainebleau European Council constitutes the latter secondary negotiation. As for a party centered systems perspective, the Fontainebleau European Council forms one set of the EC intra and inter negotiations. Time wise the Fontainebleau European Council falls to the end of the Spanish E.C. accession negotiations. The significance of the Fontainebleau European Council, in relation to our study is that it broke the impasse of the intra European negotiation process, and served as a turning point for Spanish accession negotiations by the solution of the British Budgetary Problem. Prime Minister Thatcher's demand for a rebate of Britain's budgetary contribution constituted the core of the British Budgetary Problem, which had paralyzed the European Union decision making process, blocking other issues from being resolved. The British budgetary problem had a special significance for Spanish accession. More specifically the U.K. needed to finish its budgetary problem to render Spanish accession to the E.C. possible, since Spain would require significant transfer of funds. Thus a solution of the British budgetary problem was a must condition for an outcome in Spanish E.C. accession negotiations. In fact once the British budgetary problem was solved , the Fontainebleau European Council concluded that the accession of Spain and Portugal should be completed by 30 September 1984 the latest. (Bull-EC. 6-1984; Pederson , 1998).

The Fontainebleau European Council took place at the Palace of Fontainebleau, outside of Paris. Fontainebleau Palace carries a special meaning in French history, since it was the setting of Napoleon's farewell to his generals (Dinan, 1994). Attali's diary gives account of the negotiation process at Fontainebleau. Two heads of State Mitterand, and Kohl, dominated the negotiations. Whom to hand over the Commission Presidency was one of the issues discussed. Attali states that Kohl

and Mitterand decided during breakfast on the second day , to hand over the Commission Presidency to Delors (as cited in Pederson, 1998). Despite the fact that Kohl favored a German President for the Commission, he did not insist. Attali's diary also mentions that the German Chancellor expressed that he was not against a French , president, given that the president did not oppose Kohl and Mitterand's political initiatives (as cited in Pederson, 1998). As for the British Premier, Thatcher expressed that she had no objection for Delors as president. Thatcher respected Delors who was part of the Mitterand government's initial left wing policies (Pederson, 1998). Thus EC governments named Delors to the Commission Presidency.

The most important issue to be negotiated at the Fontainebleau meeting was the British Budgetary question. First, the heads of state asked their foreign ministers to draft a resolution to the British dispute. The resolution was to be based on a rebate in the form of a fixed percentage of Britain's yearly net contribution. Thatcher agreed to 66 %. Kohl had reservations but agreed to the sum at lunch on June 26, after some concessions to Germany on the CAP (Dinan, 1994).

Attali's diary also describes the negotiation on the British Budgetary question. According to the diary, Thatcher's first proposition was a 90 % rebate. Then the British Prime Minister requested "much more than 70 percent." Attali's diary points out that Mitterand and Kohl decided on 65 % as the maximum amount of rebate, Kohl presented the position to Thatcher, as the position of the nine, Thatcher requested 66 %, and the amount of agreement was determined as 66% (as cited in Pederson, 1998). Thus, the British Budgetary problem was solved.

As for matters related to the central theme of "relaunching Europe", a working group presided over by the Irish Senator James Dooge, was asked to prepare suggestions on the improvement of the functioning of the European cooperation (Pederson, 1998). In this way, the *ad hoc* Committee on institutional affairs, later on known by the name of it's chair, James Dooge, was set (George and Bache, 2001). Regarding the formation of a people's Europe, Adonnino was asked to prepare proposals under the title "Europe of the Citizen" (Pederson, 1998)

2. Application of the framework

2.1 Preconditions

Preparation for negotiation, issue structure, size, complexity, and framing, goals and incentives are evaluated

2.1.1 *Preparation for Negotiation*

In January 1984, France took over the EC presidency. The French President Mitterand was committed to solve the budgetary impasse before the meeting and started discussing the revival of the Community at the Fontainebleau European Council meeting, which also marked the end of the French presidency (Dinan, 1994). As a move to corner Thatcher, Mitterand and Kohl played on the rhetoric of a two tiers Europe, that would exclude Britain if Thatcher did not cooperate before the Fontainebleau meeting. The writing of position papers also constituted an important preparatory task for negotiation. Mitterand's position paper, written by Jacques Attali, envisaged two possibilities: reaching an agreement or not . In the case of the initial possibility, other issues such as the revitalization and enlargement would be discussed, and, in the case of the latter possibility, there would be no discussion on other issues.

2.1.2 *Issue Structure, Size, Complexity and Framing*

The British Budgetary problem, which has been a source of dispute between the Franco-German alliance and Britain since Thatcher took office and demanded "her money back", constitutes the core issue of the Fontainebleau European Council. Other issues concerning the Community such as the revival of Europe and Iberian accession are deliberately linked to a resolution in the budgetary problem. The link is openly announced before the meeting, conveying the message that discussion of Iberian accession and revival of the European Community would only be possible with a solution to the British budgetary problem (Moravscik, 1998). So in a sense the problematic issue, is not framed, but rather stated bluntly.

In regard to complexity the British budgetary issue is simple in a sense that , the request of Britain, a rebate of its contribution, is clear cut and can be dealt with in

a simple distributive manner. However the issue itself being simple, does not prevent it's impact creating a very complex picture. The British budgetary problem is complex in the sense that it freezes development in the European Community in all other areas since parties to the European negotiating process place the resolution of the budgetary problem as a prerequisite for other developments to proceed. Both Britain and France have placed the resolution to the British budgetary problem as a prerequisite at different times, and places from 1980 to 1984. Thatcher placed it as a prerequisite for agricultural development, and Mitterand, as a prerequisite for enlargement.

2.1.3 *Goals and Incentives*

Goals and incentives for Britain, Germany, France, and the Commission in relation to the CAP and budget are as follows: Britain aimed to reduce its net contribution through a rebate, eliminate CAP, and cut EC export subsidies. Germany wanted to raise or maintain prices and MCA's, cut EC export subsidies, and stabilize German fiscal contribution. Germany also desired a rapid Iberian entry. France desired modest price increases, high export subsidies, elimination of MCA's, no increase in net French contribution. Regarding Iberian entry, France supported a long transitional period. As for the Commission, it desired large price reductions, modest British rebate, elimination of MCA's, and rapid Iberian entry (Moravcsik, 1998)

2.2 Background factors

Alternatives, relationships among parties, and power and dependency structure are the themes evaluated.

2.2.1 *Alternatives (BATNAs)*

The "Europe a deux vitesses" (two tiers Europe) publicized by Mitterand and Kohl could be interpreted as their BATNA. The idea of continuing European integration with parties that wanted to collaborate, meant that Germany and France did have an alternative to agree with Britain, which was business as usual, with the exclusion of the island state. Having a powerful BATNA and conveying their BATNA to the other party empowered France and Germany in the negotiations over

the British Budgetary question. The fact that the House of Commons called for Britain to adopt a more conciliatory negotiating position, demonstrates the impact of France and Germany publicizing their BATNA. Kohl and Mitterand not only had a BATNA, but had one with the potential of hurting the other party, which added to its power.

2.2.2 *Relationships Among Parties:*

Throughout 1984 Germany and France cherished a special relationship, both on the communitarian and bilateral levels. The meeting of French and German heads of state on 2 February, Chancellor Kohl' remarks following the Franco-German preparation meeting for the March European Council at Brussels, the April meeting of French and German foreign ministers, and the Franco-German Summit of Rembouillet all demonstrate the degree of the relationship of the two European powers in 1984.

In the meeting that took place on the 2nd of February, at Scloss Edenkoben in Germany, the two heads of state reached agreement to make joint efforts to solve the problems facing the community and to take new initiatives geared at furthering political cooperation in the EC, on the basis of the treaty of Rome.

Following a Franco-German preparation meeting for the March European Council in Brussels, Kohl expressed that France and Germany formed the centerpiece of the future Europe. Kohl's enthusiasm was also supported by former German Chancellor Willy Brandt who stated that "nothing is possible in Europe if impossible between FRG and France" [11].

At the April meeting, Genscher and Dumas touched upon key issues such as the British budgetary problem, Iberian accession, and the future financing of the EC. Genscher underlined the security aspect of the Franco-German relationship, calling for Europe to play a more influential role within NATO. (Pedersen, 1998).

Finally, the Franco-German summit of Rembouillet that took place on May 1984 demonstrates very well the high level of cooperation between the two powers of Europe. At Rembouillet, German Chancellor Kohl expressed his support to President Mitterand's proposals, voiced at his European Parliament address. Revival of the Western European Union, closer foreign policy, and defense cooperation

[11] Fm. *Agence Europe*, 27 February 1984 as cited by Pederson (1998) in f. 25, p. 94

was discussed at a separate meeting by the two countries defense and foreign ministers. Joint construction of an attack helicopter was also among the issues discussed (Pederson, 1998).

As to the impact of the relationship between France and Britain had on the Fontainebleau negotiations, the two implemented a joint strategy before the European Council meeting, and both heads of state announced that they were ready to continue without Britain. They also acted in cooperation during the meeting itself although a negotiation between Germany and France, addressing German concerns regarding the Common Agricultural Policy.

2.2.3 *Power and Dependency Structure:*

Despite the fact that heads of state of ten member states participated at the Fontainebleau European Council, the negotiation process was centered around France, Germany and Britain. Following Kohl and Mitterand 's meeting during breakfast, the Chancellor conveyed their decision regarding the rebate amount agreed to Thatcher, as position of the nine (Pedersen, 1998). Thus it can be referred that other member states were dependent on German and French negotiating positions.

2.3 Conditions

The themes looked at include open or secret proceedings, external events and context.

2.3.1 *Open or Secret Proceedings (media influence)*

An interesting episode took place when Franco-German threats of excluding Britain in case of not reaching an agreement and the principle of not discussing Iberian accession, or the revitalization of the community at Fontainebleau without an agreement on the budget were leaked to the press. The information leaked on purpose, as a bargaining tactic appeared in the British media. As a result of the issue discussed by the press, the House of Commons wrote a report, requesting a more conciliatory negotiating position. (Moravcsik, 1998)

2.3.2 *External Events and Context*

British, German and French EC policies, the British budgetary problem, and European Council meetings preceeding the Fontainebleau European Council are discussed.

EC Policies of Britain, Germany and France

The E.C policies of Britain, Germany and France are relevant in understanding the context. As for Britain, the island state had accepted the agricultural and budgetary policies as part of the *acquis communautaire.* In comparison to other European countries, British farmers were less in number and more competitive. This caused a lower level of EC spending. After she took office, Thatcher initiated an aggressive campaign to "get her money back" from the EC. She requested a rebate for the two thirds of the recent British deficit, stressing the necessity for permanent adjustments aimed to limit agricultural spending. The British Premier also highlighted the prevention of budgetary imbalance in the future. The British government's September 1983 memorandum reflects its priorities. The memorandum proposed liberalization of financial services, transport, the simplification of frontier controls, mutual recognition of professional qualifications, joint policy to promote European high technology industries, and elimination of non tariff barriers. Britain envisaged a 'single passport' system of financial services. This carried the meaning that a company based in any member country could provide its services in the entire community (Moravcsik, 1998)

In regard to Germany, the West German state had a higher percentage of exports in GNP than did other European countries. The economic growth of the country had an export led character that did not change during the 1980-1982 recession. In the 1970's and 1980's, the German government supported trade liberalization and regulatory harmonization. Chancellor Kohl, who followed the track of Konrad Adenauer, prioritized European integration after taking office in October 1982 (Paterson, 1996) As for an interesting note on German governmental level decision making regarding the E.C, Kohl, Genscher, and related ministers such as the finance and agricultural ministers would decide on EC matters in small cabinet meetings (Moravscik, 1998).

As for France and Europe, the third devaluation in March 1983 caused Mitterand to abandon the idea of a socialist Europe (Cole, 1996), and thereafter

French policy was defined with a pro European activism (Moravcsik, 1998). This pro European activism was crystallized when France took the EC presidency in early 1984, and Mitterand announced his initiative of "relaunching" Europe (Moravcsik, 1998).

The British Budgetary Problem:

Margaret Thatcher brought the British budgetary problem to discussion for the first time in the 1979 Strasbourg European Council. The parties discussed the issue briefly and agreed on a procedure for analyzing the problem. Thatcher's tone was more aggressive in the November 1979 Dublin European Council, where she announced the unacceptability of a 350 million Sterling rebate. During the Dublin European Council Thatcher made it clear, that she would not accept less than 1 billion Sterling. On the other hand, Thatcher's proposition was unacceptable to the French. The French stated that they would not agree to more than 350 million Sterling. The unacceptability of the parties propositions to each other, resulted in a 10 hour long argument at which Thatcher made the remark of getting Britain's "own money back". In May 1982, Britain blocked an agreement on agricultural price increases for 1982-3. Thatcher linked agreement on agriculture, to the solution of the British budgetary problem. Thus, the urgency to find a settlement had become apparent (George, and Bache, 2001).

An Overview of European Council Meetings Preceding Fontainebleau

The European Council meetings of Stuttgart, Athens and Brussels are discussed in order to offer an understanding of the European Council negotiating context prior to the Fontainebleau meeting.

Stuttgart European Council

The Stuttgart European Council that took place between the 17th and 19th of June discussed issues such as enlargement, financing, adapting the common agricultural policy, and new policies. Point 1.5.2 of the Declaration of the European Council underlines that "the European Council has decided to take broad action to ensure the relaunch of the European Community." Point 1.5.3 asserts that the common agricultural policy must be adapted to the situation facing the community in the near future raising issues such as price policy, intervention arrangements, compensatory

amounts, external agricultural policy, arrangements on export refunds, the need for strict financial guidelines and special problems arising in certain regions such as the Mediterranean regions. Point 1.5.5 states that expenditure must also be controlled in cooperation with the European Parliament, outside the agricultural sector. Point 1.5.8 underlines that accession negotiations with Spain and Portugal with the objective of concluding them, and links the ratification of accession treaties to the result of the negotiation concerning the future financing of the Community. Point 1.5.17 states that the European Council agreed on compensation for the United Kingdom for 1983 (Bull. EC 6-1983).

The Athens European Council

The Athens European Council that took place on 4 December, 1983 ended without an agreement. Thus no communiqué or statement on political cooperation was issued. The ten heads of state disagreed over the reform of the common agricultural policy. Southern member states held the view that there was unequal treatment between products from the north and those from the Mediterranean. The lack of agreement over the common agricultural policy was significant since it stalemated the decisions concerning the revitalization of the community and the accession of Portugal and Spain (Bull.EC.12-1983).

The Brussels European Council

The Brussels European Council took place on the 19the and 20th of March. The Council did not achieve an agreement regarding a solution to the British contribution to the community budget (Bull. EC. 3-1984). The conditionality of all other agreements to an overall agreement, blocked the implementation of the agreement reached on budgetary and financial discipline. The council decision that became open for implementation only after the Fontainebleau meeting asserted that the budget of the communities be governed by rigorous rules, underlining that the level of Community expenditure be fixed as a function of available revenue. Furthermore the Council agreement highlights that the budgetary discipline will apply to all budget expenditure.

According to the agreement the Council of Ministers were first asked to fix a reference framework. Secondly the Council of Ministers were asked to proceed so that the next expenditure relating to agricultural markets calculated on a three-yearly bases will increase less than the rate of growth of the own resources base. The agreement

underlines that the provisions laid down in the commission document on financial guidelines concerning the common agricultural policy be implemented. Finally the Council of Ministers were asked to comply with the maximum rate throughout the budget procedure as defined in Article 203 of the Treaty of Rome (Bull. EC 6-1984).

2.4 Process

The bargaining tactic of presenting two faces, proposals and concessions are the themes evaluated.

2.4.1 *Bargaining tactics: Presenting Two Faces*

France's Fontainebleau position paper prepared by Jacques Attali underlined that Iberian accession and other community matters would be discussed only if an agreement were reached on the British budgetary problem. Thus Mitterand place the solution of the British budgetary problem as a prerequisite for other developments. The position paper also gave the message that in the case of non agreement, Britain would be excluded from discussions. Moravcsik, describes the French President's strategy, as isolating the British, and threatening to continue without Britain as long as Thatcher refrained from compromise (Moravcsik, 1998). Mitterand and Kohl deliberately and consistently mentioned the idea of a two-tier Europe, referring to a European integration without Britain, prior to the Fontainebleau meeting. The tactics used by the two leaders against Britain, were discussed by top officials in Germany and France. The position underlined by Mitterand's position paper was also repeated by Dumas. Dumas stated openly stated that in the condition of non agreement concerning the budget, France would call a meeting without the British to discuss European Community reform. During Thatcher's visit to the Elysee, Dumas reiterated the possibility of a two track Europe (Moravcsik, 1998). German Chancellor Kohl also made the point that he desired greater European integration, with or without agreement of all countries (Moravcsik, 1998). Thus, Mitterand and Kohl displayed their competitive face through threats when the Fontainebleau meeting was approaching. The competitive face presented also gave the message to Thatcher that France and Germany had a BATNA, which was continuing without Britain.

In contrast to the use of competitive bargaining tactics prior to the Fontainebleau meeting, Mitterand adopted a strategy of collaboration during the actual meeting. Dinan states that the French President's strategy at Fontainebleau was

to avoid any friction (Dinan, 1994). A willingness to compromise by all parties characterized the summit. Thatcher also showed eagerness to settle the problem (Dinan, 1994).

2.4.2 *Proposals and Concessions*

The negotiations on the budgetary problem between France, Germany, and Britain had a distributive character. Parties had specific aspiration points, and reservation points, which determined the bargaining range of the negotiations. The proposals and concessions illustrate very well the distributive nature of the negotiating process. Thatcher's first proposal, a rebate of 90 % reflected her aspiration point. Her second proposal which requested a rebate more than 70 % was in her bargaining range. Kohl and Mitterand's counter offer was 65 %. The two announced that 65% was the maximum they could agree. Thus 65 % reflected the reservation point for Kohl and Mitterand. After hearing Mitterand and Kohl's counter offer of 65%, Thatcher requested 66%, and agreement was achieved. As a result, Mitterand and Kohl closed the deal in an amount one percent more than their declared reservation point. Of course the aspiration and reservation points declared may not exactly correspond to the actual aspiration and reservation points of parties (Pedersen,1998).

The deal was struck, partly due to the concessions offered to Germany. Kohl's objection to the 66% was overcome by a concession to Germany on the Common Agricultural Policy. The content of the concession is further detailed in the section on the outcomes of the Fontainebleau meeting.

2.5 Outcomes

Agreement, type of agreement and satisfaction with outcome are discussed as sub themes.

2.5.1 *Agreement*

The conclusions of the Presidency on the European Council meeting at Fontainebleau fall under seven topics: budgetary imbalances, resources and enlargement, financing of the 1984 budget, dismantling of positive monetary compensatory amounts in the Federal Republic of Germany, social policy, 'a people's Europe', and *ad hoc* Committee on Institutional Affairs.

Budgetary Imbalances

The first point on budgetary imbalances underlines that "any member state sustaining a budgetary burden excessive in relation to its relative prosperity may benefit from a correction at the appropriate time". (Bull. EC. 6-1984. Point 1.1.9) . The gap , between the share of VAT payments and the share of expenditure allocated constitutes the basis for correction. The second point on budgetary imbalances outlines the arrangement adopted for the United Kingdom. According to the arrangement, the United Kingdom would receive a lump sum compensation of 1 000 million ECU in 1984. As for subsequent years, it would receive two thirds (66%) of the difference between the share of VAT payments and the share of expenditure allocated. The third point states that the corrections be deducted from the United Kingdom's normal VAT share. The deduction will take place in the budget year following the one in which the correction is granted. The point also underscores that other member states will share the resulting cost according to their VAT share. An exception is made for Germany where the Federal Republic's share is adjusted to two thirds of its VAT share. The fourth point underlines that the correction will be a part of the decision to increase the VAT ceiling to 1.4 %, in a linked duration. It is also iterated that the Commission will present the Council a report one year before the new ceiling is reached. The report will reflect the state of affairs regarding the result of the budgetary discipline, the community's financial needs, the breakdown of the budgetary costs among Member States, and consequences regarding the application of the budgetary corrections. Finally, it is stated that the Council will re-examine the question as a whole (Bull. EC. 6-1984 Point 1.1.9).

Own Resources and Enlargement

The European Council determined the maximum rate of mobilization of VAT as 1.4 % on January 1986. It was underlined that the maximum rate may be increased to 1.6 % on 1 January 1988 by unanimous decision. Regarding Spanish and Portuguese accession the European Council asserted the following :

'The European Council Confirms that the negotiations for the accession of Spain and Portugal should be completed by 30 September 1984 at the latest. Between now and then the Community will have to

make every effort to create the right conditions for success of this enlargement, both in the negotiations with Spain on fisheries to ensure the conservation of fish stocks and also by reforming the common organization of the wine market to ensure that the quantities of wine produced in the Community are controlled and by means of a fair balance between agricultural and industrial agreements.'[12]

Financing of the 1984 budget

In relation to the financing of the budget the Council stated that steps to cover the needs of the 1984 budget would be taken at the next meeting.

Dismantling of Positive Monetary Compensatory Amounts in the Federal Republic of Germany

The Council requests for a proposition by the Commission, and a decision by the Council concerning measures to provide VAT relief for German agriculture. The German national budget would be increased from 3% to 5 % from 1 July 1984 until 31 December 1988, as a compensation.

Social Policy

Regarding social policy, the council takes its conclusions on technological change, social adjustment, and production organization as a bases, and calls on the Commission to further develop what had been decided. The Council also calls for the Commission carry out the Community's medium-term social action plan.

A People's Europe

The Council states that the Community should adopt measures to strengthen and promote its identity and image, and decides to set up an *ad hoc* committee composed of representatives of heads of state to set up and coordinate this action. The agreement reached on creating a European passport is approved by the council, setting

[12]Bull. EC.6-1984. See point 1.1.9. pg 10

1 January 1985 as the deadline. The issues designated for study include a single document for the movement of goods, the abolition of all police and customs in intra-community frontiers, equivalence of university diplomas, symbols of the community's existence, formation of European supports teams, streamlining procedures at frontier posts, and minting of a European coinage, the ECU.

Ad hoc Committee on Institutional Affairs

The Council decided on the formation of a *ad hoc* committee which would make suggestions for improvement in European cooperation. The committee would consist of personal representatives of Heads of State of Government (Bull. EC. 6-1984).

2.5.2 *Type of Agreement*

The agreements reached at the Fontainebleau European Council meeting, carry aspects of both a compromise and integrative agreement. The agreement reached on the British budgetary problem can be considered as a compromise agreement, since negotiating parties met at a midpoint. Following a distributive negotiation process the parties reached a compromise agreement. However the outcome of the Fontainebleau European Council meeting has integrative characteristics as well. The outstanding integrative characteristic of the Fontainebleau meeting, is that it satisfied all parties interests.

Immediate parties, negotiators relationship, constituents, negotiators' organizations, other organizations and society are listed as parties that benefit from an integrative agreement (Thompson, 1998). In regard to negotiators' organizations, it can be concluded that the European Community benefited a great deal from the outcome of the Fontainebleau European Council meeting, since the meeting opened the door for European integration. Britain benefited from the outcome, since Thatcher had secured a rebate. France benefited from the meeting, since it was perceived as a success for the French presidency, and Germany benefited from the meeting, since it managed to obtain the concession it wanted. The negotiators' relationship also benefited from the outcome of the meeting. Pruitt and Rubin (1986) underline that integrative agreements strengthen the relationship between parties, and 'pave a path of good relations' The Franco-German cooperation became more confident after the

success of the Fontainebleau meeting, and a normalization in relations with Britain started.

2.5.3 *Satisfaction with Outcome and Other Perceptions*

The French President Mr. Francois Mitterand expressed his satisfaction with the outcome by stating that the disputes were settled . The President expressed at a Press Conference following the meeting, that the community could stage a strong revival with the problem of the British contribution resolved. The fact that the Fontainebleau meeting had also resolved the German problem, and the deficit in the 1984 Community budget were also satisfactory outcomes of the meeting. Now that the impasses had been cleared out, the community could move forward with work on the European Union, based on the treaty of Rome (Bull. EC 6-1984. Point 1.1.10). Regarding the 'British Problem' Mitterand asserted that the correction mechanism was linked to the duration of the 1.4% VAT rate.

The British Prime Minister Margaret Tatcher expressed her satisfaction with the outcome as well. She underlined that the solution to the 'British Problem' was for the benefit of Britain, and the Community. Thatcher praised President Mitterand and Chancellor Kohl for their efforts.

The German Chancellor Helmut Kohl was another leader satisfied with the agreement reached at the Fontainebleau Summit. Kohl perceived the agreement as serving the interests of all parties concerned. The agreement indeed was a desirable outcome for the German Chancellor. Most Importantly Kohl had succeeded in achieving a VAT relief for German farmers (Bull. EC 6-1984. Point 1.1.10).

Heads of state, other than French, German and British prime ministers and presidents showed a high degree of satisfaction with the outcome of the meeting. The Italian Prime Minister, Mr. Bettino Craxi stated that the ten had managed to remove the obstacles and move forward. Belgian Prime Minister Mr. Wilfried Martins stated that the main obstacle to the European revival had been removed by the settlement of the British problem. The Danish Prime Minister Mr. Schlüter expressed that the Fontainebleau European Council was a historic moment for the Common Market. Mr. Papandreau also perceived the meeting as a success. The Irish Prime Minister Mr. Fitzgerald underlined that the meeting was a success for the French Presidency. Dutch Prime Minister Mr. Lubbers described the outcome as highly satisfactory. Luxemburg

Prime Minister Mr. Werner expressed his happiness on leaving when the community was back on the right track.

Commission President Gaston Thorn welcomed the agreement on a simple formula for correcting budgetary imbalances. Despite his satisfaction with the resolution of the British Budgetary Problem, Thorn was disappointed on some issues. He expressed his disappointment that the community had not been given the financial means to secure uninterrupted development. Mr. Leo Tindemans, Chairman of the EPP Group characterized the Fontainebleau meeting as a peace conference, saving the community from the danger of drowning. Mr. Ernest Glinne, Chairman of the Socialist Group in the European Parliament expressed his satisfaction by congratulating the French presidency for the successful outcome.

Chapter 5. Conclusion

1. Findings of the Study

The aim of this study was to demonstrate the complexity of negotiation. For this purpose Spanish-EC accession negotiations (1962-1986), Spanish constitutional negotiations (1978), and Fontainebleau European Council negotiations (1984) were selected as cases. Preconditions, background factors, conditions, process, and outcomes depicted in Druckman's framework of influences and processes of negotiation, constituted the five variables applied to the above mentioned cases. The study was conducted by analyzing several themes related to the five variables in the three cases. The themes were also drawn from Druckman's framework of influences and processes.

The selected three cases are relational in the sense that the second and third cases are the intra negotiations of the parties to the first negotiation. Despite the relational character of the cases selected, each embodies a different nature. Spanish EC accession negotiations constitute an example to two party international negotiations; constitutional negotiations constitute an example to multiparty intra group negotiations; Fontainebleau negotiations constitute an example to multiparty, intra organizational negotiations. The relational character of the cases coupled with a difference on negotiation type, provided a valuable source of study, given the purpose of this thesis. The application of the five variables to the cases traced patterns of similarity and difference. Expanding on Putnam's (1993) two level games argument, there was a degree of overlapping in aspects such as background factors and context for Spain in the domestic negotiations and international negotiations that it was a party to. Similarly the internal EC negotiations and international negotiations also carried a degree of overlapping for the European Community in the above mentioned aspects.

An interesting finding of this study is related to the impact of the variables. Mostly the impact of a variable to the cases produced similar results. However, this study also demonstrates that the impact of a variable may produce very different results. Interestingly, the absence of a perceived BATNA contributed to a favorable outcome in one of the cases studied, and a well pronounced BATNA contributed to a favorable outcome in another. This once again highlights the complexity of the negotiation and underlines that negotiations are context dependent.

2. Comparative Analysis

The discussion includes a comparative analysis of preconditions, background factors, conditions, process, and outcome.

2.1 Comparative Analysis of Preconditions

Spain's goals in relation to the accession negotiations were clear. Becoming a part of Europe was a definite aim for all segments of the Spanish society. The political parties in Spain that negotiated the Constitution aimed to consolidate democracy. The Constitution was perceived as an integral part of democratic consolidation. France, Britain, and Germany all had their respective goals for the Fontainebleau European Council. In a comparative analysis, it can be stated that Spain's goal for joining the European Community, had the strongest impact on the negotiation process. This was partially due to the fact that Spain's desire to join the European Community had exceeded the definition of a goal, and become a part of Spanish identity. The validity of this goal was reiterated several times by Spanish negotiators during the process to demonstrate their determination. An interesting aspect regarding parties and goals is that in the constitutional negotiations, all major parties shared the same goal: democratic consolidation. The shared goal served as a facilitating factor in the negotiation process. Whereas in Spanish accession negotiations, Spain and the EC did not exactly share the same goal. To be more specific, Spain's accession to the EC was more important for Spain, than for the EC although Spanish accession also had a certain relevance for the European Community as part of the Iberian enlargement. As for the major parties to the Fontainebleau European Council, each had separate goals. However, their separate goals did not prevent France and Germany to act as a coalition, against Britain.

The preconditions for the Fontainebleau European Council had two distinct characteristics, that were not observed in the two other negotiations. Primarily, preparation for negotiation was an important variable in the Fontainebleau negotiations. France's effort to solve the budgetary problem prior to the summit is worth special consideration. Secondly, the Fontainebleau meeting revolves around a core issue, to which other issues are dependent, the British Budgetary Problem. In the other cases,

there are also priority issues such as agricultural issues in the accession negotiation but one single issue does not have such a powerful impact on the rest of the process.

2.2 Comparative Analysis of Background Factors

Background factors of the Spanish accession negotiations are very rich in number and content. What each party, and sub groups of each party such as an EC member states understood from Spanish accession constitutes the cognitive and ideological factors. How the image of Spain is formed to the outside world , mainly through the Spanish Cinema, is an interesting example to the construction of cognitive and ideological factors.

Alternatives appear as an important background factor in the constitutional and Fontainebleau negotiations. In the constitutional negotiations, the parties did not have a BATNA. The parties perceived the drafting of the constitutional text, as a guarantee of the democratic system. Therefore, a successful outcome of negotiations was an accepted must for the major negotiating parties.

To the contrary, Fontainebleau negotiations did have a BATNA, and the best alternative to negotiated agreement: continuing without Britain was well publicized before the summit took place. This study demonstrates that having a publicized BATNA strengthens the chances for a desired outcome in some instances; at other cases, not having a publicized BATNA increases the possibilities for a settlement. How the BATNA is perceived by negotiating parties is also important in this distinction. In the constitutional negotiations, all of the major parties shared the idea that drafting the constitution was the only available alternative. The only party that did not share this view was the PNV. The PNV had a better alternative to negotiated agreement, not being a part of the constitution which it did not identify with in the first place. Therefore, the PNV did not feel obliged to reach an agreement. This perception had an impact on the inability of the UCD and PNV to reach an agreement. In the Fontainebleau negotiations France and Germany used their BATNA as a threat against Britain. The BATNA made public by France and Germany contained the following message: France and Germany have a better alternative to negotiated agreement, continuing without Britain. Thus, the BATNA publicized by France and Germany put Britain at a disadvantaged position. Under the above mentioned circumstances, it can be concluded that the BATNA of Fontainebleau was indeed a best alternative to negotiated agreement for France and Germany. However, for Britain, reaching a

settlement at Fontainebleau was a better option than isolation from the European integration process.

Two other background factors in relation to the Fontainebleau European Council are studied : relationship among parties and power and dependency structure. The Franco-German coalition and the structure of negotiations that centered around France, Germany, and Britain constitute distinct characteristics of the Fontainebleau negotiations.

