Ratification of the European Constitution

NGO TOOLKIT

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INTRODUCTION by the Civil Society Contact Group

Act4Europe is continuing to follow the path of the Constitutional Treaty as it proceeds through the phase of ratification. Since its signing in June 2004, our campaign has concentrated on engaging with NGOs across the European Union, but particularly in the new Member States, on encouraging cross-sectoral debate and on analysis of the final text.

This toolkit, as our other activities, aims at enabling and fostering a cross-sectoral and trans-national debate on the Constitutional Treaty amongst citizens’ organisations and at promoting the involvement of NGOs in European debates. After following the process proactively at EU level for the last three years, we believe that this phase of ratification is now predominantly a national one and will turn out to be very different in each member state. It is therefore not our role to campaign for or against, but instead to provide NGOs in the Member States with real sectoral and cross-sectoral analysis from our Brussels-based members on issues relating to the environment, social policy provisions, women’s rights, human rights, development and culture.

Other issues will dominate many of the national debates and in some countries, referenda may be held at the same time as other elections. So it is not obvious that the specific issues NGOs care about will determine the choices of citizens and politicians. But our issues are important, in the end they matter very much for the future of Europe. By providing factual analysis on the implications of the Constitutional Treaty for the specific rights and value based issues that our member platforms in Brussels work on, we hope to contribute to constructive and well-oriented discussions across the European Union.

This toolkit gives a sketch of the state of play and main challenges in the ratification process both in Brussels, with the European Institutions, and in each of the Member States. It outlines the processes set to take place in each, whether referenda are scheduled and whether they are consultative or binding.

Beyond this state of play, it examines more specifically the role of Civil Society organizations in the ratification process and provides sectoral assessment contributed by the members of the Civil Society Contact Group. As with the overall campaign, the members themselves are not campaigning for or against. The information contained in this section, however, paints a clear picture of how each sector views the Constitutional Treaty from the perspective of how it will affect their work concretely.

We want to underline that in our view it is important to look at the Constitutional Treaty in the context of currently existing Treaties and EU practice. We are therefore assessing the Constitutional Treaty against the current situation – the so-called Nice Treaty.

Furthermore, while constitutional changes become more difficult the larger the EU gets, the history of the EU has shown that it is a dynamic institution, and that sooner or later there will be new opportunities (and risks) to changes in the constitutional basis of the EU.

So the basic questions the CSCG organisations have asked themselves are:
- which steps forward and/or backwards are made in this Constitutional Treaty?
- what would be the consequence of rejecting the Treaty for our areas?
- which are the missed opportunities we need to focus on from now?

In the end, each organisation and member of the public will have to decide for itself. We hope this toolkit is a useful contribution to encourage organisations and individuals to play an effective role in the national decision-making process.

John Hontelez,
Chair of the Civil Society Contact Group
Ratification in the Member States: bridging the information gap and focusing on the real issues

The ratification phase is now predominantly a national one since it will follow the requirements of national laws and constitutions. In the end, national Parliaments will take the decision on ratification, but in a number of countries, referendums, binding or not binding, will precede that decision. Whereas referenda are expressly provided for in 20 national constitutions out the 25 EU Member States, they are mandatory only in a few Member States and not all referenda shall be binding. Besides, a number of European Constitutions express a certain degree of mistrust towards referenda, inherited from the abuses of such instruments in the past, and many of European regimes traditionally favour representative over direct democracy. Yet, the decision to hold a referendum seems to depend primarily on political factors and the absence of specific provision can be overcome.

What if there is no referendum organised? Where the Parliament will decide directly, there is less pressure upon government and political parties to engage in, and stimulate, a public debate. So in that case NGOs are well advised to take the initiative, insist that such public debates take place, make sure that the politicians understand that their choice is being watched very closely, that they are accountable for their decision and better have very good reasons. Politicians need to be challenged to seek the public’s advise and concerns. And, what is very important to realise: while a parliament in the end can only say yes or no, during the debate it can agree on certain interpretations, on certain ambitions for its country in the framework of the European Union, in other words, it can start to establish a national agenda on priorities for the application of the Treaty. This can be relevant for all sectors of public interest.

Which political factors preclude over Member States’ choice to hold a referendum or not? First a requirement for more democratic accountability, based on the need to involve citizens in a renewed “European social contract”. This dimension should not be underestimated, but in any case a determining factor will be that governments also play domestic politics in this debate: after signing the Constitution, national governments will see their political responsibility engaged and might seek to ensure a victory of the yes side. In many Member States where the parliament is more supportive of the Constitution that public opinion, governments willing to avoid a rejection might be more eager to chose a parliamentary ratification in order to secure a positive vote. Conversely, Poland and the Czech Republic are among the only countries where this tendency is reversed: referenda appear as the best way for governments to “secure” this positive vote, since political parties are very split on the issue.

Referendums: opportunities but also risks. Referendums challenge the government, politicians and interest groups to reach out to the public. The risk of irresponsible simplification is high. In order to attract the public with easy soundbites, very black or very white pictures of the EU will be drawn, national issues that are not or only slightly related to the Constitutional Treaty will be introduced (such as the accession of Turkey). The referendum could also be abused as a national popularity poll for political parties. Where a referendum takes place together or closely before national elections, this risk becomes almost a certainty.

Bridging the information gap. We are of the opinion that the referendum is a very important element of participatory democracy, and that the EU is, whatever people think about it, a very important institution affecting our daily life, and that for these reasons, these referendums should succeed. Succeed in the sense that the majority of the population participates, and that they
have been able to choose on the basis of mature debates about the real issues.

Many Member States are already engaged in “informative” campaigns (most of the time with the explicit or implicit aim of increasing citizens’ support). However recent polls demonstrate that the public in the EU still has little knowledge about the Constitutional Treaty. A Eurobarometer poll done between October and November 2004 revealed that just 11 percent of EU citizens have heard of the Constitution and feel they know its contents. Thirty-three percent have never heard of the new EU charter, including 50% of the Britons, 45% of the Irish and 39% of the Portuguese. NGOs can play a constructive role in raising the awareness needed for a reasoned decision.

What’s happening in Brussels at the moment? Starting to make the participatory democracy principle work

Article I-47 of the Constitutional Treaty introduces the principle of participatory democracy and civil dialogue on the EU level. Two examples of hopeful developments in the EU.

**European Parliament: going beyond rhetoric**

**Building bridges.** The European Parliament has no binding role in the ratification process. Yet MEPs can have a strong political influence by building bridges between European, national and local politics. In this view, a "rapid reaction force" was set up in January 2005 by some MEPs, whose task will be to try and put the record straight if lies are told about the European Constitution.

**On January 11th 2005, the European Parliament expressed its support to the constitution** by a non-binding but politically symbolic resolution by Richard CORBETT (PES, UK) and Íñigo MÉNDEZ DE VIGO (EPP-ED, ES). In its final version the resolution concludes that "taken as a whole, the Constitution is a good compromise and a vast improvement on the existing treaties, which will, once implemented, bring about visible benefits for citizens (and the European Parliament and the national parliaments as their democratic representation), the Member States (including their regions and local authorities) and the effective functioning of the European Union institutions, and thus the Union as a whole." The report was adopted by 500 votes in favour to 137 votes against, with 40 abstentions. It was remarkable that 68.2% of the Czech MEPs voted against, as well as 58.9% of the UK members, and 35.8% Polish MEPs (with 35.8% more abstaining).

- A list of MEP's vote on this resolution\(^1\) will give you a first idea of who to contact on this matter (even if a “no” or abstention should not be interpreted as a refusal to acknowledge the role of civil society throughout ratification)

In the preparations for its position, the European Parliament, in particular its Constitutional Affairs Committee, organised a hearing with stakeholders, including the 6 organisations comprising the Civil Society Contact Group. This was a good initiative in principle. It was however remarkable that it took place AFTER the deadline for amending the initial draft-resolution was passed, so that MEPs were not in the position to introduce their conclusions from the hearing in the EP conclusions. Furthermore it was remarkable that several MEPs found it difficult to accept that many NGOs were not prepared to a simple yes or no to the Constitutional Treaty. The sophistication of the NGO contributions got lost in the official EP press release following the hearing stating that 'Civil Society approved the Constitutional Treaty'.

\(^1\) To be found on http://www.act4europe.org/code/en/actions.asp?id_events=62
Through miraculous ways, the Parliament did include, in its final resolution, an amendment (proposed by the CSCG), encouraging European Institutions and Member States to “recognise the role of civil society organisations within the ratification debates and to make available sufficient support ... to promote the active engagement of citizens in the discussions on ratification.” This recognition is a window of opportunity. It is now our role to push for a concrete follow up at the EU and national level.

As more than 500 MEPs endorsed the amendment proposed by the Civil Society Contact Group, civil society organisations should not hesitate to remind their representatives as well as national, regional and local institutions of their responsibility to involve a diversity of actors in this debate and to provide the necessary funds for a balance and legitimate debate.

The new European Commissioner: “communicating” the Constitution and achieving next generation democracy

The European Commission will not actively campaign for the Constitutional Treaty, although it will continue to provide concrete information on the treaty and it will support Member States in their own national referendum campaigns where appropriate. This is a delicate balancing act, but an understandable one if you consider the potential impact visibly campaigning Commissioners would have in the UK for example. The Civil Society Contact Group is still campaigning for the Commission and Member States to make funding available for NGOs to cooperate with one another and actively take part in and organise debates on ratification. In some countries, NGOs do want to actively campaign but do not have the resources to commit staff or money beyond their current work activities to coordinate a campaign. This would be a serious missed opportunity for European democracy.

