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**Parliamentary debates and trends in public opinion on the ratification  
of the Treaty establishing a Constitution for Europe**

**REPORT**

submitted on behalf of the Committee on Parliamentary and Public Relations  
by Lord Russell-Johnston, Rapporteur (United Kingdom, Liberal Group)  
and Vilija Aleknaite, co-Rapporteur (Lithuania, Federated Group)

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*Parliamentary debates and trends in public opinion on the ratification  
of the Treaty establishing a Constitution for Europe*

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*submitted on behalf of the Committee on Parliamentary and Public Relations<sup>2</sup>  
by Lord Russell-Johnston, Rapporteur (United Kingdom, Liberal Group)  
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<sup>1</sup> Adopted unanimously by the Committee.

<sup>2</sup> *Members of the Committee:* Mr Budin (Chairman); Mr Adam, Lord Russell-Johnston (Alternate: *Vis*) (Vice-Chairmen); MM Agramunt, Banks, Mrs Becerril Bustamante, Baroness Billingham (Alternate: *Foulkes*), Mr Bockel, Mrs Bousakla, Mrs Brasseur, Mr Duivesteijn, Mrs Eymer, Mrs Fernández Soriano, Mr Geveaux, Ms Jäger, Mrs *Katseli*, MM Legendre, Loncle, Martins, Naro, Occhetto (Alternate: *Crema*), Roseta, Selva, Mrs Smith, MM Wille, van Winsen, Wodarg.

*Affiliate members:* Mrs Aleknaite, MM Anderlic, Gawlowski, Mr Lorenz, Mrs Maripuu, Mr Murgas, Mrs Novakova, Mrs Seitlova, Mr Turlais.

*Associate members:* MM Gülçicek, Eker, Incekara, Mrs Hlödversdottir, Mr Reikvam.

*Affiliate associate members:* MM Chakarov, Ciocalteu (Alternate: Mrs Petrescu), Cioreanu.

N.B. *The names of those taking part in the vote are printed in italics.*

**DRAFT RESOLUTION**

***on parliamentary debates and trends in public opinion on the ratification  
of the Treaty establishing a Constitution for Europe***

The Assembly,

- (i) Recalling Resolution 123 of 29 November 2004 inviting the national parliaments of the WEU countries to make more effort to inform the electorate about the main features of the Constitutional Treaty so that people are able to weigh up the issues before voting in a referendum;
- (ii) Stressing the responsibility parliamentarians bear for ensuring that the wishes of the electorate are reflected in the decisions which governments have to take;
- (iii) Considering that public opinion is being influenced by what is sometimes incorrect information in the media and that this is detracting the principal objectives of the debate on the Constitutional Treaty;
- (iv) Recalling the Assembly's many contributions to the work the Convention and the Intergovernmental Conference did in order to draw up the text of the Constitutional Treaty,

INVITES THE NATIONAL PARLIAMENTS OF THE WEU/EU COUNTRIES TO:

1. Pursue their endeavours to inform the public about the Constitutional Treaty by playing a full part in the debate and helping to clarify all the key features of the new European single framework which the treaty establishes;
2. Request their governments to explain to the electorate controversial issues which may have an influence on ratification of the treaty;
3. Engage in debates, taking care not to include in them any domestic policy issues which might cloud the judgment of the electorate;
4. Start making preparations for their future role in the new European institutions by jointly drawing up quick and effective procedures with a view to obtaining improved rights of participation for the national parliaments in the scrutiny of the principle of subsidiarity;
5. Support continuity of the work done by the Assembly of WEU, thus providing the national parliaments with a European interparliamentary forum mandated to monitor European security and defence policy.

## EXPLANATORY MEMORANDUM

*submitted by Lord Russell-Johnston, Rapporteur (United Kingdom, Liberal Group)  
and Vilija Aleknaite, co-Rapporteur (Lithuania, Federated Group)*

### I. Introduction

1. The Committee for Parliamentary and Public Relations is continuing to investigate the link between the work done by parliaments and public attitudes. The present document is a follow-up to the report entitled “The European Constitution: parliamentary follow-up and public opinion” submitted by your Rapporteur on 29 November 2004 (Doc. 1876).

2. In this paper we look at the main areas for discussion and the procedures involved in national parliamentary debates. We shall also examine communications policies implemented and the direction in which public opinion is moving in relation to the Treaty establishing a Constitution for Europe before taking a closer look at countries where the Constitution has already been ratified. Lastly, we shall consider what might be expected to happen if one or more countries fail to adopt the treaty. At the time of writing, the ratification process is under way and this report therefore refers to the situation in early May 2005. Subsequent developments will of course be examined in the next report, which will be submitted to the December plenary session.

3. On 17 and 18 June 2004, the Heads of State and Government of the 25 European Union members adopted the Treaty establishing a Constitution for Europe. They signed the text on 29 October 2004, in Rome, and it now has to be ratified by the member states. For it to come into force, all the member states must ratify it either through their parliaments or by referendum. If, two years after the signing of the treaty, four fifths of the member states have ratified and one or more states are having problems in doing so, the matter will be referred to the European Council. The treaty cannot take effect until ratification has been completed and notified officially by the signatory states. Ten countries are to hold a referendum – either consultative or determinative. They are the Czech Republic, Denmark, France, Ireland, Luxembourg, the Netherlands, Poland, Portugal, Spain and the United Kingdom. The remaining countries are to ratify through their national parliaments.

### II. Parliamentary scrutiny of ratification of the Constitutional Treaty

4. Now that the various processes for the ratification of the Constitutional Treaty are under way, it is clear that parliamentary scrutiny is more sustained than was previously the case. In fact the treaty has already been ratified by six countries, others have been holding consultative referendums and there has been heated parliamentary debate on the subject. However the text of the treaty would appear not to be central to some countries’ preoccupations.