2.3 Comparative Analysis of Conditions

One aspect that conditions to constitutional and Fontainebleau negotiations share is the leaking of secret proceedings to the media. In the sub-committee session of constitutional negotiations, the draft of the Constitution leaked out. However the spreading of information through media contributed to the discussion of the Constitution among the public. In the Fontainebleau negotiations, the Franco-German threat against the British was deliberately leaked to the British press. In this case, the spreading of information, resulted in the House of Commons report calling for a more conciliatory British negotiating position. In both cases, the spreading of information had an impact on the process of negotiation. During the constitutional negotiations, the spreading of information started a public debate on the subject. This can be interpreted as an involvement of interested secondary parties in the background of the negotiation process through negotiation. Thus, the negotiators had a chance to see whether their constituents approved the possible outcome of negotiations. The spreading of information on French and German positions prior to the Fontainebleau European council contributed to a reconsideration of the British negotiating position in British political circles. A similar leakage of information did not take place in the Spanish EC accession negotiations.

Factors such as the economy, terrorism, elections and military coup attempt determined the context for Spain in the Spanish-EC accession negotiations. The 1981 military coup attempt is of particular importance since it reminded all parties to the negotiation process, the fragility of the Spanish democracy. Among all of the factors, the coup attempt had the most significant impact on the negotiation process since it caused France, which was blocking negotiations, to reconsider its position. As to the European Community, the British budgetary problem, Common Agricultural Policy

reform, and Greenland's decision to leave the Community in 1982 were the major factors that determined the context in the mid 70's and the early 80's.

In constitutional negotiations, the economic situation of the country, dynamics within the political parties that participated in the negotiation process, the domestic climate of the country that favored change, left-right cleavage, and political violence linked to this cleavage, reconciliatory moves such as legalization of the Communist Party, the 1977 election which resulted in a victory for the UCD, the supportive role of various segments of the society such as the King and the army determined the context for constitutional negotiations. Factors such as return of exiled Catalan leader to Catalonia and the Moncloa negotiations, which served as the first parliamentary consensus exercise, were also part of the context.

For the Fontainebleau negotiations, the political situation in each of the main parties, Britain, France and Germany, were factors that determined the context. The European Council meetings prior to the Fontainebleau European Council meeting also affected the context. A comparative analysis of the factors determining the contexts in the cases suggests that some factors are important in more than one negotiating context. For example the economic situation and the 1977 elections are factors that Spanish accession negotiations and constitutional negotiations share. The sharing of context is particularly visible between the context for Spain during accession negotiations, and the context of constitutional negotiations. This is partly due to the fact that the Spanish UCD lead government, negotiated the consensus internally, an accession internationally. Thus the party was affected by a similar context, in both negotiations in which it took part.

2.4 Comparative Analysis of Process

Parties to the Spanish accession negotiations, constitutional negotiations and Fontainebleau negotiations frequently made of the bargaining tactic; presenting two faces. In regard to the Spanish accession, negotiations of both the Spanish government officials and their European counterparts , conveyed cooperative and competitive message through addresses and reciprocal letters. Interestingly, the competitive messages delivered by Spanish negotiators, not only targeted the other party but the

home audience as well. In constitutional negotiations, presenting two faces was most vividly exercised by the socialist negotiator, Peces-Barba. Again, the competitive face Peces-Barba presented targeted his home audience, in this case the electorate of the socialist party (Coverdale, 1979). In the Fontainebleau negotiations presenting two faces is used by France and Germany as to push Britain towards a settlement. In comparison to the same tactic exercised in the two other cases, the main target of the tactic used by France and Germany in Fontainebleau is Britain. Thus their main priority is not to send a message to their home audiences but rather send a message to Britain. In Fontainebleau, the bargaining tactic of presenting two faces serves another purpose as well; strengthening the coalition between France and Germany. France and Germany collaborate in the use of the bargaining tactic. More specifically, Germany's use of competitive and collaborative tactics, have a simultaneity with France's use of the bargaining mentioned. This is illustrated by Germany accompanying France's threats towards Britain prior to the meeting.

One of the key differences of the negotiation processes between accession negotiations, constitutional negotiations, and the Fontainebleau negotiations is that the accession negotiations was divided in two sequences by a turning point. Spain's transition from dictatorship to democracy served as a turning point in the accession negotiations, whereas the constitutional and Fontainebleau negotiations did not have such a significant turning point. The Fontainebleau European Council acted as a turning point itself, but the negotiating process does not include a turning point.

As to phases and impasses that the processes go through, two impasses caused by France are significant in the accession negotiations. The major impasse in the constitutional negotiations was between the UCD and the PNV. In contrast to the accession negotiation and constitutional negotiations, an impasse did not occur in the Fontainebleau negotiations. The key difference between the impasses in the accession negotiations and constitutional negotiations is that the impasses in the former were solved, whereas negotiators did not succeed in overcoming the impasse in the latter case. One important structural aspect to take into consideration when comparing the impasses between Spanish accession negotiations and the constitutional negotiations, is the structural difference between the cases. Spanish accession negotiations were in large a two party negotiation, whereas the constitutional negotiations constitute an example to multiparty negotiations. The structural difference determines the impact of a unsolved deadlock. In a two party negotiation, the continuation of an impasse translates to no

agreement, whereas in a multi party negotiation the continuation of an impasse translates to no agreement between two of the negotiating parties. To be more specific, in the constitutional negotiations the impasse between UCD and PNV was not solved, but despite the lack of agreement amongst the government and Basque nationalists, a constitution was drafted.

The accession negotiations that commenced in 1962 and ended in 1986 are divided into six distinct phases. The constitutional negotiations that lasted a few months are divided in four distinct phases. In contrast to the accession negotiations and constitutional negotiations which are very fragmented, the few day long Fontainebleau meeting did not display distinct phases. The key difference of the phases of the accession negotiations and constitutional negotiations, is that various sessions of negotiations by different committees made up the phases in the latter. In contrast, the developments of the negotiation process determined the phases in accession negotiations.

Proposals and concessions constituted the core of the Fontainebleau negotiations, or are very visible. This is partly due to the distributive nature of the negotiations on the British budgetary problem.

2.5 Comparative Analysis of Outcomes

The Treaty of Accession, the 1978 Constitution of Spain, and Fontainebleau European Council Meeting communiqué constituted the outcomes of Spanish accession negotiations to the EC, constitutional negotiations, and Fontainebleau negotiations respectively. The treaty of accession carried elements of a compromise agreement. The Spanish Constitution was described as a level two integrative agreement since most parties were satisfied with the outcome. The Constitution could not be classified as a pareto-optimal agreement due the inability to reach an agreement with the Basque. The Fontainebleau meeting conclusions were integrative in the sense that the settlement of the British budgetary question at Fontainebleau, cleared the way for the solution of other European community matters such as enlargement. However the nature of the agreement regarding the British budgetary problem was distributive. Thus, it can be stated that none of the negotiations in the cases studied managed to produce pareto-optimal agreements. Nevertheless, the constitutional negotiations, and the Fontainebleau meeting negotiations produced agreements that incorporated settlement of lingering disputes. The constitutional negotiations reconciled the left right

cleavages in Spanish political life, and Fontainebleau settled the British Budgetary question.

One point is important in regard to the comparison of outcomes of the cases studied. It should be noted that Spanish accession negotiations differed from the constitutional negotiations and Fontainebleau negotiations in two different aspects. First of all, the accession negotiations were based on a request of one party, (Spain's request of accession) and the other party's response regarding the fulfillment of this request. This aspect can also be translated as asymmetry of power of parties, which had an impact on the outcome produced. Since the European Community was the powerful party in the negotiations, the treaty of accession involved provisions such as a ten year transition period for Spanish exports, that primarily satisfied the needs of the European Community. Secondly, the Spanish-EC negotiations were inter group negotiations. That is, they were carried out between two different entities, one nation state and one institution. On the other hand, the constitutional and Fontainebleau negotiations were both intra group negotiations. Constitutional negotiations were carried out between Spanish political parties, and Fontainebleau negotiations were carried out between member states of the European Community. This study demonstrates that both intra group negotiations produced more integrative outcomes when compared with the inter group negotiation.

Finally the outcomes of the negotiations carried a certain degree of interactivity. The most visible interaction was between the outcome of the Fontainebleau meeting, and the outcome of accession negotiations. By clearing out the obstacle that prevented the EC from proceeding on the Iberian enlargement, the Fontainebleau meeting outcome acted as a turning point for the Spanish entry negotiations with the EC, rendering the accession agreement possible. As to the outcome of the constitutional negotiations, they demonstrated Spain's democratic character, fulfilling a prerequisite for entry to the European Community. Table 5.1 summarizes the analysis of five variables in the three cases studied.

Table 5.1 Comparison of Framework Application

	Variable I	Variable II	Variable III	Variable VI	Variable V
Case I	-Strong Goals and Incentives	-Cognitive and ideological factors	-Parties have different context	-Presenting two faces -One turning point -Two impasses - Six phases	-Compromise agreement
Case II	-Superordinate goals and incentives	-No publicized BATNA	-Leakage of proceedings to media -Parties share context	-Presenting two faces -One impasse -Four phases	-Level two integrative agreement
Case III	-preparation for negotiation -Compatible goals and incentives -Issue structure complexity	-Publicized BATNA -Coalition between France and Germany - Power/dependency structure	-Deliberate leakage of proceedings to media -Parties have different context	-Presenting two faces -No impasses	-Agreement carrying distributive and integrative elements

3. Concluding Remarks

This study demonstrates that negotiations with certain structural characteristics have a higher chance of reaching an integrative outcome. The outcome of the constitutional negotiations illustrates that multilateral negotiations at which parties have shared goals, incentives and context, the likelihood of an integrative agreement is higher. On the other hand, one of the negotiating parties not sharing the subordinate goal in a multilateral negotiation , decreases the negotiation outcomes integrative level . More specifically, it can be concluded that the absence of a common ground between all negotiating parties, hinders the achievement of a pareto-optimal agreement. Interestingly, this study illustrates that when parties have different goals, incentives and context, the agreement is a compromise agreement. The agreement is of integrative character when goals, incentives and context is wshared by parties. When parties have both subordinate and separate goals, incentives and context the agreement carries distributive and integrative elements. Non of the negotiations studied produced a pareto-optimal agreement. Constitutional negotiations could not reach a pareto optimal level due to the lack of agreement between the UCD and PNV.

Inability of agreement between the two parties can be linked to PNV, not sharing the goals and incentives of the other parties.

Secondly this study illustrates that not having a publicized BATNA in intra group negotiations where goals and incentives are shared contributes to an integrative agreement. Having a publicized BATNA in international negotiations, to the contrary produces a favorable outcome. In relation to the impact of BATNA on outcomes, Druckman (2003) states that the opportunity to search for optimal agreements is lost when negotiators use their alternatives to pressure the opponent to settle in their terms. This study proves quite the opposite, or exceptions exist. In the Fontainebleau negotiations, the use of the French and German BATNA as a threat against Britain, and the leakage of this threat contributes to British policy centers to push the government to reconsider their negotiating position. Thus France's and Germany's use of their BATNA as a threat contributes to a favorable result in the outcome.

Thirdly it can be concluded that asymmetry of power in bilateral, international negotiations contributes to non integrative agreements, as demonstrated by the outcome of the Spanish- EC accession negotiations. Another finding is in relation to leakage of secret proceedings. The spreading of information contributes to favorable outcomes in multiparty negotiations, by getting the secondary parties involved in the negotiation process. Finally, presenting two faces is a bargaining tactic resulting in favorable outcomes in all types of negotiations studied.

In the beginning of this study it had been stated that the cases studied form a system. Three perspectives of a system were defined. The initial perspective underlined that the constitutional and Fontainebleau negotiations were intra negotiations of parties to the accession negotiations. The second perspective outlined a system around Spain, and a system around the E.C. The third perspective accentuated time as a common element. This study demonstrates that the first perspective is clearly observed.

The first perspective can be traced through looking at the negotiating contexts. To give a brief description of the structure of the contexts in the cases studied, the context for Spain and the context for the E.C formed the context in the Spanish E.C accession negotiation. The secondary negotiations shared a segment of the context of the primary negotiations. More specifically constitutional negotiations shared the Spanish context of accession negotiations, and Fontainebleau negotiations shared the European Community context of the accession negotiations. The shared

context underlined the relation of the secondary negotiations with the primary negotiations, rather than the relation between the two secondary negotiations.

The conceptual framework offered by Druckman (2003) that organizes various parts of negotiation, which was used as the variables applied to the cases selected in this study, provided the analytical schema that enabled an overall understanding of negotiation dynamics. This study demonstrates that there are many factors that impact negotiation such as preparation for negotiation, issue structure, size, complexity, framing, goals, role of affect, BATNAs, cognitive and ideological factors, power dependency structure, media influence, external events, and context. The framework has prevented a process oriented approach which takes the negotiation proper as the center of analysis. This study does not over emphasize any of the factors, and holds the view that all factors including preconditions, background factors, conditions and process have an equal impact on the outcome. Thus, it can be stated that there is no specific formula for an integrative outcome in negotiations, but rather multiple aspects determine the character of the outcome.

Druckman (2003) asserts that the findings and the framework provide a way of interpreting the process and outcome of a negotiation. The comparative case study conducted enables to trace how the factors impact the negotiation process and outcomes in three different, yet related settings. By using the framework in the context of three interrelated cases, this study has not only assessed the impact of the factors, but also looked at the interaction between the cases through the lenses of the factors present at the framework. Finally, the comparative analysis of the Spanish Accession negotiations to the EC, the Spanish Constitutional negotiations, and Fontainebleau European Council negotiations has illustrated the interaction between domestic and international negotiations.

Appendix I: Chronology of Spanish Accession Negotiations[13]

3.1a Chronology of Negotiations

1962	First request by Spain during the Franco period
1964	Second request by Spain during the Franco period
1964	Beginning of negotiations during the Franco period
1970	Preferential trade agreement
1977	Spain enters European Council
July 18, 1977	Spanish request for E.C membership
July 28, 1977	Council of Ministers of the European Community state having Received the Spanish request of membership, and recommend The commission to prepare a report, known as the 'fresco'
December 19, 1977	Approval of formal commencement of negotiations by the European Commission, and Council's decision in favor
June 3, 1980	The French President Giscard D'estaing places the solution of inter Community problems as a prerequisite for the second enlargement
February 1981	Various community bodies pass resolutions in favor of accelerating negotiations
22 March 1982	End of the French clause. Agreements on the following issues are reaches: movement of capital, harmonization of legislations, transportation, economic and financial questions, regional politics, freedom of establishment, and freedom of services
26 April 1983	Agreement on new points on foreign relations and customs union
17-19 June, 1983	The European Summit of Stuttgart establishes a direct connection between enlargement and financing of the E.C
15 July, 1983	Agreement on monopoly issue, decision on a seven year period of CAMPSA adaptation
14 October, 1983	France blocks negotiations, puts pressure on the commencement of the agreement on agriculture, and reinforces protection of Mediterranean products.

[13] Ministry of AA. EE. *Las negociaciones para la adhesion de Espana a la Comunidades.* Madrid. Section of the State in regard to the European Community, 1985, cited by Juste, A.M (1998), p.123-126

18 October, 1983	European Community Council of Agriculture, forms an agreement on the organization of fruits and vegetables, opening the way in negotiations. Agreements in Ceuta and Melilla are reached
4-6 December, 1983	European Council at Athens, enlargement is not discussed
19 December, 1983	EURATOM agreement
13 January, 1984	The Council of Foreign Affairs approves the draft calendar proposed by the French Presidency in regard to the accessions of Spain and Portugal
27 January, 1984	Spain presents a declaration on foreign relations, and E.C presents declaration on social affairs
30-31 January, 1984	Roland Dumas, French Minister of Community Affairs pays an official visit to Spain, and declares that France shares the decision of Spanish admission to the E.C (during French Presidency)
11-12 February, 1984	French Spanish Summit in Rembouillet. French minister of Foreign affairs Claude Chaysson declares decision to finalize admission negotiations before 30 September, 1984
13-14 February, 1984	Spain-E.C fishing council. Signature of annual agreement
10 April, 1984	Agreements reached on issues concerning foreign relations, patents. Unresolved issues remain regarding establishment rights.
3-4 May , 1984	Natali, enlargement commissioner pays a visit to Madrid to assist a mixed Spanish/European Parliament session. Felipe Gonzales reiterates the decision of the government not to pressure the signature of the Adhesion Treaty at a definite date.
17-18 May, 1984	Chancellier Kohl pays an official visit to Spain and expresses decision to incorporate Spain in the E.C on January 1st/1986
24-25 May, 1984	Italian Prime Minister Bettino Craxi pays official visit to Madrid reaffirms that Spain is a member of the EC and NATO.
4 June, 1984	Dutch Prime Minister Ruud Lubbers, reiterates his approval of Spanish adhesion to the E.C

19 June, 1984	Pre agreement on agriculture and industrial disarmament reached in the ministerial level negotiation session.
25-26 June	European Council at Fontainbleau
19 September, 1984	Negotiation sessions at the ministerial level. Positions are clarified.
20-21 September, 1984	President Gonzales pays a visit to Dublin
3 October, 1984	Negotiation session is suspended. No agreement reached on presentation of global package
18 December, 1984	Negotiation session at the ministerial level. Agreements on three, issues are reached: industrial disarmament, (demir çelik) industry, and institutions
18 January, 1985	Reunion of Spanish, Portuguese and E.C judiciary experts, to write the Act of Adhesion of new member states
11 February, 1985	The European Commission presents the Committee of Permanent Representatives a proposal on agriculture, fishery and social affairs. On the 18th of February formally the Council of Foreign Affairs refuses the proposal. The proposal is also refused by Spain.
15 February, 1985	Bettino Craxi meets with President Gonzales in Madrid. (during Italian presidency)
19 February, 1985	Negotiation session at ministerial level at which Spain presents a document on Latin America
25 February, 1985	Semi permanent contacts are initiated. Secretary of State, Manuel Mari visits Brussels to discuss the issues of agriculture and fishery with the Committee of Permanent Representatives, and Presidency.
9 March, 1985	Felipe Gonzales pays a visit to Paris to discuss the issue of adhesion with president Mitterand and Laurant Fabius.
13, 14 March 1985	President Gonzales meets with Chancelier Kohl and Prime Minister Thatcher during his visit to the Soviet Union. Spanish adhesion and Issues of the next ministerial session are discussed
17-21 March 1985	Series of negotiations between Spain and the E.C in Brussels.

	Talks are suspended on Thursday night without reaching an agreement On enlargement. Parties decide to meet on the 25th of March.
25 March 1985	XXIX. Session of negotiations at the ministerial level. Agreements reached in the following issues: Agriculture, fishery, social affairs, Canary Islands and proper application. Negotiations for Spanish Adhesion are essentially completed.
26/27 March 1985	The European Council in Brussels opens negotiations with Spain in order to resolve the problem concerning the Mediterranean Integration Programs. Agreement ratified by ministers of Foreign Affairs. Spain and Portugal officially adhere to the E.C

Appendix II: Adhesion Treaty of Spain and Portugal to the European Community (12.VI.1985)[14]

Article 1

1.The Kingdom of Spain and the Republic of Portugal will be members of the European Economic Community and the European Atomic Energy Community in the consecutive treaties of community texts when modified and completed.

2. The conditions of admission and the adaptation of the consecutive treaties European Economic Community and the European Atomic Energy Community that the text of admission requires are present in the adjunct act to the present treaty.
The dispositions of the text of the act of the European Economic Community and the European Atomic Energy Community shall be integral parts to the present treaty

3. The relative dispositions in regard to rights and obligations of member states, following the capabilities and the competencies of the community institutions, present in the first section of the mentioned treaty, shall be applied in accordance with the present treaty

[14] Fr. Tamames, R. *Espana en la Europa de los Doce,* Madrid, Alianza, 1986, p.231 cited by Juste. A.M., (1998), p.112

Article 2

The present treaty shall be ratified for the agreeing parties, with confirmation through respective constitutional norms. The instruments of ratification will be at the disposal of the government of Italy no later than 31st of December, 1985'

Appendix III: Spanish Constitution of 1978[15]

Preliminary Title

Article 1

1. Spain constitutes a social and democratic state of rights, that adheres to superior values under the judiciary structure; liberty, justice, equality and political pluralism.

2. National Sovereignty resides in the Spanish people,

3. The political form of the Spanish state is Parliamentary Monarchy

Article 2

The constitution is founded in the indivisible unity of the Spanish Nation, common motherland of all Spaniards, and renounces and guarantees the right of autonomy of nationalities and regions...

Article 3

1. Castillan is the official Spanish language of the state. ....
2. The other Spanish languages shall be official in the respective autonomous communities.....
3. The richness of the distinct linguistic modalities of Spain is a cultural patrimony that shall be subject to special respect and protection.

Article 4

1....
2. The laws can recognize flags and proper symbols of the Autonomous Communities. It shall be used together with the Spanish flag in public and official events.

Article 5

Madrid is the capital of the state

Article 6

Political parties express political pluralism, helping the formation and manifestation of the popular will and are fundamental instruments of political participation. Their

[15] Spanish Constitution. Official Bulletin of the State. 1979

creation and exercise of activity is free in respect to the constitution and law. Their internal structure and functioning shall be democratic.

Article 7

Workers unions and business associations contribute to the defense and promotion of economic and social interests... Their creation and exercise of activity is free in respect to the constitution and law. Their internal structure and functioning shall be democratic.

Article 8

1. The Armed Forces, constituted of ground forces, the navy and air forces, having as a mission to guarantee the sovereignty and independence of Spain, to defend the territorial integrity and the constitutional structure.
2. An organic law regulates that the bases of the military organization confirms to the principles of the present constitution

Article 9

1. The citizens and public powers are subject to the constitution and to the rest of the judiciary structure.
2. Corresponding to public powers promoting conditions that liberty and equality of individuals and groups shall be real and effective, obstacles that impede difficulty on plentitude shall be removed, and participation of all citizens to political, economic, cultural and social life shall be facilitated.

Article 10

The Constitution guaranties the principle of legality, normative hierarchy, the publicity of norms, the irretroactivity of sanctioned dispositions not favorable, restricting individual rights, judiciary security, the responsibility and the prohibition of arbitration of public powers.

Title VIII

Territorial Organization of the State

First Chapter
General Principles

Article 137

The state is organized territorially in municipalities, provinces and autonomous communities that constitute it. .....

Article 138

1. The state guarantees the effective realization of the principle of solidarity consecrated in the second article of the constitution, bound by the establishment of economic equilibrium, adequate and just between diverse parts of the Spanish territory, ...
2. The differences of status of the distinct autonomous communities does not imply, in any case economic or social privileges.

Article 139

1. All Spaniards have the same rights and obligations in all parts of Spanish territory
2. No authority can adopt measures that directly or indirectly obstructs the liberty of circulation and establishment of persons, and the free circulation of goods in the Spanish territory

...

Third Chapter
Of Autonomous Communities

Article 143

1. In the exercise of the right of autonomy recognized in the second article of the constitution, neighboring provinces with the same historical, cultural and economic characteristics, island territories, and provinces that belong to the regional history, can accede to auto governance and constitute Autonomous Communities as arranged by the provision in this title, and respective statutes.

...

...

References:

Albayrak D., Bilali, R., Caglayangil V.K., Eruzun, A. & Sadik, G. (2004). Mapping the Conflict Analysis and Resolution Field. A Literature Review. Unpublished Manuscript: Sabanci University

Angoustures, A. (1995). Historia de Espana en el Siglo XX. (History of Spain in the 20th Century) Barcelona: Ariel Historia

Bartos, O.J. (1974). Process & Outcome of Negotiations .New York and London: ColombiaUniversity Press

Bideleux, R. & Taylor, R. (1996). European Integration and Disintegration East and West. London and New York: Routledge

Capo Giol J., Cotarelo R., Garrido D.L & Subirats J. (1990). By consociationalism to a majoritarian parliamentary system: the rise and the decline of the Spanish Cortes. In U. Liebert & M. Cotta (Ed.). Parliament and Democratic Consolidation in Southern Europe. (pp.55-92). London and New York: Pinter Publishers

Capo, J. (1986). Party Coalitions in the First Democratic Period in Spain, 1977-1982. In G. Pridham (Ed.), Coalition Behavior in Theory and Practice (pp. 232-250). Cambridge: Cambridge University Press.

Carr, R. (1980). Modern Spain 1875-1980. Oxford: Oxford University Press

Cole, A. (1996). The French Socialists. In J. Gaffney (Ed.), Political Parties and the European Union (pp.71-86). London and New York: Routledge

Commission of the European Communities (1979) Euro-barometre (Issue No.10). Rue de la Loi 200. 1049 Brussels

Commission of the European Communities (1980) Euro-barometre (Issue No.11). Rue de la Loi 200. 1049 Brussels

Commission of the European Communities (1985) Euro-barometre (Issue No.23). Rue de la Loi. 200. 1049 Brussels

Commission of the European Communities (1983) Bulletin of the European Communities (No 12, Vol. 16). Brussels: Secretariat General of the Commission

Commission of the European Communities (1984) Bulletin of the European Communities (No 3, Vol. 17). Brussels: Secretariat General of the Commission

Commission of the European Communities (1984) Bulletin of the European Communities (No 6, Vol. 17). Brussels: Secretariat General of the Commission

Commission of the European Communities (1983) Bulletin of the European Communities (No 6, Vol. 16). Brussels: Secretariat General of the Commission

Coverdale, J.F. (1979). The Political Transformation of Spain After Franco. New York: Praeger Publishers. Praeger Special Studies

Dinan, D. (1994). Ever Closer Union? An Introduction to the European Community. London: Lynne Rienner Publishers

Druckman, D. (2003). Negotiation. In S.Cheldelin, D.Druckman & L. Fast (Ed.), Conflict. London and New York: Continuum

Fisher, R., Kopelman, K. & Schneider, A.K (1994). Beyond Machiavelli. Tools for Coping With Conflict. Cambridge, MA: Harvard University Press

Fuentes, G.A. (1986). Asi Cambiara Espana. (Spanish Transition) Barcelona: Plaza & Janes Editores

Gillespie, R. (1990) Regime consolidation in Spain: party, state and society. In G. Pridham (Ed.), Securing Democracy, Political Parties and Democratic Consolidation in Southern Europe (pp 126-147). London and New York: Routledge

George, S. & Bache, I. (2001). Politics in the European Union. Oxford: Oxford University Press

Gunther, R., Sani G., & Shabad, G . (1988). Spain After Franco. The Making of a Competitive Party System with a new Epilog. Berkley and Los Angeles, CA: University of California Press

Hoffman, P.T (1996) The Negotiation Process and the Resolution of International Conflicts. Columbia, South Carolina: University of South Carolina Press

Henig, S. (1997). The Uniting of Europe. From Discord to Concord. London and New York: Routledge

Heywood, P. (1999). Politics and Policy in Democratic Spain. London: Frank Cass Publishers

Juste, A. M. (1998). Espana y el Proceso de Construccion Europea. (Spain and the Process of European Construction) . Barcelona: Editorial Ariel, S.A.

Klein, J.M. (1998). Spain and the E.C. Assessing Spanish Accession to the Community. Europe, 279 (September): 30

Kremenyuk, V.A. (2002). International Negotiation. Analysis. Approaches. Issues. San Francisco, CA: Jossey-Bass

Lewicki, R.J., Saunders D.M ., & Minton, J.W. (1997). Essentials of Negotiation. Boston: Irwin McGraw-Hill

Liebert, U. (1990). From Polarization to Pluralism: regional-nationalist parties in the process of democratic consolidation in post-Franco Spain. In G.Pridham (Ed.) Securing Democracy: Political Parties and Democratic Consolidation in Southern Europe. (pp 147-179). New York and London: Routledge

Mayer, B. (2000). The Dynamics of Conflict Resolution: A Practitioner's Guide. San Francisco, CA: Jossey-Bass Inc.

McAllister, R. (1997). From EC to EU. A Historical and Political Survey. London and New York: Routledge

Moravcsik, A. (1998). The Choice for Europe. Social Purpose and State Power from Messina to Maastricht. London: UCL Press

Moravcsik, A (1993). Introduction: Integrating International and Domestic Theories of International Bargaining . In P. B. Evans, H.K. Jacobson and R. D. Putnam (Ed.) International Bargaining and Domestic Politics. Double-Edged Diplomacy. University of California Press: Berkeley. P 3-43

Morlino, L. (1998). Democracy Between Consolidation and Crisis: Parties, Groups, and Citizens in Southern Europe. Oxford: Oxford University Press

O'Donnel, G., Schmitter, P.C. & Whitehead, L. (1986). Transitions from Authoritarian Rule. Southern Europe: Baltimore and London: The Johns Hopkins University Press

Paterson, W. (1996). The German Christian Democrats. In J. Gaffney (Ed.), Political Parties and the European Union) (pp. 53-70). London and New York: Routledge

Pedersen, T. (1998). Germany, France and the Integration of Europe. A Realist Interpretation. London and New York: Pinter

Pérez-Diaz,V. (1999). Spain at the Crossroads: Civil Society, Politics, and the Rule of Law. Cambridge, MA: Harvard University Press

Preston, P. (1986). The Triumph of Democracy in Spain. London and New York: Methuen

Pruitt, G. D. Strategic Choice in Negotiation. In J.W. Breslin & J.Z.Rubin (Ed.), Negotiation Theory and Practice (pp: 27-47). Cambridge, MA: Program on Negotiation. Harvard Law School

Putnam R.D. (1993) Diplomacy and Domestic Politics. The Logic of Two-Level Games. In P. B. Evans, H. K. Jacobson and R.D. Putnam (Ed.) International Bargaining and Domestic Politics. Double Edged Diplomacy. University of California Press: Berkeley, CA. p. 431-469

Raiffa. H. (1982). The Art & Science of Negotiation. Massachusetts: The Belknap Press of Harvard University

Robbins S.P (1998). Organizational Behavior: Concepts, Controversies, Applications. New Jersey: Prentice-Hall International

Rubin J.Z & Brown B.R (1975). The Social Psychology of Bargaining and Negotiation. San Diego, CA: Academic Press, Inc.

Saunders, H.H. (1995). We need a Larger Theory of Negotiation: The Importance of Pre-Negotiating Phases. In J. W. Breslin & J.Z. Rubin (Ed.) Negotiation Theory and Practice. (pp: 57-71). Cambridge, MA: Program on Negotiation at Harvard Law School.

Share. D. (2002). Politics in Spain. In G.A Almond, R.J.Dalton & G.B. Powell Jr. (Ed.), European Politics Today. New York: Longman

Spanish Constitution (1979). Official Bulletin of the State. M 945/1979

Starkey, B., Boyer, M.A., & Wilkenfeld, J. (1999). Negotiating a Complex World. An Introduction to International Negotiation. New York: Rowman & Littlefield Publishers, Inc.

Touval, S. (1995). Multilateral Negotiation: An Analytic Approach in J. W. Breslin & J.Z. Rubin (Ed.) Negotiation Theory and Practice. (pp: 351-367). Cambridge, MA: Program on Negotiation at Harvard Law School.

Thompson, L. (1998). The Mind and Heart of the Negotiator. New Jersey: Prentice Hall

Graham, H. & Labanyi, J. (1996) Spanish Cultural Studies: an Intoduction. Oxford: Oxford University Press

Jordan, B. & Morgan-Tamasunas, R. (2000) Contemporary Spanish Cultural Studies. London: Arnold Publishers

Share, D. (2002). Politics in Spain. In G. A. Almond, R.J. Dalton & G. B. Powell Jr. (Ed.), (253-304)

Wallace, H.(1990). Making multilateral negotiation work. In W. Wallace (Ed.) The Dynamics of European Integration (pp: 213 - 228)

INFLUENCES AND PROCESSES OF NEGOTIATION: SPANISH ACCESSION NEGOTIATIONS TO THE EC

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SPANISH ACCESSION TO THE EC: A COMPARATIVE CASE STUDY ON COMPLEXITY OF NEGOTIATIONS

ABSTRACT

This thesis analyses the complexity of negotiations by applying five variables from Druckman's (2003) framework of influences and processes of negotiation to three cases selected: a) Spain's accession negotiations to the European Community, (1962-1985) b) Constitutional negotiations (1978) and c) Negotiations of the Fontainebleau European Council, (1984). The five variables: Preconditions, background factors, conditions, process, outcomes and their sub themes are assessed for each case. The application of the variables to the selected cases, enables a comparative analysis demonstrating patterns of complexity in negotiations. The study thus traces shared aspects of separate negotiations, with distinct structural characteristics.

