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Comparing Ratification Processes within EU Member States: The Identification of *Real* Veto Players.

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Abstract*

This study follows recent suggestions (Milner 1998) for comparative institutional analyses on both the domestic and international level. Focusing on ratification requirements as the crucial domestic institution for the implementation of international treaties, we provide a theoretical conceptualization for and an empirical depiction of the respective structures and processes in different parliamentary and semi-presidential systems. For this aim we adapt the concept of veto players. We exemplify the re(de)fined concept by comparing the particular agenda structures of the EU Member States during the ratification of the Amsterdam Treaty. We identify all involved actors with strategic blocking potential and depict the voting sequences as agenda trees as specified by the constitutional provisions. We distinguish between different types of actors according to their agenda setting power, to their voting rights, as well as to other constitutionally provided control rights. In order to reduce the ratification game to the 'real veto players' we apply the absorption rule as proposed by Tsebelis.

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1. Introduction

The ratification of international treaties is a crucial national restriction for international negotiations. The effects of this restriction have been extensively discussed within the two-level game literature. However, most of these analyses ignore the role of political institutions, or, at least, assume oversimplified institutional structures. In the following we take up recent invitations for a systematic application of comparative politics approaches when dealing with international relations topics (Milner 1998). We outline a theory-guided conceptualization which allows us to capture the various procedures and processes of the ratification of international treaties in different political systems. We compare the institutional structures of ratification within the framework of the theory of agency relations and the concept of veto players. The paper addresses two main questions: First, how can we summarize the different agenda structures of ratification processes such that the (sometimes) complex interdependencies between the actors involved become visible? Second, how can we identify 'real veto players', i.e. veto players with actual strategic influence power ?

Using the ratifications of the Amsterdam Treaty as an exemplification, we conceptualize each ratification process as a 'take-it-or-leave-game' (TILI) (Romer/Rosenthal 1978), with the government setting the agenda. We identify all involved political actors with strategic blocking potential, as prescribed by each Member States' constitution, and, accordingly, depict the resulting agenda structures as voting trees. We distinguish between different modes of ex-post control rights exercised by different actors. We re(de-)fine the concept of veto players in order to take account of the scope of agenda control and the (un-)conditionality of the involvement of actors. According to the absorption rule (Tsebelis 2000) and several additional assumptions, we reduce the ratification game to the 'real veto players'. Due to their threat power (cf. Hovi 1998), these actors should be especially influential during the formation of each Member States' negotiation positions. We conclude by showing up next steps in theory–building and empirical testing.

2. Ratification and International Negotiations: Related Literature

The implications of ratification requirements procedures for international negotiations have been discussed extensively within the context of the two-level game literature. Putnam (1988) outlined a two-level game as a Level II domestic ratification of a Level I international agreement and formulated two hypotheses: the risk

that international negotiations fail increases, the smaller the win set[1] due to domestic political restrictions. At the same time, domestic political commitments constitute a bargaining advantage: The stronger the internal commitments, the higher the external bargaining leverage.

In the following we provide a selective overview of the relevant literature dealing with the connection between intranational ratification requirements and international negotiations.

Ratification Games and the Structure of Separate Power Systems

Milner (1997) and Milner/Rosendorff (1997) combine a spatial one-dimensional model with sequential bargaining models. Their formal model is designed as a sequential game in which the international negotiations between two actors are followed by a second, national game of ratifying the agreement. The separation of powers as implied by the particular institutional setting is considered as decisive in forming a national negotiating position. According to Milner (1997), institutional variants of political governance mechanisms can be arrayed along a continuum from pure hierarchy, to polyarchy, to anarchy. In the view of the realist school of international relations, hierarchy corresponds to the assumption of a unitary actor with a unipolar and concentrated center of power. Anarchy refers to a situation in which each actor has veto power and decides unilaterally. Forms of polyarchy are located in between and are characterized as networks.[2]

Milner's results support Putnam's hypothesis, that restrictions—such as the need for ratification—have a negative impact on the negotiations to come to an agreement; indeed, her prognosis for the possibility of international cooperation is even bleaker. The greater the differences between the negotiating positions of the government and the national ratifiers, the more unlikely an agreement to be expected. At the same time, this increases the ratifiers' influence on the result. This basic model assumes perfect, symmetrical information.[3] Only introducing asymmetric information with endorsing interest groups reduces the negative implications

[1] 'Win-set of the status quo' is defined as the set of alternatives that are preferred by a certain, decisive number of actors against the status quo.

[2] A similar typology of forms of governance can be found in Scharpf (1997). For a conceptualization of governance structures using applied network analysis, see Thurner/Stoiber (2000).

[3] For an exhaustive listing of preference constellations and their effects under identical assumptions, cf. Hammond (1999).

of the ratification requirements, and increases the likelihood of an international agreement as well as its ratification.

Milner provides a blue-print for follow-up studies dealing with the nexus of domestic structures and international politics. Despite its many advantages, the model, however, has one crucial deficit: it is heavily influenced by the perspective of a presidential system in which the executive is opposed to the legislature. However, in parliamentary systems, as a rule, there is a close relationship between parties electing and supporting the government, whereas the main divide is between government parties and opposition parties.

Endogeneizing the Ratification Requirements

An important aspect for the analysis of real ratification processes is the identification of the discretion of governments when choosing ratification rules that are favorable to their interests (cf. Pahre 1994)[4]. The endogeneity of the ratification design is analyzed in detail in the following studies.

Mo (1995) asks for constellations in which it is in the interest of a principal (negotiator) to commit herself by employing a veto player (agent) to vote on agreements bargained at the international level. The author derives, that the agent will be granted with veto power when the foreign country has complete information about the negotiator's preferences and her domestic restrictions. Even under incomplete information, the principal will not be granted with veto power in case that her preferences diverge too much from the ones of the agent. (Mo 1995).

Haller/Holden (1997) examine the possibility of the strategic manipulation of continuously conceived ratification requirements. They define the situation as a principal–agent relationship, where the principal (the legislative) can set ratification requirements *ex ante*, and the international agreement as negotiated by the agent (the executive) is subject to the chosen institutional design. Evidently, the question is under which conditions increasing the required majority is providing the principal with the highest benefit. The authors

[4] Pahre (1994) proposes a taxonomy of institutional rules in two-level games where he distinguishes between 'ratification games', 'two-level optimization games' and 'no-confidence games'. The author's aim is to answer the question "…under what circumstances are these institutional rules endogenous?" (Pahre 1994: 7). Whereas his differentiation between ratification games as 'discrete choices' versus 'optimization games' as continuos games may be useful, the hypotheses he derives (pp 29-30), however, are not institution-specific but again focusing only on constellations of actors' preferences.

solve for optimal institutional designs under various assumptions: that one or both domestic constituencies can set the ratification requirements *ex ante*; that the principals are homogeneous or heterogeneous; that the resulting benefits in the form of intranational side payments are distributed equally or unequally. They conclude that, in general, setting ratification requirements and therefore domestically tying one's hands, may constitute a strategic advantage. However, at the same time the risk of failing to reach a mutually advantageous agreement increases. In the case of unilaterally set ratification requirement, the respective median voter asserts a qualified majority as long as the surplus is evenly divided and the electorate is homogeneous. The level of the majority required is a function of the median voter's reservation value; however, a heterogeneous electorate reduces this value, all other things being equal. When ratification requirements are deliberately set by each side, power asymmetries play a major role. In this case, however, the results tend to be unstable, with non-unique solutions. The relevance of this study lies in providing a stylized model allowing to solve for an optimal institutional design.

Perils of Ratification by Referendum

Schneider/Weitsman (1996) examine referenda as a ratification instrument for international treaties and formulate a sequential model that takes into account both the government's popularity based on its management of the domestic economy and the implications of the international treaty as explanatory variables for the voters' decision. Their model rests on the assumption that the voter has incomplete information about the future consequences of the international treaty, resulting in a so-called 'punishment trap': the voters risk to punish a government that is domestically popular by rejecting a treaty on the basis of its unfavorable contents, or rewarding an unpopular government by ratifying a treaty for its favorable contents. As empirical illustration, the authors refer to the Irish and French referenda and the two Danish referenda on the Maastricht Treaty. These examples seem to support the hypothesis that voters evaluate both the international treaty and the national performance of the government to arrive at their decision.

In the following we discuss analyses, that are primarily empirically oriented.

Implicit Ratifications in the Ballot Box

Examining the the questions as posed by Schneider/Weitsman for the case of national elections, Pappi/Thurner (2000) and Thurner/Eymann/Pappi (2000) ask whether the electorate reacted in a noticeable manner to the adoption of EMU when voting in the ballot box. In a discrete choice model of party choice in the German general election 1998, Pappi/Thurner (2000) simulate whether repositioning of the responsible coalition government would have been followed by a significant increase of market shares. Within the framework of a punishment model, Thurner/Eymann/Pappi (2000) investigate whether the stated refusal of EMU led to a significant choice of 'exit'. Both decisions can be considered as an informal (non)ratification of an international agreement. In both cases, the empirical results show that the electorate did not react in a statistically significant manner when control for domestically based party loyalties and issues, therefore confirming the assumptions of Schneider/Weitsman (1996).

Factors Determining Ratification Duration

Focusing on the duration of ratification of ILO conventions, Boockmann (2000) derives politico-economically based hypotheses on factors being responsible for the transition between the state of non-ratification to the state of ratfication. Applying sophisticated econometric duration models, Boockmann is able to show that it is indeed the implied costs of implementing an ILO convention that have significant effects on the duration of ratifying the agreement, at least in non-industrialized countries, whereas in industrialized countries preferences of trade unions and central governmental actors are more important.

Everything in the Win Set ?

König and Hug (2000) analyze the ratification of the Maastricht Treaty in all 12 EU Member-States. They reduce the ratification game to the executive-legislative relationship and the respective majority requirements. Based on Eurobarometer survey items on negotiation issues, the authors identify[5] a single bargaining dimension for each country, on which they locate the status quo, the outcome of the Maastricht Treaty, and the positions of the various parties in the national parliaments. They are able to show, that in

[5] By using factor analysis.

most EU Member States the treaty outcome was inside the win-set of the status quo. Only in the case of Denmark and in United Kingdom, as to be expected, the pivotal parties preferred the status quo to the Maastricht Treaty. For these countries the analysis is extended to a two-dimensional solution in order to provide an interpretation why these Member States finally agreed after having received their opt outs on the economic dimension.

Despite its innovative design, this study can be criticized on methodological grounds: The coding of the status quo and of the outcome of the Maastricht Treaty forces each party to be located between the status quo and treaty outcome[6]. However, why should all parties be positioned to the left of the Maastricht outcome and why should governments agree to a treaty binding them for more integration than any of them preferred ?

To sum up: The theoretical investigation of ratification requirements –as a subcategory of domestic constraints– has made significant progress within the formal two-level game literature. However, there is a lack of studies taking account of the manifold institutional requirements in different political systems.

3. Conceptualizing the Ratification of International Treaties in Parliamentary Systems

Reliable conclusions about the effects of intranational ratification in parliamentary systems can only be drawn from a theory-guided comparative analysis of the respective institutional settings. In the following, we will rely on agency theory[7] and on the concept of veto players (Tsebelis 1995, 2000).