5. The European institutions in their turn are working to promote the Constitution in order to support countries where ratification cannot be taken for granted. Thus on 12 January 2005, the European Parliament approved the text of the Constitution by a large majority and invited the governments of the member states to do the same as quickly as possible. It is worth noting that the purpose of the vote was simply to firm up the Parliament’s own position and lend added support to the Constitution. The Strasbourg Parliament voted 500 in favour to 137 against with 40 abstentions for a resolution supporting ratification of the new treaty, which, if ratified by all 25 member states, will enter into force in 2007. The dissenting voices are essentially supporters of the sovereign state or communists or belong to the extreme right-wing. On the right, the Group of the European People’s Party and European Democrats (EPP-ED) also contains a minority of 34 (British, Czech and Portuguese) members opposed to the Constitution. The Party of European Socialists (PES) registered a sole dissident voice: that of a Swedish member. The British, Czech and Portuguese “no” votes are a source of unease. However, the other new central European and Baltic members are almost unanimously in favour, with the exception of Slovakia.

#### *(a) Countries which have opted for a referendum*

6. Ten countries will be holding a referendum. They include Denmark, France, Ireland, Poland and the United Kingdom. In some countries, like Luxembourg, the Netherlands or Spain, this is a

consultative referendum: the Constitutional Treaty must be approved by Parliament after the people have spoken.

7. Before the Constitutional Treaty could be adopted in France, the French Constitution first needed to be revised. Edouard Balladur, the Chairman of the French National Assembly's Foreign Affairs Committee, anxious to preserve parliamentary prerogatives, tabled an amendment, on 11 January 2005 with a view to including in the text of the French Constitution an extension of Parliament's rights in respect of any European bill or document of any kind. However, the proposed amendment was rejected by the Constitutional Law Commission on 19 January. The Minister of Justice, Dominique Perben, stressed nevertheless that the Prime Minister had given an undertaking that the conveyance of European documents to the Presidents of both the National Assembly and the Senate or to the chairmen of their standing committees would be the norm and non-conveyance the exception.

8. The bill on the French Constitution paving the way for ratification of the EU Constitutional Treaty was adopted by the National Assembly on 1 February 2005 by 450 votes in favour to 34 against. Most UMP, UDF and Socialist members voted for its revision. There were 64 abstentions and 27 deputies did not take part in the vote. This amendment to Title XV of the Constitution falls into three parts: the first comes into effect immediately and allows the procedure for the ratification of the EU Constitutional Treaty to commence and the commitment given by the French President that a referendum should be held on the accession to the EU of any new member states to be implemented. The second part will take effect at the same time as the Constitutional Treaty itself comes into force and will constitute the logical follow-on to France's new commitments, setting in stone the undertaking given by the President. The last part lays down the conditions for the application over time of the undertaking to hold a referendum prior to further accessions. On 17 February, the Senate passed the amendments to Title XV of the Constitution on a first reading, on the same terms as the National Assembly. The 576 deputies and 331 senators, meeting in extraordinary session (Congrès) in Versailles on 28 February finally adopted the constitutional amendments, thus paving the way for the referendum. On 6 April, the parliamentarians took part in a debate on the bill authorising the referendum. No vote was held. Only about a hundred members were present for what was a rather uninspired discussion. François Bayrou, leader of the UDF party, stressed that France would be voting not just for itself but for others as well. Indeed, the French vote may well influence the vote in other EU countries – such as the Netherlands, which is due to hold a referendum three days later. Furthermore, on 23 March, the delegation of the French Parliament to the European Union held a meeting with the foreign affairs and defence committees at which Nicole Gnesotto, Director of the EU Institute for Security Studies, was invited to participate in a discussion on defence issues in the future European institutions. The position of the WEU Assembly was referred to in that context. It was agreed that there is at present no satisfactory proposal for bringing the Assembly's work into the EU framework.

9. In Ireland, both the Fine Gael opposition party and the Labour Party will support the Constitutional Treaty while Sinn Féin will campaign against it. A first debate, in the Committee on European Affairs of the Irish Parliament, took place on 9 February but the date of the referendum will not be announced until there has been an information campaign. The issue does not, for the time being, seem to be one of the country's most pressing concerns.

10. In the United Kingdom, the question of the euro, of first order in British Prime Minister Tony Blair's view at the time of his government's re-election in 2001, has given way to the debate on the European Constitution. Mr Blair and the Labour Party are playing a key part in the campaign to persuade a Eurosceptic public to vote "yes" to the Constitutional Treaty. In the Prime Minister's eyes the treaty is in Britain's interests. The Liberal Democrats too are staunch defenders of European integration. The Conservatives, the UK Independence Party and the Greens on the other hand are all opposed to the Constitution. They would prefer more power to be given to the member states. Denis MacShane, Minister of State for Europe, supports the Constitution, which he prefers to call a "treaty", and refuses to countenance the fact that it might be rejected in a referendum, pointing out that it would be the first time in the country's history that Britain had backed out of a treaty. Notwithstanding his strong pro-European leaning, Mr MacShane has nevertheless sometimes been critical of European

Union policy, especially in regard to the agriculture budget. On 9 February, the paving bill for holding a referendum on the European Constitution went through the House of Commons. The Secretary of State for Foreign Affairs, Jack Straw, stated that if the European Constitution was adopted, European integration would go no further for decades, but that if Britain rejected the treaty it would be “isolated and weak in Europe – going cap in hand to our partners and (...) forced in time to accept some kind of second-class status in Europe as others go ahead without us”. He also said that the government did not want any financial aid from the Commission to promote the Constitution for fear that it would be perceived as interference by Brussels in the referendum. The British MEP, Caroline Lucas, who is fiercely opposed to the EU Constitutional Treaty, feels that if adopted it “will tie the hands of future British parliaments”. The UK referendum is not scheduled to be held until 2006. In holding it so late the government has two alternative scenarios in mind: if other countries reject the treaty before then, the British will not need to take a decision on it; if it is ratified by the others, the British people will have a longer period in which to make up their minds.

11. In Poland the ratification process could be delayed because of errors in the Polish translation of the text of the Constitutional Treaty. Indeed, the Polish Foreign Affairs Minister has stated that it will take three or four months to put the mistakes right. As a result, the Polish Parliament was unable to examine the text in February 2005 as originally planned. Despite the difficulties the various parties have had in agreeing on the date of the referendum, it has now been set for 25 September this year. The right-wing opposition would have preferred it to be held in 2006 so as to leave more time for Poles to be well informed about the treaty.

