

France and the Referendum on the EU Constitution

Introduction

On 4 March, President Jacques Chirac announced that France will hold its referendum on the European Constitution on 29 May 2005. Chirac's statement came less than two weeks after the Spanish people had voted overwhelmingly in favour of the Constitution, albeit with a low turnout. Just a few days before the announcement of the French date, the Dutch government had decided to hold its consultative referendum on 1 June. Referendum season is now well and truly open, and the campaigns running up to the votes in France and the Netherlands will be hard-fought and controversial.

Never before has a European treaty been subject to referendums in so many countries. A total of ten countries are currently planning to organise a vote on the issue, a surprising event considering that previously only three countries had held referendums on EU Treaties: Ireland, Denmark and France. Nevertheless, even though each country will have to decide on the same issue - whether or not to ratify the European Constitution - the content of each campaign will differ greatly according to national priorities and concerns. This Policy Brief considers in detail the positions of the main actors in the French campaign and examines how the political debate there contrasts with the discussion surrounding the Constitution in the UK.

Background

On 14 July 2004, in his annual Bastille Day address to the French people, President Jacques Chirac announced that France would hold a referendum on the Constitution. The new Treaty had been agreed less than a month before, on 18 June 2004. The decision to hold a referendum was seen as risky by many due to the unpopularity of both Chirac and Jean-Pierre Raffarin's government, as evidenced by the stark defeat in the European and regional elections in June 2004. Moreover, the Maastricht Treaty had only been approved by just over 50 per cent in September 1992 under the equally unpopular presidency of François Mitterand.

On 1 and 17 February 2005 respectively, the lower and upper houses of parliament each passed bills containing the constitutional changes necessary to ratify the Constitution by an overwhelming majority. The parliamentary part of the process of ratification reached its conclusion on 28 February 2005, when the Versailles Congress, which unites both houses of parliament, easily adopted the proposed changes. On 9 March 2005, Jacques Chirac made public the question that would be asked of French voters in the referendum: 'Do you approve the law authorising the ratification of the Treaty establishing a Constitution for Europe?' ('Approuvez-vous le projet de loi qui autorise la ratification du traité établissant une Constitution pour l'Europe?').

Current polls are inconclusive as to the probable outcome of the May referendum. A poll by BVA for *l'Express*, conducted between 7 and 9 March, showed 56 per cent in favour of ratification, with 44 per cent against. This was down from 58 to 42 in February and 63 to 37 in January. Another poll for *Le Figaro*, conducted on 4 and 5 March, showed 60 per cent in favour and 40 per cent against, with no change from the previous month. The most recent opinion polls suggest a narrow majority against the Constitution, although it appears that many French voters have not yet made up their mind how or even whether to vote.

Spain held its referendum on the Constitution on 20 February 2005. Other countries planning a referendum this year are the Netherlands (1 June), Luxembourg (10 July) and Denmark (27 September). The dates for Portugal, Poland, the Czech Republic and Ireland are still uncertain. The UK government is currently planning to hold its referendum sometime in spring 2006 and will probably attempt to be the last country to go to the polls on the issue.

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EDITOR'S NOTE

This is the eighth in a series of regular *European Policy Briefs* produced by the Federal Trust. The aim of the series is to describe and analyse major controversies in the current British debate about the European Union.

We would welcome comments on and reactions to this policy brief. Other Policy Briefs are available on the Federal Trust's website www.fedtrust.co.uk/policybriefs

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The Shape of the French Campaign

The current French political climate on the European Union is unusual in that no political party is unequivocally in favour of the current direction of European integration. The 'yes' camp, while large, is marked by divisions over what the future of the EU should be. While the Centre-Left has to deal with internal opposition to the Constitution itself, the Centre-Right is hoping to separate its support for the document from its opposition to Turkish accession, a topic that is set to play an important role in the French campaign.