The new European Commissioner in charge of Institutional relations, constitutional affairs and communication strategy is Margot Wallström. Commissioner Wallström was previously responsible for DG Environment where she had good relations with environmental NGOs. It is encouraging that she has been put in charge of relations with civil society and the ideas she presented to her European Parliament hearing in October 2004 were promising, including commitments to:

- Establish a culture of cooperation where the European institutions work together;
- Increase a shared ownership of the European project by working with the network of parliamentarians, including national Parliaments;
- Achieve the entry into force of the Constitution for Europe;
- Reconnect to people with an effective communications strategy;
- Help to build a democratic infrastructure so that the people Civil Society organizations represent have a meeting place to debate.

Commissioner Wallström has agreed to meet with the Civil Society Contact Group and a member of her cabinet will participate in the act4europe conference to be held in February 2005. Both occasions will provide us with opportunities to take further the ideas she has tabled and share with her our own views and concerns.
Civil Society: stabilising the debate and mobilizing beyond the usual suspects of participatory democracy

Whether referenda are being held or not, a balanced public debate is needed, and NGOs need to play a key role in this.

Information should not come from governments alone, or from the media, and civil society organisations can help stabilise the extremes of information that citizens are presented with by providing realistic impact assessments for their specific sectors and by addressing many of the issues that many politicians would fail to prioritise otherwise. With expert knowledge of how their particular fields of activity are affected by EU policy, positively or negatively, civil society organisations are amongst the best placed to inform the public on the potential impact of the Constitutional Treaty for their work. Citizens will then have more of an understanding of how the treaty will affect their everyday lives and the issues that are important to them.

Besides, NGOs are playing an increasingly important role in the life of citizens in all the countries of the EU. On average around 40% of people in Europe are engaged in one way or another in voluntary work and non-governmental organisations. Organised civil society increasingly acts as an intermediary between individuals and their political institutions, and is playing a concrete role in reducing the gap between them. Recent polls about public trust in Europe clearly showed that NGOs play a key role in shaping public opinion and are at top of public trust sharing. The ratification of the Constitutional Treaty offers a unique opportunity to demonstrate how civil society can mobilize efficiently by fostering multilevel and cross-sectoral synergies throughout Europe.

Informing or taking a stance? Rights- and value-based NGO networks represented in the Civil Society Contact Group do not take a simple stance pro or against the Constitutional Treaty. These networks consist of a wide range of individual organisations, on the European and national levels, who have different individual evaluations of the Constitutional Treaty, based on a broader or more specific interest. This however does not mean that these organisation want or should stay outside of the discussion. First of all it is essential to present concrete information about what the Constitutional Treaty will or can mean for the work we are doing in our specific fields of interests, and secondly, the debate that the ratification process triggers about Europe can serve as an important platform for promoting the kinds of changes we want to see on the EU level.

Facilitating debates and building bridges. Throughout their involvement in the debate on the Future of Europe as well as through their daily activity, European NGOs have gathered considerable expertise and resources on the European Constitution.

- You might wish to contact the Civil Society Contact Group or its members on the following issues: general information on the ratification process and the Constitutional Treaty itself, providing of sector specific campaign materials (such as position papers), search for European or other national speakers, building of trans-national alliances

European NGOs: informing and facilitating debates

As many national actors still perceive the constitution debate through the lens of national interest, European NGOs can help bridging the gap between the EU and its citizens by providing a European perspective on the debate

Some practical recommendations for national NGOs

It is crucial that civil society organisations are engaged at the national level and that a process of dialogue and debate develops around the contents of

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² for more information, please see
www.act4europe.org
the treaty and their potential implications.

Firstly: A take-it-or-leave-it basis. It is crucial to bear in mind that this ratification process does not allow for amendments to the Constitutional Treaty. Throughout the Convention on the Future of Europe and the Intergovernmental Conference, members of the Civil Society Contact Group pushed their concerns ahead so as to reach a text that might be as close as possible to their wishes. This phase is now over and the ratification will take place on a take-it-or-leave-it basis. It is therefore essential is that everyone determines its orientation in the debate on the basis of its assessment of the pro’s and con’s of the content Constitutional Treaty as opposed to the existing Treaties that currently govern the EU (for example on the basis of information we provide further on in this toolkit).

Informative or YES/NO campaigns?
The main reasons why the Members of the Civil Society Contact Group decided not to take any stance on the Treaty are the divisions of their membership over the issue, as well as the national character of ratification. Yet there is no reason why national NGOs should not engage in YES or NO campaigns, even if this type of campaign on European issues has not been common practice in the past. The intervention of new actors in the debate, taking a clear stance over the Constitution might have a positive influence on citizens’ interest and involvement in the campaign. Yet, not only YES/NO campaign will matter. As the information gap demonstrated by EU citizens is still worrying, informative campaigns will be crucial to bring EU citizens to the polls.

Will it matter even in countries where no referendum takes place?
National campaigns targeting primarily public opinion are likely to have less impact in countries where ratification will occur by means of parliamentary vote, since the decision will depend primarily on the decision taken by the parties seating at the parliament. Yet the parties’ position cannot be completely disconnected from public opinion, especially in countries where parliamentary parties are split on the issues, or when the decision will rely upon parties’ members’ vote.

➢ In case of parliamentary vote, you can also try to lobby MPs directly, especially if your Parliament has set up a specific committee on European matters. Contact your MEP (in charge of building bridges between national and European level) or go to your national parliament’s website for more information.

Focusing on key concerns - Your campaign will be all the more efficient if you focus on a number of key points that are of interest to your constituency. These might be EU policies and policy-making in your particular sector, as well as horizontal issues such as participatory democracy, transparency. Assessments and materials from European NGOs provider a relevant and targeted way to meet your constituencies’ concerns regarding their own sector.

Do you need more information on the implications of the Constitution?
➢ You can contact your relevant European NGO network or go to the web page of the act4europe campaign, www.act4europe.org
➢ Call us for any further question.

Finding general information - You might wish to find information on a wider range of issues that are not directly linked to your sector. Many different actors are involved in the debate and might provide you with information: in any case we recommend you to check carefully their sources and not forget that even legal matters can be subject to interpretation: come back to the text of the Constitutional Treaty as often as possible!

➢ Original texts of the Constitutional Treaty are to be found at the Commission’s delegations as well as at the Parliament’s representation in the Member States. You will find their contact on: http://publications.eu.int/general/obtain_en.html
➢ You will find in the annex a list of other sources and materials providing information on a wide range of issues linked with the ratification debate
Building alliances - The ratification is not a mere lobbying exercise but much more a matter of mobilizing as many citizens as possible, especially in case of referendum. The building up of broad cross-sectoral and transnational alliances will play an important role in the campaigns’ outcome.

- Join forces with other NGOs of your country to get more visibility, have a bigger impact and to economize your resources. Do not hesitate to contact the Civil Society Contact Group or its members to know more about what national members from different sectors are doing.

- The act4europe mailing list gathers more than 100 European and national actors involved in the constitution debate. Go to [www.act4europe.org](http://www.act4europe.org) to subscribe to the list.
- Do not hesitate to keep us informed of your activities. The act4europe secretariat ([coordinator@act4europe.org](mailto:coordinator@act4europe.org)) will collect and send out the information received.

What if one or more countries do not ratify the Constitutional Treaty?

It is certainly a possibility that one or more countries refuse ratification. Then there may very well be a political crisis. In the past, Denmark and Ireland were put under heavy pressure after negative referendums about earlier Treaty changes. In both cases this resulted in another referendum, where certain promises from “Brussels” and the national governments tipped the balance in favour of ratification. It is not unlikely that small countries will face similar pressure this time.

If however large countries such as the UK or Poland do not ratify, it is less likely that this route will be followed, especially if there is more than one.

Some say that such countries then should be pushed to leave the EU. More realistic however is to think that in such a situation a new intergovernmental process will start, to see whether an adapted text might help ratification in a second instance.

The legal situation will then be, for quite a period, that the existing Treaties will continue to govern the EU. The Nice Summit in 2000 made the minimum necessary changes in the existing Treaties to make the functioning of an enlarged EU possible. The political situation is likely to be a slowing down of the further enlargement, a bitter political climate and likely more de facto renationalisation.
CIVIL SOCIETY CONTACT GROUP
Sectoral Analysis

1. DEVELOPMENT

A contribution from Solidar and Eurostep

The Constitution is not an end in itself

On 29th October 2004 European Heads of States signed the first Constitution for Europe in the same historic room in which the Treaty of Rome was signed in 1957. This Constitution now needs to be ratified by the 25 Member States before it can come into force. Given the historic nature of the Constitution ratification will of necessity depend on its acceptance by Europe’s citizens.

In comparison with the drafting of previous EU treaties, the Convention method has allowed more civil society involvement in the elaboration of the Constitution’s content. For Europe’s NGOs involved in development, and for the millions of Europeans who support this work, Europe’s role in eradicating global poverty and in promoting social justice has to be central to the values and objectives of the Union. The Convention allowed NGOs and other organisations of civil society to bring reflections of citizens interests to the drafting process. We therefore contributed in a collective effort with other civil society sectors to the creation of the Civil Society Contact Group, which launched the Act4Europe campaign with the aim to take the debate on the future of Europe at national level.

It is true that some of the policy concerns of civil society have not been adequately dealt with by the Constitutional Treaty. All sectors, including our own, realize that the Constitution is the result of negotiation and compromise. Nevertheless we welcome some general advances of this text, not pertaining only to development co-operation and external affairs.

The Constitutional Treaty is far more accessible and legible than the existing treaties. We welcome the fact that the treaties have been unified in one single text. From the point of view of ordinary citizens the existing Treaties are extremely difficult to understand. Having everything in one place is an advance for democracy.

