

Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich-Wilhelms-Universität Bonn



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**The European Constitution
and its Ratification Crisis**
Constitutional Debates
in the EU Member States

Discussion Paper

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Introduction

On 29th October 2004 in Rome twenty-eight Heads of State and Governments signed the Treaty establishing a Constitution for Europe (Constitutional Treaty).¹

The reforms proposed by the document, some rather tangible, some infinitesimal, were put to a test in the 25 current Member States of the Union. Choosing one of two ways to ratify the Constitutional Treaty, through parliamentary vote or a referendum, Member States originally had until November 2006 to do so in order for the document to enter into force. Until January 2006, thirteen Member States and the European Parliament ratified the Constitutional Treaty. Austria, Cyprus, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Slovakia, Slovenia and Spain, whose populations represent almost 50% of EU's total population, voted in favour of the document. France and the Netherlands, after holding referenda, failed to ratify the Treaty. The remaining ten Member States have currently either suspended or postponed the process of ratification.

The desire for institutional reforms and the continuous process of deepening and widening of the Union defined the need for a single document, which would bring the Union closer to the people and would streamline the decision-making process. The process of conceptualizing and drafting the Constitutional Treaty started with the Laeken Declaration of 2001, which called for more democracy, transparency and efficiency of the European Union, simplification of the Union's instruments and a better division and definition of competence in the EU. It also provided the guidelines for the work of the Convention on the Future of Europe (2002-2003). The Convention consisted of representatives of Governments, national Parliaments, the European institutions and members of civil society organizations invited as observers. It was followed by the Intergovernmental Conference in 2004, which adopted the final version of the text of the Constitutional Treaty.

¹ The Treaty establishing a Constitution for Europe is available in English at <http://europa.eu.int/eur-lex/lex/JOHtml.do?uri=OJ:C:2004:310:SOM:EN:HTML>.

After the ratification process came to a halt with the negative votes in France and the Netherlands, the European Union decided to step back and reassess its future development. The European Council, at its meeting on 16-17 June 2005, stated that “the date initially planned for a report on ratification of the Treaty, 1 November 2006, is [not] tenable, since those countries which have not yet ratified the Treaty will be unable to furnish a clear reply before mid-2007”. The state of ratification will be examined again by the Austrian Presidency in the first half of 2006, following a period of reflection in all Member States. As the need for reforms is still present, the debate on the Constitutional Treaty continues.

The following collection of papers examines the ratification process in each individual Member State, taking into consideration the most recent developments at the time of writing (January 2006). Furthermore, these papers discuss the position of party groups represented in the European Parliament on the Constitutional Treaty. The concise overview of the political and public debates on the Treaty, as well as the data collected on public opinion, shed light on the current state of the ratification process. The publication offers an analytical look into the constitutional moods of the 25 EU Member States and attempts to outline options for the future of the Constitutional Treaty.

Constitutional Debates in Member States with a Referendum

Spain

State of ratification

Spain (population: 40,341,462 inhabitants) was the first country that held a referendum on the Constitutional Treaty. From a civil-democratic point of view, in a country in which neither entry into the Union in 1986, nor successive treaties were submitted for consultation, the Spanish government was quite right to call for a referendum. The vote was held on 20th February 2005, with 77% of the Spanish voting in favour for the Treaty. Voter turnout, however, was low at approximately 42%. The non-legally binding referendum was followed by parliamentary ratification on 28th April 2005.¹

Position of Political actors

The 'Yes' vote was never in doubt in the traditionally pro-European Spain. Almost the whole political spectrum, including the two main parties, was in favour of the Constitutional Treaty. Reflecting Spanish enthusiasm for European integration, there are no Europhobic or nationalist positions as opposed to other member countries. The small number of political actors that were against the Constitution Treaty argued during the referendum campaign for 'more Europe', 'a different Europe' or 'a better Europe'. Nevertheless, the limited debate allowed different positions to be heard and scrutinized. Some of the small political parties in Spain, who are opposed to the Constitutional Treaty, argued that it is an instrument of neoliberalism, a way to destroy the welfare state and a tool to militarise the E.U. On the left political spectrum the main trade unions argued for a 'Yes' vote, whilst at the same time the anti-globalization movements and other social movements asked for a 'No' vote. Most of them argued that such a Treaty

¹ The referendum question wording was "Do you approve of the Treaty by which a Constitution for Europe is established?" Official results where: Yes: 76.73%; No: 17.24%; Blank: 6.03%; Turnout: 42.32%. The constitution was than ratified in the Spanish Parliament with 332 votes in favour and 18 votes against.

is too liberal and too socially backward.² The ruling socialist party under Zapatero, which has been a strong advocate of the Constitutional Treaty, also offered contradictory views. The ruling coalition³ did not present a united front because not all members of the coalition agreed on the Treaty. The United Left and the Republican Left of Catalonia voted against it in the parliamentary vote. Therefore, fearing to endanger his parliamentary majority, the Prime Minister did not push forward any debate. From the right spectrum the failure to implement two key issues (the reference to Christianity, and the question of votes in the Council), which the former Aznar government disagreed with, led to a considerable number of the Popular Party supporters to be dissatisfied with the Constitution Treaty.⁴

In some of Spain's autonomous regions, which are generally pro-E.U, some divergences and intensive debates regarding the ratification occurred. For the classic nationalists, mainly the Basque Nationalist Party and Convergence, and the Democratic Union of Catalonia, the Constitutional Treaty was welcomed positively though unenthusiastically. The Spanish organisation "Basta Ya", which presses for the defence of the rule of law and the autonomous status of the Basque Lands, agreed with the Treaty. For the new nationalists, which consist of the Republican Left of Catalonia and the Nationalist Bloc of Galicia, contended that the Constitutional Treaty does not respect their identity and culture. Therefore they openly rejected and asked for a 'No' vote during the referendum. In the Catalan political network named "No a La Constitucio Europea" more than a hundred communist, pacifist and youth organisations lined up against the Treaty.⁵

2 Real Instituto Elcano - <http://www.realinstitutoelcano.org/documentos/171.asp> - Ratification Monitor/Update Spain by Alicia Sorroza and Jose I. Torreblanca

3 The ruling coalition consists of the Socialists, Republican left of Catalonia, United left, the Canarian Coalition and the Aragonese Union

4 Real Instituto Elcano - <http://www.realinstitutoelcano.org/analisis/689.asp> - The Three points of dissensus on the European Constitution by Jose Ignacio Torreblanca

5 German Institute for International and Security affairs - http://www.swp-berlin.org/common/get_document.php?id=1227 - New Impulses from Europe's South by Günther Maihold and Andreas Maurer

Public Opinion

Judging by the Eurobarometer data, the Spanish are still among the greatest Euro-enthusiasts on the continent. Up to 69% (E.U average 52%) of the Spanish think that their country has benefited from its membership to the E.U whilst 62% agree with the Treaty. However, the awareness level of the Treaty itself is very low. Around 84% of the population claims that they know little or nothing about it.

The rationale for this can be summed up as follows: First, throughout the whole ratification process there was an overall limited debate on the Constitutional Treaty. The political parties themselves denied a debate within their own political structures. Unlike in other E.U countries it was the parties leaderships, along with the Union and business leaders, who decided on the issue without consultation. Of all the political parties, only two parties⁶ staged an internal debate during party conferences.⁷ An internal debate followed by a vote would have created the opportunity for party leaders and organisations to convince members and the public of the advantages and disadvantages of the text and its meaning, thus providing clarification on the issues. Hence, a general public debate could not really emerge due to the absence of an internal party political discussion. In addition to the scant debate, the campaign to inform the Spanish people about the key matters was short and badly focused. Only 4 million Treaty texts were distributed to the 35.4 million voters. A more exhaustive distribution of the text would have generated more confidence about the Treaty among the electorate.⁸ Also, the government was impeded to campaign during the whole process. According to Spain's electoral laws, the government could not be in favour of any option, nor invite citizens to participate in the debates.

The Spanish media strongly supported the ratification of the Treaty from the beginning. Newspapers gave extensive coverage on the referendum and

6 Iniciativa per Catalunya and Convergencia Democrática de Catalunya

7 Real Instituto Elcano - <http://www.realinstitutoelcano.org/analisis/701.asp> - Spain's Referendum on the European Constitution: a Double Disappointment by Jose Ignacio Torreblanca

8 Ibid

on the Treaty itself, generally pointing out its positive aspects. Public television stations allowed for free campaigning time for the political parties sitting in Parliament, including those that promoted a 'No' vote.⁹

National priorities and the current reflection phase

Spain's position in the enlarged E.U is of increasing contradiction. It has become progressively more difficult for the country to reconcile its growing leadership role as a 'large country', whilst simultaneously being the largest net-beneficiary of EU aid. During the debates, the notion of subsidiarity, regarding the national and regional parliaments, and the reference to Christianity in the Treaty were the most discussed matters. The Spanish are, more than ever, posing questions regarding the position of Spain in the Council, the liberal orientation of the Constitutional Treaty and a deeper integrated Europe. After the referendum in France, Zapatero maintained that, "the result of the referendum in France is not good news but it is not a catastrophe,"¹⁰ Yet it is difficult to be enthusiastic about the result and to say whether the positive vote on the Constitutional Treaty in Spain has had any effect on the other member states.

Marvin Cuschieri

9 Democracy International: European Referendum Campaign - <http://www.european-referendum.org/> - Spanish Referendum on the E.U constitution: Monitoring Report by Juan Carlos Madronal

10 BBC News Website: <http://news.bbc.co.uk/2/hi/europe/4592415.stm>

France

State of ratification

The French government chose to organise a referendum on the Constitutional Treaty on Sunday 29th May 2005.¹ The 'no' obtained 54.7% of the votes, thereby breaking the trend of previous referenda on the European Constitution and paving the way for the Dutch 'no' only a few days later.² This decision, by the second largest population of the European Union with approximately 62 million inhabitants, has considerably influenced the future ratification process.

Positions of political actors

The French President, unlike many other European presidents, is quite powerful especially in matters of foreign policy and in addition to his power to organise a referendum. "I will campaign without any reservation for a 'yes' because it is in the interests of France, of the young and of Europe", said Jacques Chirac in November 2004 who clearly supported the 'yes' camp. The landscape of the political parties was split on the question of ratifying the Constitutional Treaty, but most of the established parties supported it. President Chirac's centre right party (UMP), the *Union pour la Démocratie Française* (UDF), the centre left *Parti Socialist* (PS), as well as the Greens (*Les Verts*), were basically in favour, although there were strong inner party battles.³ The main parties opposing the ratification were from the extreme left- and rightwing spectrums, such as the *Parti Communiste* (PC) and the *Front National* (FN) of Jean-Marie Le Pen. The government's fear of a possible defeat is evident by the appearance of interna-

1 Flash EUROBAROMETER – The European Constitution – Post-referendum survey in France, http://europa.eu.int/comm/public_opinion/flash/fl171_en.pdf

2 The very high turnout rate of 69.3% is proof of the interest of the French people to the campaign, compared to poor 42.8% at the last European elections in June 2004.

3 <http://www.frankreichstimmtab.de>

tional political leaders such as Luxembourg's Prime Minister Juncker. In addition, German Chancellor Schröder as well as the Spanish Prime Minister Zapatero spoke twice in front of the National Assembly.

In October, the leaders of the Socialist Party (PS) officially supported the Constitutional Treaty, however beginning in early November the party was divided after two conflicting books were published by prominent party figures. At an internal referendum held in December 2004, 59% of the sympathisers supported party leader Hollande and 41% of the inner-party opposition backed Fabius' position.⁴ Already at this stage we can see that the left opposition was split. When UDF party leader François Bayrou got involved in the campaign, he intended to form a coalition together with the UMP, PS and the Greens to support a 'yes' vote. The UDF with their strong Christian values took a stand against Turkish accession, but supported the European Constitution as a whole. The members of the Green party were split on the issue. They held an internal referendum twice on the text in November 2004 and then again in February 2005. The *Front National* (FN) who were opposed to the Constitutional Treaty and saw it as a further step towards a European Federal State, believed that it would decrease the sovereignty of the French people and would be against their fundamental interests. The French Communist Party (PC) wanted a different Europe, therefore a 'yes' would not be a 'yes' for Europe, but on the contrary a 'yes' for liberal politics, which they are still staunchly against.

Public opinion

Eurobarometer figures show that a quarter of the voters did not turn out on 29th May because they wanted to penalise the government and/or the President of the Republic for their internal policies and social reforms. These abstaining parts of the population saw the referendum as a way of protesting without electing representatives from the extreme political parties. Not only can divisions within different parties be seen, but also clear trends for those living in rural areas. In these outlying areas, 61 % voted

⁴ <http://www.ipsos.fr/CanalIpsos/articles/1590.asp?rubId=1590>

France

against the Constitution compared with 47% of 'no' votes in the urban areas. It is also noteworthy that the majority of inhabitants in the Paris region and the large French cities voted 'yes' (55%). What were the main reasons for voting 'yes'?

- € 40% considered the Constitution essential in order to pursue the European construction
- € 16% have always been in favour of European construction
- € Strengthening the role of France within the European Union (12%)
- € Strengthening the European Union vis-à-vis the United States (11%)
- € 8% saw the Constitution as the first step towards political unification of Europe
- € Surprisingly, 7% had the perception that the Constitutional Treaty was a first step towards a more social Europe

On the other hand social concerns were at the heart of the 'no' voters. The survey of Eurobarometer states that the reasons why people voted 'no' are more numerous and are based chiefly on national and/or social themes, which took precedence over European considerations.

- € 31% feared that the text would have negative effects on employment in France
- € 26% consider the unemployment rate already too high
- € Economically speaking the draft was seen as too liberal as well as lacking social aspects (18% and 20%)
- € 18% explicitly mentioned opposition and dissatisfaction with French political leaders
- € Also noteworthy, Turkey's membership of the EU was mentioned only by 6% of the voters

Surveys came to the results that the French voters seemed to have made up their minds at a fairly early stage on how to vote in the referendum. Until

March 2005 the 'yes' camp held about 60% of the votes.⁵ On the other hand, one in five voters made their decision in the last week before the referendum, at which time the votes were equally distributed. This shows how influence the Presidents of the Republic was able to exert, capturing the attention of French voters through the referendum campaign. However, Democracy International contends, that the 'yes' camp had enjoyed 2/3 of the TV airtime and was thereby given a better chance of making its position known.⁶

National priorities

Despite the victory of the 'no' camp, the French people do not call their country's membership of the European Union into question. 62% of the French people believe that the 'no' victory will facilitate the renegotiation of the Constitutional Treaty in order to achieve a more social text. The figures show a deep rift between the priorities of the political class and the voters. During the Convention leading to the Constitutional Treaty, French political leaders were able to get all their issues concerning the institutional reforms included into the text. Even still, the French people rejected the Constitutional Treaty mainly due to reasons of the future social and economic setting of the Union, which can be found in Part III of the draft. The social and economic aspects of the Treaty, which are important to the French, might become effective at a later stage when the social and economic climate might be more favourable. The pressing need for action in this policy field should have become clear to every politician since the heavy riots this autumn. The latest figures by Eurobarometer show that 67% of the French support the idea of a Constitution, which is an increase of 7 points compared to the spring 2005 survey, whilst only 21% disagree.⁷

Fabian Lohne

5 <http://www.ipsos.fr/CanalIpsos/articles/1590.asp?rubId=1590>

6 RICHARD, Arsène and PABST, Ronald (2005): Evaluation of the French Referendum on the EU Constitution. <http://democracy-international.org/fileadmin/pdf/monitoring/di-france.pdf>

7 Eurobarometer 64 (2005), http://europa.eu.int/comm/public_opinion/archives/eb/eb64/eb64_first_en.pdf

The Netherlands

Current state of ratification

On 1st June 2005, the Netherlands (population: 16,407,491) voted against the Constitutional Treaty. The “No” votes were 62% and the “Yes” votes were 38%¹. This vote represented the opinion of a clear majority of the Dutch population, although in the national parliament there was a majority in favour of the Constitutional Treaty. One point which is already clear is the different positions of the elite and citizens on the issue.

If compared to the votes in the new Member States, the outcome of the vote was very important for two reasons.

First of all, the Netherlands is one of the founding six countries. It presided over the groundbreaking European negotiations that led to the Treaties of Maastricht and Amsterdam. Together with its Benelux partners, it has traditionally been associated with the pleas for a more encompassing integration process, strong supranational institutions (European Parliament and European Commission) and the scrapping of national vetoes in European decision-making. Secondly, the country has a natural and traditional attitude towards freedom.

Positions of political actors

The decision to hold a referendum had a purely consultative character in the Netherlands but political leaders and the two largest government parties, the CDA (Christian Democrats) and VVD (Conservative liberals) opposed this procedure of ratification. The opponent parties, the PDA (Labour party), the Greens and the Social Parties, however were in favour of this procedure. The reason for the actual political leaders to refuse a refer-

1 “Clear “No” from The Netherlands on the EU Constitution”. Radio Netherlands. [Www2.rnw.nl](http://www2.rnw.nl).

endum was due to a fear that a referendum could be a tool for public opinion to express their discontents with national political and social issues. Nevertheless, following the agreement to hold a referendum, all parties agreed to adhere to the vote as long as a majority was given and election turnout exceeded 30%.

Regarding the positions of political actors on the Constitutional Treaty there were two different sides. The majority promoting the Constitutional Treaty, which is represented by the CDA, VVD, D66 was the same that opted for the rejection of a referendum. This majority's position on the issue did not only diverge from the remaining political parties, PDA, Greens and Social party, but also diverge from the position of the trade unions, business federations and almost every newspaper in the country. The right-wing populists of the LPF and Geert Wilders, for example, argued for their "No" position on the basis of an anti-Muslim campaign, while focused on opposing the admission of Turkey into the EU. They declared that the Constitutional Treaty would throw open the borders to streams of refugees.

The "Yes" camp adapted to these arguments, by arguing that the Constitutional Treaty aligned all EU member states with the asylum and immigration guidelines that already prevailed in the Netherlands.

Representatives of the official "No" camp, on the other hand, stressed the loss of national sovereignty. Jan Marijnissen of the Socialist Party warned that the Netherlands would become "an impotent province"² if the Constitutional Treaty was accepted. The right-wing populist Geert Wilders supplemented nationalist agitation on the question of sovereignty with anti-Islamic demagogy. "The political elite wants to admit Turkey into the union," he warned, "an Islamic country of millions, that will have an enormous influence on the federal super-state. Because of the new European Constitution, Turkey will have more influence on Dutch legislation than the Netherlands itself"³.

2 Chris Marsden. The Netherlands: decisive "no" vote on European constitution. World socialist web site. 2 June 2005.

3 Ibid.

Shortly before the vote, Prime Minister Balkenende declared that if the people wanted to punish the government, they should wait until 2007 for the next parliamentary election. But, he said, “If you want to move the economy forward, you must vote “Yes”⁴.

Public opinion

Since the political influence of the “No” camp is too small to account for the broad popular mobilisation against the Constitutional Treaty, the real reasons why citizens voted against it can be found in the disappointing way in which the government dealt with the political and economic priorities of the Netherlands.

Besides the rejection of the Constitutional Treaty, the negative result showed a deep social division between the Dutch elite and the citizens⁵. The division became apparent when the debate turned on national social and economic questions and when the latter were connected to the proposed Constitutional Treaty. As a consequence, public support began to decline and the change of mood became evident. According to the Eurobarometer⁶, before the referendum a large majority of younger people and workers opposed to the Constitutional Treaty, the percentage fell from 73% in December 2004 to 21% in May 2005. In contrast, the higher classes, including most self-employed people and university graduates, were in favour of the Treaty. Their support rose 11% (from 60% to 71%), during the six months preceding the referendum.

National priorities and reflection phase

There are three different priorities, which are based on the following popular discontents: political, economic and social.

4 Ibid.

5 For elite we mean not only the political parties, but also the richer part of the population, which supposed to be the most informed about the Constitution and voted for the ratification.

6 Flash Euro barometer, 2/4 June 2005.

- ∄ Political fears: Turkey would lead to a loss of national sovereignty.
- ∄ Economic discontent: problems with liberalization of the economy and dissatisfaction with the Euro. In order to face these problems the national government decided to reduce taxes for big businesses and cut wages and welfare benefits. The standard of living of the population has fallen and unemployment has continued to rise.
- ∄ Social problems: from Turkey many unemployed immigrants would come to the Netherlands, and bring poverty and crime and also contribute to the loss of national identity.

The reflection period⁷, called Plan D, is to be organised jointly by the Government and the House of Representatives. The objectives of Plan D for the Netherlands are:

- ∄ Obtain a better picture of the ideas, concerns and feelings of the country's citizens regarding the future of the Union's further development and the role the citizens want the Netherlands to play in EU
- ∄ Clarify the public's view of the areas in which the EU should either do more or less
- ∄ Look for ways of improving the legitimacy of European decision-making

Luca Tagliaferro

⁷ Called Plan D (for democracy, dialogue and debate). Decision agreed by the European Council, June 2005.

Luxembourg

State of ratification

On Sunday, 10th July 2005, Luxembourg became the thirteenth Member State (population: 468 571)¹ to ratify the Constitutional Treaty. 57% of the electorate voted in favour and 43% against it. It was the first referendum to be held on the Treaty after the voters in France and the Netherlands rejected the text. It was also the first Duchy's referendum since the 1930's.² It was a consultative voting event that the Parliament had undertaken to respect the wishes of the electorate.

Position of political actors

After the Government's decision to hold a referendum on the Constitutional Treaty, the positions and the reactions among the main political actors did not vary extensively. The Luxembourg Socialist Party (LSAP) plead for the holding of a referendum on the Treaty with the intention to bring Europe closer to the citizens. The Social Christian Party (CSV), usually in favour of direct democracy, treated the EU process towards the Constitutional Treaty as an intermediate result in the integration process. The Democratic Party (DP) considered the Treaty as a founding text of a community that would see its geographical and historical bounds tightened. The Green Party (DEI GRENG) asked for a decisional referendum, while the other ones plead in favour of a consultative one. It is quite obvious, that the particular political features of the "Luxembourg model" made the contest difficult for the supporters of the 'No' vote. Political life of the Grand Duchy is organised around the steadfast Christian Democratic Party (which has been in power since 1945, except for a five-year interruption) and its Prime Minister Jean Claude Juncker. The 'No' was represented by the

1 <http://en.wikipedia.org/wiki/Luxembourg>

2 <http://referendum.forum-online.lu>

forces that were in a minority on the political scene: Di Lenk, the Luxembourg Communist Party and the right-wing populist Action Committee for Democracy and Pension Rights (ADR). The far-left 'Di Lenk' Party said the text was too market-orientated and did not do enough for workers. A Committee for the 'No' to the Constitutional Treaty, consisting of the members of ATTAC Luxembourg, student union UNEL and of Di Lenk, conducted a massive poster campaign without receiving any public financing. Additionally, after having approved the Constitutional Treaty to start with, the populist Right, organised in the ADR, launched a late campaign for the 'No', which did not have a substantial impact.³

During the last days of May 2005, the reaction to the French and Dutch double setback in Luxembourg was strong. First, Juncker reaffirmed his resignation in case of a 'No' vote and maintained that ratification process must be continued. Reactions among the rest of the political class varied. The Parliament resolved to abide by the referendum result even though the public consultation was not legally binding. The euroskeptic ADR called for renegotiation and now even argued that Europe did not, in fact, need any such text at all. In spite of that, Parliament maintained the referendum date and on 28th June 2005, the fifty-five MPs present voted in favour of the Treaty. The green light for the referendum was given. However, it was much riskier than originally intended. The Government was not able to organise a public consultation, since Luxembourg does not have a tradition of holding referendums. In the last weeks of the campaign, the political class had to use all its goodwill to stop the rising power of the 'No' voters.⁴

Public opinion

The best results for the 'Yes' were recorded in Luxembourg City and in the 'fat belt' suburbs that surrounds it. 'No' was in majority in the urban work-

³ See article Theis, Andrie: When the 'Nee' almost won, IV Online magazine:IV370-09/2005

⁴ See more comments in Hausemer, Piere: Luxembourg's Referendum on the European Constitutional Treaty, Referendum briefing paper No.14, 10/07/2005

ing-class areas of the south of the country, which are also formally the centre of the mining and steel industries.⁵

37% of the 'No' electors cited the risk of negative effects of the Constitutional Treaty on the job situation, 23% criticised the bad economic situation and 22% thought that a social Europe was not sufficiently developed. Some opponents also showed their concern about the future of their language and their identity. The three main arguments of public opinion in favour of the Constitutional Treaty were that 'it is essential in order to pursue European construction', 'it is essential for the smooth running of the European institutions' and that 'it is the first step towards a symbol of a social Europe'. Amongst the arguments why they opposed, the main one was 'the lack of information'.

Indeed, with the political elite forming a united front in favour of the text and little debate in the media, knowledge about the Constitutional Treaty remained very limited. Up to March 2005, most Luxembourg media was more concentrated on commenting on the new referendum legislation rather than the Constitutional Treaty itself. Main points covered the non-binding nature of the referendum, compulsory voting and the exclusion of the Grand-Duke from participation in public consultation. There were also some discussions about the broad participation of foreign residents living and working in Luxembourg, including various comments on the decision of Council of State which rejected the participation of the EU foreigners in the referendum.⁶

The student organisation UNEL observed a lack of the democratic character in the Treaty, expressing their fears that Brussels dictates too many standards to the Member States. Students criticised the militarist trend, promoting not only peaceful missions, but also aggressive actions. They were convinced that further enlargement would deliver too much competitive pressure on public services.⁷ After the negative referendum in France and the Netherlands in May 2005, some commentators believed that the

5 For more details, see Special Eurobarometer: The future Constitutional Treaty, European Commission, 01/2005

6 See article 'No participation of the European foreigners', Le Jeudi, 20/01/2005

referendum might not take place after all. While 71% of Luxembourgiens remained in favour of a popular consultation as a mandatory requirement for ratification, 70% also wanted to postpone the referendum as a consequence of the French and Dutch 'No' votes.