12. In Denmark, the militants of the left-wing Socialist Party have been consulted about the Constitutional Treaty and a large majority (64%) have come out in favour of it. The Socialists have now signed the “Political Agreement regarding Denmark in the Enlarged EU” concluded by the two government coalition parties (Liberal and Conservative) and the centre-left (Social Democrat and Radical Parties) on 2 November 2004. In this document, the signatories set out the advantages of Danish ratification of the European Constitution. Only the extreme right, which supports the government, and the extreme left have failed to swing behind it. The Danish Government has announced that the referendum will be held on 27 September 2005. Two political parties, the Danish People’s Party and the Red-Green Alliance are opposed to the Constitution. However, those two groups between them hold only 30 seats of the 179 in the Danish Parliament.

13. The government commission responsible for fixing the date of the referendum in the Netherlands has announced that it is to be held on 1 June 2005. Although the outcome is not binding, the Dutch Government has stated that it will honour it. This is the first time the Dutch people will have been consulted by referendum and they could well vote against the European Constitution.

14. The Portuguese Prime Minister, Jose Socrates, has announced that the referendum in Portugal will be held in October 2005, coinciding with municipal elections in the country. The Portuguese Constitution will first have to be amended in order to allow a referendum on the Constitutional Treaty to be held.

*(b) Countries which have opted for ratification by Parliament*

15. The procedure being adopted by Belgium, Cyprus, Germany, Italy, Malta, Slovakia and Sweden is ratification by Parliament rather than by referendum. As the national constitutions of a number of countries made no provision for the holding of a referendum, ratification by Parliament was the sole option. In other countries the parliamentary route was the one chosen by the government.

16. In Germany, a vote will be held in Parliament on the basis of overwhelming consensus among the parties represented in the Bundestag: the Social Democratic Party and the Greens on the one hand and the right-wing CDU-CSU and the Liberals on the other. The lower house (Bundestag) is to vote on 12 May 2005 and the upper house (Bundesrat), dominated by the opposition, will be voting on 27 May. Only a minority of members of the Bavarian CSU may vote against the Constitutional Treaty. It is already a foregone conclusion that ratification will go hand in hand with a law giving the Bundestag the means to intervene if it considers that the European Commission is going beyond its powers. The leader of the Social Democratic Party, Franz Müntefering, is confident that the two-thirds majority required under the Basic Law for the treaty to be adopted will be obtained.

17. The Swedish Parliament will vote on the European Constitution towards the end of 2005. The text will be laid before Parliament in September with a view to ratification in December. The political parties are in favour of a debate being held between the various parliamentary party leaders prior to the vote. Most members of parliament are in favour of the Constitution.

18. Slovak Prime Minister Mikulas Dzurinda has secured the support of two major opposition leaders, Roberto Fico and Vladimir Meciar, for parliamentary ratification of the Constitution instead of by referendum. The various political parties expect the Constitutional Treaty to be approved.

19. The political class in the Czech Republic is having difficulty reaching agreement on the ratification process to be used. There is more chance, however, of the Constitution being adopted by referendum than by Parliament, where the government and those in favour of a “yes” vote do not have a large enough majority. The parties in government (Social Democratic Party, Christian Democratic Union, Freedom Union-Democratic Union) have come out in support of the EU Constitutional Treaty but the Communist Party is opposed to ratification. The right-wing Civic Democratic Party (ODS) opposition is demanding that a referendum be held and has tabled a constitutional bill to authorise the process, which is not provided for under the country’s Constitution. The Czech President, Vaclav Klaus, has said he is “100% against the European Constitution”, which he feels curtails the national sovereignty of nation states. Prague has not yet decided which process it will use to ratify the Constitutional Treaty, although most politicians would be in favour of a referendum. Both the choice of procedure and the date pose a problem: the government wants the vote to coincide with the 2006 regional or parliamentary elections, while the opposition would like two separate dates. In an interview for publication in a German journal on 15 March, Vaclav Klaus said the European Constitution was a bad text devoid of substance and that it was only the “tip of the iceberg”. He is opposed to any further EU integration but approves of the “widest possible enlargement” to take in Turkey, Kazakhstan, Morocco and Ukraine.

20. Malta is to put the Constitutional Treaty to the vote in Parliament around mid-July 2005. The Maltese Prime Minister has even shifted the parliamentary timetable back by a few months to allow the opposition (Malta Labour Party) more time to study the treaty and reach a position.

21. In Cyprus the first debate on the European Constitution took place in the Parliament’s European Affairs Committee on 4 February 2005. The vote in Parliament is expected to be held on 9 May.

22. The Belgian Senate approved the Constitutional Treaty in April by 54 votes in favour and 9 against. There was one abstention. The text now has to go before the lower chamber before the three regional assemblies discuss it.

### ***III. Information campaigns and trends in public opinion***

#### *(a) Communication policies*

23. The degree of support and organisation for informing the general public varies from country to country.

24. Generally speaking, public debates and conferences are fairly commonplace for the purpose of raising awareness among Europe’s citizens. Discussions revolve round five major themes: the connection between ratification of the European Constitution and membership of the European Union, Europe’s geographic boundaries, the economic benefits of belonging to the EU, the more influential role the EU might have in the world if the Constitution is ratified and, last but not least, the European “social model”.

25. A Eurobarometer survey published on 28 January 2005 notes that it is the better informed among Europe’s citizens who are in favour of the Constitution. However, generally speaking, people are very poorly informed, with no less than a third of Europeans stating that they have never heard of it.

26. The numbers of those who fall into this category are particularly high in Cyprus (65%), the United Kingdom (50%), Greece (49%) and Ireland (45%). The Constitutional Treaty seems to have been most widely publicised in Luxembourg, the Netherlands and Slovakia and yet only 11% of

respondents said they knew broadly what the treaty contained, which shows how sketchy that knowledge is.

