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**5 December 2005**

**FIFTY-FIRST SESSION**

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**Parliamentary debates and public opinion  
on European integration**

**REPORT**

submitted on behalf of the Committee for 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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TABLE OF CONTENTS

RESOLUTION 127

on parliamentary debates and public opinion on European integration

EXPLANATORY MEMORANDUM

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

- I. Introduction
- II. Situation regarding ratification of the Constitutional Treaty in individual countries
- III. Trends in public opinion
- IV. Parliamentary debates on the prospects for Europe
- V. Conclusions

APPENDIX

The case of Lithuania

Contribution from Vilija Aleknaite, co-Rapporteur (Lithuania, Federated Group)

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<sup>1</sup> Adopted unanimously by the Committee on 8 November 2005.

## **RESOLUTION 127<sup>1</sup>**

### ***on parliamentary debates and public opinion on European integration***

The Assembly,

- (i) Recalling Resolution 123 of 29 November 2004 inviting the national parliaments to make more effort to inform the electorate so as to ensure that people are in full possession of the facts and are able to weigh up the issues when voting on proposals concerning the future of Europe;
- (ii) Noting that the EU's drop in popularity in public opinion is having the effect of slowing down the process of integration, which had nonetheless been making good progress until the draft Treaty establishing a Constitution for Europe was drawn up;
- (iii) Considering that the European Union has to continue to function in its present configuration and that the negative messages emanating from referendums and opinion polls may put up an obstacle to the smooth running of programmes under way;
- (iv) Stressing the responsibility of national parliamentarians for ensuring that the wishes of the electorate are reflected in the political decisions taken by governments at European summits,

INVITES THE NATIONAL PARLIAMENTS TO:

1. Endeavour to inform the public about issues concerning the future of Europe and to restore the electorate's confidence in the integration process while stressing that the problems encountered in present-day society should be considered in the context of the major progress the European Union has achieved;
2. Step up efforts to provide the explanations necessary for winning the support of public opinion for proposed changes that take due account of the new context regarding EU integration and enlargement;
3. Draw attention to the progress the EU has made in the area of security and defence in order to place more emphasis on the positive results achieved through joint actions, about which the public at large has little or no knowledge;
4. Support continuity of the work done by the Assembly of WEU, the sole European interparliamentary forum in which national parliamentarians collectively monitor European security and defence policy;
5. Ensure that national debates include the European dimension so that future generations automatically share common concepts and values, which constitute the only guarantee of a stable basis for the European institutions.

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<sup>1</sup> Adopted by the Assembly on 5 December 2005 at the 6<sup>th</sup> sitting.

**EXPLANATORY MEMORANDUM**

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

**I. Introduction**

1. The last session of the WEU Assembly was held in June 2005 just when the process of ratifying the Constitutional Treaty had been dealt a blow: a few days previously the “no” votes in referendums held in France and the Netherlands had reversed the previously positive trend. The report the Committee had entrusted to the Rapporteurs was approved on 11 May 2005 and described a situation which was subsequently overtaken by events. The Committee and the Assembly discussed the matter and decided unanimously to defer the report to the December session so that more information could be obtained on how the process was to be followed up. The intention was also to widen the Committee’s analysis beyond the Constitutional Treaty itself and examine the whole question of European integration. In fact, the Constitution, which has attracted a great deal of media attention, continues to be a central facet of the vision of Europe. The public at large is not really interested in other issues such as the European Union’s somewhat incomprehensible budget problems, the functioning of its enlarged institutions, the application of a series of directives or other rules, developing the CFSP or setting up ESDP programmes. As far as enlargement is concerned there is one question which has again come to the fore and that is Turkey, as the possibility of its accession to the EU raises the fundamental issue of the Union’s territorial limits.

2. Our task in this report is therefore to examine what developments there have been in connection with the Treaty establishing a Constitution for Europe with a view to supplementing the information we already have about the current situation. Members are invited to browse through the Rapporteurs’ previous report entitled “Parliamentary debates and trends in public opinion on the ratification of the Treaty establishing a Constitution for Europe” (Document 1893) and to refresh their memories about the discussion to which it gave rise at the Assembly’s plenary session on 15 June 2005.

3. Until May this year, the ratification process made good progress with the first countries showing enthusiasm in adopting the text of the Constitutional Treaty. Those which opted for ratification by Parliament did not encounter any real problems. The procedure was routine and did not give rise to any passionate debate. Following the work of the Convention on the Future of Europe, in which the national parliaments were represented, most parliamentary colleagues considered that enough time had been spent discussing the text and seeking a consensus and felt that all that remained to be done was to support the text adopted by the Intergovernmental Conference, which was seen to be the best possible compromise. In contrast, in those countries which decided to hold a referendum, the debate took on new significance and opposition to it among the public increased. Matters with no bearing on the treaty itself influenced public opinion, calling into question the political aspect of the enlargement process and the accompanying economic and social consequences. The treaty’s innovative character resuscitated all the traditional reservations about moving forward with European integration, which was in some cases viewed as a threat to the achievements of more developed societies, while the poor economic outlook engendered a certain degree of mistrust about the new European institutions.

