

THE FEDERAL TRUST

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EU Constitution Newsletter

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Since the Intergovernmental Conference came to an agreement on the EU Constitution the focus of the debate has shifted to the challenge of ratifying this constitution. This monthly newsletter will monitor the debate, events and developments surrounding the ratification process in all 25 member states. It will offer a particular UK perspective of this process and provide a forum for differing views on the debate.

Back issues are available at www.fedtrust.co.uk/constitution_newsletter.

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1. Editorial

Who benefits from a French 'non?'

As the General Election approaches, European issues figure only marginally in the British political debate. The prospect of a referendum on the European Constitution next year has had the effect, as the government hoped it would, of postponing until then any serious debate about most Britain's appropriate role within the European Union. But concentration on the forthcoming General Election has not prevented the minority of British commentators or politicians seriously interested in European questions from following closely the present referendum campaign on the other side of the Channel. For a variety of reasons, a number of groups and individuals in the United Kingdom believe that it would be to their advantage if the French electorate voted against the European Constitution on 29 May. There is of course no guarantee that they will get their wish. Even less is it clear that if they got their wish then that would genuinely serve their long-term interests.

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The Federal Trust for Education and Research

Brendan Donnelly, Director

Newsletter Editor: Ulrike Rüb

ulrike.rub@fedtrust.co.uk

Further copies available from:

7 Graphite Square

Vauxhall Walk

London, SE11 5EE

Tel: +44 (0)20 7735 4000

Fax: +44 (0)20 7735 8000

www.fedtrust.co.uk/constitution_newsletter

...is a think tank that studies the interactions between regional, national, European and global levels of government.

Founded in 1945 on the initiative of Sir William Beveridge, it has long made a powerful contribution to the study of federalism and federal systems.