Key words: Negotiation, complexity, preconditions, background factors, conditions, process, outcomes, EC, Spain

İSPANYA'NIN AT'YE KATILIMI: MUZAKERELERIN KARMAŞIKLIĞI ÜZERİNE KARŞILAŞTIRMALI BİR ÇALIŞMA

ÖZET

Bu tez Druckman'ın (2003) "Müzakerelerde Etkileşim ve Süreç" adlı kavramsal çerçevesini üç müzakere vakasına uygulamaktadır. Bu amaçla İspanya'nın Avrupa Topluluğu'na katılım müzakereleri (1962-1985), Anayasa müzakereleri (1978) ve Fontainebleau Avrupa Konsey Zirvesi (1984) incelenmektedir. Kavramsal çerçevede belirtilen ön koşullar, çevresel etkiler, genel koşullar, süreç, sonuç değişkenleri ve de onların alt başlıkları seçilen müzakere vakaları kapsamında irdelenmektedir. Burada amaç müzakerelerin karmaşıklığını gösteren bir karşılaştırmalı analizi gerçekleştirmektir. Bu çalışma değişik yapısal özelliklere sahip farklı müzakerelerin ortak yönlerini ortaya çıkarmaktadır.

Anahtar Kelimeler: Müzakere, ön koşullar, çevresel etkiler, genel koşullar, süreç, sonuçlar, AT, İspanya

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Chapter 1. Introduction and Literature Review

1. Purpose of Study

In this study three cases of negotiation: a) Spain's accession negotiations to the European Community , b) Constitutional negotiations between Spanish political parties, and c) Fontainebleau European Council negotiations are analyzed by taking into consideration Druckman's (2003) framework of influences and processes of negotiation. The study aims to illustrate the complexity of a negotiation process by looking at various themes related to background factors, preconditions, conditions, process, outcome, and implementation in the three cases. The interest of the study is to offer a detailed description of the three cases individually, and a comparative analysis.

The study offers a description of the cases chosen, to provide a general overview of the case and an understanding of parties and issues involved. Following the description of the cases, five variables are applied to the three cases. Each variable consists of sub- themes, and the study looks at a few sub themes under the five variables in relation to the cases chosen. The application of the variables to the cases offers an understanding on the impact of each variable to each case. This study aims to conduct a comparative analysis on impact of preconditions, conditions, process, and outcomes focusing on shared and contradictory aspects. This study is interested in the findings of the application of Druckman's influences and processes framework , to three separate cases that are relational to each other through structure and content . Another aim is to contribute to negotiation theory by building on Druckman's framework of negotiation influences and processes, applying it to three cases, and comparing the results.

2. Relevance of Cases

The duration of accession negotiations, internal transformation of parties and structural characteristics of Spain contribute to the dynamics that have an impact on the influences and processes of negotiation, rendering Spanish accession negotiations a very interesting example to demonstrate complexity of negotiations. Spanish accession negotiations started with Spain's official request for membership in 1977, and concluded with a membership treaty in 1985. Thus accession negotiations correspond to a time frame of eight years. When the 15 year period of low level contact during the Franco period is also considered, Spanish EC discussions last 23 years. The duration

of the negotiations single's out Spanish accession negotiations, and provides an opportunity to analyze dynamics of the negotiation process in a long time span. As to internal change of parties, Spain transforms from a dictatorship to democracy, in the years following Franco's death (1975). Spanish accession negotiations also correspond to a time of internal transformation for the E.C. The impact of the synchronized transformation of negotiating parties, can be explained by the formation of a pattern of linkage, where internal matters of the parties are linked to the negotiations proper. Spanish accession negotiations also constitute an interesting subject matter due to Spain's unique structural characteristics. First of all, during official accession negotiations, Spain was a parliamentary monarchy, augmenting the number of parties involved in the negotiation process. Secondly Spain had a politically involved military. The political nature of the military also had an impact on accession negotiations, very well illustrated with the military coup attempt of 1981. Thirdly, elements of Spanish history such as the civil war, followed by a dictatorship of General Franco influenced Spanish negotiating behavior. Finally Spain was a country that had autonomous regions like Basque County, Catalonia, and Galicia. This aspect of Spain, determined the country's internal conflicts and resolutions to these conflicts, thus indirectly influencing the official negotiations.

Constitutional negotiations, the second case studied constitute an interesting subject matter due to the following reasons: a) relational character with accession negotiations, b) unique aspects of period and c) distinct structural characteristics. The constitutional negotiations are related to the accession negotiations, through structure and content. The structural relationship can be explained as the constitutional negotiations constituting an intra negotiation to one of the negotiating parties of the accession negotiations; namely Spain. Content wise constitutional negotiations are at the core of democratic consolidation, which from another perspective is a prerequisite for accession negotiations. Secondly the constitutional negotiations takes place at a very interesting time period, where consensual politics determines the style of governance. Thirdly the constitutional negotiations have distinct structural characteristics based on their parliamentary character. For example the parliamentary nature of negotiations brings together a specific negotiating format where the same issues are negotiated by different committees.

The last case of study, Fontainebleau European Council negotiations have significance based on their relational character to the accession negotiations, unique

aspects and distinct structural characteristics. The relation again is two fold; structural and content wise. Structurally the Fontainebleau European Council Negotiations constitute an example to internal negotiations of one of the parties to the accession negotiations; the European Community. An understanding of the European Community dynamics during the accession negotiations is necessary to be able to situate the link. Development in E.C. issues such as Iberian enlargement were blocked due an inability to solve the British Budgetary problem. Thus a solution to the British budgetary problem at the Fontainebleau European Council, opened the way in accession negotiations. Unique aspects of the Fontainebleau European Council include factors like the meeting taking place under French presidency. Considering that France blocks the accession negotiations two times, the French presidency's initiative to open the way in accession negotiations is a good example that demonstrates complexity of negotiations. The distinct structural characteristics of European Council meetings such as a common format that include the preparation of position papers, sessions of negotiations, and a concluding communiqué, provides substantial subject matter for the analysis of processes and influences of negotiation.

Thus it can be stated that the three cases selected; Spanish accession negotiations, Spanish constitutional negotiations, and the Fontainebleau European Council negotiations constitute interesting examples to demonstrate complexity of negotiations both individually, and in a relational context. When the analysis focuses on a relational context, looking at the three cases as a whole, a system of negotiations can be observed. This study defines a system with three different perspectives. The first perspective that presents a multi level negotiation system differentiates the cases studied as primary negotiations and secondary negotiations. Spanish-EC accession negotiations are considered as the primary negotiations. Inner or intra negotiations of parties to the primary negotiation make up the secondary negotiations. In this understanding, constitutional negotiations and Fontainebleau European Council negotiations constitute the secondary negotiations, the initial being an intra-Spain negotiation, and the latter being an intra E.C negotiation.

The second perspective, which can be also referred to as the party perspective accepts one party as the center of the system, and looks at the negotiation processes the party is engaged in. Putnam's (1993) two level games, at which the negotiator is present at both the domestic and international negotiating tables simultaneously, is very relevant in understanding what this study presents as the party

based system. In the current context, the Spanish government negotiated with the EC, on enlargement, and negotiated the 1878 constitution with other political parties. We can follow the same line of thought for the E.C, and say that the E.C negotiated with Spain, and also conducted internal negotiations. Thus the scope of this study corresponds to both a Spain centered system, and E.C centered system. In other words two separate two level games that are relational to one another are studied.

The third perspective underlines time as a common denominator of the cases studied. From a time based analysis it can be stated that the constitutional negotiations (1978) and the Fontainebleau European Council negotiations (1984) share brief time segments with the Spanish-EC accession negotiation. (1977-1985). This perspective accentuates that constitutional negotiation take place one year after the commencement of accession negotiations, and Fontainebleau negotiations take place one year prior to the finalization of accession negotiations.

3. Parties and Issues

The table below presents the primary and secondary negotiation sets relevant to the case of Spain, and identifies the elements of each negotiation set such as parties and issues. Spain and the European Community are the parties to the primary negotiation set. The Spanish opposition in exile, constitutes a secondary party during the Franco dictatorship. In the same time period, we see that democratization is an issue of priority. It is set as a prerequisite for the commencement of accession negotiations. Following consolidation of democracy in Spain, agriculture becomes a priority issue, especially for Mediterranean countries such as France that feared the consequences of Spanish accession, concerning their agricultural produce. Delay in negotiations became a priority issue for Spain, as impasses prevented the negotiations from proceeding. The primary negotiation set can be considered as an example to a negotiation between a state and an organization.

Primary parties to the initial secondary negotiation on the left of the political spectrum include the Socialist , and Communist Party. Parties on the center right of the political spectrum include the Union of the Democratic Center. The Popular Alliance, Catalan Democratic Convergence, and Basque Center Right Nationalists are the Spanish, and regional nationalist parties. Maintaining the monarchy, framing the principles of free enterprise in the constitutional text, were Union of the Democratic

Center's (UCD) priority issues. Constitutional recognition of civil rights and socio economic issues constituted the priority issues for the leftist parties. Basque and Catalan parties prioritized decentralization. The initial secondary negotiation set can be considered as an example to an intrastate and multiparty negotiation

The primary parties that dominate the negotiation process in the second secondary negotiation are Germany, France, and Britain. Resolution of the British Budgetary Problem is a core issue for all parties. The discussion of the other two issues, the relaunching of Europe and Iberian accession, is linked to a resolution on the British Budgetary problem by France. The second secondary negotiation can be considered as an example to international, intra organizational, and multilateral negotiation.. Table 1.1 summarizes issues and parties for each case.

Table 1.1 Issues and Parties of Cases

Case	Parties	Issues
Accession Negotiations	Spain and EC	Democratization, agriculture, delay in negotiations
Constitutional Negotiations	Union of the Democratic Center, Socialist Party, Communist Party, Popular Alliance, Catalan Democratic Convergence, Basque Center Right Nationalists	Maintenance of monarchy, free enterprise, civil rights, socioeconomic issues, decentralization
Fontainebleau Summit	France, Germany, Britain	British Budgetary Problem, relaunching of Europe, Iberian accession

4. Defining Negotiation.

Negotiation is defined as 'an interaction in which people try to meet their needs or accomplish their goals by reaching an agreement with others who are trying to get their own needs met' (Mayer, 2000). There are two principle types of negotiation; distributive and integrative. In distributive negotiation, there are fixed amounts of resources to be divided. The primary motivation of parties is defined with a 'I win, you lose' conception. Primary interests of parties are opposed to each other, and the focus of relationship is short term. Concepts such as target point, reservation point, BATNA , bargaining zone, and compromise are part of the distributive bargaining process. The target point is the party's most preferred form of settlement (Thompson, 1998). The reservation point represents the minimum settlement of a party (Raiffa, 1982). The bargaining zone is described as the region between parties' reservation points (Thompson, 1998) . Fisher and Ury describe Compromise as a midpoint agreement and BATNA as the Best Alternative to Negotiated Agreement (as cited in Mayer, 2000). Raiffa illustrates a pattern of concessions where prices successively purposed by seller and buyer are depicted and calls this pattern a "negotiation dance" (Raiffa, 1982).

In integrative negotiation there is a variable amount of resources to be divided. Primary motivation of parties is defined with a 'I win, you win' conception. Lewicki and Litterer describe primary interests of parties as convergent or congruent with each other, and the focus of relationship as long term (as cited in Robbins, 1998). The term integrative negotiation encompasses both a process and an outcome of negotiation: agreement. An integrative agreement is defined as ' a negotiated outcome that leaves no resources unutilized' (Thompson, 1998). Among the four strategies outlined by Pruitt (1986) problem solving, contending, yielding and inaction, Pruitt and Rubin state that the problem solving strategy offers methods for reaching an integrative agreement (as cited in Thompson, 1998). As to have an understanding of each strategy introduced, problem solving seeks to find an alternative acceptable to both parties, contending is to force one party's will on the other, yielding is to reduce one party's basic aspirations, and inaction is to do the minimum in the negotiation process (Pruitt, 1995). The problem solving strategy involves various tactics such as expanding the pie, cost cutting, logrolling, bridging, and non specific compensation. Expanding the pie refers to finding a way to increase resources (Pruitt, 1995). In cost cutting, one party

gets what he or she wants, and the other party's costs are reduced or eliminated (Thompson, 1998). In log rolling, each party concedes on his or her low priority issue (Pruitt, 1995). In bridging, a new option is created that satisfies both parties' interests (Thompson, 1998). In non specific compensation one party receives his or her most desirable option, and the other party is repaid in an unrelated issue (Thompson, 1998).

The negotiation process is analyzed in different stages by various researchers. For example, Saunders defines negotiation as a five part process, in which defining the problem, producing a commitment to negotiated settlement, arranging negotiations, the actual negotiation, and implementation constitute the stages (Saunders, 1995). Lewicki and Moskal introduce another model of the negotiation process that includes the following stages: preparation and planning, definition of ground rules, clarification and justification, bargaining and problem solving as well as closure and implementation (as cited in Robbins, 1998). Most of the analysis shares the view that at large negotiation is made up of a pre negotiation phase, the negotiation proper, outcome, and implementation.

The main elements of the negotiation process are parties, issues, and positions. Party is defined as a participant in conflict that can be individuals, groups, organizations, communities, or nations. Issues are the resources to be allocated or the considerations to be resolved in negotiation. Positions are the stated 'wants' a negotiator has for a particular issue (Thompson, 1998).

5. Different Levels of Negotiations , and Multilateral Negotiations

Negotiations take place in the interpersonal, intra-group, inter-group and international levels. Interpersonal negotiations are negotiations between two individuals, intra-group negotiations are negotiations within a group, inter-group negotiations are negotiations between groups and international negotiations are negotiations between nations. Intra organizational negotiations and intra national negotiations are examples to intra-group negotiations. Bilateral negotiations, which are negotiations between two parties can be between two groups, forming an example to inter-group negotiations, or within a group, forming an example to intra-group negotiations.

Bazerman, Mannix, Thompson and Kramer define multiparty negotiation 'as a group of three or more individuals, each representing their own interests, who attempt to resolve perceived differences of interest' (as cited in Thompson, 1998, p.149)

The main characteristics of multiparty negotiations are the number of parties, informational and computational complexity, procedural complexity, and strategic complexity. The first characteristic of multiparty negotiations is the number of parties present at the negotiating table (Lewicki, Saunders and Minton, 1997). Rubin and Brown underline that the increase in the number of parties involved in the bargaining process increases the difficulty of coordination. Conflicting interests and interdependencies of negotiating parties cause a variety of problems (Rubin and Brown, 1975), rendering the negotiation process more difficult and more complex.

In regard to the second characteristic of multiparty negotiations, informational complexity, there are more issues, perspectives on issues, and total information present at the negotiating table (Lewicki, Saunders, and Minton, 1997). The third characteristic, social complexity, refers to the change in social environment from one to one dialog to a small group, bringing together group dynamics that have an impact on negotiators such as social pressure. The third characteristic, procedural complexity, refers to the complicated process followed in multiparty negotiations which results in longer negotiation time. The final characteristic, strategic complexity, refers to the strategies used by parties, most often distributive, in a multiparty negotiation setting (Lewicki, Saunders, and Minton, 1997). Raiffa points out that the multiparty negotiation setting may be chaotic and recommends the imposition of internal or external structure to meet this challenge (Raiffa, 1982). Constructive roles of external interveners such as facilitators, mediators, and arbitrators are highlighted (Raiffa, 1982). Palmer and Thompson define tactics used in multiparty negotiations such as circular or reciprocal logrolling (as cited in Thompson, 1998). In circular log rolling, each group member offers another member a concession on one issue and receives a concession from another group member on another issue (Thompson, 1998).

In the multiparty negotiation context, parties form alliances with other parties and create coalitions. Coalition is defined as 'the unification of the power and resources (or both) of two or more parties so that they stand a better chance of obtaining a desired outcome or of controlling others not included in the coalition' (Rubin and Brown, 1975). Rubin and Brown underscore that coalitions are more likely to form in competitive bargaining relationships of distributive character (Rubin and Brown, 1975). Parties are likely to enter coalitions when they view themselves disadvantaged in regard to obtaining some outcome and decide to join forces with another party to achieve the outcome they seek (Rubin and Brown, 1975).

International negotiation constitutes a type of multiparty negotiation, where parties are nation states. Starkey, Boyer, and Wilkenfeld highlight that a close look at diplomatic negotiations requires the examination of key processes of international relations (Starkey, Boyer and Wilkenfeld, 1999). The impact of contextual factors and situational factors such as internal situations of states on international negotiations is stressed.(Starkey, Boyer and Wilkenfeld, 1999). The negotiation process is divided into stages, rounds, and phases. Starkey, Boyer and Wilkenfeld use the metaphor of a game to describe international negotiations, where the board represents the negotiation setting, the players represent the negotiators, and the moves represent the decisions the negotiators make (Starkey, Boyer and Wilkenfeld, 1999) .

A multilateral negotiation is divided in three distinct phases: the pre-negotiation , formal negotiation, and agreement (Touval, 1995). In the pre negotiation stage parties decide on participants, coalitions among parties are formed, parties differentiate roles where sometimes a party takes the role of a mediator, and finally parties inform themselves on the issues and agenda. In the formal negotiation phase, parties negotiate over the details of the agreement. The agreement phase is the third phase of a negotiation process, (Touval, 1995) followed by implementation.

Multilateral negotiations can be both intra group, and inter group. If the negotiation parties, which are more than two in number are within the same group, the negotiation can be classified as an intra group multilateral negotiation. If the negotiating parties, which are more than two in number are from separate groups, the negotiation can be classified as an inter-group multilateral negotiation. The condition of the separate groups being separate states constitutes international negotiations.

6. Druckman's Negotiation Framework

Druckman presents the important themes of negotiation research in a framework of influences and processes. (Cheldelin, Druckman and Fast, 2003). The framework is made up of six distinct categories such as preconditions, process, outcomes, background factors and implementation which are demonstrated below in boxed. This study uses this framework as a blue print for the analysis of the primary and secondary negotiations concerning Spain.

6.1 Preconditions

The following sub themes for the variable 'preconditions' are discussed: Preparation for negotiation, issue structure, size, complexity, framing, goals and incentives.

6.1.1 *Preparation for Negotiation*

Preparation for negotiation is a very important part of the negotiation life cycle, since good preparation gives the negotiator a stronger hand at the bargaining table (Thompson, 1998). A good preparation serves as a key for a negotiation to produce a desired outcome. Lewicki, Saunders and Minton (1997) suggest that negotiators should choose whether to adopt a competitive, collaborative, or accommodative negotiation strategy. The process of choice of negotiation strategy requires an assessment of driving factors, principles and standards, the role of trust, assumptions about the episodic nature of the process, and negotiation goals.

Environments, contexts, outcomes, processes, and relationships constitute the driving factors to be taken into consideration when choosing a strategy. Principles and standards are the ethical values of a negotiation such as a commitment to honesty and maintain integrity. In regard to trust, negotiators derive this feeling from past experiences with the other party. Episodic assumptions refers to the perception that some goals can be attained in short term. Simple negotiation goals can be achieved in short term negotiations, however more complex negotiation goals requires a sequence of negotiation episodes (Lewicki, Saunders and Minton , 1977).

Planning the negotiation session is also an important part of the preparatory phase. Specific steps outlined for effective planning are defining and assembling issues and defining agendas, defining interests, consulting with others, managing goal setting, identifying your own limits, developing supporting arguments, and analyzing the other party. Defining issues requires a thorough analysis of the conflict problem, drawing from past experiences of similar conflicts, gathering information through research, and consulting with experts. As to assembling issues and defining the bargain mix, identifying issues, and the connection among different issues is essential. The interests of a party to a negotiation can be substantive, process based, relationship based, or based on principles and standards. Consultation with the other party is also important

and can serve to clarify issues, discuss the agenda, and negotiate ground rules. Prioritizing issues can be understood as defining the relative importance of our issues, and also assessing the priority's of the other party.

Setting goals is significant since it usually requires packaging among several issues and an understanding of trade-offs. Developing supportive arguments requires gathering facts, figures, and arguments that can be helpful in the actual negotiations. Finally, analyzing the other party, through information on the other party's resources, interests, needs, objectives, reputation, negotiation style, BATNA, authority to make an agreement, likely strategy and tactics, is a prerequisite for successful negotiation (Lewicki, Saunders, and Minton, 1997).

6.1.2 *Issue Structure, Size, Complexity and Framing*

Issues in negotiations come in different forms and structures. Sometimes the negotiator faces a single, dense, complex issue. At other times, simple issues are put together in a package. A negotiator attempts to simplify complexity of an issue by putting it into words that render the more understandable to both parties and by dividing the issue if the size is too immense, or by coupling it with an another relevant issue. Unbundling is cited as one way to handle complexity of negotiations. Lax and Sebenius underline the importance of unbundling issues, in single issue negotiations (as cited in Thompson, 1998). However addition of other issues to facilitate the negotiation is also a common practice (Thompson, 1998).

Framing information, which is an important cognitive bias, has a considerable impact on the process and outcome of negotiation. Neale and Bazerman underline the way in which the options are presented affects the willingness of parties to reach an agreement (as cited in Lewicki, Saunders and Minton, 1997). Framing an issue starts the search for a solution in the negotiation process. The interests of others are discovered through framing. Framing the issues, forming options, assessing the options, and reframing the remaining options and issues are all part of the negotiation process. Final framing is the last step leading to the final agreement (Mayer, 2000).

6.1.3 *Goals and Incentives*

Formulating goals is an important aspect of the negotiation process. Fisher, Kopelman and Schneider (1994) suggests that a goal pointing at the direction we would like to go, is better than a fixed objective that must be reached. One of the

most important criteria Fisher outlines regarding the formulation of goals, is that a goal should be conceivable attainable. Thus grand goals such as 'world wide equality' serve as a valuable political strategy (Fisher, Kopelman & Schneider, 1994) but it is doubtful whether they are helpful at the negotiating table. Thus realistic goals that are clearly defined can facilitate a negotiation process.

Common goals which are termed as superordinate goals in negotiation literature, facilitate the negotiating process by creating a common ground. Thompson (1998) underlines that a common goal, similar to a common enemy, eliminates the perception that the parties' interests can be completely opposed, and creates a new understanding that both parties find acceptable, and at times superior to their previous values. Rubin and Swap suggest that an effective leader can create a sense of transcendence by introducing superordinate goals that bridge existing bases of conflict or competition in order to reach increased cooperation. Rubin and Swap state that superordinate goals also serve to increase group cohesiveness (as cited Hopmann, 1996).

6.2 Background factors

The following sub themes for the variable 'background factors' are discussed: Culture, relationships, cognitive and ideological factors, experience and orientations, and alternatives.

6.2.1 *Culture*

Families, social groups, and departments in an organization, organizations, industries, states, regions, countries, societies and continents all contain cultural differences (Thompson, 1998). Negotiations across cultures have directed attention to the impact of culture in negotiations. The emphasis on culture when treating negotiation dynamics compliments the classical structural analysis of negotiation dynamics, adding value to the classical studies of negotiation. Cohen (2001), for example, uses the Syrian-Israeli peace talks to demonstrate the inability to convey abstract concepts through translation, and his work draws attention to complexities of negotiations across languages (as cited in Albayrak ,Bilali, Caglayangil, Eruzun & Sadık 2004). By studying e mail exchanges of Russian and Argentinian members of a software joint venture, Wu and Law (2003) look at how the sense of otherness can escalate conflict in negotiations (as cited in Albayrak et al, 2004).

Druckman and Hoppman state that despite the quantity of research done on negotiation and culture, whether to accept culture as another variable or the context of the negotiating environment is an unclear topic for researchers (as cited in Druckman, 2003). Gelfand and Realo underline that the lack of clarity of accepting culture as another variable is also related to the problem regarding the unit of cultural expression (as cited in Druckman, 2003).

6.2.2 *Relationships*

Structural relationships among parties and personal relationships both fall in the category of relationships (Thompson, 1998). Kelley underlines that the key characteristics of strong relationships are frequent interaction over a long period of time, variety of activities, or events, strong influence between people, and potential for arousing strong emotions (as cited in Thompson, 1998).

Research indicates that friends demonstrate different bargaining behavior than do strangers (Druckman , 2003). Shoeninger and Wood have proven that negotiation among friends is less competitive (as cited in Thompson, 1998), and Halpern has demonstrated that agreement is reached at a quicker time (as cited in Druckman, 2003). Halpern also points out that joint outcomes of negotiations among friends often tend to be less mutually beneficial or integrative (as cited in Druckman, 2003). Research by Fry, Firestone and Williams also shows that negotiations among close friends do not reach level 2 or level 3 integrative agreements (as cited in Thompson, 1998).

6.2.3 *Cognitive and Ideological Factors*

The psychological approach to negotiation focuses on cognitive bias which is displayed by selective perception, stereotypical distortion , attributional distortion, and self fulfilling prophecy (Kremenyuk, 2002). Selective perception is when a party perceives what s/he choices to see. Stereotypical distortion is described as the tendency to simplify a complex cognitive environment. Attributional distortion is when even kind acts of the other party as regarded as a result of manipulative intent, and negative actions by the other party are regarded as untrustworthy disposition (Kremenyuk, 2002). Zechmeister and Druckman illustrate that ideological factors are ideological dispositions of a party that have an impact on the negotiation process and that at some instances bargaining positions are linked to broader ideologies (as cited in Druckman, 2003)

6.2.4 *Experience and Orientations*

Research on negotiator behavior indicates that effective negotiators have experience. The orientation of the negotiator determines whether the experience is used to maximize personal or joint outcome. Thompson illustrates that competitively oriented negotiators use their experience to maximize personal outcome, and cooperatively oriented negotiators channel their know how to a joint outcome (as cited by Druckman, 2003) . Neale and Northcraft point out that experience also provides negotiators with analytical tools or frameworks that help them to deal with novel situations (as cited in Thompson, 1998). Research also indicates that in international negotiations which have an asymmetry in terms of experience, the outcome tends to favor the experienced delegation (Druckman, 1990).

6.2.5 *Alternatives*

Druckman underlines that attractive alternatives to negotiation terms produce better outcomes for negotiators that have an access to alternatives. Factors such as having less need to compromise or to rush into an agreement produce the opportunity to search for optimal agreements (Druckman, 2003). However, the opportunity of reaching an integrative agreement is lost when negotiators use their alternatives to pressure the other party. Pinkley, Neale and Benner underline that a self centered approach taken by the party who has a better alternative does not contribute to an integrative outcome (as cited in Druckman, 2003).

6.3 Conditions

The following sub themes for the variable 'conditions' are discussed: The negotiation context, time pressure, and third parties.

6.3.1 *The Negotiation Context:*

The negotiation context is defined from a variety of perspectives. Starkey, Boyer and Wilkenfeld who represent the realist school of thought portray the international system as the negotiation setting, and focus on power relations of actors. This definition is relevant for international negotiations. More precisely, social context is defined as the relationship between parties and the emotions during the negotiation

process (Thompson, 1998). It should be underlined that all negotiations take place within a certain context (Breslin and Rubin, 1995). The context at which the negotiations take place may both constrain the negotiators or facilitate the process. External events can be explained as incidents not directly related to the negotiation process, which however do have an impact on the process. As to openness versus secrecy, sometimes negotiations are carried out in secrecy, to minimize the external affects.

6.3.2 *Time Pressure*

Time pressure has both positive and negative effects on a negotiation process. Druckman (2003) states that time pressure is beneficial when used to close agreements arrived earlier. When facing time pressure, self interested negotiators become more competitive (as cited in Druckman, 2003) Collaborative negotiators become more willing to make concessions that favors the other party. Carnevale and Lawler illustrate that the time pressure also creates a decision dilemma, that reduces the chances for optimal agreements (as cited in Druckman, 2003)

6.3.3 *Third Parties*

The way negotiators react to mediators constitutes an interesting source of influence from third parties. Research by Carnevale and Henry demonstrates that when level of hostility between parties is high, the presence of a mediator who is perceived as trustworthy and competent can induce flexibility (as cited in Druckman, 2003). Research by Conlon, Carnevale and Ross indicates that mediators who suggest equal concessions by the parties produce more agreements than mediators who suggest integrative or asymmetrical outcomes (as cited in Druckman, 2003.)

6.4 Processes

The following sub themes for the variable processes are discussed: Phases, impasses, turning points, proposals, concessions, emotions and tactics.

6.4.1 *Phases/Impasses and Turning Points*

Phases are the distinct segments of the process that have special functions (Kremenyuk, 2002). An impasse or a deadlock is defined as an end to negotiations where parties do not reach a settlement (Thompson, 1998) . A constructive approach

underlines the natural character of impasses and holds the view that impasses are a helpful part of the conflict process (Mayer, 2000). Lewicki, Saunders and Minton (1997) state that factors such as breakdowns in communication, escalation of anger and mistrust, polarization of positions, refusal to compromise, or inability to create options that are satisfactory to both parties contribute to deadlocks in the negotiation process. Specific recommendations in relation to handling negotiation breakdowns are made. Firstly, negotiating parties are recommended to reduce tension and synchronize de-escalation. Graduated and Reciprocated Initiatives in Tension Reduction (GRIT)[1] aim to change the nature of relationships, from mistrusting to trusting (Lewicki, Saunders and Minton, 1997). Improving the accuracy of communication strategy is another strategy used to overcome deadlocks. Methods such as role reversal, and imaging, where parties are asked to describe themselves help to improve communication. Controlling issues is another strategy in a deadlock situation. A large conflict can be simplified through various mechanisms such as reducing the number of parties on each side, controlling the number of substantive issues involved and stating issues in concrete terms rather than as principles (Lewicki, Saunders and Minton, 1997). Establishing commonalities also constitutes an effective strategy in dealing with negotiation breakdowns. Superordinate goals, common enemies, and mutual commitment to rules bring parties together (Lewicki, Saunders and Minton, 1997). The last strategy is making preferred options more desirable to the other party.

In regard to turning points, they are defined as events or processes that mark the passage from one state to another (Druckman, 2003). Turning points can either be positive, instigating development in the negotiation process, or negative, causing impasses. Either way turning points are evaluated as benchmark events that depict the way a negotiation unfolds.

6.4.2 *Proposals and Concessions*

A proposal is the offer a party makes regarding an issue, and a concession is when a party accepts something lower than his or her target point to reach the other party at a midpoint, or compromise (Thompson, 1998). Sometimes we come across a pattern of concession when a party makes more than one consecutive concessions.

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[1] See Osgood (1962). Charles Osgood, who wrote about cold war and disarmament suggested a unilateral strategy for conflict de-escalation called GRIT (Graduated and Reciprocated Initiatives in Tension Reduction)

6.4.3 *Emotions*

Druckman (2003) indicates that positive emotions and good feelings are beneficial in negotiations. Research by Carnevale, Isen and Baron demonstrates that positive emotions reduce the use of contentious tactics and produce a stronger willingness to make concessions (as cited in Druckman, 2003). The display of positive emotions have a particular effect when following tough postures.

6.4.4 *Tactics*

A key bargaining tactic consists of presenting two faces. Research by Hilty and Carnevale demonstrates that having a cooperative and a competitive posture is more effective in producing optimal agreements than consistent cooperation or competition (as cited in Druckman, 2003). This can be achieved by different negotiators displaying different postures, or the same negotiator displaying both soft and hard postures over time. Another bargaining tactic is the use of rewards, or making concession without reciprocity. This tactic leads to quick, sub-optimal agreements (Druckman, 2003).