Generally, ratification of an international agreement can be considered as the internal implementation of an international treaty, implying the change of the status quo. Ratification requirements constitute the institutionalization of an ex-post control mechanism for a specific (international treaty negotiations) legislative (principal) – executive (agent) relationship. In parliamentary systems, the executive is only

[6] As a result, no party should be left to the status quo. However nearly all far-right and left-socialist/communist European parties are more or less opposed to European integration (Stoiber 1998). The same applies to parties demanding a more far-reaching integration. The authors admit that their solutions might be somewhat artificial (König/Hug 2000: 121, Fn.9), nevertheless considering it as realistically reflecting the real national ratification processes.

[7] For useful overviews see Arrow 1985, Furubotn / Richter 1997.

indirectly elected by voters. Instead, the majority of the legislature appoints the executive and puts it in charge with preparing and taking acts in the interest of the legislature. Hence, powers are separated not between executive and legislative but within legislatures and – in case of coalition governments – within executives. The executive is constituted by teams of agents, collaborating under varying coordination rules (Laver / Shepsle 1994). The legislative is composed of multiple principals, unified within a coalition of candidates under a common party label. Usually the executive cannot be fired for single events when delivering results not as (explicitly or implicitly) stipulated. For the negotiation of international treaties, executives are vested with 'contractual power' depending "on the existence of formal and informal mechanisms by which the agency relationships can be suspended or severed at any future time [... and] the withdrawal of authority to commit is a constraint introduced through the requirement that all commitments made by the agents be approved by the principals" (Nicolaides 1999: 98).

Simplifying complexities, we conceive the executive as a unitary agent appointed by the legislature to negotiate an international treaty. The executive's information advantage[8] gives rise to the problems of 'moral hazard' (Arrow 1985) and its positions may therefore diverge from the pivotal voter in the legislature. Ex-post voting on the treaty package constitutes the most visible control mechanism in democratic systems. However, in parliamentary systems the governance mechanism as delineated is complemented by an extensive and permanent information and monitoring system[9]. The power of the executive is therefore further constrained by the preferences of the legislative, steadily revealed (and developed) during the intranational bargaining process.

We suppose the executive to be a constitutionally constrained agenda setter proposing a take-it-or-leave-it package (cf. Romer/Rosenthal 1978) to the legislature. By the notion 'constitutionally constrained agenda setter' we point to the fact that a) the executive power of the government in parliamentary systems is conditionally conferred, limited in time and b) the sequence of voting international treaties lies not within the

[8] For concrete examples, see Nicolaides 1999.

[9] As the Intergovernmental Conferences of the EU are concerned, as a rule, member states implemented special parliamentary committees which have to be kept informed regularly by ministers or high-ranked ministerial officials.

complete discretion of the executive but is more or less prescribed by constitution.[10] The complexity of the ratification process is enhanced in the case of parliamentary systems with separated powers. Then ratification may involve multiple actors on multiple levels with varying control rights. Additionally, there may be actors being vested with judiciary control rights, with or without voting power, such as the constitutional courts.

Implications of the constellations and attributes of actors with potential blocking power within separated power systems (cf. Tsebelis 1995, Tsebelis/ Money 1997, Cooter 2000) are dealt with by the concept of veto players. Following Tsebelis, a veto player can be defined as an individual actor (i.e. an individual office-holder or corporate actor) or collective actor[11] whose agreement is necessary to change the status quo (Tsebelis 1995: 293). Like Tsebelis (1995), we distinguish between two different types of veto-players: institutional actors and parties. As parliamentary systems with –most of the time – coalition governments are concerned, we consider each of the parties supporting the government as different veto-players[12]. Tsebelis differentiates between three influential features of separated systems: the number of veto players, their ideological/policy distance (congruence) and their internal cohesion. With regard to the number of veto-players he derives the following hypothesis: if the number of veto-players increases, there is no increase in the size of the win-set relative to the status quo, i.e. the chance of a change in policy does not increase (Tsebelis 1995: 297). As the congruence of actors is concerned: the greater the distance, the smaller the win-set and thus the chance of a change (Tsebelis 1995: 298). Cohesion refers to the homogeneity of the

[10] The assumption of the executive offering the legislative a take-it-or-leave-it proposal is a simplifying approximation. Whereas in the original monopoly model the power to make a final take-it-or-leave-it offer gives all the bargaining power to the agenda setter, the relationship between executive and legislative in parliamentary systems is characterized by an ongoing information exchange and interbranch bargaining during the international negotiation process, cf. Martin 2000.

[11] We define 'corporate actor' as an actor, though being made up of more than one individual, who has a single and unique ideal point, usually represented by the leader. Parties may subsumed under this category. By contrast, a 'collective actor' consists of numerous elements with differing ideal points. Houses of parliament, as well as constitutional courts and the electorate may be classified into this category.

[12] "But what happens in parliamentary systems, where the executive is selected by the parliament? The dynamics of a parliamentary system require the agreement of one (Westminster systems) or more (coalition governments) parties for the modification of the status quo. Each one of these parties will decide by a majority of their parliamentary group, consequently, each one of these parties is a (collective) veto player." (Tsebelis 2000: 447)

collective players. The greater the yolk[13] of the collective actor, such as a chamber of parliament, the greater the win-set relative to the status quo, increasing the possibility that the status quo will be revised (Tsebelis 1995: 301). Therefore, a collective actor can be considered as an individual actor whith perfect cohesion and a unique bliss point. When counting veto players, Tsebelis recommends to apply the following 'absorption rule': "1) Identify and count institutional players; 2) Replace institutional players by multiple partisan players if there are stable majorities; 3) Apply the absorption rule and eliminate redundant VPs" (Tsebelis 2000: 450).

The concept of veto player is a powerful conceptual frame to discern the problems of policy-making in separated power systems. However, applying it empirically one has to adapt the concept for the respective policy making setting. Analyzing the ratification of the Amsterdam Treaty treaty we stumbled the following problems:

1. The types of actors with blocking potential in different political systems are not exhaustively specified[14]. There are further modes of exercising control rights.
2. The sequence of actors who can exercise blocking power is not always completely prespecified by the respective constitutions. The exercise of different control rights sometimes depends from being brought into the game by (an)other(s) player(s). In this case, the blocking potential must be conceived as conditional.
3. Vice versa, some actors are able to (partly) endogeneize the ratification design, i.e. they have discretion.

As actors are considered, we have been confronted with actors with blocking potential without being veto players. As topics two and three are concerned, the mechanical assumption underlying the veto player concept implies an agenda that is exogenously fixed. However, this assumption proves to be an unrealistic

[13] The concept of yolk, defined as "the smallest sphere or hypersphere that intersects all median hyperplanes" (Tsebelis 1995: 299).

[14] Tsebelis is quite aware of this problem, see his discussion of the role of constitutional courts in Tsebelis 2000: 465f.

and unnecessary limitation, because in real ratification very often there is leeway for agenda control, i.e. the agenda setter partly determines the order alternatives are voted on or, more or less equivalently, the legal status of the treaties (cf. Miller 1995).

In the following we provide an adaptation and refinement of the veto player concept in order to capture the different ratification design in EU Member States more realistically.

Different types of actors

We differentiate between the following types of actors involved in the ratification process regarding their agenda setter power, their veto power, or their judiciary control rights:

1. Constrained / Conditional agenda setters[15] (CAS): Actors vested with constitutionally provided agenda setting power (governments as well as other actors with the right to partly predetermine the agenda sequence to be followed).
2. Veto players (VP): actors vested with voting power.
3. Actors with judiciary control rights (AJR), with (AJR_w) or without (AJR_o) blocking power (recommendatory / reporting rights only).[16]

According to this definition, only actors with real voting power are considered as veto players. Actors can be further characterized by their scope of agenda control (Miller 1995: 100 ff) and / or as to whether their involvement in the ratification process is conditional.

[15] Following Miller (1995) we define a voting agenda as specifying the "'motions' or 'questions' that are put to a vote and the order in which these votes occur. This is equivalent to saying that the agenda specifies the alternatives that are possible voting outcomes and the particular sequence of votes by which this set is winnowed down to a final outcome" (Miller 1995: 9).

[16] These types of actors are not mutually exclusive, f.ex. a Council of State may be vested with the right to review the constitutional legitimacy of treaties (AJR). At the same time, the Council may act as a CAS by determining the constitutional provisions to be applied for the ratification.

Scope of agenda control

"A constitution never lays down the clear, firm, and comprehensive set of rules that the contractarian approach depicts, so there is room for maneuver in individual acts" (Dixit 1996: 19). The executive as well as other actors involved in the ratification chain, as a rule, have discretionary leeway to manipulate the ratification sequence, i.e. to decide about the involvement of subsequent actors or to set majority requirements. The scope of agenda control (SAC) during the ratification process may entail the following:

1. Power of investing (a) subsequent actor(s)
   - with judiciary control or judiciary control rights (AJR)
   - with agenda setting power (CAS)
   - with voting power (VP)
2. Power of setting the majority requirements for subsequent actors with voting power

Accordingly, we propose the following SAC index:

SAC	**Definition**
no	An actor has no discretion to involve subsequent actors or to set the majority requirements for subsequent actors.
low	An actor has discretion to involve one or several AJRs or CASs.
medium	An actor has discretion to involve one or several VP **or** to set the majority requirements for subsequent actors.
high	An actor has discretion to involve one or several subsequent actor(s) **and** to set the majority requirements for subsequent actors

Conditionality of involvement

From the perspective of the subsequent actor, we may differentiate the conditionality of his/her involvement (CI) according to whether he/she is simply involved conditional upon the decision of a previous actor and / or whether a mority requirement is imposed by a previous actor. Since we did not observe a coincidence of both criteria, we reduce our CI index to a binary one:

CI	Definition
no	The involvement of the actor is completely prespecified by the constitution.
yes	The involvement of the actor **or** the majority requirement to be applied is conditional upon the decision of a previous actor.

Finally, we make explicit further additional assumptions underlying our empirical investigation and the identification of 'real veto players'. We assume perfect cohesion within parties, i.e. we define away the concept of internal cohesion and consider parties as unitary actors. We assume government parties to support their government.[17] Following Tsebelis (1995), we assume each government party as an individual veto-player, i.e. all coalition partners are assumed to enjoy a veto right. Following Tsebelis / Money (1997) we assume chamber-specific interests for federal systems. In the following we identify the involved actors and depict the agenda structure as voting trees.

4. Ratification Requirements within EU Member States

The various institutional requirements for ratification are central for an understanding of the national restrictions for international negotiations. Together with the distribution of seats in the national parliaments, these conditions determine the possible win-sets of international negotiations. In the following, the national ratification procedure for each country will be presented according to the constitutional provisions in the EU Member States.[18] In order to reduce the complexity of the voting and decision paths, they are represented as agenda trees. Each decision node represents the occasion for a vote or a decision of a particular actor. Furthermore, we characterize each actor by its scope of agenda control (SAC) and its conditionality of involvement (CI).

We use the first case, Austria, for illustrating in detail our presentation of the sequential agenda trees as well as the tables summarizing the stages of decision making, the type of actor involved, the respective degree of

[17] This assumption holds empirically, with marginal exceptions – results can be delivered on request.

SAC and the CI. For the following Member States we confine our description to the constitutional provisions and to the actual ratification process, highlighted by bold arrows and letters.

