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What Prospects for the European Constitutional Treaty?

Monitoring the Ratification Debates

Results of an EPIN Survey of National Experts

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Executive Summary

Following the success of the EPIN survey on the European elections 2004 (EPIN Working Paper No. 11), the authors decided to use a similar approach for monitoring the current ratification process of the European Constitutional Treaty. Accordingly, the findings presented in this paper are based on the results of a survey conducted among national experts associated with the European Policy Institutes Network (EPIN). As such, they are inherently subjective, but nevertheless well-informed. The report draws on survey data collected in 20 EU member states, supplemented by additional sources of information on the remaining countries where available. While the actual outcomes may prove our findings wrong in one respect or another, they do indicate interesting developments and differences in the respective member states. The added value of this EPIN survey lies in its broad comparative scope and analysis rather than its offering an in-depth assessment of each national debate. (For the latter, special country reports are envisaged at a later point in time.) The EPIN Ratification Monitor project plans to publish regular updates on the rapidly changing situation.

The main findings of this report are:

- At the present time, it looks likely that the **Constitution will to be ratified in 22 of the 25 member states,** with only the Czech Republic and Poland rated as 'unsure' and the United Kingdom as 'rather unlikely'. All countries applying the parliamentary procedure only are rated 'highly likely' to ratify. In the Czech Republic and Poland, the referenda will actually make ratification more likely, because the qualified majorities needed in parliament would be difficult to obtain.
- Concerning political parties, there exists a **broad political mainstream in favour** of the Constitution **in almost all member states**. However, there are rather clear divisions at the centre of the political spectrum in the United Kingdom, the Czech Republic, Poland and Malta. Even in France, the positions of the mainstream political parties are not as clear cut as observers usually assume.
- **Procedures, timetables and political conditions** for parliamentary ratification and referenda **vary widely** among the member states, making a 'European' debate difficult and giving little incentive for an exchange of views across national borders. Consequently, at this point in time, the **focus of the debates is (still) predominantly national** in all member states.
- The **key players in the debate are set to be national politicians**. This holds out the promise of lively national debates on a European issue in particular in those countries where referenda will be held. Yet it also carries the risk that debates may be 'hijacked' by national actors pursuing a domestic agenda. European actors and transnational involvement of key players are still largely absent from the debates.
- There seems to be a certain **set of core issues that is recurring throughout the ratification debate** in most of the member states. Nevertheless, these issues are looked at through national lenses and there appears to be limited scope for transnational influences.
- Moreover, it is often the **issues directly related to the Treaty**, which are more technical in nature and thus inherently less interesting for the general public, that **are used by proponents**

in their attempt to generate support for ratification, whereas political issues tend to be brought up more frequently in arguments put forth by opponents to the Treaty.

- Two issues are overwhelmingly used as an argument in favour of ratification of the Treaty: the **provisions on CFSP and the enhanced role of the EU on the global stage that is perceived to derive from them**. This seems to confirm that citizens want the EU to become more active in the field of Common Foreign and Security Policy. Indeed, the creation of the post of EU Foreign Minister is also expected to be used largely as a pro-ratification factor.

WHAT PROSPECTS FOR THE EUROPEAN CONSTITUTIONAL TREATY?

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RESULTS OF AN EPIN SURVEY OF NATIONAL EXPERTS

Main Report

1. Introduction: Ratification of the Constitution – A Litmus Test for European Integration

Looking back, the European Constitutional Treaty has already overcome many obstacles. One should not forget that until recently the very idea of a European Constitution was unacceptable to many political stakeholders. And it was only in May 2000 that the German Foreign Minister kick-started a political debate on this issue with his famous 'Humboldt-speech' (Fischer, 2000), to which many European leaders contributed in the months following. With the unsatisfactory outcome of the negotiations on the Treaty of Nice in December 2000, frustrations had risen high enough to inspire fresh ideas on EU treaty reform. At the Laeken Summit in December 2001, a Convention on the Future of Europe was called into being which, after 16 months of tough and controversial debates and negotiations, came up with a common draft for a Treaty establishing a Constitution for Europe. After a failed European Summit in December 2003, the Intergovernmental Conference finally reached agreement in June 2004 and the Constitutional Treaty was signed by all heads of state and government in Rome in October 2004.

Despite this progress, however, it is clear that the real test still lies ahead: obtaining approval of the Constitutional Treaty by the European citizens. Legally speaking, the EU Constitution is still an international treaty and as such, it has to be ratified by all member states according to their respective national constitutional requirements. This means that approval has to be expressed either through parliamentary vote or through popular consultation. In some cases, governments have opted, or might opt, to call a referendum in order to give added legitimacy to this important decision.

The challenge is therefore clear: Where the Convention largely failed to initiate what the Nice Declaration of 2000 called a "deeper and wider debate on the future of the European Union" with an increasingly disenchanted public, constitutional referenda in many member states will now force politicians to make their positions on Europe clear and engage in public campaigning.

However, the conditions governing ratification – and therefore the prospects for success – vary widely from one member state to another. This diversity is problematic, as ratification must be obtained in a national context, but the entire European Union will be affected if one member state proves unable or unwilling to ratify. Carlos Closa Montero (2004a) described this challenge as "a minefield". This structural problem of a weak 'European dimension' was also a key finding of the last EPIN survey on the European elections (Kurpas, Incerti and Crum, 2004). It showed that there were actually no *European* election campaigns, but rather 25 national ones, each following a distinct national logic and dominated by national actors. Such a scenario carries the risk that the European dimension will be entirely lost and that various actors will attempt to 'hijack' the European event as a vehicle for pursuing their national political interests. This risk is even greater in the ratification process because the Constitutional Treaty itself is based on a number of compromises reached between often strongly contested 'national' positions.

An additional factor that makes the situation so problematic is the fact that unlike former treaty reforms, this time it will be even more difficult – if not impossible – to create 'opt-outs' for certain member states. This is true in particular for many of the key institutional changes included in the Constitution. Either every state votes under the new 'double-majority' system of the Constitutional

Treaty or every state sticks to the voting weights of the Nice Treaty. That is, either every state accepts a single legal personality of the Union or none does.

Finally, the great political symbolism of the Constitution and the large amount of political capital already invested in the project make the approval of this treaty even more important for the future of European integration. For many, success of the Constitution is a strong indicator of whether the Union will be a political actor of increasing weight that is based on a common vision and common values or whether the limits of political integration have been reached.

In this complex context, the present survey intends to provide readers with a better idea of national specificities and the potential scope of a common 'European dimension' in this process. Thus, the aims of the survey are to:

- assess the likelihood of ratification in the different member states;
- give a comparative overview of the national conditions concerning the ratification debates (procedure, public and political support, issues, actors); and
- detect possible cross-national influences and parallel developments in the different member states.

The results presented in this document are inherently subjective since they are based to a large extent on the observations and predictions of our national experts (listed in Annex 1), who responded between November 2004 and January 2005 to a questionnaire elaborated by the EPIN Steering Committee. The questionnaire (reproduced in Annex 2) asked eight groups of questions concerning the following aspects of the ratification process:

- type and procedure of ratification,
- current/expected level of support for the Constitutional Treaty,
- key players in the debates about ratification (in the political spectrum and in society), and
- the central themes of the discussions.

Responses were received from 20 out of 25 EU member states. This material has been supplemented with additional information where appropriate,[1] in particular on those countries not represented in the survey (Hungary, Latvia, Lithuania, Portugal and Slovenia).

The report therefore does not claim to be fully representative or complete. Rather, the main merit of this exercise lies in its European-wide scope. Few individuals, if any, will be as well-informed about the political dynamics of the ratification debate in as many member states as the collective expertise brought together here. The report aims to give an informed overview of the state of the debate in early 2005, following two parliamentary ratifications and before any referenda have taken place. It is designed to serve as a basis for further in-depth analysis as this crucial chapter in the history of the EU unfolds.

2. Support for the Constitution: What probability for ratification?

According to the latest survey on the European Constitution by Eurobarometer (2004), a majority (68%) of European citizens are in favour of *a* European constitution. The report cautions, however, that "this result must not be seen as an indication of the voting intentions of the countries which are considering holding a referendum", because the result "solely translates the extent to which people support the *concept* of a Constitution (…) and not an assessment of the content of the text proposed for ratification (…)".

[1] See in particular the following sources cited in the References: CIDEL Project, the COSAC website, Closa Montero (2004b), Konrad-Adenauer-Stiftung (2004) and Federal Trust (2005).

The predictability of ratification is obviously dependent on many factors some of which are yet unknown. In this section, member states are categorised on the basis of their estimated probability to ratify the Constitution. This prognosis is based on the following sources:

- predictions by national experts,
- opinion poll data collected in countries where referenda will be held and
- public expressions reflecting the current attitudes of political parties and other relevant actors.

Table 1 sketches the emerging picture.