Secondly we feel that the inclusion of the Charter of Fundamental Rights into the Constitutional Treaty and the two articles on the values and the objectives of the Union will receive much support from our members. The values of “human dignity, freedom, democracy, equality, human rights” are important to us and it is good to see these put so high in the Constitutional Treaty. We also support the objectives, both internal and external, of the Union, with their emphasis on peace, security, sustainable development and poverty eradication. We know that there are those amongst us that have attacked the reference to the words “market” and “competitive” in the phrase “highly competitive social market’ but references to social protection, full employment, quality of life and the environment are in our opinion the defining elements in that paragraph.
We welcome that the gender mainstreaming clause in Part III has been retained and that a new social inclusion mainstreaming article has been included. Also very important, that this Constitutional Treaty gives the EU competence to deal with matters relating to children and children rights. A very overdue competence in our opinion.

Finally, we along other NGOs have long campaigned for recognition of the civil dialogue in the Treaties. Article 47 does just that. The challenge will be how to turn the fine words contained in the article into processes that bring Europe closer to its citizens. It is also true that the new procedure to allow citizens from at least 5 Member States to call on the Commission to initiate an action on a given topic is innovative and bound to be popular.

From the perspective of Europe’s role in the world we can conclude that in the outcome there has been a positive response. The specific role of the Union for fostering sustainable, socially just, economically responsible development in the poorest countries of the world is defined as a separately identified area of policy. The position of development co-operation and humanitarian aid in the new Constitution was clearly strengthened during the process of the Convention. We believe that the result may have been different had there been no Convention. The closed nature of the Intergovernmental Conference, which followed the Convention and concluded the talks, together with the lack of support for civil society to promote actions at national level did not allow any meaningful engagement by European citizens in the debate on the future of Europe. This reflects the reality of previous renegotiations of EU Treaties. Since ratification of the result has to be based on a mandate from the people of Europe, exclusion until the after the deals are done inevitably provokes alienation. In the coming two years the people of Europe will be asked to support ratification. Much of the debate will be about what Europe means, and provides for its citizens. It is also a time to promote deeper citizen involvement in the debate on the future of Europe.

EU leaders in 2001 in Laeken set three main challenges to the Convention. As one of these challenges was “turn the EU into a stabilising factor in the new world order”, Development and Humanitarian NGOs have been particularly active in monitoring the constitutional negotiations. This specific mandate given to the Convention opened the door for improvements in EU’s legal framework for development co-operation and humanitarian aid, as well as clarifications on the relations between the various European external action policies.

We particularly welcome the fact that the new Treaty:

- Places sustainable development, human rights, fair trade, respect of international law and poverty eradication among the strategic objectives of the Union and its external policy.
- Identifies Development Co-operation and Humanitarian Aid as competences shared between the EU and the Member States.
- Defines poverty eradication as overarching objective of EU development policy.
- Defines EU development policy as the principal framework of co-operation with all developing countries.
- Underlines the principle of coherence of EU internal and external policies with development objectives when they are likely to impact developing countries.
- Makes reference to European development commitments in the United Nations framework (e.g. the Millennium Development Goals).
- Positions EU development policy as one of the components of Europe’s external action, without subordinating it to any other policy.
- Provides a new legal basis for humanitarian aid based on the principles of impartiality, neutrality and non-discrimination.

The new Treaty therefore preserves the integrity of development with regard to security policies such as the Common Foreign and Security Policy (CFSP) but also to trade policies and we believe that this should be reflected in EU’s institutions, policies and finances if Europe is to get closer to its people by:
Finally we believe that the new Constitution provides the basis for a European Union that takes up its responsibility towards the 1.3 billion people living in absolute poverty all over the world, but this treaty is definitely not an end in itself. It only provides a legal framework to the European Union. This framework should be reinforced by appropriate institutions, policies and finances. We believe that the Constitution cannot be supported or opposed without looking at its implementation at sub-treaty level, which will model the framework for the European development policy.

In the context of the ratification campaigns that will take place in many EU member states, the credibility of the Constitutional Treaty depends on whether it is a true reflection of the reality. We therefore call on European decision makers to ensure that the discussions on EU institutions, policies and finances for development co-operation and humanitarian aid reflect appropriately the relevant provisions in the Constitution.

Development and humanitarian NGOs have the will to participate in the Europe-wide campaign on the constitution with the objective to inform the debate and point the implications of the changes in the new Treaty for the position of development co-operation and humanitarian aid in the EU. The experience of our act4europe campaign shows that there is the will and desire to engage, but that many national organizations, particularly in the new Member States, will be unable to make their current resources stretch to cover additional activities focusing on the Constitutional Treaty. It would be shortsighted and regrettable to pass over this opportunity to engage the citizens across the EU on the Future of Europe. We therefore call on European decision makers to make resources available to enable NGOs in the member states to contribute to the ratification process by using innovative technics to communicate the Treaty and its implication to the citizens.

For more information on the content of this paper, please contact

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More analysis on the Constitution from a development perspective can be found on:

http://constitution.eurostep.org/
2. ENVIRONMENT

The nine members of the “Green Nine” include: Birdlife International, Climate Action Network Europe, European Environmental Bureau, European Federation for Transport and Environment, European Public Health Alliance Environmental Network, Friends of the Nature International, Friends of the Earth Europe, Greenpeace, WWF.

The EU’s new Constitution: Assessing the Environmental Perspective

Evaluation by the “Green Nine” of the content of the EU Constitution as compared with the ambitions these organisations had formulated at the start of the work of the European Convention.

Summary analysis

The EU’s new Constitution retains the key provisions on environment, public health and sustainable development found in the existing EU Treaty. This is positive.

At the same time, the new Constitution also retains many of the Treaty’s outdated provisions in key EU policy areas such as agriculture and transport. This is unfortunate.

The new Constitution does make progress in terms of participatory democracy, transparency and democratic control of decision making.

Set out below is a comparison of our demands and the results.

1. Retain environmental and sustainable development objectives and the integration principle.

This demand refers mainly to the objectives of environmental protection and sustainable development (I-3) and to the integration principle (III-4). The statement of the objectives is, if anything, somewhat stronger than in the existing Treaty. The integration principle has been moved but the move is logical, placing the principle prominently at the beginning of the section concerning competences and policies. The move is unlikely to reduce the strength of the principle. In fact, the principle now applies to all EU policies, including those previously covered by the second and third pillars of the Treaty.

The principles of environmental policy (polluter pays, precautionary Principle, etc.) have likewise been retained unchanged.

Conclusion: positive

2. Amend the outdated provisions of key policy areas.

This demand was aimed in particular at the agricultural and transport policies as well as a number of other policy areas identified in the Green-8’s document ‘Greening Part III’ of May 2003. This demand was not met. This is unfortunate but not insurmountable. It is clear that neither the Convention nor the IGC dealt with Part III on policies in any substantive way. The new Constitution does however re-affirm the key overarching objectives of sustainable development and environmental policy integration (see above, point 1). These general provisions should govern the EU’s activities in the particular policy areas of Part III. Moreover, as the measures to reform the CAP and CFP make clear, the Commission does not feel reform is restricted by these outdated provisions. Finally, in one important policy area, energy, a new chapter has been added with a clear statement of environmental objectives. (This is less true of the new provisions on tourism, however.)
Conclusion: unfortunate lack of progress partly compensated for by the re-affirmation of the general provisions and evident recognition of environmental objectives in the new chapter on energy policy.

2. **Participatory democracy and transparency**

The new Constitution introduces the principle of participatory democracy into the EU’s primary legal text. Despite the general terms in which it is stated, the principle forms a solid basis for the right to be heard and the right to information.

Another innovation is the citizen initiative right whereby a million citizens can invite the Commission to propose legislative action.

Access to information obligations have now been extended to all EU bodies, whereas previously only the Council, Commission and Parliament were covered.

Transparency of decision-making is improved by requiring the Council to meet and vote in public on all legislative matters.

Conclusion: positive.

3. **Co-decision powers of the European Parliament**

Parliament’s co-decision powers have been extended in a number of areas (CAP/CFP generally, research, trade), although many of these are not directly related to environmental policy. Significant is Parliament’s increased control over the entire EU budget, including agricultural spending. Parliament’s say over the multi-annual budget appears to have been somewhat weakened, however.

Conclusion: positive.

4. **Eliminate unanimity requirement from environmental decision-making**

This demand concerns primarily the unanimity requirement for the adoption of fiscal instruments for environmental purposes. The new Constitution leaves this requirement in place. The Convention’s proposal for a limited form of majority voting on fiscal measures was dropped.

Whether the so-called passarelle clause could be effective to break the unanimity blockade is unclear.

Conclusion: negative.

5. **Access to justice**

For the first time for environmental cases, the door to the European Court of Justice appears to have opened a little. The scope of the new provision remains limited and uncertain. Nevertheless, a change has been made and it would be contrary to doctrines of legal interpretation for the Court to ignore the change altogether.

Conclusion: positive, slightly.

6. **Charter of Fundamental Rights/ Legal personality of EU**

The Charter includes a provision on environmental principles which is not phrased in terms of right. The Charter is fully taken up in the new Constitution and will have binding effect. It is unclear whether the Court would rely on the Charter in environmental cases.

It is worth noting that the new Constitution establishes legal personality for the Union which will make it possible for the EU to accede to the European Convention on Human Rights. The European Court on Human Rights has established jurisprudence on environmental rights which may be of use.

Conclusion: neutral/positive.
7. **Subsidiarity and the role of national parliaments**

The new Constitution provides national parliaments with an extra measure of control over Commission initiatives. National parliaments will henceforth have the opportunity to object to new proposals on the grounds that they violate the principle of subsidiarity. It remains to be seen how national parliaments make use of this power and whether environmental measures will be targeted. It should be recalled that the subsidiarity clause (just like the integration principle) originated in the Treaty’s environmental article and that more than any other policy area environmental proposals have always had to face subsidiarity scrutiny.