Austria

In the first move, the Austrian government has discretion to determine the legal basis of the parliamentary ratification to be followed. According to Art. 50 of the Federal Constitution, political treaties must be ratified by the assent of the *Nationalrat* (lower house) with simple majority. If competencies of the *Länder* (administrative regional subunits) are concerned, political treaties (Staatsverträge) have to be approved by the *Bundesrat* (federal upper house) with simple majority. When presenting the Amsterdam Treaty, the government argued, that it would imply a further development of the primary law of the European Union and therefore a modification of the legal basis as implemented on the occasion of Austria's entry into the EU. As a consequence, ratification had to be carried out by amending the constitution. According to Art. 44 (1), an amendment has to be approved by both the *Nationalrat* and the *Bundesrat* (second and third stage) with a 2/3 majority.[19] Therefore, we consider the Austrian government as having exercised it's discretion to decide whether the Amsterdam Treaty required an amendment of the constitution or not. Thus, it had the power of setting the majority requirements for both parliamentary chambers and it's degree of SAC is 'medium'. As a consequence, the involvement of both houses has to be considered 'conditional'. The amendment of the constitution was introduced into the *Nationalrat* on 16 April 1998 and passed on 12 May. The Bundesrat approved it on 4 June. The 2/3 majority was assured by the grand coalition government reaching the required majority in each of the houses.

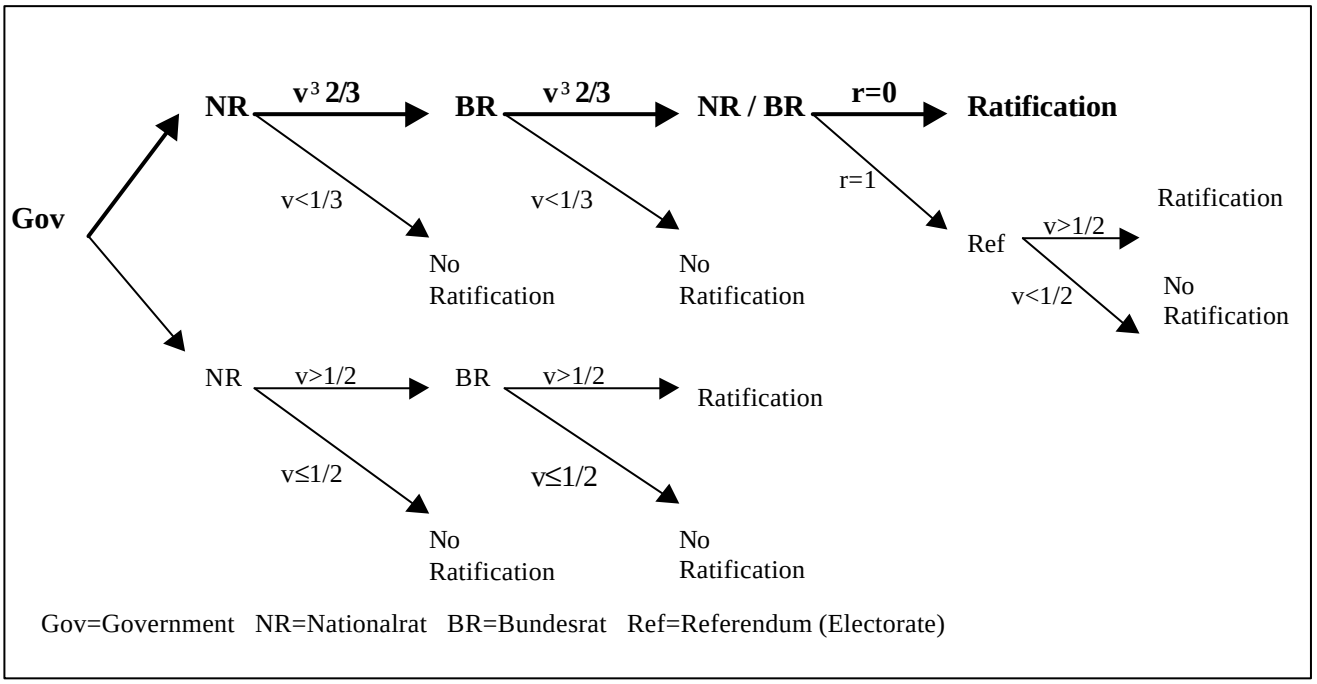
According to Art. 44 (3) of the constitution, 1/3 of the members within one of the houses are required for submitting a bill amending the constitution to a binding referendum. Both parliamentary chambers have control over the decision to involve the electorate as an additional VP, thus their degree of SAC has to be considered 'medium', whereas the involvement of the electorate is purely conditional. According to Art. 45

[18] We rely on a) the constitutional provisions collected in Hrbek (1997: 369–375), b) the national constitutions (Kimmel 1996[4]), c) in the case of Portugal: on the revised constitution of 1997, d) on information provided in the internet, f.ex. on http://library.tamu.edu/govdocs/workshop/).

[19] Annex to the protocols of the *Nationalrat* (XX. GP), No. 1152.

(1) for a referendum, the absolute majority of the validly cast votes is decisive. However, the option of an electorate was not considered by the government parties, therefore canceling stages four and five. According to Art. 65 of the constitution, the president has no real strategic blocking potential as political treaties subject to Art 50 are concerned. He neither controls the agenda nor does he has voting power. Therefore we do not consider him as an actor with strategic influence.

Figure 1: Ratification Tree - Austria



Actors involved - Austria

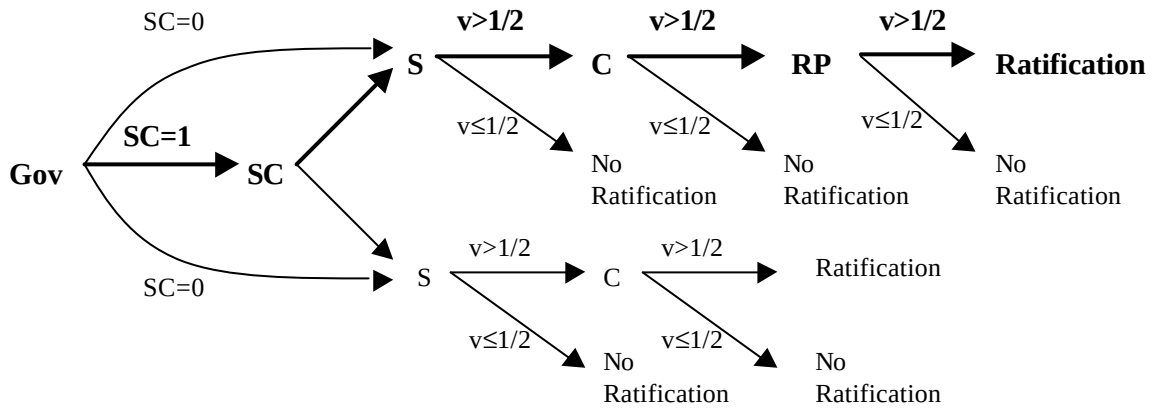
Stage No.	Actor	Type	SAC	CI
1	Gov	VP, CAS	med	no
2	NR	VP	no	low
3	BR	VP	no	low
4	NR/BR	CAS	med	no
5	Electorate	VP	no	low

Belgium

According to Article 167 of the revised 1994 Belgian constitution, all treaties must be approved by the legislatures of all levels - federal state, communities or regions - concerned. The ratification process begins with providing the government with the possibility to ask the Council of State for an interpretation of the treaty and for the constitutional provisions (SC=1, or SC=0) to be applied. Otherwise, it is within the discretion of the government to decide the administrative levels to be concerned and therefore to be involved.

According to Art. 77 of the constitution, a treaty affecting the national level must be approved by both houses of the national parliament. The ratification bill requires an absolute majority in both houses (Art. 53). In its response to the government's inquiry of 22 December 1997, the Council of State stated on 29 January 1998 that the Amsterdam Treaty should be considered as a 'mixed' one, affecting not only the federal state, but also the regions and the communities level (Senate dossier 1-903/1). According to Art. 75 the government introduced the ratification bill into the *Senate* (upper house) on 6 March 1998 (Senate dossier 1-903), where it passed with the necessary majority (49 in favor, 13 against). The *Chambre des Représentants* (lower house) approved on 7 July by 105 to 23 (Chamber dossier 49-1583/1). After the bill has been passed by the national parliament, it had to be approved at the regional level. Between 13 July 1998 and 5 February 1999, the parliamentary bodies of the regions (Wallonia, Flanders, and Brussels) and the language communities (French, Flemish, and German) voted in favor of ratification. Despite not excluding advisory referenda (Bogdanor 1994)[20] without strategic threat potential, the Belgian constitution does not provide the possibility of a binding referendum.

Figure 2: Ratification Tree - Belgium



Gov = Government SC = Council of State S = Senate C= Chambre des Représentants RP=Regional Parliaments and Parliaments of the Communities

[20] The practice of referenda is uncommon, the only referendum hitherto has been held on the occasion of the returning of King Leopold III in 1950 (Butler/ Ranney 1994: 266).

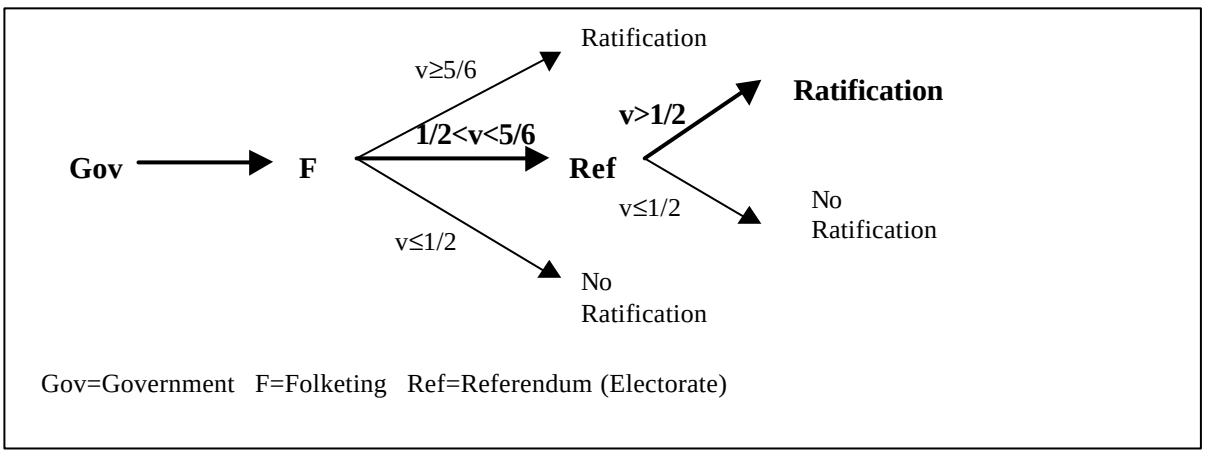
Actors involved – Belgium

Stage No.	Actor	Type	SAC	CI
1	Gov	VP, CAS	med[21]	no
2	SC	CAS, AJR_o	med	yes
3	S	VP	no	no
4	C	VP	no	no
5	RP	VP	no	yes

Denmark

The Danish constitution lays down the provisions for transferring "powers vested in the authorities of the realm under this constitution to international authorities" in § 20 (1) of the constitution. This paragraph has been applied for the ratification of all treaties on European integration since the EC accession bill in 1972 (Laursen 1994: 62). According to § 20 (2) the *Folketing* (the Danish parliament) must adopt the ratification bill with a 5/6 majority of its total members. If this quorum is not reached, but a simple majority votes in favor of the bill, a referendum has to be carried out. If no simple majority is reached, the ratification process ends. According to § 42 of the constitution, the result of the referendum is binding. Due to the constitutional tradition of applying § 20 for ratifying treaties on European integration, no actor involved during the ratification process is provided with discretionary leeway.