Table 1. Probability of ratification, by country

Status	**Country**
Already ratified	Lithuania, Hungary
Highly likely	Austria, Belgium, Cyprus, Estonia, Finland, Germany, Greece, Italy, Latvia, Luxembourg, Malta, Portugal, Slovakia, Slovenia, Spain, Sweden
Rather likely	France, Ireland, the Netherlands, Denmark
Unsure	Czech Republic, Poland
Rather unlikely	United Kingdom

In the two countries where the Constitution has already been ratified by a vote in Parliament – Lithuania and Hungary – there was little public debate and the vote produced large majorities in favour of the Constitution. In Lithuania, 84 'yes' votes stood against only 4 'no' votes and 3 abstentions. In Hungary there were 304 votes in favour and just 9 against and 8 abstentions.[2]

Looking at the table, one fact is striking: In all member states where ratification is rated 'unsure' or even 'rather unlikely', referenda are to be held. On the other hand, all countries that are currently set to stick to parliamentary ratification[3] can be rated as 'highly likely' to ratify, because stable majorities supporting the government exist, and only opposition parties – mostly from the far left or the far right – are mobilising against the Constitution. Malta is the only country rated 'highly likely' where currently the major opposition party, the socialist Partit Laburista (holding 48% of the seats), is still undecided and may adopt a negative position towards the Constitution. A clarification of the situation in Malta will probably only be reached by mid-2005, but the government majority is stable, so that there is little risk of non-ratification even if the opposition decides to go against ratification. At the other end of the scale, there are some countries where parliamentary majorities in favour of the Constitution amount to more than 90% (Austria, Cyprus, Germany, Greece and Italy).

In the countries set to hold a referendum, according to our estimates, only Luxembourg, Portugal and Spain can at present be rated 'highly likely' to ratify.

In **Luxembourg,** approval rates for European integration are traditionally high among all major political players. Popular support for the *concept* of a European Constitution is extremely high according to Eurobarometer (2004). The idea is supported by 77%, while 14% are against and 9% undecided. An RTL/ILRES poll from October 2004 states that a solid majority of 62% of Luxemburgers were in favour of the proposed EU Constitution, while just 24% were against and 14% undecided.

[2] See Konrad Adenauer Stiftung (2004).

[3] There still is a very slight possibility that Slovakia and Sweden will opt for a referendum. With the broad parliamentary majorities in favour of the Constitution, the two countries can still be rated as 'highly likely' to ratify.

In **Spain**, the first country slated to hold a referendum on February 20th, the two major parties (PSOE and Partido Popular) are in favour of the Constitution and the initiative is likely to pass. In fact, one of the alleged reasons for Spain to hold its referendum so early is that other European leaders hope it might send a positive signal to those member states where the situation is more uncertain. Nevertheless, one should be a little careful in the Spanish case owing to the high number of (at least until recently) still-undecided voters. In an opinion poll by OPINA for CIS and the Real Elcano Instituto (published 10 December 2004) the 'yes' side got 41.6%, whereas the 'no' side received only 6%. However, 35.6% were still undecided and 14.8% did not want to vote or intended to vote 'blank'. The Spanish government has reacted by launching an extensive information campaign on 4 January 2005, about the referendum involving sports, media and pop celebrities to inform citizens about the Constitution.

The last country in this 'highly likely' category is **Portugal** where the two major parties (PS and PSD) are also in favour of the Constitution and debate before the (facultative) referendum is therefore not expected to be particularly controversial. However, the current political crisis in Portugal following the resignation of the government in December 2004 makes new elections necessary and that will probably delay the Portuguese referendum from March to late April 2005. There is a risk that the referendum will be overshadowed by the current crisis and that the turnout will be too low. According to the Portuguese Constitution, the referendum will not have a binding effect if less than 50% of the electorate takes part. This is especially worrying as Portuguese citizens also do not feel very well informed about the European Constitution.[4]

The next category consists of four countries whose prospect of approving the Constitution in public referenda appears 'rather likely': Denmark, France, Ireland and the Netherlands.

In this group, **the Netherlands** appears the most likely to accept the Constitutional Treaty, receiving a rating from our national expert that comes very close to the higher category of 'highly likely' to ratify. According to Eurobarometer, the general approval of the *concept* of a European constitution is also very high in the Netherlands (73% in favour, 20% against, 6% undecided) compared to other member states and an EU-25 average of 68%. The latest available opinion poll on the actual Constitution dates back to September 2003 (Intomart for NRC Handelsblad) where 50% of the Dutch population were in favour, 20% against and 29% undecided. The consultative referendum will be held in the first half of 2005 after what has widely been perceived as a successful EU Presidency, but the Dutch role as a 'net payer' might negatively play into the constitutional debate at a time when the budgetary perspective will be negotiated. About 85% of parliamentarians from all major parties are in favour of the Constitution, with only smaller parties, such as the Lijst Pim Fortuyn, voicing opposition.

After the positive referendum in the **French** socialist party in early December 2004 (59% 'yes' votes), the prospects for a French approval also look more promising. Although the latest Ipsos polls suggest a decline in support among voters,[5] the big 'clash' over the Constitution between the two major political parties – the conservative UMP and the Parti Socialiste – has been avoided and the Constitution will not become a political battleground for them. However, parties on the extreme left and the extreme right, as well as 'dissidents' within the big parties will continue to campaign against the Constitution and attempt to appeal to a considerable number of undecided and protest voters. Many French people are also very concerned about Turkish membership of the EU and their country's influence within the EU. A successful referendum will depend on the degree to which the debate on the Constitution can be kept separate from these two issues. There clearly is an effort now to hold a referendum at an early stage – possibly as early as June 2005 – which will also have an impact on the prospects of a positive outcome. President Chirac has announced a referendum "before the summer".

The **Irish** case also looks quite positive. The fact that the Irish Presidency was so successful in negotiating an agreement on the Constitution at the IGC is a very helpful factor for reaching a positive

[4] Eurobarometer (2004), p. 18

[5] See Le Cœur (2005).

result in the referendum, which is foreseen only for 2006. The main political parties support the Constitution (Fianna Fail, Fine Gael, Labour, Progressive Democrats – together accounting for about 85% of the parliamentary seats) and only Sinn Fein and the small Socialist Party are campaigning against it. The Green Party has not yet arrived at a decision on its position.

As the last member state in this category, **Denmark** now also looks like a 'rather likely' case for successful ratification. A CATINÉT research poll for Danish Radio (1 November 2004) found that 54% of the voters are in favour of the Constitutional Treaty, while only 17.4% are against and 28.6% undecided. This stands somewhat in contrast, however, to the findings of the Eurobarometer poll (2004). As mentioned above, it only refers to the concept of *a* European constitution, but it can still serve as an indicator in relative terms. Here Denmark is the most sceptical nation with only 44% of its people approving this concept (36% against, 20% undecided). In Danish political circles, an internal vote of the members of the formerly eurosceptic Socialist People's Party (Socialistisk Folkeparti, SF) on 21 December 2004, resulted in a 63.8% for the 'yes' side. The SF has been an important factor in past referenda and its members' vote gives a positive indication for approval in Denmark. Currently pro-Constitution parties hold more than 80% of the seats in the Danish Folketinget. The political balance of power may still change to some (probably limited) extent as the next general elections will take place on 8 February 2005, while the referendum is only scheduled for the end of 2005 or early 2006.

The next category encompasses two countries whose behaviour is very difficult to predict: the **Czech Republic** and **Poland**. Interestingly, in both cases the referendum is actually likely to *help* the prospects for ratification.

In Poland, public opinion seems to be changing in favour of European integration, especially in the rather eurosceptic rural areas where people now increasingly benefit from EU funds. A CBOS opinion poll from 5-8 November 2004, states that 68% of Poles would vote in favour of the Constitution (11% against, 21% undecided), while as recently as July 2004, there were still 21% against.[6] However, a minimum turnout of 50% for the referendum would be needed in order to make it valid. The Polish President Aleksander Kwasniewski and the centre-left parties have spoken out in favour of holding the referendum on the same day as presidential elections in autumn 2005, which would ensure a higher turnout, while opposition parties have called for a referendum in 2006.[7] If, however, turnout would not be high enough, ratification would look rather unlikely, as the parliamentary procedure would require a 2/3 majority in favour in both parliamentary chambers. This is unlikely to be obtained, especially if eurosceptic parties win seats in the general elections. Currently, only two centre-left parties SLD and SDPL as well as the Unia Pracy (Union of Labour) are in favour of the Constitution, while two main conservative opposition parties – Platforma Obywatelska (Citizens' Platform, PO) and Polske Stronnictwo Ludowe (Polish People's Party, PSL) – are still undecided or tend to be against. Other important opposition parties (Law and Justice, League of Polish Families, Self Defence) are openly against the Constitution.