2. Overview of 25

Austria	Will seek ratification through parliament. The planned dates for ratification are currently 11 or 12 May for the lower and 25 May for the upper house.
Belgium	Belgium will not hold a referendum and will seek ratification through national and regional parliaments. The relevant bill has been introduced with ratification expected soon. All proposals to hold a referendum on the issue have failed in the Belgian parliament. The government has announced a 1.1 million Euro information campaign on the Constitution.
Cyprus	Will seek ratification through parliament. There was no referendum on EU accession.
Czech Republic	Likely hold a referendum. The CSSD, the current ruling party, wants to hold the referendum in conjunction with the general election planned for June 2006. The governing coalition is currently in turmoil, and possible early elections may affect the timing of the referendum. Both main parties remain committed to holding a popular vote on the Constitution, though no law allowing a referendum has yet been passed. The government is planning a 7.3 million Euro information campaign. In a recent poll, 56 per cent of voters said they would vote for ratification and 21 per cent against, with 23 per cent undecided. Only 4 per cent felt well-informed about the Constitution.
Denmark	Will hold a binding referendum on 27 September 2005. The date was announced on 28 February by recently re-elected Prime Minister Rasmussen. Most main parties, including the usually Eurosceptic Socialist People's Party, will support ratification. The Danish People's Party and the Red-Green Alliance oppose the Constitution. Opinion polls are currently favourable and suggest that 44 per cent of voters would support the Constitution, with 36 per cent against and 20 per cent undecided.
Estonia	Will seek ratification through parliament.
Finland	Likely to seek ratification through parliament.
France	Will hold a binding referendum on 29 May. On February 28, the Versailles Congress (uniting both houses of parliament) adopted the necessary constitutional amendments with an overwhelming majority, paving the way for the referendum. Party campaigns are now in full swing. According to various recent surveys, around 55 per cent of those who have an opinion on the Constitution would vote 'no' and around 45 per cent 'yes'.
Germany	The process of ratification has begun, with a final decision expected on 12 May 2005. The date for ratification was explicitly chosen in order to pass momentum on to the French campaign. Reaching the necessary two-thirds majority will not pose any problems as only a few CSU parliamentarians have announced a 'no' vote so far.
Greece	Will seek ratification through parliament, possibly in April.
Hungary	Ratified the EU Constitution on 20 December 2004 by a parliamentary vote with 322 to 12 in favour and eight abstentions, easily achieving the necessary two-thirds majority. Hungary was the second member state to ratify the EU Constitution.
Ireland	Will hold a binding referendum, the timing of which is still unclear. It will possibly take place in October 2005. The Irish government has announced a full White Paper on the referendum as well as an information campaign to improve awareness of the Constitution.
Italy	On 25 January, the Chamber of Deputies of the Italian Parliament ratified the EU Constitution by a majority of 436 in favour, 28 against and five abstentions. The votes against were cast by members of the Communist Party and the right-wing Northern League. Ratification is now with the upper house, the Senate, where little opposition is expected.
Latvia	Will seek ratification through parliament.
Lithuania	Ratified the EU Constitution on 11 November 2004 by a parliamentary vote with 84 to four in favour, with three abstentions. This made Lithuania the first country to ratify the text.
Luxembourg	The date for the referendum has been set as 10 July 2005, immediately after Luxembourg's EU Presidency ends. The Chamber of Deputies will first vote on draft legislation on the ratification of the EU Constitution, which will then need to be approved by the binding referendum.
Malta	Will seek ratification through parliament, probably by mid-July.
Netherlands	Will hold a non-binding referendum on 1 June 2005. On 25 January, the Senate gave its authorisation to organise the poll. It will be the first national referendum in the country's history. The question asked will be: 'Are you for or against the Netherlands agreeing to the Treaty establishing a Constitution for Europe?' Polls predict a close outcome, currently favouring rejection of the Constitution, although interest and information levels remain low.
Poland	Will hold a referendum, though the date is uncertain. Currently, it seems that the referendum will be held in conjunction with parliamentary or presidential elections, to take place in September and October 2005 respectively. As opponents of the Constitution seem likely to win the parliamentary elections, the pro-ratification governing party wants to hold the referendum before a change in parliamentary majorities that would allow opponents to defeat the Constitution in parliament. A vote in conjunction with an election would also make the fifty per cent turnout required for ratification a virtual certainty. Polls show a clear majority of Poles in favour of ratification, with 64 per cent for and 7 per cent against the Constitution.
Portugal	Will hold a referendum. The new Portuguese prime minister Jose Socrates announced on 12 March that he plans to hold the referendum in conjunction with municipal elections, due to take place in Autumn 2005. The national constitution will have to be amended before a referendum can take place. Popular approval for the Constitution seems very likely at present.
Slovakia	Will seek ratification through parliament.
Slovenia	Ratified the EU Constitution on 1 February 2005 by a parliamentary vote with 79 to 4 in favour and 7 abstentions, easily reaching the necessary two-thirds majority. Slovenia was the third member state to ratify the EU Constitution.
Spain	In the non-binding referendum on 20 February 2005, 76.7 per cent voted for the Constitution and 17.2 per cent against. The turnout was 43.3 per cent. The Constitution will now be ratified by the Spanish Parliament.
Sweden	Will seek ratification through parliament. The bill will be brought to Parliament in May 2005 and is expected to be passed in December 2005. No referendum will be held after an agreement between Social-Democrat PM Göran Persson and four right-wing opposition parties that parliamentary ratification will suffice. However, on 22 March, a petition calling for a referendum signed by over 120,000 Swedes was handed to the government.
United Kingdom	Will hold a referendum in 2006, after the country's Presidency of the EU. No date has been set as yet. On 26 January, the British government published its bill on the Constitution, including the wording of the question: 'Should the United Kingdom approve the Treaty establishing a Constitution for the European Union?' The bill was passed with a majority of 215 in its second reading on 9 February 2005, and has now proceeded to the committee stage. It will have to be reintroduced after the General Election, expected on 5 May.

Of all those in Britain who would most enthusiastically welcome a French rejection of the European Constitution, the British Eurosceptics might seem to have most ground for satisfaction. The premature death of the Constitution following inevitably upon a French 'non' would undoubtedly be an embarrassing check to the process of European integration. It would be tempting for some commentators at least to discern in this check a profound reversal of direction, ushering in the rapid unwinding of that degree of European integration which has already been achieved. This is a dream which many in Britain, and not always only the radical Eurosceptics, have cherished for many years. Many Conservative ministers, for instance, long insisted that the Maastricht Treaty of 1991 represented the definitive end of European 'federalism,' the term by which the European Union's integrative process is standardly (and not wrongly) designated in the United Kingdom. Fifteen years after the Maastricht Treaty, the European integrative process shows all the signs of an unabated vigour.

