The 1978 Spanish Constitution and Spain's Transition to Democracy.

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John Elliot: Opening Remarks

John Elliot opened the symposium on the Spanish Constitution by pointing to the many "mountains" which have been passed in the last ten years since the birth of Spain's Constitution in 1978. A "social revolution" has taken place since the demise of Franco, and "individualism" has begun to play a central role in both economic and social spheres.

Professor Elliot mentioned the significance of the 1978 Constitution for future Spanish generations, and he identified the 1975-77 period as one of transition, wherein the democratic system was consolidated. Noting the advantages of historical hindsight, Elliot identified the radical, yet peaceful, changes that were occurring during Franco's final years in power; he noted the existence of elements of post-Francoism during that period. These aspects of continuity facilitated the transition. Professor Elliot singled out the significance of the individual's role in history, referring to the magnificent contribution of H.M. King Juan Carlos to the transition, characterized by the monarch's positive and energetic attitude towards change. This he pointed out, reflects the relative weight of individual and institutional forces within a system.

However, Professor Elliot also pointed out that there are still areas which need to be worked on if Spain is to continue following the democratic principles it has established under the

new Constitution. For example, there is a need to replace today's institutions with "democratic" ones and new "causes" must be defined. In addition, Professor Elliot cited areas that have not only been influential in the past but must still be considered when analyzing the future evolution of Spain's democracy: 1) there are external forces at play such as Spain's involvement in the EEC; 2) internal forces must also be considered, not only social and economic but psychological ones as well; 3) the success of Spain's democracy has also depended and will depend on the political will of the people to change. Elliot emphasized that Spain's transition to democracy was not an automatic process but the end result of the people's collective will.

Sotillo Martin: España Hoy: Diez Años de Constitución Democrática

In his talk entitled "España Hoy, 10 Años de Constitución Democrática", Mr. Sotillo described the "modernization" which has taken place in Spain since the institution of the new Constitution in 1978 and bemoaned the stagnation which took hold of the Spanish economy under Franco's administration. As the newspaper El País noted in 1976 the failure of "progress" in Spain was due to the "egoism" of Francoism. Professor Sotillo noted that Franco was remembered as often commenting that in Spain "todo está atado y bien atado".

The transition to democracy required a rupture with the old

ways practiced under Franco and a transition to the new processes required under democracy. The political elements active in the transition to democracy actually reached their apex under Franco and emphasized the need to close a historical period and to replace the authoritarian government of the Franco regime with a constitutional government. The results of the first democratic elections in 1977 showed that the Spanish people were willing to make the "sacrifices" necessary for democracy. Mr. Sotillo pointed out that Constitutionalism could only be established in an environment which allowed for reform to take place.

The virtue of the Spanish model is that the rupture which has taken place between the old and the new has been slow and gradual. Professor Sotillo believes the slow change of laws and standards has been satisfactory, but he also warned that though the end of the Franco era marks an important moment it is important not to lose sight of the remaining social problems still evident in Spain today.

Spain's transition to democracy has been an important asset for the country's image abroad. Within Spain there exists a deep commitment to popular participation in the country's political future. This commitment reflects the understanding that institutional stability is necessary for economic growth.

Professor Sotillo also pointed out Spain's commitment towards a "Western" democracy, with due respect for political minorities. He sees as crucial the role of the political opposition in strengthening the democratic system, negociating a

process of change within a legal frame culminating in democratic institutional structures.

On the question of the monarchy Mr. Sotillo described it as an instrument of "stability". He noted that the principal agreement from the start in accepting the monarchy emphasized the need to look towards the future from a solid position. There was a need for a state that would include all Spaniards and "compromise" would be necessary between all political forces. The establishment of a parliamentary system served as a vehicle for the rights and liberties of all Spaniards and the existence of "autonomous communities" implies that from the start the Constitution must promote cooperation.

Mr. Sotillo made some preliminary conclusions about what has taken place in Spain in the last decade.

1. The stature of King Juan Carlos has grown in Spain and his handling of the attempted coup d'etat in 1981 shows that in the transition process he is able to guarantee the path leading towards greater democracy.

