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Bachelor Assignment
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<http://ec.europa.eu>

**“The end of the European Constitution? An
analysis of the Dutch and French
referendum”**

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1.Introduction

The following bachelor-assignment deals with the failure of the European Constitution referendum in France and in the Netherlands and is named “The end of the European Constitution? An analysis of the French and Dutch referendum”.

The research question is based on the political developments, which took place on May 29th and June 1st 2005, as the French and Dutch population rejected the European Constitution Treaty in a referendum. On the occasion of the results of these referenda it is doubtful that the European Constitution can be passed. Thus it seems to be very interesting to elaborate factors, which could be an explanation for the French and Dutch decision on the one hand and answer the question whether the European Constitution has been failed, on the other hand. According to the further development of a European unity, the European Constitution Treaty should build a new level of the European idea and should simplify the political work of the EU member states simultaneously. Furthermore the European Constitution should build the last pillar on the way to European equality. All these factors contribute to the scientific and methodological importance of this research. Moreover France and the Netherlands, are among other EU-member states often called the “engine” of Europe. This statement of the international press is also a reason for analyzing the referenda and tackling with the European Constitution Treaty in particular. Based on this introduction, this bachelor thesis is set up as follows. The research is roughly subdivided into four main parts, beside this introduction. The first one is a theoretical and introductory part in which the fundament of the assignment is built and in which basic settings and developments will be discussed and analysed in the same way. This happens with sub questions to get so better involved in the topic. In this part, the following questions will be answered: What is the European Union? What is the European Constitution? Who is involved in the preparation of the European Constitution Treaty? Why does the European Union need a constitution? How can an EU-country accept or condemn the European Constitution?

The second part of this research is based on the results of the theoretical part and can be named as the practical and analytical part of this paper. The position of the French and Dutch government as well as the position of the political parties will be discussed and analysed in this part first. Afterwards the referenda in France and in the Netherlands will be analysed explicitly. In this context the national and international reactions, the current developments and the consequences of the negative referenda will be picked up, too. In the third part of the research the main questions of this bachelor thesis will be answered: Why have the French

and Dutch referenda been failed? Is the European Constitution, based on the failure of the French and Dutch referendum, at the end?

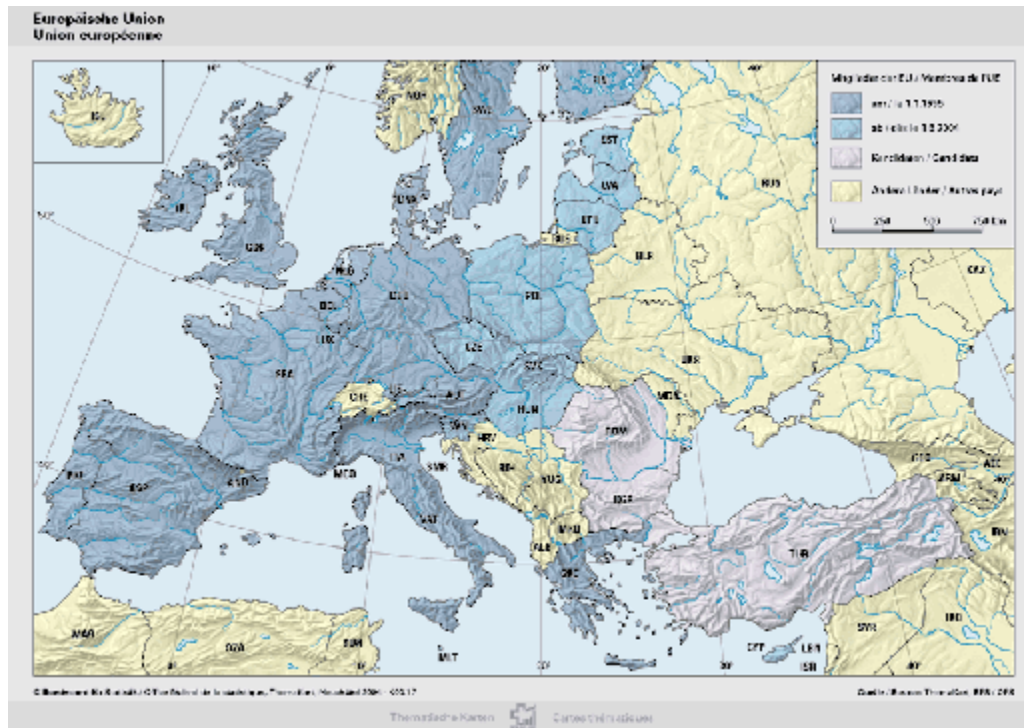
The fourth and last chapter of the assignment is a conclusion of all results of this paper and is also occupied with a possible solution for the problem of the realisation of the European Constitution Treaty.

