

EU Constitution Newsletter

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Since the Intergovernmental Conference came to an agreement on the EU Constitution the focus of the debate has shifted to the challenge of ratifying this constitution. This monthly newsletter will monitor the debate, events and developments surrounding the ratification process in all 25 member states. It will offer a particular UK perspective of this process and provide a forum for differing views on the debate.

Back issues are available at www.fedtrust.co.uk/constitution_newsletter.

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1. Editorial

By Professor Christian Franck

For all its complications and uncertainties, the process of ratifying the European Constitution offers a welcome opportunity for genuine public debate on the Union, its structures and future development. There were many observers who hoped that the European Convention, which produced the first draft for the European Constitution, would be the forum for this overdue public discussion. But despite the best efforts of the Convention's organisers (through public sessions, wide dissemination of documents, a state of the art website) the Convention itself did not generate widespread public interest. The ratification debate is now the opportunity to make good this lacuna. Countries in which a referendum is to be held will be forced, whether the government wishes it or not, to confront with new urgency their hopes and fears for the continuing process of European integration. The referendum within the French Socialist party is a perfect example of this phenomenon. Other countries in which a serious European debate is only just beginning, like the United Kingdom, will not long remain unaffected by the gathering momentum of controversy.

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The Federal Trust for Education and Research

Brendan Donnelly, Director

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...is a think tank that studies the interactions between regional, national, European and global levels of government.

Founded in 1945 on the initiative of Sir William Beveridge, it has long made a powerful contribution to the study of federalism and federal systems.

2. Overview of 25

Austria	Will seek ratification through parliament. Chancellor Schüssel says he would only support a referendum on a EU-wide basis.
Belgium	Most likely to seek ratification through parliaments (national and regional), despite Prime Minister Verhofstadt's early intention to hold a non-binding referendum.
Cyprus	Will seek ratification through parliament. There was no referendum on EU accession.
Czech Republic	Will hold a referendum, which is most likely to coincide with the general election in June 2006. The country will possibly be the last member state to seek ratification. This delay is due to the time it will take to pass a general bill on referendums.
Denmark	Will hold a referendum, possibly late 2005 or early 2006. The Conservative-Liberal coalition government has secured an agreement with the main opposition parties that they will support the Constitution in return for the government's undertaking to oppose any future extension of qualified majority voting in the Council on social policy and taxation. The eurosceptic Socialist Left Party, which has tipped the balance in previous referendums on the EU, is split over the issue despite its leader, Holger Nielsen, advocating a 'yes' vote. There will be an internal vote on the party's stance on the Constitution later in December. Opinion polls suggest 54 per cent of voters would support the Constitution, while about one-sixth are against it and still about 30 per cent are undecided.
Estonia	Will seek ratification through parliament.
Finland	Likely to seek ratification through parliament despite Justice Minister Koskinen's proposal to hold a referendum simultaneously to the presidential elections in June 2006.
France	Will hold a referendum, most likely either in April or May 2005. The Constitutional Court decided on 19 November that the French Constitution must be amended before France can ratify the EU Constitution. This is likely to take place through parliament in early 2005. The clear support for the EU Constitution in an internal vote within the Socialist Party seems to have increased chances of winning the referendum. A poll undertaken since the PS vote took place shows support for the Constitution up to 69 per cent.
Germany	A referendum would currently not be possible under the German constitution, and despite much debate about the possibility of holding a referendum, it now looks unlikely that Germany will change its constitution in order to allow for nationwide referendums. This is mainly because a relevant government proposal is opposed by the conservative party, whose votes would be necessary to achieve the required parliamentary threshold for changing the German constitution. In early November the governing coalition agreed to start the parliamentary ratification process, in order to be able to ratify the EU Constitution early in 2005.
Greece	Will seek ratification through parliament.
Hungary	Will seek ratification through parliament.
Ireland	Will hold a referendum, the timing of which is still unclear. It will possibly take place in late 2005/ early 2006.
Italy	The parliamentary procedure to ratify the EU Constitution is currently under way, with the government wishing to be among the first countries to approve the Treaty.
Latvia	Will seek ratification through parliament.
Lithuania	Ratified the EU Constitution on 11 November by a parliamentary vote with an overwhelming majority. This made Lithuania the first country to ratify the text.
Luxembourg	The date for the referendum has been set as 10 July 2005, immediately after Luxembourg's EU Presidency ends. The Chamber of Deputies will first vote on draft legislation on the ratification of the EU Constitution, which will then need to be approved by the binding referendum. No referendum has been held since 1937 and there was overwhelming support in the Chamber of Deputies for holding a referendum.
Malta	Will seek ratification through parliament.
Netherlands	Will hold a referendum, most likely in spring 2005. It will be the first national referendum in the country's history. Both chambers of the parliament are currently discussing the Referendum Bill.
Poland	Will hold a referendum, probably during the second half of 2005, when the country elects its new President.
Portugal	Will hold a referendum. The anticipated date 10 April 2005 has been thrown into doubt by the decision of the Portuguese President to dissolve Parliament at the end of November and call for early elections, which might take place in February.
Slovakia	Will seek ratification through parliament.
Slovenia	Will seek ratification through parliament.
Spain	Will hold a referendum on 20 February 2005, the first in the EU. Recent opinion polls suggest 45 per cent would vote in favour of the text, while only 4 per cent would vote against. But 31 per cent are still undecided.
Sweden	Will seek ratification through parliament in the second part of 2005. The bill will be brought to parliament in September and is expected to be passed by December.
United Kingdom	Will hold a referendum in 2006 (possibly in March), after the country's Presidency of the EU. No date has been set as yet, but the Queen's speech included an announcement of the referendum bill. This bill is likely to be debated in early 2005, just before the general election which is expected to take place in May. The British government has argued against holding the referendum during its Presidency of the European Union (from July to December 2005.) The government hopes it can take advantage of the Presidency to persuade the public of the virtues of the Constitution and the European Union, thereby gaining momentum in favour of text.

