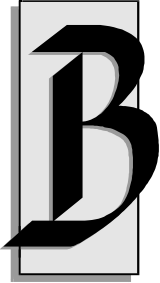


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Will the EU Constitution Survive a Referendum in France?

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On February 28, 2005, a joint session of the French National Assembly and the Senate voted by a large majority to take three measures that will affect the future of France and the European Union.¹ First, they amended the French constitution to make it compatible with the proposed EU constitutional treaty. Second, they agreed to allow a referendum on the European constitutional treaty to take place. That referendum is now scheduled for May 29. Finally, the French legislators voted to require that all future EU enlargements also be subject to referendum. The latter measure was largely designed to reassure voters that EU candidate Turkey will not enter the EU unless and until such a step is approved by the electorate in France.

So far, four EU countries have ratified the proposed treaty, but only Spain has done so by referendum. As widely anticipated, Spanish voters adopted the text with a 77% majority (though voter turnout was just 42%). The result of the French vote is likely to be much tighter than that. The lead so far enjoyed by the “Yes” vote is shrinking in the polls. A “No” vote is possible. The European constitution is a complex document and the referendum campaign is affected by issues that have little to do with it. While most major political parties support a positive vote, they feel uncomfortable campaigning on the same side of an issue and some leading figures among them—including former Prime Minister Laurent Fabius—are campaigning against the constitution. Most importantly, the issue of Turkey’s possible future entry in the European Union has largely overshadowed—if not hijacked—the constitutional debate. The conflation of the Turkey question with the issue of the constitution, along with the lack of clear, understandable reasons why the constitution is essential, may lead many otherwise pro-European French voters to vote “No” in the referendum, or not to vote at all.

¹ 730 deputies and senators voted in favor, 66 against, 96 abstained.

The Hidden Weakness of the “Yes” Camp

In some ways, the approval of the constitution appears to be on track. Most other European countries seem set to approve it. The “Yes” vote enjoys the support of the two main French political parties and of about 60% of French voters (according to polls in early March). The broad ideas in the constitution that national parliaments will have a greater say in the European decision-making process and that social rights will be increasingly protected are viewed positively by many voters.

But the “Yes” camp faces several problems. First, it is not easy to promote a 341-page document that few voters will ever read and that is difficult to summarize. The text is being made freely available—in its entirety or in a summarized version—in places such as post offices or supermarkets, but that does not seem to have significantly increased voters’ familiarity with it.

Second, proponents of the treaty often invoke general ideas and big principles: Europe means peace, the constitution will make the functioning of the European Union more democratic, Europe will be better equipped to deal with globalization. However important these notions may be, they may not be enough, or specific enough, to lure voters in large numbers to the polls.

Third, the “Yes” camp consists of political parties that do not relish the idea of campaigning side-by-side. Thus, the opposition Socialists are reluctant to campaign too visibly alongside the government, which also supports the treaty. Opposition parties have taken great pains to remind voters that their support for the constitution does not imply approval of government policy in general. Similarly, some members of President Jacques Chirac’s *Union pour un Mouvement Populaire* (UMP) dislike the idea of aligning themselves too closely with the Socialist Party slogan “Along with socialists all over Europe, say ‘yes’ to the constitutional treaty.”

Finally, there are leading political figures within the pro-constitution parties who are openly campaigning against the text, such as the number two of the Socialist Party Laurent Fabius. Within the UMP, those against the constitution, such as National Assembly member Nicolas Dupont-Aignan, are allowed to express their views on a personal basis. In a political system where party discipline is the rule rather than the exception, such attitudes not only weaken the “Yes” camp, they also contribute to voter confusion.

Unlike the Spanish, and though France is one of the founding countries of the European Union, the French are not unequivocally pro-European, and they are not easily convinced of its benefits. Nobody in France has forgotten that the Maastricht Treaty was ratified with only 51% of the vote in September 1992 or that anti-EU parties gathered over 40% of the vote in the first round of the 2002 presidential elections.