*Conclusion: neutral.*

8. **Euratom**

The Euratom Community will maintain a separate legal personality from the EU’s new legal personality. The Euratom treaty will remain a separate treaty from the Constitutional treaty, although linked by a new protocol attached to the new treaty. The two organisations (new-EU and Euratom) will however continue to share the same institutions and membership, and will also now have a combined single budget. Three states (Austria, Germany, Ireland) made a Declaration stating that they see Euratom as outdated and in need of review ‘as soon as possible’. There is now a greater possibility for Member States to leave Euratom while remaining a member of the EU, as the scrapping of the so-called pillar system means Euratom will be no longer a constituent part of the EU but rather it will exist alongside it.

The separation of Euratom’s legal personality and treaty from the rest of the EU in principle is viewed as a positive outcome, as the new Constitutional text has not been ‘contaminated’ by the outdated and inappropriate pro-nuclear text of Euratom. Such a structural weakening of Euratom leaves the way open for a dedicated review conference, which would either reform or repeal Euratom altogether.

However in practice, as the Euratom organisation and treaty will stay in force, it remains possible to see the EAEC and EU as effectively just one organisation, operating on the basis of a primary law that comprises the sum of the two treaties that remain in force. Moreover, the new and old treaties contradict each other, for example in relation to nuclear state aids and the internal market for energy.

*Conclusion: The IGC outcomes regarding the European Atomic Energy Community (EAEC, Euratom) were mixed; the overall situation is unsatisfactory; a specific Euratom review conference is still necessary.*

9. **The role of the European Economic and Social Committee**

We made the demand that Ecosoc be given no additional role as representative of civil society. The provisions on Ecosoc have indeed not been changed.

*Conclusion: positive.*

**Overall conclusion**

The time and attention given to environmental issues in the Convention and IGC was negligible. The focus lay elsewhere. Nevertheless, we succeeded in our primary objective of preserving the strong provisions of the existing Treaty on environment and sustainable development. Beyond that little real progress in the environmental area has been made. Nevertheless, some steps forward have been taken in the area of legal rights, participatory democracy, transparency and the powers of Parliament, all of which can have benefits for environmental protection and sustainable development.
Gender Equality and the Treaty establishing a Constitution for Europe

Founded in 1990, the European Women’s Lobby, is a non governmental organisation that brings together over 4000 women’s organisations – our mission is to work together to achieve gender equality, to eliminate all forms of discrimination against women, to ensure the respect of women’s human rights and eradicate violence against women, and to make sure that gender equality is taken into consideration in all European Union policies.

The European Women’s Lobby believes that European citizens must be given accurate information about the Treaty establishing a Constitution for Europe or they will not be able to make an informed choice when deciding about whether they do or do not support the European Constitution. The European Constitution could be seen as an important step in the construction of Europe, designed to meet the challenges of tomorrow’s Europe: a Europe of 25 Member States and 450 million inhabitants; a democratic, transparent, efficient Europe working to serve all Europeans. For the Articles on equality between women men, the Treaty establishing a Constitution for Europe offers some improvements to the current Treaties. Of course, the text could be stronger but this should not diminish the value of the improvements offered.

A well thought out communication strategy regarding the Treaty establishing a Constitution for Europe is essential in order for European women and men to be able to fully exercise their democratic right to be fully informed, to form their own opinion and to cast their vote as they see fit. EWL is committed to a campaign of information dissemination through all of our member organisations, in the hope that millions of women will become engaged in this challenging debate about the future of Europe, and that each woman will in the end be in a position to make up her own mind, based on her own assessment of what is good for Europe and about what is good for her as a woman in Europe.

The European Constitution and Equality Between Women and Men

The European Constitution makes progress in the field of gender equality. Not only does it retain all the existing provisions on equality between women and men (equality between women and men as one of the Union’s objectives in article I-3, gender mainstreaming clause in article III-116, legal base for combating discrimination on other grounds than nationality in article III-124, principle of equal pay for female and male workers in article III-214), it also provides for a number of improvements:

− In article I-2, equality is mentioned among the Union’s values. In addition, the article I-2 mentions equality between women and men as an element characterising our model of society. It is important to note that the Amsterdam Treaty did not have an article specifically for “Values” as the draft European Constitutional Treaty does. The European Constitution refers several times to the “values of the Union”, especially where criteria for accession of new countries or suspension of rights of countries in breach with these values are defined (see article I-59).

3 Use this wording for simplification but official term for the text is the draft Treaty establishing a Constitution for Europe, and some could argue that as the Treaty was signed, on October 29th by all of the heads of state and government, that the word “draft” could be dropped from the title.
- The Charter of Fundamental Rights is integrated in the European Constitution. The Charter (including its provisions on gender equality) thus becomes legally binding for the Union’s institutions, bodies, offices and agencies, as well as for the Member States when they implement Union law. In addition, the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which also insists on the respect of equality between women and men (see article I-9 of the European Constitution).

- Part three of the European Constitutional Treaty lays out the policies of the EU. At the beginning of Part three there is a section on horizontal clauses which will apply to all of the policies outlined in Part III. The gender-mainstreaming principle, article III-116, is one of these horizontal articles; it states, “In all the activities referred to in this Part, the Union shall aim to eliminate inequalities, and to promote equality, between women and men.” As gender mainstreaming will apply to all policies of the EU in Part III of the European Constitutional Treaty the scope of gender mainstreaming has thus been extended to cover also Foreign and Security Policy and Justice and Home Affairs.

- Article III-118 contains a new provision of general application (i.e. a provision with horizontal effects on all the Union’s policies) to combat discrimination based on other grounds than nationality (among others, discrimination based on sex). Such provision allows for a true “gender mainstreaming” in the field of non-discrimination based on other grounds than nationality. Article III-118 reads “In defining and implementing the policies and activities referred to in this Part, the Union shall aim to combat discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation.”

- According to article III-124, paragraph 2, it becomes easier to establish basic principles for Union incentive measures to support Member State action in the field of non-discrimination based on other grounds than nationality.

- The European Constitution makes explicit reference to women and sexual exploitation in two of the articles on combating trafficking. Article III-267 states that common immigration policy European laws or framework laws shall establish measures in particular areas, one area being (article III-267 paragraph 2 d), “combating trafficking in persons, in particular women and children”. Article III-271 (1) states that European framework laws may establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension and one of these areas of crime is “trafficking in human beings and sexual exploitation of women and children”.

- It is interesting to note that throughout the European Constitutional text all references to gender equality are stated as “equality between women and men” whereas throughout the Treaty establishing the European Community all references to gender equality are stated as “equality between men and women”.

### Declaration on Combating Domestic Violence

Declaration n° 13 annexed to the Final Act of the Intergovernmental Conference relates to the mainstreaming clause for gender equality of article III-116 and puts emphasis on combating all kinds of domestic violence. By definition, a declaration has a political, declaratory nature and does not constitute a specific legal base for Union action. Declaration n° 13 only clarifies that specific attention must be given, by both the Union and the Member States, to combating domestic violence. The scope of the Declaration is limited in that it only refers to domestic violence; it would have been much better if it referred to all forms of violence against women. However, the wording chosen for the rest of the Declaration is particularly strong as it calls on Member States to take all necessary measures to prevent and punish domestic violence and to support and protect the victims.

### Improving Social Europe

- A social clause has been included in Part III (EU policies) of the European Constitution. The horizontal article III-117 states: “In defining and implementing the policies and actions referred to in this Part, the Union shall take into account requirements linked
to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health." This article is essential to defend the 'European Social Model'.

- An article on services of general interest (article III-122) states: "(...) the Union and the Member States (...) shall take care that such services operate on the basis of principles and conditions, in particular economic and financial conditions, which enable them to fulfil their missions. European laws shall establish these principles and set these conditions without prejudice to the competence of Member States, in compliance with the Constitution, to provide, to commission and to fund such services".

- There are several new articles for defending the rights of the child: article I-3 (3); article I-3 (4) Union's Objectives; article II-74 (3) Right to Education; article II-84 (1), article II-84 (2), article II-84 (3) the rights of the child; article II-92 Prohibition of child labour and protection of young people at work; article III-267 (2-d) "Combating trafficking in persons in particular women and children" and article III-271 (1) "European framework laws may establish minimum rules.....these areas of crime are the following....trafficking in human beings and sexual exploitation of women and children"

### Improving the Democratic Life of the Union

- New obligations are imposed on the European Institutions regarding the consultation of civil society, transparency and access to documents:

  A right of citizens’ initiative is introduced (if at least one million citizens coming from a certain number of Member States so request, the Commission may submit a proposal along the lines desired by these citizens).

  Article I-47: The Principle of participatory democracy: states that the “Union Institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.” Thus recognizing the role of civil dialogue in the European Constitution. This is a major step forward for civil society.

- An "early warning" mechanism for national parliaments to scrutinise new legislation. Each national Parliament will have the chance to examine whether a Commission proposal respects the principle of subsidiarity, and this could even lead to the Commission revising its proposal.

- The role of the European Parliament will be strengthened by extending the co-decision procedure (from 39 policy areas to a total of 79 policy areas).

- The EP will also take a role in the election of the President of the Commission and will have the ultimate say over all EU expenditure.

- Accountability will be improved by: the exercise of delegated powers by the Commission will be brought under a new system of joint supervision by the European Parliament and the Council, enabling either of them to overturn Commission decisions to which they object.