In a number of countries the discussion of the European Constitution has started to revolve, understandably and rightly, around the extent to which this document marks an innovation compared with what preceded it. On the whole, those most opposed to the Constitution regard it as dangerously, or at least undesirably, innovative. On the whole, its advocates and defenders tend to stress the continuity between what the European Constitution codifies and what existing practice has already established. Ironically, both sides in this argument are, from their own point of view, correct.

The European Constitution clearly marks further progress along the economic, political and institutional road which the European Union has been following since the Single European Act. Those who generally endorse and welcome the way the Union has developed since then will not regard anything in the European Constitution as particularly threatening or surprising. The Constitution has maintained the existing balance between the European Union's institutions and clarified (without redefining) the respective responsibilities of the Union and the member states. Some, indeed, will wish that the Constitution had been more ambitious in its objectives.

Those, on the other hand, who reject the course which the European Union's development has taken over the past twenty years will find much to disturb them in the new Constitution. The new powers for the European Parliament, the extension of qualified majority voting, the possibility of 'structured co-operation' in the military field, the legally enforceable Charter of Fundamental Rights and the explicit primacy of European over national law are all elements of the new Constitution which will reinforce the differing (and sometimes contradictory) concerns which the recent evolution of the European Union has raised at various points of the European political spectrum.

It is often claimed that referendums, even in mature democracies, run the

danger that the electorate will answer a different question from that which is put. There is always the temptation for the electorate to use the occasion of a referendum as an opportunity to pass a general judgement upon the government putting the referendum question, rather than to concentrate simply upon answering the specific question which falls to be decided. It may well be that in many referendums on the European Constitution over the coming eighteen months national electorates answer a slightly different question from the one which their governments would like them to answer. Many European electors will have, and will know that they have, only the haziest notion of what is really contained in the European Constitution. They will not really be forming a judgement on that document. They will rather be expressing their views on a much more important question, namely whether European electors are happy with the direction that European integration has taken since the Single European Act. In eighteen months time we shall know much more than we do now about the real attitudes of the European electorate to the kind and extent of integration which the European Union has been pursuing over the past decades.