2. Spain has also experienced a transformation to a state of law. Almost all the legal institutions have been adapted to the Constitution.

3. Stability has been preserved and the peaceful process of the elections has shown that there exist dynamic possibilities for the Constitution and for democracy.

Once democracy was consolidated the main priorities of the government have been to avoid social conflict and insure economic

modernization and stability. Mr. Sotillo cited several results from the economic modernization programme:

a) the economy is healthy

b) the deadweight of the Spanish industrial sector has been improved

c) the economic policies have not been cost free, but they have been generally successful. The deficit in the public sector has been reduced and from a macroeconomic standpoint 1987 was a good year with GNP increasing by over 4% and growth in the consumer price index being limited to 4.6%.

Though the economic portrait of Spain has been generally "rosy", it has required economic and social sacrifices. Unemployment is still a problem. The trade balance is an important element with exports and imports growing, but there is a need to reduce these to real terms with the entrance of Spain into the EEC (60% of Spain's exports and 40% of its imports come from the EEC). Substantial foreign investment shows that there is an interest in Spain by investors. However, as Mr. Sotillo explained, in the final analysis Spain's economic stability rests on the stability of its political system.

In looking ahead towards the future Mr. Sotillo questioned whether the present situation is a temporary phenomenon or a "new start". He conceded that there may be more problems which lie ahead, but Spain's greatest challenge comes from its history. Spain has passed the first stage in its political and social transformation towards democracy and by 1992, Sotillo believes,

Spain will be in a position to reach a conclusion about the success of its modernization process. Europe in 1992 will in effect move from "community" to "unity"; and Spain must now develop the appropriate structures to fulfill the requirements of this challenge.

Sotillo further emphasized the importance of the constitutional consensus, arguing that it allowed for the transition to progress without serious institutional ruptures. He then pointed out that the juridical order which today predominates is not the one of 1975. The existing norms have gradually changed, partially as a result of the Spanish people's maturity in recognizing that certain social attitudes and preconceptions must be abandoned. Generosity and tolerance ought to be the new parameters of social cohabitation, thus establishing a valid framework for the future of Spain's constitutional democracy. This framework must permit the change of governments without altering the established juridical and institutional norms.

Sotillo then outlined three basic principles of the social accord: a) the position of the monarchy as the form of state

b) Parliamentary Democracy and fundamental rights as integrating factors

c) the establishing of a flexible framework to deal with the "autonomous communities"; territorial distribution of political power.

In concluding, Mr. Sotillo noted that although the

transition period 1976-77 was difficult, it has shaped Spain's reality today. Furthermore, he noted that the first stage towards full democratization has been overcome, and that 1992 must mark the conclusion of Spain's political modernization.

José María de Areilza: The Role of the Monarchy in the Process of the Transition to Democracy in Spain

Mr. Areilza analyzed Spain's present situation by looking back at its historical evolution since the Civil War of 1936-39. During the 1000 days of the War over a million Spaniards lost their lives and for those who experienced the war, bitter memories were left behind. Areilza explained in his talk that the Civil War was a confrontation between "two Spains". The existence of "two Spains" had prevailed earlier of course, but the confrontation which arose between them climaxed in the 1930s.

Why the move towards Monarchy ? Areilza pointed out that the reinstituting of the Spanish Monarchy was attractive to Franco because it would bring an end to the historical dilemma of the "two Spains" and at the same time, Franco hoped, a Monarchy as he envisioned it would preserve the system he had taken such pains to develop. The new King, however, while retaining the structure of the Franco system also felt the pressure to move Spain towards a more democratic system of government. Support for this move was strong both in and outside of Spain. In June

1976 the King travelled to Washington and in his speeches to a joint session of Congress expressed the hope for a transition towards democracy which of course received strong approval from the United States. At the same time the King worked to establish good relations with other monarchs and heads-of-state so that by the time the moment for transition arrived the King had the international support giving him greater power in his move towards a democratic system of government.