4. Many pages in the press were given over to analysing the reasons for the electorate’s revolt and television channels broadcast an increasing number of debates on the subject. What your Rapporteurs would highlight is, once again, the silence that emanated from parliaments, or at least the relative lack of response to the message from the electorate. Parliamentarians knew that their task would be a difficult one because the media handle information so much more quickly than can be done through parliamentary procedures. Nevertheless, we have to ask questions about the role of national parliaments in 21<sup>st</sup> century Europe if we want to make sure that they do not become obsolete or academic institutions which are left on the margins while attention is directed towards other think tanks and communication agencies which are not the products of the democratic tradition.

5. A protocol annexed to the Constitutional Treaty made provision for a key role for the national parliaments. This was the result of discussions in the working group specially created by the Convention. In terms of parliamentary work this protocol, which is of direct concern to us, updates the

present situation and is absolutely essential if the institutions of the enlarged European Union are to function properly, even in the absence of a Constitutional Treaty, given that the current legal framework is already unsatisfactory from the point of view of national parliamentary involvement.

6. In accordance with the Committee's wishes, your Rapporteurs have taken up the chronological order of developments concerning the treaty's ratification process, taking account of the change of direction in the political debate wrought by a fairly widespread U-turn in public opinion in all the countries including those whose parliaments had ratified the text, since their citizens demanded, albeit belatedly, the right to take part in the decisions.

7. At the time of writing, the situation is still muddled. Some countries have continued with the ratification process while others have shelved it until solutions are proposed. The purpose of this report is therefore, once again, to encourage parliamentarians to play an active part. We must not neglect the opportunity of re-engaging in dialogue with citizens who have so clearly withdrawn their support for European policies implemented by an elite which has become isolated from the electorate.

## *II. Situation regarding ratification of the Constitutional Treaty in individual countries*

8. In our previous report our study of countries having ratified the Constitutional Treaty stopped at Spain. Since then a good number of other EU member states have taken their decisions, throwing the ratification process into the turmoil we now have before us.

9. After Greece (whose parliament ratified the treaty on 19 April 2005), Austria began the ratification process on 11 May with a virtually unanimous vote in favour by Parliament (Nationalrat): 182 votes to one. On 25 May, the upper chamber of Parliament (Bundesrat) also approved the text, by 59 votes to 3.

10. Germany began the ratification process on 12 May with a vote in the lower chamber (Bundestag). The treaty was ratified by a massive majority of 569 votes out of a total of 594 (23 parliamentarians voted against and 2 abstained). On 27 May, the upper chamber (Bundesrat) in turn approved the text by 66 votes out of 69 (3 abstentions).

11. However, the euphoria generated by the positive results in the first wave of countries was suddenly dealt a huge blow when 54.68% of the French electorate voted "no" in a referendum on the Constitutional Treaty held on 29 May. It was quite clear that the result was not due solely to opposition to the text. The reasons lay in the domestic situation in France and the situation in Europe as a whole.

12. Although the outcome was a big setback for the European project, some good did come out of the referendum. First and foremost, the Constitutional Treaty gave rise to a real debate in France and clearly gripped people's attention. No fewer than some 70% of those eligible to vote took part in the referendum. Furthermore, the French felt they were being properly informed and several studies show that they believe they were sufficiently briefed to be able to make up their minds. It can therefore be said that the French quickly brought themselves up to date with EU affairs, thus largely making up for the lack of interest that had built up over the years, due mainly to the absence of any effort by the elite to generate enthusiasm for the European idea. Even though the strategy adopted in the campaign that preceded the referendum was geared to the short term, the French nonetheless consider that it began at the right time. While the numbers of those who turned out to vote were similar to the numbers who voted in the referendum on the Maastricht Treaty, this time the result was the opposite. Among the reasons for the "no" vote there is no doubt that the complexity of the text of the Constitutional Treaty is to blame, but there are also other reasons such as the lack of visibility about what the EU has achieved in practice, shortfalls in the text as regards the social dimension and, last but not least, the gloomy domestic situation in France.

13. The referendum result also brought to light a difference between the towns, where most people voted "yes", and the rural areas where the information campaign was less effective and Europe less visible, with the notable exception of the benefits for the farming community.

14. Despite the outcome, the French have no wish to see their country leaving the European Union. In the words of Jacques Delors, "the French did not want that sort of France in that sort of Europe!" In

addition to expressing their opposition to a text they considered to be too liberal and pro-market, too complex and not practical enough, the French also took advantage of the referendum to express their discontent with French politics and the domestic situation.