Prof Christian Franck
Secretary General,
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Policy Studies
Association (TEPSA)

3. News from the institutions

The Constitutional Affairs Committee of the European Parliament adopted its report on the EU Constitution on 30 November. Members of the Committee voted overwhelmingly in favour of the report (with only three votes against and three abstentions), which was drafted jointly by Inigo Mendez de Vigo, of the Spanish conservative Partido Popular, and Richard Corbett, a British Labour MEP. The report consists of two parts, a Resolution and an Explanatory Statement. In the Resolution the MEPs

state that they 'wholeheartedly' support ratification of the Constitution, concluding that the Constitution was globally a good compromise and a vast improvement on existing Treaties. The Explanatory Statement looks at the EU Constitution under the headings of three objectives: greater clarity of competences and responsibilities; more effectiveness and better democratic control and accountability. It rejects some of the commonly voiced criticisms, by stating that 'the Constitution will not lead to the creation of a centralised 'superstate', will strengthen rather than weaken the Union's social dimension and does not ignore the historical and spiritual roots of Europe since it refers to its cultural, religious and humanist inheritance.' In their debate MEPs however also recognised that the Constitution was not perfect and that the text fell short of the EP's expectations in some areas. The full Parliament is due to vote on the report at its plenary session in January.

At the Parliament's plenary session on 17 November the European Commission President Jose Manuel Durao Barroso presented his reshuffled team to the Parliament, which had to give its approval before the new Commission could finally take office on 22 November. In his presentation to Parliament he explained that one of his Commission's priorities would be to work towards the ratification of the new Constitution. The Commissioner in charge of this, the Swede Margot Wallström, was however more cautious during her hearing in front of the European Parliament. Pressed by MEPs to promise that the Commission would make a clear statement in favour of the Constitution, she insisted that the ratification procedure was the responsibility of member states. She stressed, however, that the Commission would continue with its present active support for the member states in their campaigns to provide information to their citizens about the Constitution.

This stance was reinforced by member states' foreign ministers at their meeting on 4-5 November, in which they emphasised that ratification campaigns

were the national responsibility of each member state, but suggested that member states may want to share information and experiences relating to this process. Both the member states and the Commission are clearly afraid that too prominent an advocacy of the Constitution by either the Commission or by governments from other member states could be counter-productive in countries where ratification may be problematic. With some exceptions (such as Spain and Luxembourg) these latter countries are those in which a referendum will be held. It is widely believed that in the first Danish referendum on the Maastricht Treaty in 1992 the then President of the European Commission, Jacques Delors, did irreparable harm to the 'Yes' campaign by what was seen as an arrogant interview on Danish television advising Danish electors in the strongest terms that they should vote in favour of the Treaty.

Ulrike Rüb
The Federal Trust

4. The UK debate

In the Queen's speech to Parliament on 23rd November, it was announced that the government would bring forward in this Parliamentary session a bill to allow a referendum on the ratification of the EU Constitutional Treaty. The bill will be published in the New Year, although its Parliamentary discussion may well continue until and beyond next year's General Election, widely expected to be called in May. No date has been announced for the referendum, although the Foreign Secretary, Jack Straw had apparently pressed for one to be announced in the Queen's speech. In refusing to set a date, Mr. Blair may have wished to avoid another bout of destabilising speculation about his own retirement as Prime Minister. Many observers believe this will follow rapidly after the holding of the British referendum on the EU Constitution. In any event, it seems clear that the referendum will not take place until 2006, after the British Presidency of the EU.

The government is clearly anxious to limit discussion on the EU Constitution until after its anticipated General Election victory next year. Campaigners against the Constitution are already active, with well-publicised fundraising and other activities. 'Britain in Europe', the organisation originally founded to promote British membership of the euro and now likely to head the 'Yes' campaign in 2006's referendum, has admitted its own difficulties in fundraising. Pro-European businessmen (in any case diminished in number over recent years) have been disappointed by the government's indecision on British membership of the euro. They are reluctant to engage in a campaign on the European Constitution which they suspect the government hopes will be aborted by a negative vote in another European country before the United Kingdom has to decide.

The government continues to struggle to find a positive and persuasive rhetoric to make its case for the European Constitution. It has at various times argued that the Constitution marked 'the end of plans for a federal European superstate'; that it made no difference to the existing position within the European Union; and that it would anyway have been even more integrationist in character if the French and the Germans had had their way at the Intergovernmental Conference. These arguments are inconsistent between themselves, and none is obviously alluring to the British electorate. In the referendum campaign, the government may well seek to argue that a 'no' vote would put Britain's membership of the European Union at risk, especially if all or almost all other member states have already ratified the Constitution. If the government manages to make this threat plausibly, it will certainly carry some weight with the voters, since the desire to leave the European Union is not currently in the mainstream of British politics. But the government will need to ensure that this threat is indeed a plausible one at the time of the referendum. At the moment, it is not easy to predict the precise consequences that might follow from a negative vote on the Constitution in this

country. The picture may well be clearer by 2006.