National priorities

The positive outcome of the Grand Duchy's referendum emerged for three main reasons: Luxembourg's exceptional euophilia, fears of a loss of influence in the EU and Prime Minister Juncker's popularity. Almost 88% of the electorate believed in the Government's argument, that a 'No' vote would violate the national interest by weakening the position of Luxembourg within the EU.⁸

The charismatic Prime Minister Juncker (who has served 11 years as Luxembourg's Prime Minister) completely assumed his 'father-figure' function, declaring, that he would resign if the people of his country would say 'No'. During the abortive European Council on 17th June 2005 on the EU Budget 2007-2013, Prime Minister Juncker was treated as a victim of the betrayal of the British Prime Minister Tony Blair. According to analysts, people were highly convinced that they had to support their wounded Prime Minister. After the publication of the official result, Juncker underlined that the Constitutional Treaty would remain on the EU's agenda. 'The project of Constitution is not perfect. But let us not compare it with the ideal. Let us measure it with what Europe will need to remain tomorrow, an example for the world'⁹ ...

Kristina Saikeviciute

7 See article 'No to the European Constitution', Le Quotidien, 04/01/2005

8 See more comments in Hausemer, Piere: Luxembourg's Referendum on the European Constitutional Treaty, Referendum briefing paper No.14, 10/07/2005

9 The speech in the EU Parliament, Strasbourg, 12/12/2005

Ireland

State of ratification

Ireland is one of the countries where the Constitutional Treaty will have to be ratified by a referendum. Initially it was planned to organise the referendum in the second part of the year 2005 or the first part of 2006, but after the rejections in France and the Netherlands this process has been postponed. Right after the developments in these two countries the Irish Government remained committed to the Constitutional Treaty and to ratifying it. Prime Minister Bertie Ahern (*Fianna Fail*) said that “we will continue to prepare for a referendum”¹. However, after these rejections, it was decided to take a break from the ratification process and start with reflections and debates in every member state of the EU.

Until now, Ireland has held six referendums related to European matters. It has to be mentioned that Ireland is one of the nations, which have always had a favourable attitude towards the EU. Following is a presentation regarding Irish referendums on EU issues:

- € 1972: EU Accession (83% YES – 17% NO, turnout 71%)
- € 1987: Single European Act (70% YES – 30% NO, turnout 44%)
- € 1992: Treaty of Maastricht (69% YES – 31% NO, turnout 57%)
- € 1998: Treaty of Amsterdam (62% YES – 38% NO, turnout 56%)
- € 2001: Treaty of Nice (54% NO – 46% YES, turnout 35%)
- € 2002: Treaty of Nice (63% YES – 37% NO, turnout 49%)²

From these data it can be seen that over the years enthusiasm for the EU has declined and it can be described as a general trend in the EU. There is a common feeling in the entire EU that the connection with the common

¹ www.unizar.es/euroconstitution/Treaties/Treaty_Const_Rat_Ireland.htm

² Data obtained from the website www.unizar.es

people is possibly being lost. Yet, if we refer to the last two referendums, we can see that in a very short period of time (1 year) the referendum dealing with the same question had two different results. After the rejection, Ireland felt as it was left aside and it is an experience that this country would not like to evoke.

Following the results from the 2001 referendum, the Government has established the “National Forum on Europe” in 2001, in order to provide an open and balanced debate. Based on this experience, the preparations for the Constitutional Treaty referendum started very early. In October 2004 the Government published an “Explanatory Guide to the Constitutional Treaty”, which was widely distributed. In addition a White Paper on the Constitutional Treaty was published in October 2005 for nationwide distribution.

Positions of political actors

Both parties forming the governing coalition – the *Fianna Fail* and the *Progressive Democrats* - were strongly in favour of the Constitutional Treaty. These parties vigorously emphasised the benefits from the EU and the need for strengthening the EU economy in general in order to be competitive in the global market. The Irish government maintains its support for the Constitutional Treaty, but it must be noted that most likely this Government will not organise a referendum on this issue. Prime Minister Bertie Ahern stated in the House of Representatives (the Dáil) “I do not believe this issue will come up before the French presidential election so I do not see it arising in the lifetime of this Dáil”³. General elections in Ireland, same as the presidential elections in France, are expected in 2007.

Regarding the main opposition party – the *Fine Gael* – but also the *Labour Party*, they were in favour of the Constitutional Treaty from the early beginning. The *Green Party*, upon the failure of the referendum in France, has called to respect the will of the French citizens. As far as the *Sinn Fein*

3 <http://blogs.unige.ch/droit/ceje/dotclear/index.php/Ireland>, by Claire Mchugh, 10 November 2005

and the *Socialist Party* are concerned, they have strongly opposed the Constitutional Treaty since the beginning. The *Sinn Fein* has been very active in its campaign against the Treaty. It has also drafted a document with the reasons why it is against its ratification. Some of the main reasons are: “it lays the legal foundations for a federal Europe; it significantly increases the powers of the European Council and Commission; it undermines national sovereignty, national parliaments and the rights of citizens; it will end neutrality of Ireland and other member states”⁴.

Public opinion

The referendum results in France and the Netherlands influenced Ireland as well. In general citizens are undecided about this issue. According to the Irish Times’ poll published on 14th June 2005⁵, 45% of voters believed that the referendum should go ahead in Ireland despite the fact that it has been rejected in France and the Netherlands, but more citizens would most likely vote against its ratification. According to the poll, 35% of the Irish people would vote against the Treaty, 30% would vote in favour and approx. 35% had no opinion on the issue. The percentage of people, who are undecided about the Treaty, is still high. According to the recent Eurobarometer results (data for autumn 2005) 29% of the citizens do not have an opinion on the Treaty. Based on these results, the support for the idea of a Constitutional Treaty (as in many other European countries) has increased (from 54% in spring 2005 to 58% in autumn 2005)⁶.

National priorities and current reflection phase

At the European level it was planned to start with the reflection phase after the rejections in France and the Netherlands. It is a fact that there is currently little public or media attention on the Constitutional Treaty, though

4 http://sinnfein.ie/pdf/EUConstitution3Fold_small.pdf

5 <http://news.bbc.co.uk/1/hi/world/europe/3954327.stm>

6 http://europa.eu.int/comm/public_opinion/archives/eb/eb64/eb64_first_en.pdf

the “National Forum on Europe” in Ireland continues to hold seminars and debates on this topic.

Some of the main reasons, on part of the citizens, for rejecting the Constitutional Treaty:

- ∄ fear of loosing sovereignty
- ∄ threats to Ireland’s neutrality
- ∄ absence of a reference to God in Treaty and its impact on different social issues (e.g. abortion).

These are some of the questions that need to be answered to the Irish citizens before organising a referendum. However, it is almost certain that answers to these questions will have wait for the new government.

Valdet Sadiku

Denmark

State of ratification

Denmark (population 5,432,335) has been an EU member state since 1972. The Danish held six referendums regarding the EU since 1972.

The last time the Danish were supposed to vote for the European Constitution was on 27 September 2005 in a legally binding referendum. However after the meeting of the government and political parties in the parliament on 21 June 2005 the government decided to postpone the up-coming referendum because of the uncertainty caused by the French and Dutch rejections on the 30 May and 1 June 2005 respectively. As a consequence of the reflection period, the Constitutional Debate and referendum discussions in Denmark seem to be shelved for the present time.

Position of political actors

Far away from having strong and precise public support and defeated by the support of an anti-European Party (Danish Folk Party), referenda seems to be a great challenge for the Liberal-Conservative Coalition Government.¹

In November 2004, after a long bargaining with opposition parties, the Government, under Prime Minister Anders Fogh Rasmussen, reached an agreement to secure the broadest possible support for the EU Constitutional Treaty before going to a referendum. Consequently Danish Government allocated 30 million DKK for the sake of a comprehensive and convincing debate for the both YES and NO Campaigns.

Following the French and Dutch rejections Prime Minister Rasmussen stated that they would like to continue the process, and the Danish should

¹ The Liberal-Conservative Coalition, elected on 8 February 2005, is a minority government and is supported by the extremist Danish Folk Party outside the Cabinet.

have a chance to vote on the treaty. They had prepared everything for the referendum, but of course they cannot vote on the treaty until the reflection phase and the steps thereafter have been decided upon.

The Social Democrats, the second biggest Party in Denmark holding 47 seats in the Parliament, are open to a revised Constitutional Treaty. They would like to continue to hold voter meetings they had scheduled in advance of the cancelled 27 September referendum. By August 2005 Social Democrats spent 1.5 million Danish Kroner, DKK, of the 1.7 million DKK they had received for the YES Campaign. On the other hand their traditional allies, the Social Liberal Party, the fifth largest party holding 17 seats, did not touch the money earmarked for them. The Socialist People's Party, holding 11 seats in Folketing, is widely regarded as a reliable indicator for how Danish voters in general will respond to the treaty. In January 2005, a vote among all party members resulted in a 63.8% victory for the Yes side. However the SF Majority of the Youth wing of the party, backs on the No – side ("Socialists Against the Treaty").

The only two parliamentary parties who are against the constitution, the Unity List on the left and Danish Folk Party on the extreme right, both recommend voters to reject the Constitution. The Unity List, which only garnered 3.4 pct of the vote at the election in February, have a relatively marginal impact on public opinion. On the other hand the Danish Folk Party (DP), which gained 13.1 of the vote at the last elections, and functions as a support party for the right-wing coalition government, may mount a more successful campaign for the 'no' side. Well known with its xenophobic and Euro sceptic discourses, the party opposes Denmark's membership in the European Union and is best known for its hard line on immigration. DP is also against the membership of Turkey to the EU and uses the possible membership of the Turkey as a good argument for the NO - campaign.

Public opinion

Public support in Denmark seems to be decreased following the French and Dutch referendums. However the first impact of the shock effect seems to

be revealed by time. According to the last Euro barometer survey, taken in October and November 2005, 45% of Danish are for and 40% are against the Constitution, while 15% of them answered the survey saying they don't know.

A Gallup poll following the French and Dutch "No" votes indicated 38% on the "No" side and 34% on the "Yes" side. A poll by the same agency in May had the "No" side on 25%, compared with 45% for the "Yes" side.

National priorities

Danish are known as one of the most Eurosceptic nations in the EU. Danish political culture is traditionally connected with a certain pride of being a "small" and "satisfied" nation. According to the statistics, the Danish enjoy a happier family life than any other EU nations. Therefore several issues are likely to play a dominant role under the debate:

- ∅ The creation of a European Super-state at the expense of national sovereignty and identity
- ∅ The Future of the Danish Welfare State
- ∅ Turkey's possible accession to the EU

The Danish fear a further loss of sovereignty, they fear the EU will ruin Danish democracy and they fear they will lose their welfare state through further integration. However, rather than a distinguishing phenomenon, the Danish type of euroscepticism can also be considered as a positive challenge for the European Welfare Model and European Patriotism. Once assessing the Danish Euro scepticism, Danish Foreign Minister Per Stig Møller, said: 'I doubt, therefore I am a European.'²

Zeynep Turhalli

² Speech to EP-election Conference on April 30, 2004.

Portugal

State of ratification

After two consecutive changes of the Portuguese Constitution, one to allow a referendum on the entire Constitutional Treaty and the other to permit the public vote to coincide with municipal elections¹, the ratification process is currently on hold in light of the ‘period of reflection’ launched at the EU Summit in June 2005. In any case the results of a referendum in Portugal (population: approx. 10 million) would only be binding if at least half of the population goes to the polls, as stipulated in the national Constitution². In the opposite case, a parliamentary ratification would be required.

Positions of political actors

Despite the difficulties with setting the date for a referendum, there is not much discontent with the EU and the Constitutional Treaty along the political spectrum in Portugal, except for the extreme ends of the gamut. The two main political parties (Socialist Party and Social Democrat Party) are in favour of the Constitutional Treaty and both led campaigns for a “Yes” vote.³ The Communist Party expresses concerns that the proposed Constitutional Treaty distances the EU from the ordinary citizens and puts larger countries in more favourable light. On the opposite extreme end of the spectrum, the right-wing New Democracy Party fears an impingement of European peoples’ fundamental freedoms as a result of too much centralization.⁴ Furthermore, the small Left Block leader Luiz Fazenda is not that vocally against the Constitutional Treaty but still considers the text insufficient to eliminate the democratic deficit in the Union.⁵ Partido Popular,

1 http://www.eu.int/constitution/ratification_en.htm#portugal

2 http://en.wikipedia.org/wiki/Portuguese_referendum_on_the_European_Constitution

3 <http://blogs.unige.ch/droit/ceje/dotclear/index.php/Portugal/2005/02>

4 <http://news.bbc.co.uk/1/hi/world/europe/3954327.stm#portugal>

5 <http://news.bbc.co.uk/1/hi/world/europe/3958609.stm>

which is the ever-present Euro pessimist on Portuguese political arena, firmly states its opposition to the Constitutional Treaty.⁶

On the governmental level, Euro-optimism and support for the Constitutional Treaty are key features. The new Socialist Government, which came to power after the February 2005 parliamentary elections, emphasises the text's European dimension. Regarding the referendum, Mr. Socrates openly expresses his positivism on the outcome of an eventual public vote, predicts high turnout and does not fear a rejection of the Constitutional Treaty by the Portuguese people, despite the decreased public support for the text. Furthermore, he is a keen supporter of the idea of a Europe-wide referendum and expresses determination to revive the Constitutional Treaty when Portugal takes over the Council Presidency in the second half of 2007.⁷

The current President of Portugal, who is to step down after the 22 January 2006 presidential elections, Mr. Jorge Fernando Branco de Sampaio was among the main proponents of changing the Portuguese Constitution to allow a public vote to be held on the entire Treaty, instead of asking the question "Do you agree with the Charter of Fundamental Rights, the rule of qualified majority voting and the new institutional framework of the EU, as defined by the European Constitution?"⁸, as proposed for the referendum that would have been held in April 2005. President Sampaio was affirmative of his support for the Constitutional Treaty, as he perceived it as an instrument to move the EU ahead. Therefore, he was in favour of a Portuguese referendum and even expressed his willingness to lead a 'Yes' campaign.⁹ In an expression of his support for the Constitutional Treaty he wrote a common article 'United for Europe' in July 2005 together with his colleagues from Austria, Finland, Germany, Italy, Latvia and Poland, appealing for more transparency, efficiency and abundance of information.

6 http://www.swp-berlin.org/common/get_document.php?id=1227&PHPSESSID=92673a9b34cbd1d2a3a399692f03350b

7 <http://www.eubusiness.com/Institutions/051220180319.kpxogrse>

8 http://en.wikipedia.org/wiki/Portuguese_referendum_on_the_European_Constitution

9 <http://www.eubusiness.com/Portugal/050407134430.4yorg1fe>

Public opinion

The first study of Portuguese public opinion on the Constitutional Treaty came out in July 2003 and showed a high degree of positivism, with 60% in favour of the text¹⁰. It also had one of the highest scores of “Don’t know” answers in the EU15. One year later, in July 2004, polls reflected a positive development in the public perception of the Constitutional Treaty and an increased awareness of the population of its existence and consequences. 67% have heard of the Constitutional Treaty, which signalled increased availability of information on EU issues in Portugal.¹¹ In any case the public was very supportive (84%) of the idea to hold a referendum.¹² 81% were in favour of the Constitutional Treaty, while only 7% were against, according to the results of the poll.¹³ By December 2004, the number of supporters has fallen down to 61% and opponents have risen to 11%. As in other European countries, the Portuguese people justified their decreased support of Treaty on the grounds of a lack of information.

A January 2005 poll showed a dramatic reduction in the support of the Constitutional Treaty, with only 40% of Portuguese people being in favour and 7% being against it¹⁴. Again the number of undecided citizens was spectacularly high, at approximately 53%. The level of information rose slightly by May/June 2005, when only 29%¹⁵ had no opinion, which was a number still well above EU average. Nevertheless, the supporters figure increased to 59%¹⁶, which signalled positivism compared to the numbers in the rest of the EU on average. However, this data is insufficient to draw a conclusion on the outcome of an eventual referendum and cannot serve as

10 <http://eucon.europa2004.it/Watch2ed/Answer2-1.htm#P>

11 http://europa.eu.int/comm/public_opinion/flash/fl159_2en.pdf

12 http://europa.eu.int/comm/public_opinion/flash/fl159_2en.pdf

13 http://www.swp-berlin.org/common/get_document.php?id=1227&PHPSESSID=92673a9b34cbd1d2a3a399692f03350b

14 http://europa.eu.int/comm/public_opinion/archives/ebs/ebs_214_en.pdf

15 <http://www.unizar.es/euroconstitucion/library/working%20papers/eurobarometer,%20July%202005.pdf>

16 <http://www.unizar.es/euroconstitucion/library/working%20papers/eurobarometer,%20July%202005.pdf>

grounds for optimism. According to the same opinion poll, 60%¹⁷ of the French and 53%¹⁸ of the Dutch citizens were supporters of the Constitutional Treaty, while in practice they rejected it in summer 2005 referenda.

National priorities and the Reflection Phase

After the Head of Government of EU member states launched a ‘period of reflection’ during their 16/17 June Summit, it is interesting to observe how governments took advantage of it to ‘sell’ the idea of Constitutional Treaty at home. Not taking into account the large percentage of undecided citizens in Portugal, the government is still lagging behind in its initiatives to inform the population. Only 4 out of the 25 debates from the joint initiative “1000 Debates on Europe”¹⁹ have been conducted. Apart from that, the Portuguese authorities are trying to organise some seminars and lectures on the issue, primarily at universities and international institutes. Despite the honest intention to launch a large and informative public debate the Portuguese Government has not achieved major success so far, due to its tight political schedule at present.

Despite the large percentage of uninformed citizens, the Portuguese voters have a very specific opinion about some parts of the Treaty.

- ∅ Institutional reform: many Portuguese people object to it, as they perceive it to be an instrument for marginalising the role of Portugal in the Union.
- ∅ Enlargement issues and redistributive policies: Portugal was one of the biggest supporters of the Eastern enlargement. Nevertheless, its Euro-optimism might decline significantly once the losses from the European funds are felt.

17 <http://www.unizar.es/euroconstitucion/library/working%20papers/eurobarometer,%20July%202005.pdf>

18 <http://www.unizar.es/euroconstitucion/library/working%20papers/eurobarometer,%20July%202005.pdf>

19 http://europa.eu.int/constitution/1000debates/index.cfm?page=dsp_debate_by_cnt&country_id=20&lng_id=1

Portugal

∄ Religion in the European Constitution: Portugal was among the proponents of the idea to include Christianity in the Constitutional Treaty.

Velyana Nickolova

Poland

State of the Ratification

The former governing party, the Social Democrats, was expected to hold a referendum on the Constitutional Treaty in October 2005, along with the presidential election. However, in July 2005, after the French and the Dutch said 'No', the referendum in Poland was postponed without setting any other date.

Moreover, in the same month, the Polish lower Parliament, the Sejm, voted to put off a decision on whether to ratify the Treaty by a referendum or by a parliamentary vote.

The victory of the right wing parties, both in the parliamentary and the presidential elections in autumn 2005, has had much implication on the ratification of the Treaty since these parties are not as proactive in dealing with the issue as the former government was.

Position of Political Actors

The former ruling party, SLD (Democratic Left Alliances) had a pro-EU and pro-Constitution position. Unfortunately the SLD lost both, seats in the parliament and the presidency, after struggling with a low approval rating hovering only at around 10%.

The Law and Justice Party, the current leading right wing party, is euro-sceptic, and opposes a rapid ratification of the Treaty. It prefers a referendum in 2006 to be separate from any other elections. Another important right wing party, the Civic Platform, is mildly against the Constitutional Treaty and therefore wants the referendum to be held as late as possible.

Other small parties, such as the League of Polish Families and the Polish Peasant Party, are also halfhearted with respect to the ratification process.

The former wants the referendum as late as possible and the latter wants to hold it in 2006 along with the local government elections.

Public Opinion

According to the poll conducted in June 2005 by the Polish Public Opinion¹, 41% of the respondents said the ratification of the Constitutional Treaty should be done by a referendum.

Polish people tended to be in favour of the Treaty before the two disappointing results of the referenda in France and the Netherlands. The approval rate for the Constitutional Treaty decreased from 60% to 43%, whereas the rate of the people opposing it increased by 10% (from 14% to 24%), which shows that the Polish people were heavily influenced by the negative results. The rate of Polish people willing to go and vote is also decreasing, although the 'will vote' camp took up slightly more than 50% in June 2005. This issue is of high importance when taking into account the 50%-turnout rule for a referendum to be binding.² Therefore, it is important to monitor this decrease in the rate of the 'will vote' and its implication for the possible ratification of the Treaty in the near future.

National Priorities and the Reflection Phase

Polish people are rather supportive of the Constitutional Treaty, despite of the decrease of the approval rate after its rejection by the French and the Dutch. The sceptical position of the current political ruling party is very likely to affect the next step taken by Poland. Regarding the ratification process, the Law and Justice Party has published through its official web-

1 Figures from 'Polish Public Opinion', www.cbos.pl

2 What is peculiar in Poland in the matter of the binding power of the referendum is that voter turnout should be more than 50% of the electorate for the referendum to be binding (Democracy International, 'Study about constitutional conditions concerning referendums on the EU constitution in the member states', www.european-referendum.org). That means before calculating how many people are for and against the issue, it is more crucial to calculate how many people are willing to vote.

Poland

site, that everyone wants a referendum. The support from the public towards the Treaty is due to its support for the EU in general, rather than for the Treaty itself. In other words, the public support is generated from the hope for the future of the EU and is not a result of a sharp assessment of the Treaty's implications.

However, there is a dispute going on regarding the date of the voting and the Treaty itself between the parties.³ Since the eurosceptic right wing came into office, Poland has not taken an active part in ensuring the ratification of the Treaty and in finding solutions to the overall ratification crisis across the EU. Furthermore, as a new member of the EU, Poland seems to be in deliberation on whether the Constitutional Treaty would benefit Poland, and whether the Treaty would only reinforce the hegemony of the strong member states.⁴ It is difficult to say whether the ratification of the Treaty will be held soon and whether it is one of the national priorities, because the current right wing government is not actively pushing for the ratification of the Treaty and is still trying to assess the political advantages for Poland, which the Treaty might bring.

Eunsi So

³ Law & Justice Party in Poland, www.pis.org.pl

⁴ Ibid., a remark from Kazimierz Ujazdowski, a member of Law and Justice Party.

Czech Republic

State of ratification

The ratification process in the Czech Republic (population: approx.10.3 million) consists of the possibility for a referendum even if it is postponed to the middle of 2006 or the beginning of 2007. No final decision has been made so far because the atmosphere among the political actors has been changing and several scenarios are now on the table.¹

Position of political actors

During the last months, the political scene in the Czech Republic has been changing and a referendum will not necessarily be the outcome. The Government, a strong pro-EU coalition of three parties (Social Democrats, Christian Democrats and Liberals) and the biggest opposition party-ODS (Conservative party), have not been able to agree on a date for holding a referendum. For the ODS, the proposed date by the government (June 2006 along with the parliamentary elections) was unacceptable and its leaders claimed that there has to be at least half a year between the two votes, as this could influence the voters in a positive way to say "Yes". The referendum bill would have to be passed as a Constitutional Act, with the major parties being able to block any proposal made. This is likely to lead to a deadlock, which means that there will be no constitutional law on a referendum and therefore the ratification of the Treaty will have to go the classical way, through parliamentary ratification.² It has been assumed that if it goes the parliamentary way, the Constitutional Treaty will not be ratified because of a strong opposition from both, the ODS and also the Communists in the Czech Republic. Recently, however, the scene has been changing, for several reasons:

1 Referenda on EU Constitution-state of play in the member states>
<http://www.euractiv.com/Article?tcmuri=tcm:29-130616-16&type=Overview>

- ∄ Simple majority in both Houses of Parliament would be enough for the Government
- ∄ A change in the position of ODS. Despite the fact that it has opposed the text, the ODS might even say “Yes” to the Treaty. About 80% of ODS voters are pro-EU, and so it will be difficult for ODS to retain its rather euroskeptic profile in the long run.
- ∄ Ongoing government crisis. There are different scenarios as how the process of the ratification will be influenced by a deal between the Government and the ODS.³

The possible scenarios are:

- ∄ Current Government supports the pending ODS proposal coming from the Senate to have a referendum earlier on; ODS has to deal with CSSD (i.e. ODS keeps the government in power for the rest of the election period).
- ∄ ODS agrees to have the two elections joint together as proposed by the Government.
- ∄ No agreement on a constitutional act-no referendum. Constitutional Treaty will go to the Parliament where, on the one hand, the Court might rule that simple majority will be needed (goes easily through) or, on the other hand, three-fifths will be required (government begs for support and a deal would have to be made).