The “No” Camp: An Eclectic and Vocal Group

Beyond the individuals who are against the constitution despite their party’s support for it, there are several parties advocating a “No” vote in the upcoming referendum. On the left, the Communist Party and a few minor extreme left-wing parties reject a constitution they deem too much in favor of the free-market and not protective enough of workers rights. The *Mouvement Républicain et Citoyen* (MRC) of Jean-Pierre Chevènement—which promotes an idiosyncratic blend of socialism, defense of the republic’s values, and refusal to cede any sovereignty to a supranational entity—is against European integration as it has been conducted in the past decades. On the right, the usual anti-EU parties—*Mouvement Pour la France* (MPF), *Front National* (FN)—classically make the most of such voting opportunities to put forward their traditional arguments about the ongoing disappearance of the French nation into a European melting pot. These parties do not present themselves as being anti-Europe *per se* but rather claim to seek other forms of European integration.

Many voters seem much less concerned by the referendum itself than by the opportunity it presents to make their voice heard through the ballot box. As there are many other sources of discontent within the electorate—high unemployment, fear of globalization, controversial education reforms—a combination of “no” votes based on a broad range of reasons could lead to a majority rejecting the treaty. Many politicians campaigning for the treaty have reported that citizens raise all sorts of issues that have nothing to do with the question at hand. In such a context, opponents of the constitution are understandably less reliant on big principles than proponents are. Opponents pepper their publicity campaigns with tangible examples—job delocalization, immigration levels—that strike a chord with many voters. Adding to this problem, the French have a tradition of not answering the question posed on a referendum, but rather of simply seizing the opportunity to send a message directly to the questioner by reformulating the question.

Turkey’s Shadow

The issue of Turkey has cast a long shadow over the French constitutional debate, in a way that it did not in Spain, for three main reasons.² First, the French political context is currently very sensitive to issues of religion and immigration. France just had a soul-searching debate over the wearing of religious symbols at school (a discussion in reality largely centered on the Muslim veil.) Ironically, secular Turkey has ended up crystallizing France’s doubts and worries about immigration, Islam, and its own identity. The second reason is one of timing. In early October 2004, only days before the European Commission recommended the opening of official entry negotiations with Turkey, Chirac announced his decision to hold a referendum in France upon completion of the accession negotiations with Turkey. Thus, four words—Europe, Turkey, referendum, and constitution—became at an early stage confusingly mixed up in the minds of many. Finally, the two issues—Turkey’s entry in the European Union and the referendum on the

² The decision of the February 28, 2005 Senate and National Assembly joint session relative to future enlargements concerns those countries whose accession process was initiated after July 1, 2004. It thus excludes Romania, Bulgaria, and Croatia, but includes Turkey.

new constitution—were linked by individuals and political parties who either believed that there was indeed a link or who saw an opportunity to make political gains (within their own party or against other parties.) It is also important to note that in France the Armenia issue is ever present when debating Turkey. As early as January 2001, the National Assembly passed a resolution stating: “France publicly recognizes the Armenian genocide of 1915.” In November 2004, a majority of the National Assembly voted to make such a recognition a condition of Turkey’s entry in the European Union.

Opponents of Turkey’s entry in the EU have put forward many arguments. According to them, Turkey and “Europe” share neither similar values nor a common culture. The European Union is essentially a Christian club that cannot, and should not, deal with the integration of such a large Muslim population. (The fact that the country is currently governed by an Islamist party, albeit a moderate one, only reinforces their view.) One key argument is even more blunt: Turkey should not join the European Union simply because it is not situated in Europe, with the follow-up argument that should Turkey join, it would prove difficult to later deny admission to other Mediterranean countries. According to François Bayrou, leader of the centrist, pro-European *Union pour la Démocratie Française* (UDF): “Who in France will dare say ‘No’ to Morocco after having said ‘Yes’ to Turkey?” In any case, say opponents, extending the frontiers of the EU to those of Iran, Syria, and Iraq (among others) is a very dangerous move. In addition, the combination of Turkey’s size and its lower level of development is viewed by opponents to entry as constituting too high a burden for the European Union and as opening the way to an unmanageable flow of Turkish immigrants. All in all, it is suggested that Turkey would dilute the nature and cohesion of the European Union, hence reducing it to a mere market, which, in their view, would explain the U.S. government’s support for the Turkish bid. For Senator Robert Badinter (PS), an arch-opponent to Turkey’s bid, allowing Turkey in the EU would be “an historic mistake.”