In the **Czech Republic** a similar picture emerges. Here also a referendum would enhance the Constitution's chances of passing, because it would be very difficult to obtain the necessary 60% in both chambers of parliament. Currently all parliamentary parties seem to be in favour of holding a referendum. The conservative ODS and the Communist Party are opposed to the Constitution while the parties of the government coalition – Social Democrats (CSSD), Christian Democrats and Freedom Union – are in favour. The views of eurosceptic Czech President Vaclav Klaus (ODS) could also have an important impact on public opinion. Unlike the situation in Poland, a minimum turnout is unlikely to be required, but the legislative act calling for the referendum is still to be passed. On the other hand, public opinion in the Czech Republic has not evidenced the same change in favour of the Constitution

[6] See ful results on CBOS website (http://www.cbos.pl/Opinia/2004/11_2004.pdf).

[7] Apparently translation errors of the Polish text could delay the ratification process, so that a referendum at the time of the presidential elections might become difficult; see euobserver, 20.11.2005: "Translation errors in Polish EU Constitution to delay ratification" (http://www.euobserver.com/?sid=18&aid=18184).

as happened in Poland. While the latest Eurobarometer poll cannot be used concerning absolute numbers, it can be an indicator of approval in relative terms. Only 63% of Czechs are in favour of the *concept* of a European constitution (18% against, 19% undecided) compared to a 68% EU average and even 73% of Poles in favour. A solution could be that the referendum will only be held in June 2006 (together with the next general elections), when most other member states might have already ratified. That fact could influence Czechs to also vote in favour.

Finally, the **United Kingdom** marks the least probable case concerning ratification and the only country to be rated 'rather unlikely' to ratify. There are a number of indications pointing in that direction. First of all, the very eurosceptic public opinion (in relative and in absolute terms), A MORI poll for the Foreign Policy Centre found that only 31% of British voters are 'strongly in favour' or 'in favour' while 50% were 'strongly opposed' or 'opposed' to the Constitution (19% undecided). [8] Eurobarometer (2004) showed the British coming in second to last place as regards acceptance of the concept of a European constitution (49% in favour, 29% against, 22% undecided), which means 19% below the EU average in favour. A second factor is the highly divided political scene that provides for a controversial and emotional debate. While the Labour government, most of the Labour Party and the Liberal Democrats are in favour, there is fierce opposition from large parts of the Conservative Party and the UK Independence Party (UKIP). The political debate will be fuelled by a number of eurosceptic tabloids that are set to play a key role in influencing public opinion in a negative way towards the Constitution (see section 4). What might have a positive impact on the outcome of the referendum could be a successful British Presidency of the EU in the second half of 2005 and the possibility that all other member states will already have ratified by the time the British schedule a vote on the Constitution.

3. Procedure: What conditions for ratification in the member states?

Already the formal procedures demonstrate how much the conditions for ratification differ from one member state to another. At the present time (January 2005), 15 member states are committed to ratify by parliamentary approval only (of which two have already ratified) and 10 member states will hold a referendum (see Table 2).

Table 2. Referenda and parliamentary ratification

Referendum	Czech Republic, Denmark, France, Ireland, Luxembourg, Netherlands, Poland, Portugal, Spain, United Kingdom
Parliamentary Ratification only	Austria, Belgium*, Cyprus, Estonia, Finland, Germany, Greece, Hungary *(20 Dec 2004)*, Italy, Latvia, Lithuania *(11 Nov 2004),* Malta, Slovenia, Slovakia*, Sweden*

*Highly likely that parliamentary ratification only.

It is important to underline that 'referendum' or 'parliamentary ratification' often means something very different from one country to another. Table 3 gives an overview of the many national peculiarities and is intended to highlight the different legal and political circumstances that are influencing the current debates in the member states.

[8] See MORI, "The Referendum Battle", September 2004 (http://www.mori.com/polls/2004/fpc.shtml).

Table 3. Overview of the ratification process in the different member states		
	Process & timing	**Comments**
AT	Parliamentary ratification Early 2005	- Simple majority of Congress & Senate; 2/3 majority if constitution is changed (likely to be obtained) - Legally binding referendum (Volksabstimmung) can be initiated by the Congress (Nationalrat), if object of referendum changes Austrian Constitution - Ruling conservative ÖVP, Social Democrats (SPÖ) and Greens only in favour of referendum, if it takes place in all MS (preferably at the same time) - Freedom Party (government coalition) unconditionally pro referendum
BE	Parliamentary ratification Date still unknown	- Binding popular votes not foreseen in Belgian Constitution - 'Conseil d'Etat' has given negative opinion (29.11.2004) on a possible consultative referendum without changing the Constitution - Parliamentary majority now against referendum, while PM Verhofstadt (VLD) still in favour - Christian Democrats (Dehaene) & Flemish (Spirit) and Wallon Socialists (PS) against referendum - Greens, Liberals (VLD) and extreme-right 'Vlaams Belang' in favour - 7 parliamentary bodies need to ratify (ratification likely): Both chambers of the federal parliament, Flemish Parliament (Region & Community combined) 2 regional parliaments (Wallonia, Brussels), 2 community parliaments (francophone, German-speaking)
CY	Parliamentary ratification, Date still unknown	- Binding popular votes not foreseen in Cypriot Constitution - Only new MS that did not hold referendum on EU membership - No significant public debate on a possible referendum on EU Constitution
CZ	**Referendum** **June 2006**	- No constitutional obligation for referendum, but strong political consensus of major parliamentary parties in favour - Parliamentary ratification would need 3/5 approval in both houses (unlikely to be obtained) - Binding referendum requires constitutional act, as no general framework regulating nationwide referendum yet - Likely that no minimum turnout and no additional requirement to refer the Treaty to Parliament for ratification will be set (like accession referendum) - Most likely that referendum will be held together with general elections
DE	Parliamentary ratification May 2005 (Bundestag) & June 2005 (Bundesrat)	- Parliamentary ratification by 2/3 majority in both houses (likely to be obtained) - German federal constitution does not foresee referendum - Government proposes to generally change the Constitution (2/3 majority in both chambers needed), but Conservatives (CDU/CSU) reject this - CSU for referendum on Constitution, but against general provision - Strong majority of citizens for referendum on EU-Constitution
DK	**Referendum** **Date still unknown,** **not before Fall 2005**	- In absence of a 5/6th majority in Parliament, Danish Constitution requires a binding referendum when national sovereignty is transferred. - Referendum already announced by PM Rasmussen 1 January 2004 -Referendum will **not** be combined with referendum on existing Danish 'opt-outs' (euro, defence, JHA matters)
ES	**Referendum** **20 February 2005**	- Non-obligatory, consultative referendum called by Socialist PM Zapatero - Wording: "Do you approve of the Treaty by which a Constitution for Europe is established?" - Government needs to observe strict neutrality in the campaign - Constitutional Court ruled on 13 December 2004 that EU Constitution is in line with the Spanish Constitution
EE	Parliamentary ratification First half of 2005	- Govt & major parties pro parliamentary ratification: simple majority needed (likely to be obtained) - Binding referenda for international treaties expressly excluded - Consultative referenda possible (ad-hoc law needed)
EL	Parliamentary ratification Early 2005	- Parliamentary ratification by 3/5 majority (likely) - No significant public debate about a referendum despite some late efforts by Socialists and the Coalition of Left and Progress.

FR	**Referendum** **June 2005**	- President has the power to call a referendum - Conseil Constitutionnel stated that ratification of EU-Constitution makes change of French Constitution necessary - Draft law on constitutional changes approved by Ministers on 3 January 2005 - Submitted to Assemblée Nationale on 25 January (Senate in February) - Both chambers convene as a Congress in March or April 2005; both must approve changes by 3/5 majority
HU	Parliamentary ratification Ratified 20.12.2004	-Parliamentary ratification needed 2/3 majority (unicameral parliament) - Referendum at request of 200,000 registered voters possible - 25% turnout necessary - Alliance of Free Democrats was only parliamentary party to argue in favour of a referendum
IE	**Referendum** **Late 2005 or early 2006**	- Obligatory, binding referendum for any transfer of power - Government to publish Constitutional Amendment Bill which must be approved by parliament and then put to the people for referendum - No minimum turnout required for referendum
IT	Parliamentary ratification Early 2005	-Parliamentary ratification by both houses with simple majority (likely) - Italian Constitution does not foresee referenda on international treaties - Only Lega Nord and Greens for constitutional reform to hold referendum - Parliamentary ratification process already started (lower house voted in favour on 26 January 2005, with 436 yes votes, 28 no votes & 45 abstentions)
LV	Parliamentary ratification, Early 2005	- Government aiming for quick parliamentary ratification - Simple majority needed (likely to be obtained) - If 50% of parliamentarians were in favour, a referendum could be called (not the case)
LT	Parliamentary ratification, Ratified 11.11.2004	-For parliamentary ratification, a simple majority was needed - No significant public debate about a possible referendum
LU	**Referendum** **10 July 2005**	- Consultative referendum will be held - Participation compulsory (as with elections) - Parliamentary ratification would need 2/3 majority
MT	Parliamentary ratification Not before mid-2005	- PM Gonzi excluded referendum on 5 June 2004 - Parliamentary ratification needs simple majority (likely to be obtained)
NL	**Referendum** **Late May or June 2005**	- Non-obligatory, consultative referendum based on a parliamentary initiative - Special committee (members: e.g. from social advisory and elections council) will determine date, allocation of resources, formulation of question - Parliament will still have to ratify by 2/3 majority, but several parties have already indicated they will respect referendum outcome
PL	**Referendum** **Probably autumn 2005**	- Referendum likely together with presidential elections - 50% turnout needed in order to be valid - Parliamentary ratification would need 2/3 majority (unlikely)
PT	**Referendum** **Probably April 2005**	- Non-obligatory referendum - Parliamentary ratification would require simple majority
SK	Parliamentary ratification, Before summer 2005	- Parliamentary majority of 3/5 needed (likely to be obtained) - President Gasparovic, PM Dzurinda and opposition leaders Fico and Meciar against referendum - Eurosceptic KDH (member of govt coalition) in favour of referendum
SL	Parliamentary ratification 1 February 2005	- Parliamentary majority of 3/5 needed (likely) - Government has spoken out against referendum, although Slovenian Constitution would allow it to call for one
SE	Parliamentary ratification Probably December 2005	- Parliamentary ratification needs 3/4 majority (likely to be obtained) - PM Persson and 4 pro-Constitution opposition leaders against referendum - 1/3 of parliamentarians needed to call referendum: Not enough, as only eurosceptics (Green Party and Left Party) in favour - Ratification bill to be presented to Parliament by May 2005
UK	**Referendum** **Probably spring 2006**	- PM Blair called for referendum in April 2004, only after massive pressure from media and opposition - Referendum likely after British EU Presidency (Jul-Dec 2005) in spring 2006 - Referendum bill to be debated in Parliament early 2005 - Wording of the bill: "Should the United Kingdom approve the Treaty establishing a Constitution for the European Union?"