Indeed, it would be a fundamental mistake to overestimate the damage done to the European Union by a potential negative vote in the French referendum of May. Those wishing to win the referendum will understandably wish to talk up its significance. But both the nature of the debate which is currently taking place in France and the objective content of the Constitution itself point to a less dramatic analysis.

If on 29 May the French electorate vote against the European Constitution, only a very small minority of those voting will have been swayed by a principled rejection of further European integration. Domestic political issues scarcely related to the Constitution will have played a significant part, as they almost always do in referendums. The eventual prospect of Turkish membership in the European Union is an unpopular one in France, and many voters will simply use the Constitution as a welcome opportunity to vent their frustration, however tenuous the link between Turkey and the text on which they are voting.

Most importantly of all, in so far as specifically European arguments are shaping the referendum debate in France, there is considerable disquiet that the European Constitution does not go further in promoting European integration. Mr. Blair's much-publicised insistence that the European Constitution is a triumph for the British minimalist view of European integration has been widely noted and resented in France. Many of those French voters now considering voting against the European Constitution are doing so because they consider the Constitution insufficiently integrative rather than excessively so. The long and complicated negotiating procedure which produced the Constitution has engendered a document capable of radically different description and analysis. This ambiguity would itself be a sufficient reason to tread carefully when assessing the result of any particular national referendum. A 'no' vote in France on the Constitution would in no sense be an endorsement of British Eurosceptic criticism of the workings and structure of the European Union.

While disavowing the Eurosceptic analysis of the Constitution as a vast stride towards a European superstate, the British government as a whole (although not necessarily Mr. Blair) will undoubtedly heave a sigh of relief if a French vote against the Constitution dispenses it from the need to hold a difficult referendum in 2006. Although the government's official position is that it would still hold a referendum even if other countries rejected the Constitution, few take these protestations seriously. It may well have been part of the government's calculation in 2004 when, for electoral reasons, it promised to hold a referendum on the Constitution, that in the event it might well not need to do so. But the government would be ill-advised to believe that the end of the European Constitution in its present form marks the end of any possible future difficulties for it in the field of European policy. It is highly implausible to assume that the central elements of the Constitution, such as greater powers for the European Parliament, the greater use of majority voting, the European Foreign Minister and the semi-permanent Chair

of the European Council would simply disappear from consideration with the Constitution's demise. These proposed innovations, all of which are entirely logical consequences of the present attained degree of European integration, will in the foreseeable future return to the negotiating table. The British government will need once again to consider how best to present whatever is eventually rescued from the wrecked European Constitution to a sceptical British public. The promise of a referendum on the small changes made to European governance by the European Constitution has created a precedent which any future British government will find it difficult to ignore. Mr. Blair and his successors will be placed under irresistible pressure to submit any future proposals for British participation in further European integration to a popular vote. A 'no' in the French referendum will merely postpone, not destroy the need for a British government at some stage in the foreseeable future to fight and win a referendum in which Britain's continuing role in the European Union will be at stake. It is not at all clear that it will be any easier to win that referendum when it comes than the referendum now scheduled for next year.

This last consideration goes to the heart of the matter. There are some on the pro-European side of the British political argument who anyway fear that this New Labour government is incapable of winning its referendum on the European Constitution next year in any circumstances. For them, a French rejection of the Constitution would be an understandable source of short-term relief. But even if their analysis is correct, it provokes another, more profound question. For the past fifteen years, British pro-Europeans have taken it as an article of faith that their cause would and must eventually triumph. The evasions of the government and the savage anti-Europeanism of the main Opposition party were all too often seen as transient phases which at some point in the future would collapse under the weight of their own contradictions. This complacent approach has repeatedly acted as an excuse for procrastination

and inaction. If there is a 'non' in the French referendum of 29 May, will it act as spur to British pro-Europeans to use the time gained in preparation for the referendum they will undoubtedly be fighting in 2007 or 2008? Or will these pro-Europeans find themselves in 2007 simply hoping that the Germans will bale them out by voting 'nein' in their referendum on the next stage of European integration? The recent past is not encouraging in this regard.