2. Theoretical and introductory part

As mentioned in the introduction of this research paper, this chapter builds the theoretical and introductory framework. For analysing the referenda in France and in the Netherlands it is necessary to pick up the political and European backgrounds. That means in detail, to describe historical developments, which build the starting point of the process which wants to establish a common European Constitution. Based on sub-questions, this chapter wants to elaborate scientific elements, which are most relevant for the analysis of the referenda and its effects for the realisation of the European Constitution. Furthermore, this chapter is an important aspect for the methodological perspective of this assignment.

2.1 What is the European Union?

The first step for getting involved in the discussion and in the analysis of the referenda for the European Constitution is to elaborate the framework of the political context. Explicitly that means to draw up the European Constitution by describing the political fundament, the European Union. The European Union is a confederacy of today 27 independent European states which have agreed on working together in different political issues. Moreover these states have agreed on elaborating and cooperating on political and decision making processes. Furthermore the European Union serves as a community in which the different interests, views and opinions of the several member states are respected and discussed (Schubert/ Klein 2003: P. 98). The most important principles and basically frameworks of the European Union are the respect of national identities, the respect of basic laws, the respect of the principle of subsidiarity and the frankness for further members. Nevertheless it is not possible to define and to summarize the duties of the European Union in a homogeneous way (Schubert/Klein 2003: P. 98/ Hartley 2004: P. 14-15). As said a few lines before, 27 European states have joined the EU until January 1st 2007. As pictured in the map below, the current developments of the European Union will be visible.



(Source:

http://www.bfs.admin.ch/bfs/portal/de/index/international/thematische_karten/kartengalerie_europa/raumgliederung.html)

The current member states are Austria (since 1995), Cyprus (since 2004), Czech Republic (since 2004), Belgium (since 1953), Bulgaria (since 2007), Denmark (since 1973), Estonia (since 2004), Finland (since 1995), France (since 1953), Germany (since 1953), Greece (since 1981), Hungary (since 2004), Ireland (since 1973), Italy (since 1952), Latvia (since 2004), Lithuania (since 2004), Luxembourg (since 1953), Malta (since 2004), the Netherlands (since 1953), Poland (since 2004), Portugal (since 1986), Romania (since 2007), Slovakia (since 2004), Slovenia (since 2004), Spain (since 1986), Sweden (since 1995) and the United Kingdom of Great Britain and Northern Ireland (since 1973). Romania and Bulgaria are the newest EU- member states. Both have joined the EU on January 1st 2007 (Baylis/Smith 2005: P. 581). That's the reason for the different marks (colours) of the member states in map above. Therefore Romania and Bulgaria are not involved in the referenda concerning the introduction of the European Constitution. To round off the whole framework of the European Union, it is unavoidable, to give a short historical outline of the development of the EU, to understand the circumstances for preparing a constitution for the EU. The first step for building a European Community was the Schuman Declaration in 1950, which inaugurates the opportunity for political and economic cooperation between European states because of the change in the Franco-German relations after World War II.. Based on this foundation

France, the Netherlands, Germany, Belgium, Italy and Luxembourg signed the Treaty for establishing the European Coal and Steel Community (ECSC) on April 18th 1951 (Hartley 2004: P. 9/ Lemke 2000: P. 178). The fact, that France and the Netherlands are founding-members of the later European Union and that both states rejected the European Constitution might be an interesting discovery for the later analysis of the referenda and the answer of the research question. In 1952 the signed Treaty for establishing the ECSC came into force. On March 25th 1957 the next stage on the way to a common Europe followed. With the signed Treaties of Rome, the European Economic Community (EEC) and EURATOM were sealed. On January 1st 1958 the EEC and EURATOM came into force and built the next step of an economic cooperation between the member states. In the following years several European states became member of the EEC and EURATOM. In 1973 Denmark, Ireland and the United Kingdom joined the community. In the year 1981 Greece and in 1986 Portugal and Spain joined as well (Hartley 2004: P.10/ Schubert/Klein 2003: P. 248/ Weidenfeld 2006: P. 23).