Brendan Donnelly
The Federal Trust

5. Countries of the month

Ratifying the EU Constitution in Germany

Traditionally EU treaties are ratified in Germany in an uncontroversial manner by Parliament, based on a broad pro-European consensus in the political parties. According to the German constitution transfers of sovereignty from the national to the EU level require ratification with a two-thirds majority by both houses of the German Parliament. All EU treaty revisions have been ratified through this parliamentary method. There are no provisions for nationwide referendums to be held under the German constitution, an omission largely prompted by unpleasant memories of referendums held by the Nazis.

Increasingly it now seems that the EU Constitution will follow in Germany the traditional model of parliamentary ratification for EU treaties. This comes despite much political debate and speculation over recent months about the possibility of holding a referendum on the Constitution.

The initial position of the German government in spring of this year was that for domestic constitutional reasons Germany could not in any circumstance hold a referendum on the European Constitution. However, the debate over a possible referendum on the EU Constitution picked up pace over the summer, fuelled by various statements from politicians of different parties. After all in the government programme of 2002 the SPD and Green Party had promised further review of the possible use of referendums in Germany. Unexpectedly the government announced in the autumn its intention of tabling in the *Bundestag* proposals paving the way for a referendum.

Even at the time when the government made this announcement, it was widely seen as a tactical manoeuvre rather than a genuine change of policy. The major opposition party – the conservative CDU – is against any generalised introduction of referendums into the German constitution, and without their votes the two-thirds majority, which is necessary to trigger constitutional change, would not be reached in either house of Parliament. The ruling coalition could therefore rest assured that it would not have to face a vote by the people, while at the same time taking the pressure out of the referendum issue and presenting the CDU as the barrier to reform.

The referendum proposal has not been formally introduced into Parliament, but the coalition parties have formally agreed a text, which they have invited the opposition parties to discuss. This text is a revised version of a bill which has already been defeated once, foundering on the opposition of the CDU in 2002. It provides for referendums to be triggered either by a citizens' petition (if it is on a domestic issue) or, if it is on an issue of foreign affairs, by two-thirds of the *Bundestag*. An alternative proposal has been put forward by the FDP, the German Liberal Party, to allow specifically for an EU referendum. An identical proposal from the FDP was overwhelmingly defeated in the *Bundestag* in 2003. The present proposal seems likely to suffer the same fate.

Despite these manoeuvrings for position, the German government has already acted to pave the way for parliamentary ratification of the EU Constitution. A cabinet meeting on 3 November agreed the draft bill to ratify the EU Constitution, which will be introduced into Parliament in the near future, with a view to parliamentary ratification early in 2005. It is unlikely that there will be any problem in winning the support of two-thirds of both houses of the German Parliament. It would now require a major, and genuine, reversal of government policy for there to be any chance at all of a referendum in Germany on the EU Constitution. The

suggestion that there might be such a referendum has not progressed beyond the stage of political shadow-boxing.

Ulrike Rüb
The Federal Trust

The Ratification Debate in Italy

The final agreement on the Constitutional Treaty reached by the Heads of State and Government last June met with reactions in Italy that were predominantly favourable. A widely held view was that the compromise achieved at the summit was preferable to a second setback (after that of the Brussels summit in December 2003). However, European-minded politicians blamed the text for falling short of ambitions and conservative Catholics lamented the lack of a reference to Europe's Christian roots. Despite these misgivings, a vast majority of parliamentarians declared their support for the new Treaty. Polls show that it is also supported by an overwhelming majority of citizens.

Italy is currently seeking ratification of the text through parliamentary approval. The decision to adopt the usual parliamentary procedure was announced a few days before the signing of the Treaty in Rome by then Foreign Minister Franco Frattini. Frattini also expressed his wish for the country to give a strong pro-integration signal to the rest of Europe through prompt bipartisan ratification of the Treaty and advocated holding the vote before Christmas at least in one of the two houses of parliament in the hope that Italy could be among the first countries to ratify.

