

A French 'no': looming crisis for Europe?

Kirsty Hughes

Perhaps amidst the plethora of articles pouring out in the press and on websites on the implications of a French 'no' to the EU constitution on May 29, it is helpful to pause and first briefly ask, what if the French vote 'yes'? The outpouring of dire warnings around the implications of a 'no' vote, mean that if in fact a 'yes' vote is produced it almost risks being undervalued as a result, treated as an aberration relative to the opinion polls, as the EU somehow squeezing through against the odds. But in fact if the French vote 'yes' and – another uncertain if – if the Dutch too then vote 'yes' a few days later, this would in fact represent unstoppable forward momentum on the constitution and genuine democratic support for the EU overall. In the face of French and Dutch support, potential crises from 'nos' elsewhere – the Czechs or Poles or of course the British – will be seen not only as manageable but as much crises for these individual countries as for the Union as a whole. It is for this reason that the French vote is such a watershed but for now both outcomes, a 'yes' and a 'no' are still possible.

So what are the main likely implications of a French 'no'? A 'no' vote, it is clear will represent a mixture of concerns on the part of different French voters – some will be domestic, a typical use of a referendum to reflect discontent with the government of the day, and some will be global, reflecting unease at, through to opposition to, the ongoing economic, political and cultural impact both of globalisation and of US hegemony in the post-cold war and post-9/11 world. But some part of the 'no' vote will indeed be reflecting concern at the current perceived political and economic development of the EU, and within that concerns at what the constitution stands for or is perceived to stand for. And so a 'no' vote cannot in any way be dismissed by arguing that the voters were not voting on the constitution – the vote will be in part on the EU, and will have to be taken as such.

A 'no' vote will certainly plunge the EU into a major political crisis, however much politicians and officials will attempt to rush to minimise the result and to point out that the Union has surmounted previous crises. The EU has indeed a track record of muddling through from crisis to crisis, but it has never faced a large and founder member rejecting current European developments, and it has never failed to ratify a Treaty once agreed by the EU's political leaders. A 'no' will represent both a European and a French political failure – failure to explain, to engage, to communicate and debate effectively. And this failure to engage will be particularly stark in this case, since the constitution was precisely meant to overcome some of these democratic failings, failure of accessibility, transparency, comprehensibility, accountability.

Such a failure will be one that points in two directions – firstly it will suggest that the constitution drafting was not radical enough or oriented enough to the key issue of bringing the EU closer to the people and making it much more accessible, and secondly, it will be an ongoing failure of the European political and policy classes to engage and communicate effectively and in a two-way manner. It is disturbing, if only

a too typical 'Brussels' response, to read leading commentators arguing that perhaps these matters are too technocratic to be put to popular vote – this deserves perhaps the Brechtian jibe in response that it would be best to dissolve the people and elect another. National and EU democracy are precisely about debating all issues where government or EU bodies have a role and a say, however complex. If the EU's politicians still cannot figure out how to be part of an accessible political debate on the Union, then they do indeed deserve to face 'nos' from the Union's publics.

The irony in this is that the drafting of the constitution was more open and democratic than any previous treaty drafting, and the results more accessible than any previous treaty. But the fact that inaccessible processes and complex treaties have moved in the right direction is not a persuasive political argument if those processes are still relatively elitist, complex, and poorly communicated. It was one of the great failings of the convention that drafted the constitution, that the process of drafting the actual articles was so rushed and squeezed into the last few months and weeks – deliberately so by Giscard to keep as much control as possible of key issues of the distribution of power among states and between institutions – that obvious steps that could and should have been taken, such as to give the draft text not just to lawyers but to public communicators, to focus groups and ordinary members of the public, to see what would genuinely be accessible and comprehensible was not done at all.

It seems that a French 'no' will be driven in part by a mixture of concerns about the EU and the constitution: concern at French loss of political power and influence in the EU, not just since last year's enlargement to 25 but indeed since 1989 (and since German reunification in 1990); concern at the growing perceived 'Anglicisation' of the EU, both with the Eftan enlargement of 1994 as well as the 2004 enlargement; concern at perceived Anglo-Saxon economic tendencies in EU policies and in the constitution; and concern at future Turkish membership of the Union.

Some of these concerns are more soundly based than others. It is self-evident that France has less influence in an EU of 25 than an EU of 6, but so do all other countries. Nor can the enlargement to 25 – nor probably that to 27 with Bulgaria and Romania – be reversed. And German reunification inevitably disturbed the Franco-German power balance. Meanwhile, the Iraq crisis demonstrated that, on the one hand, France can still play a powerful leadership role (a role which was crucial in solidifying the opposition to the US-UK war) but on the other hand showed that the Franco-German relationship no longer encompasses the broad range of likely positions on key issues in the Union. And yet France is still a fundamentally important player in the EU – as evidenced by the urgent analysis of the implications of a French 'no', clearly many times more significant than a British 'no'.