Based on the foundation of the European Economic Community the Treaty of Maastricht was signed in December 1991 and sealed the establishment of the European Union. According to the Treaty of Maastricht the European Union consists of three pillars which define the tasks of the European Union (EU). The first pillar includes the European Communities (EEC, ECSC, and EURATOM), the second one fixed the Common Foreign and Security Policy and the third one includes the Cooperation in the Fields of Justice and Home Affairs. The third pillar was renamed into "Police and Judicial Cooperation in Criminal Matters" in the Treaty of Amsterdam 1997 (Hartley 2004: P. 14/ Weidenfeld 2006: P. 21). On November 1st 1993 the Treaty of Maastricht came into force and the first states who joined the European Union were Finland, Austria and Sweden on January 1st 1995. On May 1st 1999 the Treaty of Amsterdam, which was signed in 1997 and which built the reform of the Maastricht Treaty was put into force. In December 2000 the Treaty of Nice was passed by the head of states and prime ministers of the EU-member states. The institutional reforms which are included in the Treaty of Nice prepared the enlargement of the European Union (Weidenfeld 2006: P. 21/ Rumford 2002: P. 43). The Treaty of Nice came into force on February 1st 2003. One of the most important dates for this research was February 28th 2002. At this time the first meeting of the European Convention concerning the future of the European Union took place. Furthermore the convention and the representatives of the joining states should elaborate a draft for a European Constitution. On July 18th 2003, the president of the European Convention, Valery Giscard d'Estaing, handed in the draft of the European Constitution and reopened the discussion of the necessity of a constitution for the EU. On April 4th 2003 the conference of

the governments of all member states, for discussing and passing the draft of the European Constitution began. In December 2003 the draft of the European Constitution was objected by the conference of the governments (Weidenfeld 2006: P. 22). The next historic event took place on May 1st 2004 as ten new member states joined the European Union in front of the European Eastern enlargement. In June 2004 the head of states and prime ministers of all member states passed the “Treaty of a Constitution for Europe” under Irish council-presidency. After signing the “Treaty of a Constitution for Europe” on October 29th 2004 the process of national ratifications began. Owing to the process of ratification the referendum concerning a European Constitution failed in France and in the Netherlands. At that moment the question, whether the European Constitution has been failed and ended, raised. Thus the decision of the French and Dutch people made this research question possible (Weidenfeld 2006: P. 22 /Hartley 2004: P. 14/http://www.volkskrant.nl/achtergrond/buitenland/europese_unie/). On January 17th 2007 the German chancellor Angela Merkel who took over the European presidency on January 1st 2007 has warned the European parliamentarians. “The failure of the European Constitution would be a historic mistake” she said in her first speech at the European Parliament (<http://www.nzz.ch/2007/01/17/al/newzzEx1TUGBP-12.html>).

Furthermore the European Union consists of 27 member states today, after Bulgaria and Romania have joined the EU on January 1st 2007. The developing process of the European Union and the process of establishing and elaborating a European Constitution until today describe the change inside the EU and represent the necessity of constitution which could simplify several decision-making processes on the one hand and joining regularities on the other hand (Weidenfeld 2006: P.26 / MacCormick 2005: P. 8-9). In the following chronology the development of the EU is visible and summarized through key occurrences. In this case the development of the European Constitution is not integrated yet. Its development will be picked up explicitly later in this research.

May 9 th 1950	Schuman Declaration
April 18 th 1951	Treaty of Paris signed (ECSC Treaty)
March 25 th 1957	EEC and EURATOM Treaties signed (Treaties of Rome)
January 1 st 1973	Denmark, Ireland and the United Kingdom joined the EC
January 1 st 1981	Greece became member of the EC
January 1 st 1986	Spain and Portugal joined the EC

December 9 th -10 th 1991	Treaty of Maastricht signed
November 1 st 1993	Treaty of Maastricht in force
January 1 st 1995	Sweden, Austria and Finland joined the EU
June 16 th -17 th 1997	Treaty of Amsterdam signed
May 1 st 1999	Treaty of Amsterdam in force
December 7 th -11 th 2000	Treaty of Nice signed
February 1 st 2003	Treaty of Nice in force
May 1 st 2004	European eastern enlargement (10 new member states)
January 1 st 2007	Romania and Bulgaria became member of the European Union

(Source: Own composition based on Hartley 2004: P. 10/ Weidenfeld 2006: P. 20-22/
<http://news.bbc.co.uk/1/hi/world/europe/5383456.stm>)