27. To address the problem, the European Commission has set aside a budget of eight million euros to spend on a public information campaign and is making available a range of instruments to those member states which ask for them: opinion polls, an inter-institutional Internet site, marketing products, leaflets for wide public distribution and complete copies of the Constitution in the EU's 20 official languages. The Vice-President of the European Commission, Margot Wallström, has decided in conjunction with several international press agencies to adopt a new communications strategy to make good the lack of information and involve European citizens in the decision-making process. She wants the language used to be simpler and understandable to all, and has called for better cooperation between the European Commission and its offices in the various member states in order to try and make closer contact with citizens at regional and local level.

28. The European Parliament for its part has approved a budget of the same order (eight million euros) for an information campaign on the Constitutional Treaty. Opponents of the treaty fear that the slant of this campaign will promote the Constitution instead of setting out in detail the advantages and disadvantages of the text.

29. In addition, several projects have been set up: "Spring Day in Europe", regional and local press seminars, Europe Day on 9 May, or the "Europe Direct" free telephone hotline.

30. Moreover, the "1000 Debates on Europe" project is beginning to get under way with more than 100 debates having been held. However, although some countries like France and Spain have committed themselves wholeheartedly to the project, others such as Finland, Poland and Sweden have not yet organised a single meeting, which is indicative of the lack of interest in the European Constitution in those countries.

31. When the European Parliament held its vote on the Constitution a major communications drive was organised. A huge "Constitution for Europe" slogan was painted on the outside of the European Parliament building in Strasbourg. The project cost the Parliament, an institution which is in theory neutral, some 320 000 euros and came in for strong criticism by parliamentarians opposed to the Constitutional Treaty.

32. It would appear that countries which are to hold referendums are more conscientious about informing their citizens than those that have chosen to go down the parliamentary route.

33. In France, President Jacques Chirac stressed he would make sure that all parties and persuasions had access to the media. He intends to conduct what will, by definition, be an educational campaign on European issues "and nothing else". On 9 November 2004, Claudie Haigneré, the European Affairs Minister, made the following statements about the public information campaign in France: "I can tell you that as far as the referendum campaign is concerned, we are all set and ready to go. An information booklet giving an impartial presentation of the Constitution has been drafted and a dedicated interactive Internet site set up to help people to search for information. A telephone hotline is also available as are educational aids. The purpose of the "1000 témoins"(1000 witnesses) project is to enable ordinary citizens to meet people in the public eye able to talk to them about the EU Constitutional Treaty and about Europe. In short, the government is ready to wage an information campaign and to encourage a nation-wide debate." The Ministry of Foreign Affairs has made available a total of almost seven million euros for informing the French nation about the Constitutional Treaty. However, on 22 February 2005, a group of organisations launched a petition accusing the European Affairs Minister of bias in regard to what was supposed to be a "neutral" information campaign. In the face of signs that the number of those intending to vote "no" in the referendum is on the rise, Jacques Chirac intends to make a significant personal contribution to the debate. He has already taken part in a live television debate with young Europeans. The head of state is to close the referendum campaign in the presence of 500 artists during a European culture event early in May. The themes of his campaign are: stability as a result of peace and democracy, Europe's social role and the risk of France being isolated in the event of the "no" camp winning the day.

34. Prior to the referendum in Spain, the country suffered from a chronic lack of information and a six-million euro budget was therefore allocated to an information campaign in the press, on radio and on television. Sports personalities, particularly footballers, were drafted in to promote the Constitution. As in France, the Ministry for Foreign Affairs opened a website to publicise the campaign and the referendum, which took place on 20 February.

35. In the Netherlands, the government has allocated one million euros to the referendum campaign, to be shared between supporters and opponents. Most of the political parties feel that neither camp should have an advantage in terms of government funding. Nevertheless the government has been sharply criticised for setting aside 1.5 million euros to counter a possible “no” vote.

36. According to Eurobarometer, 50% of the population of the United Kingdom have never heard of the EU Constitution. The Foreign Secretary, Jack Straw, has therefore decided to combat the ignorance and disinformation surrounding the issue by setting the record straight about prejudices expressed by “Europhobes” and the media.

37. Slovenia has now ratified the Treaty establishing a Constitution for Europe. However, given the lack of information among Slovenians, the government has decided to distribute information leaflets to every household.

38. The Irish Minister for European Affairs, Noel Treacy, has announced that the government is to supply “information material” to familiarise Irish citizens with the European Constitution. A website and guide are available for the purpose of explaining what the treaty is about and the official text of the Constitutional Treaty has been made available to the population. The government is also distributing an information pamphlet to each household and political debates are to be organised.

*(b) Trends in public opinion*

39. Considering how poorly informed Europeans in most countries are, there is clearly a good deal of uncertainty among European citizens about the European Constitution. Even though some governments have tried to rectify the lack of information by opening websites and ensuring that the text of the Constitutional Treaty is widely distributed, for instance as an annex to national newspapers, people still remain fairly indifferent to what is a lengthy, technical document.

40. According to the Eurobarometer No 214 special survey on the Future Constitutional Treaty, carried out in November 2004 on a sample of 25 000, more people were in favour of the Constitution than were against it in all the member states with the exception of the United Kingdom. On average, 49% of those interviewed approved of the Constitution, 16% did not, and 35% had no opinion either way.

41. More specifically, 72% of Italians, 70% of Belgians and 63% of Dutch people supported the Constitution while only 27% of Swedes, 23% of Cypriots and 20% of the British felt able to. The United Kingdom was the only country where those against the EU Constitution (30%) outnumbered those in favour. The main reasons cited for rejecting the Constitutional Treaty were: a fear of loss of national sovereignty (37%); not wanting to be part of the European Union (22%) and lack of information (20%). Only 11% of those questioned were against the Constitution because they did not want any further enlargement of the Union. One fact to emerge was that Europeans rely first and foremost on their national governments but also on the European institutions (the European Parliament and the European Commission) for clearer information on the subject.

