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[10 Questions](#)
[Tech & Telecom](#)
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[Commentary](#)
[Postview](#)

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Setting up a Roadblock

The EU constitution represents the wider European consensus. No single country should be able to block it now

By Richard Laming

Dec. 23, 2004

The future of Europe will move center stage in the next 18 months as the debate about the European constitution heats up. The Czech Republic will probably be one of the final EU member states to ratify -- there is a referendum due, promised for June 2006.

But what will that referendum actually be about? What happens if the Czech Republic votes yes, as the present government recommends? And what if it votes no, as the opposition Civic Democrats (ODS) demand?

On the face of it, the issue at stake is very straightforward. There is a new European treaty that amends the previous European treaties by bringing in a constitution for the EU, and each country in the EU has to decide for itself whether it wishes to support it.

The changes the constitution makes are broadly common sense. There will be a stronger connection between the way votes are cast in the European elections and the choice of president of the European Commission. The directly elected European Parliament will gain more powers over European laws and the budget. The Council of Ministers will meet in public rather than in private when discussing new legislation. The Charter of Fundamental Rights will become binding on the actions of EU institutions. It is quite hard to be against any of these.

They serve to make the decision-making processes of the EU a bit more like those of the individual member states, so the Brussels system ought to become clearer and easier to understand. The new constitution is intended to make the EU more democratic, more accountable and more effective than it is right now. Much of the debate will be about whether it actually does so.

For what the European constitution does not deal with is the fundamental structure of the EU. That stays unchanged. The national governments retain their primary role in decision making. The European Commission continues as the guardian of the common European interest. The European Parliament is still the voice of the citizen.

Issues such as the development of a common European foreign policy or a single European army are left to the future. Any decisions in these areas will be taken by unanimity among the member states -- if ever. Future reforms to the system have to be agreed upon unanimously by all the member states, too, as will any changes to the way that Europe levies taxation or regulates social conditions.

There are actually a lot of complaints from pro-Europeans who wanted to see the national veto removed. But whatever one's personal view, it is clear that wider European opinion is not ready for such a change. Maybe it never will be: We shall see.

And if the *nes* have it?

So if the adoption of all these measures is the result of voting yes, what is the consequence of voting no?

In many ways the referendum to be held in 2006 will be similar to the one held in June 2003 on EU membership. If the Czech Republic votes yes, then the treaty will come into force here; if not, it won't.

But there is more to it. For the changes in the treaty do not only apply to the Czech Republic. They will either apply to the whole of the EU or not at all. Is it in the hands of the Czechs to make this decision for the whole of Europe? This is a more complicated question.

Is it possible that the other 24 member states will react to a Czech 'no' by agreeing to abandon the European constitution and starting all over again? This is what Jan Zahradil, who heads the ODS deputies group in the European Parliament, appears to expect. And it is, after all, the formal legal position. But the political situation is rather different.


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Is it really likely that the other member states will agree that their 24 yes votes should count for nothing when faced with a single no? I don't think so.

They are hardly likely to turn their back on the benefits of the European constitution because one particular member state says so. The text has already been debated and agreed upon by the Convention -- representing the governing and opposing political parties from each member state in the EU -- and finally approved by all the national governments. Whatever the weaknesses of the constitution, it undeniably represents the wider European political consensus. No single country should be able to block it now.

The choice in front of each member state is therefore not whether the constitution should go ahead, but whether that member state should be subject to it. In this way, the EU is a wholly new way of uniting Europe -- it is a voluntary union and not an imposed one.

A country that votes no, however, does not necessarily have to cut its links with the EU altogether. There are plenty of examples of countries with different relationships with Brussels. The United Kingdom, for example, is not part of the euro nor of the Schengen agreement on free movement. Some of the citizenship provisions do not apply in Denmark. Norway is part of the single market but not part of the EU itself. There are many models, and one of them might be suitable for the Czech Republic.

But it is not enough for the ODS and other Euroskeptic parties in the referendum campaign simply to say what they are against. They will also have to make it clear what they support, too.

I suspect they might find this rather difficult, because the other member states will already have declared support for the European constitution. They will say that continuing the development of the EU is the best way to safeguard their political and economic well-being. They will not be deflected by the Czech vote.

But this is the choice for each country to make for itself. It is open to Czech voters to make their own. If they wish to go a different way, that is their choice. But I hope it is a choice that they choose not to make.

-- The writer is the director of Federal Union, the British federalist campaigning organization, and works in public affairs for commercial interests in London and Brussels. He writes here in a personal capacity.

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