15. On 1 June 2005, three days after France's "no" vote, the Dutch in turn voted in a referendum. The "no" vote won the day by a large majority (61.6%). This result seems to have put up a further obstacle to the European project. Although the failure of the Netherlands to ratify the treaty can be seen as the logical follow-up to France's rejection of it, the reasons and circumstances which prompted the majority of the Dutch electorate to vote against the Constitutional Treaty were not the same as those of their neighbours.

16. Fewer people turned out to vote in the Netherlands (62.8%) than in France. However, compared with voter turnout for the last European Parliament elections (39.3%), the referendum nonetheless showed that the Dutch were interested in the question on which they were asked to vote. But according to opinion polls, Dutch citizens thought they were not sufficiently informed about either the text of the Constitutional Treaty or the EU as a whole. Furthermore, the debates on the question started much too late and did not really give people enough time to form an opinion about the text.

17. It is therefore understandable that the Dutch "no" vote was not merely a judgement of the text but also a criticism of the internal situation in the country, in particular the government's policy, the country's place within the Union, its loss of sovereignty and the cost of it being an EU member. This sort of referendum was the first of its kind in the Netherlands since the country joined the EU. As in France, the "no" vote should not be seen as outright rejection of the Union. Indeed, 82% of Dutch citizens consider their country's membership of the EU to be a good thing. Leaving the Union is not the solution they advocate.

18. Moreover, the Dutch take the view that the "no" votes in France and the Netherlands will pave the way for a general renegotiation of the Constitutional Treaty or at least for a specifically Dutch renegotiation in order better to defend the country's interests in the EU.

19. Since the French and Dutch referendums, four other countries – Cyprus, Latvia, Luxembourg and Malta – have ratified the Constitutional Treaty either by referendum or by a vote in parliament. Although these are small countries, the fact that they have ratified means that the process, and indeed the Constitutional Treaty, are not dead. There is no doubt that the bigger countries play an important role in the EU but the Union could not exist without the smaller countries. The fact that the latter are continuing with the ratification process tends to indicate that there is still a future for the treaty.

20. On 2 June 2005, the day after the Dutch referendum, Latvia's single chamber Parliament ratified the treaty by a big majority of 71 votes; there were 5 or 6 abstentions.

21. On 30 June, it was the turn of Cyprus. In the Cyprian Parliament, the vote was not exactly spectacular because only 30 members voted in favour of ratification, with 19 voting against and one member abstaining.

22. In Malta, where the government decided that no referendum would be held, Parliament ratified the Constitutional Treaty unanimously in a vote on 6 July.

23. In Luxembourg approval of the Constitutional Treaty was subject to a twofold ratification process: by Parliament and by the people. In spite of the fact that a large number of member states decided to postpone the ratification process following the European Council of 16-17 June 2005, Luxembourg decided to go ahead with a consultative referendum on 10 July.

24. On 28 June the Luxembourg Parliament unanimously adopted a bill enabling the country to ratify the Constitutional Treaty and thus allowing the referendum to take place. On 10 July, Luxemburgers voted by 56.52% in favour of ratification. For the time being Luxembourg is the last country to have ratified the Constitutional Treaty. At its meeting on 16-17 June, the European Council proposed a period of reflection on the status of the ratification process with the result that several countries decided to postpone the referendums they had planned to hold. During the European Council meeting, and following difficult negotiations, representatives of the member states agreed on a joint text in which they "agreed to come back to this matter in the first half of 2006 to make an overall

assessment of the national debates and agree on how to proceed". They also stated that "recent developments do not call into question the validity of continuing with the ratification processes".

25. However, by the autumn this optimism seemed to have disappeared. When presenting the European Commission's programme on 21 September 2005, José Manuel Barroso showed that he was aware that Europe had to move on from the institutional crisis which was threatening to deepen. Anxious to dispel the impression that Brussels was in a state of paralysis, he said:

"We must not focus all our energy on institutional questions... We really have to scupper this illusion about the Constitution... Let's put a stop to transcendental discussions about the future of Europe and get down to work on the basis of the existing treaties".

26. Even at the risk of disappointing those who still think it possible to relaunch the treaty ratification process, the Commission has abandoned the idea of pursuing EU political integration, preferring for the time being to concentrate on the challenges posed by globalisation. Mr Barroso said it was necessary to be realistic given that France and the Netherlands had announced they would not be ratifying the treaty. There would therefore be no Constitution for two or three years. If, in the meantime, France and the Netherlands came up with a solution, he said he would be the happiest of men. However, he noted that the debate on the future of Europe, which had been promised in June, had not taken place. There was supposed to be a pause for reflection but he pointed out that in actual fact there was indeed a pause but not much reflection.