4. Key Players in the Debate on Ratification of the European Constitution

The findings from the survey confirm a number of expectations and general trends from previous experience with EU-related national debates and referenda. The national context and hence also national actors (individually and collectively) dominate the debates, even though the issue at hand is a European one. In this situation, national governments and political parties appear as the key actors on both sides of the debates. It is significant how little influence is being exerted at this early stage in the debates in most countries by any actor from outside the national political arena, although the Spanish case shows that in the immediate run-up to a referendum vote, there is likely to be more political activity including support from other national leaders (e.g. German Chancellor Schröder and French President Chirac's joint appearances with Spain's Prime Minister Zapatero).

National governments and political parties

According to our findings, the single most important actors are, not surprisingly, the national governments. This is partly due to their role in calling national referenda (which includes their prerogative to decide on the timing of such consultations, whether they are binding or non-binding – see Table 1), and partly to the fact that all member state governments have already assumed the responsibility for ratification by signing the Constitutional Treaty on 29 October 2004. In this context, the European institutions and in particular the European Commission have so far been reluctant to get too involved in the campaign. The Commissioner responsible for the Constitution, Margot Wallström, said in early 2005 that it would be "absolutely counter-productive for the Commission to try and impose anything on the member states".[9]

Thus the national heads of government and often their foreign minister, especially when they are from another party in a coalition government (for example, Joschka Fischer, Gianfranco Fini, Cyril Svoboda) appear by default as key personalities in Germany, Italy and the Czech Republic, respectively, in promoting the 'yes' side. However, in some particular cases, this still depends on intervening national elections, as in the case of the United Kingdom where Tony Blair's precise role seems as yet undecided; and possibly in Poland, where the referendum may be on the same day as the presidential elections in the autumn 2005.

Similarly, as mentioned in section 3, this also means that the overwhelming majority of political parties in government or supporting a government, are in favour of the Constitution. But again some exceptions exist – usually in the form of junior coalition partners, or even movements within the larger parties such as for example "Debout la Republique", which is made up of members of the UMP party in France, the Christian Democratic Movement in Slovakia, parts of the FPÖ in Austria and parts of the Lega Nord in Italy. Even among (main) opposition parties, there is widespread support at the parliamentary level in most countries. The only cases in this sample where the division between 'yes' and 'no' neatly coincides with the government-opposition fault line are the United Kingdom and (possibly) Malta (see section 3 on the Maltese Labour party), while the Czech Republic presents a more mixed picture with the main government party (CSSD) in favour and the main opposition party (ODS) 'rather against', but some of the smaller parties still undecided. In Poland, the picture is yet different, with the main opposition parties undecided (Citizens Platform, PSL) and some of the smaller, more extreme parties strongly against (Law and Justice, Self-Defence and League of Polish Families).

This support of the political forces of the mainstream is particularly important because, apart from individual high-ranking office holders, parties are seen as the most prominent actors in the Constitutional debate in all countries. This is true also in those countries where there is not going to be a referendum and therefore the debate is, in many cases, almost exclusively conducted within the political system and between parties. In this context it is significant that the centre of the political spectrum from left-centre to right-centre is overwhelmingly in favour of the Constitution almost

[9] Federal Trust (2005, p. 4).

everywhere, with the exception once more of the two most clearly bipartisan systems in the sample, the UK and Malta.

Looking at the broad political party families (as constituted at EU level) to get a European picture of the party-political line-up, the centre-left parties (PES family) seem to be quite united after the internal vote of the French PS to support the Constitution, with the official position of 21 PES parties (out of 22 mentioned in the survey) in favour, and only the Maltese Labour Party currently still undecided. Within the EPP Group (36 parties were mentioned), there is also a strong majority of parties in favour (27) but five parties (the Czech ODS, the Finnish Christian Democratic Party, the Estonian Fatherland's Union, the Polish Citizens' Platform and the Polish Peoples' Party) are noted as 'against', and four others reported as 'undecided' (one smaller party each in Denmark, Estonia, Poland and Slovakia).

*Table 4. Overview of political parties opposed to the Constitution**

MS	**Left**	**Right**
AT	Communist Party**	Freedom Party (18 /183); government party, contradictory signals by different party actors)
BE		Vlaams Belang (18 /150) Front national
CZ	Communist Party (41 /200)	ODS (57 /200)
DE	Party of Democratic Socialism (2 /603)	National Democratic Party** The Republicans**
DK	Unity List (4 /179) June Movement** Peoples' Movement against the EU**	Christian Democrats (4 /179) Danish Peoples' Party (22 /179)
EL	Communist Party (12 /300) Coalition of the Left for Progress (6 /300)	
ES	United Left (IU) (3 /350) Several regional parties (12 /350)	
FI		True Finns Party (3 /200)
FR	Communist Party (21 /577) and other far left parties	Movement for France (2 /577) National Front** Several political movements and splinter parties
IE	Sinn Fein (5 /166) Socialist Party (1 /166)	
IT	Communist Re-foundation (11 /630)	
MT	Labour Party (maybe) (31 /65)	
NL	Socialist Party (8 /150)	List Pim Fortuyn (8 /150) Christian Union (3 /150) Political Reformed Party (2 /150)
PL	Partia Ludowo Democratyczna (10 /460)	League of Polish Families (29 /460) Law and Justice (43/460) Catholic Movement (5/460)
SE	The Greens (17 /349) Vänster-Party (30 /349)	
SK	Communist Party (9 /150)	Christian Democratic Movement (15 /150)
UK	Green Party**	Conservative Party (162 /659) UK - Independence Party** British National Party**

* Non-exhaustive list; Numbers refer to share of seats in national parliaments (1st chambers)

** No seats in national parliament (1st chambers)

The most pronounced opposition against the European Constitution comes from the fringes (both on the left and the right) of the political system. The green-left and far-left parties, socialist, communist or post-communist parties of the GUE-NGL family are against the Constitution in Austria, Denmark, France, Germany, Greece, Ireland, Italy, the Netherlands, Slovakia, Spain and Sweden, in particular in connection with the debate about the social content of the Constitution (see section 4). A separate category of the no-side in this context is constituted by some of the Spanish regionalist parties which oppose the Constitution because it fails to recognise their respective languages and furthermore makes no mention of either their peoples or nations (the Catalan ERC, the Nationalist Bloc of Galicia, the Aragonese Party and Eusko Alkartasuna, a minority Basque party).

Fringe parties of the far right are also very often opposed to the European Constitution, which can probably be explained both by their rejection of particular elements of the Constitution or European integration in general, and by their role and interests as 'anti-establishment' or even 'anti-system' parties. This is most clearly the case for the five parties referred to in the survey from the Independence and Democracy family (ID) (including the UK Independence Party), which are all against the Constitution, while two parties from the Europe of Nations family (UEN: Fianna Fail from Ireland and Italy's Alleanza Nazionale) are supporting the Treaty ratification, and just the Polish Law and Justice Party is clearly against, while the Estonian People's Union seems to be ambivalent. Forceful opposition on the right comes also from parties that are non-aligned at the European level and that might have a considerable impact on the debates in their national contexts (the Vlaams Blok, now Vlaams Belang) in Belgium, the so far 'undecided' (and internally split) FPÖ in Austria, the List Pim Fortuyn in the Netherlands, or in Poland the League of Polish Families and the 'Ruch Katolicko-Narodowy' Catholic movement). All in all, 24 parties, individual lists or movements outside the large European party families are reported against the Constitution across the 20 member states in the present survey.