The party of Chirac and Raffarin, the Union for a Popular Majority (Union pour une Majorité Populaire, UMP), recently officially lent its support to the ratification of the Constitution. On 6 March, the party's national council approved a motion to endorse ratification by a clear majority of 90.8 per cent. The smaller Centre-Right party, the Union for French Democracy (Union pour la Démocratie Française, UDF) of François Bayrou, has also come out in favour of ratification. However, both parties are sceptical of Turkish membership of the EU. The president of the UMP, Nicolas Sarkozy, an out-spoken and popular politician seen as a future candidate for the French presidency, has repeatedly stated that he opposes Turkish accession, a sentiment that is clearly shared by the rank-and-file of the UMP. Chirac, meanwhile, supports Turkish membership, but is increasingly alone in his party in taking this position. François Bayrou, too, has declared that Turkey has no place in the EU. The newspaper *Libération* has argued that Sarkozy, in fact, would like as small a victory as possible for the Constitution: that way, he could argue that it was his mobilisation of the UMP that managed to win the vote and that the close outcome should be a warning to Chirac that he is dangerously unpopular.

The Socialist Party (Parti Socialiste, PS) and the Greens also officially support the ratification of the Constitution, but these two parties are both internally divided over the issue. This may be due to the fact that they are in opposition: government parties are usually much better at keeping their party members and voters in check. In the Maastricht vote, for example, Socialist voters voted overwhelmingly in favour of the Treaty, while the divisions on the Right, especially in the predecessor of the UMP, the RPR, were a main cause of the close result. This time, it is the Left that is facing internal dissent. On 1 December 2004, the PS held an internal referendum on the Constitution, with almost 59 per cent of party members voting in

favour of ratification, a position that had been defended by the party leader François Hollande. While clear, the outcome was far from unanimous, and the divisions over the issue remain apparent. This is true of both party leaders and party members. Thus, on 11 March 2005, former party leader and opponent of ratification Henri Emmanuelli compared Socialist supporters of the Constitution to both the Socialists who helped Maréchal Pétain attain plenipotentiary powers in 1940 and Socialist politicians who approved sending troops to Algeria in 1956. Meanwhile, on 5 March 2005, Hollande was pelted with snowballs at a rally of the Left when he declared his support for the Constitution, an event which brought home the difficulties of clearly defining a 'oui de gauche', a yes of the Left.

The Greens held their internal referendum on 13 February 2005, and the outcome was closer than in the PS, with 53 per cent of party members voting 'yes' and 42 per cent 'no'. As with the PS, the debate on the Constitution has refused to go away since. Usually staunchly pro-European, the Greens have been divided over the issue of the Constitution. As a result, on 13 March 2005, they forbade all party members to campaign in favour of non-ratification using the name or the logo of the Greens. At the same time, they will not allow any members to participate in campaign events at which other parties also take part. The MEP Daniel Cohn-Bendit had earlier surprised his party by campaigning together with François Bayrou. This was seen as leading to a weakening of the 'oui de gauche': left-wing supporters of the Constitution do not want to be seen in close co-operation with their political opponents.

The groups campaigning for a 'no', on the other hand, are characterised by their diversity. Looking at political parties first, it has been observed that clear anti-integrationist parties are usually to be found at the margins of the political spectrum, and this holds true for the French debate on the Constitution as well. The most vocal and influential opponents of ratification are the parties of the extreme Right and the extreme Left. Moving from Right to Left, four groups can be discerned that have taken stands against the Constitution. First, there are the far-right opponents of the Constitution, the National Front (Front National, FN) of Jean-Marie Le Pen and Bruno Mégret's National Republican Movement (Mouvement National Republicain, MNR). Then, there is a group of right-wing 'souverainistes', conservative advocates of national sovereignty who include Philippe de Villiers and his Movement for France (Mouvement pour la France, MPF), the Assembly for France (Rassemblement pour

la France, RPF) and Philippe Seguin, a member of the UMP. All campaigned heavily against the Maastricht Treaty in 1992. Moving further left, Jean-Pierre Chevènement's Republican and Citizens' Movement (Mouvement Republicain et Citoyens, MRC) will also campaign against ratification, while at the extreme Left, the French Communist Party (Parti Communiste Français, PCF), the Communist Revolutionary League (Ligue Communiste Revolutionnaire, LCR) and the Workers' Struggle (Lutte Ouvrière, LO) will all oppose the Constitution. The most influential opposition to ratification is likely to come from the FN on one hand and from an extreme-Left coalition of PCF and LCR on the other.