Brendan Donnelly
The Federal Trust

3. News from the Institutions

Brussels is a well-known traffic nightmare. In the morning, on their way work, European officials may well ponder the similarities between the speed of Brussels rush-hour traffic and the pace of European reform. Recently, multiple roadworks seem to have sprung up as the referendums on the European Constitution are, it seems, affecting three major areas of debate: the budget negotiations, the services directive and the Lisbon Agenda.

On 5 March 2005, the French newspaper *Libération* reported that Jean-Claude Juncker, Luxemburg's prime minister, is worried that Europe may become immobile in the face of the coming onslaught of referendums. 'Every time that the Commission or the presidency advances an initiative', he complained, 'there is at least one prime minister who calls you and says that the idea is excellent and would be better off in a drawer that remains closed until after the referendum in the given country'.

Juncker was referring in particular to the upcoming budget negotiations, which he hopes to conclude at the European Council meeting on 16 and 17 June. Paris and Berlin would like to persuade London to give up its twenty-year-old rebate, and see June as the suitable window for negotiations between the British general election and the UK presidency. The British government, on the other hand, is aware that giving up on its financial advantage would leave it open to attack from 'no' campaigners in next year's referendum.

French concerns have had to be taken into account in the formulation of the services directive and the relaunch of the Lisbon Agenda. According to *Le Monde*, the upcoming French referendum 'either paralyses the action of the Commission or makes it move in a direction that conforms to French goals'. One French diplomat claimed, 'The Barroso Commission is reacting to the pressure of the referendum by action and omission'. The Commission is apparently putting the brake on controversial topics and accentuating the social aspects of its proposed reforms.

This has already happened in the case of the services directive. In the French campaign, opponents of the Constitution have seized on this legislative project as an example of 'neo-liberal' Brussels imposing its philosophy on France. (Indeed, they call it the 'Bolkestein directive', making it sound like the work of Frankenstein.) Jacques Chirac and the European Socialists were part of the cacophony of voices in France demanding a fundamental rethink of the directive, and the compromise reached at the meeting of EU leaders on 22 March clearly reduced the scope of the proposed legislation. In a nod to French concerns, EU heads of state and government said that any liberalisation of the service sector must be careful to protect the European Social Model.

The Commission's relaunch of the Lisbon Agenda is also being affected by the upcoming French referendum. The *Financial Times* reported on 16 March Paris's concerns that the Commission's programme may be perceived as too Anglo-Saxon. Even though Barroso would like concentrate on 'jobs and growth', he has been moved to put emphasis more social and environmental aspects of the Agenda, apparently mainly due to demands coming from France. This has led to accusations that the Agenda now remains as diverse and unclear as before. As one EU diplomat put it according to the *FT*, 'We have been busy planting flowers to keep the French happy, and we've ended up with a real

jardin.' The result of the review of the Lisbon strategy is, the *FT* argues, simply 'bland'.

While the effect of the French campaign is being felt in Brussels, Barroso has been denied a public platform in France. He was meant to give an interview on one of France's most influential political programmes, '100 minutes pour convaincre' (100 minutes to convince). France 2, however, decided that it would not be appropriate for the President of the Commission to do any convincing so close to the referendum and postponed the interview. *Le Monde* reported that this was due to Chirac's view that an appearance of Barroso could be harmful to the prospects of a French 'yes': Barroso, after all, is a principled defender of the proposed services directive.

Meanwhile, a budgetary committee of the European Parliament has decided to spend £ 5.5m or 8m Euros on its information campaign on the European Constitution. The UK was allocated £86,000 or 124,000 Euros of the campaign money. The European Commission has already decided to spend exactly the same amount of money - 8m Euros - on its information campaign. The first week of March also saw Commissioner Margot Wallström, Vice President of the Commission in charge of external communication, issue a proposed Action Plan to 'Communicate the Constitution'. This was agreed by the College of Commissioners shortly afterwards and includes ten specific suggestions to help stimulate the debate on the Constitution. Noteworthy ideas include 'producing more television and radio programmes on the Constitution' and 'increasing the number of training seminars for national and regional journalists'. Both institutions maintain that any campaign material would be as objective as possible.

Markus Wagner
The Federal Trust

[Margot Wallström's note on the 'action plan'](#)

4. The UK debate

Political debate in the UK during March was largely dominated by the preparations for a General Election which is expected to take place on 5 May. Discussion of the ratification of the EU Constitution has moved sharply lower down the political agenda in consequence.

