



Will Europeans accept a constitution for the EU?

Europe hovers between its biggest change ever and voter disillusionment.

BY **ARIELLE ROUBY**

Now that the European Union has expanded to 25 members – including almost all Eastern and Central European countries, adopting a constitution is the EU's biggest challenge (rivalled only by the decline in voter turnout for European elections).

On July 10, 2003, the President of the European Convention, Valéry Giscard D'Estaing, presented a draft of a "constitutional Treaty" for Europe. The draft was produced by 207 politicians, representing different levels in Europe and coming from 28 countries — the 25 countries of the EU as of May 1, 2004, plus the candidate countries Bulgaria, Turkey and Romania. The result of more than a year's intensive work is astonishing, as the draft constitution proposes some radical changes for the enlarged EU. The constitution would replace all the previous treaties of the union from the Treaty Establishing the European Coal and Steel Community in Paris in 1951 to the Treaty of Nice in 2001.

Arguably, the proposed constitution would go a long way to making the EU function more like a single federal country. Most importantly, the constitution makes the Charter of Fundamental Rights, adopted by the EU in 2000, into a binding legal document. The Charter explicitly bans capital punishment and guarantees the freedom to marry and the right to conscientious objection "in accordance with the national laws governing the exercise of these rights". It enshrines the right of every EU citizen to seek employment and to work in any EU country. It also confers the right on every EU citizen to vote and stand for office not only in EU elections but also in municipal elections wherever she or he lives.

How much will the EU change?

The constitution also creates the position of an EU Foreign Minister who would combine the jobs of the external relations commissioner (currently Chris Patten) and the EU's high representative for foreign policy (currently Javier Solana). The constitution gives the European Council (made up of heads of state or government of EU members) a permanent President, who would hold office for up to five years. Currently, the EU Presidency passes from country to country every six months. The constitution also calls for other important changes:

- "structural co-operation" in the area of defence

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- the imposition of a smaller European Commission, the body charged with EU management and implementation
- an increased number of areas in which the European Parliament and the European Council are co-legislators
- a simplified voting system in the Council of Ministers
- for the first time in the history of European integration, an exit clause for countries that might want to leave the union

According to polls, more than 60 per cent of European citizens are willing to have a constitution for the EU, but so far the heads of states and governments have failed to reach any agreement on the adoption of this constitution. EU leaders revived the constitutional debate at the last European Council summit in March and committed themselves to finalize the constitution by the next EU Summit, in Ireland on June 17 and 18. The ratification of a European constitution could take a long time, as some of the members want changes in the text.

Even if the decision were made in Ireland that the current version of the constitution was the one that every EU member state must ratify, there could be a rough road ahead. Tony Blair announced recently that Great Britain will hold a referendum on the constitution in 2005. Ireland, Denmark, the Netherlands, France, Spain, Portugal, the Czech Republic and Luxembourg are expected to hold referendums as well. If some member states say no, it is unclear what the political ramifications for the EU will be. Legally, however, the constitution can only replace the current treaties if all 25 member states unanimously agree. A fear that some states might refuse the constitution is spreading within the European institutions. For that reason, the European Commission is advocating a simultaneous referendum (ratification vote) across Europe.

EU voter turnout at lowest point ever

The EU's other urgent challenge at the moment is to convince European citizens to go to the polls for the next European Parliament elections. The latest poll published by the European Commission shows that only half of the Europeans surveyed are likely to vote. Moreover only less than half of EU citizens agreed that their country's membership is a good thing. This is the lowest level ever recorded.

The constitution and the European elections are not the only challenges the new enlarged EU will have to face in the near future. EU leaders must also agree on the nomination of the new President of the European Commission. And at the end of the year they have to decide whether to start accession negotiations with Turkey. If admitted, Turkey would be the first Muslim country in the EU. Still, the challenge of an incipient federal constitution is the biggest unfinished job for the EU this year. ☺