However, opposition to the Constitution will not only come from political parties, as civil society actors will play an important role in determining the outcome of the referendum. The unions, traditionally divided in France, are also split on the issue of the referendum. Most importantly, the large, left-wing Confédération Générale du Travail (CGT) has recently swung from a position of neutrality towards clearer opposition to the Constitution. In general, union rhetoric attacking the services directive and the Commission's 'neo-liberal' agenda may spill over into the Constitution debate. Unusually, the anti-globalisation group ATTAC has also decided to wage a campaign against ratification. 84 per cent of its members came out against the Constitution in an internal vote on 12 December 2004. This will be the first time this group will take part actively in a national vote, and its influence should not be underestimated, as its membership is very large: at 30,000, it has three times as many members as the Greens and a third as many as the PS. ATTAC is currently soliciting 200,000 Euros to fund its national campaign.

Unlike in the UK, newspapers and other media will not play a disproportional role in giving a voice to the opposition to the campaign. Indeed, it seems that opponents of the Constitution will have to go beyond national media to catch the attention of the public. During the 14-day official campaign, each party represented in the National Assembly (Assemblée Nationale, AN) will get a small amount of airtime on TV and radio for campaign publicity. It also seems that parties that received over a certain percentage of votes in the 2004 European elections but are not represented in the AN may receive additional campaign slots, though this percentage may be chosen at such a level as to exclude the extreme Left. Meanwhile, the official media watchdog, the Conseil Supérieur de l'Audiovisuel (CSA), will make sure there is no severe inequality between the time each side of the campaign

is seen or heard in the media. Finally, all large newspapers - *Le Monde*, *Le Figaro*, *Libération* - are likely to lend their support to ratification.

Referendum campaigns are usually not subject to public financing in France, but this is set to change this time around. In general, the budget for such a campaign has to come out of the already strained party coffers. This would equal clear preferential treatment of the 'yes' campaign, as party finances are linked to electoral success in France. Several parties would prefer not to use their own money in the campaign and do not want to be seen as suppressing the 'no' campaign. There has thus been a movement to amend the rules, and the French president may decide to give recognised political parties an extra amount of resources to spend on the campaign.

Arguments

Five topics will dominate the debate on the Constitution in France: three are related to the content of the document, two are not. The three issues based on controversy surrounding the actual impact of the Constitution are the debates concerning Social Europe, sovereignty and the consequences of non-ratification. However, voters are likely to concentrate on the other two topics: Turkey and government popularity.

The arguments surrounding Social Europe are used by both sides of the debate. Thus, the PS would like to convince voters that the Constitution will make it easier to create a Social Europe. Moreover, they argue, adopting the document would not lead to an erosion of social rights or increased tax competition with Central European countries, pointing out that the EU did not stop them from implementing the 35-hour work week. Instead, the Constitution increases democratic control over the liberalising tendencies of the Commission and will lead to more jobs and stronger public services. On the other hand, opponents of the Constitution across the political spectrum paint the Constitution as protecting and extending the influence of 'neo-liberal' ideas in the EU. This document, they say, will not help in the fight against off-shoring and levelling-down of social rights. Moreover, it will not increase political control of the European Central Bank and it will reduce the scope for public investment by enshrining the Stability and Growth Pact. In general, the fight against the Constitution is placed within broader struggles against the negative economic effects of globalisation. These arguments are mainly used by opponents on the Left, though a recent MNR poster did employ similar rhetoric, perhaps opportunistically.

The arguments surrounding the idea of a Social Europe are essential to understanding the difficulty of the French Left in defining a 'oui de gauche' in opposition to Chirac, Sarkozy and Bayrou's more conservative 'yes'. Supporters and opponents of the Constitution on the Left are fighting on the same rhetorical battleground, and due to the unpopularity of the Chirac presidency and the economic difficulties facing France, it is a difficult battle for the PS to win. This concern with a left-wing 'yes' is preventing the 'yes' campaign from combining their efforts, as the PS, possibly rightly, believes it must be seen to be independent of the government to convince its dissatisfied voters. Spanish prime minister José Luis Zapatero's speech in front of the AN on 1 March 2005 was thus a grave disappointment to PS deputies, as he declined to define his support for the Constitution as essentially left-wing. As a result of this tension, the PS campaign has so far concentrated on the fact that all Socialist and Social Democratic parties in Europe (except in Malta) support ratification.

It seems that the arguments concerning the social impact of the Constitution are important to the public's decision. Thus, in the *Figaro* poll of 4 and 5 March, 25 per cent of those who intend to vote 'no' want to do so because the Constitution is too liberal. This number rises to 39 per cent among supporters of the parliamentary Left. The contradictory nature of the argument is illustrated by the fact that 24 per cent of the supporters of the Constitution give the increased ability to create a Social Europe as their main reason for voting 'yes', and this is the second most cited reason.