Certainly the Franco-German relationship has less influence in an EU of 25 but in many ways it is also more important – the EU of 25 needs groups of countries to combine, to give strategic direction, but France and Germany rather than showing adept and skilled European diplomacy widening their strategic relationship to other smaller as well as larger countries, have both become rather more nationalist and less European-minded in their EU policies and strategies. And Chirac has not by explanation or example shown the French public, how and why the enlarged EU remains in France's interest and how France can and does still have a significant leadership role. In the constitutional context this is rather ironic since France played a

key role at the convention, not just through Giscard's role in the chair, but on key issues mediating between the UK and Germany – persuading Germany to accept the idea of a permanent president of the European Council, and persuading the UK to accept the idea of the double-hatted foreign minister.

On the arguments over social Europe and whether the constitution represents a move towards an Anglo-Saxon economic view, the politicians seem to have particularly egregiously failed to communicate. Overall, there was rather little change in economic and social provisions in the constitution because there is lack of consensus in the EU on changing the status quo whether in a liberal or a social direction. And such changes as there were, were on the whole ones that favoured social Europe – from the inclusion of the charter of rights, to a new right for consultation of NGOs, to provisions for citizens' initiatives (which are likely to be taken up strongly as an opportunity by NGOs), to setting tackling poverty as a key goal of external policy. Both the Nice Treaty and the Constitution in fact offer legal bases that would allow much more action on social policy, but it is the political lack of consensus that prevents movement here.

Yet French and other politicians have failed to get over the message that firstly the constitution is if anything somewhat more 'social' than Nice and secondly that there is not now a majority in the EU for a big liberalisation dash – the painful ongoing compromises, ensuring for example that markets are described as 'free and fair' or that 'competitiveness and cohesion' get equal priority, continue – and the controversial services directive been watered down. Certainly, the British like to proclaim to their own public that the EU is moving their way but in fact the British economic approach remains one extreme of the range of views and policies across the 25.

Turkish accession is one more issue concerning the French voter – reflecting a mixture of xenophobia combined with concern that a large new country will undermine yet further France's shrinking influence. Chirac's promise of a separate referendum has not neutralised the issue and while Giscard's apparent view that the constitution sets a trap for Turkey since no one will agree to it having the most votes is inaccurate (Turkey on accession would be the same size as Germany so why should it not have the same votes as Germany?), nor has Giscard or anyone else persuaded the French that the Constitution certainly does not aid the Turkish case any more than Nice.

All the above suggests arguments that could and still should be made in the French referendum campaign. But they do not offer easy answers as to what to do in the face of a 'no'. The EU has enlarged, Germany has reunified. The Constitution is not pro-liberalisation and anti-social but even so there is certainly no consensus for making it more social. Turkish accession is not imminent and is not at issue in the constitution.

Some argue that a French 'no' will lead to a renewed push for the ever-elusive 'core Europe'. In the short-run this seems unlikely – a core-Europe/avant-garde model is most plausible as a positive, dynamic strategic move meant to re-invigorate the Union and provide real leadership for all. A damaged French government creating an unprecedented EU crisis will not be in a position to provide such creative leadership. Moreover, the core Europe idea has always suffered both from lack of detail as to what policies it would cover and from the fact that most members of the enlarged EU,

unlike the UK, Denmark and Sweden do want to be fully participative first class members – a core of 22 members is not a core! Nonetheless, perhaps in the longer-run a core Europe debate will be pushed forward by a French 'no'.

It is also being suggested that in the face of a 'no' other countries should continue with ratification, so that the possibility of a second French vote comes to the fore. This will be strongly and cynically resisted by the British government, whose own lead 'strategy' for its own referendum has been the desperate and negative hope that a French 'no' will allow them to cancel the referendum. But if ratifications did continue, and the outcome were 23 'yes' with a French and British 'no', the chances for persuading either population they should vote again look rather slight.

Others suggest pushing some few elements of the constitution through without the need for a referendum – such a move is possible but would represent the total failure of the Union's leaders to deliver on the goal of making the EU more democratic and closer to the people. A better if less likely outcome would be to go back to the drawing board not in the search for major policy or institutional changes but this time firmly focused on the goal of producing an accessible, simple text. This on its own would not be enough – in the intervening period, governments, politicians and opinion leaders across the EU would have to undergo a sea-change in the way they debate, present and communicate on EU issues. This for now looks deeply implausible, and so in the face of a 'no' the EU looks set for an ongoing political crisis and period of considerable political weakness and ineffectiveness.

This is a depressing outlook at a time of considerable global challenges when it is not only in the EU's own interests but in the interests of the wider international and multilateral system that the EU has an effective and progressive international voice. Perhaps it is on how to create such a voice, even in the face of an unprecedented crisis, that governments should focus if they are to minimise the crisis.

It is perhaps worth adding that – writing this from the distant perspective of the Indian sub-continent – EU politicians would be well advised to remind themselves that other emerging global players, such as India, keen to see an open multilateral international system will be at best bemused in the current global context to see the EU submerge itself in further inward-looking crises rather than beginning to develop a genuine role on the world stage. A firm look at the bigger global picture could be the best way to ride out the crisis of a French 'no'.