27. For members' information, the situation regarding the dates of parliamentary votes and/or referendums or of ratification of the Constitutional Treaty is currently as follows:

1. Lithuania: 11 November 2004
2. Hungary: 20 December 2004
3. Slovenia: 1 February 2005
4. Italy: 6 April 2005
5. Greece: 19 April 2005
6. Spain: 18 May 2005
7. Austria: 25 May 2005
8. Germany: 27 May 2005
9. France: 29 May 2005
10. Netherlands: 1 June 2005
11. Latvia: 2 June 2005
12. Cyprus: 30 June 2005
13. Malta: 6 July 2005
14. Luxembourg: 10 July 2005
15. Slovak Republic: 11 May 2005 (a legal appeal for a referendum to be held prevented the President from signing the instrument of ratification).
16. Belgium: a large number of institutions have already ratified the Constitutional Treaty. A parliamentary vote in favour has taken place at national level and in the regional and community parliaments, with the exception of the Flemish Parliament, which is due to vote before the end of 2005 although this is still uncertain.

### ***III. Trends in public opinion***

28. It is still fairly difficult to obtain a clear idea of the mood of European public opinion following the latest developments in the Constitutional Treaty ratification process.

29. However, going on the latest Eurobarometer surveys, it would seem that support for the Constitutional Treaty has dropped by a few points. These opinion polls were carried out before, during and some time after the French and Dutch referendums. In fact it is very difficult to obtain a clear

picture of the consequences of the “no” votes in both countries, the latest ratifications or the decisions taken by the last European Council on 16-17 June 2005.

30. What is clear on the other hand is that following that meeting, the European press depicted Europe as being torn apart. In the new EU member states the media blamed political leaders in the older members and particularly those of France, Germany, the Netherlands and the United Kingdom, accusing them of having gone out of their way to show that the EU was no longer functioning properly at the very time when they should have been setting out to prove that European integration did not seize up because of a few failures. The same governments were held responsible for what was being called “this historic failure”. In the Polish press, for example, it was said that if, on returning home, Tony Blair, Jacques Chirac and Jan Peter Balkenende boasted about having defended the interests of their countries, they had done so at the expense of a united Europe.

31. Neither do things seem to have improved following statements made by the President of the European Commission, José Manuel Barroso, who has virtually discounted the possibility of the Constitutional Treaty being ratified in the near future. However, there is one area of the European project for which there is strong support among the public: the common security and defence policy. Support for the ESDP has increased consistently in all opinion polls as we have pointed out regularly in earlier Committee reports, and this is all to the good of the European image.

32. Opinion polls taken over the summer period continued to show that European citizens are dissatisfied with the European Union and especially with its social dimension, as those questioned do not think they lead a better life as a result of the EU. According to the results of a Sofres opinion poll published on 4 October 2005, British, German and Polish citizens are still fairly negative about the EU in contrast to respondents from Spain, nearly 57% of whom said they were in favour of Europe. The economic situation is cited among Eurosceptics as the main reason for their disillusion. In contrast, people tend to have more confidence in the EU for the purpose of guaranteeing security and affording better protection against external threats. Is it more effective to take action at the national or the European level? With the exception of the British, who give priority to action by individual nations, most Europeans are in favour of a common foreign policy and of joint action to fight terrorism.

33. In this connection it is perhaps relevant to refer to the analysis made recently by Javier Solana, the WEU Secretary-General and High Representative for the CFSP, at the annual conference of the EU Institute for Security Studies on 26 September 2005. He said he was convinced that the CFSP had a role to play in winning public opinion over to the European project. In spite of the problem posed by the French and Dutch rejection of the Constitutional Treaty, differences over the EU’s financial prospects and difficulties with economic growth, Mr Solana does not think Europe is in a crisis. He refuses to be party to “self-denigration” even though he acknowledges that the problems for which the Constitutional Treaty proposed solutions persist, in the area of foreign policy as in other areas. However the “undeniable progress” the CFSP has made in recent years does not deserve to be slowed down or forgotten. Replying to questions about the Constitutional Treaty, Mr Solana said that what EU citizens wanted was a stronger foreign policy and even a defence policy. He believed that the mechanisms for which the treaty made provision in the fields of the CFSP and ESDP could be applied in spite of the French and Dutch “no” votes. In this connection he stressed the need to avoid paralysis and inertia, even in the present difficult situation.

34. Notwithstanding a certain degree of political good will, public attitudes over recent months have been pessimistic. To supplement our earlier report we can provide an overview of developments in those countries which have not yet ratified the Constitutional Treaty and in which uncertainty about how this procedure should be followed up is reflected by the somewhat depressing results of opinion polls.

35. Denmark was to have held a referendum on the Constitutional Treaty on 27 September. Earlier this year, on 31 March, the Danish Foreign Affairs Minister, Per Stig Moller, tabled a bill on Denmark’s ratification of the treaty in the Danish parliament. It was to have been debated before the summer and adopted early in September. However, following the outcome of the European Council on 16-17 June, the Danish Prime Minister, Anders Fogh Rasmussen, announced the adjournment of the referendum. Moreover, since 3 June, opinion polls showed that the “no” camp, which until then had

been in a minority, was gaining ground even though many people were still undecided about which way to vote. On the other hand, people have not turned their backs on the Constitutional Treaty in great numbers given that support dwindled by only two points compared with November 2004.