### Some Disappointments with the European Constitution

- The Article on the Union’s Values is not what we have been lobbying for as “equality between women and men” is not stated in the first sentence as one of the Union’s values; however, equality between women and men is stated in the second sentence. It is positive that the proposal of the Italian presidency to call equality between women and men a “principle” has been taken out, but it is disappointing that gender equality is not stated in the first sentence, as this is where the values of the Union are laid out. In the second sentence, the values outlined in the first sentence are common to the Member States in a society in which a series of elements prevail, one being equality between women and men.
It could be argued that the Constitution offers a privileged situation to the status of churches and religious associations as it emphasises that the Union shall maintain an open, transparent and regular dialogue with these churches and organisations whereas this dialogue would have been adequately covered by Article I-47 on Participatory Democracy.

It is very disappointing that the article I-26§2 has been changed from the original Convention text. In the Convention text it stated that each Member State would have to put forward three names in their nomination for a Commissioner, in which both genders were represented. This requirement has now been removed and Member States are only required to put forward names based on general competence, European commitment and their independence. This clearly weakens the possibility of ensuring a gender balanced Commission.

We did not obtain satisfaction on gender balance in all of the EU institutions.

Conclusion

The Treaty establishing a Constitution for Europe suggests a useful set of improvements to the Current EU system. It responds to many of the criticisms that have previously been directed at the EU, making it clearer, more efficient and more accountable. The EU Treaty articles on Equality between women and men have been moderately strengthened, although not as much as EWL would have liked. The Treaty establishing a Constitution for Europe should be viewed as one step in the process of achieving full equality between women and men in European society.
The Social Platform is the alliance of 40 representative European federations and networks of non-governmental organisations active in the social sector.

The Social Platform is also a member of the Civil Society Contact Group, bringing together NGOs from many different sectors, which have worked together during the Future of Europe debate.

At the start of the Future of Europe debate, and throughout the Convention and IGC processes, the Social Platform argued strongly for three key objectives to be enshrined in a new Treaty:

i) to base the EU’s policies, programmes, and actions upon the **fundamental rights** of its citizens;
ii) to strengthen the well-being of its citizens through the **European social model**;
iii) and to increase the **participation of citizens** in the decision-making of the EU and in the implementation of the Constitutional Treaty

We can give our views on these three key areas, however the Social Platform does not take a position on the totality of the Constitution but rather promotes informed debate amongst its members on the issues of interest to social NGOs. Whilst the EU Institutions must play a role within the ratification processes, we suggest that the use of civil society networks to reach citizens will be a more effective and credible means of engaging and informing citizens than a EU information campaign. Social NGOs do not seek to become cheerleaders for the Constitutional Treaty, but rather to promote a debate amongst the millions of citizens engaged in civil society concerning the actual impact of the Treaty upon their concerns. Such a debate is more likely to engage citizens than simplistic campaigns in favour or against the Treaty.

Does the Treaty achieve these three key goals?

1) Fundamental Rights

**The incorporation of the EU Charter of Fundamental Rights** marks a clear step in this direction, and is to be welcomed, together with the accession of the EU to the European Convention on Human Rights (ECHR), and the clear reference to the European Social Charter. The incorporation of the EU Charter of Fundamental rights makes fundamental rights an integral part of the Treaty.

However, we were disappointed with last-minute attempts to limit the scope of the EU Charter, through changes to the horizontal clauses. Furthermore, the text of the Charter itself is still not sufficiently comprehensive and strong.

**Our verdict: a major step forwards.**

2) The social model

**The values and objectives of the Union (Articles I-2 & 3)** do contain many positive words which commit the EU to basing itself upon social values and goals, and, for the first time, to the goal of full employment (rather than a high level of employment). Even so, the impact of Articles 2 & 3 is legally very limited, and the wording is disappointing to many social groups – for example the failure to make gender equality and non-discrimination, full values of the Union, but rather the weaker principles which guide its actions.
The failure to secure Qualified Majority Voting (QMV) for non-discrimination measures (Article III-124) is a serious weakness. Discrimination remains one of the greatest challenges facing the EU, and the lack of simpler decision-making to tackle discrimination is a major disappointment.

However, the horizontal social article (III-117), and the horizontal non-discrimination article (III-118) (along with the maintenance of gender equality mainstreaming (III-116)) give the potential for the EU’s concrete actions to be linked much more closely to its social goals. These articles stipulate that in future these concerns must be taken into account in all decision-making under the Treaty.

Furthermore, social rights have equal status with other rights within the EU Charter which emphasises the indivisibility of rights; the incorporation of the Charter can therefore have a positive effect on the European social model.

Our verdict: not much change in the decision-making processes, but the Treaty commits itself to social objectives and values, and the incorporation of the Charter gives social rights a place at the heart of the Union.

3) Participation in decision-making

From the Social Platform’s point of view, one of the most significant advances within the new Treaty is the recognition of the importance of participatory democracy, as a complement to representative democracy. Article I-47 recognises the important role of civil society organisations, and creates the ‘citizens’ initiative’ which can encourage participation of citizens by bringing petitions to the EU. Increasing the participation of citizens within the Union through their organisations is also likely to strengthen the content of the policies adopted by the EU.

The strengthening of the European Parliament’s powers is also to be welcomed. The Parliament is the only directly elected EU Institution, and as such its greater role can help to strengthen democracy.

Our verdict: the recognition of participatory democracy is a significant step forwards towards broadening participation in the EU.

The new Treaty establishing a Constitution for Europe places fundamental rights clearly on the European Union’s political and legal landscape. It includes human rights in both the values and objectives of the Union, it incorporates the EU Charter of Fundamental Rights and Freedoms (the Charter) in the Treaty and it states that the EU will accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. What the impact of the Constitution will be in practical terms on human rights in the EU and on the EU’s external human rights policy is, however, rather less clear.

**Values and Objectives**

The basic values of the Union as set out in the Constitution demonstrate the importance of respect for fundamental rights as the core of the development of the EU. A welcome innovation in this context is the explicit mention of the rights of persons belonging to minorities which had previously formed part of the Copenhagen criteria for accession but was not specifically applied to the EU itself. The respect of the basic values is, indeed, the only set precondition for a State to be eligible to accede to the EU, reflecting their fundamental nature in the Constitution. Where a Member State is in serious and persistent breach of these values or where there is a clear risk of a serious breach, certain rights, including voting rights, may be suspended in relation to that Member State. This carries over the position that already existed under Article 7 TEU but which has never been used – whether in the context of an enlarging Europe with a new Constitution this possibility will be more readily considered as a real option to address the problem of serious breaches of human rights remains to be seen. The practical protection of human rights under the Constitution will depend, in the end, on political and judicial decisions as to how to apply these provisions.

The objectives of the EU also include a number of elements that are important to human rights, in particular, within the EU, combating social exclusion and discrimination, promoting social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child, and in relations with the wider world, the promotion of the Union’s values, protection of human rights, in particular the rights of the child.

**Fundamental Rights and the Charter**

There are three ways in which the Constitution improves the visibility and applicability of human rights within the EU context:

- explicitly recognising the rights in the Charter;
- stating that the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); and
- establishing the rights in the ECHR and Member States’ common constitutional traditions as general principles of Union law.

Incorporating the Charter into the Constitution is designed to codify the existing rights that the EU has to respect, rather than to create new rights. It does, however, introduce rights in a clear and binding way that were not included explicitly in the ECHR. As such, it reflects the development of the concept of human rights and, in particular, of economic,
social and cultural rights, a welcome and significant inclusion in the Constitution. There are, however, limitations on the application of the Charter which to some extent demonstrate an unwillingness on the part of some Member States to fully embrace that development.

Firstly, the Charter will only apply to EU law or to Member States’ implementation of that law – the rights contained in the Charter will not be enforceable as stand-alone rights across the territory of the EU although serious and persistent breach of the values contained in the Charter may give rise to proceedings against a Member State by the Council.

Secondly, a distinction has been made in the Constitution between ‘rights’ and ‘principles’ in the Charter. This unfortunate development may have the effect of categorising fundamental rights as more or less important. In practice, it means that while ‘rights’ will be enforceable within the scope of EU competence including the impact of legislation or failure to legislate on the enjoyment of those rights, ‘principles’ may only be considered by a court for the purposes of interpreting legislation or ruling on its legality. This creates a dual standard for provisions in the Charter, made even more confusing in some areas by the existence of both a ‘right’ and a ‘principle’ in the same provision.

Finally, the Charter must be read in the light of the explanations drawn up during its drafting. This puts a degree of limitation on the development of interpretation of the Charter following its inclusion in the Constitution and restricts the evolution of the rights in the Charter as part of a ‘living instrument’. The Charter is not, in itself, a perfect document and it is to be hoped that this limitation will not restrict the future evolution of human rights protection building on the Charter and addressing its deficiencies.

The importance of the inclusion of the Charter in the Constitution is that it clearly puts human rights at the heart of a European Constitution and codifies the list of rights which form a part of the values upon which the EU is based. Despite its limitations, the fact that the Charter will be binding under the Constitution is an important step forward for the observance of human rights in the EU. The test of the importance of the Charter in the Constitution from a legal perspective will be when it comes to be interpreted by the European Court of Justice.

**Policies**

The policies of the European Union must be developed consistently with all of its objectives. This means that all EU policies must take into account their impact on issues such as combating discrimination and promoting human rights and the rights of the child. It remains to be seen, in practice, how this will be ensured. The Constitution fails to establish the primacy of human rights compared to other EU objectives and therefore misses the opportunity to guarantee that human rights will be promoted in practice rather than simply on paper.

In the external domain, improvements are still needed in terms of mechanisms and institutional efficiency in order to ensure that human rights will not remain marginalised vis-à-vis political, economic and security-related considerations.