Based on this chronology one of the most important stages was the Treaty of Maastricht, because of the foundation of the European Union. As said before, the cooperation of the European-member states was subdivided into three pillars which have an enormous significance for the continuity and goals of the EU. The last step of introducing into the topic of the European Union and the European Constitution is the presentation of the three pillars of the EU which are fixed in the Treaty of Nice. The first pillar is named “European Community” and consists of the cooperation on different political and economic issues. More detailed these fields are agricultural policy, European single market, regional and structural policy, social security and social cooperation, environmental protection, consumer protection, monetary policy, contest control and economic development. The second pillar is named “Common Foreign and Security Policy” and includes the safeguarding of common values and interests, the strengthening of international security, the safeguarding of peace, the advancement of international cooperation, the strengthening of democracy and legality as well as the respect of human rights and laws (Weidenfeld 2006: P. 34/ Hartley 2004: P. 217). The third pillar called “Police and Judicial Cooperation in Criminal Matters” has the vision to create an area of freedom, security and law. For achieving these goals, racism, terrorism, slave trade, criminal offences towards children, illegal trade with arms and drugs as well as corruption and fraud are needed to be stopped (Weidenfeld 2006: P. 34).

At the end of this first introduction chapter it is necessary to combine these elements, the historic developments of the European Union as well as the goals and organisation structure,

with the research question. The structure and the aims of the European Union, which are described in the “Three Pillar Model”, could be simplified through a common constitution. That’s the official statement of all persons, who plead for the European Constitution. Thus it is very important to show the structures, processes and aims, which should be simplified and accelerated through the EU Constitution. In the same way, there are votes, which criticise the project and its necessity. Summarized the discussion for and against the constitution is very controversial and has to be analysed in the following chapters more detailed. Then a scientific and well-founded analysis of the referenda and the constitution is possible (Weidenfeld 2006: P. 34/ Hartley 2004: P. 217/ Rumford 2002: P.54).

2.2 What is the European Constitution?

The first step for getting involved in the matter of the European Constitution is creating a short overview of the developments from the beginning until today. This overview includes the failure of the referenda in France and in the Netherlands, just as the current developments in the year 2007. This chapter is supposed to be an explanation for what we talk about. Only this way it is possible to get arguments and a well-founded scientific background, which should support the later analysis of the referenda as well as the results of the research questions. Moreover this chapter is important for understanding what the French and Dutch people have rejected because an analysis of the referenda is only possible, when the details of the draft and its sense for Europe are fixed up. (<http://www.lemonde.fr/web/articleinteractif/0,41-0@2-3214,49-856329@51-831772,0.html>).

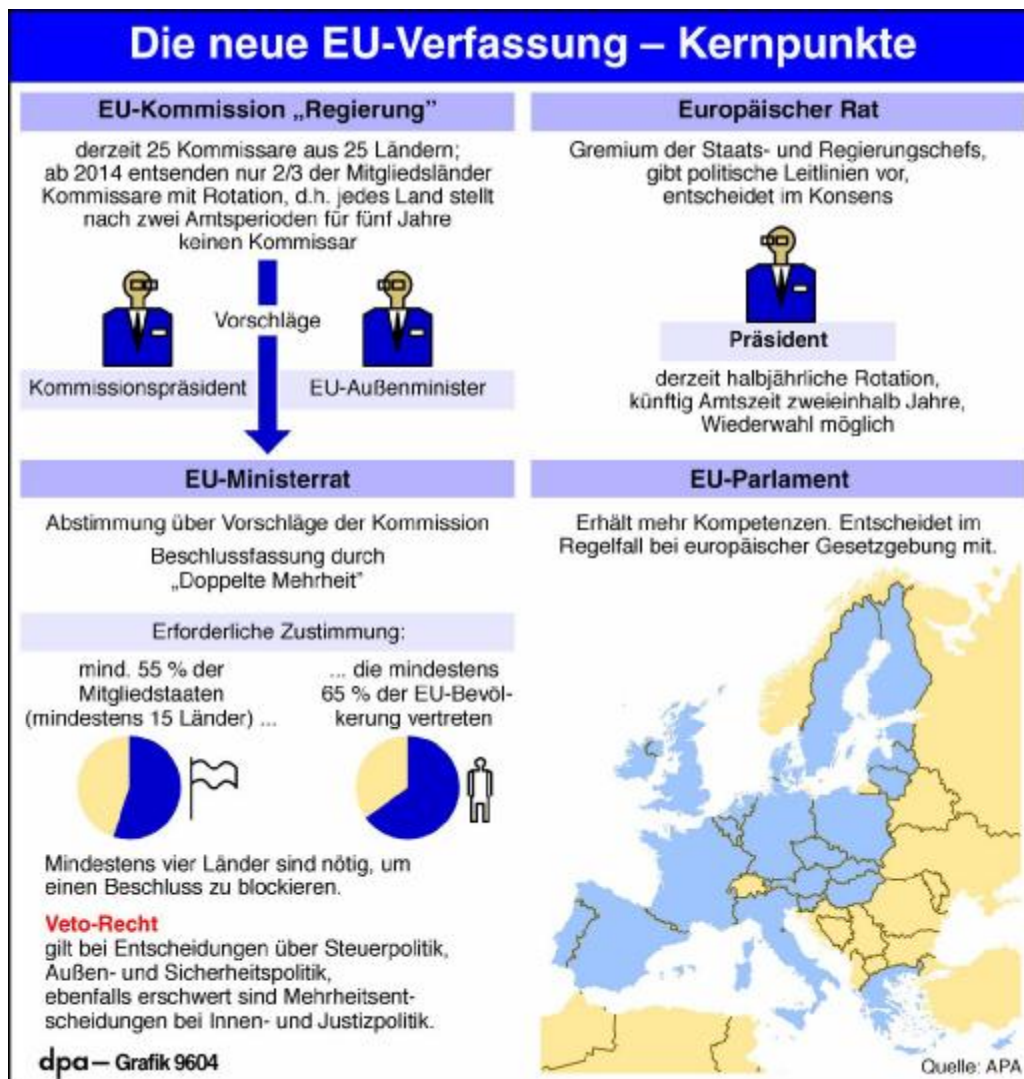
In the following table the most important dates for installing a European Constitution are presented and give a short overview of the process the paper deals with:

February 28 th 2002	First meeting of the convention for elaborating a constitution draft.
July 18 th 2003	The president of the convention, Valery Giscard d’Estaing handed over the draft of the European Constitution Treaty.
October 4 th 2003	Conference of all governments to discuss the draft.
December 12 th -13 th 2003	The close of the constitution draft failures in the first approach.
June 17 th -18 th 2004	The Treaty of the Constitution for

	Europe has been passed.
October 29 th 2004	The Treaty of the Constitution for Europe has been signed. The process of national ratifications began.
May 29 th 2005	The French referendum failed.
June 1 st 2005	The Dutch referendum failed.
January 16 th 2007	Angela Merkel told the European Parliament to complete the European Constitution

(Source: Own composition based on Weidenfeld 2006: P. 22/ Simons 2004: P. 43)

Based on the historic developments concerning the European Constitution, the structure is shown. The European Constitution, which is set up in the European Constitution Treaty is a union and simplification of the existing European Treaties first. In detail this are the EC-Treaty and the EU-Treaty as well as protocols and declarations of the version of Nice. According to the union of the treaties, more than 700 articles are reduced to 448 articles. The constitution, elaborated by the European Convention under the chairmanship of the former French head of state Valery Giscard d'Estaing, is subdivided into four parts (Blankart/Mueller 2004: P. 16/ Weidenfeld 2006: P. 51-52). The first part describes the regulations concerning aims, values and responsibilities of the EU. The second part consists of the fundamental laws and justice which the EU is obliged to fight for. The third part is leaned on the first part and describes the regulations concerning the EU organs and the several political issues. The fourth part of the European Constitution Treaty consists of final regulations, such as criteria for the ratification process. However it is not necessary to present all articles of the European Constitution in detail because of the fact that the research is concentrated on the referenda itself. The important key points of the constitution are visible in the graph, published by the Austrian press agency "APA":



(Source: <http://www.cducusuep.cdu.de/konvent/konvent.htm>)

By means of the graph the changes inside the several European organs became visible and describe the innovations of the European Union. Furthermore the cuts for the bigger respectively financially stronger EU-member states became visible and delivers possible explanations for the failure of the referenda in France and in the Netherlands. According to the constitution and the graph there are changes in the practical and theoretical conversion. The European Parliament gets more competences and has the possibility to decide in European legislation processes. The European Council used the political ideas as a pretext and decides in a consensus. The term of office for the president of the European Council will be changed into two and half years with the possibility of a re-election (Weidenfeld 2006: P. 57-58/ Hartley 2004: P.22/ <http://www.europar.de/verfassung/wissenswertes>). Concerning to the European Constitution, changes in the European Commission are converted, too. The function of an EU-Foreign minister will be established as well as the principle of rotation. That means