Figure 3: Ratification Tree - Denmark



[21] The Government may include the Council of State as additional CAS, otherwise the government itself decides whether to include the RP as VP or not.

Actors involved – Denmark

Stage No.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	F	VP	no	no
3	Electorate	VP	no	yes

On 26 March 1998, the government introduced the ratification bill, approved the *Folketing* (92 votes for, 22 against). For the 5/6 majority, 150 members out of the total number of 179 would have been required. The necessary referendum was held on 28 May: 55.1% of the valid votes were in favor of ratification, and the ratification law went into effect on 6 June 1998 (Law No. 322).

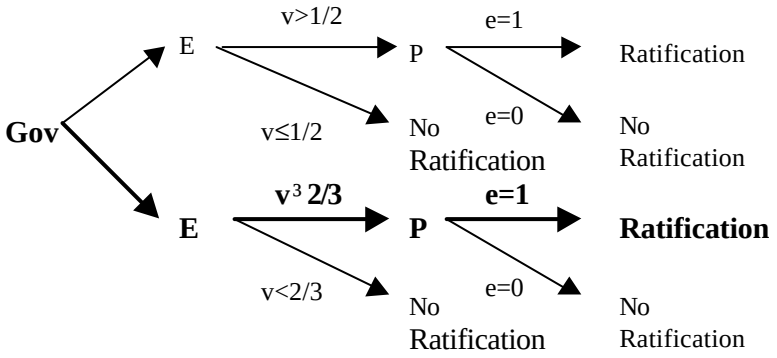
Finland

According to § 33 of the Constitution Act, treaties must be approved by the *Eduskunta* (the Finnish parliament) with simple majority, "if they contain provisions within the legislative sphere of the *Eduskunta"* (§ 33 (1)). According to § 69 of the Parliament Act, a 2/3 majority of the attending members of the *Eduskunta* is necessary, if an international treaty requires an amendment of the constitution.[22] Constitution gives the government control over the decision which of the procedures to be applied.

On 30 January 1998, the government introduced the ratification bill on the basis of § 69 of the Parliament Act. The parliament approved the bill on 15 June 1998 with the necessary 2/3 majority (110 votes in favor, only 4 against, while 85 members not participating). § 22a of the constitution provides the possibility of non-binding referenda. However, contrary to the discussion on EU membership, this time there was no initiative to submit the treaty to a referendum. According to § 33 of the Constitution Act, the president is responsible for Finland's foreign policy. The ratification process formally ends when he signs the law – as happened on 10 July 1998.

[22] During the time of the ratification of the Amsterdam Treaty, four constitutional acts constituted the Finnish constitution. The new Constitution of Finland entered into force on 1 March 2000.

Figure 4: Ratification Tree - Finland



Gov=Government E=Eduskunta P=President e=execution

Actors involved – Finland

Stage No.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	E	VP	no	yes
3	P	VP	no	no

France

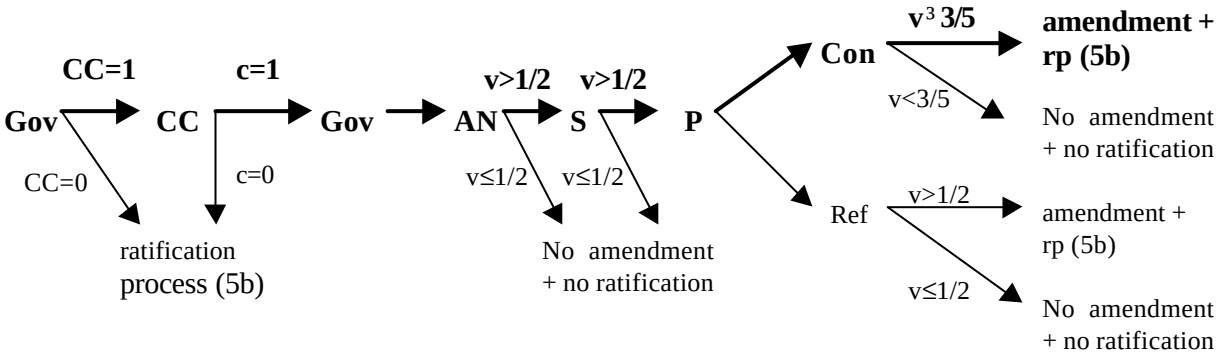
The French ratification process begins with providing the government the possibility to ask the Constitutional Council whether an amendment of the constitution is necessary (CC=1 or CC=0, Sequence 5a).[23] If the government already refuses this necessity, or if the Council states, that an amendment is not required, the regular ratification procedure continues (Sequence 5b). According to Art. 89, a revision of the constitution must be approved by both chambers of the parliament with absolute majority. An approval by referendum is required unless the president transfers the revision to the Parliamentary Congress, the joint session of the *Assemblée Nationale* (lower house) and the *Senate* (upper house), where a 3/5 majority is needed to approve a constitutional amendment without submitting it to a referendum.

On 31 December 1997, the Council declared in its response to the inquiry of the government, that the ratification of the Amsterdam Treaty required a revision of Art. 88 of the constitution, concerning the relation between France and the EC/EU. Hence the government introduced a constitutional amendment to

[23] According to Art. 54 of the constitution, the President as well as 60 members of each one of both houses have the right to include the Constitutional Council. Simplifying complexities, we assume, that only the government asks the Council to check the constitutional legitimacy of a treaty, anticipating and reacting to the other actors' respective preferences.

Art. 88. On 1 December 1998, the *Assemblée Nationale* approved the amendment (469 for, 66 against), and on 27 December the *Senate* followed (240 for, 34 against). Then, the president convoked the joint session of both chambers, which approved the amendment on 18 January 1999 with the necessary 3/5 majority (759 for, 111 against, Loi Constitutionelle 99-49, Le Journal Officiel - Lois et decrets No. 21, 26.1.1999).

Figure 5a: - Amendment of the Constitution –France



Gov=Government CC=Constitutional Council AN=Assemble National S=Senate P=Präsident
Con=National Congress Ref=Referendum (Electorate) rp=ratification process

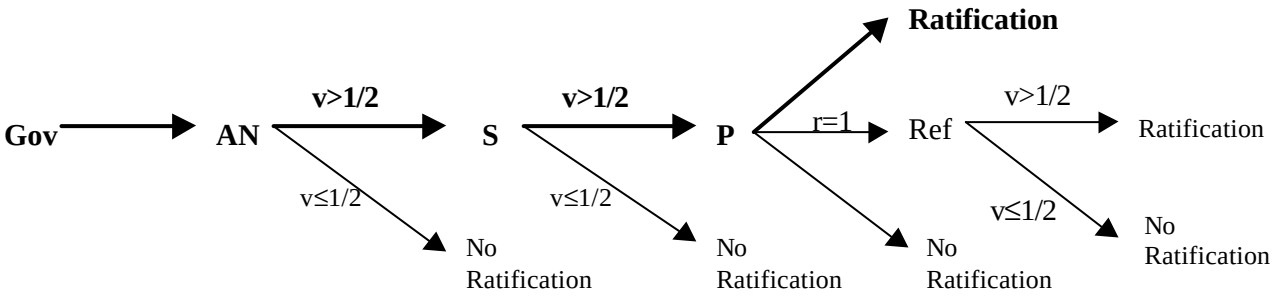
Actors involved - France

Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	high	no
2	CC	CAS, AJR_o	high	yes
3	Gov	CAS	no	yes
4	AN	VP	no	yes
5	S	VP	no	yes
6	P	CAS	med	yes
7	Con	VP	no	yes
7	Electorate	VP	no	yes

According to Art. 53 of the constitution, treaties concerning the international order have to be ratified by law. The regular ratification process (Sequence 5b) started with the government introducing the ratification bill into the *Assemblée Nationale* on 3 February 1999 (Projet de Loi No. 1365). According to the standard legislative procedure, both chambers are required to approve with an absolute majority. On 3 March, the *Assemblée Nationale* gave its assent (447 for, 75 against), and on 16 March the *Senate* followed (271 for, 42 against). According to Art. 52 of the constitution the president ratifies international treaties by signing the respective bill. In accordance with Art. 11, the president has the right to submit ratification bills to a referendum. Contrary to the Maastricht Treaty (cf. Keraudren/Debois 1994: 153), the president renounced to

consider this option. He signed the law, which came into force following its publication on 25 March (Loi 99-229, Le Journal Officiel - Lois et decrets No. 71, 25.3.1999).

Figure 5b: Ratification Tree - France



Gov=Government AN=Assemble National S=Senate P=President Ref=Referendum

Actors involved – France

Sequence Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	NA	VP	no	no
3	S	VP	no	no
4	P[24]	VP	no	no
4	P	CAS	med	no
5	Electorate	VP	no	yes

Germany

Pursuant to the ratification design as laid down in the revised Art. 23 (1) of the German Basic Law[25], Art. 79 (2) & (3) has to be applied when the Basic Law is to be amended. Accordingly, a 2/3 majority in the *Bundestag* (parliament) and the *Bundesrat* (representation of the *Länder*), respectively, is required for the ratification.

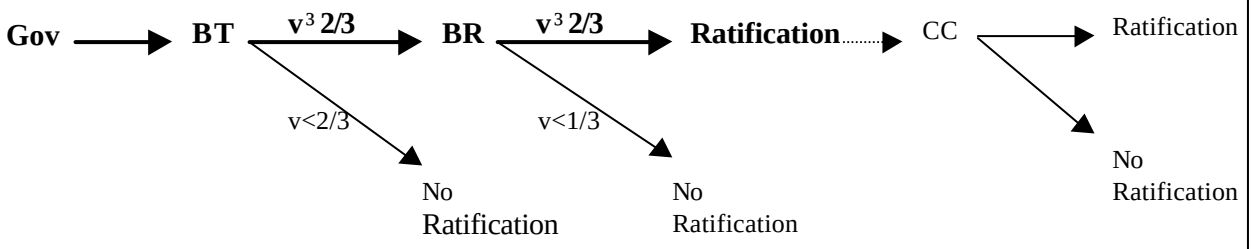
The government introduced the ratification bill on 3 December 1997 into the *Bundestag* (No. 13/9339). On 5 March 1998, the bill was approved by the *Bundestag* (561 for, 34 against, 50 abstentions). The *Bundesrat* unanimously approved the bill on 27 March. The constitution provides the possibility to appeal the Federal Constitutional Court in order to examine the constitutional compatibility. During the ratification of the Maastricht Treaty more than twenty suits were filed. In the case of the Amsterdam Treaty, the Constitutional

[24] The French President is listed twice, because he is vested with veto power **and** agenda control.

[25] The decision of the Federal Constitutional Court on the occasion of the Maastricht Treaty required the revision of Article 23. Before this revision, a simple majority was sufficient for ratification.

Court did not became involved (Hilf / Pache 1998: 705). The German Basic Law excludes the possibility to hold a referendum.