Within the EU, some developments are to be welcomed, such as the inclusion of the rights of the individual and the rights of victims in the areas of competence in the criminal justice sector. This addition to the field of competence of the Union, however, may serve to improve or to reduce the protection of rights depending on how it is used. It should be noted also that the possibility of ‘emergency brake’ clauses allows Member States to put the question of sovereignty above the protection of human rights should the two come into conflict.
Assessment

The Constitution takes a number of big steps forward in placing human rights at the heart of the EU. Accession to the ECHR will serve to fill gaps in accountability on human rights which had emerged through the unique legal nature of the EU and its increasing policymaking in areas that impact on human rights. Recognition of the Charter is welcome but it is not enough to guarantee a proper protection of human rights. The EU should not only recognise, but also respect and guarantee the Charter. This requires the establishment of a mechanism of control and monitoring over the respect of human rights in order to ensure the credibility and the effectiveness of the Charter as well as the system of protection of human rights as a whole (for example regarding improved access for individuals to the European Court of Justice, reducing impunity of the police and providing effective legal assistance to victims of crime). It is a pity that the Constitution does not address the issue of enforceability adequately. Whether or not this will be addressed in practice within the EU through, for example, a human rights agency, or through proactive interpretation in the Courts remains to be seen. The Constitution is good for human rights on paper – we will have to hold our judgement on its true impact until we see it working in practice.
6. CULTURE

The European Forum of the Arts and Heritage aims to build a cross-disciplinary coalition of civil actors in the cultural field and to strengthen representation of the cultural sector towards the EU on areas of common interest.

Introduction

The representatives of the civil society organizations in the cultural sector regard the Constitution as an important step in the right direction. It enhances considerably the cultural dimensions of European integration.

What changes the Constitution brings to culture

a) The preamble highlights the cultural context of the European integration process.

b) For the first time, Article I – 3 gives the Union a cultural objective: “The Union shall respect its rich cultural and linguistic diversity and shall ensure that Europe’s cultural heritage is safeguarded and enhanced”

c) The Charter of Fundamental Rights has become an integral part of the Constitution. It incorporates freedoms and principles of vital importance for cultural life and creativity such as the freedom of thought, conscience and religion (Article II – 10), the freedom of expression and information (Article II – 11), the right to education (Article II – 14), the principle of non-discrimination (Article II – 21) and the principle of respect of cultural, religious and linguistic diversity (Article II – 22).

d) Article III – 181 preserves the definition of the EU’s competences in the field of culture as already defined in Article 151 of the existing Treaty. However, the Constitution moves from unanimity to qualified majority decision-making in the Council for this competency area. This paves the way for a much more effective implementation of the provisions of Article III, 181.

e) The importance of the EU’s cultural dimension is also expressed in Article III 217.4 which retains unanimous decision-making in the Council “for the negotiation and conclusion of agreements in the field of trade in cultural and audio-visual services, where these risk prejudicing the Union’s cultural and linguistic diversity.”

Where we want to go with the Constitution

Full implementation of Article III 181 is the key challenge.

The constitutional principle of subsidiarity corresponds to the very nature of European civilisation. As regards EU action in the field of culture, the meaning of subsidiarity can be derived from the following guiding principles:

• That the EU should exercise “respect of national and regional cultural diversity” (Art III 181.1).
• That EU action is "supportive and supplementary action" (Art III 181.2).
• That legal harmonization measures are excluded, and conversely, incentive measures and recommendations are the only admissible EU policy tools (Art III 181.5).

Nevertheless, the principle of subsidiarity ought not stand in the way of the full implementation by the EU Institutions of Article I – 3 and Article III – 181 of the Constitution, as it so often does.

Article III 181.2 stresses the importance of contemporary artistic and literary creation as well as Europe’s cultural heritage, both in its material and immaterial forms. Artistic creativity and heritage conservation and education are in fact the two sides of the same coin: a Europe of Culture. There is no contradiction between the conservation and enhancement of our cultural heritage and the promotion of contemporary creativity, which is the basis for the heritage of tomorrow. The two should be seen in a constructive balance, contributing to a sense of pride, a sense of belonging and a sense of citizenship – both national and European.

Article III 181.3. calls for EU cultural cooperation with third countries and international organizations. A lot more needs to be done to enable third countries to participate in the EU’s cultural actions, beyond simply entitling them to participate. The new culture programme, for example, must be implemented in such a way that third country participants are encouraged rather than discouraged. Accompanying financial measures are needed to make third country participation a reality.

The Union’s obligation, as defined in Article III – 181.4, is to take cultural aspects into consideration when defining its policy or taking any action on the basis of other provisions of the Treaty. This is an integral part of the cultural dimension of the Union.

EU specific action in the field of culture is thus complemented by other policy/action areas with direct or indirect impact on culture, such as education, social policy, action towards the youth, the environment, fiscal policy, trade policy, energy policy, research and development policy, tourism, and last but not least, regional development through structural funds.

The full implementation of this “horizontal clause” require a continuous dialogue on shared objectives between the various DGs of the European Commission and their counterparts in other EU Institutions, as well as between the EU Institutions and the corresponding NGOs in the different fields covered by EU policy/action.

The cultural components that cut across EU policy areas should be subject to comprehensive and permanent monitoring, with the involvement of the European Parliament.

EFAH and Europa Nostra endorse the joint statement of the civil society contact group that pays tribute to the working methods of the Convention and highlights the role of civil society in the ratification process.
1. CONCORD

CONCORD is the European Confederation for Relief and Development NGOs. It consists of 18 international networks and 19 national associations from the European Member States (6 more platforms are currently being set up in the new Member States), altogether representing about 1500 NGOs. It aims to coordinate the political actions of NGOs for Relief and Development at European level and to stimulate the exchange of information both among NGOs and with the European institutions. Its members include 19 National Platforms from the following Member States: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Spain, Slovakia, Sweden and the UK and 18 Networks: Adra, ActionAid International, Aprodev, Caritas Europa, CBM, CIDSE, EU-CORD, Eurodad, EuronAid, Eurostep, Forum, IPPF, Oxfam International, Plan Europe, Solidar, Terre des Hommes, Save the Children and World Vision.

Contact: www.concordeurope.org

2. EFAH

The European Forum of the Arts and Heritage aims to build a cross-disciplinary coalition of civil actors in the cultural field and to strengthen representation of the cultural sector towards the EU on areas of common interest. EFAH currently counts over 65 member organisations. Members are independent organisations, either pan European in constitution, or working on European issues relevant to the cultural sector. A part of EFAH’s mandate is to assess the ways in which culture should find expression in other policy fields; based on the belief that cultural policy has to be an integrated part of other policy formation. Issues of cultural policy intersect with values (e.g. freedom of expression) and issues (e.g. women’s access to active participation in the field of art) of the other NGO sectors in the Civil Society Contact Group.

Contact: www.efah.org

3. European Women’s lobby

Founded in 1990, the European Women's Lobby (EWL) brings together over 4000 member associations in the 25 Member States, working to achieve equality of women and men and to ensure that gender equality and women's human rights are taken into consideration in all European Union policies. EWL is a democratic organisation with transparent procedures of communication, decision-making and accountability. EWL recognises the diversity of women’s lives and experiences and aims to include the interests of the many women who face multiple discrimination. The EWL membership is made up of 25 national coordinations as well as 21 European/International women's NGOs.

Contact: www.womenlobby.org
2. Green 9

The informal platform of environmental NGOs, called the Green 9, is composed of the European Environmental Bureau, Birdlife International (European Community Office), Climate Network Europe, European Federation for Transport and Environment, Friends of the Earth Europe, Greenpeace Europe, International Friends of Nature, WWF (European Policy Office), the European Public Health Alliance Environment Network. The Green 9 are represented in the Civil Society Contact Group by the European Environmental Bureau, the largest federation of environmental citizens organizations in Europe.

Contact:  www.eeb.org

3. Human Rights and Democracy NGO network

The Human Rights and Democracy Network (HRDN) is an informal grouping of NGOs operating at EU level in the broader areas of human rights, democracy and conflict prevention. The vision of the HRDN is that human rights and democracy are placed at the heart of the European Union’s internal and external policy agenda. The human rights network includes, amongst others, the following organizations: Amnesty International, Christian Solidarity Worldwide, Coalition for the International Criminal Court, Euro-Mediterranean Human Rights Network, Human Rights Watch, Humanist Committee on Human Rights, International Federation for Human Rights (FIDH), International Federation of Christian Associations for the Abolition of Torture (FIACAT), International Federation Terre des Hommes, International Rehabilitation Council for Torture Victims (IRCT), Open Society Institute, Search for Common Ground, World Organization against Torture (OMCT), and World Vision.


4. Social Platform

The Platform of European Social NGOs is the alliance of representative European federations and networks of non-governmental organisations active in the social sector. The Platform channels the concerns of its members on issues of common interest and represents them to the EU institutions. Member organisations include those campaigning for women, older people, people with disabilities, unemployed people, people affected by poverty and homelessness, migrants, lesbians and gays, children, and families.

Contact:  www.socialplatform.org
OVERVIEW OF THE RATIFICATION IN THE 25 MEMBER STATES

Information for this section was gathered from various sources: Euobserver; Robert Schuman Foundation Constitution website; BBC website; The Baltic Times; University of Zaragoza European Constitution website; Democracy International study on constitutional conditions for referenda on EU constitution 17.06.04; IRI website.


Austria

The Austrian Chancellor Wolfgang Schüssel is only in favour of a referendum on the Constitutional Treaty if it is Europe-wide. He does not want to hold a national Austrian referendum. Opposition parties are broadly in support of a referendum. Binding referenda are provided for in the event of a partial or total revision of the Austrian Constitution.