During this lull both sides of the debate have looked forward to how the campaign might develop after the election and into mid 2006 when the UK referendum is expected to be held. Announcements made by both the European Parliament and the European Commission early in the month gave important indications as to how the government and campaigning bodies intend to provide information about the EU Constitution to the British electorate.

The European Parliament was the first institution to enter the fray with an announcement that 8 million Euro would be made available across the EU to 'inform European citizens clearly and objectively about the content of the constitution...in order to promote the active involvement of citizens in the discussions on the ratification'. Reaction in the UK to this decision was varied. At one level dismay was expressed by individuals opposed to the Constitution who called the EP's decision 'a propaganda campaign paid for with tax-payers money'. Timothy Kirkhope, leader of the UK Conservatives in the EP, called the decision 'disgraceful', while Conservative shadow Europe minister Graham Brady argued: 'British taxpayers are among the biggest contributors to EU funds and it is unacceptable for these funds to be used to finance propaganda in support of the European Constitution'. The government too had concerns, fearing that using this money might 'backfire' as the electorate themselves could consider EU funding of information campaigns to be 'propaganda'. This concern was brought into sharper focus when the Minister for Europe, Dr Denis MacShane was asked a series of questions in the Commons about the use of EU funds 'for information campaigns' and the role

and remit of the EU Constitution Team in the Foreign Office. Government officials were later understood to be making approaches to European Parliamentary representatives to halt any efforts to use these funds in the UK.

In the United Kingdom, responses to the Commission's suggestions early March on communicating the Constitution were mixed as well. Some greeted the Commission's initiative as an important step towards educating EU citizens, who until now have been largely ignorant of the provisions contained in the Constitution. The UK government in contrast was clearly uneasy at this initiative, fearing that its effect may be counterproductive in the United Kingdom. Eurosceptic commentators and politicians have been outspoken on the issue. One eurosceptic Conservative MEP described the Action Plan as 'fantastical, Orwellian stuff'.

Although these two specific announcements from the Commission and Parliament and British reaction to them are of limited intrinsic importance, they do raise a fundamental question about how the UK debate will evolve over the next eighteen months. The government seems to regard itself as placed in a cleft stick. In theory it would like to raise the level of debate on European issues in the United Kingdom, but it is acutely sensitive to accusations that in doing so, or encouraging others to do so, it is engaging in propaganda. It is largely accepted that the electorate in the UK, among the member states of the EU, is conspicuously ill-informed about the role of the EU's institutions and the Constitutional Treaty. Some have suggested this is an important reason why British support for the EU and the Constitution is so low. Until the government and those arguing for a 'yes' vote in next year's referendum develop a more robust understanding of the difference between 'facts' and 'advocacy' and the relationship between these two concepts, the UK will find itself condemned to a sterile and confusing procedural debate. That debate cannot be one that will

help the government in its desire to hold and win a referendum on the European Constitution next year.

Alexis Krachai
The Federal Trust

5. Countries of the Month

Sweden - The Heat is On

When the Swedish government held its referendum on EMU in 2003, it carefully planned the referendum's timing in order, as it thought, to assure a victory. In the event, the public said 'no' and the lesson drawn was to avoid in future unnecessary referendums. There is in Sweden neither a constitutional requirement nor a historic tradition to let issues be decided by referendum, demonstrated by the fact that in the past century only six referendums were held. Both Social Democrats and the bourgeois opposition parties agree on the view that the European Constitution does not involve issues that are sufficiently fundamental to merit a referendum in Sweden. Until very recently it had been expected that the Swedish parliament would vote to accept the Constitutional Treaty in December 2005.

This calm expectation has now been disturbed. A number of parliamentarians have publicly expressed their view that the issue of the European Constitution should be determined through a referendum. "Folkromstning.nu" ("Referendum.now"), gathering people across party lines, had by late March collected 120 000 names. In a poll taken in mid-March 58 per cent of those asked supported the idea of a referendum whereas only 12 per cent thought that the issue should be decided in parliament, the rest expressing no opinion.