36. Estonia planned to ratify the Constitutional Treaty through a parliamentary vote. In June the Estonian Parliament decided to postpone this vote until the autumn. The text of the treaty has been transmitted to Parliament, which still has to decide whether it will be put to a consultative referendum. According to the latest Eurobarometer opinion poll, Estonians are still fairly keen on the Constitutional Treaty although there has been a significant drop in support of 12 points.

37. Finland has opted for a parliamentary vote, which is due to be held in Parliament early in 2006 before Finland takes on the EU Presidency in the second half of that year. However, following the European Council of 16-17 June 2005 and the decision to allow time for a wide-ranging debate in the member states on the future of the Constitutional Treaty, the ratification process could be postponed. Support for the treaty among the public has dropped by 11 points compared with the situation last year.

38. The holding of a referendum is obligatory in Ireland. It was initially scheduled for 2005 but, again, following the decision taken by the June 2005 European Council, Ireland may put back the date of its planned referendum. Irish citizens are broadly in favour of the treaty. Support for it has gone down by 7 points, which is similar to the average drop in all the member states.

39. In Poland, the country's leaders have not yet adopted a clear position in view of the change of government following the general election and the recent presidential election. However, there is a big increase in the number of Poles who have withdrawn their support for the Constitutional Treaty.

40. The new Portuguese Prime Minister, José Socrates, has confirmed that a referendum will be held in Portugal. It was due to take place before the end of 2005 but following the June 2005 European Council, it is now planned to postpone it. The two big political parties and public opinion are broadly in favour of the Constitutional Treaty. According to opinion polls taken in March 2005, 40% of citizens would have voted "yes", 7% "no" with 53% undecided. Compared with voting intentions as recorded last year, support has dropped by only two points, showing that the Portuguese are still among those who have not lost faith in the Constitutional Treaty.

41. The Czech Government decided to hold a referendum, which was due to take place in June 2006 at the same time as the general election. On 16 June, at the end of the first day of the Brussels European Council meeting which discussed the future of the Constitutional Treaty, the Czech Prime Minister, Jiri Paroubek, announced that he would propose to the political parties in his country that the referendum be postponed to the end of 2006 or beginning of 2007. Opinion polls show that the Czech Republic is the country in which the "yes" campaign has lost the most support with a drop of 19 points compared with autumn 2004.

42. The British Government decided to put the Constitutional Treaty to a referendum which was to be held in spring 2006. On 26 January 2005, the Government announced the wording of the question that would be put to the electorate: "Should the United Kingdom approve the treaty establishing a constitution for the European Union?" The referendum has to be preceded by parliamentary approval of a bill called the European Union Bill. This text sets out details about the referendum and lays down provisions which will enable the Constitutional Treaty to enter into force in the United Kingdom. The debate in the House of Commons was supposed to have begun in mid-June this year. However, on 6 June, the Secretary of State for Foreign and Commonwealth Affairs, Jack Straw, shelved the process by deciding not to fix a date for the parliamentary debate on the bill that would pave the way for the referendum. This means that the referendum on ratification of the treaty has been postponed. Opinion polls show that the British are still vehemently opposed to the Constitutional Treaty. A survey conducted by Sky News on 20 April showed that 86% of respondents would vote against it, compared with 14% who would approve it.

43. In Sweden the treaty will be ratified by a parliamentary vote. The Government had envisaged tabling a bill with a view to its adoption in December this year so as not to interfere with parliamentary elections in 2006. However, after the June 2005 European Council, the Swedish Prime

Minister, Goran Persson, stated that he wished to postpone the parliamentary vote. Support for the Constitutional Treaty among Swedes is very low and has dropped 12 points compared with last year.

#### *IV. Parliamentary debates on the prospects for Europe*

44. In reporting on parliamentary debates it is important to remember that over the summer period parliaments were in recess and that there was therefore little activity. Furthermore, autumn is traditionally the time for budget debates in all parliaments and this leaves little time for discussing other matters not strictly concerned by votes on finance laws. When one also considers that everyone is now waiting to see what position Europe's leaders will take, it is not surprising that there has not been any real debate in the national parliaments. In the wake of the rejection of the Constitutional Treaty in two referendums, there have, however, been some off the cuff comments about what should be done with regard to the Constitutional Treaty.