that the commissioners of each member states are involved into two periods of office and then retired from the office for five years. So only 2/3 of the member states send a commissioner into the European Commission by rotation. There are also changes in the EU Ministry-Council. According to the constitution for making decisions a “Double Majority” is necessary. Moreover 55% of the member-states, which represent 65% of the EU population are necessary for passing a decision. Thus at least 4 states are necessary to reject a decision (<http://www.europar.de/verfassung/wissenswertes>). Finally it must be mentioned that the preamble of the EU Constitution, which comes before the four main parts, includes the principles of the European Union such as the respect of human dignity, freedom, democracy, equality and justice. To sum it up the following conclusions and findings can be held tight.

- § The different EC and EU Treaties made a simplification and summary in form of the constitution necessary to receive more transparency
- § The changes which are caused by the constitution led to discussions and conflicts inside the bigger and financially stronger EU member-states
- § The European Constitution split the European Union
- § The results of the splitting became visible in the failure of the French and Dutch referendum

(Weidenfeld 2006: P. 52-54/ Pfetsch 2001: P. 35/ Woyke 1998: P. 65)

2.3 Who is involved in the preparation of the European Constitution Treaty?

The conference for preparing and elaborating a draft for the European Constitution respectively for reforming the European Treaties was the European Convention. This body also known as the “Convention on the Future of Europe” consists of 105 full-members and their representatives. That means, that it consists of representatives of the EU-member states and the applicant member states, the national parliaments (including the parliaments of the applicant states), the European Parliament and the European Commission (Hartley 2004: P. 14). The European Convention was chaired by the former French head of state Valery Giscard d’Estaing. Moreover the former Italian and Belgian Prime ministers Guiliano Amato and Jean-Luc Dehaene were involved as his representatives (<http://www.arte.fr/histoire-societe/constitution-europeenne/854814.htm>).

The discovery who was involved in the process of establishing and developing a European Constitution might be very interesting for the later analysis of the referenda in France and in the Netherlands. Why have the French people rejected a constitution which was mainly developed under the supervision of the very popular former French president Valery Giscard

d'Estaing? The European Convention has made it to its business to integrate the European people in the process of preparing a constitution. Nevertheless they could not convince the Dutch and the French to vote for it. The EU Constitution should overcome prejudices and scepticism concerning the European Union. According to the literature it seems to cause the opposite. In the further research the analysis of the referenda should give answers on the question, why the referenda in France and in the Netherlands have been failed, although a popular and trustworthy French politician was involved in the process of preparation (http://www.senat.fr/rap/rapport_constitution/rapport_constitution_mono.html). Based on the idea to integrate the population in the developing process and to achieve more transparency on the one hand and more appreciation for the work of the EU on other hand, the French and the Dutch seemed not to be convinced about the draft the European Convention handed in (Hartley 2004: P. 14/ Werth 2006: P. 33/ Weidenfeld 2006: P. 106). To sum it up, there must be more reasons for the failure of the European Convention because up to now, there are no special reasons uncovered, which could convince the Dutch people to reject the European Convention. Furthermore there are no reasons uncovered which could explain the French decision either. The following results have to be concluded yet:

- § Although a trustworthy and popular French politician was involved in the preparing process, the French were not convinced of the EU-Constitution
- § The European Convention wanted to include the European people in the developing process to get more appreciation and faith in the EU
- § Anyway the French and Dutch rejected the EU-Constitution
- § Concerning the European Convention, there are no reasons visible, which could explain the decision of the Dutch and French people

(<http://www.bundesregierung.de/Webs/Breg/DE/Politikthemen/AussenpolitikundEU/EU/EU/Verfassung/eu-verfassung.html>)

2.4 Why does the European Union need a constitution?

This chapter deals with the advantages and disadvantages of the European Constitution. Based on the arguments, reasons for establishing a constitution will be fixed. Moreover possible explanations for the failure of the referenda in France and in the Netherlands might be extracted through the disadvantages of an EU-Constitution (<http://www.grondwethoezo.nl/>). The evaluation of the advantages and disadvantages can be subdivided into five parts each. The positive and negative aspects can be analysed concerning transparency, democracy,