The second area of debate is linked to the possible tension between protecting sovereignty and pursuing integration. Using the most familiar of all arguments in favour of the EU, supporters of the Constitution claim that it will ensure peace and stability in Europe. Furthermore, the Constitution will help protect French values, in part through the inclusion of the Charter of Fundamental Rights. The new Constitution will also give Europe a stronger voice on the world stage. Finally, it is a French responsibility to vote 'yes', for Europe's sake. The UMP's website thus features a blonde, blue-eyed girl looking towards the future, with the words 'Europe deserves a yes' underlining the supposed duty of France towards its children. Europe is presented as a way of preserving Frenchness and French sovereignty. However, issues of sovereignty are also used by opponents of the Constitution. Most of these arguments naturally come from the Right, as the FN, the MNR and the MPF

refuse to be ruled by 'Brussels'. However, the Left also uses similar rhetoric: the Constitution, they argue, will prevent France from being able to implement a national economic programme based on its own needs and priorities. In foreign policy, the Constitution only strengthens the role of NATO, they argue.

In the recent *Figaro* poll, 25 per cent of voters in favour of ratification gave the historic importance of the Constitution for European integration as a main reason for voting 'yes', while 24 per cent of those against ratification cited the fear that the Constitution menaces French identity. Neither left- nor right-wing voters are more likely to choose either argument, a fact that may come as a surprise, as identitarian concerns are usually associated with conservative voters. Both sides of the argument therefore have a certain resonance among voters in general.

Finally, the debate has also centred on what the consequences of a 'no' vote would be for France and Europe. The 'yes' campaign is relying on the fear of the unknown: rejecting the Constitution, they maintain, would plunge the Union into chaos. On the other hand, the left-wing 'no' campaign argues that rejecting the Constitution could bring on a 'crise salutaire'. Thus, they admit that a negative result of the referendum would cause a crisis; this crisis, however, would be a healthy one. It would lead to a renegotiation of the Constitution, this time with a substantial social component. Supporters of the Constitution counter that any hopes of renegotiating a more favourable treaty are illusory. The PS thus points out that such a new treaty would be negotiated by Chirac together with European governments that are mainly right-wing, or, like the British government, far removed from French political priorities. This element of the French debate plays on the well-known voter preference for the status quo and aversion to the unknown. The 'yes' campaign wants to show that voting 'no' will have unpredictable and clearly negative consequences, while the 'no' campaign argues the opposite: ratifying the Constitution will only worsen current social problems.

Interestingly, 25 per cent of respondents in the *Figaro* poll with the intention of voting 'no' give the possibility of negotiating a better treaty as a main reason for their opposition. This justification is, surprisingly, concentrated among right-wing voters and is the second-most cited reason. In contrast, 21 per cent of 'yes' supporters explain their voting decision by reference to their belief that France's role in the EU will be damaged by non-ratification.

Turkey is the first topic that will play a key role in the French vote but has nothing to do with the Constitution itself. The French public was already sceptical of the 2004 Eastern enlargement and are currently very ill-disposed towards the possibility of making Turkey an EU member state. The French far Right is using this unease to campaign against the Constitution. Thus, the FN's slogan is 'No to the Constitution, No to Turkey', while the MNR dispenses with any mention of the Constitution and states, 'For our Europe: No to Turkey'. It is in order to prevent such a fusion of debates that the parliamentary bill on ratification includes an amendment that requires further referendums for all future EU enlargements after Croatia. However, this strategy has only been partly successful so far. In the *Figaro* poll, 25 per cent of those intending to vote 'no' said their decision was based on their opposition to Turkish accession. Moreover, Turkey was the most important reason given by prospective 'no' voters.