45. The French Delegation for the European Union waited for the outcome of the European Council of 16-17 June 2005 before discussing the new situation following the results of the French and Dutch referendums. After a French government reshuffle, the new Minister for European Affairs, Catherine Colonna, informed parliamentarians of the EU governments' decision to take note of the two rejections and the ten ratifications, to allow for a period during which there would be national debates, and subsequently to carry out an assessment of the situation in the first half of 2006. During a sitting on 22 June, she announced that there was to be a period of reflection and that it was necessary to get down to the task of helping people to understand the European Union better so that it was became more visible, more effective and closer to them:

“... we must listen to what people have to say and this includes both sides of industry and civil society. But that is not enough. At the same time, we must talk more about Europe and explain the advantages of the European project and the opportunities it provides for everyone. The referendum debate was a good thing in that the French people actually began to taken an interest in Europe, perhaps for the first time. They became involved in the subject of Europe, which is no longer perceived as something distant or as a question of foreign policy. In future debates proper time should therefore be spent discussing European issues and the people's representatives will of course have a large part to play. The Prime Minister has, moreover, said that all the texts which were intended to be transmitted to national parliaments under the Constitutional Treaty will indeed be laid before the French National Assembly.”

46. In the ensuing debate, parliamentarians expressed the wish for members of the French Delegation for the European Union to be fully involved in discussions with the Government. Christian Philip wanted thought to be given to introducing a procedure between the government and parliament whereby the latter would be able to give an early opinion on subsidiarity, as had been envisaged in detail in the Constitutional Treaty. Jacques Floch underlined the importance of this parliamentary prerogative, which he felt should be maintained if it was decided in the end to envisage extracting from the treaty those provisions on which there was consensus and which even advocates in the “no” camp considered acceptable. It is interesting to note that in considering the question of bringing European matters back into the fold of national policy, he also regretted that they were too often treated as foreign affairs, as reflected by the status of the European Affairs Minister, who was answerable to the Minister for Foreign Affairs. He felt it was time for this status to be revised and brought up to date.

47. In autumn 2005 business resumed in the French Parliament following the summer recess, with several members taking the view that the pause following the referendum on the Constitutional Treaty had gone on for long enough and that following a number of interministerial committee meetings to discuss the European agenda, the time had come for parliamentarians to resume the dialogue with the electorate which had come to a temporary end in June. At a parliamentary conference of the UMP party on 20 September, the President of the National Assembly, Jean-Louis Debré, said he hoped the proposals put forward by the French Delegation for the European Union would quickly lead to the adoption of a practical solution. The preference was for a parliamentary debate held in public prior to each European Council and an invitation to the President of the European Commission to attend a question and answer session. On 12 October, the Delegation held a meeting, which was open to

French members of the European Parliament and the press, for the purpose of studying a report by Mr Herbillon entitled “The European Divide: following the referendum of 29 May, 40 practical proposals for better informing the French people about Europe”. This report does not deal exclusively with the referendum on the Constitutional Treaty but is intended to show that there is renewed interest in the subject of Europe among all politicians, regardless of whether they voted for or against the treaty. The main subject areas it covers are Europe’s place in society and education and media coverage of European affairs. The ensuing debate gave a better idea of what parliament’s contribution could be in this context, and proposals were made for improving the approach to European questions in the National Assembly.

48. In countries which have already ratified the Constitutional Treaty by means of a parliamentary vote, there has been a tendency to lay the blame for today’s stalemate on domestic politics in France and Netherlands. Nevertheless, in Italy, for example, there has been a movement to relaunch the debate on European integration, particularly in connection with monetary union, which is blamed for most of the problems the EU has created in the member states. In Parliament the Government has on a number of occasions defended the choices which led Italy to adopt the euro. Speaking before the Senate Committee for Community Policies on 6 July 2005, the European Affairs Minister, Giorgio La Malfa, described the referendum result as a vote that was not against the “text” but against the social and economic “context” of the European zone, and insisted that it was the duty of parliamentarians to explain to their constituents the advantages for Italy of being part of the single currency system.

49. In the United Kingdom the decision to hold a referendum on ratification of the treaty was submitted to Parliament as a bill had to be passed authorising a consultative referendum. Members of Parliament were therefore fully involved in the Government’s decision. But during the general election last spring, unfinished legislative business was dropped and the procedure for studying the text had to start all over again in May. Following the referendums in France and the Netherlands, the Secretary of State for Foreign and Commonwealth Affairs, Jack Straw, announced in the House of Commons on 6 June the Government’s decision to postpone the second reading of the bill. While it was still in favour of ratification, it wanted to take the most appropriate decision in consultation with its European partners. Mr Straw also gave the House an assurance that the issue would not have any bearing on the imminent British Presidency of the EU and that the United Kingdom would not call into question the objectives set on the joint agenda.

50. On 28 June 2005, members of the Luxembourg Chamber of Deputies took part in the first constitutional vote on the bill to approve the Constitutional Treaty, in accordance with the decision taken a few weeks earlier to consult the electorate in a referendum – on 8 June, the Chamber had given a formal undertaking, on the basis of a resolution adopted unanimously, to respect the choice of the people of Luxembourg even though they were being asked to vote in what was only a consultative referendum. It can be said that a perfect balance was achieved in Luxembourg between the country’s leaders and its citizens, with parliamentarians having carried out their role of relaying a political message to the electorate, and that the will of the people was duly respected.