Figure 6: Ratification Tree - Germany



Actors involved - Germany

Sequence Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no[26]	no
2	BT	VP	no	no
3	BR	VP	no	no
4	CC	AJR_w	no	no

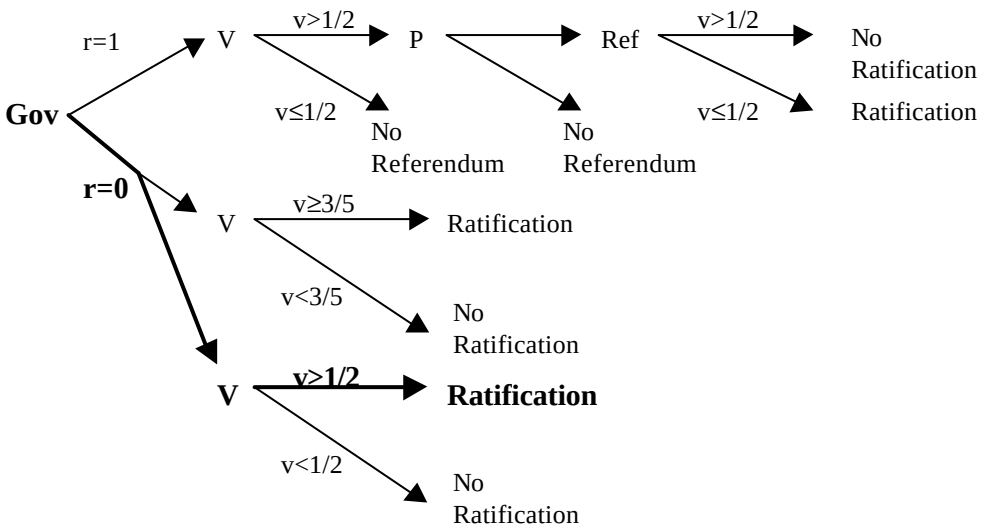
Greece

The Greek government has discretion to choose the legal procedure for the ratification of treaties. According to Art. 36 (2) of the Greek constitution, treaties "relating to the participation in international organizations" must be ratified by a law passed with absolute majority in the *Vouli* (the Greek parliament). As stipulated by Art. 28 (2), a 3/5 majority is required "to recognize the competence of bodies of international organizations by virtue of treaties". Alternatively, according to Art. 44(2) it is possible to hold a referendum on "national questions of crucial importance". In this latter case, the government has the possibility to introduce a proposal for holding a referendum into the *Vouli* (r=1, or r=0). If the *Vouli* accepts the proposal by an absolute majority, the president is provided the right to submit the treaty to a binding referendum.

The government introduced the ratification bill on the basis of Art. 36 (2) into the parliament, where it passed on 17 February 1999 with the necessary absolute majority. Due to the unanimous pro-European consensus among the political leadership of the major parties, there was no initiative to hold a referendum. Therefore the ratification process reduced to the parliamentary sequence.

[26] According to Art. 23 GG the treaty implied a further transfer of sovereignty to the European Union. Therefore the government had no leeway to introduce a ratification bill without the requirement of a 2/3 majority.

Figure 7: Ratification Tree - Greece



Gov=Government V=Vouli P=President Ref=Referendum (Electorate)

Actors involved – Greece

Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	high	no
2 (r=1)	Pa	CAS	med	yes
3 (r=1)	P	CAS	med	yes
4 (r=1)	Electorate	VP	no	yes
2 (r=0)	Pa	VP	no	yes

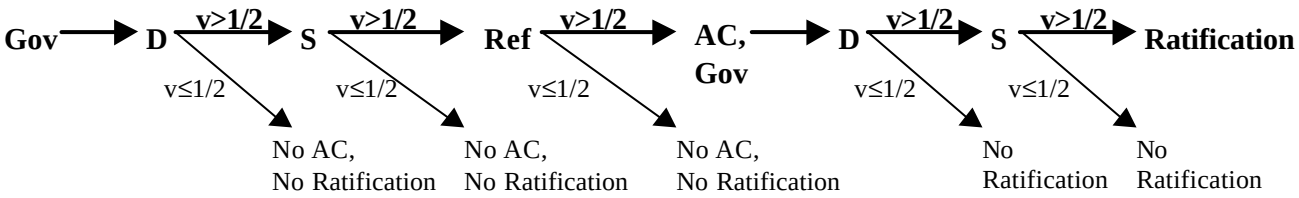
Ireland

In accordance with Art. 29 (5) of the constitution, international agreements must be accepted by the Irish parliament with simple majority in both houses. Following the decision of the Supreme Court on the occasion of the Single European Act, every extension of European jurisdiction additionally requires the constitution to be amended (van Wijnbergen 1994: 182). This provided, the ratification process is completely predetermined by the constitution.

As stipulated by Art. 46, an amendment of the constitution must be passed with simple majority in both houses of parliament and then requires the approval of the electorate in a referendum. The government introduced a resolution to amend Art. 29 (4) by referendum. On 26 March, the resolution was approved by the *Dail* (lower house), on 1 April the *Senate* (upper house) gave its assent. On 22 May, the 18th amendment of the constitution, adding subsections 5 and 6 to paragraph 4 of Article 29, was approved by referendum with 61.27% of valid votes. The government initiated the regular parliamentary ratification on the basis of

Art. 29 (5) by introducing a ratification bill. On 17 June the ratification law was passed by the *Senate*, on 25 June by the *Dail*.

Figure 8: Ratification Tree – Ireland



Gov=Government D=Dail S=Senate Ref=Referendum AC=Amendment of the Constitution

Actors involved – Ireland

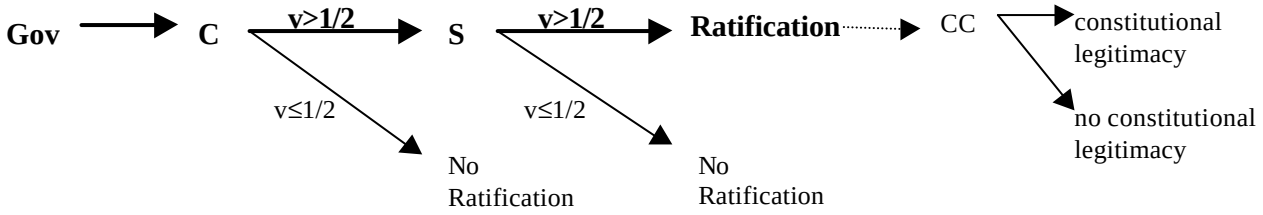
Sequence Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	D	VP	no	no
3	S	VP	no	no
4	Electorate	VP	no	no
5	Gov	CAS	no	no
6	D	VP	no	no
7	S	VP	no	no

Italy

Although the practice to submit policy proposals to a referendum is commonly used in Italy, Art. 75 of the constitution explicitly precludes to apply this procedure for the ratification of international treaties. As stipulated by Art. 72 of the constitution, the ratification procedure follows the ordinary parliamentary legislative process, where each house has to approve a bill by simple majority.

On 29 January 1998, the government introduced the ratification bill into the *Camera dei Deputati* (lower house) (Progetto di Legge no. 4500). On 25 May, the necessary simple majority was obtained (428 in favor, 1 against, and 44 abstaining). On 3 June, the *Senato della Repubblica* (upper house) approved the bill against the votes of the Northern League. According to Art. 134 of the constitution, the Constitutional Court is entitled to decide whether a law is compatible with the constitution. Contrary to the respective provisions in Germany, the Italian Court can only be appealed by a judge. Thus, the review of the constitutional legitimacy of a ratification law is a purely judicial process without involvement of other political actors.

Figure 9: Ratification Tree - Italy



Gov=Government C=Camera die Deputati S=Senato CC=Constitutional Court

Actors involved - Italy

Sequence Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	H	VP	no	no
3	S	VP	no	no
4	CC	AJR_w	no	yes

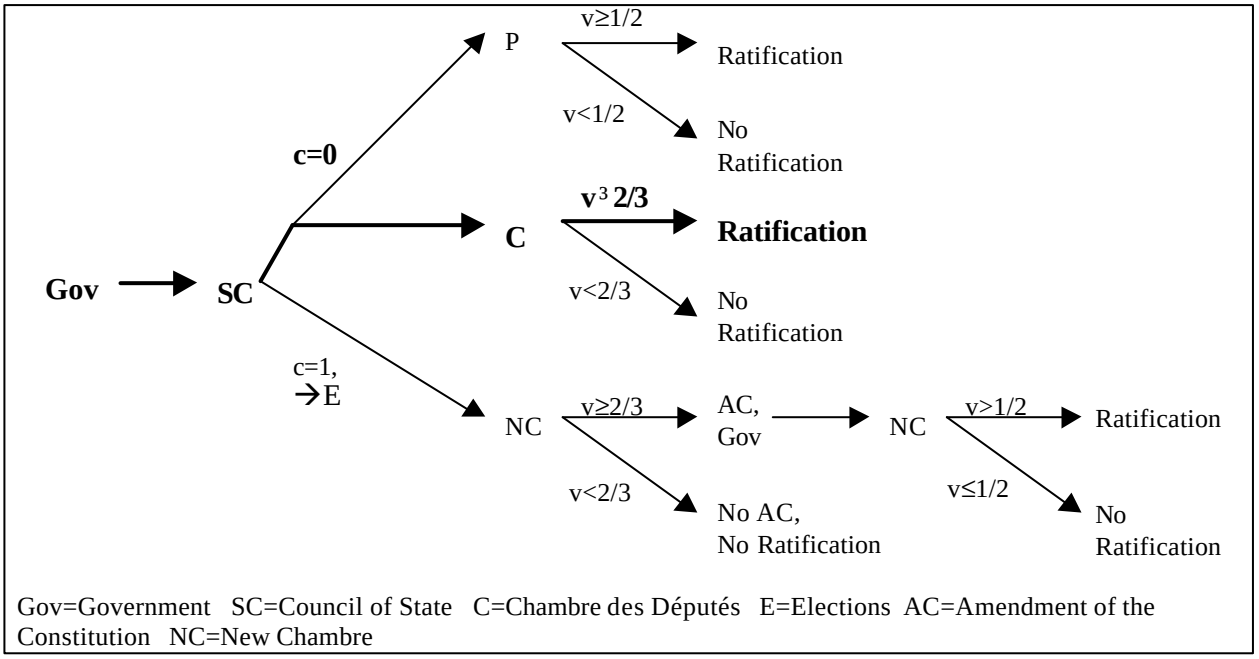
Luxembourg

According to Art. 83[bis], the Council of State is called to express its opinion on every legislative act. The government has to formally consult the Council of State which of the constitutional provisions to be applied to ratify a treaty. The Council of State has to decide, whether there are parts of the treaty requiring an amendment of the Luxembourg constitution (c=1, or c=0). As stipulated by Art. 114, in case of amending the constitution, a newly-elected *Chambre des Députés* (the Luxembourg parliament) has to approve the amendment with a 2/3 majority.[27] If the treaty implies vesting "powers reserved by the Constitution to the legislature [...] in institutions governed by international law" (Art. 49[bis]), in accordance with Art. 37, the ratification bill requires a voting majority as defined in Art. 114, para. 5: a 2/3 majority in the *Chambre* provided that at least 3/4 of all members are present. However, the election of a new chamber, in this case, is not necessary. If the Council considers neither an amendment of the constitution to be necessary, nor a transfer of powers implied, an ordinary law requiring simple majority is sufficient.

On 8 December 1997, the government submitted the ratification bill to the Council of State, who decided on 12 May 1998 that the Amsterdam Treaty was not in conflict with any of the articles of the constitution and therefore an amendment of the constitution not to be required (Doc. Parl. No. 4381). The Council referred to

Art. 49[bis] and argued that the treaty implied a transfer of national sovereignty to an international institution. The required 2/3 majority was obtained on 9 July (55 in favor, 4 abstentions).