Another strong political factor are the current and former Presidents of the Czech Republic. The former President and ODS member, Vaclav Havel, said that he believed a referendum on the Constitutional Treaty should not be held in the country because it was a complex text, which did not change the EU. The current President, Vaclav Klaus, argued that a referendum would now be pointless as the Treaty no longer exists.⁴

2 <http://www.euractiv.com/Article?tcmuri=tcm:29-136570-16&type=Analysis>

3 David Král, 2005: The Czech ratification of Constitution Treaty

4 The ratification process in the Czech Republic> http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const_Rat_Czech%20Republic.htm

Public opinion

According to the newest Eurobarometer the level of support among the public rose from 44% last spring to 50% last autumn.⁵ The July 2005 Eurobarometer showed the level of support among Czechs had fallen from 63% in autumn 2004 to 44%.⁶ This increase might be related to Plan D, which is aiming at bringing the EU closer to its citizens and to overcome the crisis brought on by the rejection of the Constitutional Treaty by the French and the Dutch.⁷ The Czech people seem to be overwhelmingly unaware of the Constitutional Treaty because the Government has done very little to communicate it to its citizens. The only text of the Constitutional Treaty, officially published, is on the website of the Ministry of Finance. The only printed version available in Czech was distributed by the Commission through the EU Information Centre, but only a few copies were available.⁸ 67% of the population claim that they have not been at all informed about the Constitutional Treaty but they have heard about it and 26% say that they do not know about it at all.⁹ A meaningful discussion about the impact of the Treaty on the people has not taken place.¹⁰

5 Eurobarometer 64, December 2005; Public opinion in the European Union > http://europa.eu.int/comm/public_opinion/archives/eb/eb64/eb64_first_en.pdf

6 Eurobarometer 63, July 2005; Public opinion in the European Union > <http://www.unizar.es/euroconstitucion/library/working%20papers/eurobarometer,%20July%202005.pdf>

7 EC President unveils Plan-D in Prague; Daniela Lazarova, 21.nov 2005 > <http://www.radio.cz/en/article/72909>

8 David Král, 2005: The Czech ratification of Constitution Treaty

9 Eurobarometer Report: January 2005; The Future Constitutional Treaty > <http://www.unizar.es/euroconstitucion/library/working%20papers/eurobarometer,%20on%20constitution>

10 Czechs need the Constitution; Hybásková, Jana > <http://www.cafebabel.com/en/article.asp?T=A&Id=1137>

National priorities and reflection phase

There are four main national priorities:

- ∄ Czech EU membership: concerns of the impact on the lives of the Czech citizens in areas of the economy, the legal environment and the quality of life in the EU.
- ∄ Europe's future: i.e. direction of the EU, further EU expansion, the future of the Constitutional Treaty, reforms of the single EU agricultural policy.
- ∄ European programmes and funds – signposts for European money: financial funds available to Czech entities in the EU.
- ∄ The project “EU into Schools”: increase the level of information provided to the target group teacher - student – parents concerning current EU issues.¹¹

The reflection period, Plan D, and its objectives for the Czech Republic is to encourage debates in the country on the Constitutional Treaty, allow the citizens to go to the Eurocentre in Prague with their problems and questions concerning the EU, reduce the deficit between the people and the political parties, inform the people about European and Czech Republic affairs through public debates, which the Government will be hosting through national forums.¹² In the Czech Republic, a referendum is likely to help the prospects for ratification. A referendum would enhance the chances of the Treaty being passed because it is thought to be too difficult to obtain the necessary 60% in both Chambers of the Parliament.¹³ Until recently, there was little down in the Czech Republic that there would be a referendum on the Treaty. However, today the outcome of a popular vote is somewhat “troublesome,” given the division of the Czech Republic's political class on

11 Communication Strategy Paper on the provision of information on European matters in the Czech Rep.

12 The official opening of the New Eurocentre in Prague>
http://www2.euroskop.cz/data/index.php?p=detail&c-id=47582&h_kat_id=5586&id=5608

13 What prospects for the European Constitutional Treaty?>
<http://www.ciaonet.org/wps/kus01/kus01.pdf>

Czech Republic

the matter. The trend, however, has changed and various interesting scenarios could emerge as to what will be the fate of the ratification of the Treaty in the Czech Republic.¹⁴

Arnar B. Sigurðsson

14 David Král, 2005: The Czech ratification of Constitution Treaty.>
http://www.unizar.es/euroconstitucion/library/working%20papers/Kral_the%20czech_debate_March%202005.pdf

Great Britain

State of ratification

The ratification of the Constitutional Treaty in Great Britain (population: approx. 60 million) requires approval by both Parliament, consisting of the House of Commons and House of Lords, and the people through a referendum. The European Union Bill was introduced on 24th May 2005 to give effect to Great Britain's commitment to ratify the Constitutional Treaty by referendum. The Foreign Secretary announced on 6th June 2005, that until the consequences of France and the Netherlands being unable to ratify the Constitutional Treaty were clarified, the Government would not set a date for the Second Reading of the Bill.

Positions of political actors

After Prime Minister Tony Blair signed the Constitutional Treaty, two distinct political camps in Great Britain have expressed great division upon the issue. At first, there was considerable debate about whether there should be a referendum. During the year 2003, the Prime Minister expressed repeatedly his unwillingness to hold a referendum, but he was facing great pressure of pro-referendum campaigns, the oppositional parties and the press. On 20th April 2004, he finally announced to hold a referendum. However, the referendum debate is less significant than the debate over the ratification itself. On one side, the Labour party, which under Blair's leadership recognises a more interconnected Europe as a place that Britain could lead, declared its support for the Constitutional Treaty. The Labour leaders argue that the Constitutional Treaty is necessary to speed up the decision making process in an enlarged EU. Foreign Secretary Jack Straw said that Britain will be weak and marginalised within Europe if it fails to ratify the Constitutional Treaty. Liberal Democrats joined Labour in supporting the ratification. On the other side, there are the Conservative and the Independence Party. Some of the key doctrines of the Conservative

manifesto are to keep the pound, oppose the Constitutional Treaty and bring back power from Brussels. Michael Howard, one of the leaders of the UK's Conservative Party, declared on 1st June 2004: "I am totally opposed to the European Constitution. Countries have constitutions and I do not want to be part of a country called Europe"¹. Furthermore, the Tories say that the Constitutional Treaty will make Europe's economy even less flexible, even less competitive and even more sluggish than it is today. Along the same lines, Nigel Farage, the leader of the UK's Independence Party, is of the opinion that the Constitutional Treaty does not reflect the thoughts, hopes and aspirations of ordinary people and that it does nothing for jobs or economic growth, while at the same time it widens the democratic deficit.

Public opinion

Standard Barometer's UK National Report from September 2005² has been in compliance with the presumption that UK is one of the least enthusiastic members of the EU. On the question: "Generally speaking, do you think that our country's membership of the European Union is a good thing, a bad thing or neither good nor bad?", more than half of those polled (54%) across the European Union felt that their country's membership to the EU was a good thing. In the UK, the comparable figure is 36%, down from 38% six months previously but well ahead of the 29% recorded in spring 2004.

Regarding the question: "Has the UK benefited from being a member of the European Union?", across the EU, more than half (55%) of those polled believed that their country had benefited from being a member of the EU. The number of UK citizens, who believe that their country has benefited from EU membership has risen over a year from 30% to 39% and now to 40%.

The disputes among the British population and media vary from the most frequent question all over EU: "Is it at all possible to think of a constitution

1 www.conservatives.com

2 http://europa.eu.int/comm/public_opinion

without thinking of a State”, to the ones characteristically British, for example: “Will the Constitution make Her Majesty the Queen an EU citizen”, but in the focus of the discussions tends toward the most obvious expressions of a state’s sovereignty: money, police and military.

National priorities and the Reflection Phase

At the beginning of the negotiations over the Constitutional Treaty, British ministers, being aware of its importance to the people, have set out a series of "red lines" they said they will not allow to be crossed in. The Government expressed Great Britain’s readiness to veto the whole project if it does not get its way on these key issues. The "red lines" were outlined in a white paper and consist of the following:

- ∄ Defence: Great Britain said it must remain in control of its own defence and foreign policy. There must be no European defence cooperation which undermines or replaces NATO.
- ∄ Justice: Great Britain said it is determined to stop majority voting being introduced for steps that would allow for harmonisation of European common law systems.
- ∄ Tax: Taxation must be decided by nation states alone. The Constitutional Treaty would allow for majority voting on measures to tackle cross border tax fraud.
- ∄ Social Security: The British argument here is that social support systems are very complicated and so the EU should only be allowed to make changes through unanimous voting.
- ∄ European resources: Great Britain wants any changes to the EU's right to raise certain funds to be agreed by unanimity alone.

The outcome of the great efforts the British representatives made in defending the “red lines”, during European Convention’s work in 2002/2003 and at the subsequent Intergovernmental Conferences in 2003/2004, was that almost all starting positions of Great Britain in negotiations were validated.

First of all, British armed forces will remain under British control and could be deployed only with the Government's agreement. Furthermore, the British succeeded in protecting their issue of high priority, which ensures that European Defence does not undermine NATO. The Constitutional Treaty is clear: for those states which are members of NATO, it remains the foundation of their collective defence (Article I-41.7). Any development of a European common defence must be passed unanimously by the Council (Article I-41.2).

Regarding the main economic issues, unanimous agreement is still required. Great Britain keeps a veto over the contributions to the EU budget, in other words they can block any attempt to end their rebate. The Government also successfully negotiated to keep a national veto over tax proposals. In addition, Social Security proposals are subject to an effective veto through a national 'emergency brake' mechanism allowing any Member State to refer a proposed law to the European Council for decision by consensus. The Constitutional Treaty also does not change the terms of the UK's Protocol on Economic and Monetary Union and so the UK is under no obligation to join the single currency. In addition, Article III-256.2 of the Constitutional Treaty makes clear that EU laws shall not affect a Member State's right to determine the conditions for exploiting its energy resources.

On the other hand, the Treaty provides that the provisions of the Charter of Citizens' Fundamental Rights will be judiciable in the European Court of Justice - in spite of initial fierce opposition from the British government. These include some highly sensitive issues such as workers' rights to strike. The text does stipulate that the ECJ must take "due consideration" of national laws in these areas when reaching judgments. However, the final decision on how to balance the contents of the Charter and the explanations of national circumstances will be left to the judges in Luxembourg.

After the French and the Dutch rejection of the Constitutional Treaty, Prime Minister Tony Blair told the Parliament: "Realistically, given the 'No' votes in France and the Netherlands, ratification cannot succeed unless

Great Britain

and until those votes change"³. Accordingly, the House of Commons, on the proposal of Foreign Secretary Jack Straw, has postponed the Second Reading of the European Union Bill.

Mladen Dragasevic

³ www.fco.gov.uk

Constitutional Debates in “old” Member States without Referendum

Austria

State of ratification

Austria (population: 8,174,762) ratified the EU Constitution via the lower chamber of the Parliament, referred to as the Nationalrat. Members voted in favour of the ratification of the text on the 11th of May 2005. 182 Members of Parliament voted in favour and one against. All 183 members were present.¹

The Austrian Constitution does allow for the possibility of a referendum. Article 43 of the constitution authorizes the Nationalrat to submit its acts to referendum after the adoption by the Bundesrat, the upper chamber of parliament, and before being approved by the President of the Republic. However, the President, Heinz Fischer said he was against the idea of a referendum for ratification of the Constitutional Treaty. According to Article 50 of the Austrian Constitution, the ratification procedure for international treaties implies the approval of a draft constitutional law to authorize ratification by the government.²

Political Actors

The Nationalrat adopted the Constitutional Treaty unanimously on 2nd March. This draft was then to be transferred to the parliament and adopted by two thirds majority with at least half of the MPs present. Finally the Bundesrat also adopted the Treaty. Consequently, the upper house completed ratification on the 25th May 2005 with three members of the right voting against the Constitutional Treaty, while the other representatives approved it.

1 www.bbc.co.uk, 24th November 2005

2 Deloy, Corrinne: Austria is to be the 8th State to ratify the European Constitution; http://constitution-europeenne.info/an/autriche_constit_an.pdf

Chancellor Wolfgang Schüssel of the Popular Party (ÖVP) asked to vote, “for a strong and democratic, pacific, social Europe thanks to the constitution,” that he believes, “protects the sovereignty of the 25 member states and increases citizens’ and individuals’ social rights”. He is also of the opinion that the Constitutional Treaty is, “like a second Treaty of State. That’s why the Parliament voted unanimously the law allowing its ratification, which will be unanimous as well, I hope.”³ The leader of the main opposition party the SPÖ, Alfred Gusenbauer declared that the Constitutional Treaty was better than the present Treaties and voted for it. The leader of the Greens, Alexander von Bellen said, “a blank yes, since we have to choose between this text and the miserable Nice treaty”.

Responses to the ratification have been mixed. Some Austrians have been concerned about the inclusion of a mutual defence Pact saying it could undermine Austria’s neutral standpoint. The far right was also in opposition to the idea of the Constitutional Treaty overriding the national Constitution. There have also been suggestions to move the constitutional Court to rule on whether it is legal to ratify the constitution without a referendum. Legally however, ratification by the parliament is seen as final.

In the context of the EU constitution replacing all the existing Treaties and overriding the national Constitution along with two countries rejecting the constitution, there have been various debates and discussions on possible consequences. In a three and a half hour long debate, all political fractions in Austria clearly expressed their opinion on the EU. They praised the idea of the EU peace project (Friedensprojekt Europa) and identified with the idea of an EU constitution, although the feeling can not really be described as euphoric. Austria, according to them would need a stronger Europe in the coming years and a stronger Europe would need a Constitution. For the Vice Chancellor Hubert Gorbach, the Constitutional Treaty would mean more democracy and social rights. The ratification was however seen as a compromise more than anything else. The ÖVP, the SPÖ and the Greens wanted a pan-Europe referendum and the BZÖ also set its demands for a

3 Quoted in Le Monde, dated 16.03.2005, <http://www.unizar.es/euroconstitucion/Home.htm>

national plebiscite. For the far-right leader Barbara Rosenkranz, the lack of a referendum was also justification against the ratification of the constitution. For the party leader Jorg Haider, the EU constitution would mean fundamental changes to the Austrian Constitution, and hence called for a referendum on the issue.⁴

Public Opinion

A majority of the Austrian population seems to perceive the alleged disadvantage of EU membership more strongly than the disadvantages. The EU for Austrians, means primarily the Euro currency (50%) followed by negative points such as a waste of money, more crime (42%) and unemployment (36%). Since fall 2004, only enlargement has seen rising support by the Austrian poll, which is now at 31%. 42 % Austrians display trust in the EU with around 39% saying they understand how the EU functions. 41% of Austrians see gains in EU membership, moving against the European trend of increasing perceptions of gains. Austria scores below the EU average in aspects regarding trust in the European Council and the European Parliament.⁵

National Priorities

Austria presents an interesting case, it being a relatively late EU joining nation-state. Moreover, the new Austrian presidency since the 15th of December has also involved a resetting of priorities. Contrary to Germany, which has already made clear it will try and revive the EU constitution during its presidency in the first half of 2007. Contrary to their earlier standpoint of calling for a re-polling of countries that rejected the constitutional treaty in another two years, Ms Plassnik said that Austria will not press for ratification of the text. "There are no quick fixes and no instant answers", the Austrian minister said, adding that Europe is currently engaged in a re-

4 <http://www.unizar.es/euroconstitucion/Home.htm>

5 Eurobarometer 63.4, Public Opinion in the European Union, Spring 2005, Executive Summary, Austria

flection period on the constitution. ⁶The Austrian political change involves a “westernization” of the Austrian political system accompanied by the Europeanization of policy areas. This is to further emphasize the point that the understanding of democracy and therefore independence has a role in a country that ratifies the EU Constitution. One needs to therefore identify a so-called “overlapping consensus” on basic values, ideas and conceptions of democracy if one requires a common understanding and practice of democracy in the Union.⁷

The two main issues before Austria ratified the constitution were the following:

- The future of EU financing
- The rejection of the EU Constitution by the French and Dutch voters.

Austria’s concerns now include the contribution to the EU Budget, the enlargement, a new stringent asylum law and rising unemployment. New debates have emerged even after the constitution has been ratified, and the process of legitimizing the EU and the draft constitutional treaty still goes on.

Manasi Shailaja Gopalakrishnan

⁶ EU Observer, 20.12.2005

⁷ Melchior, Josef: National and European understandings of democracy: The case of Austria and the EU; European Integration Papers Online, Vol 9, 2005 No.4

Italy

State of ratification

Italy (Population: approx. 57 million) was the first “founding father” of European Union to ratify the Draft Treaty establishing a Constitution for Europe. Ratification of the Constitutional Treaty by the Parliament was the only option considering that the Italian Constitution leaves no room for a popular referendum on international treaties¹. Both chambers had to approve the Treaty with a simple majority. The process of parliamentary ratification ended on 6th April this year. On this date the Senate gave its final approval with 217 “yes” and 16 “no” votes. Three months earlier on 25th January, the Chamber of Deputies had already given its approval. They voted in favour with 436 “yes” votes, 28 “no” votes and 5 abstentions².

Position of political actors

In both chambers the number of votes in favour of the Constitutional Treaty shows that there was hardly any opposition regarding the ratification of the Treaty. Foreign minister Fini as well as Prime-minister Berlusconi supported a quick ratification of the Treaty in order to show Italy’s pro-European spirit. Fini expressed in his speech in front of the Senate that he wished to “send a clear signal of optimism and determination to the governments and public opinion of the rest of Europe³”. Berlusconi even went a step further by stating that ratification without delay was a responsibility for the Italians, as he considered the Europeanist sentiment in Italy a part of their history. Almost all Italian politicians considered Italy as a country that has had, and will have a leading role in European integration in the future.

1 Article 75-2 Italian Constitution.

2 Kurpas, Incerti, Schoenlau, Epin Working Paper, *What Prospects for the European Constitutional Treaty?*. CEPS January 2005.

3 *Address by Minister Fini before the Senate on the final approval of the European Constitutional Treaty*. 6th of April 2005.

For this reason a quick ratification was seen as necessary. Berlusconi added in his speech in front of both chambers that the proceedings for ratification of the Treaty mark an important historical step, namely a European Constitution based on the twofold and indivisible consensus of citizens and Member States⁴.

Although there was a wide-spread positive atmosphere among almost all political parties some voices objected to the Constitutional Treaty. Those voices of opposition came from two sides. The first was the extreme right party (Lega Nord), which is part of the government coalition, and the other was the left party (the Communist Re-foundation). The main concern of both parties was that the Treaty would cause a loss of national and regional sovereignty.

Furthermore, the Northern League stressed three key points that were related to concerns regarding the possible regression of the judicial protection afforded to citizens, in particular social rights, and secondly concerns regarding the role of national parliaments in decision making. The third objection was the fact that a reference to Christianity in the Preamble of the Constitutional Treaty was lacking. This objection was nevertheless not only expressed by the opposition, but also by many politicians who in fact had supported the Treaty.

Public opinion

Basically we can say that virtually no public debate took place in the Italian Community. Overshadowed by regional elections that led to a political crisis, the Italian media did not cover the ratification by the Senate more than just a report of the outcome of voting. For this reason it is hard to say something about the attitude of the Italian community towards the Consti-

⁴ *Speech by Berlusconi before the Senate on the signing of the Constitution. 6th of April 2005.*

tutional Treaty. Nevertheless the level of support for the Treaty among Italian citizens can be described by using the polls of the Eurobarometer⁵.

In January 2005 a special Eurobarometer was published on the future of the Constitution. The first question asked concerned whether people in Europe had heard something about the Constitution. In Italy 24% of the people stated that they had never heard of it, 58% stated that they knew a bit and 18 % said they knew the overall content of the Treaty. Those results show that the Italians overall had a bit more knowledge of the Constitution than the average citizen in the European Union. European citizens on average answered in 33% to have no knowledge, 56% said to know a bit and 11% said they knew the overall content.

A remarkable fact is that at the moment that their real knowledge was tested, only around 40% of the people who reportedly knew the overall content, answered the questions correctly. This shows that Italians seem to think they know more than they really do.

Apart from the level of knowledge, the level of support for a European Constitution was also measured. Regarding this question Italy ended up being the most pro-European country in the EU, with 72% in favour of the Constitution and only 10% not supporting the idea of a European Constitution. On the basis of this Barometer one can conclude that support for the Constitutional Treaty was rather high during the process of ratification in Italy.

Measurements of support in spring 2005 do not change this picture and even show that 74% of the Italians supported a European Constitution. The Eurobarometer of this autumn, after the “no” votes in France and the Netherlands, nevertheless shows a decrease in support to 70%. The level of people against the Constitutional Treaty has increased to 16%. This is remarkable because we see at the same time that the level of support in the no-vote countries has increased again.

5 Based on the Special Eurobarometer of January 2005. *The Future Constitutional Treaty First results*.

National priorities

The most important issue for Italy to push on the Convention's agenda was the issue of competition. In this area Italy had a few particular priorities:

- € Trans-European networks to bring down remaining physical barriers
- € Cohesion policies, particularly the division of money between old and new member states were of importance. The Italian government realized that with regard to the cohesion funds it finds itself in competition with the new Member states which would most likely have a greater right to structural funds and cohesion policies.

Besides the priorities related to competition the Italians also set some other priorities regarding the negotiations in the Convention:

- € Reform of the institutions in order to preserve legitimacy even in an enlarged Union was regarded as a priority. Nevertheless this should not lead to a loss of national identities.
- € The EU should be an international actor, favouring a common European Defence and Security Policy, and the reinforcement of transatlantic ties.

After the work of the Convention was finished, the Italians were satisfied with the provisions that were included⁶. Nevertheless the fear of losing money to the new Member States persisted. Moreover the Italians think it is really important even in an enlarged Union to enable every member state to keep its own cultural, religious and political characteristics. Because the Draft Constitutional Treaty has already been ratified a phase of reflection has not been initiated in Italy.

Brenda Kramer

6 Italian ministry of Foreign Affairs, *Negotiations for the Constitutional Treaty*. (www.esteri.it)

Belgium

State of ratification

The current situation in Belgium (population 10,36 million) regarding the Constitutional Treaty is that it was ratified in the Belgian Parliament without holding a referendum (by 118 votes for and 18 against) on 19th May 2005. In terms of the regional parliaments, the Parliaments of the Walloon Region, Brussels-Capital Region, French Community and the German speaking Community ratified the Constitution. Whereas in the Flemish Parliament, the ratification procedure has been started, however it is not expected to be completed until Spring 2006 ¹.

Positions of political actors

In Belgium, the debate about the Constitutional Treaty stayed on a procedural level, rather than discussing the essence or the content of the Treaty. The main debate was about whether to hold a referendum or not.

When one examines the “referendum culture” in Belgium, there has never been a referendum on EU matters there. The only referendum held in Belgium was in March 1950 and it ended in a civil war. This is known as the “Royal Question” in Belgium and showed that direct democracy was not possible or fruitful in Belgium ².

Moreover according to the Belgian Constitution (Art.167,2 & 53), the only kind of referendum that can be made in Belgium, is a consultative referen-

1 Answer of Dr. Dirk Rochotus, who is the Vice Chief of Cabinet at the Cabinet of Flemish Minister for Foreign Affairs, 17.11.2005.

2 Rigo, A. (2005). *The Ratification of the European Constitution in Belgium: five months of negotiation concerning the question of convening a referendum*. Faculte de Science politique, Department des Relations Internationales, Universite Catholique de Louvain la Neuve, pp.2-3.

dum if ordered by ad-hoc law ³. So in order to make a referendum, one has to change the Constitution. The chronology of the ratification process is as follows:

- ∄ 01.06.2004: Belgian government proposed a non-binding referendum.
- ∄ 29.11.2004: Council of State gave a negative opinion on this issue.
- ∄ 24.01.2005: The government lost ground for a referendum on the European Constitution by a U-Turn of Spirit Party.
- ∄ 17.02.2005: Constitutional Committee, which is part of the Belgian Parliament, rejected the referendum idea.
- ∄ 28.04.2005: The Belgian Senate approved the European Constitution.
- ∄ 19.05.2005: Belgian Federal Parliament ratified the European Constitution (by 118 votes for, 18 against)⁴.

To understand this process, one should look at the position of the Belgian political parties and their internal debates⁵, such as the:

Parties for referendum

- ∄ VLD (Flemish Liberals): Party of the Prime Minister Guy Verhofstadt, said “End the traumatism of referendum”.
- ∄ MR (French Liberal Party): Favors also direct democracy.
- ∄ SPA-Spirit (Flemish Governmental Party): At first they were in favor of a popular consultation, but in January 2004 they made a “U-Turn” since far right Vlaams Belang Party may use it as an internal political issue; for instance against Turkey’s integration into the EU which does not have much to do with the EC.

3 *The European Union Constitution: The Ratification Process in Belgium.* http://www.unizar.es/euroconstitucion/Treaties/Treaty_Cons_Rat_Belgium.htm Retrieved in 20.10.2005.

4 *The European Union Constitution: The Ratification Process in Belgium.* http://www.unizar.es/euroconstitucion/Treaties/Treaty_Cons_Rat_Belgium.htm Retrieved in 20.10.2005.

5 Rigo, A. (2005), op.cit., pp.7-11.

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∄ Vlaams Belang (Far Right Party): They favored a referendum, but tried to use it against Turkey's EU membership.

Parties against referendum:

∄ PS (French socialists): They were sceptical about referendum because of the problem of representation of minorities, and it could be used against governmental issues. They preferred rather an "indirect consultation".

∄ ECOLO (French Greens): They were first in favor of a popular consultation, but changed their position in the process of decision-making.

∄ CdH (French Christian Democrats): They favored a referendum, however only if there was a neutral organization providing support.

∄ CD&V (Flemish Christian Democrats): They were sceptical in the sense that "they missed the occasion to organize a referendum at the European level".

Another issue discussed in Belgium was "the social dimension of the Constitutional Treaty" since some of the trade unions were against ratification⁶. However, this did not affect the process of ratification.