The question is whether at some point the government will give up - it faces the choice between accusations of aloofness and on the other hand a fairly certain defeat. To make things worse, like all questions dealing with the EU, the question of the Constitution is one that is hard to tackle for the government. Arguments have to be phrased with the

fact in mind that many Social Democrats are critical against of the EU, whereas the opposition bourgeois parties are generally more positive. Furthermore, the Left Party and the Green Party, which co-operate with the government on all issues apart from those dealing with the EU, are the parties most negative about the Constitution and the only two parties supporting a referendum.

The European Constitution itself, while not much discussed among Swedes in general, is viewed in Sweden with some suspicion. The name itself does not bring about any positive feelings in a country that lays emphasis on the maintenance of its sovereignty in most EU affairs. Typically Swedes tend to fear all kinds of supranationality – the road to Stockholm is long for many Swedes and the one to Brussels seemingly infinite.

Among the issues brought up in the present discussion two in particular figure frequently. One of them is whether the Constitution gives people in general more or less chance to influence the development of the EU. The role of national parliaments is often mentioned in this connection. Another issue mentioned is the internal market – from a political left-right perspective some Swedes believe they see a movement to the right in the Constitution.

Military matters are also sometimes mentioned in connection with the Constitution – again from the sovereignty aspect. Non-alignment is certainly still strongly endorsed by the Swedish electorate, but paradoxically, as public opinion polls demonstrate, Swedes in general do not relate Sweden's non-alignment to its security. It is viewed rather in a symbolic light. Sweden's traditional close involvement with the UN keeps Swedes interested participants in ESDP – as long as their national sovereignty remains intact.

A striking change, of which the latest defence proposals give evidence, is the way in which NATO issues have receded into the background. Although Sweden is traditionally an Atlanticist country, references to ESDP have now become stronger in the public debate, with the government underlining

the fact that it finds it unlikely that Sweden would be neutral in case an EU country was attacked. Sweden shies away from institutional ties and, as a small country, it is worried about the possibility of a European *directoire*. But it has strong interest in participating in ESDP operations on a global level, including peace enforcement in Africa, as well as participating in the European Defence Agency (EDA.)

Together all these various elements give a picture of a country, prepared to choose its own way in Europe while at the same time clearly becoming more European in its thinking. This journey takes place on a bumpy road in which traditional dividing lines are gone and political debate is just as much concerned with discussions within as between parties. The Constitution is unfortunately placed as an issue. Few people are really knowledgeable about it, whereas many take a position towards it based on convictions acquired on other issues.

Gunilla Herolf
Swedish Institute of
International Affairs

Folkomrostning.nu

The Constitution debate in Malta

The 2003 EU accession referendum and subsequent general elections in Malta were acrimonious affairs that pitted the pro-European Nationalist Party (Christian Democrats) and the much smaller Alternativa party (Green Party) against the Malta Labour Party (MLP). The accession referendum was characterised by a population which was divided evenly on the issue, with large numbers undecided. The referendum, which approved EU membership, was paradoxically declared a victory by both sides; the result was only confirmed by the re-election of the Nationalist party to national government by a slim majority of 51 per cent.

Thus, although calls for a referendum on the Constitution were made, the unhappy history of referendums in Malta persuaded the Nationalist Party, with a

new Prime Minister and a re-shuffled Cabinet, to announce that the EU Constitution would not be ratified through a referendum but via a vote in the national parliament, needing only a simple majority to pass. With a comfortable four-seat majority in the small 65-member Maltese Parliament and with a stable government expected to last until the next elections in 2008, the ratification of the EU constitution is a foregone conclusion. The debate and subsequent vote were initially planned for December 2004, but were then moved to July, just before the summer recess. This was done in order to give more time to the MLP to arrive at a decision, in the hope that the MLP would support the EU.

Despite holding three of the five available European Parliament seats, the MLP has been in a quandary on how to continue from now on. Being part of the Party of European Socialists within the European Parliament, which is heavily pro-EU, means that the MLP finds itself in a contradictory position as it is Eurosceptic at home and part of a pro-European group in the EP. Until now the decision was to ignore the EU Constitution and criticise the government on Malta's lacklustre economic performance, arguing that too much time and energy were wasted on the issue of membership to the EU.

The party will decide whether to support the Constitution on the basis of three internal reports on the possible legal and political ramifications of the EU Constitution for Malta. These reports suggest that the MLP may decide to support the Constitution: the study on legal implications, for example, stated that the Maltese Constitution would not be affected by ratification. The MLP leadership has also indicated that, from now on, they will respect the decision of the Maltese people to join the EU.