6.5 Outcomes

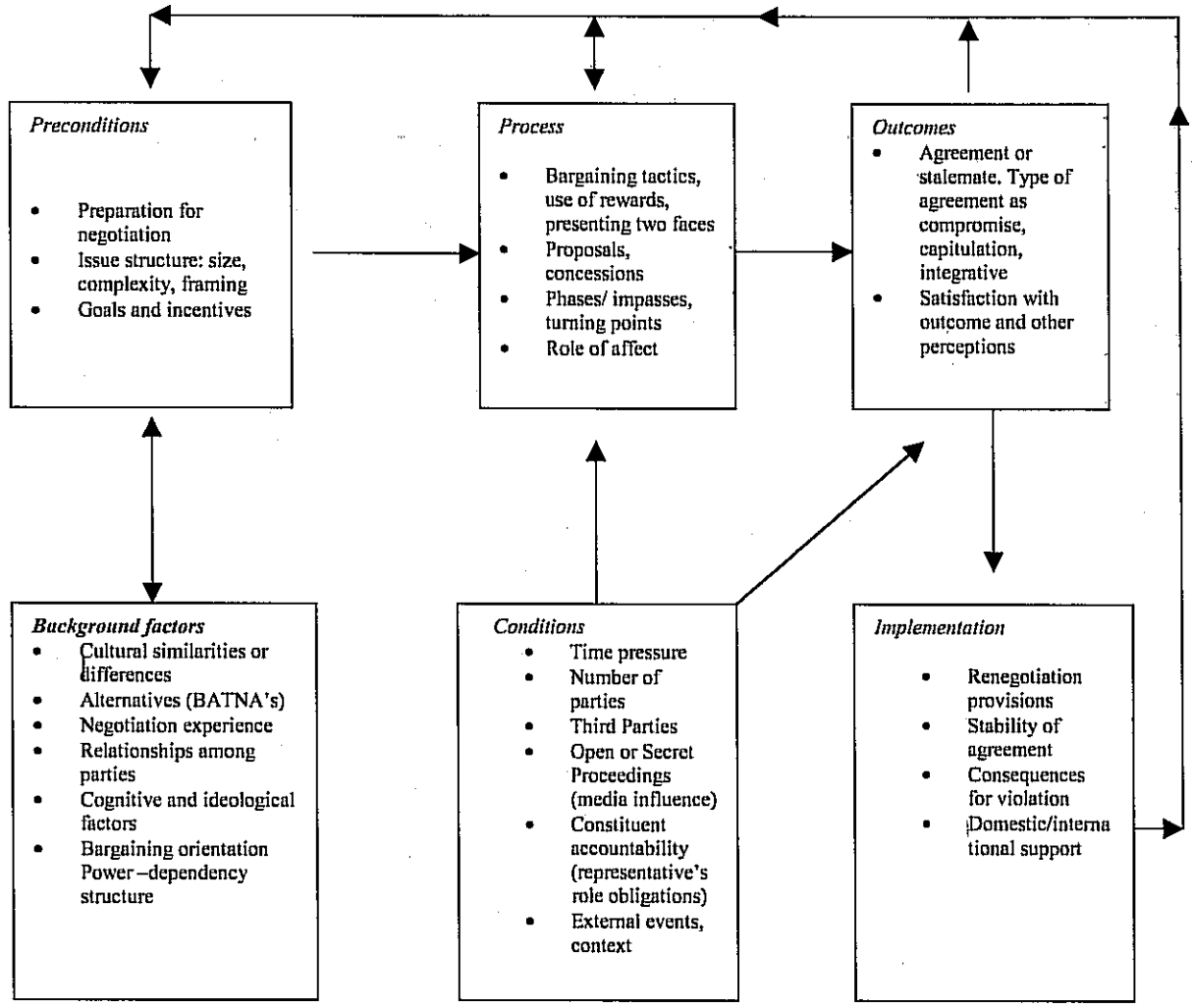
The following sub theme for the variable 'outcomes' is discussed: Agreement or stalemate

6.5.1 *Agreement or Stalemate*

Agreement and stalemate are both outcomes of a negotiation process: the former refers to an end to negotiations where parties do reach a settlement, and the latter to an end of negotiations where parties do not reach a settlement (Thompson, 1998). There are three different categories of agreements: integrative agreements, agreements bases on capitulation, and agreements as compromise. When all potential resources are utilized by parties, and the negotiated outcome is efficient, the agreement is characterized as integrative. There are three levels of integrative agreements. The first level reflects mutual settlement; the second, integrative outcome A compromise agreement is a midpoint agreement between two processes of negotiation.agreements;

and the third, *pareto optimal*, reflects the maximum settlement demonstrably superior to other feasible . Figure 1.1 summarizes influences and processes of negotiation.

Figure 1.1 A Framework of Influences and Processes of Negotiation



Source: Figure 11.1 A Framework of influences and processes of negotiation, From Druckman (2003), p.200

7. Application of Druckman's Negotiation Framework

This study applies the variables listed under background factors, preconditions, process, conditions and outcomes to a) the Spanish accession negotiations to the EC b) negotiations for the 1978 Spanish Constitution, and c) Fontainebleau European Council negotiations. The application of the above mentioned variables, aims to analyze their impact on the negotiation sets. As for the Spanish accession negotiations to the E.C., cognitive and ideological factors applied as part of background factors are the meaning of Europe for Spaniards and the meaning of Spain for Europeans. The

application of the variables is supplemented by a look at the formation of cognitive images regarding Spain and opinion poll results in France, Germany and Britain on attitudes concerning Spanish entry. The goals and incentives assessed as part of preconditions include Spanish reasons for joining the European Community.

Phases, impasses, bargaining tactics, and turning points are the process related sub variables evaluated in the context of Spanish-EC entry negotiations. The addresses of parties are introduced in order to illustrate the use of presenting two faces as a bargaining tactic. The two deadlocks caused by France are assessed in relation to their impact on the process. The impact of a turning point on a negotiation process is demonstrated by a detailed analysis of Spain's transition from dictatorship to democracy.

The study looks at the conditions such as external events and context for both parties. In regard to Spain, conditions such as economy, terrorism, and political developments are assessed. As for the EC, the study looks at the inter community developments during the seventies and eighties.

The outcome of the Spanish entry negotiations to the European Community, namely the Treaty of Accession is studied in regard to its structure. The study looks at whether or not the Treaty of Accession reflects an integrative agreement.

Regarding preconditions in the constitutional negotiations, goals and incentives are evaluated with an emphasis on the role of the process as a tool for consolidating democracy. Alternatives, the relationship among parties and bargaining orientation are evaluated as background factors. Concepts such as a perceived need for success in constitutional negotiations, the meaning of consensus in the post Franco Spain, and the Union of the Democratic Center's (UCD) style of governance are emphasized when illustrating the background factors mentioned.

In regard to condition, the study evaluates the impact of external events and context by assessing the following factors: the dynamics of political parties, democratic transition, political violence, national reconciliation, elections, the role of army, the role of the King, the return of the Catalan leader, Moncloa Pacts, and Spain's economic situation. Another concept studied is the secrecy of proceedings and the impact of violating the secrecy principle by leaking the information to the press. The process of the constitutional negotiations is analyzed by closely examining the use of presenting two faces as a bargaining tactic, by a specific negotiator. The impasse between the Union of the Democratic Center and Basque National Party (PNV) is

assessed, looking at factors that contributed to the deadlock. Finally the outcome of the constitutional negotiations is discussed, taking the text of the 1978 Spanish Constitution as a basis for discussion.

Preconditions evaluated for the Fontainebleau European Council negotiations emphasize the French presidency's preparation for the European Council meeting, the complexity of the British budgetary problem, goals and incentives for Britain, Germany and France in relation to the Common Agricultural Policy and Budget. The purposeful leakage of information to the press and its impact to the negotiation process is evaluated as part of conditions to the negotiation. Developments in Britain, West Germany and France are looked at as parts of external events and context. The context of the negotiations is also evaluated by offering an introduction to the British Budgetary Problem and providing an overview of European Council meetings preceding Fontainebleau. The Best Alternative to negotiated agreement publicized by Germany and France , the special relationship between Germany and France, and the power and dependency structure of the Council are analyzed as various background factors.

As to the process, the study closely examines the bargaining tactic of presenting two faces used by Germany and France, in form of hard negotiating tactics and collaborative negotiating behavior

8. Outline of Thesis

The following chapter looks at the primary negotiation process; the official adhesion negotiations between Spain and the EU and applies sub themes of five main variables of Druckman's negotiation framework to the case. Although the study mainly focuses on the time period between 1977, and 1985, Spain-EC negotiations during the Franco period are not excluded from the analysis in order to demonstrate how structural change in the Spanish political system, from dictatorship to democracy, acts as a turning point in the negotiation process. The life cycle of Spain EC negotiation process is illustrated in six phases and two impasses: The commencement of negotiations, low level negotiations, initial phase of negotiations proper, first deadlock, first phase of development in negotiations, second deadlock, second phase of development in negotiations, and final series of negotiations concluding with an accession treaty. Agriculture appears as the most prominent issue of negotiations.

The third chapter looks at one set of negotiations that took place within Spain prior to adhesion; constitutional negotiations between political parties. Again sub themes of Druckman's five main variables are applied to the case. The four level pyramid like negotiation structure formed through negotiations carried out by the subcommittee of the Congress of Deputies, Committee on Constitutional Affairs, Congress of Deputies, and Senate Subcommittee on constitutional affairs is illustrated in the chapter. Prominent issues include the relationship between church and state, role of monarchy, and degree of political and administrative autonomy of various regions (Gunther, Suni and Shabad, 1998).

The fourth chapter covers the Fontainebleau European Council of June 1984. The negotiation between France, Germany, and Britain over the British Budgetary problem is examined, underlining the distributive nature of the negotiations. The significance of the meeting in relation to the Spanish accession negotiations are emphasized. The study highlights the outcomes of the Fontainebleau European Council concerning budgetary imbalances, resources and enlargement, financing of the 1984 budget, dismantling of positive monetary compensatory amounts in the Federal Republic of Germany, social policy, a ' people' s Europe, and the formation of an *ad hoc* Committee on institutional affairs. The integrative and distributive aspects of the agreement are examined.

The concluding chapter includes a comparative analysis of the application of backgrounds, pre-conditions, conditions, process and outcomes tracing patterns of similarity and difference.

Chapter 2: A General Context of Negotiations and Analysis of Spanish Accession Negotiations

1. Introduction

This chapter addresses the Spanish negotiations to the E.C, in two different periods; the rapprochement between Spain and Europe during the Franco dictatorship, and the Spanish accession negotiations following democratization. Spain's incentive for joining the European Union was two fold. Firstly Spain wanted to be a member of the European Community to secure its democracy, and secondly Spain carried a strong European vocation which can be traced back to the 30ies. The Franco regime had also opened up during its last years, turning Spain's face towards Europe. Change was the catchword for both Spain and the E.C during the period between 1979 and 1986. Spain was going through democratic transition. Similar to the chance in Spain, the EC was also at a stage of development. The European Commission's 1979 ' Progress Toward European Union' report underlined issues such as the Treaty of Accession with Greece, the first direct elections to the European Parliament and the inauguration of the EMS (Dinan, 1994). In February 1984 the draft treaty of establishing the European Union was prepared (Dinan, 1994). Thus it can be concluded that both parties of the primary negotiations (Spain-EC entry negotiations) experienced an inner structural change, which in turn had an influence in their negotiating behavior. For example Spain wanted to be a member of the E.C. because membership would stabilize its political system. Likewise the difficulties and aspirations of institutional change in the European Community, sometimes eased negotiations, and at times rendered them difficult.

Secondarily, during the time frame selected, Spain and the EC both display that negotiation plays an important role in their inner party governance. In regard to Spain we see that consensus at the elite level was a significant aspect of the country's democratic transition (Gillespie, 1990) Consensual decision making can be mentioned as a characteristic of the Suarez government that took office in 1976 by the appointment of the King, and was elected in 1977. Consensual decision making included consultation of party leaders on the making of the 1978 constitution and socioeconomic issues (Gillespie, 1990) . It is argued that the Spanish transition had a negotiated nature (Share, 2002). From the beginning transition to democracy was negotiated with the

Francoist reformers, making negotiation an inseparable element of the new Spanish political machine. The most important sets of negotiations led by the Suarez government are the constitutional negotiations, and the negotiations for socioeconomic pacts. To sum up the new Spanish government had a priority of achieving consensus, and the way to achieve consensus was through negotiation.

In regard to the European Community intensity marks the negotiating practice. The fact that the Council meets at ministerial level over 60 times a year, reflects the intensity of negotiations. Proposals forwarded to the council by the commission also increased from 339 to 608 between 1975 and 1986, again accounting to the intensity of negotiations (Wallace, 1990). Appendix I demonstrates the proceedings of the Spanish-EC accession negotiations.

2. Spanish EC Rapprochement during the Franco Period

The time period between 1957 and 1975 corresponded to modernization of the Franco regime. The Opus Dei [2] technocrats who were appointed at several ministries, worked for the opening of the Francoist regime (Share, 2002). In economic terms, they sought economic reform, illustrated with the 1962 Plan of Development. The Opus Dei wanted to integrate Spain into the international capitalist economy. The desire of integration was not limited to economic terms. Ending the long isolation of Spain from western nations was also a top priority for the Opus Dei (Carr 2001, Juste 1998). Thus prior to General Franco's death in 1975, a rapprochement with the European Community was observed. The assignment of a Spanish ambassador to the E.C in 1960, is a very good example to the European vocation of the Franco regime governed by Opus Dei technocrats (Angoustures, 1995). The Franco dictatorship perceived full integration with Europe as a necessity. The regime desired to maintain or increase exports to the EC zone. (The EC zone was the principle market of Spanish exports), and this was only possible by a forming a structural link with Europe. The establishment also had political interests in the EC The establishment perceived that forming links with the EC would strengthen the regime. The principles of Catholicism, anticommunism and belonging to a European vocation were also highlighted in the rhetoric used by the regime wanting to turn westward (Juste, 1998) .

[2] *Opus Dei* (God's Work), a secretive catholic organization founded in 1928. Opus Dei technocrats were influential in the opening of the Francoist regime.

However the regime's European vocation was not sufficient for the commencement of accession negotiations, since the European Community, in principle, refused to negotiate membership with a non democracy. An examination of requests and responses is essential in understanding the pattern seen in the rapprochement. Prior to the country's official request of opening accession negotiations, Spain's foreign minister underlined the possibility of a status of association, similar to that of Greece in a speech that he gave in 1961. The Birkelback address (15.1.1962) of the EC underlined geographic, economic, and political conditions for adhesion. The address pointed out the use of regional systems such as customs union, zone of free trade, and possibility of commercial agreements (Juste, 1998). Thus with the Birkelback address the EC conveyed to the other party that negotiations could be on commercial agreements and not on accession. The EC had made it clear that accession negotiations with non democracies was not an option. The 1950 resolution of the Consultative assembly of the Council of Europe listed free elections, and the establishment of a constitutional regime as prerequisites. Position adopted by the European Parliament in June 1962 also underlined that only democratic states could be members of the community.

Spain's officially requested the opening negotiations on possible Spanish entry to the EC with the *Carta Castiella* dated 9.II.1962. There was no act of reciprocity to the first demand, except a formality letter of response. Spain made a second request (14.II.1964) two years later. Issues brought up in the second request were the Plan of Stabilization and the Plan of Economic and Social Development implemented by Spain. The request underscored that the plans had the objective of achieving compatibility with principles outlined in the treaty of Rome. The Council of Ministers of the EC responded by an authorization of the opening of negotiations with the goal of examining the economic problems and finding appropriate solutions. Thus, the EC set the ground where the negotiations were headed, underlining what was possible and what was not. Spain's aspiration point was full integration as mentioned before. However what the EC offered was higher than Spain's least desirable outcome, which meant no negotiations at all. Thus, the exploratory talks started in 1964 and concluded with a preferential trade agreement at 1970. The preferential trade agreement created a zone of free trade between Spain, member states, and associates (Juste, 1998). The talks that lead to the preferential trade agreement experienced technical and political difficulty. Spain's form of government; dictatorship, was the most tangible handicap. Again, using a

negotiations analytical framework, Spain's initial demand was membership, and what it received at the end of the negotiations was the 'preferential trade agreement.'

Spain had reservations regarding the trade agreement. The administration thus requested renegotiation based on the existing agreement, introduction of necessary modifications concerning economy, readjustment of the agreement, concessions in favor of Spanish agricultural exports. An interesting note, the different items in the request include many repetitions.

The Opus Dei technocrats had not achieved full integration as desired, however they formed the initial grounds of the relationship that the democratic governments to come would build on. Following, General Franco's death in 1975, Juan Carlos became King of Spain. The King appointed Adolfo Suarez as Prime Minister in June, and law on political reform was passed by referendum in December. Spain held its first democratic elections in June 1977, which resulted with a victory of the Union of the Democratic Center (UCD) and Suarez became the elected Prime Minister. (Perez-Diaz, 1999)

3. Spain-EC Negotiations after Democratic Consolidation

The new democracy had a strong belief that E.C membership would reinforce democracy, contribute to the solution of the nationalities question, transform social reality of the country, and highlight Spain's international position. Thus, the expected outcomes of membership formed Spain's interest in starting negotiations.

As to the E.C, the structural obstacle, namely Spain's type of government, was out of the way since the transformation to democracy had taken place. The E.C held the position that a democratic Spain belonged among European countries. As a matter of fact, Spain entered the Council of Europe in 1977, right after democratic consolidation.

After an introduction to the parties' positions following the establishment of democracy, let us look again at the identity of the parties. It would be an oversimplification to continue an analysis on a two primary party basis. Especially in the negotiations after democratic consolidation in Spain, we see that the EC is represented by its various institutions such as the presidency and commission . Issues are sometimes simultaneously negotiated with different institutions of the E.C. Thus, each institution can be seen as a primary party. Regarding Spain, the Suarez government initiates the negotiations, which are later on followed by the Gonzales government.

Similar to the track followed before, this thesis proceeds with an analysis of requests and responses. In 1977, Spain, under the Suarez government, requested adhesion. The position of the country was also clearly outlined in this formal request which read " Our hope is that the negotiations proceed in a reasonable time table and reach mutually satisfactory results". [3] A response by the President of Council of Ministers H. Simonet followed. (20.IX.1977). However, again negotiations were not started. As a reaction to the delay in the start of negotiations, the Spanish Foreign Minister gave an address in 1978 and outlined his country's specific positions concerning specific issues. In his speech the Minister underlined that Spain expected an agricultural policy that balanced the distance between the north and south, a fishery policy that allowed the utilization of Spain's membership application, a commercial policy that could resist protectionism, an economic and monetary union that could stabilize the markets of foreign exchange, policies that allow the use of the Spanish membership application, regional policy that revalorizes the importance of intermediaries and municipalities, immigration policy that addresses problems of Spanish immigrants. The speech concluded with the following remarks " Spain does not accept an adhesion process with phases, nor a regime of pre adhesion"[4] laying the conditions on the negotiation table. [5] Interestingly, the address not only covered Spain's positions regarding adhesion negotiations but also highlighted Spanish positions on the inter institutional debate. For example, the address reiterated that Spain in favor of the majority voting system (Juste, 1998)

The adhesion negotiations commenced in 1979. The EC for its part put the *acquis communitaire* on the negotiating table. Despite the good will of both parties, negotiations did not continue smoothly. France blocked the negotiations, first in 1980, and then again in 1983. At a visit to Madrid in June 1982, the French President expressed his views regarding Spanish accession as such : ' under existing

[3] Fr. Bulletin of European Community. No 7/8 (1977), pg 6, cited as source by Juste, A.M. (1998), p. 86
[4] Fr. Diary of Senate Sessions, 1978, pg 456-457, cited as source by Juste, A.M . (1998), p.86
[5] The quotes 32 and 33 are translated from the Spanish by the author of this study
[6] Fr. Nicholsan and East, *Enlargement*, p.222 quoted by Dinan, D. (1994), p.133

circumstances accession would mean an unfortunate state of anarchy, adding new pressures to those already facing the communities' [6]

France was particularly against Spanish accession since it would increase the Community's agricultural area by 30 % and its farm work force by 25%. This development would bring about direct competition between France and Spain in the production and sale of fruit, vegetables, and olive oil. (Dinan, 1994) The attempted military coup in Madrid, in February 1981 reminded Europeans of the political imperative of Spanish accession. (Dinan, 1994). The European Parliament declaration, which was made following the military coup attempt, underlined responsibilities of the community in providing the continuity of democratic forces in Spain and called for the competent institutions to adopt the necessary measures to accelerate adhesion negotiations. The military coup acted as a facilitating factor for the continuity of negotiations during the first deadlock, but the negotiations experienced a second impasse in 1983.

Felipe Gonzales reacted to the second deadlock in the negotiation process by writing a letter to heads of state of ten member states. (1983). In this letter he reminded the decision of the Stuttgart Summit and underlined that after the Stuttgart Summit, overcoming the intercommunity crisis and enlargement are parts of the same political project. Gonzales also mentioned that adhesion to the community is top priority and called for a clear attitude from member states and institutions. He requested integration of Spain to the community in a reasonable time.

French president François Mitterand replied to Gonzales's letter in December, 1983. Issues for France in Mitterand's letter are listed as the following: markets of fruits and vegetables, viniculture and fishery, internal disposition of tomatoes to the Community of 10, having in mind the eventual enlargement. (Juste,1998)

Finding a middle ground between the Spanish and French positions was the main challenge of the negotiators. In other words, the bundle to untangle in the negotiation process was the France factor. An informal meeting among the Socialist Ministers of the Mediterranean EC member countries and applicants that took place on 16, 17 October 1983, set the ground for a breakthrough in the agriculture issue . The EC Bulletin of 1983 points out that the Luxembourg meeting that took place two days

[6] Fr. Nicholsan and East, *Enlargement,* p.222 quoted by Dinan, D. (1994), p.133

after the informal meeting of the socialist Prime Ministers, resulted with an agreement among agriculture ministers to organize the communities fruit, vegetable, and oil markets (as cited in Dinan, 1994)

Fisheries constituted another area of dispute between France and Spain. . Under the common fisheries policy , the EC was trying to limit the access of the Spanish fishing fleet which was larger than the combined fishing fleets of member countries. The fisheries dispute between France and Spain surfaced when French patrol boats fired on two Spanish trawlers which were within the Community's 200 mile fisheries limit. The Spanish government responded by lodging an official complaint in Paris. Spanish fishermen, for their part, attacked foreign trucks, and the truck drivers blockaded the Spanish border (Dinan, 1994). The fisheries dispute continued until early 1985. Interestingly, it was the settlement of the British Budgetary question at the Fontainebleau Summit that put Spanish entry negotiations back on track, rather than a break through in the primary negotiation process itself (Dinan, 1994).

Finally, the EC sought to eliminate the 'threat' of Spain's entry by persuading Spain to agree to the following points: ten year transition period for Spanish agricultural exports, seven year transition period for freedom of movement, seven year transition period in free trade of industrial goods, and a sixteen year transition period to full access to E.C fishing grounds (Bidelaux and Taylor, 1996).

4. Application of the Framework

In this chapter, the variables preconditions, background factors, conditions, processes and outcomes, and their sub themes are applied to the Spanish accession negotiations to the EC.

4.1 Preconditions

Spanish goals and incentives related to the outcome of accession negotiation are studied as preconditions

4.1.1 *Goals and Incentives*

Spain's reasons for joining the European Community are discussed as an example to goals and incentives.

Reasons for Joining the European Community

The democratic political forces of Spain interpreted accession to the European Community as a guarantee of democracy (Juste, 1998). In his book, *Espana y el Proceso de Construccion Europea,* Juste expresses the reasons to support accession to the E.C. Primarily, Juste accentuates the net contribution of the accession process to the legitimization of democracy among the Spanish elite and in the Spanish public opinion. He highlights the consensus among democratic political forces that accession to the community would be a guarantee for the continuation of the democratic system in the country. Secondly, the expectation of integration with Europe strengthened Spain's hand in issues concerning the regions, by toning down the confrontation between the central administration and regional autonomies. Post Francoist Spain's attempt to reconcile aspirations of Catalans, Basques, Galicians, Asturians, and Castilians by shifting power to autonomous regions, coincided very well with the E.C concept of 'Europe of the regions' (Bideleux & Taylor, 1996). Thirdly, Spaniards expected integration with Europe to radically transform the social reality of Spain by modernizing Spanish political culture. The Spaniards also perceived the adaptation of the finance and production structures, as a positive impact of Spain's entry negotiations with the EC. Finally accession to the EC was perceived to resolve an important Spanish foreign policy issue, by determining the country's international position. (Juste, 1998)

Exports were a crucial issue in the package of benefits of accession . President Felipe Gonzales had stated that Spain sold 50% of its total exports to the European community as one of the reasons for joining the EC (Fuentes 1986). Since Spain had lower prices than the set E.C levels in agricultural products, it had the ability to gain more from its agricultural production (Klein, 1998). As a concluding remark, finance and economy wise, the European Community had thus become anonymous with economic security, growth, more foreign capital, and monetary aid from the EC

4.2 Background Factors

The study highlights Spain's perception of Europe, and the European countries' perception of Spain, since perception of the other constitutes a significant aspect of cognitive factors. How a party sees the other, has an impact on negotiating behavior. After a review of perceptions, the study continues with an analysis of how the European perception of Spain was formed. The role of the Spanish cinema, during the

accession negotiations, plays an important part in constructing the image of Spain, which in turn influences how Spain is perceived by Europeans.

4.2.1 *Cognitive and Ideological Factors*

How the two parties, Spain and European Community member states perceived Spanish accession to the EC is discussed as an example to cognitive and ideological factors.

Spain's Perception of Europe

During the period of democratic consolidation (1975-1985) Europe carried a special significance for Spain. Spaniards associated accession to the European Community with the functioning of the Spanish democracy, securing Spanish exports, facilitating the choice of products, overcoming the economic crisis, a strengthened agriculture, and a betterment Spain's position in the world (Juste, 1998). Spaniards believed in the idea of a 'return' to Europe. The feeling that Spain was already a part of Europe, yet separated from it, due to political problems was dominant among Spaniards. Unlike many other candidate countries, there was not a debate on whether or not to join the European Community. Rather, becoming a part of Europe, or returning to Europe as Spaniards saw it, was a national priority, supported by all political parties and the civil society. At 1978, during its second National Congress the UCD (*Union de Centro Democratico*) reaffirmed the three directions of Spanish foreign policy: Europe, democracy, and the West. At 1979 the European vocation was supported by all forces of the Parliament. (Juste, 1998) . The resolutions of PSOE's (*Partido Socialista Obrero Espanol*) October 1981 Congress also reflect a strong European conviction. For the socialists, the idea of Europe was equivocal with the ideas of liberty and democracy (Juste, 1998)

What Accession of Spain Meant for Europeans

How Europeans perceived Spain or Spanish accession can be analyzed in a few ways. This study looks at Euro-barometre poll results in three distinct countries: France, Germany, and Britain to gain an understanding of the European public opinion on Spanish accession. In order to have an insight of the cognitive images about Spain, the study analyses images of Spain during the period of official negotiations.

France's Perception of Spanish Accession:

France mainly feared the economic aftermath of Spanish accession. Producers of Mediterranean farm products and also steel, coal, automobile, textiles and footwear industries can be listed as the sectors that were uneasy about Spanish entry (Bideleux and Taylor, 1996). Attitudes towards Spanish membership in Europe were measured by euro-barometre surveys conducted in Autumn 1977, Autumn 1978, Spring 1980, and Spring 1985. A two-fold question was directed at interviewees, aimed at measuring how Spanish membership was regarded for one's own country and for Spain. The surveys conducted in 1977 and 1978 reflect that mostly RPR voters and Communist party voters opposed Spanish accession. On the other hand Spanish accession was regarded as beneficial by UDF supporters (Euro-barometre, 1979).

According to the opinion survey of Autumn 1977, 33 % of French nationals that took part in the survey saw Spanish membership as beneficial for own country, 20 % saw Spanish membership as harmful for own country, 27 % replied neither beneficial nor harmful, and 20 % did not have an opinion on the issue (meaning replied 'I do not know'). As to the results of the opinion survey conducted in Autumn 1978, 26 % perceived Spanish accession as beneficial, 20 % as harmful, 36 % replied neither beneficial nor harmful, and 18 % did not have an opinion. The Autumn 1978 survey also reflects that 74% of the French nationals that took part in the survey think that Spanish accession is beneficial for Spain, 2 % think that it is harmful for Spain, 8 % perceive Spanish accession as neither beneficial nor harmful for Spain, and 16 % does not have an opinion (Euro-barometre, 1979).

An interesting observation is that support for Spanish membership was more widespread among opinion leaders. Support among leaders had fallen between autumn 1977 and autumn 1978. The perception of Spanish membership as beneficial for own country reflected in the 1977 survey by leadership rating in France, ranging from non leaders to leaders is as such: 24 % (non leaders --), 31 % (-), 40 % (-+) and 40 % (leaders + +) . The perception of Spanish membership as beneficial for own country reflected in the 1988 survey by leadership rating in France on the other hand is as such: 20 % (non leaders --), 24 % (-), 28 % (+), and 35 % (leaders + +) . The perception of Spanish membership as beneficial for Spain reflected in the 1978 survey is as such: 56 % (non leaders --), 74 % (-), 80 % (+), and 86 % (leaders + +). The results indicate a

weighted average. Table 2.1 illustrates attitude towards Spanish membership in France, related to voting intentions in national elections of 1978.

Table 2.1 French Attitude towards Spanish Accession

	For own country				*For Spain*				
Base	*A good thing*	*neither bad nor good*	*a bad thing*	*don't know*	*A good thing*	*neither bad nor good*	*a bad thing*	*don't know*	
Parti-socialist unifié (far left)	(18) %	(42) %	(19) %	(21) %	(80) %	(12)%	(2)%	(5)%	(48)%
Parti Communiste (P.C.F)	26	28	32	14	71	12	6	11	118
Parti socialiste (P.S et Radicaux de Gauche R.G.)	27	39	20	14	78	8	2	12	385
Ecologistes	29	42	11	18	78	4	-	18	56
Parti Républicain (U.D.F)	38	36	12	14	87	5	-	8	133
Démocrates sociaux (U.D.F)	(40)	(30)	(16)	(14)	(69)	(7)	(9)	(15)	(38)
Radicaux (U.D:F)	(21)	(48)	(11)	(20)	(83)	(7)	(-)	(10)	(27)
Rassemblement pour la republique (R.P.R	28	35	23	14	72	7	3	18	132

Source: Part of Table 59 *Attitude to Spanish Membership of the community related to voting intentions in national elections* printed in Euro-barometre No.10, p. 112, January 1979

The opinion survey conducted in 1980 focuses on the public knowledge in Europe of the candidate countries. When asked which South European countries were demanding accession to the European Community, 57 % of French nationals that took part in the survey could site Spain. When asked whether they had the chance to visit

Spain in the last 10 to 15 years, 36 % of French nationals that took part in the survey replied 'yes'. (Euro-barometre, 1985)

Awareness of Spain's accession process together with Portugal's was again tested by a public opinion Survey in 1985. 70 % in France named Spain and Portugal, 13 % named Spain or Portugal, and 17 % did not name either of the two or did not reply. (Euro-barometre, 1985)

Regarding positions for and against Spanish accession in France, 10 % were strongly for, 34% somewhat for, 17 % somewhat against, 10% strongly against and 29% did not know according to the October 1983 opinion survey. The March-April 1985 public opinion survey indicated that 17 % of the French interviewees were strongly for Spanish accession, 41 % were somewhat for, 19 % were somewhat against, 9 % were strongly against and 14 % did not know (Euro-barometre, 1985)

Political inclinations and attitude in France to Spanish membership at 1985 is as illustrated in Table 2.2

Table 2.2. Political Inclinations and Attitude towards Spanish Accession in France

		Left	Centre	Right	Extreme right
Strongly for		20 %	14%	15%	21%
Somewhat for		49	43	39	33
Somewhat against		19	21	23	12
Strongly against	13	5	9	10	19
Don't know	8	7	13	13	15
Total	100	100	100	100	100
Index	2.84	2.91	2.71	2.67	2.65
N	89	2G7	359	195	51

Source: Table titled *The French and their attitude to Spanish accession according to their political leanings* printed in Euro-barometre 23, June 1985, p 37

An interesting observation is stated at euro-barometre report number 23. The report underscores that the strong opposition by the Communist Party and the Rassemblement pour la République to Spanish accession has not influenced the mass of the population.