The 'no' side also includes another category of actors that will certainly make their voices heard but which in some cases elude traditional classification as a political party in a strict sense, i.e. the pressure groups or popular movements specifically set-up for the EU (even though, like in the case of the Danish June Movement, of long standing), the 'Danish Peoples Movement against the EU' or the particular campaign organisations (for and against the Constitution) that are emerging in the British debate. Here the borderline between civic organisation, party politics and mere campaign-tool is very fluid.

Individual actors

As far as individual personalities and their impact on the Constitution's ratification are concerned, the assessment of their visibility and influence can only be a snapshot of the state of debate at a given point in time. As mentioned, leading figures of the national governments are bound to be central in all the debates. Many of them are 'constrained' by previous action to support the Constitution. Exceptions occur where there are divisions between different levels of the executive or within coalitions (as in the Czech Republic, where President Václav Klaus is likely to be against the Constitution but is expected to keep a low profile, or in Italy where the leader of one partner in Berlusconi's government, the Northern League, is against the Constitution or at least against the process of ratification without referendum).

The second-most-important category of individuals consists of party leaders who will take a side in the debate, in particular if they also hold other functions (Edmund Stoiber (Germany), Elio Di Rupo (Belgium), Umberto Bossi (Italy) and Gerry Adams (Ireland)). Party leaders are likely to be very prominent because of the parties' key role in the campaigns. This means that national political players finally have to take sides in the European debate, especially those not in a position of responsibility for the national government, who often use European questions as a powerful weapon against their national political opponents. Yet, also at this level, the absence of a clear influence of the European dimension on the dynamics of this contest means that the Constitution issue could become a mere pretext for domestic purposes.

Despite this predominance of national politicians, there seems to be some role for members of the European Parliament and/or former members of the Convention which drafted the Constitution: individuals such as Jean-Luc Dehaene (Belgium), Johannes Voggenhuber (Austria), Frans Timmermans (the Netherlands), Jan Zahradil (Czech Republic) or Jens-Peter Bonde (Denmark) are mentioned by the national experts but, significantly, only within their own national context.

This is indeed one of the most striking, but not surprising results of the present survey. So far, no impact is visible or seems to be expected of prominent personalities from other countries, even though this might change as the actual dates of the votes approach. This ties in with the general absence of the European institutions from the national scene so far. Even where (current or former) members of the European Commission are identified as important actors, they are only the 'national ones' (Estonia: Silm Kallas, United Kingdom: Neil Kinnock and Chris Patten) and in many cases they are former foreign ministers (Austria: Ferrero Waldner, Belgium: Louis Michel, Italy: Franco Frattini). There is also, as far as this survey reveals, no visible engagement to date of prominent non-political actors (celebrities as 'ambassadors' of the Constitution), but this is also bound to change in referendum countries in the immediate run-up to the vote (in fact, in Spain the 'hot phase' of campaigning does involve a number of celebrities, including some from other member states). The lack of cross-border campaigning at this stage, however, suggests that there is limited scope for the European-level political class to actively engage in the national ratification debates (see section 5 on Issues).

Societal actors

The question then is whether the 'other players' who might participate on one or the other side of the debate – i.e. the 'key social elites such as trade unions, business groupings and religious organisations' –will be more inclined and/or in a better position to promote a European level of awareness and debate (see Szczerbiak & Taggart, 2004, p. 568). The survey questions specifically asked both about the role of other (i.e. non-national government) 'institutional' actors and about 'civil society' actors to take account of different structural features of the member states (such as regional devolution), as well as soliciting answers on the social partners, business and churches. Table 5 gives an overview of the responses from the national experts.

In the institutional section, the **Constitutional Courts (or Councils)** have so far played a formal role (supporting the Constitution) only in Luxembourg and Spain, and the Constitutional Court in Slovakia has informally taken a pro-ratification stance, but in some cases these Courts might have to rule later on the outcome of the referenda or specific provisions of the Constitution (e.g. in Spain).

Regions as independent actors will play some part in the ratification process in those member states with more or less developed federal structures (Austria, Belgium, Germany, Italy and Spain), but the degree of real influence over the national ratification process differs widely (with the German Länder being influential via the second chamber of Parliament, and the Belgian regional and cultural authorities having to ratify separately, while the Italian regions having no substantial influence). In any case, in most of these countries there seems to be widespread support for the Constitution at the sub-national institutional level. A slight qualification, however, is necessary with regard to Spain, where, as mentioned above, the attitude of some regional parties to the language regime of the EU means that not all regional players are in favour of ratifying the Constitution.

Non-institutional players

As for **other social players** mentioned, we first concentrate on the classical **'social partners'.** Both trade unions and employers are seen as being 'in favour' of the Constitution in most countries where they appear as relevant actors. In particular in Belgium and even more in France, however, **the unions** are divided and some object to the lack of social provisions in the Constitution. In some countries the position of the unions is not clear yet (Austria, Belgium, Cyprus, France and Ireland). **The employers** on the other hand are noted as being 'in favour' in 11 countries, and there is no country with an official employers' position against the Constitution. As for the **business community**, nine countries (Austria, Cyprus, Czech Republic, Germany, Denmark, Spain, Estonia, Luxembourg and Ireland)

report a generally positive attitude (which ties in with the use of the 'economic benefit argument', see section 5) and nowhere so far are there signs of strong business opposition, even though business leaders in the UK are divided as to the possible benefits and risks stemming from the Constitution and seem to grow more sceptical over time.[10] Some are also hesitant to become engaged because of potential negative consequences from anti-European tabloids. This hesitation could turn out to have an important impact on campaign resources, because the 'no' camp on the other hand will partially be funded by individual contributors.

As far as **'the church'** is concerned, the survey did not specify any particular religious groups and the responses received seem to refer to the main (institutionalised) churches. In this perspective, the church is seen to be supporting the Constitution in Germany, Greece, Luxembourg and Italy, while in Ireland, Poland and Slovakia, because of the discussion about a reference to God in the Constitution's preamble, the position of the Church is not clear. In particular in Poland it is likely that the official Church position will be neutral, while at a local level there will be critical voices in many cases.

Table 5. Civil society social partners

MS	Unions	Employers	Business	Church	Other
AT	Not clear	Not clear	For		
BE	Some against				
CY	Many against	For	For		
CZ	Not clear	Not clear	Rather for	For	
DK	For	For	For		Two single-issue movements: against
EE			For		
FR	Divided	For			
DE	For	For	For	For	
EL	Mostly for	Mostly for		Mostly for	
IE	Divided	For	For	Probably for	
IT	For	For		For	Some Catholic movements: against
LU	For	For	For	For	
MT	For	For	For	For	
PL				Divided: national level neutral, local level against	
SK	For	For		Probably against	National Convention for the EU: in favour
ES	For	For	For		Anti-global movements: against
UK		Generally for	Divided		Campaign movements in favour and against

Finally a wealth of **other actors** will be participating on both sides in the debates about the European Constitution. Such diverse players as think tanks, semi-permanent structures like the Slovak

[10] See.Corbett (2005).

Convention on the EU, lobbying organisations, the media and anti-globalisation networks will all contribute to the debates, particularly in the referendum countries. More structured information over a longer period of time would be needed to allow an evaluation of the state and intensity of their contributions to the national debates. Yet, what again emerges clearly from the survey is the weakness so far of cross-national/European exchange or activity of actors, even though some groups (like the pro-Constitution European Movement) are trying to establish such patterns of interaction. With the ratification process gathering pace throughout 2005, it is likely that all parties concerned, as well as the media in different countries will increasingly tap into European-level discussions to promote their respective aims, but for the time being the European Constitution is subject to solidly national debates.

5. Prominent Issues in the Debate about Ratification of the Constitutional Treaty in the Member States

For the purpose of our survey, a number of standard issues were identified which have been divided into two main categories: issues of a more general, political nature and issues that are, at least in principle, of a more technical nature, directly related to the content of the Constitutional Treaty. A third important group of arguments having an impact on the debates is linked to the national level: The performance of the respective national government is likely to play a role in all member states holding a referendum, especially where dissatisfaction is high and voters then seize the opportunity to 'present the bill' to the government. In the Czech Republic (parliamentary elections) and Poland (presidential elections), it is even likely that national elections will be held the same day. As the national dimension will play a role in all countries to some degree, the focus of the following part will be on the two dimensions linked to the European level to better highlight the differences and similarities among member states.

As it turned out, most of the issues that were put forward seem to be recurring in the debates in numerous countries, with different degrees of salience and used either in favour of or against the proposed ratification of the Treaty.

Before analysing in detail the specific arguments, it is worth stressing a general point, which may have an impact on the ratification process. Indeed, according to the findings of our survey, there are more countries in which ratification is supported on the basis of technical reasons than there are countries in which general political considerations are put forward in favour of ratification.