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</table>

Belgium

Originally Prime Minister Verhofstadt had hoped to hold an early consultative referendum 50 days after the signing of the final text. The Chamber’s committee voted in favour of the referendum but in January 2005, Verhofstadt’s social-liberal coalition partner, the Spirit party, decided to change its position and favour parliamentary ratification. This is due to fears that Vlaams Blok would turn the referendum into one on Turkey’s adhesion to the EU. As the opposition Socialist Party is also opposed to a referendum, Mr Verhofstadt no longer has the required majority in the Parliament to support the holding of the referendum.

<table>
<thead>
<tr>
<th>Belgium</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>27%</td>
<td>85%</td>
<td>10%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>38%</td>
<td>86%</td>
<td>10%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>81%</td>
<td>13%</td>
<td></td>
</tr>
</tbody>
</table>

Cyprus

4 In January 2005, Eurobarometer published a new survey on the Future Constitution Treaty. The questions raised being different from the previous ones, it was impossible to publish its results here. Yet it provides very extensive information on European Public opinion on the Constitution (level of information, areas of knowledge, reasons for support) that might be particularly useful. You will find it on: http://europa.eu.int/comm/public_opinion/archives/eb/eb62/eb62first_en.pdf (study) http://europa.eu.int/comm/public_opinion/archives/ebs/ebs214_tables.pdf (tables)
Cyprus was the only one of the 10 Member States to join in 2004 that did not hold a referendum. There is no intention to hold one in order to ratify the Constitutional Treaty, which will take place by parliamentary vote. No date is yet set.

<table>
<thead>
<tr>
<th>Cyprus</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
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<tr>
<td>January 2004</td>
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<td>80%</td>
<td>11%</td>
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<td>June/July 2004</td>
<td>35%</td>
<td>83%</td>
<td>8%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td></td>
<td>74%</td>
<td>12%</td>
</tr>
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</table>

Czech Republic

<table>
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<td>64%</td>
<td>17%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>21%</td>
<td>65%</td>
<td>15%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>63%</td>
<td>18%</td>
<td></td>
</tr>
</tbody>
</table>

In October 2004, Czech Prime Minister Slanislav Gross announced that the Czech Republic could be one of the last countries to hold a referendum on the Constitutional Treaty. Although no decision has been made yet regarding the method of ratification, it is most probable that Czechs will express their position on the EU constitution in a referendum, which might take place at the same time as the parliamentary elections in June 2006. The Czech Republic is one of the few countries where a referendum would enhance the likelihood of ratification. Whereas public opinion is rather supportive of the text, political parties are split on the issue (and many Czech MEPs rejected the European Parliament’s resolution on the Constitution in January 2005).

Denmark

A binding referendum is obligatory in the Danish case if a constitutional amendment is required. A report by the Danish Ministry of Justice in November 2004 concluded that the treaty will curb Danish sovereignty in a number of areas and that the requirements for its approval would be a vote of five-sixths of Danish MPs or a referendum. There are likely to be two referenda in Denmark, one on the Constitutional Treaty and one on opt-outs for Denmark on defence, judicial cooperation, the Euro and Citizenship. The Danish government is reported to want a change in the judicial nature of its opt-outs, to allow a more flexible arrangement and the possibility for increased cooperation or opt-in, as is the case with Ireland and the UK. No date has yet been set.

<table>
<thead>
<tr>
<th>Denmark</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
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</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>31%</td>
<td>60%</td>
<td>29%</td>
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<tr>
<td>June/July 2004</td>
<td>33%</td>
<td>62%</td>
<td>24%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>44%</td>
<td>44%</td>
<td>36%</td>
</tr>
</tbody>
</table>
Estonia

<table>
<thead>
<tr>
<th>Estonia</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>23%</td>
<td>60%</td>
<td>10%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>22%</td>
<td>57%</td>
<td>8%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>64%</td>
<td>11%</td>
<td></td>
</tr>
</tbody>
</table>

Binding referenda are possible in Estonia, but not for international treaties. However consultative referenda are possible for international treaties if ordered by an ad-hoc law. The Estonian government announced in early September 2004 that there would be parliamentary ratification of the Constitutional Treaty in Estonia and not a referendum. The majority of members of parliament agree with this decision.

Finland

Binding referenda are possible with a constitutional amendment and consultative referenda are provided for constitutionally. For a while it seemed that a consultative referendum might be called. Prime Minister Matti Vanhanen waited to see the final text before taking a decision and announced on 15 August 2004 that the Constitutional Treaty would not alter the EU enough to merit a referendum. The proposal on ratification will be handed to Parliament in autumn 2005, and ratification is envisaged for the end of 2005 or the beginning of 2006.

<table>
<thead>
<tr>
<th>Finland</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>13%</td>
<td>68%</td>
<td>20%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>11%</td>
<td>76%</td>
<td>15%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>58%</td>
<td>35%</td>
<td></td>
</tr>
</tbody>
</table>

France

President Chirac announced on 14 July 2004 that a referendum would be held on the Constitutional Treaty. He had been under pressure from several political parties, including his own, to do so. The main focus of the debate in France so far has been the split in the Socialist Party between the camps of Laurent Fabius (No) and François Hollande (Yes). This was settled in early December 2004 when an internal party vote came out in support of the Constitutional Treaty. President Chirac announced in his New Year's address that the referendum on Constitution would be held before summer 2005. A revision of the Constitution is needed before ratification process: on February 1st, the French Assemblee Nationale voted by a very large majority the law paving the way to ratification. The proposal now has to be examined by the Senate, where a vote is scheduled in mid-February.
Germany

Referenda are not possible in Germany without amending the German Constitution. The Social Democrats have been pushing for a consensus on a constitutional amendment, but the opposition CDU/CSU is split on the issue. The SPD parliamentary group announced that parliamentary ratification will take place in May-June 2005. A bill to change the constitution to allow for nation-wide referendum will only be introduced after ratification and has little chance of passing, since the SPD would need the support of their coalition partners, the Greens, and of the Christian Democrat opposition party in order to reach the two-thirds majority necessary.

Greece

<table>
<thead>
<tr>
<th>Greece</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>22%</td>
<td>89%</td>
<td>9%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>25%</td>
<td>89%</td>
<td>9%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>69%</td>
<td>20%</td>
<td></td>
</tr>
</tbody>
</table>

Binding referenda are possible in Greece on subjects of high importance for national interest. The tradition however is parliamentary ratification, and this is likely to hold for the Constitutional Treaty. The Greek government and the main opposition are in agreement over allowing the parliament to ratify the Constitutional Treaty without a referendum.

Hungary

Although the Hungarian constitution provides for both consultative and binding referenda, the parliamentary way has been chosen and Hungary has become the second EU member state to sign up to the Constitution on 20 December 2004. The two-thirds majority needed to ratify the Constitution was easily achieved.

<table>
<thead>
<tr>
<th>Hungary</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>34%</td>
<td>87%</td>
<td>5%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>32%</td>
<td>90%</td>
<td>5%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>62%</td>
<td>23%</td>
<td></td>
</tr>
</tbody>
</table>

A referendum on the Constitutional Treaty is obligatory in Ireland, as anything that involves a transfer of power requires a constitutional amendment, which in turn requires a binding referendum. Politically, it seems that the government and the main opposition, Fine Gael, will both campaign for, whereas Sinn Fein is expected to campaign against. The most likely date for a referendum is late 2005 or early 2006. The referendum should be completed by a parliamentary vote.
Italy

The Italian Constitution provides for only two circumstances in which referendums can be held: to change the Constitution or invalidate a law previously adopted by parliament. There was no political agreement on the issue, and the ratification will therefore be parliamentary. On Tuesday 25 January, the Italian Chamber of Deputies approved the European Constitution by a majority of 436 in favour, 28 against and 5 abstentions. Opponents of the text included members of the Communist Party, together with the rightist Northern League. The text must now be approved by the upper house, the Senate, before Italy can ratify the document.

Latvia

The Latvian constitution states that a referendum is only necessary if the text significantly changes the conditions for Latvia’s membership. Referenda on international matters have only been possible in Latvia since 8 May 2003, when the country amended its constitution to make it possible for its citizens to vote on EU membership. The Latvian President stated that she did not believe the Constitutional Treaty fundamentally changed the nature of the Accession Treaty which set the membership conditions for the country and which was approved by 67% of the vote in a referendum in 2003. The Constitution was considered by the Parliament in December 2004 and ratification should take place in early 2005.

Lithuania

Lithuania was the first country to ratify the Constitutional Treaty on 11 November 2004. A vote held in the Seimas, the Lithuanian parliament, approved the treaty with 84 votes in favour to 4 against, with 3 abstentions. Some criticism was raised over the fact that vote seemed to have been rushed through in order to hold it before the new parliament, voted in by the legislative elections in October, which started its term on 15 November.
The Constitution of Luxembourg provides for consultative referenda to be held. Binding referenda would only be possible after constitutional amendment. Prime Minister Jean-Claude Juncker announced in November 2004 that a referendum would be held on 10 July 2005. Consensus exists amongst almost all the parliamentary parties in support of the treaty. Although the Luxembourg Constitution normally anticipates that international treaties are ratified through parliament, the presidents of the political parties in the Luxembourg parliament have agreed to pass a resolution committing them to respect the will of the citizens as expressed in the referendum.

**Luxembourg**

<table>
<thead>
<tr>
<th></th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>35%</td>
<td>86%</td>
<td>11%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>43%</td>
<td>88%</td>
<td>8%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>77%</td>
<td>77%</td>
<td>14%</td>
</tr>
</tbody>
</table>

2004 that a referendum would be held on 10 July 2005. Consensus exists amongst almost all the parliamentary parties in support of the treaty. Although the Luxembourg Constitution normally anticipates that international treaties are ratified through parliament, the presidents of the political parties in the Luxembourg parliament have agreed to pass a resolution committing them to respect the will of the citizens as expressed in the referendum.