Figure 10: Ratification Tree - Luxembourg



Gov=Government SC=Council of State C=Chambre des Députés E=Elections AC=Amendment of the Constitution NC=New Chambre

Actors involved - Luxembourg

Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	SC	CAS	high	yes
3 (c=0)	C	VP	no	yes
4 (c=1)	NC	VP	no	yes
5 (c=1)	Gov	CAS	no	no
6 (c=1)	NC	VP	no	yes

Netherlands

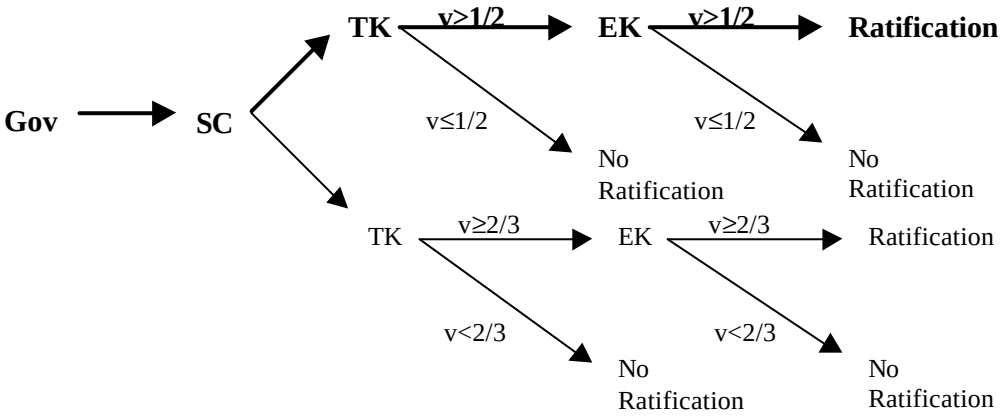
As stipulated by Art. 91 of the Dutch constitution, international treaties must be approved by the *Generalstaaten* (the Dutch parliament). If a modifications of the constitution is implied, the treaty has to be approved by each of the houses with a 2/3 majority (Art. 91 (3)), otherwise a simple majority is sufficient (Art. 91 (1)). In accordance with Art 73 (1), the government has to consult the Council of State, who has to

[27] On the occasion of the ratification of the Maastricht Treaty, the Council of State decided that the constitution could be revised after the next regular parliamentary elections in 1994. Thus the ratification law was approved already on 2 July 1992 (Pauly 1994: 205f).

provide a recommendation which of the paragraphs to be applied. In constitutional practice, this recommendation is binding for the government.

The government followed the recommendation of the Council of State to apply Art. 91 (1) for the ratification of the Amsterdam Treaty (Kammerstukken Nr. 25922). On 5 November 1999, the *Tweete Kamer* (lower house) approved the bill with more than 80% of the votes in favor. On 22 December, the *Eerste Kamer* (upper house) gave its assent also with more than 80% of the votes in favor and ratification went into effect on 24 December after publication in the *Staatsblad* (Nr. 737/1998).

Figure 11: Ratification Tree - Netherlands



Gov=Government SC=Council of State TK=Tweede Kamer EK=Eerste Kamer

Actors involved – Netherlands

Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	SC	CAS, AJR_o	med	no
3	TK	VP	no	yes
4	EK	VP	no	yes

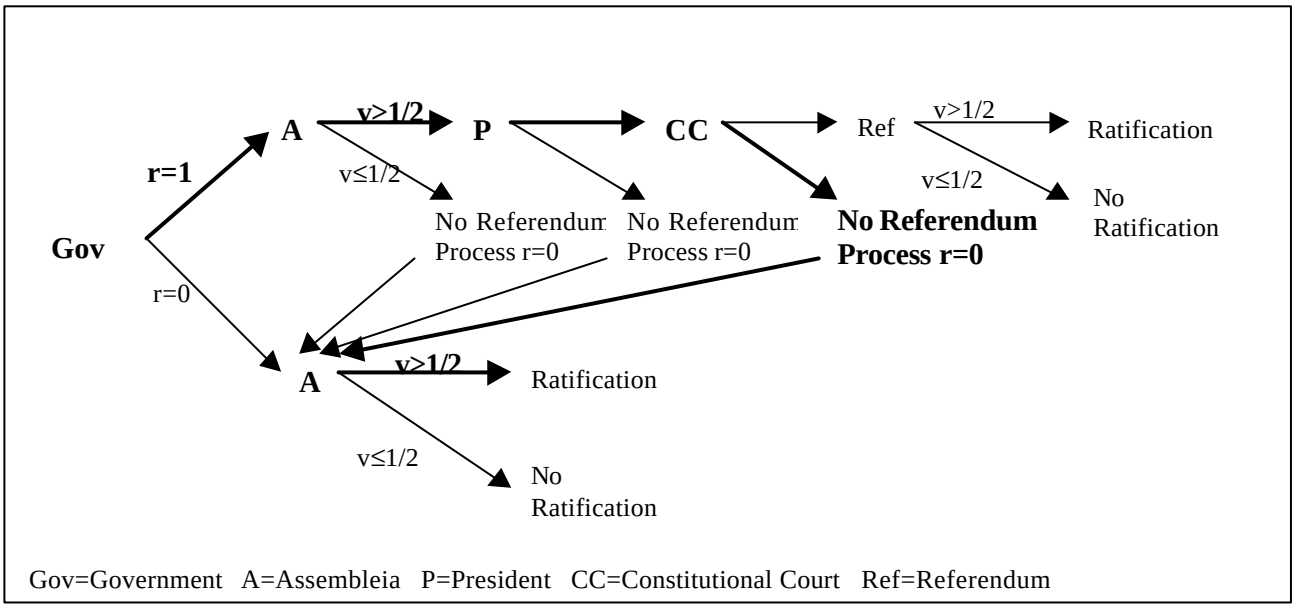
Portugal

According to Art. 161 (i) of the constitution, a treaty must be ratified by the approval of the *Assembleia da República* (the Portuguese parliament) with simple majority. Alternatively, according to Article 115 (5), it is possible to submit the treaty to a binding referendum, possible in questions of significant national interest, such as international agreements. In that case, the government introduces a proposal for a resolution to hold a referendum, which has to be approved by the *Assembleia* with simple majority. Then, the president has to decide whether to perform a the referendum or not (Art 115 (1)). In accordance with Article 115 (8) of the

constitution, the president has to submit the referendum proposal to the Constitutional Court who has to examine its compatibility with the constitution (compulsory review).

On 3 October 1997, the government introduced the proposal for a resolution to hold a referendum into the parliament (Res. No. 71/VII). However, the subject of the referendum question was not exactly whether to ratify the Amsterdam Treaty, but whether Portugal should continue to participate in the EU after the results of the Amsterdam Summit.[28] The parliamentary opposition introduced competing proposals containing different formulations. On 29 June 1998, the parliament accepted a revised resolution based on the government's proposal (Res. No. 36-A/98).[29] On 8 July the president decided to hold the referendum and submitted the proposal to the Constitutional Court. In its decision 756/98 of 29 July, the Court decided that the wording of the question was "not formulated in objective terms, and clearly and precisely" (Art. 115 (6)). Thus, the referendum took not place, and ratification followed Art. 161 (i). The government introduced a proposal for a resolution to accept the treaty via parliamentary ratification (Res. No. 118/VII). On 6 January 1999 nearly 90% of the parliamentarians voted for the resolution.

Figure 12: Ratification Tree – Portugal



[28] The exact text of the referendum proposal is (translation by the authors): "Should Portugal continue to participate in the construction of the EU as outlined in the Amsterdam Treaty?"

[29] The final version of the referendum was (translation by the authors): "Do you agree with Portugal's ongoing participation in the construction of a the European Union within the framework of the Amsterdam Treaty?"

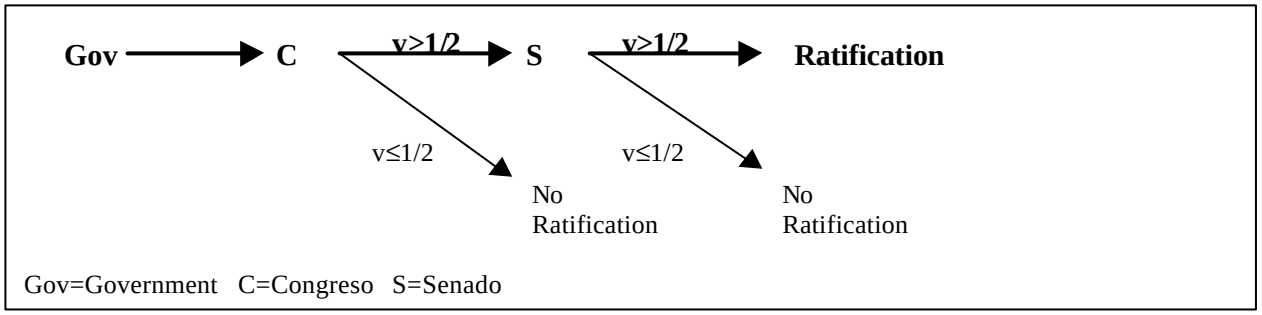
Actors involved – Portugal

Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	med	no
2 (r=1)	A	CAS[30]	med	yes
3 (r=1)	P	CAS	med	yes
4 (r=1)	CC	CAS	med	yes
5 (r=1)	Electorate	VP	no	yes
2 (r=0)	Pa	VP	no	yes

Spain

In Spain, the ratification of treaties implies a vote sequence that involves both houses of the Spanish parliament. According to Art. 94 of the constitution, treaties of a political nature must be approved by the parliament with simple majority. The government initiated the process on 18 May 1998 by introducing the ratification bill into the *Congreso de los Dipodatos* (lower house). The *Congreso* approved the bill on 1 October (284 in favor, 25 opposed, 2 abstentions). The *Senado* (upper house) gave its assent on 24 November with a nearly unanimous vote (217 in favor, 1 against). The law went into effect on 16 December 1999 (Ley Organica 9/1998, Boletin Oficial del Estado num. 301). According to Art. 92 of the constitution "political decisions of special importance may be submitted for a consultative referendum". Due to the positive attitude of the two major parties towards European integration, the option of holding a referendum was not considered.[31]

Figure 13: Ratification Tree - Spain



[30] Assembleia and President are CAS, because they decide about the inclusion of the electorate as additional VP. They do not vote on the ratification itself.
[31] Contrary to the issue of remaining in NATO in 1986, where a referendum was held.