To a certain extent, this can be seen as legitimating ex post the work carried out by the Convention first and by the Intergovernmental Conference afterwards. Indeed, most of the qualifying points of the Constitution are likely to be used as arguments in favour of its ratification in most of the member states. The clearest examples are the incorporation of the Charter of Fundamental Rights and the new provisions on CFSP. According to our experts, the Charter is going to be used as an argument in favour of ratification in 12 of the 20 surveyed countries, and as an argument against it in only three (Ireland, Slovakia and United Kingdom: in the first two states, incorporation will actually be used in the campaign as an argument both in favour and against ratification – in the latter case because the steps taken to make it legally binding are not considered sufficiently far-reaching). The new provisions on CFSP are regarded as a step in the right direction introduced by the Treaty, and therefore used as an argument in favour of its ratification in 10 countries, as opposed to two countries where it is believed that this point will be used by the 'no' camp (Austria and Sweden, in both cases for reasons related to the neutrality of the country). Moreover, the innovative clause allowing a country to withdraw from the Union, with its potentially far-reaching consequences, is present in the debate in only six of the surveyed member states, but in all of them the clause appears to be used mainly by the pro-ratification camp, as an argument in favour of ratification. In particular, the clause seems to be considered as an important safeguard in Denmark and in the increasingly eurosceptic Austria.

However, this focus on the issues directly related to the Constitutional Treaty also gives rise to some concerns. The problem is that issues of this kind, such as for example the double majority system or the extension of qualified majority voting, are inherently less interesting for the general public. It is safe to assume that such topics will not make many headlines in the national media and are therefore

unlikely to catch the citizens' imagination. This in turn means that it will be more difficult to elicit the kind of attention necessary to ensure the attainment of the required thresholds in those countries that will carry out a referendum.

Finally, one indication that seems to emerge quite clearly from the analysis of both the political issues and of the ones directly related to the Treaty is that the citizens of the EU want the Union to be more active in the field of Common Foreign and Security Policy. Indeed, in half of the states monitored, the fact that the Constitutional Treaty seemingly creates the preconditions for an enhanced role of the EU on the global stage will be used as a point in favour of ratification during the campaign, with the UK being the only country where the argument will be used as an element against ratification.

The general (political) arguments

Among the political arguments that will figure prominently in the campaign, there are several that recur more frequently: first there is the argument about membership, i.e. the fact that if a given country does not ratify it may have to withdraw from the Union and that thus, conversely, ratification is a condition for continued membership (such argument is used either in favour or against ratification in a total of 17 out of 20 surveyed member states). Second, there is an argument about the geographical limits of Europe, which in the questionnaire was linked to the Union's identity, and the perceived threat to it that may come as a result of too many enlargements. The third argument concerns the more pragmatic considerations about the economic benefits deriving from membership of the Union. The two latter sets of topics will be used by campaigners in 15 member states. Two other issues that feature in the debates of many countries are the already-mentioned 'Role of Europe in the World' (linked to the provisions on CFSP), which is debated in 11 countries, and the European social model, which has polarised the debate in opposite directions in 12 countries.

Beginning with **membership of the European Union**, this argument is still considered in many member states (11 of them) as a powerful case in favour of ratification. At the same time, the fact that there are also various states (6) where opponents to the Treaty believe it is productive (convenient) to use the argument against ratification is a sign that citizens of those countries are increasingly dissatisfied with the way the Union is working and/or the direction it is taking. In particular, while it may be reassuring to see that membership can act as a positive factor in old member states, such as the Netherlands and Spain, as well as, albeit in a different sense and with a different weight, in Denmark, it is not a particularly positive omen that campaigners in the recently acceding state of Poland have already questioned the value of the country's membership of the Union (using it as an argument against ratification). Perhaps even more worrying is the fact that membership of the Union, or at least of this kind of Union (portrayed as prey to a liberal drift and with no clear roadmap for the future), is brought up as a reason to oppose ratification of the Treaty by some of the political forces in France, one of the founding members and supposedly a cornerstone of European integration.

The picture is even bleaker if one looks at the question of the **geographical limits of Europe**, which encompasses both the enlargements that the Union should still undergo and the partially unrelated vexed question of the accession of Turkey to the club. There are two lines of thought that come together in this debate: on the one hand the arguments that focus on the doubts engendered by the accession of a poor, large (in size and population) and predominantly Muslim country, and on the other the concern that too many enlargements will water down the European identity, making it impossible to identify any distinguishing features of the Union. The result is that the question of the limits and the identity of the Union will probably be used as an evocative argument against ratification in as many as 12 member states, while according to our experts it will be used as a positive factor in only 3 of them (Ireland, and, more interestingly, Greece and Cyprus). Note however that in all three countries the argument is being used both in favour of and against ratification).

Not surprisingly, the argument of the **economic benefits deriving from EU membership** will mostly be used by campaigners to convince voters that it is in their interest to ratify the Treaty (this is predicted to happen in 11 member states, as opposed to only 4 of them in which the economic benefits – or lack there of – will be put forward as an argument against). It is also logical that the weight of this

argument should be particularly relevant in the new member states, countries that, after years of sacrifices to join the club, are now looking forward to reaping the benefits of membership. These states are in principle going to be the main net beneficiaries of EU funding in the coming years, and therefore in not a single one of them are the political actors likely to call into question the economic benefits, nor are they likely to use them as an argument against ratification of the Treaty. It is worth observing that this is in fact expected to be the only argument that will play a clear role in favour of ratification in Poland, and one can only hope that the prospect of EU funds will act as adequate incentive to bring the Polish voters to the ballot box. Yet it is not just the campaigners in the new member states that will seize upon the economic argument to convince their citizens to go and vote for the Constitutional Treaty. This argument will play a role in various of the old member states as well, especially those that have benefited significantly from EU coffers, e.g. Greece, Spain and the success-story Ireland. More telling is the fact that the economic benefits are going to be used as a positive factor even in Germany (even though in the latter case economic benefits should probably be interpreted in a broader sense, e.g. the positive effects for German exports that will derive from being part of the single market).

The **role that Europe should play in the world** is, as mentioned above, one of the aces up the sleeve of the 'yes' campaigners. In virtually every member state in which this concept enters into the debate, it will feature as an argument in favour of ratification (based on the assumption that the Constitutional Treaty lays the foundation for an more substantial role of the Union on the world stage). It may for example become the only argument to be regarded positively in the Austrian public debate (where, however, the Treaty will be ratified by parliamentary vote, and the political forces are largely in favour of ratification, notwithstanding the growing popular dissatisfaction with the European project).

The last often-recurring factor is the **European social model** and the extent to which it has been enshrined in the Treaty. As mentioned above, this factor is a matter for debate in as many as 12 countries. However, unlike the other issues analysed so far, the social dimension of the Treaty will predominantly be used as an argument against ratification. Indeed, this will be the case in eight member states, double the number of those in which it will be presented as a valid reason to ratify. The irony is that countries where the European social model is used as an argument against ratification of the Treaty – because the latter has not adequately safeguarded or enhanced the former – find themselves on the same side of the barricade as a country that traditionally holds more conservative (sceptical) views on the European social model, i.e. the United Kingdom, where as a matter of fact this will be one of the main arguments used against ratification of the Treaty (especially because of the concerns of some representatives of the business community).

A similar paradox can be observed with regard to the **Stability and Growth Pact**. According to our findings, this rather sensitive issue will feature in the debate in only five countries out of 20, and in all of them it is likely to be used as an argument against ratification of the Treaty. But opponents of the Treaty will use this argument both in those small-and medium-sized countries (Austria and the Netherlands) that have been rigorous in their compliance with the Pact – in which case the negative bias will be based on the fact that the Pact has been merrily disregarded by the big member states – and in those same large member states (France, Germany and Italy), where on the contrary the argument against ratification rests on the fact that what is perceived as an excessively rigid Pact has been enshrined in the Constitution. It will be interesting to see whether there will be a change in attitude if and when the member states reach an agreement on the reform of the SGP in the course of 2005, as is foreseen.

Finally, it seems that **efficiency and democracy** of the Union, two of the main goals set by the Laeken Council for the Convention and the ensuing IGC, will also play an important role in the debates in various member states. But while most people seem to agree that the Treaty has indeed made the Union more efficient, and the latter will thus be used as an argument in favour of ratification in seven member states out of nine (Sweden and the UK being the two only countries where campaigners believe that the Treaty has not done enough in terms of boosting the Union's efficiency, and will therefore use this as an argument against its ratification), the picture is more mixed when it comes to

democracy. The scoreboard of the democratic advances introduced by the Treaty will be used as a positive argument in six countries (France, Denmark, Ireland, Germany, Czech Republic and Slovakia), but in four others those opposing the Treaty will be claiming that the latter has not really improved the democratic outlook of the Union and should therefore not be ratified (again Sweden and the United Kingdom, plus Estonia and Denmark).