**Malta**

Malta is not constitutionally bound to hold a referendum. Binding referenda are only possible on the basis of a constitutional amendment, although consultative referenda are possible if ordered by an ad-hoc law.

Malta’s Prime Minister Eddie Fenech Adami announced that his country would not hold a referendum on the Constitutional Treaty, arguing that there is no legal basis and that the referendum on EU accession had been decisive.

**Netherlands**

<table>
<thead>
<tr>
<th></th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>24%</td>
<td>75%</td>
<td>20%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>25%</td>
<td>72%</td>
<td>25%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>73%</td>
<td>73%</td>
<td>20%</td>
</tr>
</tbody>
</table>

likely that the government will respect the result. It will also be the first referendum the country has ever held. The Dutch government was planning to hold a quick referendum before the end of its Presidency in December 2004. The most likely date is now Spring 2005.

**Poland**

The Polish Constitution provides for binding referenda in the case of international treaties. Polish President Alexander Kwasniewski first has announced that a referendum may be held in autumn 2005, together with the presidential election. Yet it will apparently
be pushed back, since translations errors were found in the Polish version of the Constitution. As a consequence, the ruling Democratic Left Alliance (SLD) also decided to delay the early general elections it previously called for, for fear that the centre-right eurosceptic opposition could block the Constitution if elected.

**Portugal**

<table>
<thead>
<tr>
<th>Portugal</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>17%</td>
<td>81%</td>
<td>10%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>29%</td>
<td>81%</td>
<td>7%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>61%</td>
<td>61%</td>
<td>11%</td>
</tr>
</tbody>
</table>

Lopez, confirmed his commitment to hold one. The planned date for the poll, 10 April 2005, had to be abandoned due to the decision of Portuguese president to dissolve the Parliament and call for an early election.

**Slovakia**

Although binding referenda are provided for where important issues of public interest are at stake, it seems increasingly unlikely that a referendum will be held in Slovakia. Prime Minister Dzurinda stated that the referendum on EU accession was a sufficient mandate to approve the Constitutional Treaty. He seems to have the consensus of the two main opposition party leaders in support of a parliamentary vote.

<table>
<thead>
<tr>
<th>Slovakia</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>23%</td>
<td>70%</td>
<td>13%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>20%</td>
<td>70%</td>
<td>11%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>71%</td>
<td>71%</td>
<td>11%</td>
</tr>
</tbody>
</table>

**Slovenia**

<table>
<thead>
<tr>
<th>Slovenia</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>48%</td>
<td>86%</td>
<td>5%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>38%</td>
<td>87%</td>
<td>4%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>80%</td>
<td>80%</td>
<td>7%</td>
</tr>
</tbody>
</table>

The Slovenian Constitution does not oblige the government to hold a referendum, and although a binding referendum would be possible if ratification were to involve an amendment of the Slovenian constitution, the parliamentary way was chosen.

With 79 in favour, 4 against and 7 abstentions, the parliament ratified the EU Constitution on 1 February and Slovenia became the third State to say yes to the Constitution. However, several opposition MPs criticised the government in its rush for early ratification.
Spain

The Spanish are set to be the first EU citizens to vote on the Constitutional Treaty, with the date for the consultative referendum set for 20 February 2005. The question that will be put to the vote is ‘Do you approve the draft treaty establishing a constitution for Europe?’ Government needs to observe strict neutrality in the campaign, but launched an extensive information campaign in January 2005. Most of the major political parties in Spain are set to campaign for a Yes vote.

<table>
<thead>
<tr>
<th>Spain</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>20%</td>
<td>85%</td>
<td>7%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>24%</td>
<td>93%</td>
<td>5%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>72%</td>
<td>13%</td>
<td></td>
</tr>
</tbody>
</table>

In Sweden binding referenda are possible if a constitutional amendment is involved, and consultative referenda are expressly provided for. However a final decision was taken on 8 December 2004 not to hold a referendum. An agreement was reached between the four right-wing opposition parties and the governing Social Democrats that parliamentary ratification would be satisfactory. It is likely that a bill on ratification will be presented to the Swedish parliament in September 2005, with the hope that it will be adopted in December 2005.

Sweden

<table>
<thead>
<tr>
<th>Sweden</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
<th>No, the EU must not adopt a Constitution</th>
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<tbody>
<tr>
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<td>19%</td>
<td>58%</td>
<td>26%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>25%</td>
<td>50%</td>
<td>26%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>50%</td>
<td>25%</td>
<td></td>
</tr>
</tbody>
</table>

United Kingdom

The UK is not obliged to hold a referendum on the Constitutional Treaty and for some time it appeared that there would not be one. Prime Minister Blair changed his mind in April 2004 and announced a referendum, to take place after the general elections (spring 2005) and the UK Presidency. At the moment a likely date seem to be March 2006 and the question that will be asked is "Should the United Kingdom approve the Treaty establishing a Constitution for the European Union?" Those arguing in favour of the Constitution include most Labour MPs and the Liberal Democrats (third party). Opponents include the Conservative Party, the UK Independence Party (UKIP), the Green Party, and the Scottish National Party.

<table>
<thead>
<tr>
<th>United Kingdom</th>
<th>Do you feel well informed about the draft?</th>
<th>Yes, The EU must adopt a Constitution</th>
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</tr>
</thead>
<tbody>
<tr>
<td>January 2004</td>
<td>24%</td>
<td>51%</td>
<td>30%</td>
</tr>
<tr>
<td>June/July 2004</td>
<td>33%</td>
<td>51%</td>
<td>34%</td>
</tr>
<tr>
<td>Nov/Dec 2004</td>
<td>49%</td>
<td>29%</td>
<td></td>
</tr>
</tbody>
</table>
WEBSITES AND RESOURCES

1. Websites

The full text of the Constitution, in all languages is to be found on:
http://www.europa.eu.int/constitution/index_en.htm

The Civil Society Contact Group

Civil Society Contact Group and Act4Europe campaign
www.act4europe.org

The website will provide you with links to all the members of the Civil Society Contact Group, as well as updated information on the ratification process and the activity of NGOs at European and national level.

Members of the Civil Society Contact Group

CONCORD
http://www.concordeurope.org

EFAH
http://www.efah.org

European Women’s Lobby
http://www.womenlobby.org

Members of the Green 9:

European Environmental Bureau
http://www.eeb.org

BirdLife International European Community Office
http://www.birdlife.org

Climate Action Network Europe
http://www.climnet.org

European Federation for Transport and Environment (T&E)
http://www.t-e.nu

Friends of the Earth Europe
http://www.foeeurope.org

Friends of Nature International
http://www.nfi.at

Greenpeace European Unit
http://eu.greenpeace.org

WWF European Policy Office
www.panda.org/epo

5 Whenever possible, the indicated address will lead to specific pages on the Constitutional Treaty.
European Public Health Alliance Environment Network
www.env-health.org

Human Rights and Democracy NGO network

Social Platform
http://www.socialplatform.org

European News
EU Observer
http://www.euobserver.com/?sid=18

Euractiv
http://www.euractiv.com/Section?idNum=3750354

European Voice
http://www.european-voice.com

European Institutions
European Commission: A Constitution for Europe- informative web page
http://www.europa.eu.int/constitution/index_en.htm

Luxembourg Presidency of the European Union

European Parliament
http://www.europarl.eu.int/europe2004

European Council
http://ue.eu.int/cms3_fo/showPage.asp?id=735&lang=en&mode=q

European Economic and Social Committee
http://www.esc.eu.int

Committee of the Regions
http://www.cor.eu.int

Public opinion polls
Eurobarometer (Public Opinion Analysis sector of the European Commission)
http://europa.eu.int/comm/public_opinion/index_en.htm

Political groups in the European Parliament
Group of the European People's Party and European Democrats
http://www.epp-ed.org/constitution/them01_en.asp

Socialist Group in the European Parliament
http://www.eurosocialists.org

Group of the Alliance of Liberals and Democrats for Europe

6 The Act4europe web page provides links to all HRDN members
Foundations, movements

Democracy international (participatory democracy)
http://www.european-referendum.org

European Movement
http://www.europeanmovement.org

IRI – Europe – Initiative and Referendum Institute - Europe
http://www.iri-europe.org

Robert Schuman Foundation Constitution Website
http://www.constitution-europeenne.info

Think tanks, academics, institutes

Centre for European Policy Studies (CEPS)
http://www.ceps.be

Centre for European Reform (CER)
http://www.cer.org.uk/eu/index.html

European Policy Centre (EPC)
http://www.theepc.be

Federal Trust for Education and research (Constitution Newsletter)
http://www.fedtrust.co.uk/default.asp?pageid=280&mpageid=67&msubid=280&groupid=6

2. Other resources- research papers

Closa C., Ratifying the EU Constitution: Referendums and their implications, the Brookings Institutions, US-Europe analysis series, November 2004
http://www.brookings.edu/dybdocroot/ftp/cuse/analysis/closa20041101.pdf

Keohane D., A Guide to the Referenda on the EU Constitutional Treaty, Centre for European Reform, October 2004


Kurpas S., Meyer C., Giologlou K., After the European elections, Before the Constitution Referenda, can the EU communicate better?, CEPS Policy Brief, July 2004
Shaw J., *What happens if the constitutional treaty is not ratified?*, The European Trust, European Policy Brief, September 2004  

http://www.iai.it/pdf/DocIAI/iai0417e.pdf

Zdeb M. *Study about constitutional conditions concerning referendums on the EU constitution in the EU Member States*, Democracy International, June 2004  

*The Future European Constitution, first results*, Special Eurobarometer survey, January 2005  