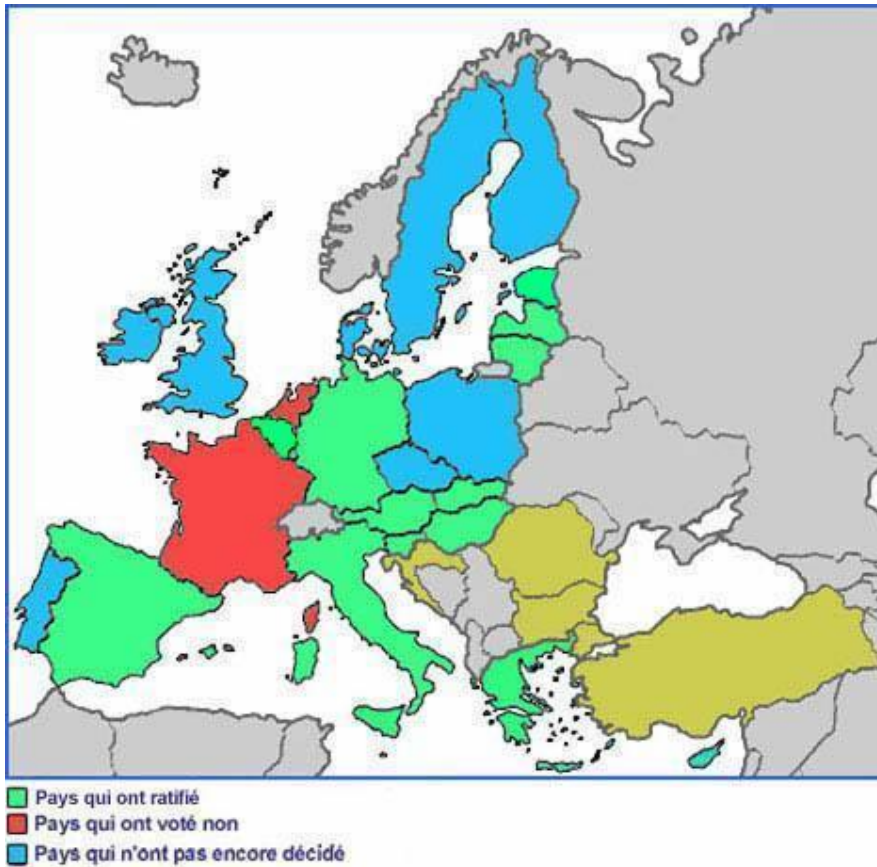
efficiency and political leadership as well as future developments. The arguments, which show that a European Constitution is needed on the field of transparency, are the following ones. The first one is the simplification of all previous EU-Treaties. The second one is the adoption of the Charta of fundamental laws. Moreover the EU gets the personality of justice and it introduces categories of competences. On the other there negative aspects on the field of transparency, which stand for the failure of the European Constitution. The draft is to long and to unintelligible for the majority of the people. Furthermore important issues are moved out into protocols (<http://www.grondwethoezo.nl/> /Weidenfeld 2006: P. 62-63). Moreover there is no separation between the categories of competences and an unclear separation between the Council of Legislation and the Councils of Ministries. According to the democratic arguments for or against a European Constitution, the following aspects must be mentioned. The European Constitution supports the democratic guideline of the EU by introducing a “European Citizen Action Group” and by transferring higher influences of the European Parliament concerning the vote of the president of the commission. Moreover the European Parliament receives more laws concerning the discussion of the EU-budget. The most negative aspects concerning the democratic part of the constitution are the missing consequence by everything connected with decision making processes and elections (<http://www.grondwethoezo.nl/>). Related to the factors of efficiency, political leadership and future developments, it has to be mentioned, that in spite of improved requirements disadvantages originate from the later realisation of these results (the diminution of the European Commission will nearly take place in 2014 for instance). This short overview of the advantages and disadvantages of the European Constitution describe the reasons for establishing this constitution on the hand and offer some explanations for the French and Dutch decision on the other hand. Based on the advantages presented in this chapter, the European Constitution might be necessary for creating more transparency, for achieving more democracy in the European Community, for getting more efficiency concerning the political leadership and the decision making processes and for making the EU more innovative and opening the EU for potentially new members. According to the disadvantages, which are related to the European Constitution, it must be noticed, that several changes are not sufficient enough to convince the people of Europe (Weidenfeld 2006: P. 62-63/ Hartley 2004: P. 14/ McCormick 2006: P. 21-23). To sum it up, the following discoveries must be mentioned:

- § The EU-Constitution shall deliver more transparency, democracy, innovation, efficiency and development
- § Advocates criticise, that the draft is not enough for convincing the people of Europe