Another attraction behind the Monarchy was its historical concept. Areilza noted that in Spain the Monarchy was a form of state in which the King served as a "mediator" and by the end of the 1970s the strong nationalism and diverse interests in Spain urgently needed such a "mediator". Areilza believes that it is through his action that the Spanish King today has consolidated the principle of "freedom" and has been a protector of "civil liberties". The attempted coup d'état in 1981 showed to Spaniards that the King is able to fulfill the role as both leader and mediator. Thus, the Spanish Monarch is seen as a central component in the development of Spain's democracy.

Jordi Solé Tura: El Significado del Consenso

Professor Tura explained that the transition towards democracy in Spain is unique and was endowed with three important features:

1. the death of Franco brought the demise of the political system he had established and left room for a new one to be

created;

2. a large opposition existed which could be mobilized in the construction of a new system of government;

3. the end of Franco's dictatorship was also marked by an understanding for the need to compromise and indeed there was a move to do so.

Professor Tura, however, explained that the death of Franco was not immediately followed with the decline of "Francoism". It was clear that Spaniards felt strongly about moving towards democracy--amongst older Spaniards the bitter memories of the Civil War were still very much alive and nobody wanted a return to the chaos of those years. Thus, though the Spanish system, following the death of Franco, was in a better position to move towards a democratic system it was nonetheless still endowed with the institutions of the past; i.e: it still retained some of the same judicial, military and economic institutions prominent under Franco. Consequently, the move towards a more democratic system of government was kept within a system still structured around a dictatorship.

Professor Tura further explained that in order to understand the process involved in instituting a new order in Spain it is necessary to understand the nation's history. Spain's recent conflict over Republicanism and Monarchy, and the national division between a centralized as opposed to a multinational state. The "political divisions" in Spain climaxed in the 20th century as Spanish society became deeply divided between those

who upheld the monarchy and those who felt increasingly drawn towards a system of "republicanism".

The "national divisions" also have historical roots and the social and economic diversity of the country has necessitated the institution of a strongly unified political structure. Professor Tura argued that the 1976-77 period emphasized the need to solve the question of "national divisions" before democracy could be successfully achieved.

The role of the opposition was significant not only in that it gave momentum to the transition period, but it also consolidated itself in order to give precedence to the establishment of democracy by resolving the fragmentation which existed within the system thus allowing for the development of a more stable regime. Professor Tura also noted that no opposition group had a strong enough programme and therefore all opposition groups, whether on the left, right, or center, opted for "stability".

"Compromise" was a prominent feature in the transitional movement towards democracy. The forces on the left though holding to their own interests placed greatest importance on upholding "stability". Thus, the Left did not mobilize to divide the system when Franco decided on reinstituting a monarchical system, but in compromising called for the establishment of a "parliamentarian" Monarchy.

The conception of a "Nation" was the hardest political compromise to arrive at since different nationalities in Spain

wanted their own autonomy while at the same time expressing the need for "solidarity". There was ultimately a need to legitimize the state as a **NATION** with pluralistic characteristics and make it serve as an administrative unit which would incorporate the diverse interests of the autonomous regions in Spain.

Given this, Professor Tula pointed out the role King Juan Carlos played as a stabilizing factor; this led to a political compromise: a parliamentary monarchy which recognizes the different "national" minorities. Thus the concept of "una nacion compuesta por naciones" arose; this concept attempts to legitimize two diametrically opposed positions. The new constitution creates a framework to deal with the nationalities problem, and that of the "autonomous communities".

In concluding, Professor Tula expressed that we can thus utilize the transition as a parameter of success. He expressed the belief that the present system in Spain today "is balanced", but though many problems have been resolved others still exist in the political, social and economic arenas. The "political parties" remains weak, and "popular incomprehension" of the needs for establishing democracy is still an obstacle.

Andoni Monforte Arregi: The Constitution and the Autonomous Development in the Basque Country

As Director of the Basque Government Office for Affairs Related to the European Community, Andoni Monforte Arregi

centered most of his talk on the Basque question. He pointed out that the origins of the Basques is unclear and shows no resemblance to peoples in either France or Spain and thus the presence of the Basques has made Spain a country of "two Nations".