Thus, the result is that there has been no real debate in Malta on the Constitution, though several seminars organised by interest groups have been hosted and are planned in the attempt to raise the level of debate, in particular on the issues of the clash between traditional Maltese Christian values and

the EU Constitution as well as of the possible threat to Malta's sovereignty. Despite this, the support of the Maltese electorate for the EU Constitution has gone down from a high of 70 per cent to 56 per cent, an indication of apathy rather than opposition. The Government, in its confidence in ratifying the EU Constitution, has not launched any information campaign, while the Opposition has signalled its lack of interest in the subject and the electorate is apathetic and uninformed. The EU Constitution will be ratified, and the only unknown is whether the MLP will vote in favour or not and thus signal either its acceptance of Malta's entry to the European Union or the continuation of its Euroscepticism.

Stefan Muscat
Young European
Federalists (JEF) -
Malta

[MLP reports find no conflict between EU, Malta constitutions - Malta Times](#)

[MLP clubs told not to discuss EU Constitution - Malta Times](#)

Update: A Question of Timing?

On 4 March, French President Jacques Chirac announced that France's referendum on the European Constitution would be held on 29 May. Little more than a week earlier, on 23 February, the date of the non-binding Dutch referendum was revealed as 1 June. In March, Germany and Austria declared they would approve the Constitution by parliamentary ratification on 12 and 25 May respectively. Has timing across the EU become an issue in the ratification of the European Constitution?

While Britain and the Czech Republic have long followed the tactic of trying to be the last country to hold a referendum, Germany, Austria, France and the Netherlands have been jockeying for position more subtly. German parliamentarians negotiated openly with their French counterparts to arrange a helpful ratification date in Germany. Thus, the head of the German Bundestag, Wolfgang Thierse, and a senior SPD politician, Angelica Schwall-

Düren, both declared that Germany would approve the EU Constitution before France's referendum in order to provide support to the French campaign.

The French decision to hold their referendum at the end of May was interpreted primarily as a result of national concerns. Chirac had already promised that the vote would take place before the summer: possible dates, then, were Sundays in May or June. On the one hand, Chirac felt that the sooner the vote took place, the better: his priority was to avoid the Maastricht scenario of a slow, but steady erosion of public support. On the other hand, the Socialist Party and the leader of Chirac's UMP, Nicolas Sarkozy, argued for a longer campaign period in order to educate the public about the content and benefits of the Constitution. The final date, 29 May, was chosen over 22 May, partly because the latter is Whitsun Sunday. The 29 May, however, is Mother's Day in France, a day when many people will be on the road - causing fears of a low turnout.

As the date of the Dutch referendum was already known by the time of the French decision, it seems likely that this also factored into the final choice. Dutch opinion polls show that a positive outcome of the vote is far from certain there (see [March Newsletter](#)). Rejection in the Netherlands would surely have had an effect on the voting behaviour of the French public. It was thus much safer to hold the French vote before the Dutch one.

Although Chirac has been trying hard to avoid a repeat performance of the Maastricht debacle, opinion polls are currently not very positive. A series of surveys, beginning with a CSA poll conducted on 18 and 19 March, have shown a slight majority of voters against the Constitution. The most recent poll in *Le Journal du Dimanche*, conducted on 31 March and 1 April, shows 55 per cent in favour and 45 per cent against ratification. According to *Le Figaro*, a majority of 53 per cent of the supporters of the Socialist Party are now against ratification, as are 80 per cent of extreme-right voters. Only centre-right supporters are currently in favour of

ratification by 33 to 67 per cent. 29 per cent of voters say they may still change their mind. The slow erosion of public support feared by the French political élite is already taking place.

Despite the danger of a 'non' in the referendum, the French institutions have decided to create a more level playing field in the run-up to the vote. Thus, the Conseil Supérieur de l'Audiovisuel, the French media watch-dog, has advised all media to represent all views on the Constitution in a fair and balanced manner. All eight parties that achieved 5 per cent in the 2004 European elections are allocated a small amount of air time, a level that excludes the fiercely anti-ratification extreme left. Finally, the same eight parties will also each be reimbursed up to 800,000 Euros in campaign costs, a first in French referendum history.