As early as October 29, immediately after the signing ceremony, Italy's Council of Ministers convened in an extraordinary session to approve the draft ratification law. The draft was sent to parliament and is currently being examined by the competent committees of the Chamber of Deputies.

The option of holding a referendum was also taken into consideration and enjoyed broad support for a short time. The Italian Constitution rules out referendums on international treaties.

Yet, following the approval of the EU's Constitutional Treaty last June, several politicians from both government and opposition parties suggested introducing a constitutional change allowing for a referendum. In particular, such a proposal was advocated by the Speaker of the Chamber of Deputies, Pier Ferdinando Casini, a member of the centre-right ruling coalition. He argued that a 'popular consultation' would confer greater legitimacy on the text and help foster a deeper and wider debate than in the case of parliamentary ratification, thereby contributing to raising public awareness of its contents. Nevertheless, this option would have implied a long delay in ratification as it would have required a prior constitutional reform. Moreover, some politicians supporting the Treaty voiced their fear that a popular consultation would give disproportional visibility to the political parties and movements that oppose the Treaty.

Only two relatively small political parties have announced that they will vote against the Treaty in the Italian Parliament: the devolutionist Lega Nord (Northern League, 3.9 per cent of votes in the last general election), which belongs to the governing coalition, and the opposition radical left-wing Rifondazione Comunista (PRC - re-founded communists, 5 per cent of the votes). Both called for the holding of a referendum. The Northern League argued that voters ought to be given the right to express their views concerning the substantial further limitations introduced by the Treaty on Italy's national sovereignty. The Ministers of the Northern League voted against the government's draft ratification law but were isolated within the cabinet since all other ministers voted in favour. The PRC, in turn, has criticised the Treaty for being inspired by a 'liberal philosophy' which does not give adequate guarantees on basic social rights. Some Catholic groups, disappointed by the lack of reference to Europe's Christian roots, also advocated the holding of a referendum.

After some political momentum in June, support for the referendum started

losing ground at the end of the summer. Indeed, it became increasingly clear that a referendum would have highlighted existing divisions in both the governing and opposition coalitions, a prospect widely feared.

In order to be approved, the government's draft ratification law now has to be passed by both chambers of Parliament. Since the main political parties support the Treaty, approval is not at risk. However the ratification process may not be as rapid as the government hopes. In particular, the heated ongoing debate on the draft budget for 2005 may prevent the Chamber of Deputies from discussing and voting on the draft ratification law before Christmas.

Finally, some politicians and constitutional experts have expressed their disappointment at the government's decision not to ratify the text by the more elaborate legislative procedure of a 'constitutional law'. The argument is that, given the constitutional nature of the Treaty, ratifying it through a constitutional law would have been preferable. This choice would have implied a long delay in the ratification process, but, according to its supporters, it would have been more in tune with the special value of the Treaty and sent a stronger signal to the other member states of Italy's unshaken pro-integration stance.

Flavia Zanon
Istituto Affari
Internazionali

Interview with Pier Ferdinando Casini, Corriere della Sera, 21/6/2004 (in Italian)

Interview with Foreign Minister Frattini, La Stampa, 21/10/2004 (in English)

The EU Constitutional Treaty: How to Deal With the Ratification Bottleneck, by G.L. Tosato and E. Greco

Update...

Lithuania

Lithuania became the first country to ratify the EU Constitution. On 11 November, just thirteen days after the

official signing, an overwhelming majority of the Lithuanian Parliament voted in favour of the Constitution, with only four votes against and three abstentions. Previously there had been some discussion on whether there should be a referendum on the issue, but the government took the view that Lithuanians had already expressed their view in the referendum on accession to the EU, which was won in May 2003 by a large majority, and parliamentary ratification was therefore appropriate.

France

On 1 December the French Socialist Party held an internal vote on whether to campaign in favour or against the EU Constitution in the run-up to the referendum in France. All party members were asked to cast their votes and turnout reached almost 80 per cent. The result was a clear majority in favour of the EU Constitution, with 58 per cent of party members voting 'yes'. The vote was organised on the basis of the 102 regional federations, only 26 of which voted 'no'.