Why have the Basques who lived peacefully for so many years suddenly become a problem ? Mr. Arregi emphasized that previously the Basques always had their own "political space", but during the last century the Basques have experienced suppression and most recently have had the Constitution "forced" upon them. Mr. Arregi reminded his audience that it was the Basques who pioneered the fight against Franco and under the new constitution they felt cheated by a government which they felt was breaking agreements with them. They see "parliamentarianism" as reducing the power of the Basques by leveling down the "autonomous process". It has been under the parliamentary system that laws have been passed which curtailed the autonomy of the Basques.

Mr. Arregi concluded that the majority of the Basques have accepted allegiance to the Crown, but many feeling themselves as more "Basque" than "Spanish" also support ETA. Mr. Arregi described two types of Basques: the "radicals" and the "moderates". The "radicals" are those who see themselves as completely "Basque" and not "Spanish". The "moderates" on the other hand, want to be integrated into the system and want to accept the existing Spanish state. Arregi admitted that contrary

to the autonomy claims the "radical" Basques uphold, the Basques as a people will ultimately have to "renounce" their "national claims". Mr. Arregi believes that the Basques will continue to have a dialogue with Madrid, and eventually the results will be "positive".

Carlos Alonso Zaldívar:

In commenting on the speeches made by the "Fathers of the Constitution", Mr. Zaldívar conceded that Spain had lived "frozen" in time under the dictatorship of the Franco regime. Thus, in the change from this "frozen" state the country must now confront the problems which it had to face way back in the 19th century.

In addressing the obviously delicate question of the "nationality problem", Mr. Zaldívar feels that there is a "push" at present for resolving this issue. He admitted that there have been errors on both sides in dealing with the issue in the past, but it is useless to dwell on what took place in the past. Zaldívar argued that there was no negative vote <u>against</u> the Basques and though he did not deny that there are still problems, he considers the major obstacle in resolving the Basque problem stems from lack of communication between Madrid and the Basques. Fortunately, as Mr. Zaldívar concluded, the "Fathers of the Constitution" are aware of this obstacle and are working to overcome it.

Zaldívar also identified some of Spain's challenges for the

next century. He noted that the traditional institutional organs must develop a new dynamism analogous to that of the 21st century. Furthermore, there remains the problem of the weakness of Spain's political parties, which tend to weaken the opposition rather than strengthening themselves.

QUESTIONS & ANSWERS

1. George Chester/State Dept: What are the changes in Spanish society which evolved in the days of Franco ?

Areilza: Spanish society is in a state of continuous change. After the 1960s Spain experienced great changes in its level of lifestyle, these included the greater availability of merchandise and the distancing of the new generations from the Civil War. These new elements created a higher level of consumption and a middle class, both of which have made the transition process easier. The election of Parliament and the new constitution were made possible by the characteristics of Spanish society during that period. Change began within the structure of society.

Tura: Until the late 1950s, the political opposition in Spain saw the situation as a continuation of the Civil War. After the 1950s a new generation came into being. After the 1960s the Spanish economy began to grow as new development took place. The social, economic and cultural changes happened in spite of the dictatorship and not under its guidance. Spanish society was mature and able to change and the Spanish Dictatorship was not.

2. Analyst: Doesn't any constitution need opposition ?

Tura: There is no effective opposition in Spain today, and this is not good for democracy. Why is there no conservative opposition? People try to solve the problems of civil society by approaching the state minister associated with the area in which the problem is found, making every "local" social problem a "national" problem. Consequently, the government feels surrounded and this creates a dangerous situation when trying to think about the future.

3. Reporter/El País: What is the truth about Suarez ? Why did Suarez quit ?

Areilza: There was a conspiracy in the military for a putsch. Suarez offered his resignation in order to prevent the military from staging a putsch. Suarez never said this, but it was so. The Coup was seen as possible because of the then existing power vacuum.