The Turkey debate has significantly complicated the referendum campaign, giving rise to three different approaches. One group of politicians, mainly those within the pro-constitution camp, argue that the two issues have nothing to do with one another and therefore should not be linked. For National Assembly member Axel Poniatowski (UMP), “the June referendum is about the necessary approval of the European constitution, and that only.” A second group, also mostly on the same side, suggests that not only will the voting of the new constitution make Turkey’s entry in the EU more difficult (by strengthening the cohesion of the EU and giving more say to national parliaments) but that it also has the merit of introducing the concept of “privileged partnership” as a new type of membership possibly applicable to Turkey. In the words of Jacques Barrot (UMP), EU Transport Commissioner, “If you are a bit wary about future enlargements, vote ‘Yes.’” A third group, that includes Philippe de Villiers (MPF) and François Bayrou (UDF), believes that voting in favor of the constitution would be a *de facto* “Yes” to Turkey’s future entry in the European Union. Curiously, despite the conflation of the Turkey and the constitution issues, individual and party positions on one issue do not seem to correlate significantly with positions on the other.

Position of French political parties & some individual leaders on Turkey's future entry in the EU

Constitution Turkey	YES	NO
YES	Parti Socialiste (PS); Les Verts; Parti Radical de Gauche (PRG) Michel Barnier, Raymond Barre, Jacques Chirac, Gilles de Robien, Pierre Lellouche	Parti Communiste (PC); Mouvement Républicain et Citoyen (MRC); Lutte Ouvrière (LO) ; Ligue Communiste Révolutionnaire (LCR)
NO	Union pour un Mouvement Populaire (UMP); Union Des Français (UDF); Parti Radical (PR) Robert Badinter	Front National (FN); Mouvement Pour la France (MPF); Chasse, Pêche, Nature et Tradition (CPNT) Nicolas Dupont-Aignan, Henri Emmanuelli, Laurent Fabius, Emile Zuccarelli

Notes: (a) Individual leaders are only indicated, on a non-exhaustive basis, when they oppose the line of their party (or the party to which they are closely associated with) ; (b) A party's position is either the result of a vote (usually the case with regard to Europe) or, in the absence of a vote (usually the case with regard to Turkey), as expressed by its executive; (c) conditions are classically attached to a positive view on Turkey's future entry.

Tough Sell

The new European Constitution is not an easy sell in France. Whereas proponents must rely on subtle, sometimes complex reasons why the constitution is a good thing, the "No" camp has an easier time coming up with negative sound bites. Jean-Pierre Chevènement (MRC), who lobbied hard against the Maastricht treaty over ten years ago, has quoted Napoleon as saying that a good constitution should be "short and obscure" and adds, "With this one, we only have obscurity." The pro-constitution camp has only now begun to try to put forward clearer and more potent arguments.

The vote on the European constitution may suffer from the artificial but politically real link made with Turkey's bid to join the European Union, particularly because about 70% of French voters are (currently) opposed to Turkish accession.³ The case for Turkey will require time to convince French and other European voters that it is the right thing to do from a geopolitical standpoint and that the European project is a vision rather than a strictly defined geographical entity. Turkey will also need time to fulfill all relevant EU membership criteria. And the EU will need time to successfully integrate Turkey, something that even proponents of its membership admit is no small endeavor.

³ In a February 2005 poll, half of those saying they would vote no justified their stance by their opposition to Turkey's entry in the EU.

The fact that there is little to get enthused about in this long and obscure constitution is not a good enough reason to vote against it. A negative answer, which may come from France as well as from other European countries, would not be as grave a blow to Europe as the “Yes” camp often claims, but it would unnecessarily delay further European integration and blur the European vision.