Public opinion

In general, "Belgium is the member state that shows the strongest support to the EU" (with 81% of the population in favour) and 70% favored a Constitutional Treaty where the EU average was 48%⁷. Moreover 60% of the Belgian population has heard and know something about the Constitutional Treaty and 41% of them saw it as essential to European construction. So even if there had been a referendum, they would have most likely responded positively.

6 Kurpas, S., Incerti, M., Schönlaui J. and De Clerck-Sachsse, J. *Update on the Ratification Monitor-What Prospects for the EU Constitutional Treaty?* (May 2005). CEPS: Belgium. <http://www.epin.org/index.php>, p.16. Retrieved in 22.11.2005.

7 *European Commission, Eurobarometer 61 (Spring 2004) : National Report Executive Summary Belgium.*

National priorities and reflection phase

Belgian Prime Minister Guy Verhofstadt was definitely in favor of the Constitutional Treaty as well as a consultative referendum on it⁸. He saw this as a “Process of Constitutionalisation” which started in with the Maastricht Treaty and as an important step towards a “Federation Model” in which the future of Europe lies⁹. He stated that “We should all hope for the ratification by 25... I am in favor of a more integrated Union...”¹⁰ However in the end, he could not get the support he wanted for a “popular consultation” in Belgium.

In one of his recent interviews published in the *Frankfurter Allgemeine Zeitung*¹¹, he emphasized that the Constitutional Treaty was not ambitious enough and even with the lost French and Dutch referenda, hope of a United States of Europe should not be lost.

Reasons for not having a referendum in Belgium were that: First of all, they had no experience with the “Referendum culture” and as the “Royal Question” stayed in their mind, they were even a bit anxious about holding a referendum. Also it is a mixed nation with many minority groups and if there had been a referendum in Belgium, it could have ended in internal unrest and been used against governmental policies.

Concerning cross-national references, neither the French debate nor any other has had a particular influence on Belgium. Little debate showed that

8 *EU Constitution Newsletter* (November 2004), p.5. London: The Federal Trust for Education and Research.

9 Verhofstadt, G. (25.11.2003). *The New European Constitution from Laeken to Rome* in Humboldt-Reden zu Europa. Berlin Humboldt-Universität, p.2.

10 *Interview: Guy Verhofstadt, Prime Minister of Belgium* (11.03.2005). <http://www.euractiv.com/Article?tcmuri=tcm:29-136709-16&type=Interview>. Retrieved in 25.10.2005.

11 Interview: Verhofstadt, G.(02.12.2005), *Plädoyer für die „Vereinigten Staaten von Europa*, Bundeskanzleramt Österreich Europa. <http://www.austria.gv.at/DesktopDefault.aspx?TabID=4760&Alias=bkaeuropa&cob=13895> Retrieved in 12.12.2005.

Belgium

it was kind of a “silent approval” of the Constitutional Treaty both by the political parties as well as the public of Belgium.¹²

Elif Özkaragöz

¹² Kurpas, S., Incerti, M., Schönlaue J. and De Clerck-Sachsse, J. (May 2005). op.cit., p.16.

Greece

State of ratification

On 19th April 2005 the Greek Parliament ratified the Constitutional Treaty¹. In Greece (population: approx. 11 million) the process leading to the ratification was executed within one week in only three parliamentary sessions. Furthermore, the ratification was overwhelmingly approved by 268 out of the 300 MPs².

Position of political actors

The current governing party, the *New Democracy* (Nea Dimokratia), was strongly in favour of the Constitutional Treaty. Prior to the parliamentary ratification Prime Minister Costas Karamanlis argued for his Party's support for the Treaty, as he found the text to be promoting Greek interests with the inclusion of a mutual assistance clause as well as the inclusion of tourism in EU policies³.

The *Greek Socialist Party* (PA.SO.K), which is the second largest political party, was also in favour of the Constitutional Treaty. The Greek Socialist Party's President George A. Papandreou, emphasised the creation of the position of an EU Foreign Minister as one of the reasons for being in favour of the Treaty. He also argued that the Constitutional Treaty could be

1 Hope, K., Greece becomes sixth EU member to back treaty, April 2005 Financial Times.

2 Siapkidou, E. (2005), The European Constitution and its ratification- National Update: Greece, URL: <http://www.epin.org/pdf/RM-CR-Greece010505.pdf>.

3 Athens News Agency, PM Karamanlis: Euro-Constitution an important milestone on road to European integration, 15 April 2005, URL: <http://www.hri.org/news/greek/apen/>.

used as a tool through which the multi-cultural and social dimensions of Europe could be furthered⁴.

The other two members of the Greek Parliament are two small leftist parties, the *Coalition of Radical Left* (SYRIZA) and the *Greek Communist Party* (K.K.E.). Both parties were against the Constitutional Treaty, but for different reasons. The Coalition of Radical Left is ideologically in favour of European integration and of a Constitutional Treaty, but it believes that the EU is too liberal, too protectionist against asylum seekers and immigrants as well as too submissive in relation to the US and NATO in the matter of foreign and defence policy. Thus, the Party saw the proposed Constitutional Treaty as an institutionalisation of wrong principles. The Greek Communist Party is against the EU and the Constitutional Treaty, which in its view reflects the will of the right-wing European governments⁵.

In theory, the Greek Government could have called for a public referendum on the Constitutional Treaty, as Article 28 of the Greek Constitution allows for both, the ratification by parliament and the ratification by a public referendum⁶. In order to obtain a public referendum a proposal needs a 3/5 majority in Parliament⁷. This is an interesting fact, as the current New Democracy Government holds 55% (165 seats) of the Parliament⁸. Thus, a public referendum could only have taken place with the Government's support.

4 Papandreou, G. A. (2005), Do we build the Europe we seek for?, URL: <http://www.papandreou.gr/papandreou/content/opinionfolder.aspx?d=6&rd=7739474&f=1402&rf=1363112986&m=-1&rm=-1&l=1>.

5 Siapkidou, E. (2005), The European Constitution and its ratification- National Update: Greece, URL: <http://www.epin.org/pdf/RM-CR-Greece010505.pdf>.

6 Gogos, P. (2001), Die Diskussion über eine zukünftige Verfassung der Europäischen Union in Griechenland, in: Eine Verfassung für die Europäische Union.

7 Siapkidou, E. (2005), The European Constitution and its ratification- National Update: Greece, URL: <http://www.epin.org/pdf/RM-CR-Greece010505.pdf>.

8 Athens News Agency, PM-elect Costas Karamanlis unveils cabinet, 10 March 2004, URL: <http://www.hri.org/news/greek/apeen/>.

Public opinion

Overall the debate on the Constitutional Treaty in Greece has been limited. This can partially be explained by the fact that the two main political parties, who together hold 282 out of the 300 seats in the Parliament,⁹ were both in favour of ratification. However, there have been several attempts to enforce a debate, through seminars and conferences organised by associations, research institutes and think tanks. The Greek Foreign Ministry has also tried to stimulate public awareness, by organising discussions on the Constitutional Treaty in major Greek cities between January and May 2005.

Prior to the ratification, public opinion polls showed that Greek citizens were optimistic about the positive effects of the Constitutional Treaty. Concretely, the polls indicated that Greek citizens expected the adoption of the Constitutional Treaty to make the EU more democratic, (EL: 67% - EU25: 64%), more efficient (EL: 69% - EU25: 63%) and more transparent (EL: 58% - EU25: 56%)¹⁰.

The negative results of the French and Dutch public referendums have in fact received more media attention than the ratification process in Greece itself¹¹. In early 2005, the political debate was especially centred on another EU issue caused by the introduction of a controversial Greek law known as the 'main shareholder bill'¹². The bill enacted an article of the Greek Constitution that seeks to create greater transparency and prevent media involvement in the process of awarding public contracts. The introduction of the new law raised questions about the compatibility of EU law and the Greek Constitution and ended in a formal dispute between the EU and Greece. Especially the primacy of EU law over the Greek Constitution

9 The national Greek election numbers, URL: <http://www.greekelections.com/portal/en/municelect/results2004.asp?state=municelect>.

10 European Commission (2005), Eurobarometer 63.4 – European Union public opinion.

11 Siapkidou, E. (2005), The European Constitution and its ratification- National Update: Greece, URL: <http://www.epin.org/pdf/RM-CR-Greece010505.pdf>.

12 Athens News Agency, Commission formally asks Greece to change primary shareholder law, 27 April 2005, URL: <http://www.hri.org/news/greek/apeen/>.

and national law caused a furious debate. The Greek Government was worried about a potential confusion of the two issues and that it could create a refusing attitude towards the Constitutional Treaty. By some it is argued that this debate reinforced the Greek Government's insistence on the parliamentary ratification as opposed to a public referendum¹³.

On a note of relevance, the main shareholder bill issue was settled on 2nd November 2005, when a revised bill, which the European Commission found to comply with EU legislation, was approved by the Greek Parliament¹⁴.

National priorities

Common Foreign and Security Policy and Justice and Home Affairs

The Constitutional Treaty makes a common task of three major issues, namely organised crime, terrorism and illegal immigration. Furthermore, the focus of the Community is foreseen to shift to the common protection of the external borders¹⁵. 80% (EU25: 77%) of the Greeks are in favour of a common defence and security policy and 76% (EU 25: 67%)¹⁶ are in favour of a common foreign policy. The two major parties in Greece, the New Democracy and the Greek Socialist Party, also emphasise the significance of the security policy as it is outlined in the Constitutional Treaty. The provisions for the common protection of the external borders are of special interest for Greece, considering the geographical position of the country. Greece exclusively borders to non-EU states (Albania, Former Yugoslavian Republic of Macedonia, Bulgaria and Turkey) and has had ongoing political disputes with these states.

13 Siapkidou, E. (2005), The European Constitution and its ratification- National Update: Greece, URL: <http://www.epin.org/pdf/RM-CR-Greece010505.pdf>.

14 Athens News Agency, Primary shareholder bill approved, 3 November 2005, URL: <http://www.hri.org/news/greek/apeen/>.

15 Non-paper prepared by the European Commission, Summary of the Constitutional treaty, URL: http://europa.eu.int/constitution/summary_en.htm.

16 European Commission (2005), Eurobarometer 63.4 – European Union public opinion.

Greece

Tourism

Tourism provides 15% of the Greek's GDP¹⁷. The country has experienced a significant increase in tourism in recent years. The number of foreign tourist arrivals has risen from approximately 8.27 million in 1991 to 14.8 million in 2004¹⁸. The proposed Constitutional Treaty explicitly puts tourism on the agenda of the EU. The aim is to strengthen co-operation between member states and to promote the competitiveness in this sector¹⁹. With tourism being included in the Constitutional Treaty, Greece hopes for continuing financial aid in the form of cohesion funds, in order to further improve its infrastructure, which is of great national importance at the macroeconomic level.

Anna Catharina Holl

17 Cia factbook online, URL: <http://www.cia.gov/cia/publications/factbook/geos/gr.html>.

18 National statistical service of Greece (2005), Greece in figures.

19 Non-paper prepared by the European Commission, Summary of the Constitutional treaty, URL: http://europa.eu.int/constitution/summary_en.htm.

Germany

State of ratification

On the 12th May the German Bundestag (568 members voting yes and 2 abstentions) and then on 27th May 2005 the German Bundesrat (66 members voting yes and 3 abstentions) approved the Constitutional Treaty. The approval came from all federal states of Germany (population: 82,431,390) with only one exception of Mecklenburg-Vorpommern, which abstained.¹ Nevertheless, the ratification procedure has not been completed, as President Horst Koehler has not added his signature. Even though the German Constitutional Court had resolved the legal issue on whether the treaty conforms to the German Grundgesetz (Basic Law), President Koehler may still be waiting to see what happens to the Constitutional Treaty in the rest of Europe.²

Positions of political actors

Germany was considered the most powerful driving force behind the ratification of the Constitutional Treaty. In view of increasing controversies around the French plebiscite on the Constitutional Treaty, German government supported French "yes" campaign by holding ratification in Bundestag on 12th May, 2005. Since the positive outcome was practically taken for granted, it was expected to boost support for the Constitutional Treaty right before the French referendum. The absence of a heated debate on the Constitutional Treaty was a distinguishing feature of the German process of ratification. However, although practically all major German parties supported the Treaty, serious political discussions were held in regard to the ratification method.

1 http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const_Rat_germany.htm

2 Deutsche Welle, Court Rejects German EU Referendum Plea, March 28, 2005, <http://www.dw-world.de>

The *Social Democratic Party (SPD)* supported the introduction of the plebiscite elements in the German Basic Law, with the aim of improving the confidence of the citizens and increasing the legitimacy of the political system. The SPD, however, did not emphasize their support for the referendum on the Constitutional Treaty itself since the party was more interested in a secure and quick ratification through the parliament.³ The debate regarding European integration has always been an elite issue in Germany and a referendum is forbidden in the constitution because of ‘historical issues’.

The *Alliance 90/The Greens* were the strongest supporters of the referendum on the Constitutional Treaty and viewed it as a way to increase its legitimacy and to encourage European-wide debate. The party was in favour of general changes in the Basic Law in order to make possible referendum on major issues, such as the Turkish EU bid. At the same time the *Free Democratic Party (FDP)* defended a reform of the Basic Law solely for a special case of having a referendum for historical decisions like the European Constitution. The *Party of Democratic Socialism (PDS)* took an explicit stand against the ratification of the Constitutional Treaty, and was the only one that expressed that the Treaty was antidemocratic, antisocial and militaristic, in this sense the party refused the text and advocated for a referendum on the charter, carrying on a ‘No’ campaign.

Both conservative parties, the *Christian Democratic Union (CDU)* and the *Christian Social Democratic (CSU)*, were traditionally sceptical about introduction of popular vote at a federal level. Angela Merkel has pointed out on numerous occasions that German constitution promotes representational democracy that leaves little room for referenda. The CDU defended the parliamentary ratification, but demanded more competences for the Bundestag in the light of new enlargements and more clarity between the competencies of the German and the European Parliament. CDU also considered the issue of the Constitutional Treaty to be too complex for a

3 European Union Research, October 19, 2005 <http://www.isites.harvard.edu/icb/icb.do?keyword=k1662&pageid=icb.page11370>

straightforward yes/no choice on the referendum but supported holding a popular vote on future Turkish accession⁴.

Public opinion

Unlike in neighbouring France, in Germany there was not much public debate on the issue of the Constitutional Treaty. On the one hand, the public was not directly involved and the Constitutional Treaty was believed to be an easy pass in the parliament. On the other hand, German population had generally favourable views on the strengthening of the European integration. According to March 2005 Eurobarometer⁵ report, 54 % of Germans supported the Treaty (49% being the EU-25 average) while 17% opposed it. Out of those German respondents who were in favour of the Treaty 39% believed that the Constitution was essential to pursue European construction, 27% believed that it will ensure smooth running of the EU institutions and 21% thought that the Constitution was necessary to manage integration of the new member states. Germany particularly stands out in support of the Constitution as an important symbol of political unification of Europe and the way to strengthen the feeling of European identity. More than 24% of the proponents of the Treaty listed these as the reasons of their support, among the highest proportion in the EU.⁶ However, despite the general support for the European project, the negative effects of the recent round of EU enlargement on German jobs appeared to have unsettled many citizens. When quizzed, some Germans said they felt the new EU states had entered the Union too quickly, and that the changes were too drastic. These emotions have been taken up by the country's euroskeptics, especially Germany's conservatives.

4 Kölling, M. (2005), Working paper on the German parliamentary debate about the ratification of the European Constitution, University of Saragossa http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const_Rat_germany.htm

5 Eurobarometer, The Future Constitutional Treaty, March 2005

6 European Union Research, October 19, 2005 <http://www.isites.harvard.edu/icb/icb.do?keyword=k1662&pageid=icb.page11370>

National priorities and the current reflection phase

Since the European constitutional convention, Germany's position on the Constitutional Treaty has been largely dominated by two factors:

- € *Clear catalogue of competences*, which was promoted by the German Länder, mirrors a federal governance structure in the sense that each level of governance needs to know precisely what its competencies are, according to the principle of subsidiarity.
- € *Political leadership of the Union*, especially the question of a future European executive, where Germany is also said to be 'federal', since it has traditionally defended the interests of the small states in the EU and has demonstrated some affinity for the communitarian method of the Commission and has a particular fondness for a strong European Parliament.⁷

The new German chancellor Angela Merkel said, that her views on priority issues of the EU - such as the constitution, agriculture and future finance - were similar to the former chancellor Gerhard Schröder. During her first foreign trip to Paris and Brussels, just one day after she took over the office, Ms. Merkel had stated that she "stands by the EU constitution," vowing to revive the shelved charter when Germany takes over the EU presidency in 2007.⁸

In their coalition agreement, the CDU/CSU and SPD (Germany's new 'Grand Coalition') reiterated their fundamental support for the Constitution Treaty and underlined that, in their view, it makes the EU more democratic, efficient and transparent. They wanted to press for a continuation of the ratification process after the one-year 'period of reflection' called for at the European Council in June 2005. Indeed, they said that they will try and give a new impetus to the process during the German EU Presidency in the first half of 2007. Meanwhile, during the 'period of reflection', the coali-

7 Dr. Ulrike Guerot, Germany and the Convention on Europe's Constitution: On the way to federalism? 15 October 2002

8 Euobserver/Brussels, Merkel champions adoption of 'whole' EU Constitution, November 24, 2005

Germany

tion said that it will engage in a broad debate with citizens, social partners, churches and other civil society groups.⁹

Irina Leonenko

⁹ Wagner, M. (2005), Fresh Faces, Tired Policies? - The German 'Grand Coalition' and the EU, European Policy Brief, Issue 18, Dec 2005

Sweden

State of ratification

The ratification procedure, concerning the Constitutional Treaty, is to be decided by the Swedish Parliament. The Government was of the opinion that the Constitutional Treaty should be ratified by the Parliament. For Sweden, the decision at the European Summit on 16th /17th June 2005 meant that the Government did not have to present a bill before the Swedish Parliament in autumn of 2005 and consequently, the Parliament did not have to decide on the Constitutional Treaty by the end of 2005. The Swedish Government was to submit a bill in September 2005 in preparation for a decision by the Riksdag in December of the same year. However, the referenda in France and the Netherlands resulted in the postponement of the ratification of the Treaty in the other member states. Therefore, the Swedish Government has decided to postpone the ratification until further notice. The Government and a majority of the Parliament want the Parliament to decide on the Treaty before the next election, which will be held in 2006.

Position of political actors

Prime Minister Göran Persson is the key actor in coordinating Sweden's EU policy. On 30th May 2005, he released comments on the French referendum, in which he noted that the outcome of the French referendum called for reflection and that the French 'No' vote would not halt the process of ratification, by mentioning that nine countries had said 'Yes' to the Treaty so far. Moreover, he insisted that a 'No' in France did not short-circuit the consideration of the Treaty by the Swedish Parliament any more than a 'Yes' in Spain. He foresaw a thorough discussion among the EU Heads of State and the Governments at the Summit in June 2005 would be important for continuing the process. Concerning an assumed demand for renegotia-

tion of the Treaty as a result of the French vote, he regards it difficult to see that renegotiation would be the way forward¹.

Furthermore, in the Statement of Government Policy, presented to the Swedish Parliament on 13th September 2005, he stated that the EU, following the referenda on the Treaty, must be shaped so that it meets the demands of a new era.

Foreign Minister

At the Europe Update on 8th November 2005, the Prime Minister illustrated that the EU could continue to function with the present Nice Treaty in the coming few years, but however, in the longer perspective, it was necessary to consolidate the Union and make it more efficient. He also stressed the need for strong multilateral institutions. According to him, this will be satisfied by making good use of the credibility and mandate that are inherent in truly multilateral organisations such as the United Nations.

Parliament

The majority of the political parties in the Swedish Parliament, which has the power to decide whether a referendum should be held, are of the same opinion as the Government. The parliamentary majority deemed that it was in the interests of the member states and the EU citizens that the main aspects of the Constitutional Treaty should be implemented.

Not everyone, however, is in agreement as to how the decision should be reached and there are those who are still trying to bring about a referendum. Two parties, the Left Party and the Environmental Party, want the issue to be decided via referendum.

There is also an ongoing discussion about whether the Constitutional Treaty is in contradiction with the Swedish Constitution. The Left Party and the Green Party feel that the Constitution will hand over further decision-making authority to the EU to a degree that is against the Swedish

¹ Government Office of Sweden „Prime Minister Göran Persson’s comments on the French referendum“, <http://www.sweden.gov.se/sb/d/5646/a/45522>

Constitution. The Government and the other parliamentary parties, however, do not share this view.

Public opinion

According to an opinion poll in May 2005, 65% of the Swedes want to have a referendum on the Constitutional Treaty and only 27% of the population prefers the Parliament to decide on this issue. Compared to an earlier survey in February 2005, there where only 58% pro referendum and 32% against. The increased support for the idea of a Constitutional Treaty does not only pertain to France and the Netherlands but also to Sweden. A survey by Sifo for the Newspaper Aftonbladet in May 2005 came to the result that 23% would have voted 'Yes', 41% 'No' and 36% were undecided if the Swedes would have voted on that particular day. Nevertheless, the support for the Constitutional Treaty is very low compared to other Member States². A Eurobarometer poll shows that only 27% of the Swedish voters support it. The level of support has fallen from the 50% 'rather agree' to 26% recorded in February 2004. Almost one third of the Swedes, who were in favour of the Draft Treaty claimed that they were in favour because they had always been in favour of the European construction³.

To a large extent the work to encourage public debate and to get citizens involved is carried out by a parliamentary Committee called the "EU 2004 Commission"⁴. The Swedish Government appointed the Commission in April 2001. The Government decided on 20th October 2005 to prolong the assignment for the EU 2004 Committee until 31st December 2006. The Committee shall also deliver a report about the Swedish debate before the

2 Swedish EU Relay, "Ratification process in Sweden"

http://www.eu2004.se/extra/pod/?action=pod_show&id=48&module_instance=9

3 Eurobarometer Spring 2005 ,

http://www.eu.int/comm/public_opinion/archives/ebs/ebs_214_en.pdf

4 The full name of the Committee is "The Commission for the Debate on the Development and Future of the European Union prior to the Intergovernmental Conference in 2004"

EU Summit in spring 2006. Several hearings and conferences open to the public have been organised in Sweden by different actors⁵.

National priorities and the Reflection Phase

In November 2001 an opinion poll on how interested the citizens are in the EU was carried out on the initiative of the EU 2004 Commission. The inquiry showed that people are interested neither more nor less in EU-matters than in the last inquiry in spring 2001. Almost 40% stated that they often speak about the EU, the men (44%) more often than the women (33%). There is also a strong connection between one's line of work, degree of education and the level of interest in discussing EU-matters. 32% of blue-collar workers stated that they discussed EU-matters often, compared to 55% of the academics.

Among those asked, 96% were of the opinion that co-operation on environmental issues is an important question for the European Union to deal with. To the same extent people regarded combating international crime as a task for the EU. 81% thought that EU should defend the Union's competitive power. This support is evenly distributed among the different groups asked, although men considered it more important than women did. Surprisingly enough, considering the low turn out in the 1999 European parliamentary elections, according to the inquiry European elections are something that engages people. 76% think it is important to vote and participate in the EU-elections⁶. Finally it could be mentioned that different Swedish national movements have established a network with the focus on the future of the EU.

Kim Myong Chol

⁵ Swedish EU Relay; "EU 2004 Committee's Activities",

http://www.eu2004.se/extra/pod/?action=pod_show&id=21&module_instance=9

⁶ Swedish EU Relay, EU 2004 Commission "Sweden's national debate"

http://www.eu2004.se/extra/pod/?action=pod_show&id=20&module_instance=9

Finland

State of ratification

After the decision of the European leaders to extend the period of ratification by taking a “reflection break“, Finland put its ratification process on hold. A Government report was issued in November 2005 to lay the foundations for a thorough parliamentary debate in the coming year. Whether or not the Constitutional Treaty in its present form can be ratified will not be decided before spring 2006.

Position of political actors

The ratification process in Finland has not stimulated a political debate (as it did in other European countries) on the content of the Treaty. This is certainly due to the fact that the majority of the eight parties represented in the *Eduskunta* supported the Government’s position favouring the Constitutional Treaty.

The only real political debate, which took place, focused on the question whether or not a referendum should be held. Several representatives across the political spectrum, among them almost half of the members of the European Parliament, reckoned that the Finnish people should have a say in this decision. Although the Government initially did not seem to object the possibility of a referendum, in August 2004 Prime Minister Matti Vanhanen, in an official press release, made clear why he was excluding the necessity of a public vote: “the Constitution would not change the fundamental nature of the EU“.¹ The governing coalition of the *Centre Party*, *Social Democrats* and *Swedish People Party*, although with a few exceptions, generally upheld this position. These parties, however, had never seriously taken the idea of a referendum into consideration. Criticism was

1 Government Information Unit, Press release 242/2004, “Prime Minister Vanhanen on a referendum on the Constitutional Treaty“, 15.08.2004, <http://www.vnk.fi>.

mainly raised by the extreme left and the extreme right wing, as well as from the *Green League*. While the *Left Alliance* was especially concerned about social issues, such as changes in the Finnish welfare system, the right-winged *True Finns* generally had a fairly anti-European position. The *Green League* was the only party supporting a referendum without rejecting the Constitutional Treaty per se.

However, despite the general consensus within the biggest parties in favour of parliamentary ratification, a number of prominent Finnish politicians, *inter alia* the Ministers Mauri Pekkarinen and Johannes Koskinen as well as the MEP Paavo Väyrynen, disagreed with the Prime Minister's statement that the Constitutional Treaty would not change the fundamental nature of the Union. Väyrynen argued that "the Constitution established a new Union which moved decision-making power away from the member states to the European level".² In view of such decisive changes, the politicians called for an at least advisory referendum, held in time with the presidential elections in January 2006.