Tura: I sometimes would like to know a bit more about the Suarez question.

4. Mr. Suttero: By the 21st century, will the Spanish democracy arrive at a European form of Democracy ?

Arregi: Spain is part of Europe. The divisions between the left and right will be resolved with the unity of Europe. Europe is heading for an integrated market increasing the unity between European countries.

5. Nancy Bermeo/Princeton U. Prof. of Politics: How unique is the Spanish experience? Is it a model for the Latin American countries ? What can Leftist groups in Argentina learn from the

Spanish experience ?

Tura: I went to Argentina to explain the experiences of the Spanish transition, and I was asked if I could elucidate in a few words how Spain arrived where it is now. First of all it is difficult to give such a response in a "few" words, yet I was tempted to respond: Find a King! Argentina will have a difficult transition process due to the army's strength and the absence of a king-like figure to moderate the transition.

Arregi: The Brazilian model has some similarities with Spain. Argentina was obviously influenced by the results of a war. The Spanish model is not to be generalized, and each transition has its own methods and characteristics.

6. What did Spain learn from the U.S. experience ?

Zaldívar: What was the U.S. influence on Spanish democracy ? The "ambiente" may have been indirectly influenced by the U.S., but the experience which has taken place in Spain is particular to and belongs to Spain.

9. What did the government do to "educate" the people in democracy ?

Tura: We arrived very late to democracy when such a system already existed in other Western countries. We created a democratic system with democratic institutions, but I am not sure that we created the conditions for the future development of democracy in Spain even though the institutions are already in place.

Arregi: There is a need to concentrate more on the problems of

Spain and not only on external problems...i.e. we must first of all consider Spain's domestic problems and realities.

II

The Constitution and the Consolidation of Democracy

Juan María Bandrés Molet: La Constitución y el proceso posterior desde el punto de vista de un vasco constituyente.

Juan Molet took a critical view of the current Spanish Constitution arguing that it does not represent the Basques or Basque interests. He admitted that after 40 years of dictatorship Spanish politicians were relieved to have found a peaceful path towards democracy, but pointed out that some people, including himself, are members of an opposition group opposing the Constitution. It is this group which is still worried about the present situation in Spain for the following reasons:

1) the so called Poderes Fácticos--especially the armed forces, still do not conform with democracy and are not completely satisfied with the existing situation in Spain today;

2) the police who were distinguished under Franco are still in positions of authority;

3) the Courts are still run by judges who supported Franco.

Added to these worries Molet pointed out that the opposition group he feels most aligned towards is also unwilling to accept the present Constitution on the grounds that it upholds a

parliamentary monarchy type of government instead of that founded on "Republicanism". Mr. Molet described how King Juan Carlos asked him why the Basques could not accept a Constitutional Monarchy and how he responded that it was because "...we are Basques". In retrospect, however, Mr. Molet conceded that the past 10 years under the Monarchy have shown positive results. The King, in his opinion, has understood the principle of a Parliamentary Monarchy where the power remains in the hands of the Parliament.

The question which arises is how to conceive of Spain as united if it has various "national" groups ? Mr. Molet explained that Spain is a "Nation of Nations". In constructing the Constitution, political forces on the Left felt that it was important to have self-determination, but when the time came it was impossible to implement such a concept. The Second Article of the Constitution advocates "autonomous" governments which show Spain has <u>solidarity</u>, but the attempt to add an appendix for "self-determination" was not accepted. Mr. Molet pointed to the Soviet Union as the only European country which has such an amendment, but admits that "it is not an appropriate model".

In addition, there are some amendments to the Constitution which still worry Mr. Molet and his group. Spain's tradition of military coups makes amendments giving power to the military possible threats to future stability. Furthermore, article 55:2 which was inserted to protect the rights of individuals is undermined by the ability of the government to enter people's

homes.