42. According to a survey by the CSA Institute published in January 2005, 65% of the French nation was in favour of the Constitution. A survey conducted by the opinion pollsters, Louis Harris, in February recorded 61% support among the population as opposed to 31% against. The main reasons for people refusing their support were: opposition to Turkey’s accession to the EU (48%); the desire to safeguard the nation’s independence (37%) and dislike of an overly liberal Europe (35%). Public opinion tipped the other way in favour of a majority “no” vote for the first time in March. According to a poll published in the daily tabloid *Le Parisien* the “no” camp carried the day by 51% to 49%. For politicians, the increase in the “no” vote is indicative of the need for information and of French doubts about the treaty. The fall in the numbers of those in favour has been confirmed in polls carried out since. Indeed, the 10 or so surveys conducted in March and April all highlight this trend. The swelling

“no” camp seems to be associated with the various demonstrations that have taken place in support of social demands. The hope is that revision of the Bolkestein Directive on the liberalisation of services and measures to make the Stability Pact more flexible will have a positive effect on the French electorate.

43. British public opinion is among the most hostile to the Constitution. Opinion polls reveal that most British people appear to be against the Constitution, with only 20% saying they are in favour. All the signs are that a widely Eurosceptic Britain is likely to vote “no”. A recent opinion poll carried out within the Institute of Directors, whose membership numbers some 54 000 chief executives, reflects that trend: 49% of those interviewed were against the Constitution and only 29% had decided they would vote in favour. Like Tony Blair, the Foreign Secretary, Jack Straw, is convinced that Britain can be persuaded to vote “yes”.

44. Similarly, according to a poll published in January 2005 by the Czech Centre for Social Research, 86% of Czechs are wholly uninterested in the European Constitution. One in five people asked had not even heard of it. Moreover, the survey showed that 17% of those polled had only a “rudimentary” knowledge of the Constitution.

45. In the Netherlands, there is a great deal of apathy among the electorate as far as the referendum campaign is concerned. Some observers think this could be to the advantage of the “no” camp. Indeed, three recent opinion polls have predicted a victory for the “no” vote and turnout is expected to be low. This raises a problem because as the referendum is not binding in the Netherlands, some political parties have already said that they will not accept the result unless there is a 30% turnout.

46. According to an opinion poll published on 11 April by the Danish daily *Jyllands-Posten*, the number of Danes in favour of the Constitutional Treaty is on the decline. The survey showed that 30% of Danes said they would vote “yes” (as against 33% in March), 22% said they would vote “no” and 48% are still undecided. The reason for the increase in the “no” vote would appear to be the possibility of Turkey joining the EU.

#### ***IV. Countries which have ratified the Constitutional Treaty***

47. At the time of writing, six states had completed the process of ratifying the Treaty establishing a Constitution for Europe.

48. Lithuania was the first to ratify the treaty by parliamentary vote on 11 November 2004. 84 members voted in favour, four against, and there were three abstentions. It should be noted that the Treaty establishing a Constitution for Europe has been interpreted by the Seimas of the Republic of Lithuania as a multilateral international treaty. It was ratified following the same procedure that applies to any other international treaty, in accordance with the requirement laid down in the law of Lithuania – i.e. by not less than two fifths of all votes. Ratification took place during the last sitting of the Seimas for the 2000-2004 term. This initiative by the ruling Social Democratic majority was criticised by the opposition – the Liberals called the ratification procedure hasty. The opposition Conservative Group made comments concerning the text of the Constitutional Treaty itself, claiming, for example, that the role of the Christian heritage for the European identity was insufficiently reflected. In spite of this, the Conservatives voted “in favour” on the grounds that Lithuania would benefit from an institutionally stronger and more effective Europe.

49. In Hungary, the Constitutional Treaty was ratified on 20 December 2004 by 322 of the 385 members of the country’s single-chamber parliament. 12 members voted against and eight abstained. 43 members did not attend for the vote. Of the 12 which voted against the treaty, seven belonged to Fidesz, the Conservative and main parliamentary opposition party. In June 2003, an opinion poll had shown that 87% of Hungarians were in favour of holding a referendum but the government preferred ratification to take place through Parliament.

50. Slovenia, which joined the European Union in May 2004, adopted the Constitutional Treaty on 1 February 2005. 79 members of the Slovenian Parliament voted in favour of ratification, with four against and seven absentees. Although several opposition members criticised the government for rushing through the vote on ratification, all the main government coalition parties voted in favour of

the text. Prime Minister Janez Jansa (centre right) said that the vote represented an opportunity for Slovenia to shoulder fully its responsibility towards Europe's common future. In January, an opinion poll carried out across the country showed 54% in favour of the Constitution and 10% against, while 36% did not express a view.

51. On 6 April, Italy became the first founding member of the European Union to ratify the Constitutional Treaty. The Italian Senate approved the text by 217 votes to 16. The Chamber of Deputies had already voted in favour of it in January. The Northern League, a populist party belonging to the government coalition, voted against the treaty. The Italian President, Carlo Azeglio Ciampi, had called for the treaty to be ratified quickly. In his opinion the treaty "strengthens the identity of the European Union, ensures that its institutions are effective and transparent and guarantees good governance. Without its provisions, the EU cannot possibly function with 25 member states".

52. It is interesting to take note of the opinion of a sub-committee established by the Senate Defence Committee. Its Rapporteur, our colleague Senator Gubert, while stressing the progress that has been made in the Constitutional Treaty in terms of a common European defence, pointed out that no solutions have been found for the institutional problems. The sub-committee expressed a favourable opinion overall, while making the following observations:

First of all, the treaty does not take the decisive step of conferring defence and collective security responsibilities on the Union. The European Parliament has no power of decision in this area and crucial decisions, to be taken in the Council, must be unanimous. Any decision in regard to common defence, external deployment of missions or the opening of structured cooperation can be blocked by the dissenting voice of a single state. Since security and defence are essential functions for the attribution of statehood to a form of political organisation, it is clear that the treaty does not go so far as to attribute that character to the Union. Building a common European defence at a future date, if it were to happen, would constitute a first move towards the establishment of a confederation of states, albeit a weak one, given the dependence on consensus among the member states. However, that decision has not as yet been taken.

Secondly, the so-called "solidarity clause", in so far as its defence aspects are concerned, is not binding on all Union member states. Conversely, it was binding on all WEU member countries, on the basis of the modified Brussels Treaty.