The Prime Minister's view was challenged once again by a "referendum initiative", undertaken in February 2005 by 50 members of the *Eduskunta*, aiming to justify a referendum before Parliament. The initiative was based on two arguments: First, the supporters focused again on the changes brought by the Constitutional Treaty and pointed out that "reinforced competence of the EU in police and criminal law matters was significant and extended into the sphere of the national legal system". Also, the change of competences in security and defence matters should be an issue to discussion.³ Secondly, the question was raised about whether the Finns really wanted to be part of a Europe built by the Constitutional Treaty and whether the Finns would be less able than the French or the Dutch to have their say. A referendum might also have the effect of stimulating the public debate and of bringing Europe closer to its citizens. The initiative was in particular supported by members of the *Green League* and the *Left Alliance*, but also by some representatives of the *Centre Party* and the *Social*

2 Helsinki Sanomat, "Prime Minister Vanhanen praises agreement on EU constitution", 21.06.2004.

3 Eva Storskrubb, „The question of a Referendum Revisited“, 24.02.2005.

Democratic Party. In the end, they only succeeded to postpone the ratification process, as the government still had the majority of the Parliament on its side.

Public opinion

In 2003, almost 50% of the Finns were of the opinion that the EU should have a Constitutional Treaty.⁴ The support increased over time, reaching its highest level in 2004 with 58% being in favour.⁵ However, within the ongoing political debate on a referendum, the former rather pro-constitutional support in the population appeared to change into confusion. In spring 2005, 42% of the interrogated persons stated that they did not know what they would vote for in the case of a referendum, while 20% stated that they would not even take part in the vote.⁶ The number of opponents of the Constitutional Treaty climbed up to 35%. As a primary reason for this, one third of the population named the lack of information. In fact, compared to other European countries the Finns felt particularly badly informed about constitutional issues, even though their knowledge actually turned out to be on an average level.⁷ Further reasons for opposing the Treaty corresponded to the fear that Finland could lose too much of its sovereignty and to the concern of the Constitutional Treaty advancing too quickly and not being democratic enough.⁸ The negative outcomes of the referenda in France and the Netherlands have stimulated the public debate in a decisive way: now, more than half of the population state to be against the Constitutional Treaty.

National priorities and the Reflection Phase

When negotiating the Constitutional Treaty, Finnish priorities had been over all the voting system and the Common European Defence Policy. In

4 Eurobarometer 60.1, autumn 2003, national report Finland.

5 Eurobarometer 62, autumn 2004, national report Finland.

6 Eurobarometer Flash 159.

7 Eurobarometer Flash 159.

other words, the main concerns were those, not to lose influence in an EU 25 as for being a small state and to pursue the traditional policy of non-alignment by insisting on the Finnish neutrality status.

However, national priorities concerning the Constitutional Treaty have not been an issue for debate during the Reflection Phase. By the end of November 2005, the promised Government's report on the Constitutional Treaty was released. It also represented the Prime Minister's intention to send a political message to the EU that Finland was supporting the Treaty. The Report was received positively in Parliament. There was, however, dissent on the question on how the ratification process should continue. While Prime Minister Vanhanen held that the Treaty should primarily be implemented in its complete form and that breaking it into parts should only be a last resort, other politicians, *inter alia* members from the *Green League* and the *Social Democratic Party* did not believe that the Constitutional Treaty could take effect in its current form.⁹

In view of the upcoming Finnish Presidency in the second half of 2006, the Government has sent a political signal that it will support the Treaty, although the operational Austrian-Finnish Council programme for 2006 merely states that an overall assessment of the general debates will be the basis for an agreement on how to proceed. Nevertheless, the ratification of the Constitutional Treaty in Finland in the first half of 2006 could strengthen Finland's position and its influence as a holder of the Council Presidency in the second half of the year.

Christiane Sieveking

8 Eurobarometer 63.4, Spring 2005.

9 Helsinki Sanomat, "Finnish Parliament takes positive view on EU constitution treaty", 30.11.2005.

Constitutional Debates in “new” Member States without Referendum

Lithuania

State of ratification

On 11th November 2004 Lithuania (population: 3.7 million) became the first of the 25 member states to ratify the Constitutional Treaty. Its parliament – the Seimas – ratified the document with an overwhelming majority of 84 yes, four no-votes and three abstentions.¹ The whole ratification process involved a first reading of the constitutional text on 5th of November and then the subsequent ratification. Valdas Adamkus, the President of the Republic, signed the treaty on 19th November.

Position of political actors

All of the important political actors and parties were in favor of ratification, and considered a referendum unnecessary. President Valdas Adamkus pointed out, that during the referendum on joining the EU in 2003, 90% of the Lithuanian electorate voted in favor of it. Therefore, the parliament would be capable of expressing the will of the Lithuanians to ratify the constitution.² Like Adamkus, foreign minister Antanas Valionis also referred to the 2003 referendum on EU-membership as justification for the treaties' immediate ratification at the same time confirming the public's decision of joining. He further highlighted that the treaty marks a new stage in the EU development which would contribute significantly to making the activities of the EU more effective.³ Along these lines, Prime Minister Algirdas Brazauskas declared that the Constitutional Treaty is both needed for Lithuania and the whole of Europe, in that it will validate reforms in order

1 See Deloy, C. 'Lithuania is the first of EU 25 states to ratify the constitution', in: <http://constitution-europeenne.info/special/lithuania.pdf>.

2 Ibid.

3 See Institut für europäische Politik (2004) *EU-25 Watch No.1* (Berlin: Institut für Europäische Politik), in: www.iep-berlin.de/publik/EU25-Watch/EU-25_watch.pdf, p.37.

to ensure a more transparent and efficient EU.⁴ As a matter of fact, parliamentary ratification in Lithuania occurred very smoothly, and the vote on the Constitution did not coincide with any real public debate.

The only voices of criticism were small ones coming from the opposition party: Although being in favor of ratification, the opposition did condemn the rapidity of the ratification process. Arturas Zuokas, leader of the opposition party⁵, criticized that the Constitutional Treaty had been approved without any significant national debate. In his opinion, the treaty deserved a debate corresponding to its importance. Moreover, he remarked that the country's rush to make history did not demonstrate courage, but rather disrespect to the Lithuanian citizens.⁶ Correspondingly, the Members of Parliament who voted against the text merely feared a loss of sovereignty and were concerned about the country's independence.

Public Opinion/ Media Debate

As a result of its quick ratification, there has not been any considerable public debate about the Constitutional Treaty in Lithuania. The marginal discourse that did occur was mainly based on emotional and ideological ("back to Europe") rather than rational arguments. On the one hand it was argued that ratification was the only way for Lithuania to become an integral member of the Union, and then on the other hand, the loss of Lithuanian identity and independence was feared, which had just recently been regained after decades of Soviet domination. In addition, the Constitutional Treaty and its ratification had not been a major focus of the Lithuanian media. If there was any media coverage, it paid special attention to the matter

4 See Baltic News Service (June 21, 2004) 'EU Constitution is useful for Lithuania'.

5 Liberal and Centre Union

6 See Deloy, C. 'Lithuania is the first of EU 25 states to ratify the constitution', in: <http://constitution-europeenne.info/special/lithuania.pdf> .

of Christianity and the mention of God in the preamble of the Constitutional treaty.⁷

The recent Eurobarometer poll (January 2005), examining the attitude of the citizens towards the EU constitution also included the Lithuanian citizens. As the fieldwork had been done in November 2004, the results did not have any political implication for the ratification process in Lithuania but can be seen as a contribution to the overall debate and a reflection of the general degree of debate. In November 2004, 34% of all Lithuanians had not even heard about the Constitutional Treaty, 59% had heard about it but knew little about its content and 7% were informed about it in every respect. In the same context, 51% of the Lithuanians stated that they were in favor, 11% that they were opposed to the draft Constitutional Treaty (Based on what you know, would you say that you are in favor of or opposed to the draft Constitutional Treaty?). The major reason why the polled Lithuanians were in favor of the European Constitution was the necessity of the Constitution in order to pursue European construction (34%). Apart from that, 21% stated that they had always been in favor of European construction. The lowest level of consent was given to the “creation of a symbol of political unification of Europe” (7%) and the “strengthening of the feeling of a European identity” (4%). Considering the findings as a whole, it is quite interesting that 33% of the Lithuanians were opposed to the Constitutional Treaty because of a lack of information.⁸

National priorities

Although the Convention’s Constitutional Treaty was seen as a good starting point, Lithuania’s delegation proposed only a few amendments during the Intergovernmental Conference (IGC) 2003-2004. Prior to the IGC, Lithuania together with six other states⁹ sent an open letter to the Italian

7 See Franck, C. and Pyszna-Nigge, D. (2004) *New Members, IGC and the Constitutional Treaty. Positions of acceding countries from Central Europe in the debate on the EU future* (Louvain-la-Neuve: Université catholique de Louvain), p.32.

8 See Special Eurobarometer 214 (2005) *The Future Constitutional Treaty*, in: http://europa.eu.int/comm/public_opinion/archives/ebs/ebs_214_en, p.75-80

9 Austria, Czech Republic, Finland, Hungary, Malta, Slovenia

Prime Minister Berlusconi with additional suggestions to the IGC agenda. They wanted to re-open the negotiations on the status of the European Council, the permanent Council's presidency and the allocation of seats in the European Parliament.

The main points of priority which dominated the Lithuanian agenda all referred to the principle of "equality of all states"¹⁰:

- ∄ no reduction of the number of commissioners
- ∄ no reduction or reallocation of seats in the European Parliament
- ∄ reference to European Christian values in the preamble

After the completion of the IGC, the results of the conference have been assessed positively by all government representatives – although not all proposals and positions that Lithuania had defended were put into the final treaty.

As Lithuania has already ratified the Constitutional Treaty and was therefore not affected by the French and Dutch no-vote, there was no need for an extensive national reflection phase concerning the ratification process.

Anke Barnewold

10 See Jakniunaite, D. 'National Report Lithuania', in: Franck, C. and Pyszna-Nigge D. (2004) *IGC 2003: Positions of 10 Central and Eastern European Countries on EU institutional reforms*. (Louvain-la-Neuve: Université catholique de Louvain), p.54-9.

Hungary

State of ratification

On 20th December 2004 Hungary (population: approx. 10 million) became the second country to ratify the Constitutional Treaty with a parliamentary vote only seven months after joining the EU. 322 MPs in the National Assembly were in favour of the text, 12 MPs voted against it, 8 MPs abstained and 44 MPs were absent at the time of voting. Among the twelve MPs who voted against seven belonged to the main party opposition (FIDESZ), the rest were right-wing independent legislators. The Constitutional Treaty was ratified by an overwhelming majority as according to Article 24 of the Hungarian Constitution a positive vote by two thirds of the 386 representatives in the National Assembly (i.e. 258 MPs) was required for the text to be approved¹.

Position of Political Actors

With regard to the means of ratification the Hungarian government had a choice between a vote in Parliament and a referendum. Only one parliamentary party (SzDSz, holding 20 parliamentary seats) were in favour of a referendum². Two reasons accounted for the government's choice not to call for a referendum but to ratify the Constitutional Treaty via a parliamentary vote:

First, considering Hungary's future in the EU, the Hungarian public had already declared their will on the most important issue in a referendum held in April 2003: namely, whether to support Hungary's accession to the EU. 84% of the voters were in favour of accession whereas only 16% said

1 University of Zaragoza (2004) *The European Union Constitution: The Ratification Process in Hungary*, http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const_Rat_Hungary.htm

2 Ibid

“no”³. Second, in the case of a referendum being held, the turnout was expected to be very low. The turnout for the referendum on Hungary’s accession to the EU was only 46% and 38.5% for the European Parliamentary elections in June 2004⁴ respectively. Hungarian electoral law stipulates that for referendum result to be valid the “Yes” or “No” must win at least three quarters of the vote of those on the country’s electoral role. In fact, two popular consultations held in December 2004 concerning domestic issues failed due to insufficient participation⁵.

Although there has been little debate on the Constitutional Treaty among the political actors before and after its ratification, during the drafting period voices were raised with regard to two aspects relating to the content of the text.

With respect to the mentioning of Christian values in the Preamble, the government coalition and its opposition had divergent views. The centre-right opposition coalition (Fidez-MPP & MDF) supported the inclusion of the clause. József Szájer (MP, opposition) was among the 25 Convention members who submitted a joint contribution in January 2003, emphasising their wish to allow for a “reference to God” in the Constitutional Treaty⁶. The Hungarian government coalition (MSzP & SzDSz), on the contrary, took a much more diplomatic stand by emphasising that the clause was not a priority but that it would support its incorporation if the majority of the EU Member States was in favour of it⁷.

3 Binzer, H. S. (2004); EPN - EU Policy Network, *Keen Europeans? A Resounding Yes to Europe in the Accession Referendums*, <http://www.europeananalysis.org.uk/research/holbolt.pdf>

4 European Parliament (07/ 2004) *European Election: 10th-13th June - official results*, http://www.elections2004.eu.int/ep-election/sites/en/results1306/turnout_ep/

5 Deloy, C. (2004) *Hungary is the second country to ratify the European Constitution*, http://www.unizar.es/euroconstitucion/library/working%20papers/ratification_hungary.pdf

6 European Convention (31/01/2003), Joint contribution signed by Mr. Szájer: *Religious Reference in the Constitutional Treaty* CONV 480/03, http://european-convention.eu.int/doc_register.asp?MAX=191&LANG=EN&Content=CONTRIB

7 Hungary’s International Monthly - Diplomacy and Trade (01/03): *Embedding Christian values*, <http://www.dteurope.com/january/english/region.html>

The second aspect concerned the inclusion of a clause on the protection of minorities, as approximately 4.5 million people of Hungarian origin live abroad. In fact, this was Hungary's main priority and was supported by all political actors, which were involved in the process.

Public Opinion/Media Debate

There has been little debate about the Constitutional Treaty before and after its ratification among the Hungarian public and media.

Although there had been strong support for an organisation of a referendum (in June 2004 an opinion poll showed that 87% of those questioned were in favour of a referendum⁸) to ratify the Constitutional Treaty, there had not been any significant criticism among the public when the government decided to heed the polls and go along with the parliamentary vote. In fact, public support for the Constitutional Treaty was relatively high one month before its ratification: 62% of those surveyed were in favour of the text (EU25 average was 49%), 23% were against it and 16% did not express an opinion⁹.

The incorporation of a religious reference in the Constitutional Draft did not erect any significant public debate, such as in Poland for instance. This was mainly due to the government's attitude towards the issue and the fact that a Christian Preamble would have been in contradiction with the Hungarian Constitution, as it contains a strict separation between the church and the state¹⁰.

Media coverage on European affairs has been very weak and thus the world of the EU has remained alien to most Hungarians, which is one explanation for the lack of public debate on the Constitutional Treaty. According to a survey of spring 2005 most Hungarians believe that they are not sufficiently informed about the EU. Only 1% of the respondents claimed that

8 Deloy, C. (2004)

9 European Commission (10/05); Special Eurobarometer 214/Wave 62.1: *The Future Constitutional Treaty – First Results*, http://www.europa.eu.int/comm/public_opinion/archives/ebs/ebs214_/en_first.pdf

10 Hungary's International Monthly (01/03)

they knew it very well. With regard to the Constitutional Treaty, only 9% said that they knew its content¹¹.

National Priorities

After the failed referenda in France and the Netherlands in May/June 2005, the Hungarian government made its position regarding the future of the Constitutional Treaty very clear. In a joint statement of the Visegrad Group on 10th June 2005, Prime Minister Peter Medgyessy said that it is the EU leaders' responsibility to provide the citizens with a "positive vision of the benefits of a politically and economically strong European Union". In his view the ratification process should proceed as it was foreseen at the International Governmental Conference in October 2004. Hungary would not accept the Constitutional Treaty to become binding only for those Member States, which have ratified it¹².

Public support for the Constitutional Treaty has been the highest in Hungary since the negative votes in France and the Netherlands. Whereas in December 2004 only 62% of those questioned were in favour of it, in July 2005 78% believed that the EU will be stronger in the world if all the Member States ratify the Treaty¹³.

Nina Eschke

11 European Commission (Spring 2005), Standard Eurobarometer 63.4/Spring 2005-TNS Social & Opinion: *Public Opinion in the European Union-National Report Hungary*, http://europa.eu.int/comm/public_opinion/archives/eb/eb63/eb63_exec_hu.pdf

12 Visegrad Group (10/06/05); *Joint Declaration of the Prime Ministers of the Visegrad Group Countries*, <http://www.visegradgroup.org/main.asp?MainOBIID=15738>

13 European Commission (09/2005) Standard Eurobarometer 63/Spring 2005 TNS Opinion & Social: *Public Opinion in the European Union*

Slovenia

State of ratification

Slovenia (population: approx. 2 million) was the third country among the Member States of EU to ratify the constitutional treaty. The process of ratification was completed without a referendum, by parliamentary ratification. A two-thirds majority was needed for the ratification in the Parliament. The Slovenian Parliament ratified the Constitutional Treaty by an overwhelming majority on 1st February, 2005. Within the 90-member Parliament 79 members voted in favor of the treaty, seven members abstained and only four members opposed¹. As the results show, the Constitutional Treaty passed with 87% of the parliamentary votes easily breaking the 2/3 majority required.

Positions of political actors

After signing the Constitutional Treaty in Rome, the coalition parties of the Government, then in power, sent out conflicting signals concerning the ratification procedure they favoured. At different times, they seemed to favour a simple parliamentary ratification, while at others times the possibility of a national referendum seemed the favoured option. Until the general election in October 2004, the leading party of the governmental coalition, the Liberal Democrats (LDS), seemed inclined to accept parliamentary approval without a general referendum. After the general elections the coalition of government changed and is now composed of the Conservative Social Democrats (SDS), the New Slovenia Party (NSi), the Slovenian People's Party (SLS) and Party of Pensioners (Desus). All members of this new coalition favoured a ratification by the Parliament and that is what happened in Slovenia.

1 <http://news.bbc.co.uk/1/hi/world/europe/3954327.stm#slovenia>

The current Slovenian Parliament consists of 7 different political parties, which are mainly supporters of the EU. The largest parties in the Parliament are the Liberal Democrats of Slovenia (LDS) and the Slovenian Democratic Party (SDS) led by Prime Minister Janez Jansa, whose position can exert influence concerning decisions on EU issues. Basically all political parties represented in the Parliament were in favor of the Constitutional Treaty. The exception was the Slovenian National Party that opposed the text during the ratification process.

The key political elites such as the President, the Prime Minister, and the Foreign Minister were inclined to support the Constitutional Treaty and European integration in general.

After the ratification of the constitutional treaty Prime Minister Janez Jansa gave a speech in front of the Parliament in which he said: "By voting for ratification, you will allow Slovenia to push the EU constitution a step closer to its implementation, that way Slovenia will meet its great responsibility towards the common future of Europe."

The public debate and the media

Most of political parties and groups in Slovenia agree with all major points of the Constitutional Treaty. The media campaign, which was launched by the Slovenian government, shows that they attached a lot of importance on the people supporting the idea of a Constitutional Treaty for Europe. On 1st January 2005, the Slovenian government decided to embark on a two-year public awareness campaign on the Constitutional Treaty. The Slovenian people were given knowledge about their rights and duties, and the significance of the EU Constitutional Treaty.

The Eurobarometer of Spring 2005 measuring public opinion shows that Slovenians most often associate the EU with the Euro (62% mentioned it), freedom to travel, and the ability to work and study anywhere in the EU (54%). Generally speaking, Slovenians associate the EU with mostly positive characteristics, since the first negative characteristic (more crime) is ranked in eighth place. 83% of Slovenians support the European monetary

union and one common currency, the Euro. On the other hand, 37% of the population fears losing the Slovenian national currency, the Tolar². As we can see the Constitutional Treaty was not yet really present in peoples' minds in the beginning of 2005.

The support of Slovenians for the EU constitutional Treaty before the start of the campaign was the following: 60% in favor, 9% opposing the Constitutional Treaty and 31% that did not have an opinion at all! In the spring of 2005, the support for a Constitutional Treaty had already increased to 76%. Since then not much has changed. One can see in the last Eurobarometer of Autumn 2005 that in spite of the negative referenda Slovenia has remained more or less on the same level of support, namely 74%³. After the start of the media campaign the level of support in Slovenia moved noticeably up. Since spring 2005 they belong to the countries with the highest level of support. The level of opposition has more or less stayed the same, namely 9%. This means that in essence people who did not have an opinion before moved towards supporting the EU Constitutional Treaty.

National priorities and the Current reflection phase

Slovenia gives priority to strengthening its international position and reputation as a democratic, stable and successful European state. With regard to this background, the Slovenians have set accession to the Euro Monetary Zone as their main priority. In their eyes a quick ratification would help to show the rest of Europe that they strongly support the European project. It is remarkable to see that although the Government wants to enter the Euro zone, the people actually are not that supportive. In a survey of the Slovenian government last year it turned out that 59% of the people think that the euro will have more negative than positive consequences for Slovenia.

Furthermore the Slovenian government pays special attention to the position of the Hungarian and Italian minority in Slovenia as well as to the Slovenian minorities in neighbouring countries. Another key priority is to

2 http://www.eu.int/comm/public_opinion/archives/eb/eb63/eb63_exec_sl.pdf

3 http://www.eu.int/comm/public_opinion/archives/eb/eb64/eb64_first_en.pdf

supplement educational reform so that Slovenia can become more competitive with other EU Member States, and in addition to being able to attain the Lisbon Agenda goals⁴. Within the European Union, Slovenia wants to be able to maintain its own identity and ideas even under a European Constitution.

After the referenda in France and the Netherlands the Slovenian Prime minister Janez Jansa expressed that Slovenian is still fully supports the European Constitution: "Europe must take the message of the French referendum on the Constitution seriously, yet this is no reason for a general uncertainty on the European political or business scene." The Slovenians still believe in the European project and will keep on working on it.

Ryang Song Ho

4 <http://www.uvi.si/eng/slovenia/publications/slovenia-news/1656/1658/>

Slovakia

State of ratification

In accordance with the Slovak Constitution, the Constitutional Treaty was offered for ratification to the National Parliament in May 2005. After a short discussion, on 11th May the Parliament ratified the Treaty with an overwhelming majority: 116 of the 147 deputies voted “Yes,” 27 said “No” and 4 abstained. The last step to be taken, before Slovakia (population: approx. 5 million) can complete the ratification process, is the signing of the Constitutional Treaty by the President of the country, Ivan Gasparovic.

Although the ratification process entered its final stage, in July 2005 thirteen Slovak citizens appealed to the Constitutional Court. Quoting another provision of the Slovak Constitution, which provides that a referendum should be held on a decision for Slovakia to enter a state-union¹, the citizens requested that the Constitutional Treaty should be offered for referendum to the Slovak people.

The Constitutional Court approved the citizens’ appeal and on 14th July 2005 it issued a preliminary ruling on the status of the ratification, urging President Gasparovic not to sign the document until a final decision had been reached.

Positions of political actors

As Slovakia largely agrees with all major points of the Constitutional Treaty, no extensive debate ensued in the country in the period between the signing of the Treaty in October 2004 and its ratification by the Slovak Parliament in May 2005.

1 <http://www.cap-lmu.de/themen/eu-reform/ratifikation/slowakei.php>

Almost all political parties represented in Parliament are pro-European. Only two of the parties present tend to express some euroskepticism. These are the Christian Democratic Union (KDH), which is currently in the governing coalition, and the Communist Party (KSS), a small opposition party in the Parliament. Yet, even these parties were not willing to stop or slow down the integration process through their actions. A Member of Parliament from the KDH openly admitted that although his party had reservations towards the Constitutional Treaty, it would not let it fail at the vote in the Slovak Parliament.² On the contrary, Foreign Minister Eduard Kukan from the Slovak Democratic and Christian Union was particularly active in outlining the positive aspects of the Constitutional Treaty to the Slovak people.

One argument used by both, the KDH and the KSS, is the general fear of the loss of sovereignty observable in most of the smaller member states. In addition, the KDH insisted on there being a mentioning of Christian values in the Preamble of the Constitutional Treaty, and expressed its sentiments when this reference was foregone.

Both, the KDH and the KSS, insist on a public vote on the Constitutional Treaty, as opposed to the parliamentary vote. The arguments in favour of a referendum are largely based on the fact that the Slovak Constitution prescribes a vote by the people when the country is about to enter a state-union. In addition, the proponents of a referendum claim that the overwhelming “Yes” in May 2003 on the accession of Slovakia to the EU³ carries a different meaning from a vote on the Union’s Constitutional Treaty. In contrast, for representatives from the majority of parties it is sufficient that the Slovak population decisively said “Yes” to the country’s membership to the Union. Furthermore, according to opinion polls the majority of Slovaks (57%) are happy with their country’s membership to the EU, which provides for a larger support for the Union’s actions.⁴

2 Statement by Pavol Hrušovský, KDH representative, <http://www.cap-lmu.de/themen/eu-reform/ratifikation/slowakei.php>

3 With a voter turnout 52%, 92% of the people voted “yes” and 6% voted “no.” http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const_Rat_slovakia.htm

4 http://europa.eu.int/comm/public_opinion/archives/eb/eb63/eb63_en.pdf

Public opinion

A public debate on the Constitutional Treaty was absent before its ratification in the Slovak National Parliament. In accordance with the euroskeptic outlook of the Christian Democratic Union, the general discontent that the mentioning of Christian values in the Preamble of the document was omitted appeared to be the major concern of the public. In addition, the parties opposed to the Constitutional Treaty held publicly that Slovakia will lose a large part of its national sovereignty through accepting the Treaty. This perception became part of the political discourse between the elite and the people.