Another question asked at the March/April 1985 Survey is whether Spanish accession is a bad thing for the community. According to the results 39 % of the French respondents perceived Spanish accession as a good thing for the community, 29 % perceived it as neither good nor bad, 18 % perceived Spanish accession as a bad thing for the community, and 14 % did not know. (Euro-barometre, 1985)

German Perception of Spanish Accession

Compared to other European nationals, Germans had a positive attitude towards Spanish accession. Generally Germans shared the view that accession would have a positive affect for their country The euro-barometre public opinion survey conducted in Autumn 1977 indicates that 48 % of the German respondents perceived Spanish accession to the Community as beneficial for own country, 8 % perceived it as harmful , 27 % perceived it as neither beneficial nor harmful, and 17% did not have an opinion (meaning answered I do not know) (Euro-barometre, 1979) According to the public opinion Survey conducted in Autumn 1978, 37 % of German respondents perceived Spanish accession to the E.C as beneficial for own country, 12 % perceived it as harmful , 32 % perceived it as a neither beneficial nor harmful, and 19 % did not have an opinion. Again at Autumn 1978, 72% of German respondents saw E.C accession as beneficial for Spain, 2% saw it as harmful, 10 % perceived it as neither beneficial nor harmful , and 16 % did not have an opinion.

The German perception of Spanish membership as beneficial for own country at 1977 ranging from non leaders to leaders is as such: 31 % (non leaders - -), 49 % (-), 53 % (-+) and 58 % (leaders ++). The 1978 results demonstrate 26 % (non leaders --), 36 % (-), 43 % (+) and 52% (leaders ++). The German perception of Spanish membership as beneficial for Spain at 1978 ranging from non-leaders to leaders is as such: 60 % (non leaders --), 72 % (-), 77 % (+) and 81 % (leaders ++) (Euro-barometre, 1980) The results reflect weighted averages. Table 2.3 illustrates German attitude towards Spanish accession in relation to voting intentions in national elections.

Table 2.3 German Attitude towards Spanish Accession

	For own country				*For Spain*				
	A good thing	Neither good nor bad	A bad thing	Don't know	A good thing	Neither good nor bad	A bad thing	Don't know	Base
Sozialdemocratische Partei (SPD)	43%	31%	13%	13%	79 %	10 %	2%	9 %	358
Frei Demokratische Partei (FDP)	40	31	13	16	70	10	3	17	70
Christlich-Demokratische Union/ Christlich Soziale Union (CDU/CSU)	36	34	12	18	71	10	3	16	384

Source: Part of Table 59, *Attitude to Spanish Membership of the community related to voting intentions in national elections* in Euro-barometre No.10, January 1979, p. 112

The table above illustrates that there is not much variation among German voters. However it can be noted that SPD supporters are slightly more in favor of Spanish accession than CDU/CSU supporters.

In regard to knowledge on the candidate countries, 51 % of the German respondents could identify Spain when asked to name the three South European countries demanding membership. As to personal knowledge on the candidate countries, 26 % of German respondents had visited Spain during the last 10 to 15 years. These results were obtained in the 1980 euro-barometre Survey.

Familiarity with the candidate countries was also researched at 1985. Out of the German respondents, 70% could identify Spain and Portugal, 9 % could identify either Portugal or Spain and 21% did not identify either of the two or could not reply (Euro-barometre, 1985). The results have been obtained by a weighted average. At the March April 1985 public opinion survey 25 % of the German respondents indicated that they were strongly for Spanish accession, 41 % indicated that they were somewhat for , 12 % indicated that they were somewhat against, 4% indicated that they were strongly against, and 18 % did not have an opinion. In the October 1983 public opinion survey 17 % of the German respondents were strongly for Spanish accession, 30 % somewhat

for, 13 % somewhat against, 9 % strongly against, and 31 % did not have an opinion (Euro-barometre, 1985) . As to whether Spanish accession is beneficial or harmful for the Community, 45 % of the German respondents interviewed at 1985 indicated that it was beneficial, 31 % perceived the event as neither beneficial nor harmful, 11 % perceived it as harmful, and 13% did not have and opinion. (Euro-barometre, 1985)

If we look at the variation in German public opinion from 1977 to 1985 we will see that there is an increase in negative replies and 'don't knows'

British Perception of Spanish Accession

British public opinion regarding Spanish accession is also reflected in the Euro-barometre public surveys. The autumn 1977 public opinion survey indicates that 31 % of the British respondents regarded Spanish accession as beneficial for own country, 22% regarded the event as a bad thing, 27 % perceived it as neither beneficial nor harmful, and 20% did not have an opinion. At autumn 1978, 24 % of British respondents saw Spanish accession beneficial for own country, 16 % regarded the event as harmful, 41 % perceived it as neither beneficial, nor harmful and 19% did not have an opinion. Again at Autumn 1978, 61% of the British respondents perceived Spanish accession as beneficial for Spain, 7 % perceived it as harmful, 11 % perceived it as a neither beneficial nor harmful, and 21% did not have an opinion. The results reflect weighted averages. (euro-barometre, 1979)

The British perception of Spanish membership as beneficial for own country at 1977 ranging from non leaders to leaders is as such: 23 % (non leaders --), 31 % (-), 38 % (+), 37 % (leaders + +). The 1978 public opinion survey indicates again ranging from non leaders to leaders 19 % (non leaders --), 21 % (-), 30 % (+), 31 % (leaders ++) support for Spanish accession among British respondents. The percentages regarding British perception of Spanish accession as beneficial for Spain at 1978 ranging from non-leaders to leaders is as such : 44 % (non leaders - -), 63 % (-), 69 % (+), 70 % (leaders ++) (euro-barometre, 1979). The results indicated above reflect weighted averages. Table 2.4 illustrates the attitude to Spanish membership of Britain related to voting intentions in national elections.

Table 2.4 British Attitude towards Spanish Accession

	For own country				*For Spain*				
	A good thing	Neither good nor bad	A bad thing	Don't know	A good thing	Neither good nor bad	A bad thing	Don't know	Base
Labour Party	23 %	39	19	19	56	12	8	24	407
Liberal Party	32	40	3	25	71	6	8	15	51
Nationalists (SNP Plaid Cymru, etc...)	(16)	(58)	(19)	(7)	(56)	(27)	(14)	(3)	(18)
Conservative Party	28	43	15	14	71	9	5	15	381

Source: Part of Table 59 *Attitude to Spanish Membership of the community related to voting intentions in national elections* printed in Euro-barometre No.10, January 1979

The table above demonstrates that Liberals mostly support Spanish accession.

Familiarity with the countries demanding accession was tested at 1980. Of the British nationals interviewed, 37% could name Spain among the countries demanding accession. (euro-barometre 13). In the same public opinion survey, 29 % of the British respondents stated that they had visited Spain in the last 10 to 15 years. When interviewed again at 1985 42 % of the British respondents could name Spain and Portugal, 20 % could name Spain or Portugal, and 38 % could not name either or did not reply. (euro-barometre, 1985) The results reflect weighted averages. The 1985 (March-April) public opinion survey results reflect that 18 % of the British respondents was strongly for Spanish accession, 32 % was somewhat for, 12 % was somewhat against, 8 % was strongly against, and 30 % did not have an opinion. At October 1983, 9 % was strongly for, 29 % was somewhat for, 10 % was somewhat against, 9 % was strongly against and 43% did not have an opinion. (euro-barometre, 1985) The results reflect weighted averages. As to whether or not Spanish accession was perceived as beneficial for the Community, at April 1985, 37 % of British respondents perceived Spanish accession as beneficial, 30 % perceived it as a neither beneficial nor harmful, 16 % perceived it as harmful, and 17 % did not have an opinion. (euro-barometre, 1985) Again results reflect weighted averages.

An analysis of the relationship between the poll results and the negotiation process highlights an interesting pattern. In all three countries looked at, public support for Spanish accession decreases from 1977 to 1978, and increases from 1983 to 1985. Thus once the accession negotiations start, public support in France, Germany and

Britain decreases. The decrease of public support is followed by an impasse in 1980. The negotiations experience a second deadlock in 1983. Once the deadlock is overcome the accession negotiations proceed, and agreement is reached in 1985. This development in negotiations is also reflected in an increase for support of Spanish accession from 1983, to 1985. Thus the relation does resemble the chicken and egg dilemma. At times, public opinion seems to be influenced by the negotiations, and at other times negotiations seem to be influenced by public support.

Forming the Cognitive; Images of Spain during Official Negotiations

Tracing the images sent by Spain via government publicity and private industries such as cinema, and received by Europeans in the period of official negotiations offers an understanding on how cognitive schemas regarding the other are formed.

In the sixties the tourist slogan commonly used was 'Spain is different'. This slogan intended to appeal to a desire for what was seen as the other, and what was seen as the exotic (Graham and Labanyi, 1996) . Thus, the notion of 'difference' was accepted both by the Spaniards and Europeans. In the eighties, the images of Spain were transmitted to Europe by the films of Spanish directors such as Carlos Saura, and Pedro Almodovar . Jordan underlined that it was Spain's 'Movida' (explosion of creative activity centered around youth culture , which dominated the Madrid cultural scene) generation who defined what was Spanish at home and abroad (Jordan and Tamosunas, 2000). Jordan, in what he calls the 'Almodovar affect' , articulates the 'filmic constructions' of Spain's national image. Almodovar, displayed an elevation of tastelessness, contemporaneity, hedonism, fluid identities, female centred-ness, generic mixing and an obsessive interest in sex which could have reinforced the association between Spanishness and sex, or sensuality (Jordan and Tamosunas, 2000). Almodovar also portrayed a schizophrenic dislocation that described the contemporary Spanish identity.

The second most influential director, in presenting Spain was Carlos Saura. Interestingly Saura's flamenco trilogy corresponds very well to Spain's accession process, since *Bodas de Sangre* was completed in 1980, *Carmen* in 1983, and *El Amor Brujo* in 1986. The first of Saura's flamenco trilogy *Bodas de Sangre (*blood wedding) is based on a classical drama by Frederico Garcia Lorca. The underlying themes of the drama are death and love. The second of the trilogy *Carmen,* is an adaptation of the

famous Bizet opera *Carmen*.. Saura's *Carmen* is interpreted as to reflect Spain's reconciliation with its European and internal heterogeneous *culture* (Graham and Labanyi, 1996) . The third of the trilogy *El Amor* Brujo is Saura's adaptation of Manuel de Falla's flamenco ballet based on an Andalusian ghost story. Jo Labanyi interprets Saura's trilogy as a reduction of Spanish culture to folkloric cliché, and an exposure to the constructed nature of the cliché (Graham and Labanyi, 1996). The post Franco film directors had opened the box which had been closed for years, and were bringing the hurting episodes of their history back to the surface, to the eyes of their own audience, and to the eyes of foreign audiences. Thus, as the country was negotiating accession, Spanish cinema had entered Europe, telling the story of Spain, as they had lived.

Spain is a dramatic country, ... the country of *Blood and Arena (Sangre y Arena),* and of *Wedding of Blood (Bodas de Sangre),* of *Carmen,* of Bolero, of *Fascinating Love (Amor Brujo),* of Death in the Afternoon and of *For whom the Bell Tolls*[7]

The quote above taken from a prominent Spanish political journal dated 1986, illustrates very well how Saura's trilogy found its place in the definition of Spain on the eve of accession .The discussion on images and representations can be further elaborated by Juste's treatment of the subject. In regard with the images and representations of the "Spaniard" in his book *Spain and the European Construction Process,* Antonio Moreno Juste underlines that the stereotypes went between the traditional images and the Spain of drama and of tragedy. The traditional image had a national character and encompassed the idiosyncrasy of a developing Spain (Juste, 1998). During the 20th century, Spain, or the Spaniard also signified a bursting romanticism and a search for the exotic (Juste, 1998).

In the period of isolation European contact with Spanish culture was through the Spanish community in exile. In his work, Juste highlights that the spirit of antifascist resistance, or the 'Spain of heart" described in poet Pablo Neruda's verses, for most of its part lived in the community of exile. The Spain in exile displayed an emotional character and had a significance for the European left. (Juste, 1998). So if we rephrase Juste, during the long period of isolation the Europeans were in contact with

[7] From Gooch, A "The language of Spanish Politics" *Review of Political Studies* n. 52 (1986) pg. 137 as footnoted by Juste, A. M. (1998), p. 10

the Spaniard in exile, and thus came to know what was experienced in Spain, through the stories of exiled Spaniards.

4.3 Conditions

The third variable to be looked at is the conditions of negotiation process. The external events and context shall be analyzed, for both of the parties, respectively.

4.3.1 *External events, context for Spain*

Economy and terrorism are among the factors that determined the context for Spain. As for external events the relevance of elections and the military coup attempt are discussed

Economy

In regard to Spain, by 1975 the country was facing the costs of its rapid growth. The 1970's OPEC oil crisis had a negative impact on the economy of the country. If we look at some figures of the time period, when accession negotiations took place, unemployment increased from 5 % in 1975 to 16 % in 1982. During democratic transition, the country experienced economic stagnation (From 1975 to 1982). The economy of the period can be characterized by a slowing down of growth, increase in inflation and unemployment, decrease in industrial production and investment and a budget deficit. (Almond, Dalton and Powell, 2002). When the 1982 elections were held, the unemployment rate among the Spanish labor force was 16%, translating to 2.2 million workers without a job (Pérez-Diaz, 1999). Other than experiencing an economic crisis, Spaniards were living with terrorism and struggling to democratize when official negotiations with the European Community took place.

Terrorism

Terrorism is another element which defines the Spanish context of negotiations with the European Community. The main terrorist organizations in Spain were Basque Homeland and Liberty (Eusadi ta Askatasuna, ETA) and the October First Revolutionary Antifascist Group. (GRAPO) Both groups had developed during the Francoist period. The latter withered away after 1980, but 70 % of ETA's terrorist acts were carried out from 1976 to 1980; corresponding with the initial phases of the European Community negotiation process.

Elections

From 1977 to 1982, the country was led by Adolfo Suarez's Union of the Democratic center. In the 1982 elections, the socialists had a overwhelming victory, and Felipe Gonzales became prime minister.

'Gonzales was a Europhile whose primary objective was to bring Spain into the Community. Young , personable, and extremely able, Gonzales emulated Soares by embarking on a series of visits to Community Capitals, using personal charm, political savvy, and, where appropriate, ideological affinity to make the case for Spanish accession.....'[8]

The quote above highlights the advantages Gonzales had. The fact that Spain was lead by a socialist government, when also Mediterranean member states had socialist governments acting as a facilitating factor during the impasse concerning agriculture. Table 2.7 demonstrates Spanish election results from 1977 to 1986.

Table 2.5 Overview of Spanish Elections[9]

Party(%)	**votes**	**seats**	**votes**	**seats**	**votes**	**seats**	**votes**	**seats**
	1977		**1979**		**1982**		**1986**	
PSOE	29.3	118	30.5	121	48.4	202	44.1	184
AP (CD,CP)	8.3	16	6.0	9	26.5	107	26.0	105
UCD	34.4	166	35.0	168	6.7	11		
PCE (IU)	9.4	20	10.8	23	4.1	4	4.6	7
CDS					2.8	2	9.2	19
CiU	2.8	11	2.7	8	3.7	12	5.0	18
PNV	1.6	8	1.5	7	1.8	8	1.5	6
HB and EE	0.9 a	1a	1.4	4	1.4	3	1.7	7
Others	13.3	10	12.1	10	4.3	1	7.9	4
Total	100.0	350	100.0	350	100.0	350	100.0	350
Abstention	21.4		32.0		20.0		29.0	

Source: H.R Penniman and E.M. Mujal-Leon (eds), *Spain at the Polls,* 1977, 1979, and 1982; *Cambio 16,* 30 June 1986 as cited by Gillespie, R. (1990) in G. Pridham (Ed.), p.127

[8] Dinan. D. 1994. *Ever Closer Union. An Introduction to the European Community.* Lynne Rienner Publishers. Great Britain. P: 133

[9] EE stands for only EE standing

Military Coup Attempt

The military coup attempt that took place on February 23, 1981 acted both as an external factor impacting on the negotiation process, and another element determining the context. The military coup attempt displayed by a fraction of the militarized police force taking over the parliament, was not successful, due to lack of support among majority of armed forces. The coup did not have the opportunity to achieve its ends: however it served as a reminder of the fragility of the new democratic process in Spain, against the armed forces. The coup attempt especially conveyed a strong message to France, the main opponent to Spanish accession, and facilitated overcoming the primary impasse, caused by the French agricultural concerns. The military coup attempt was also important in regard to the perceptions of the European Community as perceived in the European Parliament declaration underlining the Community's responsibility to provide the continuity of democratic forces.

4.3.2 *External Events and Context for the EC*

The mid 70's and early 80's are described with the words "euro-pessimism" and "euro sclerosis" (Moravcsik, 1998). During this period the European Community witnessed a paralysis in the decision making process, and there was a visible decline in competitiveness. The European Council of Athens that took place in December 1983 is a very good example for the paralysis in the decision making process, since the participants failed to reach an agreement on the concluding communiqué. Greenland's decision to leave , in February 1982 accentuated the state affairs for the Community. The British Budgetary Question blocked development in the European Community, since it remained as the main issue from 1979, until the 1984 Summit of Fontainbleau where it was solved. The newly elected British Prime Minister Margaret Thatcher (May 1979), held the view that Britain's contribution to the Community was more than its gain and demanded a budget rebate. Another issue dominating the agenda in the European Community was CAP reform. There was an accumulation of surplus production for which farmers continued receiving high prices.

The year 1979 also witnessed positive developments such as the first direct elections to the European Parliament, the treaty of accession with Greece, and

the inauguration of the European Monetary System which envisaged to establish a zone of monetary stability. Dinan holds the view that these developments marked the beginning of the end of the community's depression. Other factors that determined the context for the European community are the power struggle between Council and Commission Presidencies, and French Presidency which lacked direction and imagination during the first six months of 1979 (Dinan, 1994).

The mid 80ies can be associated with extraordinary transformation for the European Union (Dinan, 1994). Optimism and institutional momentum had replaced the former pessimism and stagnation (Moravcsik, 1998). The approval of the Single European Act, by heads of government in 1986 acted as the motor of transformation by launching the single market program, by establishing a complex bargaining structure as to improve the decision making process, by increasing efficiency, by achieving market liberalization and by promoting cohesion.

4.4 Process

The third variable to be examined in the primary negotiation is process. The following elements of the process are evaluated; bargaining tactics, phases, impasses and turning points.

4.4.1 *Bargaining Tactics: Presenting Two Faces*

In the set of primary negotiations, Spain uses a bargaining tactic of presenting two faces. The first face conveys positive messages to the other party, signaling Spain's enthusiasm and desire to enter the community. The second face conveys dissatisfaction with the other party. Prime Minister Felipe Gonzales's letter to heads of state of member countries, dated 1983, is a very good example to the tactic of presenting two faces. The letter conveys a positive message, underlining that adhesion to the community is a top priority for Spain. The same letter also conveys dissatisfaction with the delay in negotiations. French President François Mitterand's reply to Prime Minister Gonzales's letter, also reflects this use of two faces. Similar to Gonzales's letter, Mitterand conveys a positive message, such as French support for the Spanish accession but also lists the considerations of France regarding the negotiations (Juste, 1998).

The address Spanish Foreign Minister gave in 1978, in relation to the delay of the commencement of negotiations reflects toughness on the part of Spain and

frustration. Especially the sentence used by the minister that reads 'Spain does not accept an adhesion process with phases, nor a regime of pre-adhesion' [10] illustrates very well one of the faces presented.

4.4.2 *Phases and Impasses*

The period of rapprochement between Spain and the EC during the Franco period can be divided in two phases. The first phase is the period between Spain's initial accession request at 1962, to its second accession request in 1964. The major characteristic of this period is that no negotiations take place. There is only a request by Spain on the negotiating table. The low level negotiations that continue from 1964 to 1970 constitute the second phase. The important aspect of the second phase, is that parties negotiate on a trade agreement, and not on accession. This phase terminates with a preferential trade agreement in 1970.

Following Franco's death and first democratic elections, democratic Spain request E.C membership. The time period from democratic Spain's request for E.C. membership until the initial deadlock in negotiations constitutes the third phase. An intra European Community mechanism is put into action prior to the commencement of official accession negotiations between Spain and the EC . Following the Spanish request of membership in July, 1977 Council of Ministers of the European Community state having received the Spanish request of membership, and recommend the commission to prepare a report, known as the 'fresco'. In December formal commencement of accession negotiations is approved by the European Commission. In February, 1979, accession negotiations between Spain and the EC commence in Brussels. A general analysis of the application and adaptation of the community legislature to Spain are the issues that dominate this phase in the negotiations.

In 1980, the negotiations face an impasse caused by French agricultural concerns. In June of 1980, French President Giscard D'Estaing places the solution of inter community problems as a prerequisite for second enlargement. The attempted coup d'etat in February 1981, leads to various community bodies passing resolutions in favor of accelerating negotiations. The coup attempts also results in France reconsidering its position, and the impasse is overcome.

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[10] Fr diary of senate sessions (1978), p. 456-457 cited as footnote by Juste. A.M (1999) in *Espana y el proceso de construccion europea* , (Spain and the process of European Construction) Ariel Practicum: Barcelona, p 88

The period between March 1982 to October 1983 corresponds to the fourth phase of negotiations, and is characterized by development. Agreements in the movement of capital, harmonization of legislations, transportation, economic and financial questions, regional politics, freedom of establishment and freedom of services are reached in March 1982. In April 1983 parties agree to new points on foreign relations and customs union, and in July 1983 they agree on the monopoly issue.

The second impasse is caused by France in October, 1983. Due to its persisting agricultural concerns, France pressurizes the commencement of the agreement on agriculture, and reinforces protection of Mediterranean products. The impasse is overcome, by the agreement reached on the organization of fruits and vegetables at the European Community Council of Agriculture, in October 1983.

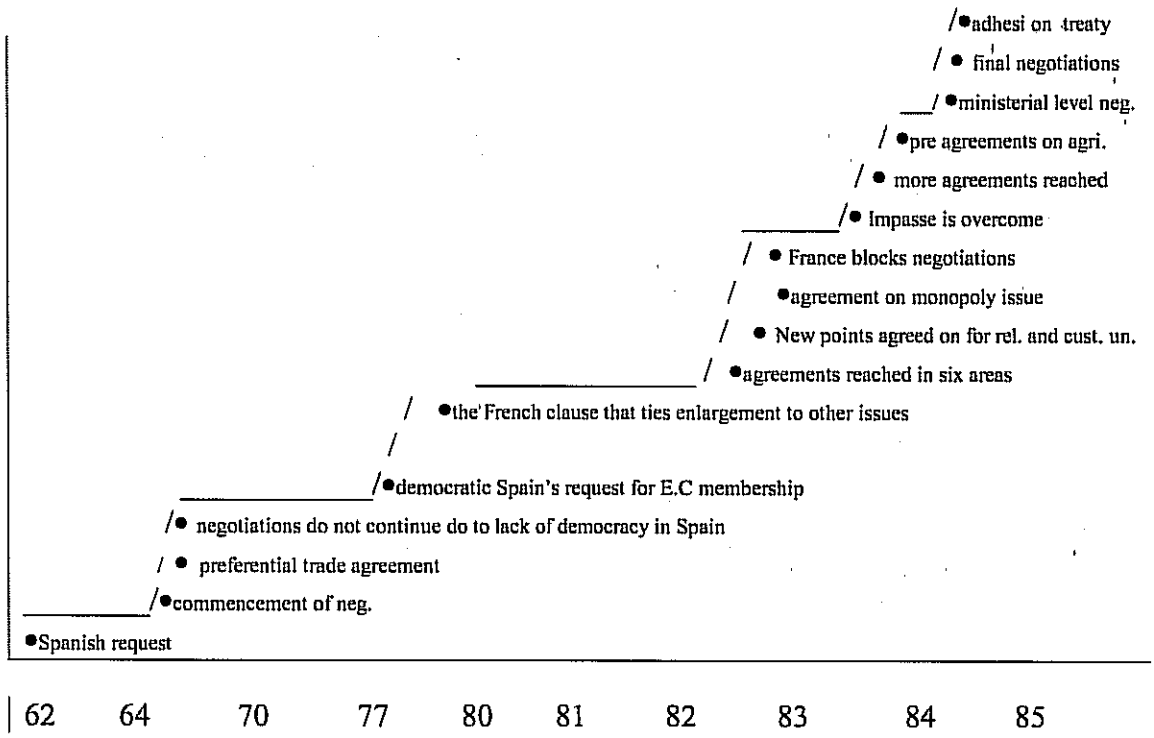
The period from January 1984 till October 1984 constitutes the fifth phase, and is characterized by development. Spain-EC fishing council reaches agreement in February 1984. In April parties reach agreement on issues concerning foreign relations and patents. However issues remaining establishment rights remain unsolved. In June 1984 parties reach pre agreement on agriculture and industrial disarmament. Following the European Council meeting of Fontainebleau (25, 26 June) where intra European problems that prevented development in accession negotiations are solved, negotiation session continue at the ministerial level, and positions of parties are clarified. This phase is also characterized with visits of European heads of state to Spain, to demonstrate their support. French Minister of Community Affairs Roland Dumas, German Chancellor Kohl, Italian Prime Minister Bettino Craxi and Dutch Prime Minister Ruud Lubbers are the foreign statesmen that visit Madrid during this period.

This phase is also characterized by brief suspension of negotiations. For example in October 1984 a brief suspension of the negotiation session takes place, due to the inability of reaching an agreement on the presentation of the global package. However this suspension can not be described as a deadlock, since it does not block the negotiating process. In December 1984 parties reach agreement on industrial disarmament, steel industry, and institutions.

February and March 1985 negotiations, constitute the sixth phase. Density of negotiations, characterize this phase. In February 1985 the European Commission presents the Committee of Permanent Representatives a proposal on agriculture, fishery and social affairs. The proposal is refused by the Council of Foreign Affairs, and Spain. In 19 February 1985, a negotiation session in ministerial level is conducted. In

this negotiation session Spain presents a document on Latin America. In 25 February, 1985 semi permanent contacts are initiated. Secretary of State, Manuel Mari visits Brussels to discuss the issue of agriculture and fishery with the Committee of Permanent Representatives and Presidency. In March president Felipe Gonzales initiates a shuttle diplomacy and discusses adhesion with French, German and British heads of state. Between March 17 and 21 series of negotiations between Spain and the EC takes place in Brussels. Again suspension of talks takes place within this phase. In similar fashion to the prior phase the suspension can not to be categorized as an impasse since it does not block the negotiating process. In this example, talks are suspended without reaching an agreement and parties decide to continue negotiations on the 25th. The negotiations at the ministerial level that take place on March 25th conclude with agreements in agriculture, fishery, social affairs, Canary Islands and the application proper. Negotiations for Spanish adhesion are essentially concluded in this phase. In March 26 and 27, parties finalize negotiations and agreement is reached on Spanish adhesion. The problem concerning Mediterranean integration Programs is the last issue negotiation between the parties (Juste, 1998). Figure 2.1 illustrates the phases and impasses of the Spanish accession negotiations to the EC.

Figure 2.1 Spanish Accession Negotiations to the EC



(adaptation of data from Juste's chronology on a negotiation table)

4.4.3 *Turning Points*

Spain's transition from dictatorship to democracy (1975-1978) acted as a turning point in the primary negotiation process in many aspects. Most importantly, it carried negotiations between Spain and the EC, from low level contact to negotiations actually targeting accession. For evaluative purposes, this study looks at what impact the turning point had on the elements of the negotiation process, such as parties, positions, and issues.

In regard to parties, one of the negotiating parties underwent a significant structural change. Democratic consolidation in Spain results in a redefinition of party due to a change of characteristics. Words such as 'consensual', and 'democratic'; replaced words such as 'authoritarian' and 'regime' when describing the party. A structural change in one of the negotiating parties (Spain) , led to a change in the

position of the other negotiating party (European Community) and also a change in issues. The European Community adopts a pro accession position following democratic consolidation, and once negotiations proceed, agricultural issues replaced the former issue of democratization.

4.5 Outcomes

The Treaty of Accession constitutes the outcome of the Spanish-EC accessions. Distinct characteristics of the Treaty of Accession are discussed.

4.5.1 *Agreement*

The entry negotiations between Spain and the EC concluded with the Treaty of Accession on the 12th of June, 1985. The Treaty of Accession reflects agreements of two different primary negotiation sets. The initial negotiation set is the entry negotiations between Spain and the EC, and the latter negotiation set is the entry negotiations between Portugal and the EC. Thus, from the European Community's point of view, the community negotiated accession separately with the two Iberian countries. Agreement on Spanish accession, and agreement on Portuguese accession that were part of the same Iberian enlargement package, concluded with the Treaty of Accession. The European Community negotiating with Spain and Portugal, as part of the same 'Iberian enlargement' package carries special significance since it can be interpreted as a deliberate E.C. tactic to decrease complexity of negotiations.

Structurally the agreement, or Treaty of Accession involves a few distinct processes. First, the treaty requires the signature of all parties. Each member state of the European Community is required to sign the treaty. This procedure can be understood as such: the parties involved in the negotiation process are Spain and the EC, the parties involved in the agreement are The Kingdom of Denmark, the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Greece, the Republic of France, Ireland, the Republic of Italy, Luxembourg, The Kingdom of Holland, The United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain, the Portuguese Republic, The European Economic Community, as well as European Atomic Energy Community. Secondly, the ratification of the treaty needs to be authorized by Spain. The law dated 2nd of August 1985, signed by Juan Carlos 1, the King of Spain, authorizes the ratification of the treaty (Juste, 1998)

The treaty of accession can be interpreted as a compromise agreement rather than an integrative one since parties agreed with a compromise rather than implementing integrative options such as expanding the pie. The agreement satisfied Spain's primary concern, becoming a part of the European Community, but problematic issues such as agriculture were tied to conditions in order to answer anxieties of member countries such as France. As a result the agreement included a ten year transition period for Spanish agricultural exports, seven year transition period for freedom of movement and free trade in industrial goods, and a sixteen-year transition to full access to EC fishing grounds and the Common Fisheries Policy. Full access to EC fishing grounds and the Common Fisheries Policy was later modified and brought forward to 1996, in the context of the European Union's 1995 northern enlargement (Bideleux and Taylor, 1996).

Another point to be made regarding the non integrative character of the agreement is that the E.C first stated that it would reduce the customs union tariffs 60 % for the totality of the industrial products, but the concession actually made was lower than the initial offer. Spain for its part reduced its customs tariffs for community products, between 25 and 60 % (Angoustures, 1995). Part of the adhesion treaty is included in the Appendix in order to illustrate the content of articles.