Thirdly, given that no provision is made for parliamentary scrutiny of decisions on military matters taken by the Council of the European Union; since these fall within the remit not of the European Commission but of the Council, the European Parliament has no decision-making authority in this area. And yet the scrutiny exercised separately by the member states' individual parliaments does not have the European inter-state dimension that is present in the Council as far as the governments are concerned. There is a clear need to make provision for such a European inter-state dimension for parliaments as well, as is already the case in the parliamentary Assembly of WEU.

Fourthly, the treaty does not set out clearly the relationship between a common European defence and NATO. Not all European Union countries are NATO members; yet the treaty acknowledges that NATO is the essential foundation of the security and defence policy for those countries that are members of it. It is clear in this connection that European Union countries' differing views of the role of NATO and the EU in security and defence have produced a compromise text (a debased version of that put forward by the Convention) which is unclear and ambiguous, trusting to luck that any differences and misunderstandings which may arise can be ironed out in the course of events. If NATO members see their security and defence realised in that organisation and other states do not, there is clearly a difficulty surrounding the role of a common European defence. It would have been more logical if the treaty had distinguished the level of European statehood, of which security and defence is inherently a function, from that of the alliance formed by the EU countries (with the United States and other countries) in NATO. But it is precisely the failure to take the decision to confer the responsibility for creating a European defence on the Union that has brought the member states, their different alliances, and the role of the latter back into the limelight.

53. In Greece, Parliament ratified the Constitutional Treaty on 19 April. 268 members voted in favour of the treaty and 17 against with 15 abstaining (mainly those belonging to the KKE Communist Party). Although the government and the main opposition party, the PASOK Socialist Party, supported the treaty, Mr Papandreou, the PASOK leader, made an official request for a referendum to be held, expressing the view that “as an opposition we expected to have the choice of a referendum; this would be the choice of the Greek people and the people would vote ‘yes’”. In the event, the ratification of the Constitutional Treaty was nonetheless endorsed by a parliamentary decision.

54. Spain was the first country to consult the nation directly on the European Constitution. On 20 February, the Spanish electorate went to the polls to vote in a referendum on the Treaty establishing a Constitution for Europe. Votes in favour carried the day, with 76.3% for ratification, according to the official figures released by the Ministry of the Interior. 17.24% of the electorate voted against and 6.03% of returned ballot-slips were left blank. The turnout was, however, disappointingly low (42.32%). The two largest parties, the Spanish Socialist Party (PSOE) in government, and the main opposition party, the People’s Party (PP), had campaigned for a “yes” vote, supported by a gamut of nationalist and conservative parties, the Basque nationalists (PNV), the Canaries Coalition (CC) and the Catalan Convergence and Union. The only parties calling for a “no” vote were the United Left (green/communist) coalition, the Galician nationalists and the Basque and Catalan independence parties. As this was a consultative referendum, the Spanish Parliament was required to give its final approval to complete the ratification process. This it did in a vote at the end of April in which 330 deputies took part. There were 311 votes in favour and 19 against.

#### *V. Options being envisaged in the event of a failure to ratify the Constitutional Treaty*

55. The European Constitution cannot enter into force unless it is ratified by all EU member states, either in Parliament or by referendum. If one country rejects the treaty, a meeting of heads of state and government will be held but there is no clear view of what would happen. The heads of state and government judge it inappropriate to speculate on what might happen if some member states fail to ratify.

56. However, this does raise a number of questions: were a country to reject the treaty, would it have to leave the European Union? Is it possible for countries that have not ratified the Constitution to stay in?

57. On 24 January 2005 on a visit to Prague, the French Minister for European Affairs, Claudie Haigneré, expressed the view that contemplating rejection of the treaty was to contemplate a “rejection of Europe”.

58. Some countries where the outcome of a referendum is uncertain are nevertheless refusing to consider being excluded from the Union. Thus in the Czech Republic prominent Eurosceptics roundly reject the idea of automatic expulsion if the country fails to ratify the treaty.

59. Some politicians are therefore putting forward possible solutions in the event of a country failing to ratify. It should be said that the country giving most serious thought to this problem is the United Kingdom, in the event of a “no” vote in its referendum on the Constitution.

60. Mario Monti, a former European Commissioner for the Single Market and for Competition, has put forward a plan for dealing with the crisis that could arise if the treaty were not ratified. He suggests that the 25 heads of state and government, all of whom have signed the Constitution, should take it upon themselves to organise a second referendum in their countries if the first yields a “no” vote. This would constitute a kind of confirmation, on a specific date. But the question should be put differently and in such a way that the intention to continue as a member of the European Union would necessarily imply adoption of the Constitution. Mr Monti is of the view that the various countries involved should make this political commitment before the sequence of referendums is held, in order to persuade the electorate to give thought now to the consequences of a “no” vote.

61. There are regular discussions in the British press on what would happen if the country rejected the Constitution. The United Kingdom is one of the countries most sceptical about Europe. Thus Stephen Wall, a former adviser on European issues to Prime Minister Blair, considers that if the

British people reject the treaty, the 24 signatories would be within their rights to move forward on a new basis, but that this would be highly unlikely. However, he acknowledges that rejection of the Constitution would raise the issue of the United Kingdom's continued membership of the European Union.

62. Although there has been a great deal of speculation about the possibility of a British "no" vote and the consequences it would entail, the implications are valid for any countries which reject the treaty. However, a number of factors have to be considered: international reaction would differ depending on the size of the country concerned and length of its membership of the EU. It has been argued that a "no" vote in a founding member of the EU, such as France, would mean the end of the Constitution. British journalists, for example, maintain that if France were to reject the treaty, it would imply that Europe has lost all popular support given that France has been one of the driving forces behind European integration.

63. With the date of the French referendum drawing close and with opinion polls increasingly suggesting that there might be a rejection of the Constitution, both the media and major political figures are now looking at what consequences of a "no" vote might be. Norbert Walter, an economist at the Deutsche Bank, considers that if the French reject the treaty, this will have serious economic repercussions, especially in monetary terms, in the new EU member states. Romano Prodi, former President of the European Commission, believes that a French "no" vote will precipitate a major crisis. He maintains that it would be catastrophic for Europe in social, economic and political terms. If France were to reject the treaty, it would be isolated and weakened in Europe. Finally, Franco Frattini, Vice-President of the European Commission, takes the view that if France votes "no" in the referendum, it will no longer be possible to talk about a Constitution and that the debate will have to be re-opened and extended in order to include the national parliaments. He says that if a country like France rejects the Constitutional Treaty, there will be no second vote.