Yet, the support for the Constitutional Treaty among the people, as measured by Eurobarometer, has undoubtedly remained high. The slightly negative trend can be explained in the context of the general attitude of doubt in Europe on the eve of the French and Dutch negative votes, but does not jeopardise the support for the Constitutional Treaty among the Slovaks: Slovak support for the Constitutional Treaty fell from 70% in February 2004 to 60% in July 2005.⁵

The missing debate on the Constitutional Treaty did not prevent Slovak citizens to become acquainted with it. Slovakia, along with the Czech Republic and Finland, has the highest percentage of people (67%), who claim they not only have heard about the Constitutional Treaty, but they also know “about its contents,” even though they might have little in-depth knowledge.⁶ The existence of knowledge about the Constitutional Treaty in contrast to the backdrop of no or little debate might suggest that the people generally would agree with the document, should it be put to a referendum.

National priorities and the current reflection phase

The most important national priorities with regards to the Constitutional Treaty include:

5 http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const_Rat_slovakia.htm

6 http://europa.eu.int/comm/public_opinion/archives/ebs/ebs214_tables.pdf

∄ Retaining the country's sovereignty and reasserting its role as an independent actor on the European and international stage.

∄ Reference to Christian values.

The current reflection phase throughout the EU coincides with the halt in the ratification process of the Constitutional Treaty in Slovakia. Amidst the lack of any further political debate or attempts to spark a public discussion on the Treaty, a decision from the Slovak Constitutional Court on the ratification is still pending.

Mariyana Radeva

Latvia

State of ratification

On 2nd June 2005 Latvia's Parliament, the Saeima, ratified the Constitutional Treaty with an overwhelming majority. With this, Latvia (2.299.600 citizens) became the 10th member state to ratify the Treaty. The outcome of the vote in the Saeima was 71 in favour, 5 against, 6 abstentions and 11 deputies did not vote at all.

Position of political actors

At first it seemed as if the Latvians were putting the ratification of the Treaty at risk. The Constitutional Treaty was submitted to the Latvian Parliament for ratification in January 2005, but it was withdrawn when it was found to contain many translation mistakes, including judicial terminology errors. Although only ten out of the 500 mistakes spotted in the translated Treaty were corrected¹, the Latvian government handed the Treaty to the Parliament in May 2005 for ratification once again. A clear two-thirds majority (necessary for a successful ratification) of the parliamentarians voted in favour of the Constitutional Treaty.

There was not much discussion among the political parties regarding the ratification process or the Treaty itself. One reason for this was Latvia's main political objective to preserve the regained independence and to guarantee freedom to its citizens. In this respect, the accession to the western economic and political frameworks were regarded as the main instruments, which were achieved by 2004 with the integration into the EU and NATO.

1 All judicial terminology errors were indeed corrected. Mistakes were just technical and did not change the substance of the treaty. In: Latvian parliament to vote on linguistically faulty EU constitution: in <http://www.eubusiness.com/Latvia/050510124120.gyoy06zq>. 2005-10-28.

The governing parties (a centre-right wing coalition) supported the Treaty. Those who abstained from voting were members of the “For Human Rights in a United Latvia” (a left-wing party). Members of another left-minded parliamentary group (Latvia's Socialist Party) voted against the Constitutional Treaty. Unaffiliated members of parliament voted against or did not vote at all. Members of the centre-right wing “For Fatherland and Freedom/LNNK” did not vote either.

After the French “No” vote the Latvian government did not wait for the outcome of the Brussels-Summit in mid-June 2005, where it was discussed whether the ratification process should be stopped or continued. Latvia's advancement should not be hampered and the ratification was to send a positive signal to Brussels after the negative votes in France and the Netherlands.²

Nevertheless, the “No” vote had an impact on the political parties' position. While most left wing political parties in Latvia do not support Latvia's membership to the EU and therefore did not support the Constitutional Treaty, the centre-right wing members of the “For Fatherland and Freedom/LNNK” supported the adoption of the Constitutional Treaty until its rejection in France and the Netherlands. They announced that they would not participate in the vote, because there was not sufficient time for preparation. They considered that the Latvian people did not have enough information on the Constitutional Treaty, and in their view Latvia should await the outcome of the Brussels-Summit.

Public opinion

There does not seem to be much interest about what is happening in Brussels. A mere discussion among interested individuals and organisations on the future of Europe and Latvia's place in it emerged but did not result in a full-fledged national debate. The government clearly failed in launching an appropriate information campaign. It is therefore not surprising that 41 % of the Latvians claim not to have heard of the Treaty.

² Ferguson (2005): Latvia ignores France: in <http://euro-reporters.com>. 2005-10-25.

One reason for the lack of knowledge on the issue among the public is the wrong structure of the implemented three-stage information campaign. During the first and second stage a lot of seminars and conferences at universities, schools etc. were held. Programmes on the radio and television were planned for the third stage (beginning after the ratification).³ However, the sources from which to obtain information about the EU in Latvia is the television, followed by the radio and the daily newspapers. The most trusted source of information, however, are journalists.⁴

Nevertheless, the support for the Constitutional Treaty is rather high. 56 % of the Latvians are in favour of the Constitutional Treaty, only 13 % are against it and 32 % are undecided. This could imply that Latvia may have some difficulties in assessing its membership to the EU.⁵

National priorities and reflection phase

Since 1991, when Latvia regained its independence, national activities were based on five values: freedom, sovereignty, peace, security and democracy.⁶

In regard to the EU, Latvia has the following interests:

- ∅ strict observance of the principle of subsidiarity
- ∅ existence of a union of nations, not a federal state
- ∅ common foreign and security policy
- ∅ equal rights for old and new member states
- ∅ free market economy
- ∅ pro-enlargement
- ∅ emphasising national identity

3 Public information activities on the EU Constitution: in <http://www.am.gov.lv/en/news/press-releases/2005/May/24-3/?print=on>. 2005-10-25.

4 Eurobarometer (2005): EB 63.4.

5 Eurobarometer (2005): EB 63.

6 Latvia's values and Latvia's interests in the European Union: in <http://www.am.gov.lv/en/eu/EuStrategy/ValuesAndInterests/?print=on>. 2005-10-25.

€ strengthening of the European Commission

Besides the financial perspective, Latvia's most important challenge probably lies in the field of foreign policy. Its driving force, however, is the development and spreading of democracy in the former Soviet countries, such as Georgia and the Ukraine.

A priority for Latvia is security in reference to Russia, however, not because of historical reasons, but because of the still non-existing Latvia-Russia border treaty. Therefore Latvia is more than willing to assist its neighbours (i. e. other former Soviet countries) to start an integration process towards the EU based on this mutual understanding. In Latvia's opinion, the best way to guarantee peace and security is through exporting stability and democracy.

Being aware of the the communication gap between the citizens and the political elite, the Latvian government started a survey aiming to define and to assess public opinion on significant issues related to Latvia's membership to the EU. Furthermore, it welcomed the Communication Plan D launched by the European Commission with the hope that the plan would promote a mutual dialogue. In addition, a conference devoted to problems of translated EU terminology was held in Riga in November 2005 to improve the quality of the Latvian official EU documents. A full-fledged national debate, however, has not started yet.

Martina Jüttner

Estonia

State of ratification

The government of Estonia (population: approx. 1.4 million) decided against holding a referendum. This means that now the ratification is in the hands of the Estonian Parliament. The ratification decision was originally scheduled to take place on 3rd June 2005 but it was delayed to the Fall of 2005. Prime Minister Ansip explained that his Government and group of analysts needed more time in order to evaluate the legal side of the ratification process¹. Once Parliament meets, a simple majority is needed in order to ratify the Treaty. Estonia was the only country which was expected to take action related to this issue in the remaining part of 2005, yet, as of January 2006, nothing has happened.

Position of Political Actors

There are 20 registered political parties in Estonia. The most influential are the Centre Party, People's Union, Reform Party, Pro Patria and Res Publica among others. Most of the parties have not expressed significant concerns regarding the ratification of the Constitutional Treaty nor have they voiced very clearly their positions regarding the issue. However, there seems to be a general consensus of agreement regarding the ratification. The Future Party is the only party that has a truly euroskeptic voice, but they represent a minority in parliamentary elections. The Head of Government, Prime Minister Anisp, has expressed in various occasions his optimism and has stated that: "For the most part, Estonian lawmakers are in favor of the EU Constitution"²

1 Estonia Postpones European Treaty Ratification. June 4, 2005. Sharewatch. <http://www.sharewatch.com/story.php?storynumber=72427>

2 Estonia Postpones European Treaty Ratification. June 4, 2005. Sharewatch. <http://www.sharewatch.com/story.php?storynumber=72427>

The country will not be holding a referendum. This decision was made because according to the Estonian Constitution, no international treaty can be ratified via referendum. Therefore, the decision of ratification is for the Riigikogu, Estonia's national Parliament, unless a constitutional amendment is considered.

Public Opinion

In the early 1990s, during the accession negotiations, the elites of the country supported a fast track negotiation regardless of the cost. The elites of the country were in favour of joining the EU and they compromised much of the national interest for a speedy process. As EU membership came closer, different opinions emerged among the political parties and there was a shift towards protecting national interest. In the past few years, there has been an increasing move towards euroskeptical policy positions in the political parties as national interest are becoming more important and the government's popularity is decreasing³.

One aspect of the public opinion of the Estonian population can be grasped through the results of the 2003 referendum. However, public opinion has been a roller coaster directly correlated to the government's popularity. Political parties have attributed responsibility for unpopular policies to the EU. They argued that these policies were a requirement for the accession process creating a negative view on EU membership⁴. Nonetheless, in October 2005, according to the Estonian Market Opinion Research, public support for EU membership remains at 63% and 58% of those questioned think that they have benefited from EU membership. In regards to the Constitutional Treaty, 52% of Estonians (9% below EU average) support the Treaty, 12% are against it and 36% have no knowledge of it⁵. Al-

3 EU Constitution: Where member states Stand. BBC News UK Edition. November 27, 2005. <http://news.bbc.co.uk/1/hi/world/europe/3954327.stm#estonia>

4 Current and Future Issues in European Integration: Public Opinion and EU Enlargement. University of Cambridge: Center of European Studies. 14 June 2001. <http://www.intstudies.cam.ac.uk/centre/news/fco2001/fco-pubop.html>

5 European Commission. Eurobarometer 63. Spring 2005 http://europa.eu.int/comm/public_opinion/index_en.htm

though public opinion regarding the EU and related issues is scattered, the government has clearly shown its support for the Constitutional Treaty. The Treaty, supposed to be ratified in the Fall 2005 by the Riigikogu, is still a pending matter.

National Priorities and the Reflection Phase

Estonia's national interests are the competitiveness and the openness of Europe, an effective economic and fiscal policy, the sustainability of the economy, the closeness to its citizens, safety and security and the world-wide promotion of democracy and well being⁶. Also, during the accession negotiations, Estonia emphasised the importance of and requested transitional periods in the areas, which needed major investment and are either socially or politically complicated or give rise to economic difficulties such as free movement of persons, transport and agriculture⁷.

Estonia will not take advantage of the Plan D or the Reflection Period, as it believes it will not have any impact on the Estonian population. Pille Vaher, the press officer in the Representation of the European Commission in Estonia says: "In Estonia we have no plan of allocating any money for the project. The people of Estonia would not show up for debates if the Government, political parties or NGO's arranged them. Estonians feel that they have more important things to think about in their everyday lives than what is going on in the EU".⁸

Catalina Villegas

6 Estonia's Priorities in the EU. Estonia in the European Union. May 3, 2005.

http://www.vm.ee/eng/euro/kat_486/2760.html

7 Estonia's Experience in Accession Negotiations. Estonia's Accession to the EU. February 11, 2005. http://www.vm.ee/eng/euro/kat_535/5208.html

8 Estonia Rejects the EU Debate. Estonia in Transition. December 12, 2005. http://medianet.djh.dk/sites/Estonia/democratic_deficit/folder.2005-12-07.4293004302/

Malta

State of ratification

Malta (population: approx. 400.000) became the twelfth country to ratify the Constitutional Treaty. On 6th July 2005 the Maltese Parliament unanimously ratified the Treaty.

Malta, which joined the EU in 2004, is the smallest EU country and has traditionally been deeply divided about the benefits of becoming a member of the Union. Although 54 % of the Maltese electorate were in favour (46 % were against) of EU accession in the referendum in 2003, it is remarkable that only four referendums have ever been held in Malta and none of them received the approval of a majority of all registered voters. Most likely this is due to the fact that in June 2004 the possibility of referendum for the approval of the Constitutional Treaty was excluded. The parliamentary approval needed a simple majority, which was likely to be obtained according to the survey of Eurobarometer 2004, because Malta is the only European country where only two parties are represented in parliament and one of the six EU countries (including France, Greece, Italy, Poland and UK) in which a single party (the Nationalist Party) holds a majority of parliamentary seats (35 seats belong to the Nationalist Party).

Positions of political actors

The national government and the political parties appeared as the key actors in the constitutional debates in Malta. Initially, the division between “in favour” and “against” was nearly equal among the Maltese government represented by the Nationalist Party (NP) and the opposition represented by Malta’s Labour Party (MLP). In January 2005, the Eurobarometer has evaluated the level of approval on the Constitutional Treaty in the following way: 31 % “in favour” and 13 % “against”. The more intensive and comprehensive constitutional debate started only in spring 2005 after the

Maltese Prime Minister, Lawrence Gonzi, had announced the preliminary date of the ratification (July 2005). First of all, the position on the Constitutional Treaty was divergent within Malta's Labour Party. The contemporary leader of the Party, Alfred Sant, had fallen in the europhiles, while the former Prime Minister and the member of the Labour Party, Karmenu Mifsud Bonnici, opposed to the Treaty. Karmenu Mifsud Bonnici, the Head of the "Campaign for National Independence" was arguing that it would be impossible to have a fruitful constitutional debate unless everyone was informed and that MLP should stay officially neutral. Meanwhile, in April 2005, some splits started to appear within the opposition party (NP). Following intensive inward discussions the Maltese Labour Party (MLP) eventually took a positive stance towards the Constitutional Treaty in May 2005. The parliamentary group of the MLP agreed that the Constitutional Treaty should be considered only as an international treaty that has to be ratified by the Parliament. After reviewing reports drafted by the national experts concerning the Constitutional Treaty, the National Executive decided to organise a general conference (preliminary date was set for the end of June and beginning of July 2005) in order to shape the official notion of delegates of the MLP. After the "against" votes for the Constitutional Treaty in France and the Netherlands, Karmenu Mifsud Bonnici published a motion which was planned to be presented at the general conference. He was appealing to MLP delegates to approve the motion and vote "against", because the new Constitutional Treaty would overrule the Maltese Constitution, introduce financial burdens and leave out the affirmation of neutrality. In the conference "The Constitution is ours too" the Prime Minister stated that "barring the ratification of the Constitutional Treaty would mean depleting Malta's ability to express its opinion independently of other EU states, putting through a positive message in favour of the ratification, we will be significantly contributing to the European ratification"¹. On 1st July 2005 MLP began debating about the Constitutional Treaty in the MLP's extraordinary general conference. The contradictory motions presented by the national executive, parliamentary groups and the euroskeptic Karmenu

1 See article "PN holds national conference about EU Constitution" 2005 in: www.maltamedia.com

Mifsud Bonnici were positively discussed. Despite some reservations, MLP's National Executive approved the decision taken by the Party's parliamentary group to vote in favour of the Constitutional Treaty. In turn, the Nationalist Party NP welcomed the MLP's delegates' overwhelming approval of the Constitutional Treaty (ratification by 85,6 %). The NP concluded that "the unanimous vote of the Maltese parliament will contribute to reinforcing the EU".² After the House of Representatives ratified the Constitutional Treaty on 6th July 2005, the Prime Minister presented a motion which requested Parliament to authorise the ratification. As the final agreement on the political level was reached on 7th July 2005, the Maltese Parliament unanimously ratified the Constitutional Treaty.

Public opinion

According a public survey, published in the "Times of Malta" on 9th June 2005, less than 42,7 % of the population wanted to go ahead with the ratification of the Treaty, while 57,3 % said that the ratification should not go on. The 57,3 % are made up of 21 %, who said the process should just stop and 36,3 %, who said that they wanted a referendum. The Maltese population was not well informed and did not positively participate in the constitutional debates. Only a few prominent Maltese politicians expressed their reservations and criticisms about the content of the Constitutional Treaty and the ratification procedure. Former Secretary General of the Maltese Nationalist Party Viktor Ragonesi applied true nationalist ideology to the Constitutional Treaty. He stated that "if the opposition agrees with the Constitution, a referendum doesn't make sense as the people have already expressed themselves twice"³. He has also said that the Constitutional Treaty was a cumbersome document, which did not make any sense by being too long and too confusing.

Anna Mallia, the former member of the Labour Party, blamed the governing parties for disregarding the opinion of the Maltese people on such an

2 See article "Sant and PN welcome MLP vote on EU Constitution ratification" 2005 in: www..maltamedia.com

3 See article "A Nationalist gentleman" 2004 in: www..maltamedia.com

important issue, as the Constitutional Treaty, and for not showing enough interest in Malta's hard-earned neutrality. She highlighted, that the Constitutional Treaty claims the supremacy of EU law, limited decision power on the foreign policy and is in contradiction with the clause of neutrality.

National priorities

During the Intergovernmental Conference in 2004, Malta's priorities were the insertion of the reference to God, the retention of unanimity voting for more policy areas (security and defence policy, however, should be in accordance with Malta's neutrality) and the equality principle for the composition of the European Commission (one Commissioner per member state).

The Minister of Foreign Affairs of Malta Michael Frendo has highlighted several important arguments in favour for the ratification of the Constitutional Treaty, such as the more powerful role of the national parliaments, the reinforced subsidiarity principle and the consolidation of Europe's entity. Prime Minister Lawrence Gonzi also stressed the enlarged number of European parliamentary seats for Malta (6 seats) and the eligibility for more regional aid. Malta's ratification of the Constitutional Treaty represents a significant contribution to the European ratification process and adds economic benefits to the country.

Inga Sku ait

Cyprus

State of ratification

The ratification debate in Cyprus (population: 780,133¹) started in the House of Representatives – the Cypriot parliament – on 4th February 2005. About five months later, on 30th June 2005 the country ratified the treaty by parliamentary vote with following results: out of the fifty-six Members of Parliament, thirty supported the European Constitution, twenty rejected it, one abstained and six were absent. While the absolute majority of 29 votes in favour of the treaty were barely reached, the reasons for rejection and abstention were varied.

Positions of political actors

The general mood of the parties that are in the Cypriot parliament seems to be pro-European; however, objections have been raised by the Green Party and by the communist-socialist Party. The abstention of the Green Member of Parliament, George Perdikis, was justified by the fact that “his Party’s calls for a referendum on the Constitution had been ‘ignored’”². Although there might be various arguments supporting the demand of the Green Party of Cyprus to hold a referendum, the Cypriot constitution simply does not plan for the consultation of the electorate. In fact, it would require the parliament to change the constitution with a two-thirds majority (Art. 182 III, II ConstCyprus). Moreover, it was argued that Cyprus did not have a referendum on its accession to the EU unlike the other accession countries of 2004 – so why should it have one on the Constitutional Treaty?

While the Green Party made its position clear by abstaining from voting, the communist-socialist Restorative Party of the Working People (AKEL)

1 The World Factbook, July 2005 est., available at <http://www.cia.gov/cia/publications/factbook/print/cy.html>.

went even further by rejecting the Treaty. Their main objections were that the Constitutional Treaty would, as a 'neo-conservative' and 'militaristic' charter, position the rights of workers second to big business and militarise the European Union³. They wanted more weight placed on social aspects and less compliance with economic issues. Moreover, the Party aimed at strengthening the efforts for the renegotiation of the Treaty that became possible after the French "non" and the Dutch "nee". This position points to a division of the government over the Constitutional Treaty as the second coalition party, namely the conservative Democratic Party (DIKO), were clearly in favour of Cypriot engagement in the European Union including support for the Constitutional Treaty. Together with the Democratic Rally (DISY) and the Social Democrats Movement (KISOS), which represent the right-conservative and extreme right wing respectively, DIKO supported the aims declared by the European Union since "they saw through the Constitution a chance to ensure for human rights and to avoid deviations from the *acquis* when negotiating again for a settlement of the Cyprus problem"⁴. Moreover, DIKO, DISY and KISOS pointed out that the Constitutional Treaty reflected progress and improvement on past conventions.

Public opinion

Despite a high Cypriot turnout of 71% in the European Parliament elections in 2004, there was hardly any debate among the Greek Cypriot community on the Constitutional Treaty. Media coverage was low; the only programme on the European Union on CyBC was taken off the air and national press claimed that events in Cyprus, however small they might be, were not leaving enough space for issues happening at the European level.

The unwillingness of the government to inform the population about the Constitutional Treaty and the lack of public interest resulted in shocking

2 EUBusiness, *Cyprus ratifies troubled EU constitution*, 30 June 2005, available at <http://www.eubusiness.com/Institutions/050630161250.3455pcf9>.

3 Ibid.

4 A. Sammoutis (personal communication, 23 November 2005), consul at the Cypriot embassy in Berlin.

results of a Eurobarometer survey published in January 2005. It revealed that 65% of Greek Cypriots had not even heard of the Constitution; no population of any other member state showed such a high percentage of ignorance. Based on this, the humble figure of 23% of Cypriots in favour of the draft constitution should not be interpreted as scepticism towards the Union or the Constitutional Treaty but rather as a consequence of a lack of knowledge. This is supported by public opinion seeing the position of the communist Party AKEL as counter-productive since the Europeans could conclude again – the first time being the rejection of the UN plan⁵ – that Cypriots were not ready for Europe yet.

However, the ensuing information campaign of the government was obviously a success: In the Eurobarometer poll of July and September 2005 the percentage of Cypriots not having an idea of the Constitution decreased to 38%; this is still above the EU average of 18% but showed a considerable improvement. Moreover the majority of citizens of the Republic of Cyprus are in favour of the idea of a European Constitution and thinks that it will have a positive impact on the running of the European Union.

After the Constitutional Treaty had been rejected by the French and the Dutch population, public opinion changed in Cyprus as well. The most recent Eurobarometer of December 2005 shows that the percentage of Greek Cypriots saying that European Union membership is “a good thing” has decreased from 43% in spring 2005 to 41%; they feel they were not benefiting as much as they could from EU entry⁶. In contrast to this figure Cypriots still seem to have a fairly good image of the European Union: The percentage of 52% is significantly higher than the total of all member states (47%). To conclude one can say that there are signs that excessive pro-European feelings seem to be fading in Cyprus. A possible reason might be the unsatisfactory situation on the island where Cypriots seem to have had

5 The UN Plan, also called Annan Plan, has been drawn up by UN Secretary General Kofi Annan to re-unify Cyprus; however, the Greek Cypriots rejected it on 24 April 2004 claiming that the basic philosophy of the plan violates fundamental human rights and the *acquis communautaire*.

6 J. Christou, *Do we really want it? – All signs point to the euro becoming a political football*, 25 December 2005, at: <http://www.cyprus-mail.com/news/>.

unrealistic expectations towards the European Union. However in this regard, it makes them even stronger supporters of the Constitutional Treaty as it fuels new hopes.

National Priorities

The main priorities of Cyprus reflect the high awareness of the European Union's contribution to the establishment of peace and stability throughout Europe. The country is a strong supporter of:

- ∄ the Charter of Fundamental Rights: its incorporation “lends credence to the view
- ∄ that a Cyprus solution must create the context within which Greek and Turkish Cypriots may enjoy the rights appurtenant to their EU status”⁷
- ∄ the start of accession negotiations with Turkey: the negotiations may open a way to put
- ∄ pressure on Turkey regarding the solution of the Cyprus Problem
- ∄ the solidarity clause: as a consequence of the ongoing occupation of about a third of the island the Greek Cypriot government thinks that the mutual defence clause could even be stronger

Despite the launch of Plan D⁸, there seem to be as little debate in Cyprus now as there had been before on the Constitutional Treaty.

Liesa Naumann

⁷ Dr. K. Chrysostomides (2005), *The EU Constitution and Cyprus*, 21 April 2005, at: <http://www.moi.gov.cy/moi/pio/pio.nsf/All/F97E7CEDDD0B2BE9C2256FEA00377278?OpenDocument&highlight=the%20eu%20constitution%20and%20cyprus>

⁸ Plan D stands for democracy, dialogue and debate; it puts in place a framework for a 25-country debate on Europe's future.

Constitutional Debates among the Factions in the European Parliament

Party Groups in the European Parliament

On 12th January 2005, the European Parliament (EP) voted with an overwhelming majority in favour of the *Treaty Establishing a Constitution for Europe* in a non-binding but politically symbolic vote with 500 votes in favour (68.3%), 137 against (18.7%), and 40 abstentions (7.5%). 7.5% of the MEPs did not participate at all in the vote.¹

The percentage of 'Yes' votes among political groups:

- € ALDE Group (Liberals): 97.6%
- € PES (Socialists): 93%
- € Greens/European Free Alliance: 80.5%
- € EPP-ED (Conservatives): 79.7%
- € UEN: 69.2%

Abstention:

- € EPP-ED Group: 47.5%
- € PES: 30%
- € GUE/NGL: 5%
- € Greens: 2.5%
- € Non-Affiliated: 15%.²

In this sense, the Liberal Group appears to be the most pro-European political group in the EP.