Chapter 3. Analysis of Constitutional Negotiations

1. Description of Constitutional Negotiations

An understanding of the Spanish E.C accession negotiations, taking themes from Druckman's (2003) framework of influences and processes into consideration was offered in the previous chapter. This chapter aims to offer an understanding of the 1978 constitutional negotiations in Spain. As stated earlier, the constitutional negotiations have a twofold significance. Primarily the constitutional negotiations are essential in consolidating democracy in the Post Franco Spain. Given that democratization is the first condition in Spanish EC accession negotiations, the constitutional negotiations serve as an inner building block for the E.C accession negotiations. In relation to the systems analysis, the constitutional negotiations constitute the initial of the secondary negotiations according to the multi layer systems analysis. From a perspective that defines a system by intra and inter negotiation sets of a party, constitutional negotiations constitute the intra negotiation set of the Spanish negotiations. Thus the constitutional negotiations make up an important part of the overall study.

The relationship of the Spanish constitutional negotiations with the Spanish EC accession negotiations can also be interpreted by taking into consideration Putnam's (1993) two level games metaphor. Putnam envisages politics of international negotiations as a two level game. The national level is described by domestic groups pursuing their interests by pressuring the government to adopt desired policies. In the national level politicians look for power by constructing coalitions among these groups. As for the international level Putnam (1993) underlines that national governments seek to maximize their ability to satisfy domestic pressures, and minimize the negative consequences of foreign developments. In Putnam's two level game metaphor, statesmen negotiate at two tables, one domestic and the other international. Thus reaching international agreement and securing domestic ratification are necessary for a successful negotiation (Moravcsik, 1993). Putnam decomposes the two level game process in two stages. The first stage includes bargaining between negotiators leading two a tentative agreement, and the second stage includes separate discussions within each group of constituents whether to ratify the agreement (Putnam,

1993). The distinction between voluntary and involuntary defection from international agreements, the contrast between issues on which domestic issues are homogeneous and heterogeneous, and the possibility of synergetic issue linkage are some of the links between domestic politics and diplomacy suggested by Putnam (1993). Under the light of Putnam's two level games metaphor, it can be stated that the Suarez government, negotiated the Constitution in the national level, and negotiated accession in the international level. The synergetic issue linkage described by Putnam is manifested in an interesting manner as such: Spain's democratization is a must condition put on the negotiating table by the European Community from the early rapprochement of the two parties. The constitutional negotiations that seek to draft a constitution also highlight democratization. To sum up democratization is a priority issue for the European Community, and political parties within Spain.

To give a brief description of constitutional negotiations, they can be characterized as an example to multiparty negotiations. As for the structure of the negotiating process, it is made up of four negotiation sessions. The draft was first negotiated by a subcommittee of the Congress of Deputies. The distribution of its seven members according to the political parties were three UCD representatives, one socialist representative, one communist representative, one representative from the Popular Alliance, and one representative of regional parties. The Committee on Constitutional Affairs conducted the second session of negotiations. The distribution of its 36 members according to the political parties were 17 UCD members, 13 socialists, two PCE members, one Catalan representative, one Basque representative, and two AP representatives The constitution text was thirdly negotiated by congress of Deputies and the final session of negotiations was conducted by the senate subcommittee on constitutional affairs. The distribution of the senate subcommittee members were as such: 25 UCD, 5 PSOE, two Catalan, one Basque, and six representatives from other groups (Coverdale, 1979).

Constitution negotiations were based on three issues: relationship between church and state, role of the monarchy, and degree of political and administrative autonomy of the various regions (Gunther, Suni and Shabad, 1988). Issues such as maintaining the monarchy, framing the principles of free enterprise in the constitutional text were priority issues for UCD. On the other hand, constitutional recognition of civil rights and socio economic issues were priority issues for the socialists and communists. The decentralization issue was of top priority for the AP , CDC (Catalan Democratic

Convergence) and PNV (Basque Nationalist Party). The AP had a strong position in maintaining the unitary state while the regional parties had strong positions in creating particular institutions for their communities.

The positions of parties regarding the decentralization issue were that the UCD and AP advocated the maintenance of 50 administrative provinces. The UCD was open to a general regional administrative decentralization. The Basque nationalists; advocated reestablishment of the traditional administrative and fiscal institutions called 'fueros' in the three Basque provinces and Navarre. The Catalans advocated an autonomous government called the 'generalitat'. The socialists and Communists also accepted the idea of autonomous Catalan and Basque governments, but advocated a general decentralization for the rest of the country (Heywood, 1999).

As to the negotiation process in the subcommittee session, the meetings took place in closed sessions. The main disagreement in this session was the differences of PSOE and UCD over constitutional provisions about the Church, education, and lockouts. During the final revisions of the constitutional text, the UCD demanded that articles on education be changed. The PSOE, on the other hand, wanted the articles on education to stay as is. As a reaction to UCD insistence on its positions, the socialist member Peces-Barba withdrew from the negotiations. However, this withdrawal seems to be a tactical move, since Peces-Barba signed the subcommittee's final report.

The issues that dominated the Constitutional Affairs Committee negotiation session were the status of the Catholic Church, lockouts, state aid and control of private education, and regional autonomy. The Committee approved 24 articles at the negotiations that had begun on May 5, 1978. However, the possibility of a deadlock in negotiations, due to the differences between the PSOE and the UCD, became evident as the committee started to discuss topics of sensitivity.

At this point, a useful tactic was implemented by President Suarez to ensure the success of negotiations. He enabled the negotiations to be brought out of the multiparty context, and given a bipartite private context so that PSOE and UCD could sort out their differences. The tactic implemented results as desired, and First Vice President for Political Affairs, Fernando Abril Matorell, and the organizational secretary for the PSOE Alfonso Guerra reached an agreement on the problematic issues during a dinner at a Madrid restaurant that lasted till 4 AM, on May 29.

The question of regional autonomy dominated the 4th of July dated Congress of Deputies negotiation session. In this session we see a bipartite negotiation between

the UCD and PNV. A compromise was reached at the end of long negotiations, but the process returned to where it started with the UCD withdrawal of the proposal. The constitution was taken for final vote on July 21. The yes votes were 258, the no votes were 2, and there were 14 abstentions. PNV deputies did not attend the voting session in order to protest against the constitution not guaranteeing the historic privileges of the region.

The final session of negotiations, the Senate negotiations started on August 9, 1978. The Senate worked over a week on classifying the amendments. Education was the issue that dominated the August 18 negotiations. UCD senators wanted to make a modification on the constitutional text in favor of private schools. Two amendments that sought to guarantee the central government's role in cultural and educational affairs were pushed by centrist senators in mid September. The move of centrist senators caused irritation of other senators. Partly as a reaction to this, the committee approved the Basque amendment. Following the Senate negotiations, the constitution went for referendum (Coverdale, 1979)

As a result, it can be concluded that although a pareto-optimal agreement was not reached, a level two integrative agreement was. Through which negotiation strategies did the parties achieve a level two integrative agreement which is difficult to obtain given the multi-party character of negotiations.

First of all, parties traded issues. To demonstrate this by an example, a party accepted giving an insincere vote on one issue, say a pro monarchy vote, in exchange for reciprocal behavior by other party (Heywood, 1999). This was possible since different issues were of priority for parties. The hardest issue to compromise on was the decentralization issue since all parties had strong positions. Party positions were different on the following issues: the maintenance of provinces, the reestablishment of particular governments for Catalonia and Basque country, and a general country wide decentralization. However, as a result of repeated negotiation sessions, with President Adolfo Suarez's input, vote trading in this issue was achieved as well (Heywood, 1999).

The final picture included the maintenance of 50 provinces. Thus, the demands of the centrists and conservatives regarding this issue were met. The historic nationalities, (Catalonia, Basque Country, and Galicia) and the other second rank regions attained different ways of access to autonomy. General decentralization was accepted for the whole country. To get to this final picture, the UCD agreed to initial

levels of autonomy for historic nationalities, in exchange of maintaining the 50 provinces (Heywood, 1999) If we look at it from the other way round, the socialists and the communists agreed to the 50 provinces in exchange for the political autonomy of nationalities. For its part, the CDC agreed to both provinces, and a general formula of autonomies that resulted in a diminished status for Catalonia in exchange for political autonomy of nationalities (Heywood, 1999)

The negotiations failed to reach a pareto-optimal level because of the inability to reach an agreement with the Basque National Party, PNV.

2. Application of the Framework

In this chapter, the variables preconditions, background factors, conditions, processes, and outcomes, and their sub themes are applied to the Spanish constitutional negotiations

2.1 Preconditions

Goals and incentives of parties are the preconditions discussed.

2.1.1 *Goals and Incentives*

Sole Tura and Aja underline that parliamentary negotiations between different groups was the only way to consolidate democracy in the post Franco Spain (as cited in Capo Giol , Cotarelo, Garrido & Subirats, 1990). Previous democratic experiments had not settled the differences of the nation. The political elite wanted to diminish the traditional conflicts between the political left and the political right, the center and the regions; the parliament was the place, and the constitution seemed to the best instrument to achieve this goal.

2.2 Background Factors

The background factors discussed include alternatives, relationships among parties, and bargaining orientation.

2.2.1 *Alternatives*

The success of constitutional negotiations, or achieving an integrative outcome, was of primary importance, given that the country was just embarking on democratic rule. Thus the success of constitutional negotiations was perceived as success,

therefore a guarantee of continuity for the democratic system. The new civil leadership had to prove the capability of itself, and its institutions in solving Spain's problems (Pérez-Diaz, 1999). It was clear that the country's leading elite did not have an alternative to negotiated agreement, and this clarity strengthened the chances of success for the constitutional negotiations.

2.2.2 *Relationship among Parties*

The theme 'consensus' determined the relationship between negotiating parties (Capo, 1986) during constitutional negotiations. The term consensus in Spain, implied a certain spirit, rather than a precise concept, and was used to focus on specific problems (Capo, 1986). In the relationship determined by consensus, parties searched for agreements in which all parties could participate (Capo, 1986). The consensual relationship among negotiating parties, contributed to the integrative nature of the negotiations.

Capo links the consensual relationship to an informal coalition between political parties. He asserts that although a grand coalition existed, it was not publicly announced by any of the parties (Capo, 1986) . The described coalition lacked precision, but its policy making model strengthened negotiation desire between leadership of the parties (Capo, 1986).

2.2.3 *Bargaining Orientation*

Bargaining orientation of the political parties that negotiated the constitution was cooperative rather than competitive. The UCD's style of governance is of particular importance, to understand the dominant bargaining orientation. The government tried to incorporate other parties and share political responsibility with pressure groups in the country such as domestic economic and regional elites (Perez-Diaz, 1999).

Pérez-Diaz uses the word 'mesogovernment' to describe the governing style and accentuates the importance of consensus formation for the new leadership. The consensus formation was carried out by government and the opposition parties' getting together with business unions and regional politicians, in order to share the responsibility of handling the issues concerning Spain (Pérez-Diaz, 1999).

Attitudes of political party leaders also reflect bargaining orientation. For example, socialist and communist negotiators Gregorio Peces-Barba and Jordi Solé

Tura demonstrated a pragmatic and moderate bargaining orientation. Catalan negotiator Miguel Roca I Junyent also displayed a collaborative negotiating behavior. Basque negotiator Xabier Arzallus is mentioned as not being moderate. Interestingly, non cooperative negotiator orientation was defined as an obstacle to progress in negotiations, and some parties made the decision to change their negotiator. For example UCD negotiator Miguel Rodriguez Herrero de Minon was replaced by José Péres Llorca. Another method of overcoming the difficulty caused by non cooperative negotiator orientation was excluding the non collaborative negotiator from negotiation sessions. For example, the AP negotiator Manuel Fraga Iribarne was excluded from the later stages of private negotiations in order to render compromise possible among other parties (Gunther, Sani, and Shabad, 1998)

2.3 Conditions

External events and context and open or secret proceedings are the themes evaluated.

2.3.1 *External Events and Context*

The dynamics of political parties are among the factors that determine the negotiating context. Lopez Nieto underlines that followers of Franco were not strong in the Parliament and. most had joined the far right nationalist party Alianza Popular (as cited in Capo Giol *et al*, 1990) . Huneus points out that Suarez's UCD had chosen a middle of the road political orientation which contributed to the mitigation of the left right conflict (as cited in Capo Giol *et al,* 1990). Mercet underlines that the Catalan nationalist party had endorsed social democratic ideas (as cited in Capo Giol *et al*, 1990). Tezanos and Maravall state that the PSOE targeted a moderate electorate (as cited in Capo Giol *et al,* 1990).

The orientation of the Communist Party is worth special attention since it contributed significantly to the consensus politics by playing an active role in the process. The Communist Party lead by Carrillo defined itself as 'eurocommunist'. Factors such as the dramatic experience of the Civil War, and the legalization of the Communist Party in April 1977 caused the party to adopt a collaborative strategy. The

party leadership declared consolidation of democracy as its main objective (Gunther, Suni and Shabad, 1998).

Certain characteristics of the democratic transition are also significant when thinking about the context since they prepared the setting for constitutional negotiations. First of all, the domestic climate of the country supported change and desired a closure of memories related to the Civil War (O'Donnel, Schmitter and Whitehead, 1986). In other words, the Spaniards wanted to leave the cleavages and violence behind. During the period from Franco's death to the June 1977 elections, 67 people died in political violence. The government had to handle violence from the extreme left, extreme right, its own police forces, and Basque nationalists (Coverdale, 1979)

The political elite of the country also shared the people's wish of reconciliation . The amnesty granted on July 31, 1976, and legalization of the Communist Party contributed the spirit of national reconciliation (Coverdale, 1979) The amnesty affected over 600 political prisoners. In the above described atmosphere of political violence, these steps towards reconciliation carry significance. Legalization of the Communist Party, especially, highlighted the government's democratic character (Coverdale, 1979). Change was also supported by various political actors such as the army an the king. The army which traditionally had a dominant role in Spanish politics was committed to a peaceful orientation. The army gave importance to respect for national unity and the functioning of the state apparatus (Pérez-Diaz, 1999). As for the Crown, King Juan Carlos is described as one of the moving forces behind political change (Coverdale, 1979)

Elections were an important event in the political life in Spain during the initial years of democratic transformation. As mentioned earlier, democratic elections of 1977 resulted with a victory of UCD. The elections results reflected that public opinion favored political moderation, ruling out options of the extreme left and the extreme right (Pérez-Diaz, 1999). Pérez-Diaz underlines that the elections results set the ground for writing the constitution and working out compromises (Pérez-Diaz, 1999). The possibility of radical politics or continuity with the Francoist legacy had disappeared with the 1977 elections. The 1977 elections also resulted in a victory for Catalan nationalists. The conservatives' immediate reaction was that Catalan nationalists would not favor negotiations. However, that was not the case. Following the elections, Catalan leader Reventos negotiated both with the King Juan Carlos and

Suarez for the return of the exiled President of the Generalitat, Joseph Taradellas, and the formation of a Catalan assembly (Coverdale, 1979). The return of Taradellas to Catalonia, had a positive impact on the constitutional negotiations. The Catalan representatives displayed a collaborative bargaining orientation during constitutional negotiations. The return of Taradellas could have translated into a collaborative bargaining orientation.

Following elections, the first consensus exercise initiated by the government was the Moncloa pacts. The negotiation behavior parties displayed during the negotiations for the Moncloa Pacts, situated the parties in a context of negotiating. Therefor a close look at the Moncloa negotiations is important in order to understand the context in which the constitutional negotiations took place.

The Moncloa Pacts was the first of the economic pacts negotiated between political parties, labor unions, and business associations. Enrique Fuentes Quintana, who was later on appointed vice president, and the Banco de Espana offered a proposal which entailed persuading the workers to accept a limitation on the increase of their salaries in exchange for a reduction in inflation, fiscal reform, reform in the area of social services, and structural reform. The interests of parties when the proposal was made carries significance. President Suarez had experienced grave difficulties in the summer of 1976 and believed that he could tackle these problems by a series of compromises between parties. The communists for their part, wanted to become a part of the Spanish political establishment. Therefore the proposal appeared as an opportunity to enter the system. The socialists were also aware of the instability in the country and sought a way out of it although their reaction to the proposal was rather ambiguous. The unions acknowledged that reinforcing democracy was a prerequisite for their own survival. They lacked the economic resources, and organizational ability to act on their own. On the other hand, they wanted to display independence from the parties. Therefore they did not openly sign the pacts although they were present at the process. It should be noted that the UGT and CC.OO were controlled by the socialists and communists, respectively (Pérez-Diaz, 1993).

Suarez assumed the leading role in the beginning of negotiations. When he invited the leaders for a two day meeting at the Moncloa Palace on October 5, 1977, he underlined the need to form an emergency plan to solve the difficulties the country is facing (Coverdale, 1979). Suarez resorted to a bipartite secretive meeting as to avoid a deadlock in the negotiation process, or, in this case, get the process started. Suarez held

secret meetings with the communist leader Santiago Carrillo to gain his support for the austerity measures that were going to be introduced by the Moncloa Pacts. Given that the communist leader was looking for an entry into the system, it was a win-win case for both Suarez and Carrillo. The support of the communist leader, also translated as support of the workers' commissions which had links with the communist party. Thus the support of the workers' commissions and the Communist Party gave Suarez the necessary means to pressure the PSOE in accepting the package (Preston, 1986).

The Moncloa pacts were a result of compromises by parties. The leftist parties agreed to wage ceilings of 20-22 percent and a series of monetarist measures that aimed at restricting credit and public spending. On its part, the government promised structural reform in the areas of agriculture, the tax system, accepted the reorganization of the police, and the return of the trade union assets confiscated by the Francoists after the Civil War (Preston, 1986).

When evaluating the Moncloa negotiations in relation to the Constitutional negotiations, the closeness of time can not be neglected. The Moncloa negotiations took place in October. As for the constitutional negotiations, the entire first draft was completed by mid November 1977. Carr, describes the Moncloa Pacts as the first exercise of consensus with the opposition (Carr, 1980). It can be furthermore stated that the first exercise of consensus, set the ground for the second exercise of consensus, the constitutional negotiations. The relationships between parties formed during the Moncloa negotiations, and the fact that the outcome of the Moncloa negotiations was an agreement served as facilitating factors for the constitutional negotiations.

Finally, looking at the economic situation in the country would be helpful in understanding the context. Three factors characterized the economic situation in the summer of 1977, a rising deficit in the balance of powers, rising inflation, and high unemployment (Coverdale, 1979). By mid September, Suarez was facing a deepening of the economic crisis. The economic crisis also caused a dissatisfaction of bankers, business leaders, labor unions, and in Suarez's UCD itself.

2.3.2 *Open or Secret Proceedings*

The Sub-Committee negotiations proceeded in closed sessions. A brief communiqué outlined the articles approved after each meeting, but the text was kept secret. This secrecy continued until the completion of the entire first draft (Mid

November, 1977). Members of the Sub-Committee wanted to continue their work in secrecy until the report to be presented to the Committee on Constitutional Affairs was ready and revision of the draft was complete. However, the information leaked and, and the draft was first published by a magazine and then a Madrid newspaper. Interestingly, the appearance of the draft in the media gave rise to public debate that was beneficial for the negotiation process (Coverdale, 1979).

2.4 Process

Presenting two faces as a bargaining tactic, and impasses are looked at as sub themes of process.

2.4.1 *Bargaining tactics: Presenting of Two Faces*

The bargaining tactic of presenting two faces is apparent at the incident of the socialist representative withdrawing from talks. Socialist member Gregorio Peces-Barba withdrew from the subcommittee as a reaction to the UCD's insistence on pushing through its amendments. Clear differences of opinion had emerged over constitutional provisions regarding the Church, education, and lockouts.

Coverdale (1979) assesses Peces-Barba's withdrawal as a tactical maneuver, highlighting that the subcommittee had completed its work by the time the socialist representative chose to leave the talks. In other words, Peces-Barba's presence at the final session would not have resulted in an introduction of changes to the Constitution (Coverdale, 1979). Coverdale underlines that the withdrawal of Peces-Barba intended to give the message that the socialists were serious in their demands, and they would only support the constitution in exchange of substantial concessions. The withdrawal served another purpose, enabling the PSOE to give its electorate the message that the features of the constitution they opposed were impositions of the UCD. Thus, Peces-Barba and socialists openly attacked the draft for a certain time. In contrast to the face presented when withdrawing from the talks, Peces-Barba presented a cooperative one by agreeing to sign the sub-committees' final report (Coverdale, 1979).

2.4.2 *Impasses*

The impasse between UCD and the Basque national party PNV, constitutes the most significant deadlock in the constitutional negotiations. The impasse was largely

because of the constitutional provision on restoration of the Basque *fueros*. The provision underlined that the respect for the historic rights of the *fueral* territories would be accomplished within the framework of the constitution. The PNV position was that *Fueros* were historic rights. It refused to the provision referring to the framework of the constitution in relation to the Fueros. For its part, the UCD opposed the complete restoration of *fueros* since the term implied acknowledgement of right to self determination (Gunter, Sani and Shabad, 1998). As a result the impasse was not overcome, an the parties failed to reach an agreement.

A few factors obstructed the parties from overcoming the impasse and reaching an agreement. Gunter, Sani and Shabad (1998) link the inability of reaching an agreement to the absence of a PNV representative in the drafting committee, and, more importantly, the absence of a PNV commitment. The PNV's lack of commitment was highly ideological. Pridham points out that the PNV refrained from embracing the constitution due to its desire of not being labeled 'espanolista' (Liebert, 1990). Therefore the PNV reiterated that historical rights were the source of legitimization of Basque autonomy and not the constitution (Liebert, 1990). ETA announced to support PNV's demands through military means and there was a rise of terrorist attacks during the negotiation process (Liebert, 1990)

2.5 Outcome

The constitutional text is looked at as the outcome of the constitutional negotiations.

2.5.1 *Agreement*

The outcome of the constitutional negotiations was the 1978 Constitution of Spain. The constitutional text was first voted at the Parliament (21 July 1978) and then approved by the public through a referendum that took place on December.

The constitution's significance was primarily because it marked an institutional and judiciary rupture between the francoist and democratic Spain. (Angoustures, 1995). It also provided a solution for the regional problem by guaranteeing autonomy , and abandoned Catholicism as official religion of the state (Carr, 1980). Pérez-Diaz asserts that the 1978 constitution symbolized national reconciliation. The constitution illustrated the accommodation between the political right and the political left, between the church and secular culture, between capitalism

and social reform, and between the center and the national aspirations of the periphery. (Pérez-Diaz, 1999). Coverdale describes the 1978 Constitution as a lasting document acceptable to most political forces (Coverdale, 1979) The Constitution that established a democratic constitutional monarchy represented a negotiated compromise between parties (Carr, 1980).

The constitutional negotiations, thus resulted in an integrative agreement. The agreement is considered as integrative since most parties needs were satisfied with the outcome and most resources were utilized during the process. Given the assumption that integrative agreements are more difficult to reach in multiparty negotiations due to the complexity of trade offs (Thompson, 1998) the result reflects success for all parties involved. The second article of the constitution which underlines the right of autonomy, and indivisibility of the nation, is a very good example of how opposing sensitivities are brought together in one sentence . As highlighted by Pérez –Diaz the constitution symbolizes reconciliation of the historical polarities of the country, and that is why precisely the agreement is integrative. The agreement can be categorized as a level two agreement, and not a level three agreement due to the inability to reach an agreement with the Basque national party PNV. Otherwise the agreement holds all the characteristics of a Pareto-optimal agreement, since it transforms or aspires to transform the relationship between different segments of the society, from enmity to reconciliation. Appendix III illustrates parts of the 1978 Constitution , in order to offer and understanding of some of the basic principles of the articles.

Chapter 4. Analysis of Fontainebleau negotiations

1. Fontainebleau European Council Meeting

The previous chapters offered an analysis of the Spanish E.C. accession negotiations, and the Spanish constitutional negotiations. This chapter addresses the negotiations between France, Germany and Britain at the Fontainebleau European Council meeting, dated June 1984. From a multi-layered negotiation system perspective the Fontainebleau European Council constitutes the latter secondary negotiation. As for a party centered systems perspective, the Fontainebleau European Council forms one set of the EC intra and inter negotiations. Time wise the Fontainebleau European Council falls to the end of the Spanish E.C. accession negotiations. The significance of the Fontainebleau European Council, in relation to our study is that it broke the impasse of the intra European negotiation process, and served as a turning point for Spanish accession negotiations by the solution of the British Budgetary Problem. Prime Minister Thatcher's demand for a rebate of Britain's budgetary contribution constituted the core of the British Budgetary Problem, which had paralyzed the European Union decision making process, blocking other issues from being resolved. The British budgetary problem had a special significance for Spanish accession. More specifically the U.K. needed to finish its budgetary problem to render Spanish accession to the E.C. possible, since Spain would require significant transfer of funds. Thus a solution of the British budgetary problem was a must condition for an outcome in Spanish E.C. accession negotiations. In fact once the British budgetary problem was solved , the Fontainebleau European Council concluded that the accession of Spain and Portugal should be completed by 30 September 1984 the latest. (Bull-EC. 6-1984; Pederson , 1998).

The Fontainebleau European Council took place at the Palace of Fontainebleau, outside of Paris. Fontainebleau Palace carries a special meaning in French history, since it was the setting of Napoleon's farewell to his generals (Dinan, 1994). Attali's diary gives account of the negotiation process at Fontainebleau. Two heads of State Mitterand, and Kohl, dominated the negotiations. Whom to hand over the Commission Presidency was one of the issues discussed. Attali states that Kohl

and Mitterand decided during breakfast on the second day , to hand over the Commission Presidency to Delors (as cited in Pederson, 1998). Despite the fact that Kohl favored a German President for the Commission, he did not insist. Attali's diary also mentions that the German Chancellor expressed that he was not against a French president, given that the president did not oppose Kohl and Mitterand's political initiatives (as cited in Pederson, 1998). As for the British Premier, Thatcher expressed that she had no objection for Delors as president. Thatcher respected Delors who was part of the Mitterand government's initial left wing policies (Pederson, 1998). Thus EC governments named Delors to the Commission Presidency.

The most important issue to be negotiated at the Fontainebleau meeting was the British Budgetary question. First, the heads of state asked their foreign ministers to draft a resolution to the British dispute. The resolution was to be based on a rebate in the form of a fixed percentage of Britain's yearly net contribution. Thatcher agreed to 66 %. Kohl had reservations but agreed to the sum at lunch on June 26, after some concessions to Germany on the CAP (Dinan, 1994).

Attali's diary also describes the negotiation on the British Budgetary question. According to the diary, Thatcher's first proposition was a 90 % rebate. Then the British Prime Minister requested "much more than 70 percent." Attali's diary points out that Mitterand and Kohl decided on 65 % as the maximum amount of rebate, Kohl presented the position to Thatcher, as the position of the nine, Thatcher requested 66 %, and the amount of agreement was determined as 66% (as cited in Pederson, 1998). Thus, the British Budgetary problem was solved.

As for matters related to the central theme of "relaunching Europe", a working group presided over by the Irish Senator James Dooge, was asked to prepare suggestions on the improvement of the functioning of the European cooperation (Pederson, 1998). In this way, the *ad hoc* Committee on institutional affairs, later on known by the name of it's chair, James Dooge, was set (George and Bache, 2001). Regarding the formation of a people's Europe, Adonnino was asked to prepare proposals under the title "Europe of the Citizen" (Pederson, 1998)

2. Application of the framework

2.1 Preconditions

Preparation for negotiation, issue structure, size, complexity, and framing, goals and incentives are evaluated

2.1.1 *Preparation for Negotiation*

In January 1984, France took over the EC presidency. The French President Mitterand was committed to solve the budgetary impasse before the meeting and started discussing the revival of the Community at the Fontainebleau European Council meeting, which also marked the end of the French presidency (Dinan, 1994). As a move to corner Thatcher, Mitterand and Kohl played on the rhetoric of a two tiers Europe, that would exclude Britain if Thatcher did not cooperate before the Fontainebleau meeting. The writing of position papers also constituted an important preparatory task for negotiation. Mitterand's position paper, written by Jacques Attali, envisaged two possibilities: reaching an agreement or not . In the case of the initial possibility, other issues such as the revitalization and enlargement would be discussed, and, in the case of the latter possibility, there would be no discussion on other issues.

2.1.2 *Issue Structure, Size, Complexity and Framing*

The British Budgetary problem, which has been a source of dispute between the Franco-German alliance and Britain since Thatcher took office and demanded "her money back", constitutes the core issue of the Fontainebleau European Council. Other issues concerning the Community such as the revival of Europe and Iberian accession are deliberately linked to a resolution in the budgetary problem. The link is openly announced before the meeting, conveying the message that discussion of Iberian accession and revival of the European Community would only be possible with a solution to the British budgetary problem (Moravscik, 1998). So in a sense the problematic issue, is not framed, but rather stated bluntly.

In regard to complexity the British budgetary issue is simple in a sense that , the request of Britain, a rebate of its contribution, is clear cut and can be dealt with in

a simple distributive manner. However the issue itself being simple, does not prevent it's impact creating a very complex picture. The British budgetary problem is complex in the sense that it freezes development in the European Community in all other areas since parties to the European negotiating process place the resolution of the budgetary problem as a prerequisite for other developments to proceed. Both Britain and France have placed the resolution to the British budgetary problem as a prerequisite at different times, and places from 1980 to 1984. Thatcher placed it as a prerequisite for agricultural development, and Mitterand, as a prerequisite for enlargement.

2.1.3 *Goals and Incentives*

Goals and incentives for Britain, Germany, France, and the Commission in relation to the CAP and budget are as follows: Britain aimed to reduce its net contribution through a rebate, eliminate CAP, and cut EC export subsidies. Germany wanted to raise or maintain prices and MCA's, cut EC export subsidies, and stabilize German fiscal contribution. Germany also desired a rapid Iberian entry. France desired modest price increases, high export subsidies, elimination of MCA's, no increase in net French contribution. Regarding Iberian entry, France supported a long transitional period. As for the Commission, it desired large price reductions, modest British rebate, elimination of MCA's, and rapid Iberian entry (Moravcsik, 1998)

2.2 Background factors

Alternatives, relationships among parties, and power and dependency structure are the themes evaluated.

2.2.1 *Alternatives (BATNAs)*

The "Europe a deux vitesses" (two tiers Europe) publicized by Mitterand and Kohl could be interpreted as their BATNA. The idea of continuing European integration with parties that wanted to collaborate, meant that Germany and France did have an alternative to agree with Britain, which was business as usual, with the exclusion of the island state. Having a powerful BATNA and conveying their BATNA to the other party empowered France and Germany in the negotiations over

the British Budgetary question. The fact that the House of Commons called for Britain to adopt a more conciliatory negotiating position, demonstrates the impact of France and Germany publicizing their BATNA. Kohl and Mitterand not only had a BATNA, but had one with the potential of hurting the other party, which added to its power.

2.2.2 *Relationships Among Parties:*

Throughout 1984 Germany and France cherished a special relationship, both on the communitarian and bilateral levels. The meeting of French and German heads of state on 2 February, Chancellor Kohl' remarks following the Franco-German preparation meeting for the March European Council at Brussels, the April meeting of French and German foreign ministers, and the Franco-German Summit of Rembouillet all demonstrate the degree of the relationship of the two European powers in 1984.

In the meeting that took place on the 2nd of February, at Scloss Edenkoben in Germany, the two heads of state reached agreement to make joint efforts to solve the problems facing the community and to take new initiatives geared at furthering political cooperation in the EC, on the basis of the treaty of Rome.

Following a Franco-German preparation meeting for the March European Council in Brussels, Kohl expressed that France and Germany formed the centerpiece of the future Europe. Kohl's enthusiasm was also supported by former German Chancellor Willy Brandt who stated that "nothing is possible in Europe if impossible between FRG and France" [11].

At the April meeting, Genscher and Dumas touched upon key issues such as the British budgetary problem, Iberian accession, and the future financing of the EC. Genscher underlined the security aspect of the Franco-German relationship, calling for Europe to play a more influential role within NATO. (Pedersen, 1998).