It is unclear how the EU would react to a negative outcome of the referendum in France. In a meeting in Copenhagen, the Dutch and the Danish foreign ministers insisted that a 'no' vote in France would not stop them from holding their own referendum on the issue. They also underlined that there is no plan B that the EU could fall back on if France votes 'no'. According to the *Süddeutsche Zeitung*, high-ranking EU diplomats similarly state that there are no emergency plans whatsoever. The newspaper also reports, however, that there is a 'certain feeling of helplessness' in the current mood of the EU.

Markus Wagner
The Federal Trust

[Le Figaro's referendum website](#)

[Federal Trust European Policy Brief: France and the Referendum on the EU Constitution](#)

6. And finally...

Funding the EU

Earlier this month European Heads of State and Government met in Brussels for their annual Spring summit. At this meeting agreement was reached on the reform of the Stability and Growth Pact.

The Summit also saw continued discussion on the related subject of the EU's next Financial Perspective, which will run from 2007-2013. At an early stage before the meeting some observers thought an agreement on the EU's budget might also be sought by the Luxembourg Presidency at the Spring Summit. This did not happen, and the budget will be back on the agenda for Luxembourg's concluding Presidency Summit in June. In preparation for what are expected to be hard-fought negotiations Professor Iain Begg examines, in a new Policy Report for the Federal Trust, a wide range of questions related to the European Union's budget. This report is available for download at www.fedtrust.co.uk/budget.

Flexibility and the Future of the Union

The Federal Trust is currently embarking on a new project examining possible future models of differentiated European integration. This project will consider scenarios both within the framework of the new EU Constitution and outside that framework, as well as the specific case of Economic and Monetary Union. The project will be based on the deliberations of a broadly-based Working Group and produce several Policy Briefs and a substantial final report. For further information please visit our website at www.fedtrust.co.uk/flexibility.

Rethinking Institutional Effectiveness in Sub-Saharan Africa

It is a stated priority of the UK Presidency of the EU and G8 to put African development at the centre of new global policy initiatives. Good governance is a key consideration in this debate and provides a basis for another new major project, '*Rethinking Institutional Effectiveness in Sub-Saharan Africa*'.

This project is co-ordinated in partnership with a leading African think-tank, the Institute for Global Dialogue, who are based in Johannesburg. For further details about this project please visit www.fedtrust.co.uk/africa.

7. News from the Federal Trust

Recent Publications

'The EU and Turkey: A glittering prize or a millstone?', edited by Michael Lake.

'This book is a honest and multi-disciplinary attempt to illuminate the dimensions of the challenge from different perspectives. I admire its breadth, depth and relevance and believe it will be a useful reference, not only for policy-makers and practitioners but for any citizen who reads it.'



From the Preface by Pat Cox, former President of the European Parliament

ISBN 1903403618, £16.95. For more

information and to order this book, please visit www.fedtrust.co.uk.

Federal Trust Policy Brief 8, March 2005:

Markus Wagner, 'France and the Referendum on the EU Constitution'.

This Policy Brief is available for download at www.fedtrust.co.uk/admin/uploads/PolicyBrief8.pdf.

Federal Trust Policy Brief 9, April 2005:

Brendan Donnelly and Ulrike Rüb, 'A Flexible Union?'.

This Policy Brief will be available for download from 8 April 2005 at www.fedtrust.co.uk/admin/uploads/PolicyBrief9.pdf.

Forthcoming Events

'The UK Presidency of the European Union: Priorities and Objectives', 20-21 June 2005

This conference is organised in association with Chatham House, with sponsorship from the University Association for Contemporary European Studies (UACES) and the Trans European Policy Studies Association (TEPSA). For further information or to register please visit www.fedtrust.co.uk/presidency.

Forthcoming Publications

'The Constitution for Europe' by Andrew Duff MEP.

The Trust is pleased to announce a new title available from June 2005. In this new book one of the leading members of the the Convention, the British MEP Andrew Duff, considers the origins, content and impact of Europe's first Constitution.

Distributed by I.B. Tauris. To pre-order please contact Matthew Fry at mfray@ibtauris.com.

The Federal Trust is a member of:



UACES



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Information and ideas on the European Union