Actors involved – Spain

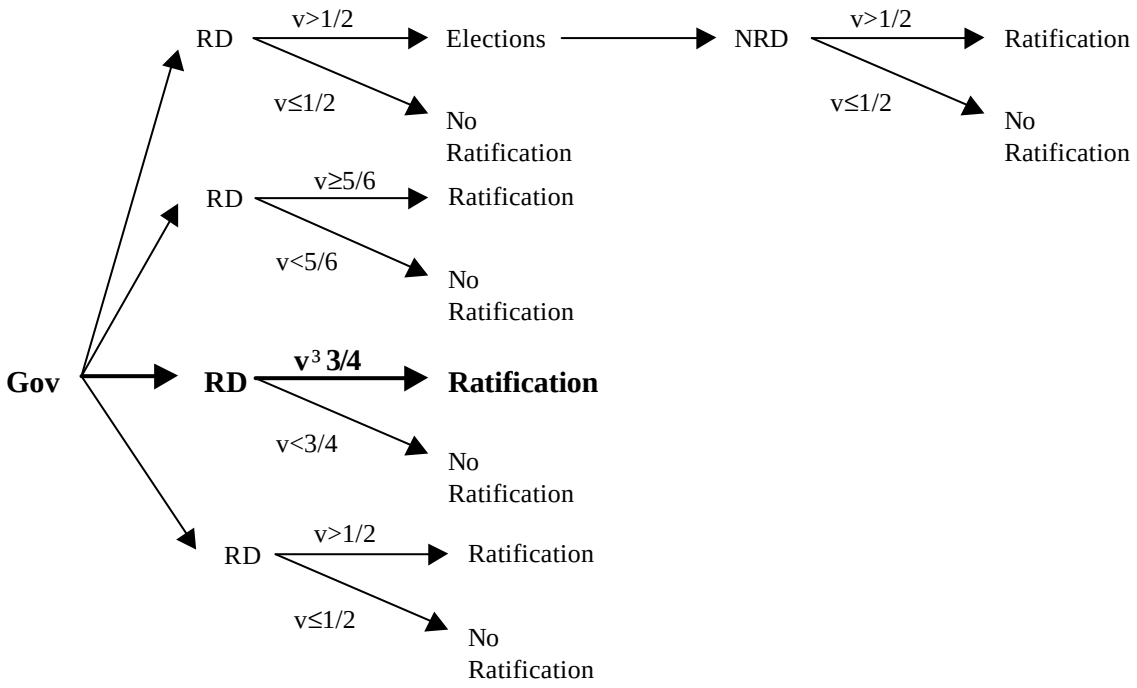
Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	C	VP	no	no
3	S	VP	no	no

Sweden

Chapter 10 of the Swedish constitution provides four different ways to ratify treaties. According to Chapter 10, §2 treaties must be ratified by the *Riksdag* (the Swedish parliament) with simple majority. According to Chapter 10, § 5, para. 2, any treaty that transfers "any right of decision-making which is directly based on the constitution [...] to an international organization" must be approved "by a majority of no fewer than five sixths of those present and voting and no fewer than three fourths of the total membership of the *Riksdag*". The provisions for the amendment of basic rights can be used to ratify treaties as defined in Chapter 10, § 5, para. 2, however they require a second vote on the ratification bill in a newly-elected parliament (Chapter 8, § 15). According to Chapter 10, § 5, para. 4 a 3/4 majority is required if a treaty implies the transfer of sovereign rights not directly based on the constitution to international bodies. According to Chapter 10, § 5, para. 1, "the *Riksdag* may entrust the right of decision- making to the European communities" with a "majority of three fourth of those present and voting".

The government considered the Amsterdam Treaty as a further transfer of rights to the EU. However, in accordance with Chap. 10, § 5, para. 1, the treaty was not considered to transfer rights directly based on the constitution, but only giving the Union the provision to decide about future transfers. Therefore, a 3/4 majority was considered sufficient for ratification. On 12 February 1998 the government introduced the ratification bill, which implied the modification of the existing constitutional provisions for Sweden's access to the EU (No. 1997/98: 58). On 29 April the *Riksdagen* approved the bill (226 in favor, 40 opposing, 7 abstaining).

Figure 14: Ratification Tree – Sweden



Gov=Government RD=Riksdag NRD=New Riksdag

Actors involved – Sweden

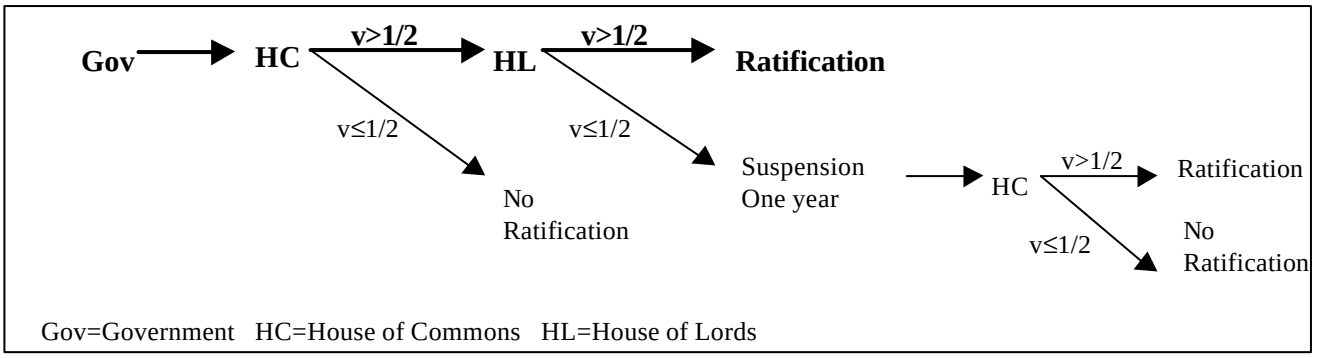
Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	med	no
2	RD	VP	no	yes

United Kingdom

Due to the constitutional principle of parliamentary sovereignty, the ratification of treaties in GB reduces to the standard legislative process, requiring a simple majority in the parliament. The *House of Lords* (the upper house) has the right to suspend ratification for a maximum of one year by vetoing the treaty.

The government introduced on 30 October 1997 a bill into Parliament "to make provision consequential on the Treaty signed at Amsterdam" (European Communities (Amendment) Act 1998, Acts 1998 Chapter 21, 11 June 1998). The *House of Commons* (lower house) approved on 19 January 1998 (370 in favor, 145 opposing). The *House of Lords* (upper house) approved the ratification bill on 11 June.

Figure 15: Ratification Tree - United Kingdom



Actors involved – United Kingdom

Stage Nr.	Actor	Type	SAC	CI
1	Gov	VP, CAS	no	no
2	HC	VP	no	no
3	HL	VP (susp.only)	no	no
4	HC	VP	no	no

After having portrayed the, sometimes, extremely complex ratification processes as stipulated by constitutional provisions, we are now able to systematically compare the involved actors in order to identify real veto players with actual strategic influence.

5. Comparing Ratification Requirements and Identifying the *Real* Veto-Players

In the following, we apply the veto-player concept (Tsebelis 1995, 2000) in order to perform a comparative analysis of the ratification procedures. All involved actors will be considered again. It will be examined as to whether they have voting power, i.e. whether they have to be considered as potential veto players. The main question to be answered, however, is whether these actors are real veto-players in the sense of having credible strategic influence. For this aim we proceed successively, i.e. we follow the agenda tree, and apply the absorption rule as proposed by Tsebelis (2000). Accordingly, a real veto-player should be counted only if he is not included in the Pareto set[32] of other veto players. We make the absorption rule operational by using

[32] 'Pareto set' is defined as the smallest surface (or smallest hyperspace) formed by the lines connecting the ideal points of the various actors; it contains all the ideal points and the connecting lines. It determines all possible points that in case of unanimity can beat a status quo outside the Pareto set, or all points that in turn cannot be beaten. An additional veto-player within this set cannot change the outcome of the decision and thus does not require further consideration. (Tsebelis 2000: 449)

the criterion of a veto-player's party affiliation: if an additional veto-player to be considered belongs to a party already identified as a veto-player, then the actor will be 'absorbed' and will no more be taken into account of.

Following our conceptualization of the ratification process as a take-it-or-leave-it game, we start with the government as a constrained agenda setter (CAS). According to our assumptions, each government party is considered as a real veto-player (RVP). The parties composing the government at the time of ratification are listed in Table 1. With the exception of Greece, Portugal, Spain, Sweden and GB, all Member States were governed by coalitions providing the constituting parties with veto power and, therefore, with strategic influence power.

Table 1: Government parties at the time of ratification

Country	Government
Austria	SPÖ, ÖVP
Belgium	CVP, PSC, SP, PS
Denmark	SD, RV
Finland	SDP, KOK, VAS, VIHR, RKP
France	PS, PC, V
Germany	CDU/CSU, FDP
Greece	PASOK
Ireland	FF, PD
Italy	L'Ulivo
Luxembourg	CSV, LSAP
Netherlands	PVDA, VVD, D'66
Portugal	PS
Spain	PP
Sweden	SAP
United Kingdom	LAB

For a list of party abbreviations, see Appendix.

Lower Houses

If the governing parties satisfy the necessary majority requirements, then the absorption rule applies, and the lower house as a collective actor – or other individual parties as corporate actors - have not to be taken into account. Table 2 presents the majority requirements and confront them with the strength of the governing parties at the time of ratification. Results of this table can be further condensed by distinguishing between countries that require a simple majority for ratification and those that require a qualified majority, and classifying cases according to whether they reach the required majorities or not (see Table 3). Only cases in

the lower row necessitate the parliaments to be counted as additional, real veto players (RVP). Germany constitutes the only case, where it is possible to disaggregate the collective VP into individual, corporate VPs. As ratification requires a 2/3 majority in the *Bundestag*, not reachable without the support of the SPD, this party constituted a blocking minority for itself and has to be counted as another RVP, therefore replacing the collective RVP *Bundestag*. Provided that the governments in Greece and the Netherlands would have chosen higher majority requirements to be applied, their lower houses would had to be considered as real collective veto players, too. According to the conditionality of their involvement, we count them as conditional real veto players (CRVP).

Table 2: Majority criteria and seat shares of the governments at the time of ratification

Country	Majority requirement (identical in both chambers)	Mandates of governing parties in % (Lower House)	Mandates of governing parties in % (Upper House)
Austria	≥2/3	67,8	76,6
Belgium	>1/2	54,7	54,9
Denmark	> 1/2 (≥5/6)[1]	39,1	--
Finland	≥2/3	72,0	--
France	≥3/5[2]	54,1	35,5
Germany	≥2/3	50,7	23,2[3]
Greece	>1/2	54,0	--
Ireland	>1/2	48,8	55,0
Italy	>1/2	50,9	53,0
Luxembourg	>2/3	63,3	--
Netherlands	>1/2	64,7	58,7
Portugal	>1/2	48,7	--
Spain	>1/2	44,6	53,9
Sweden	>3/4	46,1	--
United Kingdom	>1/2	63,4	d.n.a.[4]

[1] In Denmark, a 5/6 majority is needed in order to avoid having to hold a referendum.
[2] The 3/5 majority applies to constitutional amendments voted on by the entire National Congress.
[3] Percentage of votes of federal states either governed solely by the CDU/CSU or by a CDU–FDP coalition.
[4] In United Kingdom, the upper house does not distinguish its members according to their party affiliation.

Table 3: (In-)Sufficient seat shares and majority requirements at the time of ratification

	Qualified Majority	**Simple Majority**
Government reaches majority criteria	Finland (2/3) Austria (2/3)	Belgium Greece Italy Netherlands United Kingdom [France with referendum]
Government does not reach majority criteria	Germany (2/3) France (3/5) Luxembourg (2/3) Sweden (3/4) Denmark (5/6)	Ireland Portugal Spain Denmark with referendum

Upper Houses

In the next step we examine, in which Member States upper houses should be counted as real veto-players. Evidently, only those houses disposing of institutionally ascribed veto powers should be further considered. According to Lijphart (1984: 99), this applies to countries with symmetrical bicameralism, i.e. Germany, Belgium, Italy, and the Netherlands. Tsebelis'/Money's more recent contribution (1997) adds Spain to this list. These authors agree to classify France, United Kingdom, Austria, and Ireland as asymmetrical bicameralism. Because of the special provisions for constitutional amendments (joint parliamentary congress) in France, we consider also the French Senate as a potential veto-player. The same applies to Ireland and Austria, where in case of ratification the upper houses are vested with formal veto power.