Finally, the Franco-German summit of Rembouillet that took place on May 1984 demonstrates very well the high level of cooperation between the two powers of Europe. At Rembouillet, German Chancellor Kohl expressed his support to President Mitterand's proposals, voiced at his European Parliament address. Revival of the Western European Union, closer foreign policy, and defense cooperation

[11] Fm. *Agence Europe*, 27 February 1984 as cited by Pederson (1998) in f. 25, p. 94

was discussed at a separate meeting by the two countries defense and foreign ministers. Joint construction of an attack helicopter was also among the issues discussed (Pederson, 1998).

As to the impact of the relationship between France and Britain had on the Fontainebleau negotiations, the two implemented a joint strategy before the European Council meeting, and both heads of state announced that they were ready to continue without Britain. They also acted in cooperation during the meeting itself although a negotiation between Germany and France, addressing German concerns regarding the Common Agricultural Policy.

2.2.3 *Power and Dependency Structure:*

Despite the fact that heads of state of ten member states participated at the Fontainebleau European Council, the negotiation process was centered around France, Germany and Britain. Following Kohl and Mitterand 's meeting during breakfast, the Chancellor conveyed their decision regarding the rebate amount agreed to Thatcher, as position of the nine (Pedersen, 1998). Thus it can be referred that other member states were dependent on German and French negotiating positions.

2.3 Conditions

The themes looked at include open or secret proceedings, external events and context.

2.3.1 *Open or Secret Proceedings (media influence)*

An interesting episode took place when Franco-German threats of excluding Britain in case of not reaching an agreement and the principle of not discussing Iberian accession, or the revitalization of the community at Fontainebleau without an agreement on the budget were leaked to the press. The information leaked on purpose, as a bargaining tactic appeared in the British media. As a result of the issue discussed by the press, the House of Commons wrote a report, requesting a more conciliatory negotiating position. (Moravcsik, 1998)

2.3.2 *External Events and Context*

British, German and French EC policies, the British budgetary problem, and European Council meetings preceeding the Fontainebleau European Council are discussed.

EC Policies of Britain, Germany and France

The E.C policies of Britain, Germany and France are relevant in understanding the context. As for Britain, the island state had accepted the agricultural and budgetary policies as part of the *acquis communautaire.* In comparison to other European countries, British farmers were less in number and more competitive. This caused a lower level of EC spending. After she took office, Thatcher initiated an aggressive campaign to "get her money back" from the EC. She requested a rebate for the two thirds of the recent British deficit, stressing the necessity for permanent adjustments aimed to limit agricultural spending. The British Premier also highlighted the prevention of budgetary imbalance in the future. The British government's September 1983 memorandum reflects its priorities. The memorandum proposed liberalization of financial services, transport, the simplification of frontier controls, mutual recognition of professional qualifications, joint policy to promote European high technology industries, and elimination of non tariff barriers. Britain envisaged a 'single passport' system of financial services. This carried the meaning that a company based in any member country could provide its services in the entire community (Moravcsik, 1998)

In regard to Germany, the West German state had a higher percentage of exports in GNP than did other European countries. The economic growth of the country had an export led character that did not change during the 1980-1982 recession. In the 1970's and 1980's, the German government supported trade liberalization and regulatory harmonization. Chancellor Kohl, who followed the track of Konrad Adenauer, prioritized European integration after taking office in October 1982 (Paterson, 1996) As for an interesting note on German governmental level decision making regarding the E.C, Kohl, Genscher, and related ministers such as the finance and agricultural ministers would decide on EC matters in small cabinet meetings (Moravscik, 1998).

As for France and Europe, the third devaluation in March 1983 caused Mitterand to abandon the idea of a socialist Europe (Cole, 1996), and thereafter

French policy was defined with a pro European activism (Moravcsik, 1998). This pro European activism was crystallized when France took the EC presidency in early 1984, and Mitterand announced his initiative of "relaunching" Europe (Moravcsik, 1998).

The British Budgetary Problem:

Margaret Thatcher brought the British budgetary problem to discussion for the first time in the 1979 Strasbourg European Council. The parties discussed the issue briefly and agreed on a procedure for analyzing the problem. Thatcher's tone was more aggressive in the November 1979 Dublin European Council, where she announced the unacceptability of a 350 million Sterling rebate. During the Dublin European Council Thatcher made it clear, that she would not accept less than 1 billion Sterling. On the other hand, Thatcher's proposition was unacceptable to the French. The French stated that they would not agree to more than 350 million Sterling. The unacceptability of the parties propositions to each other, resulted in a 10 hour long argument at which Thatcher made the remark of getting Britain's "own money back". In May 1982, Britain blocked an agreement on agricultural price increases for 1982-3. Thatcher linked agreement on agriculture, to the solution of the British budgetary problem. Thus, the urgency to find a settlement had become apparent (George, and Bache, 2001).

An Overview of European Council Meetings Preceding Fontainebleau

The European Council meetings of Stuttgart, Athens and Brussels are discussed in order to offer an understanding of the European Council negotiating context prior to the Fontainebleau meeting.

Stuttgart European Council

The Stuttgart European Council that took place between the 17th and 19th of June discussed issues such as enlargement, financing, adapting the common agricultural policy, and new policies. Point 1.5.2 of the Declaration of the European Council underlines that "the European Council has decided to take broad action to ensure the relaunch of the European Community." Point 1.5.3 asserts that the common agricultural policy must be adapted to the situation facing the community in the near future raising issues such as price policy, intervention arrangements, compensatory

amounts, external agricultural policy, arrangements on export refunds, the need for strict financial guidelines and special problems arising in certain regions such as the Mediterranean regions. Point 1.5.5 states that expenditure must also be controlled in cooperation with the European Parliament, outside the agricultural sector. Point 1.5.8 underlines that accession negotiations with Spain and Portugal with the objective of concluding them, and links the ratification of accession treaties to the result of the negotiation concerning the future financing of the Community. Point 1.5.17 states that the European Council agreed on compensation for the United Kingdom for 1983 (Bull. EC 6-1983).

The Athens European Council

The Athens European Council that took place on 4 December, 1983 ended without an agreement. Thus no communiqué or statement on political cooperation was issued. The ten heads of state disagreed over the reform of the common agricultural policy. Southern member states held the view that there was unequal treatment between products from the north and those from the Mediterranean. The lack of agreement over the common agricultural policy was significant since it stalemated the decisions concerning the revitalization of the community and the accession of Portugal and Spain (Bull.EC.12-1983).

The Brussels European Council

The Brussels European Council took place on the 19the and 20th of March. The Council did not achieve an agreement regarding a solution to the British contribution to the community budget (Bull. EC. 3-1984). The conditionality of all other agreements to an overall agreement, blocked the implementation of the agreement reached on budgetary and financial discipline. The council decision that became open for implementation only after the Fontainebleau meeting asserted that the budget of the communities be governed by rigorous rules, underlining that the level of Community expenditure be fixed as a function of available revenue. Furthermore the Council agreement highlights that the budgetary discipline will apply to all budget expenditure.

According to the agreement the Council of Ministers were first asked to fix a reference framework. Secondly the Council of Ministers were asked to proceed so that the next expenditure relating to agricultural markets calculated on a three-yearly bases will increase less than the rate of growth of the own resources base. The agreement

underlines that the provisions laid down in the commission document on financial guidelines concerning the common agricultural policy be implemented. Finally the Council of Ministers were asked to comply with the maximum rate throughout the budget procedure as defined in Article 203 of the Treaty of Rome (Bull. EC 6-1984).

2.4 Process

The bargaining tactic of presenting two faces, proposals and concessions are the themes evaluated.

2.4.1 *Bargaining tactics: Presenting Two Faces*

France's Fontainebleau position paper prepared by Jacques Attali underlined that Iberian accession and other community matters would be discussed only if an agreement were reached on the British budgetary problem. Thus Mitterand place the solution of the British budgetary problem as a prerequisite for other developments. The position paper also gave the message that in the case of non agreement, Britain would be excluded from discussions. Moravcsik, describes the French President's strategy, as isolating the British, and threatening to continue without Britain as long as Thatcher refrained from compromise (Moravcsik, 1998). Mitterand and Kohl deliberately and consistently mentioned the idea of a two-tier Europe, referring to a European integration without Britain, prior to the Fontainebleau meeting. The tactics used by the two leaders against Britain, were discussed by top officials in Germany and France. The position underlined by Mitterand's position paper was also repeated by Dumas. Dumas stated openly stated that in the condition of non agreement concerning the budget, France would call a meeting without the British to discuss European Community reform. During Thatcher's visit to the Elysee, Dumas reiterated the possibility of a two track Europe (Moravcsik, 1998). German Chancellor Kohl also made the point that he desired greater European integration, with or without agreement of all countries (Moravcsik, 1998). Thus, Mitterand and Kohl displayed their competitive face through threats when the Fontainebleau meeting was approaching. The competitive face presented also gave the message to Thatcher that France and Germany had a BATNA, which was continuing without Britain.

In contrast to the use of competitive bargaining tactics prior to the Fontainebleau meeting, Mitterand adopted a strategy of collaboration during the actual meeting. Dinan states that the French President's strategy at Fontainebleau was

to avoid any friction (Dinan, 1994). A willingness to compromise by all parties characterized the summit. Thatcher also showed eagerness to settle the problem (Dinan, 1994).

2.4.2 *Proposals and Concessions*

The negotiations on the budgetary problem between France, Germany, and Britain had a distributive character. Parties had specific aspiration points, and reservation points, which determined the bargaining range of the negotiations. The proposals and concessions illustrate very well the distributive nature of the negotiating process. Thatcher's first proposal, a rebate of 90 % reflected her aspiration point. Her second proposal which requested a rebate more than 70 % was in her bargaining range. Kohl and Mitterand's counter offer was 65 %. The two announced that 65% was the maximum they could agree. Thus 65 % reflected the reservation point for Kohl and Mitterand. After hearing Mitterand and Kohl's counter offer of 65%, Thatcher requested 66%, and agreement was achieved. As a result, Mitterand and Kohl closed the deal in an amount one percent more than their declared reservation point. Of course the aspiration and reservation points declared may not exactly correspond to the actual aspiration and reservation points of parties (Pedersen,1998).

The deal was struck, partly due to the concessions offered to Germany. Kohl's objection to the 66% was overcome by a concession to Germany on the Common Agricultural Policy. The content of the concession is further detailed in the section on the outcomes of the Fontainebleau meeting.

2.5 Outcomes

Agreement, type of agreement and satisfaction with outcome are discussed as sub themes.

2.5.1 *Agreement*

The conclusions of the Presidency on the European Council meeting at Fontainebleau fall under seven topics: budgetary imbalances, resources and enlargement, financing of the 1984 budget, dismantling of positive monetary compensatory amounts in the Federal Republic of Germany, social policy, 'a people's Europe', and *ad hoc* Committee on Institutional Affairs.

Budgetary Imbalances

The first point on budgetary imbalances underlines that "any member state sustaining a budgetary burden excessive in relation to its relative prosperity may benefit from a correction at the appropriate time". (Bull. EC. 6-1984. Point 1.1.9) . The gap , between the share of VAT payments and the share of expenditure allocated constitutes the basis for correction. The second point on budgetary imbalances outlines the arrangement adopted for the United Kingdom. According to the arrangement, the United Kingdom would receive a lump sum compensation of 1 000 million ECU in 1984. As for subsequent years, it would receive two thirds (66%) of the difference between the share of VAT payments and the share of expenditure allocated. The third point states that the corrections be deducted from the United Kingdom's normal VAT share. The deduction will take place in the budget year following the one in which the correction is granted. The point also underscores that other member states will share the resulting cost according to their VAT share. An exception is made for Germany where the Federal Republic's share is adjusted to two thirds of its VAT share. The fourth point underlines that the correction will be a part of the decision to increase the VAT ceiling to 1.4 %, in a linked duration. It is also iterated that the Commission will present the Council a report one year before the new ceiling is reached. The report will reflect the state of affairs regarding the result of the budgetary discipline, the community's financial needs, the breakdown of the budgetary costs among Member States, and consequences regarding the application of the budgetary corrections. Finally, it is stated that the Council will re-examine the question as a whole (Bull. EC. 6-1984 Point 1.1.9).

Own Resources and Enlargement

The European Council determined the maximum rate of mobilization of VAT as 1.4 % on January 1986. It was underlined that the maximum rate may be increased to 1.6 % on 1 January 1988 by unanimous decision. Regarding Spanish and Portuguese accession the European Council asserted the following :

'The European Council Confirms that the negotiations for the accession of Spain and Portugal should be completed by 30 September 1984 at the latest. Between now and then the Community will have to

make every effort to create the right conditions for success of this enlargement, both in the negotiations with Spain on fisheries to ensure the conservation of fish stocks and also by reforming the common organization of the wine market to ensure that the quantities of wine produced in the Community are controlled and by means of a fair balance between agricultural and industrial agreements.'[12]

Financing of the 1984 budget

In relation to the financing of the budget the Council stated that steps to cover the needs of the 1984 budget would be taken at the next meeting.

Dismantling of Positive Monetary Compensatory Amounts in the Federal Republic of Germany

The Council requests for a proposition by the Commission, and a decision by the Council concerning measures to provide VAT relief for German agriculture. The German national budget would be increased from 3% to 5 % from 1 July 1984 until 31 December 1988, as a compensation.

Social Policy

Regarding social policy, the council takes its conclusions on technological change, social adjustment, and production organization as a bases, and calls on the Commission to further develop what had been decided. The Council also calls for the Commission carry out the Community's medium-term social action plan.

A People's Europe

The Council states that the Community should adopt measures to strengthen and promote its identity and image, and decides to set up an *ad hoc* committee composed of representatives of heads of state to set up and coordinate this action. The agreement reached on creating a European passport is approved by the council, setting

[12]Bull. EC.6-1984. See point 1.1.9. pg 10

1 January 1985 as the deadline. The issues designated for study include a single document for the movement of goods, the abolition of all police and customs in intra-community frontiers, equivalence of university diplomas, symbols of the community's existence, formation of European supports teams, streamlining procedures at frontier posts, and minting of a European coinage, the ECU.

Ad hoc Committee on Institutional Affairs

The Council decided on the formation of a *ad hoc* committee which would make suggestions for improvement in European cooperation. The committee would consist of personal representatives of Heads of State of Government (Bull. EC. 6-1984).

2.5.2 *Type of Agreement*

The agreements reached at the Fontainebleau European Council meeting, carry aspects of both a compromise and integrative agreement. The agreement reached on the British budgetary problem can be considered as a compromise agreement, since negotiating parties met at a midpoint. Following a distributive negotiation process the parties reached a compromise agreement. However the outcome of the Fontainebleau European Council meeting has integrative characteristics as well. The outstanding integrative characteristic of the Fontainebleau meeting, is that it satisfied all parties interests.

Immediate parties, negotiators relationship, constituents, negotiators' organizations, other organizations and society are listed as parties that benefit from an integrative agreement (Thompson, 1998). In regard to negotiators' organizations, it can be concluded that the European Community benefited a great deal from the outcome of the Fontainebleau European Council meeting, since the meeting opened the door for European integration. Britain benefited from the outcome, since Thatcher had secured a rebate. France benefited from the meeting, since it was perceived as a success for the French presidency, and Germany benefited from the meeting, since it managed to obtain the concession it wanted. The negotiators' relationship also benefited from the outcome of the meeting. Pruitt and Rubin (1986) underline that integrative agreements strengthen the relationship between parties, and 'pave a path of good relations' The Franco-German cooperation became more confident after the

success of the Fontainebleau meeting, and a normalization in relations with Britain started.

2.5.3 *Satisfaction with Outcome and Other Perceptions*

The French President Mr. Francois Mitterand expressed his satisfaction with the outcome by stating that the disputes were settled . The President expressed at a Press Conference following the meeting, that the community could stage a strong revival with the problem of the British contribution resolved. The fact that the Fontainebleau meeting had also resolved the German problem, and the deficit in the 1984 Community budget were also satisfactory outcomes of the meeting. Now that the impasses had been cleared out, the community could move forward with work on the European Union, based on the treaty of Rome (Bull. EC 6-1984. Point 1.1.10). Regarding the 'British Problem' Mitterand asserted that the correction mechanism was linked to the duration of the 1.4% VAT rate.

The British Prime Minister Margaret Tatcher expressed her satisfaction with the outcome as well. She underlined that the solution to the 'British Problem' was for the benefit of Britain, and the Community. Thatcher praised President Mitterand and Chancellor Kohl for their efforts.

The German Chancellor Helmut Kohl was another leader satisfied with the agreement reached at the Fontainebleau Summit. Kohl perceived the agreement as serving the interests of all parties concerned. The agreement indeed was a desirable outcome for the German Chancellor. Most Importantly Kohl had succeeded in achieving a VAT relief for German farmers (Bull. EC 6-1984. Point 1.1.10).

Heads of state, other than French, German and British prime ministers and presidents showed a high degree of satisfaction with the outcome of the meeting. The Italian Prime Minister, Mr. Bettino Craxi stated that the ten had managed to remove the obstacles and move forward. Belgian Prime Minister Mr. Wilfried Martins stated that the main obstacle to the European revival had been removed by the settlement of the British problem. The Danish Prime Minister Mr. Schlüter expressed that the Fontainebleau European Council was a historic moment for the Common Market. Mr. Papandreau also perceived the meeting as a success. The Irish Prime Minister Mr. Fitzgerald underlined that the meeting was a success for the French Presidency. Dutch Prime Minister Mr. Lubbers described the outcome as highly satisfactory. Luxemburg

Prime Minister Mr. Werner expressed his happiness on leaving when the community was back on the right track.

Commission President Gaston Thorn welcomed the agreement on a simple formula for correcting budgetary imbalances. Despite his satisfaction with the resolution of the British Budgetary Problem, Thorn was disappointed on some issues. He expressed his disappointment that the community had not been given the financial means to secure uninterrupted development. Mr. Leo Tindemans, Chairman of the EPP Group characterized the Fontainebleau meeting as a peace conference, saving the community from the danger of drowning. Mr. Ernest Glinne, Chairman of the Socialist Group in the European Parliament expressed his satisfaction by congratulating the French presidency for the successful outcome.

Chapter 5. Conclusion

1. Findings of the Study

The aim of this study was to demonstrate the complexity of negotiation. For this purpose Spanish-EC accession negotiations (1962-1986), Spanish constitutional negotiations (1978), and Fontainebleau European Council negotiations (1984) were selected as cases. Preconditions, background factors, conditions, process, and outcomes depicted in Druckman's framework of influences and processes of negotiation, constituted the five variables applied to the above mentioned cases. The study was conducted by analyzing several themes related to the five variables in the three cases. The themes were also drawn from Druckman's framework of influences and processes.

The selected three cases are relational in the sense that the second and third cases are the intra negotiations of the parties to the first negotiation. Despite the relational character of the cases selected, each embodies a different nature. Spanish EC accession negotiations constitute an example to two party international negotiations; constitutional negotiations constitute an example to multiparty intra group negotiations; Fontainebleau negotiations constitute an example to multiparty, intra organizational negotiations. The relational character of the cases coupled with a difference on negotiation type, provided a valuable source of study, given the purpose of this thesis. The application of the five variables to the cases traced patterns of similarity and difference. Expanding on Putnam's (1993) two level games argument, there was a degree of overlapping in aspects such as background factors and context for Spain in the domestic negotiations and international negotiations that it was a party to. Similarly the internal EC negotiations and international negotiations also carried a degree of overlapping for the European Community in the above mentioned aspects.

An interesting finding of this study is related to the impact of the variables. Mostly the impact of a variable to the cases produced similar results. However, this study also demonstrates that the impact of a variable may produce very different results. Interestingly, the absence of a perceived BATNA contributed to a favorable outcome in one of the cases studied, and a well pronounced BATNA contributed to a favorable outcome in another. This once again highlights the complexity of the negotiation and underlines that negotiations are context dependent.

2. Comparative Analysis

The discussion includes a comparative analysis of preconditions, background factors, conditions, process, and outcome.

2.1 Comparative Analysis of Preconditions

Spain's goals in relation to the accession negotiations were clear. Becoming a part of Europe was a definite aim for all segments of the Spanish society. The political parties in Spain that negotiated the Constitution aimed to consolidate democracy. The Constitution was perceived as an integral part of democratic consolidation. France, Britain, and Germany all had their respective goals for the Fontainebleau European Council. In a comparative analysis, it can be stated that Spain's goal for joining the European Community, had the strongest impact on the negotiation process. This was partially due to the fact that Spain's desire to join the European Community had exceeded the definition of a goal, and become a part of Spanish identity. The validity of this goal was reiterated several times by Spanish negotiators during the process to demonstrate their determination. An interesting aspect regarding parties and goals is that in the constitutional negotiations, all major parties shared the same goal: democratic consolidation. The shared goal served as a facilitating factor in the negotiation process. Whereas in Spanish accession negotiations, Spain and the EC did not exactly share the same goal. To be more specific, Spain's accession to the EC was more important for Spain, than for the EC although Spanish accession also had a certain relevance for the European Community as part of the Iberian enlargement. As for the major parties to the Fontainebleau European Council, each had separate goals. However, their separate goals did not prevent France and Germany to act as a coalition, against Britain.

The preconditions for the Fontainebleau European Council had two distinct characteristics, that were not observed in the two other negotiations. Primarily, preparation for negotiation was an important variable in the Fontainebleau negotiations. France's effort to solve the budgetary problem prior to the summit is worth special consideration. Secondly, the Fontainebleau meeting revolves around a core issue, to which other issues are dependent, the British Budgetary Problem. In the other cases,

there are also priority issues such as agricultural issues in the accession negotiation but one single issue does not have such a powerful impact on the rest of the process.

2.2 Comparative Analysis of Background Factors

Background factors of the Spanish accession negotiations are very rich in number and content. What each party, and sub groups of each party such as an EC member states understood from Spanish accession constitutes the cognitive and ideological factors. How the image of Spain is formed to the outside world , mainly through the Spanish Cinema, is an interesting example to the construction of cognitive and ideological factors.

Alternatives appear as an important background factor in the constitutional and Fontainebleau negotiations. In the constitutional negotiations, the parties did not have a BATNA. The parties perceived the drafting of the constitutional text, as a guarantee of the democratic system. Therefore, a successful outcome of negotiations was an accepted must for the major negotiating parties.

To the contrary, Fontainebleau negotiations did have a BATNA, and the best alternative to negotiated agreement: continuing without Britain was well publicized before the summit took place. This study demonstrates that having a publicized BATNA strengthens the chances for a desired outcome in some instances; at other cases, not having a publicized BATNA increases the possibilities for a settlement. How the BATNA is perceived by negotiating parties is also important in this distinction. In the constitutional negotiations, all of the major parties shared the idea that drafting the constitution was the only available alternative. The only party that did not share this view was the PNV. The PNV had a better alternative to negotiated agreement, not being a part of the constitution which it did not identify with in the first place. Therefore, the PNV did not feel obliged to reach an agreement. This perception had an impact on the inability of the UCD and PNV to reach an agreement. In the Fontainebleau negotiations France and Germany used their BATNA as a threat against Britain. The BATNA made public by France and Germany contained the following message: France and Germany have a better alternative to negotiated agreement, continuing without Britain. Thus, the BATNA publicized by France and Germany put Britain at a disadvantaged position. Under the above mentioned circumstances, it can be concluded that the BATNA of Fontainebleau was indeed a best alternative to negotiated agreement for France and Germany. However, for Britain, reaching a

settlement at Fontainebleau was a better option than isolation from the European integration process.

Two other background factors in relation to the Fontainebleau European Council are studied : relationship among parties and power and dependency structure. The Franco-German coalition and the structure of negotiations that centered around France, Germany, and Britain constitute distinct characteristics of the Fontainebleau negotiations.

2.3 Comparative Analysis of Conditions

One aspect that conditions to constitutional and Fontainebleau negotiations share is the leaking of secret proceedings to the media. In the sub-committee session of constitutional negotiations, the draft of the Constitution leaked out. However the spreading of information through media contributed to the discussion of the Constitution among the public. In the Fontainebleau negotiations, the Franco-German threat against the British was deliberately leaked to the British press. In this case, the spreading of information, resulted in the House of Commons report calling for a more conciliatory British negotiating position. In both cases, the spreading of information had an impact on the process of negotiation. During the constitutional negotiations, the spreading of information started a public debate on the subject. This can be interpreted as an involvement of interested secondary parties in the background of the negotiation process through negotiation. Thus, the negotiators had a chance to see whether their constituents approved the possible outcome of negotiations. The spreading of information on French and German positions prior to the Fontainebleau European council contributed to a reconsideration of the British negotiating position in British political circles. A similar leakage of information did not take place in the Spanish EC accession negotiations.

Factors such as the economy, terrorism, elections and military coup attempt determined the context for Spain in the Spanish-EC accession negotiations. The 1981 military coup attempt is of particular importance since it reminded all parties to the negotiation process, the fragility of the Spanish democracy. Among all of the factors, the coup attempt had the most significant impact on the negotiation process since it caused France, which was blocking negotiations, to reconsider its position. As to the European Community, the British budgetary problem, Common Agricultural Policy

reform, and Greenland's decision to leave the Community in 1982 were the major factors that determined the context in the mid 70's and the early 80's.

In constitutional negotiations, the economic situation of the country, dynamics within the political parties that participated in the negotiation process, the domestic climate of the country that favored change, left-right cleavage, and political violence linked to this cleavage, reconciliatory moves such as legalization of the Communist Party, the 1977 election which resulted in a victory for the UCD, the supportive role of various segments of the society such as the King and the army determined the context for constitutional negotiations. Factors such as return of exiled Catalan leader to Catalonia and the Moncloa negotiations, which served as the first parliamentary consensus exercise, were also part of the context.

For the Fontainebleau negotiations, the political situation in each of the main parties, Britain, France and Germany, were factors that determined the context. The European Council meetings prior to the Fontainebleau European Council meeting also affected the context. A comparative analysis of the factors determining the contexts in the cases suggests that some factors are important in more than one negotiating context. For example the economic situation and the 1977 elections are factors that Spanish accession negotiations and constitutional negotiations share. The sharing of context is particularly visible between the context for Spain during accession negotiations, and the context of constitutional negotiations. This is partly due to the fact that the Spanish UCD lead government, negotiated the consensus internally, an accession internationally. Thus the party was affected by a similar context, in both negotiations in which it took part.

2.4 Comparative Analysis of Process

Parties to the Spanish accession negotiations, constitutional negotiations and Fontainebleau negotiations frequently made of the bargaining tactic; presenting two faces. In regard to the Spanish accession, negotiations of both the Spanish government officials and their European counterparts , conveyed cooperative and competitive message through addresses and reciprocal letters. Interestingly, the competitive messages delivered by Spanish negotiators, not only targeted the other party but the

home audience as well. In constitutional negotiations, presenting two faces was most vividly exercised by the socialist negotiator, Peces-Barba. Again, the competitive face Peces-Barba presented targeted his home audience, in this case the electorate of the socialist party (Coverdale, 1979). In the Fontainebleau negotiations presenting two faces is used by France and Germany as to push Britain towards a settlement. In comparison to the same tactic exercised in the two other cases, the main target of the tactic used by France and Germany in Fontainebleau is Britain. Thus their main priority is not to send a message to their home audiences but rather send a message to Britain. In Fontainebleau, the bargaining tactic of presenting two faces serves another purpose as well; strengthening the coalition between France and Germany. France and Germany collaborate in the use of the bargaining tactic. More specifically, Germany's use of competitive and collaborative tactics, have a simultaneity with France's use of the bargaining mentioned. This is illustrated by Germany accompanying France's threats towards Britain prior to the meeting.

One of the key differences of the negotiation processes between accession negotiations, constitutional negotiations, and the Fontainebleau negotiations is that the accession negotiations was divided in two sequences by a turning point. Spain's transition from dictatorship to democracy served as a turning point in the accession negotiations, whereas the constitutional and Fontainebleau negotiations did not have such a significant turning point. The Fontainebleau European Council acted as a turning point itself, but the negotiating process does not include a turning point.

As to phases and impasses that the processes go through, two impasses caused by France are significant in the accession negotiations. The major impasse in the constitutional negotiations was between the UCD and the PNV. In contrast to the accession negotiation and constitutional negotiations, an impasse did not occur in the Fontainebleau negotiations. The key difference between the impasses in the accession negotiations and constitutional negotiations is that the impasses in the former were solved, whereas negotiators did not succeed in overcoming the impasse in the latter case. One important structural aspect to take into consideration when comparing the impasses between Spanish accession negotiations and the constitutional negotiations, is the structural difference between the cases. Spanish accession negotiations were in large a two party negotiation, whereas the constitutional negotiations constitute an example to multiparty negotiations. The structural difference determines the impact of a unsolved deadlock. In a two party negotiation, the continuation of an impasse translates to no

agreement, whereas in a multi party negotiation the continuation of an impasse translates to no agreement between two of the negotiating parties. To be more specific, in the constitutional negotiations the impasse between UCD and PNV was not solved, but despite the lack of agreement amongst the government and Basque nationalists, a constitution was drafted.

The accession negotiations that commenced in 1962 and ended in 1986 are divided into six distinct phases. The constitutional negotiations that lasted a few months are divided in four distinct phases. In contrast to the accession negotiations and constitutional negotiations which are very fragmented, the few day long Fontainebleau meeting did not display distinct phases. The key difference of the phases of the accession negotiations and constitutional negotiations, is that various sessions of negotiations by different committees made up the phases in the latter. In contrast, the developments of the negotiation process determined the phases in accession negotiations.

Proposals and concessions constituted the core of the Fontainebleau negotiations, or are very visible. This is partly due to the distributive nature of the negotiations on the British budgetary problem.

2.5 Comparative Analysis of Outcomes

The Treaty of Accession, the 1978 Constitution of Spain, and Fontainebleau European Council Meeting communiqué constituted the outcomes of Spanish accession negotiations to the EC, constitutional negotiations, and Fontainebleau negotiations respectively. The treaty of accession carried elements of a compromise agreement. The Spanish Constitution was described as a level two integrative agreement since most parties were satisfied with the outcome. The Constitution could not be classified as a pareto-optimal agreement due the inability to reach an agreement with the Basque. The Fontainebleau meeting conclusions were integrative in the sense that the settlement of the British budgetary question at Fontainebleau, cleared the way for the solution of other European community matters such as enlargement. However the nature of the agreement regarding the British budgetary problem was distributive. Thus, it can be stated that none of the negotiations in the cases studied managed to produce pareto-optimal agreements. Nevertheless, the constitutional negotiations, and the Fontainebleau meeting negotiations produced agreements that incorporated settlement of lingering disputes. The constitutional negotiations reconciled the left right

cleavages in Spanish political life, and Fontainebleau settled the British Budgetary question.

One point is important in regard to the comparison of outcomes of the cases studied. It should be noted that Spanish accession negotiations differed from the constitutional negotiations and Fontainebleau negotiations in two different aspects. First of all, the accession negotiations were based on a request of one party, (Spain's request of accession) and the other party's response regarding the fulfillment of this request. This aspect can also be translated as asymmetry of power of parties, which had an impact on the outcome produced. Since the European Community was the powerful party in the negotiations, the treaty of accession involved provisions such as a ten year transition period for Spanish exports, that primarily satisfied the needs of the European Community. Secondly, the Spanish-EC negotiations were inter group negotiations. That is, they were carried out between two different entities, one nation state and one institution. On the other hand, the constitutional and Fontainebleau negotiations were both intra group negotiations. Constitutional negotiations were carried out between Spanish political parties, and Fontainebleau negotiations were carried out between member states of the European Community. This study demonstrates that both intra group negotiations produced more integrative outcomes when compared with the inter group negotiation.

Finally the outcomes of the negotiations carried a certain degree of interactivity. The most visible interaction was between the outcome of the Fontainebleau meeting, and the outcome of accession negotiations. By clearing out the obstacle that prevented the EC from proceeding on the Iberian enlargement, the Fontainebleau meeting outcome acted as a turning point for the Spanish entry negotiations with the EC, rendering the accession agreement possible. As to the outcome of the constitutional negotiations, they demonstrated Spain's democratic character, fulfilling a prerequisite for entry to the European Community. Table 5.1 summarizes the analysis of five variables in the three cases studied.