Table 6. Most recurring political arguments in the surveyed member states

Argument	In Favour	Against
EU membership	CZ, DK, EST, FI, EL, IR, NL, SK, ES	AT, FR, PL, SE
Limits and identity	CY, EL, IR	AT, BE, DK, EST, FR, EL, IR, IT, NL, SK
Economic benefits	CY, CZ, SF, DE, EL, IR, PL, SK, ES, SE, UK	AT, CY, FR, UK
Europe's role in the world	AT, CY, DK, FR, DE, EL, IR, IT, ES, UK	UK
European social model	CY, CZ, IR, ES	BE, CY, DK, EST, FI, FR, IR, UK
Stability and Growth Pact		AT, FR, DE, IT, NL
Efficiency	BE, DK, FR, DE, IT, SK, SE	SE, UK
Democracy	CZ, DK, FR, DE, IR, SK	DK, EST, SE, UK

Issues directly related to the content of the Constitutional Treaty

Moving on to the issues directly linked to the Constitutional Treaty, we found that the argument that is used most frequently concerns the **incorporation of the Charter of Fundamental Rights**. This is an element of the debate in 15 out of 20 member states, and it is presented predominantly as an argument in favour of ratification – in 12 out of the 15. In two out of the three remaining states (Belgium and Slovakia), the argument will be used by campaigners both in favour and against ratification. In particular, according to our national expert, the argument will be used against ratification in Belgium where some actors regard the progress entailed by incorporation as 'too limited'. It is only in the United Kingdom that the Charter will be used against ratification due to the fear, on the part of business organisations in particular, that its incorporation in the Treaty "will threaten social legislation, widen the scope of EU competences, strengthen trade unions and create new social rights".

Sharing second place in the chart of the most recurrent issues are the provisions on **Common Foreign and Security Policy** and the **extension of the areas in which decisions will be taken by qualified majority voting (QMV)** in the Council. But while in the first case the argument will by and large be used in favour of ratification (in 10 out of 12 countries), the question of the scope of QMV continues to be a sensitive issue within the Union. For this reason, it will be used more often by those who are campaigning against ratification than by those that are in favour of it, although by a narrow margin (it will be used as an argument against in seven countries, and in favour in five of them). The dividing line is not surprising, since it reflects the positions on the topic that were publicly held by member states' negotiators during the intergovernmental conference. Thus, while the extension of the areas to which QMV applies will be used as an argument in favour of ratification in states that are usually quite at ease with deeper integration (such as France, Germany, Italy and the Netherlands), in those countries that are traditionally more jealous of their sovereignty (such as Sweden, UK, Denmark, Austria, Slovakia and the Czech Republic), the opponents to the Treaty tend to include the extension of QMV in their arsenal of arguments against ratification.

One can notice a similar situation with regard to the other main element of disagreement within the IGC, namely the **system of majority voting** itself. It is not a coincidence that the 10 countries where the topic features as an element of the debate are split down the middle between those where the switch to the new voting system will be advanced as an argument in favour of ratification and those where the argument will be brought up by anti-ratification campaigners. In this respect, it is hardly

surprising to see that the double-majority system will be portrayed in a negative light by some political forces in Spain and Poland, countries whose governments fought until the last minute of the IGC to retain the advantageous deal they had cut at Nice. On the other hand, it is a bit discomfiting to see France (which, were the Constitutional Treaty to come into force, would lose its so far jealously-guarded parity with Germany) and the Czech Republic feature among the countries where the argument is likely to be used by those opposed to ratification. The debate in the Czech Republic in particular can be of interest, as it seems to represent one of the few cases where there is an explicit transnational influence. Indeed, the 'no' campaigners in that country contend that the Czech Republic should have joined forces with neighbouring Poland to defend the more convenient voting arrangement agreed at Nice.

Another equally divisive issue remains that of the **Permanent President of the European Council**, which will be appropriated by the opponents to ratification in five member states, while it will be put forward as a good reason to ratify in five others. Campaigners in those countries that were in favour of retaining the rotating Presidency will argue that their government's wishes on this point have not been granted, and therefore the Treaty should not be ratified. In this context, it is again interesting to comment on the position in which the UK finds itself. If one were to look only at the strategic interests of the country, the fact that a Permanent President of the EU Council is foreseen by the Constitutional Treaty should be regarded as a positive development – after all, this was one of Tony Blair's main desiderata, with a view to increasing the Union's efficiency. But in the heated climate of the pre-referendum debate, the argument may also be turned on its head by opponents to the Treaty, who will present this development as evidence that many continental partners do indeed have a hidden federalist agenda.

Less controversial is the other new post introduced by the Constitutional Treaty: that of **EU Minister of Foreign Affairs**. Reflecting also in this case the large consensus that had arisen within the Convention, the argument is likely to be used in favour of the ratification of the Treaty in an overwhelming majority of the member states in whose debates it will feature. This seems to be in line with the above-mentioned findings on the CFSP, which is not only present as an argument in the debate of a large majority of the member states, but it is also used as an argument in favour of ratification.

Table 7. Issues directly linked to the Constitutional Treaty that frequently occur in the member states' debates

Argument	**In Favour**	**Against**
Charter of Fundamental Rights	AT, BE, CZ, FR, DE, EL, IR, IT, NL, EE, SE	UK
Voting Weights (double majority)	AT, DE, IR, SK, UK	CZ, FR, PL, ES
Extension of QMV	FR, DE, IT, NL	A, CZ, DK, SK, SE, UK
Exit Clause	AT, CZ, DK, EST, IR, UK	
Provisions for enhanced cooperation	DK, FR, DE, UK	CZ, EST, IR, PL
Permanent EU President	CY, FR, DE, IT	IR, NL, SK, SE, UK
EU Foreign Minister	AT, CY, FR, DE, IRL, NL, SK, ES	IR, UK
CFSP	AT, BE, CY, EST, FR, DE, EL, IR, IT, ES	AT, SE

Overall, as was anticipated at the beginning of this section, the arguments directly related to the content of the Constitutional Treaty are more likely to be deployed in favour of its ratification. Also in those countries where the picture looks rather bleak if one considers only the more general political arguments, the ones directly linked to the Treaty come to the rescue and appear to give some punch to the 'yes' campaigns. This is particularly evident in the cases of Austria, where all of the political

arguments will probably be present in the debate as factors against the Treaty, whereas among the more technical ones there is a slight predominance of the arguments in favour of ratification. Similarly in France, where of the eight main political issues around which the debate will revolve five will be used against ratification, whereas out of the same number of technical arguments (8), seven will be used in favour of the Treaty. Furthermore, with regard to the issues directly related to the content of the treaty, it is worth underlining that the political actors in Germany and Italy in particular seem to be quite satisfied with the way their governments have pursued their agenda in the intergovernmental negotiations. All of the main constitutional issues that will play a role in the debate in the two countries will indeed be used as arguments in favour of ratification (respectively 7 and 6).

Furthermore, the analysis of the available data seems to show that the political forces that will be campaigning in favour of ratification in those countries whose public opinion is usually considered eurosceptic will have a hard time not only because they have to sway a large number of voters, but also because the number of arguments that are likely to be used against ratification is higher. According to the findings of our survey, the three countries that seem to be in this situation are Austria, Sweden and the United Kingdom. In the first two, however, it is highly unlikely that a referendum will be held. Another result that our survey seems to give is that the situation in Denmark may be more positive than observers usually think.

Finally, our survey shows that **cross-national influences** in the debates have so far been very limited and often affect only immediately neighbouring countries. Also, only the debates in large countries have so far been found to exert influence in other member states. France was mentioned as influential for Belgium (debate on 'social Europe' within the French PS 'spilled over' to the francophone PS in Belgium), Germany (where the questions was asked why French (and British) citizens could have a say on the Constitution while Germans were denied this right by their political elite) and the UK (where the French debate on 'social Europe' is also seen as holding some potential to fuel the British one, even though with likely calls for less 'red-tape' rather than more social protection). The UK media might become influential for the Irish debate and in Austria the German debate about holding a referendum was closely observed. The Czech eurosceptics reproach their government for not taking an equally firm stand as the Polish on the voting weights in the Council during the IGC.

The currently very limited cross-national references are however likely to increase in countries that are to hold referenda rather late, when the many other countries that will have already ratified are likely to be cited as an argument against 'isolation' in the EU-25.

6. Conclusion: Finally a European Debate?

It was clear from the very beginning that the debate(s) on the ratification of the 'Treaty establishing a Constitution for Europe' would take place first and foremost in the national arenas. At the same time, however, the ratification of this Treaty is unique in that never before have so many popular consultations been conducted on the same (European) issue. It was hoped that the effect would be the promotion of a European debate across national, linguistic and cultural boundaries of the member states.

In any case, our report underlines that the Constitution is very likely to be ratified in nearly all member states, despite the fact that the procedures vary widely from country to country (see section 3). With this diversity and the many different national political considerations influencing the timing and organisation of the ratification procedures, it was always going to be a difficult task to bring out the European dimension in the debates. This structure also means that national actors, first and foremost the national governments and the national political parties, will be the key actors to watch in the exchanges about the Constitution. Involvement from trans-European actors will be most crucial in the referendum countries but even there so far only Spain shows that non-national actors (i.e. Schröder and Chirac) get involved close to the actual voting.