In table 4 we proceed stepwise: first we exclude Member States having no upper houses. As GB is concerned, we propose not to count the British House of Lords as a potential veto player, because of the minor strategic threat power due to its only suspensive veto. Then we list all case with potential veto power only. Upper houses with real veto power are those, that have been additionally needed for the ratification of the Amsterdam treaty according to the definition of the absorption rule, i.e. we have to compare the distribution of seats within the upper houses with the share of mandates of the government parities in the lower houses as well as of those parties already counted as real veto players in the lower houses.

Table 4: Upper houses (UH)

No UH	UH with no formal veto power	UH with potential veto power	UH as RVP
Denmark	United Kingdom	Austria	Belgium
Finland		France	Germany
Greece		Ireland	
Luxembourg		Italy	
Portugal		Netherlands	
Sweden		Spain	

Because of our assumption of chamber-specific interest in federal systems, only the Belgian senate and the German *Bundesrat* remain as real collective veto-players, although in both countries there is no additional party needed to reach the ratification criterion. There is no case, where the involvement of an upper house lays within the discretion of a previous actor.

Electorates

In order to decide, whether an electorate has to be considered as a real veto-player, constitutional provisions as presented above, have to be reexamined. Here, the application of the absorption rule does not matter. In Germany and Italy, respectively, submitting a treaty to a referendum is not possible. Additionally, we have to differentiate between binding and non-binding referenda and according to their conditionality. We consider the electorate as a VP only, if the referendum is of a binding nature.[33] The only case, where a binding referendum is required unconditionally is Ireland, whereas the involvement of the Danish electorate –despite its binding character – is conditional upon the majority reached in the *Folketing.* We call this a conditional real veto-player (CRVP). In Ireland, by contrast, the electorate is an unconditional, real veto-player (RVP). Electorates as conditional real veto players – in the sense of being involved dependent on the discretion of a previous actor(s) – can be identified in Austria, France, Greece and Portugal. In France, the respective discretion is given to the president, whereas in Greece and in Portugal the government disposes of this agenda control, and the parliament and the president have to decide together about the initiative. In Austria a 1/3 minority of the parliament is able to initiate a referendum on ratification requiring a constitutional

[33] Non-binding referenda on ratification are of consultative quality only and can be overruled by other actor's decisions.

amendment. In all other cases, referenda are possible and conditional upon the decision of a previous actor. However, having consultative character only, we call the electorate in these case 'conditional involved actors' (CIA).

Table 5: The electorate

Referendum excluded by the constitution	Consultative Referendum possible – electorate as CIA	Binding Referendum possible – electorate as CRVP	Referendum required in case of transfer of sovereignty, UH as RVP
Germany	Belgium	Austria	Ireland (RVP)
Italy	Finland	France	Denmark (if there is no 5/6 majority, RVP)
	Luxembourg	Greece	
	Netherlands	Portugal	
	Spain		
	Sweden		
	United Kingdom		

Head of State

As a rule, international treaties are signed by the head of state. Their threat potential, however, is rather limited. In order to determine whether a head of state should be designated a veto-player and counted as a real veto player, it is necessary to distinguish between the written constitution and the constitutional practice (Duverger 1980). Due to their voting power in the ratification process, we consider the French and the Finnish president as real veto-players. This is a consequence of the semi-presidential system. The French president is entitled to directly affect the ratification process by calling for, or at least threatening with, a referendum. Additionally, according to Art. 52 he has voting power on international treaties. As a consequence of the constitutional reform in Finland in the late 1980s, the president had to give up significant competencies: the ratification of international treaties now requires parliamentary approval, and the president cannot dissolve the parliament without the approval of the prime minister. The president thus no longer has any direct means of exerting political pressure. Nevertheless he remains involved as a member of the government (Council of State), in which he is responsible for foreign policy (Art. 33 of the constitution). Again, the absorption rule does not apply in these cases. Therefore, we consider these presidents as individual veto-players whose positions may differ significantly from that of their party.

In all other Member States, neither presidents nor monarchs dispose of credible strategic influence: they cannot refuse to sign a treaty already ratified by the parliament or the people. Therefore, they are not counted as veto-players, their role reduces to be involved only (IA).

Summary

In the following we summarize the information of this chapter in a synopsis and provide the number of real veto players involved in each Member State's ratification process. In Table 6, all real veto players (RVP) are **higlighted** . According to Tsebelis, only real veto players should have strategic influence during the preparation of a policy decision. The higher the number of real veto players, the higher the risk of failure. Uncertainty increases further, when actors are provided with agenda control, i.e. when having discretion to deliberately involve other actors and/or to set the majority requirements to be applied. Where the number of actors with agenda control is zero, the whole process is completely predetermined by the constitution and the voting outcome is easy to predict.

Our empirical results may be summarized as follows: in five Member States, the governing parties have been the only RVPs (GB, I, NL, A, GR), whereas in one Member States (SF) the president had to be taken into account in addition to the governing parties. In five Member States, the first chambers must be considered collective RVPs, additional to the governing parties (D, E, S, P, L). Germany constitutes as special case insofar, as only here it was possible/necessary to disaggregate the collective actor *Bundestag* to the relevant corporate RVP SPD. In two Member States one further RVP must be added to the first chambers and the governing parties: the eligible electorate in the case of Ireland, and the president in the case of France. According to our assumption of chamber-specific interests in federal systems, only upper houses in Germany and Belgium have to be taken into account as RVPs, in addition to the governing parties and parliaments. A further special case is DK, where the status of the electorate depends on the voting result of the parliament. Note, that Germany and France, the two so-called 'motors of the integration' together with Italy, and Belgium –due to its linguistic fragmentation - had the highest number of RVPs. Austria, France, Greece, and Portugal score highest with regard to the degree of agenda control. The highest degree of a constitutionally predetermined process, on the contrary, can be identified in DK, SF, GER, IRL, I and E.

Table 6: (Conditionally) Involved actors, veto players, and (conditional) real veto players

Land	Government	Lower House	Upper House	Const. Court	Head of State	Elec-torate	SC/CC[1]	N of RVP[2]	N of AAC[3]
Austria	**SPÖ ÖVP**	VP[4], CAS[5]	VP, CAS		IA[6]	**(CRVP[7])**		**2(+1)**	**3**
Belgium	**CVP, CSV, SP, PS**	VP	**RVP[8]**		IA	CIA[9]	CAS, AJR_o[10]	**11**	**2**
Denmark	**SD**	**RVP**			IA	**(CRVP)**		**2(+1)**	**0**
Finland	**SDP, KOK, VAS, VIHR, RKP**	VP			**RVP**	CIA		**6**	**1**
France	**PS, PC, V**	**RPR/ UDF**	VP		**RVP** CAS	**(CRVP)**	CAS, AJR_o	**5(+1)**	**3**
Germany	**CDU/CSU, FDP**	**SPD**	**RVP**	AJR_w[11]	IA			**4**	**0**
Greece	**PASOK**	**(CRVP)**, CAS			CAS	**(CRVP)**		**1(+2)**	**3**
Ireland	**FF, PD**	**RVP**	VP		IA	**RVP**		**4**	**0**
Italy	**L'Ulivo[12]**	VP	VP	AJR_w	IA			**6**	**0**
Luxembourg	**CSV, LSAP**	**RVP**			IA	CIA	CAS, AJR_o	**3**	**1**
Netherlands	**PVDA, VVD, D'66**	**(CRVP)**	VP		IA	CIA	CAS, AJR_o	**3(+1)**	**1**
Portugal	**PS**	**RVP** CAS		CAS, AJR_o	CAS	**CRVP**		**2(+1)**	**4**
Spain	**PP**	**RVP**	VP		IA	CIA		**2**	**0**
Sweden	**SAP**	**RVP**			IA	CIA		**2**	**1**
United Kingdom	**LAB**	VP	VP		IA	CIA		**1**	**0**

[1] SC/CC: Council of State / Constitutional Council
[2] N of RVP: Number of Real Veto Players
[3] N of AAC: Number of Actors with Agenda Control
[4] VP: Veto Player
[5] CAS: Constrained / Conditional Agenda Setter
[6] IA: Involved Actor
[7] CRVP: Conditional Real Veto Player
[8] RVP: Real Veto Player; in Belgium the six Regional and Community parliaments are additional RVPs
[9] CIA: Conditionally Involved Actor
[10] AJR_o: Actor with judiciary control rights without blocking power
[11] AJR_w: Actor with judiciary control rights with blocking power
[12] A governing alliance consisting of six parties

6. Summary and Outlook

Using the conceptual framework of veto players, we described the complexities of ratification procedures and processes in EU Member States for the example of the Amsterdam Treaty. We consider this as a

contribution to a better understanding of the rather unknown domestic polyarchic structures and functioning of parliamentary and semi-presidential systems when processing international policies (Milner 1997, 1998).

First, we distinguished different types of actors involved according to their control rights. We proposed to characterize these actors by their voting power, by their scope of agenda control, and as to whether their involvement is conditional upon previous actors' decision. These additional informations are important prerequisites for the assessment of the possibility of a change of the status quo. The set of involved actors was determined on the basis of the decision-making process as stipulated by each constitution. Real veto-players were identified by applying the absorption rule. Note again, that the identification of real veto players is dependent on the policy-domain under consideration and on the current power distribution at the time of the decision-making.

Based on this structural information, a more realistic 'backward induction' can be carried out by actors trying to strategically influence the negotiation position of the government or to predict the outcome. However, as a next step, preferences should be taken into account in order to develop more realistic hypotheses of the impact of varying institutional conditions on the results of multi-level political decision-making.

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Appendix: List of national party abbreviations

CDU/CSU	Christian Democratic Union / Christian Social Union	D
CSV	Christian Social Party	L
CVP	Christian People's Party	B
D ´66	Democrats 66	NL
FDP	Free Democratic Party	D
FF	Fianna Fáil	IRL
KOK	National Rally	SF
LAB	Labor Party	GB
LSAP	Luxembourg Socialist Workers Party	L
L`Ulivo	„Olivetree" – Left Alliance	I
ÖVP	Austrian People's Party	A

PASOK	Pan-Hellenic Socialist Movement	GR
PC	Communist Party	F
PD	Progressive Democrats	IRL
PP	People's Party	E
PS (B)	Socialist Party	B
PS (F)	Socialist Party	F
PS (P)	Socialist Party	P
PSC	Christian Social Party	B
PVDA	Labor Party	NL
RKP	Swedish People's Party in Finland	SF
RPR	Rally for the Republic	F
RV	Radical Left-Social Liberal Party	DK
SAP	Sweden Social Democratic Workers Party	S
SD	Social Democracy in Denmark	DK
SDP	Social Democratic Party of Finland	SF
SP	Socialist Party	B
SPD	Social Democratic Party of Germany	D
SPÖ	Social-Democratic Party of Austria	A
V	The Greens	F
VAS	Left Wing League	SF
VIHR	Green League	SF
VVD	People's Party for Freedom and Democracy	NL