Table 5.1 Comparison of Framework Application

	Variable I	Variable II	Variable III	Variable VI	Variable V
Case I	-Strong Goals and Incentives	-Cognitive and ideological factors	-Parties have different context	-Presenting two faces -One turning point -Two impasses - Six phases	-Compromise agreement
Case II	-Superordinate goals and incentives	-No publicized BATNA	-Leakage of proceedings to media -Parties share context	-Presenting two faces -One impasse -Four phases	-Level two integrative agreement
Case III	-preparation for negotiation -Compatible goals and incentives -Issue structure complexity	-Publicized BATNA -Coalition between France and Germany - Power/dependency structure	-Deliberate leakage of proceedings to media -Parties have different context	-Presenting two faces -No impasses	-Agreement carrying distributive and integrative elements

3. Concluding Remarks

This study demonstrates that negotiations with certain structural characteristics have a higher chance of reaching an integrative outcome. The outcome of the constitutional negotiations illustrates that multilateral negotiations at which parties have shared goals, incentives and context, the likelihood of an integrative agreement is higher. On the other hand, one of the negotiating parties not sharing the subordinate goal in a multilateral negotiation , decreases the negotiation outcomes integrative level . More specifically, it can be concluded that the absence of a common ground between all negotiating parties, hinders the achievement of a pareto-optimal agreement. Interestingly, this study illustrates that when parties have different goals, incentives and context, the agreement is a compromise agreement. The agreement is of integrative character when goals, incentives and context is wshared by parties. When parties have both subordinate and separate goals, incentives and context the agreement carries distributive and integrative elements. Non of the negotiations studied produced a pareto-optimal agreement. Constitutional negotiations could not reach a pareto optimal level due to the lack of agreement between the UCD and PNV.

Inability of agreement between the two parties can be linked to PNV, not sharing the goals and incentives of the other parties.

Secondly this study illustrates that not having a publicized BATNA in intra group negotiations where goals and incentives are shared contributes to an integrative agreement. Having a publicized BATNA in international negotiations, to the contrary produces a favorable outcome. In relation to the impact of BATNA on outcomes, Druckman (2003) states that the opportunity to search for optimal agreements is lost when negotiators use their alternatives to pressure the opponent to settle in their terms. This study proves quite the opposite, or exceptions exist. In the Fontainebleau negotiations, the use of the French and German BATNA as a threat against Britain, and the leakage of this threat contributes to British policy centers to push the government to reconsider their negotiating position. Thus France's and Germany's use of their BATNA as a threat contributes to a favorable result in the outcome.

Thirdly it can be concluded that asymmetry of power in bilateral, international negotiations contributes to non integrative agreements, as demonstrated by the outcome of the Spanish- EC accession negotiations. Another finding is in relation to leakage of secret proceedings. The spreading of information contributes to favorable outcomes in multiparty negotiations, by getting the secondary parties involved in the negotiation process. Finally, presenting two faces is a bargaining tactic resulting in favorable outcomes in all types of negotiations studied.

In the beginning of this study it had been stated that the cases studied form a system. Three perspectives of a system were defined. The initial perspective underlined that the constitutional and Fontainebleau negotiations were intra negotiations of parties to the accession negotiations. The second perspective outlined a system around Spain, and a system around the E.C. The third perspective accentuated time as a common element. This study demonstrates that the first perspective is clearly observed.

The first perspective can be traced through looking at the negotiating contexts. To give a brief description of the structure of the contexts in the cases studied, the context for Spain and the context for the E.C formed the context in the Spanish E.C accession negotiation. The secondary negotiations shared a segment of the context of the primary negotiations. More specifically constitutional negotiations shared the Spanish context of accession negotiations, and Fontainebleau negotiations shared the European Community context of the accession negotiations. The shared

context underlined the relation of the secondary negotiations with the primary negotiations, rather than the relation between the two secondary negotiations.

The conceptual framework offered by Druckman (2003) that organizes various parts of negotiation, which was used as the variables applied to the cases selected in this study, provided the analytical schema that enabled an overall understanding of negotiation dynamics. This study demonstrates that there are many factors that impact negotiation such as preparation for negotiation, issue structure, size, complexity, framing, goals, role of affect, BATNAs, cognitive and ideological factors, power dependency structure, media influence, external events, and context. The framework has prevented a process oriented approach which takes the negotiation proper as the center of analysis. This study does not over emphasize any of the factors, and holds the view that all factors including preconditions, background factors, conditions and process have an equal impact on the outcome. Thus, it can be stated that there is no specific formula for an integrative outcome in negotiations, but rather multiple aspects determine the character of the outcome.

Druckman (2003) asserts that the findings and the framework provide a way of interpreting the process and outcome of a negotiation. The comparative case study conducted enables to trace how the factors impact the negotiation process and outcomes in three different, yet related settings. By using the framework in the context of three interrelated cases, this study has not only assessed the impact of the factors, but also looked at the interaction between the cases through the lenses of the factors present at the framework. Finally, the comparative analysis of the Spanish Accession negotiations to the EC, the Spanish Constitutional negotiations, and Fontainebleau European Council negotiations has illustrated the interaction between domestic and international negotiations.

Appendix I: Chronology of Spanish Accession Negotiations[13]

3.1a Chronology of Negotiations

1962	First request by Spain during the Franco period
1964	Second request by Spain during the Franco period
1964	Beginning of negotiations during the Franco period
1970	Preferential trade agreement
1977	Spain enters European Council
July 18, 1977	Spanish request for E.C membership
July 28, 1977	Council of Ministers of the European Community state having Received the Spanish request of membership, and recommend The commission to prepare a report, known as the 'fresco'
December 19, 1977	Approval of formal commencement of negotiations by the European Commission, and Council's decision in favor
June 3, 1980	The French President Giscard D'estaing places the solution of inter Community problems as a prerequisite for the second enlargement
February 1981	Various community bodies pass resolutions in favor of accelerating negotiations
22 March 1982	End of the French clause. Agreements on the following issues are reaches: movement of capital, harmonization of legislations, transportation, economic and financial questions, regional politics, freedom of establishment, and freedom of services
26 April 1983	Agreement on new points on foreign relations and customs union
17-19 June, 1983	The European Summit of Stuttgart establishes a direct connection between enlargement and financing of the E.C
15 July, 1983	Agreement on monopoly issue, decision on a seven year period of CAMPSA adaptation
14 October, 1983	France blocks negotiations, puts pressure on the commencement of the agreement on agriculture, and reinforces protection of Mediterranean products.

[13] Ministry of AA. EE. *Las negociaciones para la adhesion de Espana a la Comunidades.* Madrid. Section of the State in regard to the European Community, 1985, cited by Juste, A.M (1998), p.123-126

18 October, 1983	European Community Council of Agriculture, forms an agreement on the organization of fruits and vegetables, opening the way in negotiations. Agreements in Ceuta and Melilla are reached
4-6 December, 1983	European Council at Athens, enlargement is not discussed
19 December, 1983	EURATOM agreement
13 January, 1984	The Council of Foreign Affairs approves the draft calendar proposed by the French Presidency in regard to the accessions of Spain and Portugal
27 January, 1984	Spain presents a declaration on foreign relations, and E.C presents declaration on social affairs
30-31 January, 1984	Roland Dumas, French Minister of Community Affairs pays an official visit to Spain, and declares that France shares the decision of Spanish admission to the E.C (during French Presidency)
11-12 February, 1984	French Spanish Summit in Rembouillet. French minister of Foreign affairs Claude Chaysson declares decision to finalize admission negotiations before 30 September, 1984
13-14 February, 1984	Spain-E.C fishing council. Signature of annual agreement
10 April, 1984	Agreements reached on issues concerning foreign relations, patents. Unresolved issues remain regarding establishment rights.
3-4 May , 1984	Natali, enlargement commissioner pays a visit to Madrid to assist a mixed Spanish/European Parliament session. Felipe Gonzales reiterates the decision of the government not to pressure the signature of the Adhesion Treaty at a definite date.
17-18 May, 1984	Chancellier Kohl pays an official visit to Spain and expresses decision to incorporate Spain in the E.C on January 1st/1986
24-25 May, 1984	Italian Prime Minister Bettino Craxi pays official visit to Madrid reaffirms that Spain is a member of the EC and NATO.
4 June, 1984	Dutch Prime Minister Ruud Lubbers, reiterates his approval of Spanish adhesion to the E.C

19 June, 1984	Pre agreement on agriculture and industrial disarmament reached in the ministerial level negotiation session.
25-26 June	European Council at Fontainbleau
19 September, 1984	Negotiation sessions at the ministerial level. Positions are clarified.
20-21 September, 1984	President Gonzales pays a visit to Dublin
3 October, 1984	Negotiation session is suspended. No agreement reached on presentation of global package
18 December, 1984	Negotiation session at the ministerial level. Agreements on three, issues are reached: industrial disarmament, (demir çelik) industry, and institutions
18 January, 1985	Reunion of Spanish, Portuguese and E.C judiciary experts, to write the Act of Adhesion of new member states
11 February, 1985	The European Commission presents the Committee of Permanent Representatives a proposal on agriculture, fishery and social affairs. On the 18th of February formally the Council of Foreign Affairs refuses the proposal. The proposal is also refused by Spain.
15 February, 1985	Bettino Craxi meets with President Gonzales in Madrid. (during Italian presidency)
19 February, 1985	Negotiation session at ministerial level at which Spain presents a document on Latin America
25 February, 1985	Semi permanent contacts are initiated. Secretary of State, Manuel Mari visits Brussels to discuss the issues of agriculture and fishery with the Committee of Permanent Representatives, and Presidency.
9 March, 1985	Felipe Gonzales pays a visit to Paris to discuss the issue of adhesion with president Mitterand and Laurant Fabius.
13, 14 March 1985	President Gonzales meets with Chancelier Kohl and Prime Minister Thatcher during his visit to the Soviet Union. Spanish adhesion and Issues of the next ministerial session are discussed
17-21 March 1985	Series of negotiations between Spain and the E.C in Brussels.

	Talks are suspended on Thursday night without reaching an agreement On enlargement. Parties decide to meet on the 25th of March.
25 March 1985	XXIX. Session of negotiations at the ministerial level. Agreements reached in the following issues: Agriculture, fishery, social affairs, Canary Islands and proper application. Negotiations for Spanish Adhesion are essentially completed.
26/27 March 1985	The European Council in Brussels opens negotiations with Spain in order to resolve the problem concerning the Mediterranean Integration Programs. Agreement ratified by ministers of Foreign Affairs. Spain and Portugal officially adhere to the E.C

Appendix II: Adhesion Treaty of Spain and Portugal to the European Community (12.VI.1985)[14]

Article 1

1.The Kingdom of Spain and the Republic of Portugal will be members of the European Economic Community and the European Atomic Energy Community in the consecutive treaties of community texts when modified and completed.

2. The conditions of admission and the adaptation of the consecutive treaties European Economic Community and the European Atomic Energy Community that the text of admission requires are present in the adjunct act to the present treaty.
The dispositions of the text of the act of the European Economic Community and the European Atomic Energy Community shall be integral parts to the present treaty

3. The relative dispositions in regard to rights and obligations of member states, following the capabilities and the competencies of the community institutions, present in the first section of the mentioned treaty, shall be applied in accordance with the present treaty

[14] Fr. Tamames, R. *Espana en la Europa de los Doce,* Madrid, Alianza, 1986, p.231 cited by Juste. A.M., (1998), p.112

Article 2

The present treaty shall be ratified for the agreeing parties, with confirmation through respective constitutional norms. The instruments of ratification will be at the disposal of the government of Italy no later than 31st of December, 1985'

Appendix III: Spanish Constitution of 1978[15]

Preliminary Title

Article 1

1. Spain constitutes a social and democratic state of rights, that adheres to superior values under the judiciary structure; liberty, justice, equality and political pluralism.

2. National Sovereignty resides in the Spanish people,

3. The political form of the Spanish state is Parliamentary Monarchy

Article 2

The constitution is founded in the indivisible unity of the Spanish Nation, common motherland of all Spaniards, and renounces and guarantees the right of autonomy of nationalities and regions...

Article 3

1. Castillan is the official Spanish language of the state. ....
2. The other Spanish languages shall be official in the respective autonomous communities.....
3. The richness of the distinct linguistic modalities of Spain is a cultural patrimony that shall be subject to special respect and protection.

Article 4

1....
2. The laws can recognize flags and proper symbols of the Autonomous Communities. It shall be used together with the Spanish flag in public and official events.

Article 5

Madrid is the capital of the state

Article 6

Political parties express political pluralism, helping the formation and manifestation of the popular will and are fundamental instruments of political participation. Their

[15] Spanish Constitution. Official Bulletin of the State. 1979

creation and exercise of activity is free in respect to the constitution and law. Their internal structure and functioning shall be democratic.

Article 7

Workers unions and business associations contribute to the defense and promotion of economic and social interests... Their creation and exercise of activity is free in respect to the constitution and law. Their internal structure and functioning shall be democratic.

Article 8

1. The Armed Forces, constituted of ground forces, the navy and air forces, having as a mission to guarantee the sovereignty and independence of Spain, to defend the territorial integrity and the constitutional structure.
2. An organic law regulates that the bases of the military organization confirms to the principles of the present constitution

Article 9

1. The citizens and public powers are subject to the constitution and to the rest of the judiciary structure.
2. Corresponding to public powers promoting conditions that liberty and equality of individuals and groups shall be real and effective, obstacles that impede difficulty on plentitude shall be removed, and participation of all citizens to political, economic, cultural and social life shall be facilitated.

Article 10

The Constitution guaranties the principle of legality, normative hierarchy, the publicity of norms, the irretroactivity of sanctioned dispositions not favorable, restricting individual rights, judiciary security, the responsibility and the prohibition of arbitration of public powers.

Title VIII

Territorial Organization of the State

First Chapter
General Principles

Article 137

The state is organized territorially in municipalities, provinces and autonomous communities that constitute it. .....

Article 138

1. The state guarantees the effective realization of the principle of solidarity consecrated in the second article of the constitution, bound by the establishment of economic equilibrium, adequate and just between diverse parts of the Spanish territory, ...
2. The differences of status of the distinct autonomous communities does not imply, in any case economic or social privileges.

Article 139

1. All Spaniards have the same rights and obligations in all parts of Spanish territory
2. No authority can adopt measures that directly or indirectly obstructs the liberty of circulation and establishment of persons, and the free circulation of goods in the Spanish territory

...

Third Chapter
Of Autonomous Communities

Article 143

1. In the exercise of the right of autonomy recognized in the second article of the constitution, neighboring provinces with the same historical, cultural and economic characteristics, island territories, and provinces that belong to the regional history, can accede to auto governance and constitute Autonomous Communities as arranged by the provision in this title, and respective statutes.

...

...

References:

Albayrak D., Bilali, R., Caglayangil V.K., Eruzun, A. & Sadik, G. (2004). Mapping the Conflict Analysis and Resolution Field. A Literature Review. Unpublished Manuscript: Sabanci University

Angoustures, A. (1995). Historia de Espana en el Siglo XX. (History of Spain in the 20th Century) Barcelona: Ariel Historia

Bartos, O.J. (1974). Process & Outcome of Negotiations .New York and London: ColombiaUniversity Press

Bideleux, R. & Taylor, R. (1996). European Integration and Disintegration East and West. London and New York: Routledge

Capo Giol J., Cotarelo R., Garrido D.L & Subirats J. (1990). By consociationalism to a majoritarian parliamentary system: the rise and the decline of the Spanish Cortes. In U. Liebert & M. Cotta (Ed.). Parliament and Democratic Consolidation in Southern Europe. (pp.55-92). London and New York: Pinter Publishers

Capo, J. (1986). Party Coalitions in the First Democratic Period in Spain, 1977-1982. In G. Pridham (Ed.), Coalition Behavior in Theory and Practice (pp. 232-250). Cambridge: Cambridge University Press.

Carr, R. (1980). Modern Spain 1875-1980. Oxford: Oxford University Press

Cole, A. (1996). The French Socialists. In J. Gaffney (Ed.), Political Parties and the European Union (pp.71-86). London and New York: Routledge

Commission of the European Communities (1979) Euro-barometre (Issue No.10). Rue de la Loi 200. 1049 Brussels

Commission of the European Communities (1980) Euro-barometre (Issue No.11). Rue de la Loi 200. 1049 Brussels

Commission of the European Communities (1985) Euro-barometre (Issue No.23). Rue de la Loi. 200. 1049 Brussels

Commission of the European Communities (1983) Bulletin of the European Communities (No 12, Vol. 16). Brussels: Secretariat General of the Commission

Commission of the European Communities (1984) Bulletin of the European Communities (No 3, Vol. 17). Brussels: Secretariat General of the Commission

Commission of the European Communities (1984) Bulletin of the European Communities (No 6, Vol. 17). Brussels: Secretariat General of the Commission

Commission of the European Communities (1983) Bulletin of the European Communities (No 6, Vol. 16). Brussels: Secretariat General of the Commission

Coverdale, J.F. (1979). The Political Transformation of Spain After Franco. New York: Praeger Publishers. Praeger Special Studies

Dinan, D. (1994). Ever Closer Union? An Introduction to the European Community. London: Lynne Rienner Publishers

Druckman, D. (2003). Negotiation. In S.Cheldelin, D.Druckman & L. Fast (Ed.), Conflict. London and New York: Continuum

Fisher, R., Kopelman, K. & Schneider, A.K (1994). Beyond Machiavelli. Tools for Coping With Conflict. Cambridge, MA: Harvard University Press

Fuentes, G.A. (1986). Asi Cambiara Espana. (Spanish Transition) Barcelona: Plaza & Janes Editores

Gillespie, R. (1990) Regime consolidation in Spain: party, state and society. In G. Pridham (Ed.), Securing Democracy, Political Parties and Democratic Consolidation in Southern Europe (pp 126-147). London and New York: Routledge

George, S. & Bache, I. (2001). Politics in the European Union. Oxford: Oxford University Press

Gunther, R., Sani G., & Shabad, G . (1988). Spain After Franco. The Making of a Competitive Party System with a new Epilog. Berkley and Los Angeles, CA: University of California Press

Hoffman, P.T (1996) The Negotiation Process and the Resolution of International Conflicts. Columbia, South Carolina: University of South Carolina Press

Henig, S. (1997). The Uniting of Europe. From Discord to Concord. London and New York: Routledge

Heywood, P. (1999). Politics and Policy in Democratic Spain. London: Frank Cass Publishers

Juste, A. M. (1998). Espana y el Proceso de Construccion Europea. (Spain and the Process of European Construction) . Barcelona: Editorial Ariel, S.A.

Klein, J.M. (1998). Spain and the E.C. Assessing Spanish Accession to the Community. Europe, 279 (September): 30

Kremenyuk, V.A. (2002). International Negotiation. Analysis. Approaches. Issues. San Francisco, CA: Jossey-Bass

Lewicki, R.J., Saunders D.M ., & Minton, J.W. (1997). Essentials of Negotiation. Boston: Irwin McGraw-Hill

Liebert, U. (1990). From Polarization to Pluralism: regional-nationalist parties in the process of democratic consolidation in post-Franco Spain. In G.Pridham (Ed.) Securing Democracy: Political Parties and Democratic Consolidation in Southern Europe. (pp 147-179). New York and London: Routledge

Mayer, B. (2000). The Dynamics of Conflict Resolution: A Practitioner's Guide. San Francisco, CA: Jossey-Bass Inc.

McAllister, R. (1997). From EC to EU. A Historical and Political Survey. London and New York: Routledge

Moravcsik, A. (1998). The Choice for Europe. Social Purpose and State Power from Messina to Maastricht. London: UCL Press

Moravcsik, A (1993). Introduction: Integrating International and Domestic Theories of International Bargaining . In P. B. Evans, H.K. Jacobson and R. D. Putnam (Ed.) International Bargaining and Domestic Politics. Double-Edged Diplomacy. University of California Press: Berkeley. P 3-43

Morlino, L. (1998). Democracy Between Consolidation and Crisis: Parties, Groups, and Citizens in Southern Europe. Oxford: Oxford University Press

O'Donnel, G., Schmitter, P.C. & Whitehead, L. (1986). Transitions from Authoritarian Rule. Southern Europe: Baltimore and London: The Johns Hopkins University Press

Paterson, W. (1996). The German Christian Democrats. In J. Gaffney (Ed.), Political Parties and the European Union) (pp. 53-70). London and New York: Routledge

Pedersen, T. (1998). Germany, France and the Integration of Europe. A Realist Interpretation. London and New York: Pinter

Pérez-Diaz,V. (1999). Spain at the Crossroads: Civil Society, Politics, and the Rule of Law. Cambridge, MA: Harvard University Press

Preston, P. (1986). The Triumph of Democracy in Spain. London and New York: Methuen

Pruitt, G. D. Strategic Choice in Negotiation. In J.W. Breslin & J.Z.Rubin (Ed.), Negotiation Theory and Practice (pp: 27-47). Cambridge, MA: Program on Negotiation. Harvard Law School

Putnam R.D. (1993) Diplomacy and Domestic Politics. The Logic of Two-Level Games. In P. B. Evans, H. K. Jacobson and R.D. Putnam (Ed.) International Bargaining and Domestic Politics. Double Edged Diplomacy. University of California Press: Berkeley, CA. p. 431-469

Raiffa. H. (1982). The Art & Science of Negotiation. Massachusetts: The Belknap Press of Harvard University

Robbins S.P (1998). Organizational Behavior: Concepts, Controversies, Applications. New Jersey: Prentice-Hall International

Rubin J.Z & Brown B.R (1975). The Social Psychology of Bargaining and Negotiation. San Diego, CA: Academic Press, Inc.

Saunders, H.H. (1995). We need a Larger Theory of Negotiation: The Importance of Pre-Negotiating Phases. In J. W. Breslin & J.Z. Rubin (Ed.) Negotiation Theory and Practice. (pp: 57-71). Cambridge, MA: Program on Negotiation at Harvard Law School.

Share. D. (2002). Politics in Spain. In G.A Almond, R.J.Dalton & G.B. Powell Jr. (Ed.), European Politics Today. New York: Longman

Spanish Constitution (1979). Official Bulletin of the State. M 945/1979

Starkey, B., Boyer, M.A., & Wilkenfeld, J. (1999). Negotiating a Complex World. An Introduction to International Negotiation. New York: Rowman & Littlefield Publishers, Inc.

Touval, S. (1995). Multilateral Negotiation: An Analytic Approach in J. W. Breslin & J.Z. Rubin (Ed.) Negotiation Theory and Practice. (pp: 351-367). Cambridge, MA: Program on Negotiation at Harvard Law School.

Thompson, L. (1998). The Mind and Heart of the Negotiator. New Jersey: Prentice Hall

Graham, H. & Labanyi, J. (1996) Spanish Cultural Studies: an Intoduction. Oxford: Oxford University Press

Jordan, B. & Morgan-Tamasunas, R. (2000) Contemporary Spanish Cultural Studies. London: Arnold Publishers

Share, D. (2002). Politics in Spain. In G. A. Almond, R.J. Dalton & G. B. Powell Jr. (Ed.), (253-304)

Wallace, H.(1990). Making multilateral negotiation work. In W. Wallace (Ed.) The Dynamics of European Integration (pp: 213 - 228)

References:

Albayrak D., Bilali, R., Caglayangil V.K., Eruzun, A. & Sadik, G. (2004). Mapping the Conflict Analysis and Resolution Field. A Literature Review. Unpublished Manuscript: Sabanci University

Angoustures, A. (1995). Historia de Espana en el Siglo XX. (History of Spain in the 20th Century) Barcelona: Ariel Historia

Bartos, O.J. (1974). Process & Outcome of Negotiations .New York and London: ColombiaUniversity Press

Bideleux, R. & Taylor, R. (1996). European Integration and Disintegration East and West. London and New York: Routledge

Capo Giol J., Cotarelo R., Garrido D.L & Subirats J. (1990). By consociationalism to a majoritarian parliamentary system: the rise and the decline of the Spanish Cortes. In U. Liebert & M. Cotta (Ed.). Parliament and Democratic Consolidation in Southern Europe. (pp.55-92). London and New York: Pinter Publishers

Capo, J. (1986). Party Coalitions in the First Democratic Period in Spain, 1977-1982. In G. Pridham (Ed.), Coalition Behavior in Theory and Practice (pp. 232-250). Cambridge: Cambridge University Press.

Carr, R. (1980). Modern Spain 1875-1980. Oxford: Oxford University Press

Cole, A. (1996). The French Socialists. In J. Gaffney (Ed.), Political Parties and the European Union (pp.71-86). London and New York: Routledge

Commission of the European Communities (1979) Euro-barometre (Issue No.10). Rue de la Loi 200. 1049 Brussels

Commission of the European Communities (1980) Euro-barometre (Issue No.11). Rue de la Loi 200. 1049 Brussels

Commission of the European Communities (1985) Euro-barometre (Issue No.23). Rue de la Loi. 200. 1049 Brussels

Commission of the European Communities (1983) Bulletin of the European Communities (No 12, Vol. 16). Brussels: Secretariat General of the Commission

Commission of the European Communities (1984) Bulletin of the European Communities (No 3, Vol. 17). Brussels: Secretariat General of the Commission

Commission of the European Communities (1984) Bulletin of the European Communities (No 6, Vol. 17). Brussels: Secretariat General of the Commission

Commission of the European Communities (1983) Bulletin of the European Communities (No 6, Vol. 16). Brussels: Secretariat General of the Commission

Coverdale, J.F. (1979). The Political Transformation of Spain After Franco. New York: Praeger Publishers. Praeger Special Studies

Dinan, D. (1994). Ever Closer Union? An Introduction to the European Community. London: Lynne Rienner Publishers

Druckman, D. (2003). Negotiation. In S.Cheldelin, D.Druckman & L. Fast (Ed.), Conflict. London and New York: Continuum

Fisher, R., Kopelman, K. & Schneider, A.K (1994). Beyond Machiavelli. Tools for Coping With Conflict. Cambridge, MA: Harvard University Press

Fuentes, G.A. (1986). Asi Cambiara Espana. (Spanish Transition) Barcelona: Plaza & Janes Editores

Gillespie, R. (1990) Regime consolidation in Spain: party, state and society. In G. Pridham (Ed.), Securing Democracy, Political Parties and Democratic Consolidation in Southern Europe (pp 126-147). London and New York: Routledge

George, S. & Bache, I. (2001). Politics in the European Union. Oxford: Oxford University Press

Gunther, R., Sani G., & Shabad, G . (1988). Spain After Franco. The Making of a Competitive Party System with a new Epilog. Berkley and Los Angeles, CA: University of California Press

Hoffman, P.T (1996) The Negotiation Process and the Resolution of International Conflicts. Columbia, South Carolina: University of South Carolina Press

Henig, S. (1997). The Uniting of Europe. From Discord to Concord. London and New York: Routledge

Heywood, P. (1999). Politics and Policy in Democratic Spain. London: Frank Cass Publishers

Juste, A. M. (1998). Espana y el Proceso de Construccion Europea. (Spain and the Process of European Construction) . Barcelona: Editorial Ariel, S.A.

Klein, J.M. (1998). Spain and the E.C. Assessing Spanish Accession to the Community. Europe, 279 (September): 30

Kremenyuk, V.A. (2002). International Negotiation. Analysis. Approaches. Issues. San Francisco, CA: Jossey-Bass

Lewicki, R.J., Saunders D.M ., & Minton, J.W. (1997). Essentials of Negotiation. Boston: Irwin McGraw-Hill

Liebert, U. (1990). From Polarization to Pluralism: regional-nationalist parties in the process of democratic consolidation in post-Franco Spain. In G.Pridham (Ed.) Securing Democracy: Political Parties and Democratic Consolidation in Southern Europe. (pp 147-179). New York and London: Routledge

Mayer, B. (2000). The Dynamics of Conflict Resolution: A Practitioner's Guide. San Francisco, CA: Jossey-Bass Inc.

McAllister, R. (1997). From EC to EU. A Historical and Political Survey. London and New York: Routledge

Moravcsik, A. (1998). The Choice for Europe. Social Purpose and State Power from Messina to Maastricht. London: UCL Press

Moravcsik, A (1993). Introduction: Integrating International and Domestic Theories of International Bargaining . In P. B. Evans, H.K. Jacobson and R. D. Putnam (Ed.) International Bargaining and Domestic Politics. Double-Edged Diplomacy. University of California Press: Berkeley. P 3-43

Morlino, L. (1998). Democracy Between Consolidation and Crisis: Parties, Groups, and Citizens in Southern Europe. Oxford: Oxford University Press

O'Donnel, G., Schmitter, P.C. & Whitehead, L. (1986). Transitions from Authoritarian Rule. Southern Europe: Baltimore and London: The Johns Hopkins University Press

Paterson, W. (1996). The German Christian Democrats. In J. Gaffney (Ed.), Political Parties and the European Union) (pp. 53-70). London and New York: Routledge

Pedersen, T. (1998). Germany, France and the Integration of Europe. A Realist Interpretation. London and New York: Pinter

Pérez-Diaz,V. (1999). Spain at the Crossroads: Civil Society, Politics, and the Rule of Law. Cambridge, MA: Harvard University Press

Preston, P. (1986). The Triumph of Democracy in Spain. London and New York: Methuen

Pruitt, G. D. Strategic Choice in Negotiation. In J.W. Breslin & J.Z.Rubin (Ed.), Negotiation Theory and Practice (pp: 27-47). Cambridge, MA: Program on Negotiation. Harvard Law School

Putnam R.D. (1993) Diplomacy and Domestic Politics. The Logic of Two-Level Games. In P. B. Evans, H. K. Jacobson and R.D. Putnam (Ed.) International Bargaining and Domestic Politics. Double Edged Diplomacy. University of California Press: Berkeley, CA. p. 431-469

Raiffa. H. (1982). The Art & Science of Negotiation. Massachusetts: The Belknap Press of Harvard University

Robbins S.P (1998). Organizational Behavior: Concepts, Controversies, Applications. New Jersey: Prentice-Hall International

Rubin J.Z & Brown B.R (1975). The Social Psychology of Bargaining and Negotiation. San Diego, CA: Academic Press, Inc.

Saunders, H.H. (1995). We need a Larger Theory of Negotiation: The Importance of Pre-Negotiating Phases. In J. W. Breslin & J.Z. Rubin (Ed.) Negotiation Theory and Practice. (pp: 57-71). Cambridge, MA: Program on Negotiation at Harvard Law School.

Share. D. (2002). Politics in Spain. In G.A Almond, R.J.Dalton & G.B. Powell Jr. (Ed.), European Politics Today. New York: Longman

Spanish Constitution (1979). Official Bulletin of the State. M 945/1979

Starkey, B., Boyer, M.A., & Wilkenfeld, J. (1999). Negotiating a Complex World. An Introduction to International Negotiation. New York: Rowman & Littlefield Publishers, Inc.

Touval, S. (1995). Multilateral Negotiation: An Analytic Approach in J. W. Breslin & J.Z. Rubin (Ed.) Negotiation Theory and Practice. (pp: 351-367). Cambridge, MA: Program on Negotiation at Harvard Law School.

Thompson, L. (1998). The Mind and Heart of the Negotiator. New Jersey: Prentice Hall

Graham, H. & Labanyi, J. (1996) Spanish Cultural Studies: an Intoduction. Oxford: Oxford University Press

Jordan, B. & Morgan-Tamasunas, R. (2000) Contemporary Spanish Cultural Studies. London: Arnold Publishers

Share, D. (2002). Politics in Spain. In G. A. Almond, R.J. Dalton & G. B. Powell Jr. (Ed.), (253-304)

Wallace, H.(1990). Making multilateral negotiation work. In W. Wallace (Ed.) The Dynamics of European Integration (pp: 213 - 228)