This strong national focus presents a risk for the ratification in some countries because in the national setting one particular issue (e.g. more efficiency and democratic control for the EU, or the role of

Europe in the world) can be used by proponents of both sides, in a way that is incompatible with the debates in other countries. The analysis of different issues in different Member States has shown (section 5) that if the reasons for a particular European compromise are not made transparent to the citizens, such issues can be used in a divisive way at the national level.

At the same time, opportunities exist to develop a more 'European' debate. The fact that there is widespread support for the Constitution from the political mainstream in all countries and the fact that a number of key issues are present in all the debates testify to the potential European dimension of the Constitution issue. For this dimension to become more prominent, however, a concerted effort from actors (institutional, collective and individual) 'across the EU' would be needed. So far, the European dimension seems not to be visible at the national end. Political parties, social movements and other civil society players seem to be 'trapped' by the national (legal and political) frameworks. The European institutions have a key role to play in this situation and finally seem ready to take on the challenge. In particular, the European Parliament adopted on 12 January 2005 its pro-Constitution position and is now committed to promoting its ratification.

These efforts, however, will be in vain unless the media in all member states playing their part in the debate. So far, except for particular cases (like the influence of the British anti-Constitution media on the Irish debate), little reference is made in the survey to the media taking a pro-active role in the debate. With the first referendum in Spain in February, and more countries ratifying soon, it can be expected that the interest in a comparative reporting will increase. This report hopes to provide a starting point for such a comprehensive approach to what is, in any case, a foundational moment for the whole of the European Union.

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Annex 1
National Experts

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Cyprus	*Andreas Theophanous*, R&D Centre – Intercollege
Czech Republic	*David Král* and *Věra Řiháčková*, EUROPEUM
Denmark	*Catharina Sørensen*, Danish Institute for International Studies
Estonia	*Andres Kasekamp* and *Viljar Veebel*, Estonian Foreign Policy Institute
Finland	*Kristi Raik* and *Jukka-Pekka Strand*, The Finnish Institute of International Affairs
France	*Morgan Larhant*, NOTRE EUROPE
Germany	*Martin Koopmann*, German Council on Foreign Relations (DGAP)
Greece	*Elli Siapkidou*, Hellenic Foundation for European and Foreign Policy (ELIAMEP)
Hungary	-
Ireland	*Tony Brown*, Institute of European Affairs
Italy	*Flavia Zanon*, Istituto Affari Internazionali
Latvia	-
Lithuania	-
Luxembourg	*Mario Hirsch*, Luxembourg Institute for European and International Studies
Malta	*Leslie Agius*, Foundation for International Studies
Netherlands	*Ben Crum*, Vrije Universiteit Amsterdam
Poland	*Michał Czaplicki*, formerly Institute of Public Affairs
Portugal	-
Slovakia	*Aneta Antušová* and *Vladimir Bilčik*, Slovak Foreign Policy Association (SFPA)
Slovenia	-
Spain	*José I. Torreblanca* and *Alicia Sorroza*, ELCANO Royal Institute of International Strategic Studies
Sweden	*Fredrik Langdal* and *Charlotte Vandercam*, Swedish Institute for European Policy Studies (SIEPS)
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Annex 2

The Survey

EPIN | **EUROPEAN POLICY INSTITUTE NETWORK**

RATIFICATION MONITOR NATIONAL EXPERTS SURVEY

COUNTRY:
RESPONDENT .....*(name)*
.....*(organization):*

1. Ratification Procedure and Date

a) Which ratification procedure will apply in your country?
Referendum, legally binding
Referendum, consultative
Parliamentary Ratification only

b) What will the procedure look like? Are there any procedural peculiarities (e.g. minimum turnout in referenda)? *Please specify.*
…….....
.....
.....

c) If a referendum is held:
(1) What will be the *date*?.....
(2) Who will *convoke* it (e.g. government/ parliament/ president)? …….
(3 If already known, what will be the *wording* of the referendum question(s)?
.....
(4) If the referendum is consultative, what is the *motivation* for holding the referendum?
…….....
.....
.....

2. Support for the Constitutional Treaty

a) How strong do recent polls suggest is the likely support for the Constitutional Treaty going to be in your country? (please name date & source of poll :…….)
- In a Referendum (in %):
  - Yes…..
  - No…..
  - Undecided…..
- In Parliament (in %)
  - Yes……....Which parties?.....
  - No…….....Which parties?.....
  - Undecided……..Which parties?.....

b) In the light of current public opinion, how high do you rate the overall probability that the Constitutional Treaty will be ratified in your country?
(in %):……..

3. Key Players

Which important players are likely to take on an important role in the debate about ratification? Please specify whether in favour or against the Constitutional Treaty.

a) Institutions

Constitutional Court……. for….. against
Regions/ Second Chamber…… for …. against
Other (please specify)…… for …. against

b) Civil Society

Unions……... for…. against
Employers Associations…….. for…. against
Business…… for…. against
Church…….... for…. against
Other (please specify)…….. for…. against

4. Personalities

Please identify the most notable personalities that are likely to influence the debate in your country.

Name	*Party or Affiliation*	*Position on the Constitutional Treaty*

5. Positions of national political parties?
(Please fill in the table. Complete or correct other details wherever needed. Please add important parties not mentioned below.)

Party name	**English translation**	**Government Party** (Yes/ No)	**Share of Seats in Nat. Parl.** (Approx.)	**EP Party Group**	**Position on the Constitutional Treaty** (For/ Against/ Undecided)

6. Central themes and issues in ratification campaign

What topics, do you expect, will dominate the campaign for ratification of the Constitutional Treaty in your country? And how do you think will the subject influence the public opinion on the Constitution?

a) Overarching themes linked to the EU:

EU-membership in general (e.g. national sovereignty & independence)
in favour against

Limits and identity of the EU (e.g. membership of Turkey)
in favour against
Economic benefits (e.g. regional & agricultural funds, access to common market)
in favour against
Budgetary Issues (e.g. "netpayer" debate)
in favour against
Efficiency of the EU (e.g. capacity to act of the EU-25)
in favour against
Democracy of the EU (e.g. democratic control of the "Brussels bureaucracy")
in favour against
EU's Role in the World (e.g. "global player", transatlantic relations)
in favour against
'European Social Model'
in favour against
Future of the Stability Pact
in favour against
Other (please specify)……...
in favour against

b) Issues directly linked to the Constitutional Treaty:
Voting weights in the Council: in favour….. against
Extension of QMV: in favour….. against
Charter of Fundamental Rights: in favour….. against
Exit Clause: in favour….. against
Provisions for 'enhanced cooperation ('Core Europe'): in favour….. against
Permanent EU President: in favour….. against
EU Foreign Minister: in favour….. against
Common Foreign Policy (CFSP): in favour….. against
Common Security Policy (ESDP):
JHA issues (Asylum Policy, Border Control, etc.): in favour….. against
European Public Prosecutor: in favour….. against
Other (please specify)……
in favour….. against

c) National issues (e.g. government performance). Please specify.
…… in favour….. against
…… in favour….. against

7. Influences from other Member States on the domestic debate.

Has the domestic debate on the constitution been influenced by events in other Member States? Please specify.
Member State(s): ……
Subject (s) / Event(s):
(1).....
in favour….. against
(2).....
in favour….. against
(3).....
in favour….. against

About EPIN

EPIN is a network of European policy think tanks and institutes. It has 30 member think tanks across 25 countries, including most EU member states and candidate countries. Over the coming two years, within the framework of the Ratification Monitor project, EPIN intends to monitor the ratification process of the Constitutional Treaty and the debates that will surround it in all of the member states. It will provide comprehensive, coherent and easy access for all those interested in the European policy debate. Beyond the Constitutional Treaty, EPIN's network of think tanks will provide analysis of all the different national debates, and of the complex political dynamics of the pan-European debate.

Aims and Objectives

- To promote and develop ***pan-European debate and understanding*** on the key issues associated with the future of Europe.
- To promote discussion and understanding of the political dynamics of the ***different national debates***, and trans-European comparisons of discourse on EU-related issues.
- To hold ***meetings*** in the member states and candidate countries and further meetings in Brussels offering different national views of the debate, involving a range of different civil society actors as well as policy-makers, analysts and commentators.
- To develop ***interaction, contacts and exchange of information*** and analysis across the members of the network.
- To undertake and encourage ***joint analysis*** and to publish ***joint working papers*** on the key issues of the debate.
- To promote international ***communication and dissemination*** of the network's activities and outputs.

EPIN is coordinated by a Steering Committee made up of representatives of the Centre for European Policy Studies (CEPS, Brussels), the Groupement d'Etudes et de Recherche Notre Europe (France), the Real Instituto Elcano (Spain), the Swedish Institute for European Policy Studies (SIEPS, Sweden) and the Centre for European Reform (CER, UK).

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