

The European Constitution.

An Interdisciplinary Analysis and Evaluation

The European Constitution – for a long time merely a federalists’ dream – may soon become European reality. Still, the Constitutional Treaty that was signed on October 29, 2004 in Rome by the heads of state and government will have to overcome a number of obstacles before coming into force. Nevertheless, the impact of the Constitution on the EU and its reform process is even today already irreversible. The European Constitution marks the beginning of a new era of European integration – no matter if and when it will come into force.

According to national constitutional law, the EU-Constitution must be ratified in all 25 EU-member countries to come into force. The process of ratification looked promising early on as nine EU-members ratified the Treaty by May 2005. However, on May 29, 2005, the process suffered a disappointing setback: 55 % of French citizens voted in a facultative referendum against the Constitution. The vote turnout of 66% was remarkable. The disappointing French result gave way to a deeper sense of crisis: influenced by the French “No” the Dutch citizens rejected the Constitution only three days later. The voter turnout of the referendum on June 1, 2005 was 61,6%.

Despite these critical results, the European Council decided during its Brussels-summit on June 16-17, 2005 to continue the ratification process. Fortunately, the heads of state and government overcame the temptation to declare the failure of the constitutional process. This would have caused severe democratic doubts. While the Dutch government had to complain of hardship also because of domestic problems, the parliament of new EU-member Latvia ratified the Constitution on June 2, 2005 – refusing to await the decision of the European summit on the matter. The clearly positive referendum of Luxemburg on the Constitution on July 10, 2005 seems to have brought about a resurgence of enthusiasm after two countries had paved the way weeks earlier: Cyprus ratified the Constitution on June 30, 2005 and Malta, a long time a skeptical partner, ratified on July 6, 2005.

While the ratification process continues on, the Treaty itself will not be subject to further changes. Claims for renegotiations of chapters of the Constitution have been dismissed. The

decision to leave the content of the Treaty unrevised is prescient and necessary. The Constitution is the outcome of a Convention that was primarily composed of parliamentarians. After a process of deliberation that took nearly three years, that it can hardly be assumed that further negotiations on the Treaty would lead to significant improvements. Apart from this, an “improved” Constitution would not solve the intrinsic reason for the skeptical mood among the EU-citizens. Obviously, the main challenge for the future will be to communicate the achievements of the Constitution and to convince the EU-citizens of its necessity.

This review is the outcome of a 3-year long interdisciplinary research project at the Center for European Integration Studies (ZEI) at Bonn University. During the period of research Political Scientists, Lawyers and Economists observed the development of the Constitution from the first days of the conventional work to the signing of the revised Treaty in Rome. The following analysis and evaluation of the Constitution allows a systematic understanding of the Constitution and its basic decisions. While examining the Constitution from an interdisciplinary point of view, the research team concludes that the EU-Constitution is one of the most important steps of EU-integration. Weaknesses that were discovered as well may become topics on the agenda of future conventions.