64. According to a survey by the Morgan Stanley financial services company, the results of which were made public on 8 March 2005, there is now less than a 34% chance of the European Constitution being ratified. Drawing on the findings of surveys and on the influence one country's choice may have on others, the Morgan Stanley report is highly sceptical about the probability of the treaty being adopted.

## *VI. Conclusions*

65. Given that the purpose of this report is to monitor the ratification process, it is not possible at this stage to draw any firm conclusions. However, we are able to make some comments in view of the very different situations prevailing in the various EU countries.

66. In those countries which have opted for the parliamentary route, it can be said that ratification of the Constitutional Treaty is more or less a formality and there has been no emotional or lively debate. In every case parliaments have supported government action and the text of the treaty has not given rise to any particular comments which might influence the vote. Where a few reservations have been expressed, there has been reaction to them.

67. The situation is completely different in countries which have decided to hold a referendum. Opposition to the treaty is growing and it would appear that only a high abstention rate will be able to secure a victory of the "yes" camp in certain countries. It should be borne in mind that there no minimum turnout rate is necessary to validate the results of a referendum.

68. It would also seem that some issues which have nothing to do with the Constitutional Treaty are having an influence on public opinion and are a cause of real concern in some governments. For instance, the decision-making procedure for the accession of more new member states, or the question of Turkey's membership of the EU are constantly moving the debate away from the prime objective. Furthermore, the economic implications of the liberalisation of the services market, this being a principle laid down in the Constitutional Treaty, have provided opponents of the treaty with another argument. The threat of the application of these measures has suddenly re-awoken national demands which it was assumed had disappeared a long time ago. European citizens are discovering that life within the EU will have some negative consequences and will require some sacrifices at the national

level. Despite the situation, there has been no information campaign to explain that there is a balance between constraints in the immediate term and benefits in the future.

69. Paradoxically, it is citizens in the founding EU member countries who are most sceptical about the Constitutional Treaty, whereas those in the newer member states and other countries see the text as a positive development.

70. Given the circumstances, parliamentarians are faced with a difficult task since their constituents are often under the impression that they have been betrayed by European decisions, which sometimes even undermine national policy. Every effort must therefore be made to ensure that national parliaments can do their work properly, taking care to harmonise national situations. Parliamentarians will also need to explain the advantages of European integration to the electorate and defend the principle of subsidiarity so that scrutiny of intergovernmental policies in existing interparliamentary assemblies is maintained. Competition to be the first to make the news in today's mass media whose characteristic is high-speed communication and in which there is little control and no real responsibility has made the work of parliamentarians much more difficult. The time has perhaps come to redefine the parliamentary role and function, which are the product of a historical and social model far removed from the modern-day context.

**APPENDIX*****The case of Lithuania –  
Contribution from Vilija Aleknaite, co-Rapporteur***

1. Lithuania's membership of the EU has been a strategic goal of the state, set out in government programmes since 1991 and supported by all the main political parties. Therefore changes of government have neither affected the pursuit of that goal, nor disrupted the process of attaining it. When accession negotiations started early in 2000, all the political groups or factions within the Seimas (Parliament) jointly approved and supported Lithuania's entry to the EU. In January 2001, the Seimas stated its commitment to adopting the legislation necessary for the country's integration into the EU under the priority procedure and took the appropriate steps, thus ensuring Lithuania's membership of the EU in the first wave of enlargement. Viewed from today's perspective, this consolidated political will and effort have borne fruit.

2. Of course the success of integration was and still is not attributable to the political elite alone. Public opinion polls on EU membership have been held regularly in Lithuania since 1997, up to 10 times a year on average. Representative public opinion polls show considerable support for membership. In the referendum held on 10-11 May 2003, with a turnout of 63.36%, 91.07% of those voting were in favour.

3. There are good reasons for this attitude. Lithuanians have always felt they belonged to Western Christian civilisation. In the 20th century they re-established the independence of their state, but the Soviet occupation cruelly intervened. After the second world war had officially ended, over 350 000 people, a tenth of the population, were imprisoned, deported to Gulag camps, murdered or tortured. The view is widely held that that the war actually finished in Lithuania in 1993, after the withdrawal of the occupation forces.

4. The Euro-enthusiasts' arguments are mostly economic. They look forward to positive social and economic development.

5. Strong support for Europe among Lithuania's citizens allowed the Seimas of the Republic of Lithuania, without major political risk, to take the lead immediately in starting the process for the ratification of the Constitution for Europe. The Law on the Ratification of the Treaty Establishing a Constitution for Europe was passed under a special accelerated procedure on 11 November 2004. The results of the voting were as follows: 84 in favour to 4 against, with 3 abstentions.

6. It is noteworthy that the Constitutional Treaty was interpreted by the Seimas of the Republic of Lithuania as a multilateral international treaty, and ratified pursuant to the procedure applied to any other international treaty, in compliance with the requirements provided for the legislation of Lithuania – at least two fifths of all votes. Ratification by the outgoing Seimas took place at the last sitting of the 2000-2004 term. The initiative, taken by the ruling Social Democratic majority, was criticised by members of the opposition – the Liberals called the ratification procedure too hasty. The opposition Conservative political group commented on the text of the Constitutional Treaty itself, pointing out, for example, that the part played by Europe's Christian heritage in its European identity was insufficiently reflected in the text of the Constitution. In spite of this, the Conservatives voted for the Treaty, stating that Lithuania would benefit from an institutionally stronger and more effective Europe.

7. The EU Constitution was put forward for ratification at an extraordinary sitting of the Seimas convened on 5 November 2004. When presenting the Treaty, the Minister for Foreign Affairs, Antanas Valionis, stressed that the people of Lithuania had already taken the decision to be part of Europe in the referendum. Thus the Seimas had only to confirm the decision of the citizens of Lithuania. According to the Minister for Foreign Affairs, the then Seimas, which had carried out an immense amount of work during its parliamentary term harmonising Lithuanian laws with the *acquis* of the European Union, had "the moral right to perform this honourable duty". The Minister for Foreign Affairs did not exclude the possibility that the new Seimas might also want to ratify the Constitution of the European Union. In his opinion, this would serve as a "continuity bridge".