In describing the Constitutional referendum and its relation to the Basques, Bandrés pointed out that though the Constitution did pass in the Basque "country" it did not pass politically or socially. The issue of "self-determination" is still very much alive. Mr. Molet cited two processes for attaining "self-determination". The first process is "mechanical" and involves a colonized country becoming "decolonized" or in other words, independent. The second process is "dynamic" and it occurs when people can elect and follow a path of "self-rule". It is this latter process which is most relevant to Spain today and to the Basques in particular. However, the "invasion" of the central Parliament by central laws in the Basque country denies the Basques the rights of "self-rule".

In spite of this, Molet emphasized that the Basques appreciate, in the majority of cases, the basic tenents, precepts, and norms of the new Constitution. Yet the Basques have ideological problems with it; they believe that the Spanish people was not able to discriminate amongst the various articles shaping the Constitution.

In particular, Article II basically formulates a <u>contradictio in terminis</u>; while title VIII unclearly defines how the autonomy of political power is going to be regulated, particularly vis-à-vis the issue of the territorial distribution of political power. The Basques, Molet continues, would like a title VIIIbis, related to the issue of <u>self-determination</u>. They

would like to have a public referendum: to remain united to the Spanish state or to separate from it. As far as Article 55:2 is concerned, Molet fears that it might become like Damocle's sword hanging over the Spaniards vis-à-vis the issue of terrorism.

Mr. Molet concluded by stating that "we often say that Madrid does not understand the problems of the Basques, but the problem of the Basques is a problem of the Basques themselves. The Basques must learn to be first of all citizens amongst themselves, and Madrid must understand this need.

Finally, Molet believes that the overall balance of the past ten years is satisfactory, since no longer do unalterable laws exist as under Franco.

Antonio Gímenez-Blanco: La transición; del cambio político a la concertación social.

"Eleven years ago we were in the process of setting up the elections and now it seems as though 100 years have passed". Mr, Gimenez-Blanco pointed to the Portuguese experience of 1974 as being influential in what has taken place in Spain as well as the memories of the Civil War which have also been influential in making people opt for stability over political upheaval. Mr. Gímenez was 12 years old at the time of the Civil War and his own memories of its destruction makes him understand the need to avoid a reocurrence of such a tragic episode. Spain, he explained, is historically a society with people having little in

common to unify them, but the memories of the War served as a unifying force.

Mr. Gímenez admitted that "development" in Spain has come slowly, but since 1972 there has been real development as well as an enormous desire to achieve democracy. Mr. Gimenez emphasized that the major element in the success of the transition process was the presence of the King.

Gímenez raised the question of why Suarez resigned in 1981, and as a member of Suarez's party attempted to give his own interpretation. In his opinion Suarez was faced with economic and social constraints and in an "act of generosity" Suarez stepped down. It was in this moment of difficulty that the Monarch acting as an "arbitrator" fulfilled his role.

Gímenez pointed out that in the post-Franco period, the Spanish economy was in crisis, and that social conflicts were pervasive. As a reaction to these, an implicit social pact amongst political parties was a crucial element for the success of the transition period; particularly the economic accords basing salaries on indices of future price levels rather than past ones.

Gímenez concluded that a "good" constitution in Spain will have its own problems and cannot ever be "perfect". Spain will find itself in the future in a position of international importance with incresaing investment levels, tourism, et cetera; yet the problem of achieving internal social harmony will remain.

Miguel Roca i Junyent: The Reception of the Constitution in Parliament and in the country.

In speaking on the constitutional process which has taken place in Spain, Miguel Roca i Junyent pointed out that "Spain is proud of the constitutional process, but it is also grateful to have been able to approach the real problems of Spanish society today in a gradual manner". However, Mr. Roca also noted that for those who participated in this constitutional process are now being faced with the less "exciting" aspects of administrating democracy in Spain; i.e: building an appropriate administrative unit to uphold what has already been put in place. "We have instituted democracy and have arrived at the tedious point. The exciting part is over and we now speak of Spanish democracy with less enthusiasm. The construction of democracy has been very exciting and has shown that we are now capable of living in a democratic setting".