This outcome is a victory for party leader François Hollande, who headed the 'yes' camp arguing that, although the Constitution was not perfect, a 'no' vote would be disastrous for France and put the PS at odds with the other European socialist parties. His opponent, Laurent Fabius, had based his rejection of the Constitution on the argument that it was a product of 'Anglo-Saxon liberalism' rather than a basis on which to build the 'social Europe' sought by the French left.

In recent years, the French Socialist Party has been an enthusiastic advocate of European integration. The divisions within its ranks on the subject of the European Constitution reflect the concerns of at least some sections of French society that European integration is now proceeding in a way less favourable to French interests. Nevertheless, the clear majority within the Socialist Party in favour of the Constitution is generally seen as increasing the chances for winning the French national referendum on the

Constitution. Speculation is mounting that President Chirac will now bring forward the date of the referendum, possibly to as early as April or May 2005.

6. And finally...

Turkey

At the European Council meeting on 16 and 17 December the Heads of State and Government will have to take the decision whether to open accession negotiations with Turkey. The issue is a highly controversial one, both within and between the member states. While the German Social-Democrat-Green Party coalition government, for instance, supports Turkish accession, the opposition conservatives advocate an alliance between Turkey and the EU based on 'privileged partnership,' a phrase coined by the German CDU leader Angela Merkel. In France President Chirac, knowing the hostility of French public opinion to Turkish membership, has promised a referendum on the issue of Turkey's accession to the EU, a proposal that has caused great resentment on the Turkish side. For their part, Britain and many of the new EU member states greatly favour full membership for Turkey, seeing great political and strategic advantages from 'binding in' Turkey' to the European mainstream.

From a Spanish perspective, former Foreign Minister Ana Palacio comments on the issue below. This is a shortened version of an article which can be read in full on the Federal Trust [website http://www.fedtrust.co.uk/palacio](http://www.fedtrust.co.uk/palacio). Further reports on the issue will be contained in our January edition. The Federal Trust will in spring 2005 publish 'The EU and Turkey: A glittering prize?'. Further information on p. 8.

Turkey as a catalyst

By Ana Palacio

The decision that Europe's heads of state and government are due to take on 17 December regarding the opening of negotiations for Turkey to become a full member of the European Union is serving as a catalyst for the fears, spectres, perplexity, doubts and ambiguities that surround European construction.

It is no surprise that the most heated debates on the *Turkey question* arise in the EU's founding members, particularly France and Germany, or that these countries should be witnessing a nostalgic fondness for the prosperous, cohesive, manageable and homogenous original Community of Six. Turkey has served to bring to the fore a process that was set in motion with the entry of Britain and has been consolidated with the recent fifth enlargement. The European Union is no longer what it used to be. European unification - a dream held by so many generations, a historic responsibility incumbent on all of us - is now a reality, but its inherent asymmetries, diversity and even heterogeneousness can trigger vertigo. A further reason why the Union is no longer what it used to be is that we often forget that the growing Muslim communities are European citizens also. According to forecasts, when Turkey eventually joins it will account for approximately 15 per cent of the total population of the Union, a thought that stirs fears and fantasies. Even before then, however, the number of Europeans of Muslim persuasion is likely to exceed that figure.

The Union is not what it used to be: who are we and who do we want to be as Europeans? Europeaness is given by three factors: geography, history/culture and perception (so-called 'enjoyment of status'). From the geographical standpoint, as the Ahtisaari Report recalls, *'after the break-up of the Ottoman Empire, Turkey's territory was reduced to the point where only 3 per cent fell within continental Europe. However, 11 per cent of the Turkish populations as well as Turkey's economic and cultural capital, Istanbul,*

are to be found within that space.' Moreover, Europe's culture and history are steeped in Turkish influence: Troy, Pergammon, Antioch and Byzantium are all indispensable points of reference in our self-understanding as Europeans; Turkey, perceived as 'the sick man of Europe', in the words of Czar Nicholas I; Turkey, part of the European Concert that decided the future of Europe after the Crimean War. Lastly, with regard to 'enjoyment of status', it should be recalled that, until now, nobody had questioned Turkey's vocation to be part of the European project. Since 1963, the European Community and then the Union - as well as individual member countries - have undertaken many initiatives in support of Turkey's candidacy. The European project, in sum, is a legal construct, grounded on principles and values that have been fashioned on this historical, cultural and geographical canvas. To put it another way, the European project is defined by the principles and values clearly set out in the Copenhagen criteria: secularism (i.e. religion is a strictly private matter), a fully consolidated democratic institutional framework, a market economy, and the reaffirmation of human rights as the guiding principles of political and social life, as the true hallmark of Europe, Europe's banner. According to the European Commission's Report, the progress made by Turkey on these criteria warrants the opening of talks. This gives an indication of the road ahead - it is not a question of Turkey joining tomorrow - but the Union cannot apply double standards (as stated above, we are a construct based on law) and should not apply to Turkey interpretations that are different to those we have just implemented for the recently-concluded fifth enlargement.