Popularity will also play a role in the outcome of the vote. This is not unusual: referendums are more often than not disguised plebiscites meant to prove or shore up the legitimacy of government. After all, it was after defeat on the relatively insignificant topic of regional reform that Charles de Gaulle resigned in 1969. Both Chirac and Raffarin are very unpopular, while the politician with the highest popular approval, Sarkozy, has left his post as finance minister to head the UMP. Since February, the government has been dogged by scandals and protests. Sarkozy's successor, Hervé Gaymard, has already had to resign after a personal scandal, while recent weeks have seen multiple strikes and repeated demonstrations opposing government plans on the reform of public services and education. Meanwhile, France's economic problems have not improved noticeably, as high unemployment persists and growth remains slow. There is thus in France a general unease about the current state of the country that may translate into electoral opposition. The referendum may turn into an opportunity - much like the 2004 elections - to punish the government. This reason is explicitly given by just five per cent of those who intend to vote 'no' in the *Figaro* poll, but it is the cited justification of 20 per cent of those who intend to abstain. As we know from Ireland's 1999 rejection of the Nice Treaty, abstention can lead to a victory of the 'no' camp.

Comparison to the UK debate

At the level of the party positions, the French political landscape is noticeably different from the one in Britain. For one, it is the

more right-wing parties that are clearly committed to the Constitution in France, whereas support in Britain can only be expected from Labour and the Liberal Democrats. None of the major parties in France oppose the Constitution, which provides a marked contrast to Britain, where the Conservatives will lead the charge against ratification. Moreover, the French party system is much more fragmented than the British one. On the one hand, smaller French parties may use the opportunity of the referendum to sharpen their oppositional profile. On the other hand, as there are more parties, minority voices that oppose the EU are more likely to find an outlet. Finally, the Left in France is far more ideologically traditional, with an electorally important extreme Left. These groups either oppose ratification, or, like the PS and the Greens, are finding it hard to maintain unity with their ranks. Thus, whereas opposition in France is equally left- and right-wing, British opposition to the Constitution is far more nationalist. The campaign momentum moreover seems currently reside with the broad coalition of political and civil society groups on the Left, a development that is highly unlikely to be repeated in the UK.

Naturally, this has had an effect on the nature of the debate. The first striking fact about the campaign so far is that a variety of arguments are raised by both sides, with no group of arguments clearly dominating over others. The *Figaro* poll, for example, shows that all main arguments have almost equal resonance among voters. So far, it seems that the British debate will centre far more on the question of whether EU membership is in fact a good thing, a type of argument that has not really been raised in France. This may be due to the fact that France, as a founding member of the EU with a basically pro-European population, has always had sharply different expectations from the EU, with a national debate that has assumed membership to be fundamentally positive. The far-right MNR and the communist PCF thus both state their commitment to some kind of European integration. Moreover, the French debate has concentrated on two topics that are of little electoral impact in the UK: Social Europe and Turkey. While in France discussion has centred on the protection of social standards, jobs and the welfare state, the British debate is focused on unnecessary EU regulation, exaggerated labour standards and slow European growth. The British, meanwhile, do not share the same popular antagonism towards Turkish accession. While the social debate will thus be inverted in Britain compared to France, Turkey's membership is most likely to be a non-issue.

However, it is possible that the issue of the consequences of a 'no' vote will also play a role in Britain, with supporters of the Constitution claiming that rejecting it would have negative consequences culminating, perhaps, in UK withdrawal from the EU. The Conservatives, on the other hand, seem to want to put forward the idea that voting 'no' could lead to a successful and substantial renegotiation of the current UK-EU relationship. The issue of government popularity, too, must be taken into account by the 'yes' campaign: if the Blair government is unpopular at the time of the referendum, voters may use the occasion to punish their leaders. If Tony Blair concedes that he will resign if the people vote 'no', the referendum could even be turned into an occasion to expel Blair and usher in the Brown era.

Conclusion

Each country's referendum will be a fundamentally national affair. The characteristics of the Spanish vote - high approval, low turnout, uncontroversial debate - were thus hardly likely to be emulated by other member states. The French debate is also highly idiosyncratic. The focus on a Social Europe is a product of, on the one hand, the historically more political expectations France has had from EU membership and, on the other hand, the more unreformed French Left. The PS, it must be remembered, never had a 'Bad Godesberg' like the German SPD and never embraced the Third Way ideology of New Labour. Turkey is set to be an issue in the Netherlands as well, but its membership of the EU will not be a highly controversial topic in Britain.

As a result, it is hard to draw lessons from one national campaign for another. Each reflects the member state's historic relationship with the EU, its past debates and its current problems. Each campaign is also affected by the idiosyncrasies of each member's political and party system. It is clear, however, that no matter whether the French reject or approve the Constitution, they will do so for different reasons to those weighing with the British.

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