8. The Minister said that criticism from those members of the Seimas who claimed that the document was “before its time”, and that the refusal to organise a referendum was to disregard the opinion of the nation, was unfounded. In his view, while the Treaty Establishing a Constitution for Europe was being drawn up, society had consistently been kept informed of the preparation of the document: public debates and scientific conferences were organised, presentations were given at the Seimas, and publications were released. The Minister suggested that this effort should continue, and that classes on the Treaty Establishing a Constitution for Europe should be introduced into the school curriculum alongside lessons on the Constitution of the Republic of Lithuania.
9. Mr Valionis stressed that the European Union Constitution was useful for the country as it stipulated that a small country like Lithuania had equal rights in the various EU institutions.
10. The Liberal and Centre political group in the Seimas suggested postponing ratification of the Treaty. The opinion of the Liberal Centrist Deputy Chairman of the Seimas, Gintaras Steponavičius, was that “We must respect not only ourselves but also our citizens and not hurry the ratification”. However, his view won no support. The representatives of the governing majority of the Seimas, who supported ratification of the Treaty, called it a “logical” and “honourable” step by Parliament.
11. Prominent Eurosceptic and signatory of the Act on the Re-establishment of the Independent State, Egidijus Klumbys, stated, “In a few minutes, the Lithuanian State will cease to exist because its Constitution is going to become just a pile of papers. It fell to my lot to be witness to the disavowal of my nation’s independence by the free will of its representatives.”
12. The Elder of the political group, the Social Democratic Coalition, Irena Šiaulienė, urged members not to succumb to intimidation. “We should not surrender to threatening statements alleging that the state of Lithuania may cease to exist as of today. As long as the Lithuanian nation exists, the Lithuanian state exists too. We have been and will remain Lithuanians. We need to become true Europeans now”.
13. The leader of the Union of Farmers’ and the New Democracy Parties, Kazimira Danutė Prunskienė, also proposed postponing ratification of the EU Constitution. In her opinion, the Seimas should at least organise a public opinion poll on the matter.
14. A member of the Conservative Party, Andrius Kubilius, presented the opinion of the Political Group of the Homeland Union on the document, and explained “what it disliked about Europe.” According to Mr Kubilius, the political group’s attitude to the document was positive, although it also saw its shortcomings. “The Constitutional Treaty is a step forward for Europe, which is useful to Lithuania as well as to other EU members. We believe that this Constitutional Treaty shows that Europe is getting stronger institutionally, therefore in this respect we cannot be too critical of the text of the Constitutional Treaty, especially if we remember that the main provisions of the Treaty have been considered on numerous occasions, not only here by the Seimas, but also by the European People’s Party, which considers itself to be one of the initiators in drawing up the document on the Constitutional Treaty”.
15. Mr Kubilius also listed the reasons for his political group’s dissatisfaction, “We do not rejoice at the fact that Europe, in laying down its institutional framework, devotes virtually no attention to its principal values which, in our opinion, continue to weaken. Therefore, we have been disappointed by the text of the Constitutional Treaty because it does not dare mention such an absolutely simple and obvious thing as the value of the Christian roots of Europe. We do not rejoice at the fact that Europe clearly lacks what has recently been demonstrated so consistently by our American counterparts: a traditional and clearly expressed Christian view on moral and family values. Europe certainly lacks such a view. We are also not happy about the fact that when the new European Commission was being formed, the attacks against the Italian representative, Mr Buttiglione, expressly showed that discrimination against traditional Catholic views is possible in Europe. We are concerned too by the fact that a constructive and adequate model cannot yet be found for lasting cooperation between the European Union and the United States. There are many issues on which we can hold numerous, lengthy debates if we wish to look into the common future of Europe and ourselves. But Europe is a never-ending project, and we are already participating in it. We believe that both Europe and Lithuania need the Constitutional Treaty”.

16. The Committee on European Affairs' conclusion in favour of ratification of the Treaty Establishing a Constitution for Europe was not supported by all Seimas committees. Ratification was supported by 13 of them, while three proposed to leave ratification to the new Seimas.

17. Once the Treaty had been ratified, the Chairman of the sitting read out a congratulatory letter from the Chairman of the Convention on the Future of Europe:

“I am sending most sincere congratulations to the representatives of the Lithuanian people on being the first to ratify the Constitution for Europe. This is a brave step, which lends hope and confirms the pioneering document thanks to which Europe in the next fifty years is going to become more efficient and democratic. I thank all Lithuanian men and women. Valéry Giscard d'Estaing, Chairman of the Convention on the Future of Europe”.

18. An overview of the ratification procedure by the Seimas of the Republic of Lithuania reasonably raises the question: was there or was there not enough public debate prior to ratification? But this applies to most EU countries irrespective of whether the Constitution for Europe is ratified in the parliaments of those countries or approved by the nation in a referendum.

19. It is clear that the Parliament of Lithuania's determination in its own case was conditioned by its geopolitical situation as well as its wish to become part and parcel of Western civilisation as soon as possible.

20. There are some differences, in this respect, between the “old” and the “new” members of the EU. Countries which until a short while ago were occupied by a bigger neighbour stand somewhat apart.

21. A common factor observable in all the EU member states is that ordinary citizens assess the Constitution in the light of the possible impact of its implementation on their daily lives rather than looking at its peculiarities as a legal document. The social and economic expectations of the “new” EU members explain their strong support for their countries' membership of the EU and consequently their positive attitude towards a Constitution for Europe. Arguments in the “old” EU member states – also mostly social and economic – often express concern about the future and people's fear that some social guarantees, typical of welfare states, might disappear in an enlarged EU.

22. Irrespective of the outcome in the EU member states of the ratification process of the Constitution for Europe, our common future will depend on our loyalty to European values and ability to utilise the new opportunities, gained through enlargement, to realise our human and economic potential.