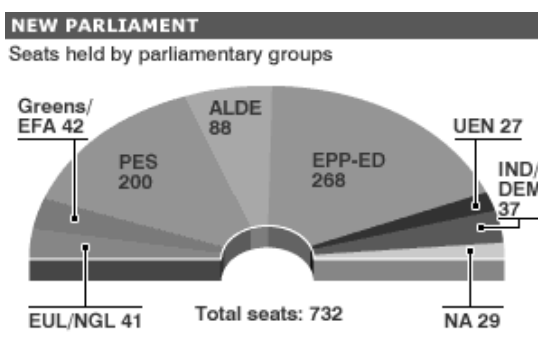
64 out of the 732 MEPs in the 2004 – 2009 Parliament are in what is broadly defined as eurosceptic party groups (*Independence/Democracy* and *Union for Europe of Nations*). The 'No' votes mainly came from the euro-

1 <http://www.bonde.com/index.phtml?sid=840&aid=18123> (October 31st, 2005)

2 <http://www.affairespubliques.fr/publicaffairs/2005/01/index.html> (October 31st, 2005)

sceptic *Independence & Democracy* group, which were unanimously against the Treaty. The *GUE/NGL* group (Communist parties and the Nordic Green Left) as well as a majority of the far-right MEPs also voted against the text.

Shortly after the accession of the ten new member states in May 2004, a new EP was elected. The current distribution of seats held by the different parliamentary groups is depicted in the following diagram:



- € *European People's Party – European Democrats* (EPP-ED): 268 seats, 36.61%
- € *Party of European Socialists* (PES): 200 seats, 27.32%
- € *Alliance of Liberals and Democrats for Europe* (ALDE): 88 seats, 12.02%
- € *European Greens/European Free Alliance* (Greens/EFA): 42 seats, 5.73%
- € *European United Left - Nordic Green Left* (EUL/NGL): 41 seats, 5.60%
- € *Independence and Democracy* (IND/DEM): 37 seats, 5.01%
- € *Union for a Europe of Nations* (UEN): 27 seats, 3.69%
- € Non-affiliated (NA) right-wing (16 seats) / non-affiliated others (13 seats): 3.96%³

After the negative referenda the EP tried to re-enforce the European constitutional debate. On 4th October 2005, the EP's Constitutional Affairs

3 http://www.elections2004.eu.int/ep-election/sites/en/results1306/parties_perc.html (December 7th, 2005)

Committee (AFCO) declared that the Europeans should engage in a dialogue on the future of European Integration⁴. The aim of this discussion is to install a European Constitution until 2009, which would coincide with the next European parliamentary elections.⁵ In the “Report on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union”⁶, which AFCO adopted on 16th December 2005, the Committee calls for a profound analysis of the ratification crisis and affirms its conviction that the Treaty of Nice is not a viable basis for the continuation of the European integration process. The Committee also stresses its commitment to achieve, without undue delay, a constitutional settlement as well as its conviction that it is not possible to enlarge the Union any further on the basis of the Treaty of Nice after the accession of Bulgaria and Romania in 2007. AFCO warns that a strategy based on the selective implementation of the Constitutional Treaty could destroy the consensus that achieved a balance between the institutions and among the member states, thereby aggravating a crisis of confidence. The Committee suggests using the current period of reflection to re-launch the constitutional project on the basis of a broad public debate on the future of European integration. On 19th January 2006, the EP has adopted the above-mentioned report with a great majority of 385 votes in favour, 125 against and 51 abstentions.⁷

4 European Commission’s “Plan D for Democracy, Dialogue and Debate” (COM(2005)0494)

5 European Parliament Press Service, 04. 10. 2005. http://www.europarl.eu.int/news/expert/infopress_page/001-977-276-10-40-901-20050929IPR00908-03-10-2005-2005--false/default_en.htm (December 7th, 2005)

6 <http://www.europarl.eu.int/omk/sipade3?PUBREF=-//EP//NONSGML+REPORT+A6-2005-0414+0+DOC+PDF+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y> (January 15th, 2006)

7 http://www.europarl.eu.int/news/public/story_page/005-4526-16-1-3-901-20060119STO04525-2006-16-01-2006/default_en.htm (January 20th, 2006)

European People's Party

The EPP's objectives for the Constitutional Treaty¹

The majority of EPP's MEPs voted in favour of the Constitutional Treaty, since it took into account a lot of things the EPP had pushed for. Subsidiarity is the centrepiece of the EPP's proposals for redistributing the competencies between member states and the EU. If the EU can deal with a policy area much more efficient than any individual member state, it is imperative that the EU assumes both, legislative and executive power. However, member states must clearly state in the Constitutional Treaty the policy fields where the EU should be an actor. Moreover, the necessity of action on EU level should be re-examined on a regular basis. The EPP demands more EU involvement in policy fields that have hitherto not seen much EU participation because of the member states reluctance to cede more sovereignty to Brussels. In the eyes of the EPP, this deeply seated reluctance has been made obsolete by recent developments in both the political and the economic field. In contrast to the loss of sovereignty to Brussels, the EPP argues that in many policy fields the individual member state has lost its ability to exert influence on its own. In order to regain this sovereignty and make their voice heard in the world, the individual member states must come even closer together under the umbrella of the EU.

∄ Apart from the traditional exclusive competencies of the EU over single market issues, including competition and the four freedoms, and the common agricultural program, the EU should extend its domain to a common foreign and security policy. A Europe speaking with a single voice and acting with a single hand in foreign affairs would match its economic influence, at last. Thus, the position of a European foreign minister should be installed, in order to give the voice a face, too. In ad-

¹ All objectives are found in the EPP Congress Document "A Constitution for a Strong Europe", Estoril, 2002; and a speech by Hans-Gert Pöttering, chairman of the EPP-

dition, the Foreign Minister should be a vice-president of the Commission and chair the Foreign Affairs Council.

- ∄ The EU should become involved in judicial issues, immigration, homeland security, communications and infrastructure, R&D, environmental protection, and health policy as soon as there is a supranational dimension. The EU should have no involvement, other than coordinating capacity, in affairs of civic and cultural society. These affairs cover the internal organisation of the member state, family policy, social security, education, culture and sports.
- ∄ The newly established allocation of competencies should be monitored by a specially installed supreme court.

Reforming the institutions is led by two objectives: accountability and transparency. Thus, especially the mingling of executive with legislative powers has to be reduced. The EU citizens have a right for a clear and understandable way of drafting laws. Furthermore, democratic control of various EU-institutions has to be strengthened. Similar to the parliamentary control that most governments of the member states have to comply with, the European Parliament should be given the power to exert more control as a system of checks and balances. Taking this step leads in the right direction for overcoming the democratic deficit that a majority of EU citizens perceive.

- ∄ National parliaments should have a control function over their respective governments in European issues, without adding another institution in Brussels representing the national parliaments.
- ∄ The EU should have legal personality, that is, the capability to conduct legal acts on its own.
- ∄ The EP needs to become an equal partner of the Council with respect to its legislative powers, meaning that co-decision should become standard operating procedure every time the Council decides with QMV. This equality between EP and Council also covers budgetary powers.

ED fraction, at the Konrad-Adenauer-Foundation on Thursday, 28 November 2002, Berlin.

European People's Party

- ∄ Every state should be represented proportionally to its population in the EP, while taking into consideration a guaranteed minimal representation of the smaller states. The number of MEP is to be restricted to 700 seats, which are elected according to a common European election law. National parties' influence on the MEPs needs to be curbed somehow, that is, the listing of candidates must follow democratic guidelines all the time.
- ∄ The Council is in desperate need of reform, since the coinciding of legislative and executive powers have led to self-obstruction and confusion far too many times, while the decision-making process is quite non-transparent. Transparency can be enhanced through holding meeting in public and publishing the meetings' protocols.
- ∄ The Council should abandon its executive powers to become a second chamber in the system of EU-institutions. QMV should become the standard operating procedure, with the exception of cases like treaty change, admittance of new member states and the redistribution of considerable financial means, where unanimity should be employed.
- ∄ The Commission must be the sole executive body of the EU. Like it is the case in most member states, the executive needs to be under the control of the legislative in form of the EP. The President of the Commission must be elected by the MEPs and confirmed by the Council. Furthermore, the President should have the competence to pick his/her commissioners as he/she sees fit. The whole Commission should be elected by the EP and confirmed by the Council.

Fundamental values, especially in the field of human rights, need to become an integral part of the Constitution, thereby gaining legally binding status. The Charter could function as a glue of European civil society, strengthening the sense of the Community, while guaranteeing individuality. Moreover, the European Court of Justice needs to be provided with the first instance competency to guard the citizens' rights.

In the eyes of the EPP, Europe should not forget that the fundamental values come from its Judeo-Christian roots. Thus, a reference to God in the Constitutional Treaty's Preamble is indispensable.

Reaction to the negative referenda and future outlook

The EPP does not consider the Constitutional Treaty dead. Firstly, those countries that would like to go ahead with the ratification process should do so. Secondly, the countries that have already ratified the Treaty do have the right to have their opinions taken into account. There are two approaches that do not find any support in the ranks of the EPP: Renegotiating the Constitutional Treaty and trying to get through only parts of it. Opening up the Treaty text to discussion would be like opening up Pandora's Box. At the moment, especially the governments threatened by a negative referendum would fight fiercely for their national interest. Ratifying only parts of the Treaty would further splinter the Union.

Thus, the only course of action that the EPP supports as being feasible is a 'Phase of Reflection' until June 2006. Maybe by then, political factors will have shifted in such a way as to release another window of opportunity for the supporters of a European Constitution. Until then, basically nothing should be undertaken.

Oliver Lorenzen

Party of European Socialists

Objectives for the Constitutional Treaty

The Group of the Party of European Socialists (PES) voted 93% in favour of the Constitutional Treaty. Among the grounds for the broad support was the view that a constitution will serve as a firmer foundation on which socialists can build a Europe that is socially just, globally secure, environmentally sound and economically competitive. It will enable socialists to fight more effectively for the hopes and concerns of European citizens and will put emphasis on democracy and freedom. Moreover, PES supports the Constitutional Treaty because it gives more rights to the citizens, such as social rights, the right to call for a referendum and the right to fair and just working conditions. The President of the Party, Martin Schulz, stated that “without the new Constitution, Europe cannot have greater solidarity, better workers' protection and more parliamentary rights”¹.

The PES, led by Martin Schulz, is the second largest party group in the European Parliament and is comprised of left-wing political parties from the EU member states. In general, the Party is seeking to identify a political direction for the renewal of Europe's social and economic models in the light of globalisation, enlargement and demographic change.

In relation to the Constitutional Treaty, the PES is of the opinion that it will enable the EU to make considerable improvements in terms of efficiency and will ensure a fuller commitment, than the preceding Treaties, concerning the European Social Model. According to the views of PES' members, the Constitutional Treaty will further the project of European integration and will reaffirm the objectives of peace, prosperity, solidarity and citizen's

NB Mr. Martin Schulz is the president of the Group of the Party of European Socialists in the European Parliament. Mr. Rasmussen is the president of the Party of European Socialists in general. In this paper we refer to the president of PES as Mr. Schulz as we talk about this fraction in the European Parliament.

1 <http://www.socialistgroup.org/gpes/msc/newsdetail.do?lg=en&id=10418>

rights.² Other advantages of the Constitutional Treaty are more protection against negative effects of globalisation, the citizens' power to control the open market with political decisions and higher EU standards for environmental protection. Moreover, the PES believes that the Constitutional Treaty would help Europe to fight against poverty and promote equality. Due to the institutional changes it brings, the European institutions will be able to coordinate employment policies with economic ones. All in all, the opinion of the PES can be summarised in the statement they made during the 'Yes' campaign, which they led for the referendum in France: "We all strongly and unanimously support the European constitution. It is the key to advancing social policy in all our countries. It is good for all our citizens, good for our countries and good for Europe."³

The PES led campaigns for positive outcomes in the French but also in the Dutch referenda on the Constitutional Treaty. One of the arguments used by the PES in trying to 'sell' the Constitution Treaty was that it creates a safer and more efficient enlarged EU, by ensuring the application of fair social rights. Thus, the Constitutional Treaty is a step ahead to make the EU more democratic, transparent and to bring it closer to its citizens. The PES was of the opinion that the Constitutional Treaty will create a Union of solidarity and equality between the smaller and large member states. Furthermore, this Union will be one for the benefit of citizens and their needs will occupy a central position.

Reaction to the negative referenda and future outlook

The President of the European Socialists, Martin Schulz, retained some optimism for the Constitutional Treaty even after the negative results of the French and the Dutch referenda. He expressed his conviction that "the majority of 'No' voters [...] were not anti-EU as such."⁴ In his opinion, the French and the Dutch citizens were merely trying to attract the attention to problems, which need to be addressed "urgently not just by the EU institu-

2 <http://www.socialistgroup.org/gpes/msc/presentation.do?lg=en>

3 <http://www.socialistgroup.org/gpes/msc/newsdetail.do?lg=en&id=10251>

4 <http://www.socialistgroup.org/gpes/msc/newsdetail.do?lg=en&id=10694>

tions but also by the national governments.”⁵ Another member of the Group, Rasmussen, submitted a statement, which also clearly illustrates the opinion of the PES about the impact of the French and the Dutch rejections: “It is now up to the European Heads of Government to come forward with a proposal for tackling the institutional issues, which the constitution is intended to resolve.” Furthermore, he added that “the future of the constitution must be clarified. But even more important is the need to create jobs and a sense of economic security.”⁶

The PES also gave its full support to the ratification process and noted that all countries must express their will on the text. Despite the negative outcomes of the French and Dutch referenda, Schulz warned that it is early to declare the Constitutional Treaty dead. He pointed out that the current legal basis provided by the Treaty of Nice is insufficient to solve the decision-making and institutional problems, facing the enlarged EU. Therefore, he urged his colleagues from all over Europe to intensify the ‘Reflection Period’ and search for a mutually acceptable solution to the current deadlock.

The position of the PES on further steps that might be taken to rescue the Constitutional Treaty revolves around the idea of a more efficient use of the ‘Reflection Period’. Furthermore, the Party proposed specific measures to regain the trust of the citizens in the EU, namely:

Clear organisation of the "pause for reflection" on the constitution through citizens' discussion forums organised by national governments and parliaments, the European Commission and the European Parliament.

Joint adoption of directives on services and working time. "These two directives are more suited than any other to demonstrate that the demands of the market and social stability belong together," he writes.

Reduction of bureaucracy and improvement of law-making procedures - along with a review of legislation in the pipeline - on the basis of proposals from a working group of the Council, the Commission and the European Parliament.

5 <http://www.socialistgroup.org/gpes/msc/newsdetail.do?lg=en&id=10694>

6 <http://www.pes.org/content/view/22>

Dovetailing of foreign policy at EU level to prepare for the later introduction of a European Foreign Minister. Schulz states in the letter that "the principal objectives of the incoming British Council Presidency demand an ever stronger definition of common foreign and security policies, with the involvement of all institutions."

National parliaments would be involved in EU decision-making, from the earliest stages, under a voluntary agreement.⁷

The PES was among the strongest supporters of the Duff-Voggenhuber Report for the salvation of the Constitutional Treaty, which passed a vote in the European Parliament on 19th January 2006.⁸ According to the members of the PES, the Report reflected all the major amendments put forward by the Party. Therefore, they gave "the same support as we gave to the European constitution when we voted on that."⁹

Velyana Nickolova

7 <http://www.socialistgroup.org/gpes/msc/newsdetail.do?lg=en&id=10762>

8 <http://www.socialistgroup.org/gpes/msc/newsdetail.do?lg=en&id=21715>

9 <http://www.socialistgroup.org/gpes/msc/newsdetail.do?lg=en&id=21715>

Alliance of Liberals and Democrats for Europe

Objectives for the European Constitution

The Alliance of Liberals and Democrats for Europe, ALDE, voted 98% in favor of the Constitution. They were also very clear on the fact that they wanted the incorporation of a 'bill of rights' into the constitution. This was sometimes a strenuous activity for the British members where law is based on precedent, and they have no physical constitution. Overall it can be noted that the party pushed for a more centralized Europe. They were also clearly in favor of more stringent environmental laws, and this was made clear at the constitutional convention. A unified immigration policy was also put on the table as well as improved capabilities to stop cross border crime.

The ALDE is the third largest party in the European Parliament, EP, with 90 members and as well as observers from Romania and Bulgaria. It has members from 20 of the 25 Member States. The party believes that as the EU has widened so must it also deepen. Logistically, the existing treaties were not meant to operate under the stresses of twenty-five nations. Moreover, they believe that by putting the fundamental freedoms at the heart of European law, it will serve to protect civil and political freedoms for everyone. Furthermore in addition to an enhancement of transparency and qualified majority voting (QMV), on all issues except for sensitive ones such as taxes and foreign affairs, the constitution will serve as the only effective means of preventing a deadlock in the Council of Ministers. Finally, the constitution even opens the door to member states beginning to work together on a common defense policy. The overwhelming majority of the members that voted in favour of the Constitutional Treaty is the reason

for Party leader Graham Watson declaring the ALDE the most ‘European’ party in the EP.¹

Reaction to the Negative Referenda and Outlook

The ALDE believes that the constitution, in its present form, is in fact ‘dead’. Nevertheless they believe that all nations should voice their opinion. In the words of Graham Watson, the party leader, “we must now preserve to ensure that all 25 Member States speak their mind. This will allow a breathing space in which France can reflect on its decision.”²

In reference to the ‘next step’ that could potentially be taken, they believe the first step is acknowledging that the same problems, which existed before the first Constitutional Convention convened, remain. Second, the EU must analyze why the voters in France and the Netherlands rejected the constitution. Were those nations opposed to the ideals within the constitution, or were they simply expressing dissatisfaction with their current state of politics in their own countries? Next the EU must examine and be flexible on some of its older policies such as the Common Agricultural Policy (CAP). In relation to this, the area of the constitution covering the functioning and policies of the EU, Part III, needs to be “radically redrafted.” This redrafting should also include a more forceful and centralized common budgetary plan.

Lastly, the constitution must be amended to form a true hierarchy among the four different parts of the document. Specifically Part III needs to become distinctly subsidiary to the provisions of Part I, which puts forth the values and aims of the Union, draws the Union’s competences and the conditions of membership, and describes the structure and powers of its institutions.

The real challenge will be to persuade the governments, where ratification has already occurred, to attempt another round of referenda and debates. In

1 <http://alde.europarl.eu.int/Content/Default.asp>

2 <http://www.parliament.uk/commons/lib/research/rp2005/rp05-045.pdf>

France and the Netherlands the amended constitution must be especially attractive to voters in order for politicians to even consider resubmitting it.³

With the 'period of reflection' in mind, on the 13th of January Andrew Duff, a MEP and a member of the ALDE from eastern England, and Johannes Voggenhuber, a MEP and a member of the European Greens from Austria, became the first MEPs to comment of the reflection period. Duff-Voggenhuber have said they will promote a number of Parliamentary Forums during 2006-07 period so that the nature and future course of the EU can be discussed:

- € what is the goal of integration?
- € what role should Europe have in the world?
- € what is the future of the European social and economic model?
- € how do we define the EU's boundaries?
- € how do we enhance freedom, security and justice?
- € how do we finance the Union?

Logistically speaking Duff-Voggenhuber intend to commission and publish 'European Papers' in order to facilitate debate at the Parliamentary Forums and in Member States alike. In a plenary debate the EP voted 385 MEPs in favor, 125 against with 51 abstentions on 19th January to adopt the Duff-Voggenhuber report. Duff-Voggenhuber have proposed a number of amendments:

- € making more explicit the fact that ratification of the present text has stalled and that the eventual constitution will have to be modified;
- € saying that the period of reflection should lead to a revision process which nevertheless respects the constitutional core of the current text;
- € reflecting the decision of December's European Council to conduct a radical overhaul of the financial system of the EU in 2008-09;

3 <http://www.europa.gv.at/DesktopDefault.aspx?TabID=4760&Alias=bkaeuropa&cob=13353>

Thomas Malick

€ calling for a consultative ballot to be held across the EU on the same day as the European elections in 2009.⁴

Thomas Malick

⁴ <http://www.andrewduffmep.org.uk/news/184.html>

The Greens/European Free Alliance

Main objectives for the Constitutional Treaty

The Greens/EFA Party has been in favour of the adoption of the Constitutional Treaty as it complies with their manifest of objectives of building a society respectful of fundamental human rights and environmental justice, increasing freedom within the world of work, deepening democracy by decentralisation and direct participation of people in decision-making, building a EU of free peoples based on the principle of subsidiarity, and lastly, re-orientating the EU, which, in the view of the Party, is currently over-emphasising its economic conception at the expense of social, cultural and ecological values.¹

The Greens/EFA Party announced its position on 15th December 2004 in a paper called “Yes to the European Constitution, The path towards the future of Europe does not lead back to Nice” by Johannes Voggenhuber, Vice Chair of the Committee on Constitutional Affairs, and the Green/EFA’s coordinator. Although the Constitutional Treaty is evaluated as being far from satisfying all the demands of the Party, it is considered to be a step forward. Monica Frassoni, one of the co-presidents of the Greens/EFA group, calls: “...to approve this Constitution so that we can quickly lay the foundations for its successor.”²

The achievements of the Constitutional Treaty are outlined in the position paper “...the first step of the European Constitutional Process, setting the basis for a European democracy, anchoring the EU in basic rights and in a consensus of values and goals, binding all of the Unions external action to international law, simplifying both, treaties and procedures, expanding the scope for joint-decision making, clarifying competences, enhancing trans-

1 ‘Protocol of Understanding’ ,“<http://www.greens-efa.org/en/> “

2 <http://www.greens-efa.org/en/issues/?id=43#2>

parency and democratic legitimacy of the Union and increasing the citizen participation possibilities in the decision making process.”³

The main deficiencies of the Treaty, which make the Greens/EFA calling for a successor immediately after its adoption, can be summarised as a lack of a European social order, incomplete European democracy, maintenance of the unanimity rule in crucial political fields, and the veto power of member states over any future revision of the Constitutional Treaty. Moreover, they described the International Governmental Conferences (IGC) as a pool of nationalism, inter-state mistrust and as a demand for sovereignty of national governments, which in their opinion, had a negative effect on the Constitutional Treaty. Lastly according to the Party, the absence of a Europe-wide referendum to approve the Treaty is the main deficit of the European Constitutional process.⁴

In order to address all these shortcomings, the Greens/EFA is planning to call for the first amendment of the Treaty after its ratification. Voggenhuber stated on 11th January 2005: “ratification across Europe will not be the end of the constitutional process...when the last European state ratifies the Constitutional Treaty, we will initiate the first European petition through which we will collect at least one million signatures in alliance with European civil society.”⁵ The main goal of the first amendment is to deepen European democracy through increasing the power of the EP and the abolishment of the IGC; creating an area of social security, justice and solidarity and a European order for peace through a Common Foreign and Security Policy.⁶

Reactions to the Negative Referenda and Future Outlook

Nevertheless, due to the negative outcomes of the referenda in France and the Netherlands the Greens/EFA had to abandon all their projects. The

3 http://www.greensefa.org/pdf/documents/greensefa_documents_103_en.pdf, p:1

4 http://www.greensefa.org/pdf/documents/greensefa_documents_103_en.pdf, pp:3-4

5 <http://www.greens-efa.org/en/press/january11>

6 http://www.greensefa.org/pdf/documents/greensefa_documents_103_en.pdf, p:2

French “Non” led the co-presidency of the Party to announce that: “our project of a strong political union of Europe today is more difficult to realize but Europe should not stop today... The best answer is a positive initiative to re-launch the European project.”⁷ However, on 2nd June 2005, after the Dutch referendum, the Greens/EFA was no longer positive and hopeful: “We do not favour halting the ratification process...but to go on with business as usual would be a mistake... we need a new European initiative; a change of direction.”⁸

The Green/EFA Party has been trying to keep the issue alive through press releases, conferences and seminars since then. Moreover, through close cooperation, not only with other EU institutions but also with NGOs, networks and trade unions, which are in favour of the Constitutional Treaty, the Greens/EFA has been in the search of ways out of this crisis. Recently, the most important event has been the Draft Report written by Andrew Duff and Johannes Voggenhuber on the “Period of Reflection”, which is to be discussed and to be voted in January 2006 at a plenary session in Strasbourg.⁹ The paper talks about the structure, subjects and context for an assessment of the Constitutional debate in the EU. In the Draft Report, a number of options were suggested, such as abandoning the project as a whole, continuing with the present text, embarking on a complete re-write and the modification of the text. Furthermore, it proposes to use the current period of reflection to re-launch the constitutional project through parliamentary reforms (series of conferences between the EP and the national parliamentarians), Citizens Forums (at national, regional and local level), Citizen’s petitions and a European Dialogue (large public debate about the future of European Integration). Then, the Draft suggests that conclusions from the period of reflection should be drawn during the second half of 2007, and if it is decided to revise the text, a new Convention is to be held

7 <http://www.greens-efa.org/en/press/may29>

8 <http://www.greens-efa.org/en/press/june2>

9 <http://www.europarl.eu.int/omk/sipade3?PUBREF=-//EP//NONSGML+REPORT+A6-2005-0414+0+DOC+WORD+V0//EN&L=EN&LEVEL=3&NAV=S&LSTDOC=Y>

during 2008, which would then submit the new Constitutional Treaty to a ballot across the EU along with the next EP elections in 2009.

In conclusion, although the Constitutional Treaty has not been ratified, and the Greens/EFA original plan to amend the Treaty after its introduction had to be abandoned, due to the law of the unintended consequences, the Party has achieved its main goal: the opening of the Constitutional debate among the European People. The adoption of the Draft Report will give the Greens/EFA a chance to resume all their efforts and to continue to advocate the Constitutional Treaty. For them, the end is nowhere near; in fact, the constitutional journey of the EU has just begun.