What do we want to achieve together as Europeans? This was the real slogan of the debate in the Convention and later in the Intergovernmental Conference. For all the self-criticism engaged in, we should not overlook the pointers provided by the Constitution. Despite the imperfections and shortcomings highlighted in comparison to the undeniable achievements and

progress made, the constitutional debate addressed the fundamental aspirations of the people of Europe: more Europe for more prosperity; more Europe for a greater European presence in the world. Regarding prosperity, the doubts concerning Turkish membership focus exclusively on the short-term cost (Turkey is a large and poor country), but this cannot be the decisive argument for a Union which is already a hegemonic economic power. Regarding security and Europe's projection on the world stage, few would dispute Turkey's contribution in strategic terms, as mentioned earlier.

Lastly, how should the project be carried forward? Here too the answer lies in the new Constitution, despite the error of double-majority. The European Union is neither a federal nor an intergovernmental project; it should not weaken, let alone clash with, the member states. It has to be viewed in a very different light, namely, the Union as a common institutional framework with multiple interconnected and many-faceted networks. Some such networks, the euro or police and judicial cooperation for instance, are already operational. For others, such as Defence, which is being shaped at present, Turkey's participation can only prove beneficial.

Europe is not what it used to be. Our European project, still one of the most attractive adventures ever undertaken by humankind, is that of a prosperous and culturally-mixed Europe, free of nostalgia and certain of its values. A Europe that seeks to be a powerful force in the world and observes serenely and with interest Turkey's transformation, which will eventually enable it to become a full member.

Ana Palacio is Chairperson of the Joint Committee for European Union Affairs of the two Houses of the Spanish Parliament.

7. News from the Federal Trust

Forthcoming events

'Europe's Role in Global Environmental Governance', Brussels, 19 January 2005.

Confirmed speakers include two former Environment Ministers, representatives from the European Parliament and Commission, civil society and business. This event is kindly supported by the Network of European Foundations for Innovative Co-operation (NEF). Further details are available at www.fedtrust.co.uk/environment. This conference is by invitation only. For all enquiries, including about attendance, please contact Alexis Krachai at alexis.k@fedtrust.co.uk.

'The UK Presidency of the European Union', 9-10 June 2005.

This conference is organised in association with the Royal Institute of International Affairs (Chatham House) and the Trans European Policy Studies Association (TEPSA). Further information will be available shortly at www.fedtrust.co.uk/presidency.

Forthcoming publications

'The EU and Turkey: A glittering prize?', edited by Michael Lake.

'This book is a honest and multi-disciplinary attempt to illuminate the dimensions of the challenge from different perspectives. I admire its breadth, depth and relevance and believe it will be a useful reference, not only for policy-makers and practitioners but for any citizen who reads it.'

From the Preface by Pat Cox, former President of the European Parliament

Available in March 2005. To pre-order copies please contact Brian Howlett at brian@fedtrust.co.uk.

European Essay No. 34:

Professor Jo Shaw: **'Flexibility in the European Union'**

This Essay will be available shortly at www.fedtrust.co.uk or from publications@fedtrust.co.uk.

Other publications

As the ratification process of the EU Constitution speeds up it is even for experts and academics interested in European affairs sometimes useful to have an easy-to-use reference guide for some of the technical terms that describe processes in the EU. With this in mind the publishers of the popular magazine 'E-Sharp' have recently published the 50 page guide **'Jargon Alert. Your guide to understanding Eurospeak'**. Copies are available direct from the Federal Trust for EUR10. Please contact Jonathan Church at jonathan@fedtrust.co.uk. For further details please visit <http://www.peoplepowerprocess.com/jargon.htm>

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