Now that the "fun" is over, Mr. Roca emphasized that there is much work ahead as the country moves into a process of "democratic legitimization". Fortunately, according to Mr. Roca, Spanish democratic institutions are in good health and can be criticized. What Mr. Roca considered to be Spain's biggest future challenge will be the arrival of 1992 and a full integration of European markets as the nation must do in "four years what Europe has done in 30". Spain, he believes, with its Constitution in place will be able to handle the challenges of 1992 even though the problems within Spanish society remain and

will remain great. "The Constitution is serving Spain, but Spanish society lives through its own dynamics and we will have to now face the real problems within the society".

Mr. Roca explained in his talk that during the last two centuries Spain has been hurt with the help of its own people. Spanish society has a double concept with regard to the state: a) there is a tremendous distrust for anything official and b) there is a tremendous need to be protected by power. Spanish society is at the same time very "estatista" or state-oriented. There exists a great mistrust within civil society which is why Franco's regime was allowed to be so interventionist.

Mr. Roca is worried by the "interventionist" aspect/nature of the right. He then wonders if the dynamics of "centrism" are blossoming within the new framework. A rebirth of bureaucracy's weight is also noted, the latter being threatened by the autonomous communities; by the prospect of sharing the until now centralized power. Roca pointed out that there exist dangerous social and territorial disequilibria, which might worsen in the near future due to the European integration.

Roca concluded by stating that "the moving force" behind the transition to democracy was the Spanish people and that the "true" leader in Spain is the people. But at the same time Spain is burdened by the cult of "caudillismo" or "personalism" of its leaders and looks for a "Messianic" figure to follow. Mr. Roca feels that now, under the stability of a Constitutional system, Spanish society can fight against this trend. "We must face the

problems and obstacles ahead, which are the most that any European country has ever faced. I look at the future with great hope. We have a solid foundation for the future and political consolidation allows us to face the structural problems of the future".

Questions & Answers II

1. Mr. Felix de Piñez: Why does the problem of terrorism in the Basque country still exist ?

Molet: Terrorism in the Basque country does not have a "logical" explanation. In a federated country we have fiscal autonomy, but if we have fiscal autonomy we can also have political autonomy and then later talk about a Basque police force. I have come to think that a certain amount of violence is acceptable and I am proud of the ETA under Franco. But up to what point is violence legal and once unleashed can it later be held back ? Whether we like the constitution or not there is no reason for violence because we can now ask for changes if we are dissatisfied--there is no real need for violence.

2. Professor Marcos: What are the positive aspects of the Constitution with regard to the Nationalists ?

Roca: Nations need "accord" and a political will. Here there is an advantage to being in Europe in that Europe will help Spain. The unity of Europe will not be on the basis of National Boundaries, but also there are the economic elements to consider

which will help for finding solutions to Spain's problems. We thus look at the European phenomena with great interest.

Molet: My sense of nationalism is a bit left-wing. We have rejected the constitution. There was an acceptance, but there was also an "ideological" rejection of it. There has been no serious draft to amend the constitution.

3. Eric M. Javits: Have there been specific challenges to test the constitution ?

Roca: Challenges to the constitution do not exist, but as Mr. Sotillo said earlier, there will be a need to amend the constitution. There are diverse readings of it. When the constitution does not have clear wording, is it then a good constitution ?

4. Pamela Radcliff/Columbia U. student: Why was the Guardia Civil not dissolved ? Has there been change in the education of the military ? What is the potential of a Basque police force ?

Molet: The Guardia Civil has done wrong and could have been done away with. In February 1981 a dissolution draft was called for (I believe) but it did not pass. The Guardia Civil is called "civil" but it is military in essence.

There has not been much change in the military education. In Spain the military is still "closed within itself and not well exposed to reality".

There's a "public order autonomy" within the Basque country and there is increasingly more of this within the state police, but ETA is an obstacle in this area and prevents the development of

an autonomous police force.

Gímenez: The Guardia Civil was created in 1844. It is both military and civil. Franco himself was not able to dissolve it. There are some 66,000 citizens in Spain who are militarized. The Guardia Civil also enjoys public support for their role in the protection of private property.

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