51. At a session of the European Parliament on 8 June, MEPs discussed the preparations being made for the European Council, including the future of the EU following the referendums on the Constitutional Treaty. A first analysis of the situation was made by the Chairman-in-Office of the Council, Nicholas Schmit, followed by the President of the European Commission, José Manuel Barroso. Both expressed their concern about the rejection of the European project by the French and Dutch peoples and urged national political leaders to redouble their efforts to explain to their electorates the full scope of the issues at stake and the nature of solutions to current problems, which could only be applied on a European scale.

52. While both these representatives of the European executive tended to stress the national responsibility of EU member states, recognising that external issues had often featured prominently in the debates, the parliamentarians, in contrast, underlined the problem of distance between citizens and the European institutions and blamed an absence of transparency and insufficient democratic scrutiny. The gulf separating governments, the European institutions and public opinion had become very clear and it was for this reason that the parliamentarians set themselves the task of reducing bureaucracy,

improving effectiveness and increasing transparency. Several of them also regretted it had not been possible to hold a single European referendum, which would have allowed all the citizens of the EU to vote on the European project on the same day and would have prevented national issues being a consideration in the consultation process. Unfortunately, it had not been possible to obtain consensus for this proposal even in the European Parliament, which was the body the best placed to promote it.

53. Mr Barroso rejected the hypothesis of a “plan B” for replacing the text of the treaty and instead proposed a “plan D” with “D” standing for “democracy and dialogue”. The idea would be for European and national institutions to listen to what people thought and discuss matters with citizens and representatives of civil society in order to conduct a thorough analysis of what was a complex situation. This should enable the EU to arrive at a more consensual approach in that it would be more representative of what Europeans were actually looking for from the EU.

54. On 4 October 2005, at a hearing given by European Commissioner Margot Wallström, members of the European Parliament’s Constitutional Affairs Committee reacted very strongly upon being told about the thrust of the Commission’s draft Communication concerning “plan D” (D for democracy, dialogue and debate). Several of them were highly critical of the Commission’s lack of involvement in the “reflection” process, pointing out that it was not saying much. They asked what the point of such a process was if the institutional aspects of the European project were not addressed. Commissioner Wallström, who failed to see how too much “institutional engineering” could help to connect European citizens with Europe, faced vehement criticism of “plan D” from Jean-Louis Bourlanges, a French MEP, who threatened to use a centre motion against the Commission. He lambasted the plan saying D stood “for departure, your departure”. Ms Walström defended the Commission, saying it had no intention of anticipating the ratification of the Constitutional Treaty or of giving effect to some of its institutional aspects. However, she did not think that extending the Nice Treaty could be a solution for the long term. The Commission wanted to take measures that would build confidence and that was the aim of its Communication on “plan D”. It proposed that future national debates, while respecting “regional specificities”, should concentrate on three subject areas: Europe’s economic and social development, people’s feelings about Europe and the EU’s mission, and Europe’s borders and its role in the world. The Communication would consist of three parts, the aim being to stimulate wider debate, get citizens involved in the democratic process and create tools to encourage dialogue on European policies. It was not a question of “saving” the Constitutional Treaty at all costs, but of altering its precepts and thus make it possible to achieve consensus on the future of Europe.

## *V. Conclusions*

55. As the Committee suspected when it voted to defer this report to the Assembly’s December session, the second half of 2005 has not thrown up anything new as regards the follow-up to ratification of the Constitutional Treaty. However, notwithstanding this predictable state of affairs, the Committee did not wish to drop the subject but, on the contrary, to keep parliamentarians aware of the even more relevant and pressing task of informing the electorate. At the European Council of 17 June 2005, the heads of state and government, realising that the planned date for approval of the Constitutional Treaty was no longer feasible, proposed a period of reflection to give time for explanations and debates in all the member states, regardless of whether they have ratified the treaty. The idea was that conclusions should be drawn during the Austrian Presidency of the EU in 2006.

56. This period of reflection is therefore already upon us even though little is being said about it in the media. In fact, the question of the Constitutional Treaty seems to have been dropped for the time being and among the issues concerning the future of the European Union only the problem of enlargement attracts attention from time to time.

57. For parliamentarians the task during this transitional period is to keep drawing attention to the problem in hand and to renew dialogue with public opinion on the content of the political choices for Europe’s future. Our electorates expect us to explain the progress which has been made or remains to be made, and the constraints that will have to be accepted if we are to carry through common projects. It is for us to propose solutions and reforms that can be adapted to the new reality. We must not let this additional period of reflection pass by without doing anything. There is perhaps an opportunity for us

to hammer home our convictions if we reaffirm the principles of a society based on shared values and pursue policies that can be implemented by all the member states in the framework of the European Union.