Onur aylan

The European United Left - Nordic Green Left

Objectives for the Constitutional Treaty

The idea of the European Constitution generated a huge debate not only among member states and countries joining the EU, but also among representatives of different parties in the European Parliament. The Party's main constitutional goals were to facilitate the process of the EU Enlargement through a series of institutional reforms and to codify the legal basis of the EU. This would allow the Union's bodies to function more efficiently and make the legal system more understandable for citizens. However possible effects of the introduced changes were interpreted and assessed differently by defenders of different values.

The position of the Group of the European United Left - Nordic Green Left (GUE/NGL) in the European Parliament reflected the party's disagreement with the current development of the process of European integration. They argued against the Constitution, maintaining that it would only enhance ongoing processes, started by the Treaty of Maastricht. They put an emphasis on the "ineffectiveness" of the liberal pattern of development and the "unfair character" of competitiveness inherent in the process of European integration. From the party's position, some changes should be introduced to bring the decision-making system closer to the common people.

For a better understanding of the party's position it would be sensible to analyze the statements and views of its representatives at different stages of the debate, taking into account party's declared goals and values. The party's participation in the debate on the Constitutional treaty can be divided into the following stages:

- ∅ 2002 – Work of the "Convention on the Future of Europe"; 2003-2004 Intergovernmental conference
- ∅ Until 2005 – Discussions before the ratification

€ Summer 2005 – Rejection of the Constitution at the referendums in France and the Netherlands

First, let us refer to the party's declared goals, in order to understand which values shaped its position on the Constitutional Treaty. The main goal of the GUE/NGL is a new form of European integration. From the point of view of the United Lefts the current process, started by the Maastricht treaty, is characterized by democratic deficit, lack of solidarity and domination of the most powerful countries within the framework of the Union. "We want a Europe that operates on a basis of complete solidarity in order to bring ever closer the real parameters of the economies of each Member State".¹

At the early stages of the Constitutional debate the party's criticism of the Constitution's content was related to the policies introduced by the Maastricht Treaty and further legislation, reflected in the Constitutional Treaty. Francis Wurtz, leader of the European United Left Group, criticized "removal of any obstacles to the free circulation of capital".² From his point of view, such policies were not facilitated by necessary measures in social and fiscal fields. He also argued against the strengthening of the European institutions, as the changes proposed by the draft of the Treaty would allow them to function "out of the public control".

Indeed, the implementation of the draft Constitution would extend some powers of the EU bodies. More leadership and transparency on the European level, and flexibility of the decision-making process could help to achieve one of the Constitutions' goals, which is to raise the efficiency of the EU bodies' functioning in light of the enlargement. For instance, the reduction of number of Commissioners, on one hand, and the Parliaments' right to choose the Commissions' President on the recommendation of the Council on the other, would strengthen the connection between EU bodies, and decrease Commissioners' accountability to the national governments.³ Francis Wurtz argued against such changes, maintaining that they would

1 <http://www.guengl.org/showPage.jsp?ID=639>

2 http://www.euronews.net/create_html.php?page=agora&lng=1

increase the gap between EU structures and common people. As it can be seen from the Party's position, it opposes concentration of powers on European level.

Another point of criticism was related to the "institutionalization of the model of liberal Europe" (Francis Wurtz). The party leader believes that a liberal pattern of development failed and insists on the pursuit of the socially-oriented policies. In the year 2003, Francis Wurtz complained about the lack of the debate on this issue. The third part of the Treaty, devoted to liberal development, raised the majority of his criticism. Wurtz believed that there was no opportunity for rival opinions to influence preparation of this part of the draft. "They (the chapters concerning liberalization) were added afterwards... so that the majority of the versions of the Constitution in circulation, purely and simply, ignore them".⁴

In the year 2004 the Party's leader argued that liberal mechanisms turned out to be inefficient for the achievement of goals set on the Lisbon Agenda. Francis Wurtz stated that as a result of such a policy, "more working places were shed, than provided". At this stage the party proposed to conduct a referendum on the future of the EU, which should include broad debate at different levels. People should be provided with all the needed information to be able to choose the most appropriate way of further development and to influence the decision-making process. An appeal to broad public participation in policy shaping is also in line with the ideology of the Left Group. This measure was proposed earlier in the declaration 1994⁵, so one can conclude how consistent this Party is in the pursuit of its goals.

Reactions to the negative referenda and future outlook

The Referendums' results in France and the Netherlands were regarded by the United Left as a victory for the Lefts because they advocated significant changes in the existing system. Giving an interview to the newspaper

3 Tömmel Ingeborg, Eine Verfassung für die EU: institutionelle Anpassung oder System-Reform? Integration, 27. September 2004, 3\04

4 <http://www.vguengl.org/invoke.asp?folderid=3066&method=display&lang=se>

5 <http://www.guengl.org/showPage.jsp?ID=639>

L'Humanite, Francis Wurtz assessed the rejection of the Constitutional Treaty as the rejection of, "European policies and the treaty's plans to perpetuate them".⁶ From his point of view, the reason for this was the "crisis of confidence between the citizens and the European institutions"⁷, caused by neo-liberal developments and consequences of the Single Market introduction. "Competition at all costs... will no longer work!"⁸ After the rejection of the Constitutional Treaty the European United Left proposed to withdraw the current liberalization directives, like the Bolkestein Directive, and the Working Time Directive. It also returned to the idea of a broad public debate concerning the priorities of the European development. Such a debate "through various progressive European parties and groups"⁹ would give the citizens access to the decision-making process, "without restricting it to the parliamentary framework". The United Left believe that such a process could help to secure achievements in the social sphere, whereas the liberal character of the draft Constitution could be regarded as hostile to the social model of development.

To sum up, the position of the Group European United Left on the Constitutional treaty was shaped by its perception of the process of European integration. The Draft Constitutional Treaty, prepared on the basis of the existing system and aimed at its simplification and improvement, could not have been accepted by the party, arguing against this system and insisting on profound changes. Participating in the constitutional debate at different stages the party's representatives referred to the Party's goals declared in a Constituent Declaration in Brussels (1994). Arguing against the "Eurocentric approach", the Party opposed those parts of the Constitution, which implied extension of the EU powers. The third part of the Treaty, devoted to the liberal development was a matter of severe criticism of the United Left, because this group initially regarded the liberal character of the European Integration as the wrong way of development, insisting on more socially oriented policy. Finally, debating on the Constitutional Treaty, this

6 <http://www.spectrezine.org/europe/wurtz2.htm>

7 <http://www.jonassjostedt.com/query:invoke/folderid:3576/method:display/lang:se/>

8 <http://www.jonassjostedt.com/query:invoke/folderid:3576/method:display/lang:se/>

9 <http://www.spectrezine.org/europe/wurtz2.htm>

party again and again referred to the idea of an open European referendum aimed to introduce profound changes in the further process of integration. It can be concluded that for 10 years (from 1994 till 2004) the party was consistent to question the ongoing processes inherent in the European integration, thus its protest against the Constitution as means to make the Union closer was predictable and related to the Party's initial goals and values.

Olga Laletina

Independence/Democracy Group

Main objectives for the Constitutional Treaty

The Independence / Democracy Group¹ evolved from the euroskeptic party formation *Europe of Democracies and Diversities* (EDD) and was established after the last European parliamentary elections on 20th July 2004. The main goal of the Independence / Democracy Group is the rejection of any European Constitution and further European integration. The euroskeptic group opposes centralisation and bureaucratisation in Brussels. Instead, they call for the respect of national sovereignty and values, which, however, should not equalise xenophobia or anti-semitism. Some members, such as the UK Independence Party, even advocate the complete withdrawal of their country from the EU². The Independence/ Democracy Group includes 36 parliamentarians from 10 different member states. The national parties are mainly from northern and eastern Europe. During this parliamentary term the group's leaders are the British Nigel Farage (UK Independence Party), Jens-Peter Bonde from Denmark (JuniBevægelsen - Mod Unionen) and the Polish parliamentarian Maciej M. Giertych (Liga Polskich Rodzin).

Despite its euroskeptic view, the Independence / Democracy Group did not abstain from constructive participation in the European Convention. The Parliamentarian Jens – Peter Bonde, in his contribution “about the Futures of Europe”³ to the Convention in October 2002, postulated to not only focus on one possible model of European cooperation. He proposed, next to the existing federative model, a new form of intergovernmental cooperation between sovereign nation states in Europe. Moreover, in cooperation with

1 <http://www.europarl.eu.int/inddem/>

2 Statute: Independence/Democracy (Ind/Dem), <http://www.europarl.eu.int/inddem/docs/statute.pdf>.

3 Jens-Peter Bonde, "The Convention about the FutureS of Europe" Contribution. The European Convention: Secretariat, CONV 277/02, CONTRIB 96, Brussels, October 1st 2002.

parliamentarians from other party groups he submitted the contribution “Referendum on the European Constitution”⁴, which calls for a European wide popular vote on the Constitutional Treaty. This shows that even though the Independence / Democracy Group is euroskeptic, it is not isolated from the policy-making process in the European institutions and even gained importance through the inclusion of a wide variety of actors in the European Convention. After all, one of the group’s goals, the possibility of European member states to leave the EU, was included in the pending Constitutional Treaty (Art. IV 59). Nevertheless, the Independence / Democracy Group unanimously rejected the Constitutional Treaty in the European Parliament. The party leader Nigel Farage, (UKIP) argued: “we are all involved in a one sided exercise in selling this constitution to the peoples of Europe” [...], I will be campaigning for a ‘No’ vote”⁵.

The Independence / Democracy Group actively campaigned against the Constitutional Treaty before and after the referenda in France and the Netherlands. It provided information on the Treaty text itself, such as the publication of a reader-friendly version of the European Constitution⁶ and it developed a negative argumentation paper⁷ with ten reasons why to “vote against” the Constitutional Treaty. As the Party Group was only formed recently, it is not certain how much media and public attention these initiatives gained. In addition, the domestic influence of euroskeptic parties is generally low as they have no or few seats in the national parliaments. Nevertheless, in the European parliamentary elections voters tend to sup-

4 J.P. Bonde etc., "Referendum on the European Constitution", Contribution submitted by several members, alternate members and observers, CONV 658/033, CONTRIB 291, Brussels, March 31st 2003.

5 Nigel Farage, Debate on the Constitution for Europe, Strasbourg, January 11th 2005.

6 Jens-Peter Bonde (eds.) The Proposed Constitution The Reader-Friendly Edition, 2005, www.EUabc.com, Brussels, <http://www.europarl.eu.int/inddem/docs/ReaderFriendlyCol15June05.pdf>

7 Ind / Dem Group, Ten reasons to vote ‚No’ to the European constitution, 2005, <http://www.europarl.eu.int/inddem/10%20reasons%20for%20PDF.pdf>.

port euroskeptic parties⁸. Euroskepticism is seen as an attitude “opposed to European integration in general and in opposition to the EU in particular”⁹.

The influence of euroskeptic parties and consequently the size of the euroskeptic group have grown steadily over the last years. Their percentage of voter share rose from 1 % in the 90s, to 3 % in the parliamentary term 1999-2004, to 4.9 % in the current European Parliament. There is, however, no representative of the Independence / Democracy Group in the College of Commissioners or holds a national ministry to take part in the Council or the European Council¹⁰. In addition, next to their opposition against the Constitutional Treaty and European integration in general, the Party Group does not have a common political ideology. Art. 5 of the Group’s statute states: “the Independence / Democracy Group respects the freedom of its delegations to vote as they see fit”¹¹. This strongly diminishes their influence in the concrete policy-making process. Nevertheless, through cooperation with other societal actors, for example the internet platform *European No Campaign*¹², and the negative turnout of two referenda on the Constitutional Treaty, the public awareness of euroskepticism and euroskeptics, such as the Independence / Democracy Group, was raised.

Reaction to the negative referenda and future outlook

On 18th October 2005 the Independence / Democracy Group gathered in Prague and declared:

“The Independence and Democracy Group of Members of the European Parliament considers the Constitution for Europe legally dead and shall re-

8 Christopher Lord, The history of the European integration and the democratic challenge, Lecture at the Centre for European Integration Studies (ZEI), October 2005.

9 For more information on Euroskepticism see: Aleks Szerbiak / Paul Taggart, Theorising Party-Based Euroskepticism: Problems of Definition, Measurement and Causality, in: SEI Working Paper, No 69, 2003. & Nick Sitter, Opposing Europe: Euroskepticism, Opposition and Party Competition, in SEI Working Paper No 56, 2002.

10 Simon Hix, The Political System of the EU, New York: Palgrave, 2005, p.188.

11 Statute: Independence/Democracy.

12 The European No Campaign: <http://www.europeannocampaign.com/>.

sist any attempts at imposing such projects, as a whole or piecemeal, upon sovereign countries” (Declaration of Prague, 18th October 2005).

The parliamentarians furthermore postulated a new method of “transparent, democratic and accountable cooperation between sovereign countries” as an alternative to the federative model in the pending Constitutional Treaty. Moreover, the European citizens should have the possibility in a European-wide referendum to vote on a possible constitution¹³. The Declaration shows that the members of the Independence / Democracy Group continue to actively oppose the pending and any European Constitution. In the attempt of the European Parliament’s Committee on Constitutional Affairs on 4th October 2005 to revitalise the Constitutional Treaty, the Independence / Democracy Group’s representative Jens-Peter Bonde on the contrary called for an ‘open end’ debate. He criticised that the European institutions embark only in a one sided propaganda campaign in favour of a common constitution¹⁴.

The Independence / Democracy Group gives voice to those European citizens, who do not support a common European Constitution and European integration¹⁵. The existence of an opposition to the governing party is an essential part of parliamentary democracy. Schumpeter already postulated that democracy only really exists if there is a choice between competing policies and politicians¹⁶. However, as discussed above, the Independence / Democracy Group comprises very diverging parties, which endangers the group’s unity and diminishes their influence. The European Convention in its work to develop a common European Constitution contributed to the integration of the euroskeptic political group in the policy-making process. This was not at least due to the personal influence of one of the group leaders, Jens-Peter Bonde. In conclusion, their euroskeptic input to the European constitutional debate should not be overestimated but nevertheless

13 The Declaration of Prague on the Future of Europe, Ind / Dem Group, October 18th 2005, http://www.euoparl.eu.int/inddem/focus_on/declarationofprague191005.htm.

14 European Parliament Press Service, Constitutional Affairs Breaking the deadlock over the Constitution: MEPs propose a 'European dialogue', October 4th 2005.

15 Hix, p. 175.

16 See Schumpeter, *Socialism, States and Democracy*, New York, Harper & Row, 1942.

Independence/Democracy Group

guarantees the democratic principle of freedom of opinion. Therefore, one can underline the slogan of the Independence/ Democracy Group during the European constitutional debate: “Let the people decide”.

Christiana Tings

Union for Europe of the Nations

Main objectives for the European Constitution

In line with their overall objectives the *Union for Europe of the Nations* (UEN) pursued a rather active policy. They support an EU that fully respects national traditions, preserves cultural heritage and safeguards linguistic diversity in Europe. In addition, they want to strengthen the principle of subsidiarity and support a Union, which respects the competencies of national governments and the powers of the institutions of the EU. As far as the Common Foreign and Security Policy (CFSP) is concerned, UEN supports a common policy as long as national sovereignty and political traditions are not being compromised by it. Coherently, they support the development of a CFSP in close co-operation with the United Nations Organisation and with the United States in order to effectively address global problems like international terrorism, organized crime and fraud. Also, some social objectives are part of their agenda like the protection of the elderly, children and the less well-off.¹

In the *Convention on the future of Europe* that drafted the Constitutional Treaty, UEN was represented by Cristiana Muscardini. She lobbied in a strong way for the interests of UEN and its national members in the following ways:

- ∄ A very important issue for them was the inclusion of a reference to God (like in the Polish Constitution) and Christianity, the mentioning of Europe's Judaeo-Christian and Greco-Roman roots and its secular and liberal traditions.
- ∄ During the Convention and working group meetings, Cristiana Muscardini tried through different suggestions to push her objectives through. Although not all of them were actually accepted by the Convention, she

1 http://futurum2005.eun.org/shared/data/spring2005/docs/roleplay/ws_Parliament_en.doc (21st October, 2005)

managed to specify a number of issues. Most prominently was one of her amendments to delete the phrase “on a federal basis” from article I-1. This was an important amendment that succeeded.

- ∄ She suggested establishing a member state’s right to suspend its own membership to the Union for a limited period, which did not come through. However, UEN believes that the voluntary withdrawal from the Union (art. I-60) strengthens national sovereignty as it introduces a major expansion of member states’ rights.
- ∄ The principle of subsidiarity and the fostering of the role of national parliaments was a very important objective for UEN during the Convention.² They inserted phrases like the reference to each member state’s political and constitutional fundamental structures and identity, (art. I-5) as well as the principles of national constitutional law. Furthermore, they supported the idea of a constructive abstention in order to grant the member-states the right not to participate in decisions or initiatives that could clash with their legitimate national interests.³ In the area of European Neighbourhood Policy (art. I-57), UEN plead for a reference for the need of the proposed special relationship to respect basic values such as democratic principles, the rule of law, and human rights. Muscardini specifically referred back to the values set out in the Constitution.⁴
- ∄ As to UEN’s social objectives, the respect for human life and the elderly, the protection of the less well-off, the promotion of well-being throughout the Community, as well as clauses prohibiting discrimination on any grounds were introduced at the Convention.

2 Convention on the Future of Europe. Summary sheet of proposals for amendments concerning Union membership: Draft Articles relating to Title X of Part One (Articles 43 to 46). CONV 672/03. <http://register.consilium.eu.int/pdf/en/03/cv00/cv00672en03.pdf> (21st October, 2005)

3 Convention on the Future of Europe. Summary of proposed amendments regarding the area of freedom, security and justice. CONV 644/03. <http://register.consilium.eu.int/pdf/en/03/cv00/cv00644en03.pdf> (21st October, 2005)

4 Convention on the Future of Europe. Reactions to draft Article 42 (The Union and its immediate environment) – Analysis. CONV 671/03. <http://register.consilium.eu.int/pdf/en/03/cv00/cv00671en03.pdf> (21st October, 2005)

- ∄ UEN was able to point out several times that further integration had to take heed of the preservation of the linguistic diversity and all specific national features and traditions.
- ∄ One of the Party's overall goals was to make the policy- and decision-taking processes more transparent in order to foster democratic life within the Union.⁵

In fact, many claims of UEN have been met by the Constitutional Treaty such as a strengthened principle of subsidiarity, the strengthening of the role of national parliaments, the respect of national traditions as well as the preservation of the cultural heritage and the linguistic diversity in Europe. However, their 'Yes' to the draft Constitutional Treaty cannot be understood as a wholehearted 'Yes' to a Constitution as such, but is only a way to enable the EU to continue its work in the future.

Reaction to the negative referenda and future outlook

In the aftermath of the negative referenda in France and in the Netherlands, it is difficult to trace reactions from UEN. However, as the Party was split on the issue before the referenda, it is highly probable that there were positive as well as negative reactions. Only days before the rejection in France, Charles Pasqua (*Rassemblement pour la France*), former French Minister of the Interior and former leader of the UEN group in the EP, stated in an article in the French newspaper *Le Figaro* that a rejection of the Constitutional Treaty would be a "salutary shock" for Europe.⁶ The Polish government party *Law and Justice* was strongly against the Constitutional Treaty, mainly because "it substantially strengthens the EU's powers. [...] the Treaty is based on false premises from its very first lines". A 'No' to the

5 Convention on the Future of Europe. Summary sheet of the proposals for amendments relating to the democratic life of the Union: Draft articles for Part One of the Constitution, Title VI (Articles 33 to 37). CONV 670/03. <http://register.consilium.eu.int/pdf/en/03/cv00/cv00670en03.pdf> (21st October, 2005)

6 http://www.eupolitix.com/EN/Bulletins/PressReview/fullpressreview.htm?wbc_purpose=Basic&bulletindate=18-Feb-2005 (17th October, 2005)

constitutional Treaty was considered to be a ‘Yes’ for a Europe of Nations which the party stands for.⁷

However, other national members of UEN had been more open to the Treaty provisions. The Irish *Fianna Fáil* Deputy and Co-president of the group, Brian Crowley, stated that the Constitutional Treaty was a good document which clearly set out the competencies of all levels of government and fully respected the powers of member states, in particular the smaller ones.⁸ Cristiana Muscardini, an Italian *Alleanza Nazionale* MEP and Co-president of the Party, whose party was elected into the EP in Italy on the basis of the slogan “More Italy in Europe, a stronger political right in Italy”⁹, said that the Treaty regarded Europe “not as a federal super state that has gradually eroded away identities, traditions and cultures, but as a Union of federal states.”¹⁰

Anna K. von Groote

7 Szymanski in the EP debate (11th January, 2005). <http://www.europarl.eu.int/omk/sipade3?L=EN &PUB REF =-//EP//TEXT+CRE+20050111+ITEMS+DOC+XML+V0//EN&LE#creitem6> (23rd October, 2005)

8 Crowley in the EP debate (11th January, 2005). <http://www.europarl.eu.int/omk/sipade3?L=EN &PUB REF=-//EP//TEXT+CRE+20050111+ITEMS+DOC+XML+V0//EN&LE#creitem6> (23rd October, 2005)

9 http://www.alleanzanazionale.it/an/documenti/040522_programma_europee.pdf (23rd October, 2005)

10 Muscardini in the EP debate (11th January, 2005). <http://www.europarl.eu.int/omk/sipade3?L=EN &PUB REF=-//EP//TEXT+CRE+20050111+ITEMS+DOC+XML+V0//EN&LE#creitem6> (23rd October, 2005)

Conclusion

Currently, Europe is in its 'period of reflection', launched at the Summit held on 16th/17th June 2005. The duration of this stage is far from certain and to a large extent depends on the reshuffling of political leadership in Europe to come. Moreover, along with the forthcoming presidential elections in France and the European Parliament elections in 2009, the future of the *Treaty Establishing a Constitution for Europe (the Constitutional Treaty)* is also in the hands of the forthcoming presidencies of the Council, from Austria to Germany and even further, which will have to overcome this deadlock. The Austrian Presidency has already expressed its determination to revive the Constitutional Treaty during its term and the European Parliament has come up with a plan on 13th January 2006 on how to salvage the text by 2009.¹ In light of the present situation, we envisage four possible options.

Option one

One way out of the current deadlock is to declare the Constitutional Treaty dead and leave aside the whole idea for the present time. Nevertheless, such a radical solution neglects the work of the Convention, which created the revolutionary text and the opinion of those member states and their citizens, which have already ratified it. However, this option has a number of supporters, who argue that the EU is served well enough by its current Treaty basis and the whole idea of a European Constitution is an unnecessary formality as it just reaffirms something that already exists. Radical as it seems today, this solution still holds some optimism for the future. Looking back at the history of other EU Treaty crises it is likely that in some time the idea of a common European Constitution will come out of the dust again, in one form or another.

¹ <http://euobserver.com/?aid=20681&rk=1>

Option two

Another option is to follow the historical pattern of reactions to other EU derailments, as in the cases of the Danish and Irish ‘No’ votes in the referenda on the Maastricht and the Nice Treaties, which would allow for a second referendum on the Constitutional Treaty in France and the Netherlands, however under different circumstances. A more suitable timing and conditions will have to be chosen and a new public vote in these countries would only be possible under new governments. Moreover, the problems that the French and the Dutch citizens had with the Constitutional Treaty at hand should be taken into consideration and a stronger public debate needs to be organised to achieve positive results in the second vote, as it was the case with Ireland and Denmark in the past. Nevertheless, such option is impertinent of the opinion of the member states that have already ratified the text.

Option three

The third solution calls for partial renegotiation and application of the pattern of the Schengen Agreement and the Euro, which would be a kind of ‘opt-out’ possibility for those member states, which rejected the text. Under this option, the Constitutional Treaty would only enter into force for those who have ratified it while the Nice Treaty shall remain valid for all. In this way those member states, whose people or parliament have accepted the text, would not feel offended as they would in the case of burial of the Constitutional Treaty but the text would lose its ‘constitutional’ and collective meaning, as it would only apply to a number of member states and not all of them. This solution might even go further by re-establishing the Nice Treaty’s ‘constructive geometry’ notion, where the EU would be even more divided along lines of interest and in accordance to the level of integration that groups of member states would desire to achieve. However, such a multi-speed EU would add to the decision-making inefficiency and would further complicate the functioning of the Union in light of the latest enlargement.

Option four

The next proposal considers a way out of the ‘constitutional crisis’ by reducing the text of the Constitutional Treaty and then handing it back to all governments for ratification. In this way the Dutch and French citizens will not feel singled out but the other member states would also remain involved. This idea is connected with the proposal to have an EU-wide referendum. Indeed, some Members of the European Parliament have already envisaged such possibility in a plan discussed on 13th January 2006. The Duff-Voggenhuber Report foresees an intensified ‘reflection period’, which will culminate in a European referendum on a revised text of the Constitutional Treaty in 2009, alongside with the European Parliament elections.² Nevertheless, the question on how to organize a referendum at the European level, when some Constitutions of member states prohibit holding such a public vote, as is the case Germany, needs to be answered. A non-binding European referendum might be an option but the question is whether people are going to take such public vote seriously enough. Still, the idea of a collective referendum excludes the option for the EU to become a prisoner of just one or two states, which are against the text. Yet, it is too ambitious as it raises the question where the common EU people suddenly came from in the context of having so many difficulties in building a collective identity.

² <http://euobserver.com/?aid=20681&rk=1>

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