## APPENDIX

### *The case of Lithuania*

#### *Contribution from Vilija Aleknaite, co-Rapporteur (Lithuania, Federated Group)*

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. 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 into the EU. To date there has been no influential Eurosceptic political party or group in Lithuanian politics. 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 cannot be attributed 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 20<sup>th</sup> century they re-established the independence of their state, but the Soviet occupation intervened cruelly. 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 the war actually ended 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. At the same time, striving for EU membership was part of the general feeling of "returning to the West". This goal therefore directly and indirectly influenced all reforms in Lithuania and all political trends.
5. Strong support for Europe among Lithuania's citizens ensured that there was no major political risk for the Seimas of the Republic of Lithuania to take the lead immediately in starting the process of 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 vote 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.
7. It should be noted that the discussion on the future of the EU started in December 2000, way before Lithuania joined the Union and only half a year after the start of EU membership negotiations. In 2002, when the Convention on the Future of Europe was formed, the membership negotiations were still under way, with most difficult and sensitive chapters open. And the Constitution was signed just half a year after Lithuania entered the EU. Therefore, in Lithuania the discussion about the future of Europe was equivalent to the discussion about the future *in* Europe. These two discussions could not be separated, and this should be taken into account when evaluating the ratification process.
8. 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.

9. 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, taken just one and a half years before. 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”.

10. 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.

11. 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.

12. 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.

13. Prominent Eurosceptic and signatory of the Act on the Re-establishment of the Independent State, Egidijus Klumbys, stated, “In a few minutes time, 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.”

14. 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”.

15. 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.

16. 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”.

17. 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 so absolutely simple and obvious a thing as the value of the Christian roots of Europe. We do not rejoice at the fact that Europe clearly lacks what our American counterparts have recently demonstrated so consistently: 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 about 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 are we already participating in it. We believe that both Europe and Lithuania need the Constitutional Treaty”.

18. 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.

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

20. 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.

21. 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.

22. 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.

23. 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 to 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.

24. However, now we have to face the fact that the citizens of two founder states of the EU – France and the Netherlands – have rejected the ambitious project of a rapid, extensive enlargement and the establishment of an institutionally stronger and more efficient EU.

25. Some commentators have drawn the conclusion that the Constitution was killed by the “no” votes of France and the Netherlands and that there is no reason to continue. Nevertheless, Lithuanians are among those who still believe in the fundamental importance of the European idea. A strong, effective, flexible, competitive and influential Europe is of vital importance in the global context.

26. While respecting the decisions of the citizens of France and the Netherlands and making sure that their voice is not ignored, we should not forget the 13 other countries which have already finished

the process of ratification. In addition, we must also allow the 10 countries which have not yet had an opportunity to express their opinion to do so.

27. The impression one has of the situation in Europe at the present time is that nothing is being done. However, now is the time to give priority to discussing the most important problems – social affairs, immigration and the safety of citizens.

28. Following the negative votes in France and the Netherlands on the European Constitution, the European Commission published its Communication on “The Commission’s contribution to the period of reflection and beyond: Plan-D for Democracy, Dialogue and Debate”. The Committees on European Affairs and Foreign Affairs of the Seimas of the Republic of Lithuania have discussed it and responded to its call for states to undertake broad-ranging national debates on the future of Europe, and to its message of encouragement to the national parliaments confirming that they have a specific role to play in the organisation and promotion of debates. It has been decided to establish a joint working group of the Members of those Committees, whose task would be to prepare a package of proposals on how to implement Plan-D.

29. The call for reflection and the period assigned for this purpose has to be used wisely. What the national parliaments definitely have to do is to communicate with the citizens. The political parties, academia and media have to play a vital part here too. But all this communication has to be based on an information strategy.

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

31. Lithuania has already expressed its position on the treaty by ratifying it. Therefore, Lithuanian officials continue to take the view that this Constitution, even if not perfect, is the best option available for Lithuania. The document is a balance among 25 states and finding a new and different compromise at this time would hardly be possible. Lithuania would like to avoid renewed diplomatic negotiations and “power games” in which the opinions of smaller states are often ignored. At the same time Lithuanian officials strongly emphasise the need for unity in the EU and dislike the idea of a “two speed Europe”. In my view, this position is only natural – Lithuania has long striven to be an equal member of the European family, to participate on an equal footing in European institutions and to play an equal part when decisions are taken. Therefore, any proposal which would seem to marginalise our country again would meet with resistance.

32. Since it is now obvious that the Constitution will not enter into force for at least another year or two, Lithuania has stressed the need for practical decisions and steps that show that the EU is capable of acting and which would improve its image. This list of “things to do” includes reaching agreement on the new financial perspective, completing the internal market, especially in the field of services, and taking more coherent and active steps in the area of foreign policy. Since the results of the referenda in France and the Netherlands were determined by a broad spectrum of arguments, which were sometimes even contradictory and not related to the text of the Constitution per se, it would appear that after the period of reflection and these practical steps, the 25 states could return to the Constitution again.

33. In any event, with or without the Constitution, Lithuania’s clear goal is a united European Union, acting coherently both in its own framework and also in the outside world.