- § The French and the Dutch were not convinced enough/ scepticism concerning the EU
- § Although the constitution was developed, the EU was not catching the people
- § The constitution restricted the competences and the positions of the bigger and wealthier EU member-states
- § The restriction supports the scepticism of the people

2.5 How can an EU-country accept or condemn the European Constitution?

After elaborating the main criteria of the EU-Constitution for receiving possible explanations for the failure of the ratification in France and in the Netherlands, the different methods of ratification will be presented now. The following map shows, that only two European states have rejected the EU-Constitution (the red marked countries) yet. In this context, it is very interesting to figure out, that in both countries the population decided via a referendum to condemn the constitution. For that reason it is necessary to present the process of ratification on the one hand and the referendum itself, on the other hand. The referendum itself will be presented in the second main part of this assignment.



(http://www.europa.eu/constitution/ratification_fr.htm)

As said at the beginning of this chapter, two methods of ratification exist. The foundation of the ratification process was the signing of the constitution contract by the responsible head of states and prime ministers. After signing the contract in the member states, the process of ratification began (Weidenfeld 2006: P. 100-101). In combination with the results of the ratification process it has to be figured out that one method of the ratification led to the results we got. In more detail the version of a referendum contributes to this research question. In the states, which are important for this paper, France and the Netherlands, the European Constitution was passed or refused through a referendum, which was taken out by the population of the respective states (www.cap-lmu.de/themen/eu-reform/ratifikation/index.php). In France, referenda have to be held in the case of changing the French constitution or ratifying a contract, which is of national interest. The results of the referenda, which were carried out of the French people, have to be accepted by the French government and the French parliament. Moreover the French vote has to be realized. That means that in the special case of the referendum concerning the acceptance or rejection of the European Constitution, the French government and parliament has to accept the French vote to turn down the European Union's Constitution (Wehr 2006: P. 53/ MacCormick 2005: P. 45). As an annotation it can be mentioned that European topics have a very high importance for political France and its people so that all decisions concerning the EU were decided with the help of a referendum. The last example for a contract, which was accepted and later ratified, was the contract of Maastricht in 1992. The second country, which is very important for the research are the Netherlands, whose population also condemned the European Constitution through a referendum. The majority of the Dutch parliament decided to hold a consultative referendum concerning the realization of the European Constitution. Legally the decision of the Dutch people was not bounded, but the Dutch Prime Minister Jan-Peter Balkenende however guaranteed to accept the vote of the Dutch people, even if the people would decide to condemn the constitution (Weidenfeld 2006: P. 99/ <http://www.europa-nu.nl/9353000/1/j9vvh6nf08temv0/vh8ml7j9ndxm>). According to the statement of Jan-Peter Balkenende, the Dutch government accepted the rejection of the European Constitution. In France and in the Netherlands, the ratification has been failed. For that reason the research question, whether the end of the European Constitution has been arisen, was established. After the failure of the ratification in France in the Netherlands, several EU-member states stopped the process of ratification (the blue marked countries in the map above). Furthermore it is important to mention, that in countries where the second method of ratification was used, the European Constitution was accepted. In countries like Germany, Italy, Latvia, Lithuania,

Austria and Hungary the decision to pass or to refuse the European Constitution was made by a parliamentary vote. That means in detail, that in those countries the population had no influence on the decision of installing the European Constitution or not. Furthermore it might be possible that the constitution was passed, although the majority of the people would reject the constitution. In Germany of instance, the “Grundgesetz” provides no referendum on federal level. That means that concerning European topics no referenda can be held. So the decision for ratifying the European Constitution in Germany lies by the German parliament itself

(http://www.nos.nl/nosjournaal/dossiers/europesegrondwet/280405_stellingverzicht.html).

Moreover it is necessary to mention the following aspects concerning the ratification of the European Constitution. So far, the ratification tool place in 14 EU-member states. On the one hand 13 of 27 countries have accepted the constitution contract; on the other hand the population of two founding members rejected the constitution and contract (Weidenfeld 2006: P. 96-97/ MacCormick 2005: P. 38-42).

To sum it up, the following aspects are very important for the further research on the hand and for answering the research question in particular, on the other hand:

- § There are two possibilities to accept or condemn the EU-Constitution by a ratification (referendum or parliamentary vote)
- § The French and Dutch decided to condemn the constitution in a referendum, although their governments pleaded for the ratification of the EU-Constitution
- § Two of the founding members, which most important for this research, rejected the EU-constitution
- § The process of ratification is an unequal decision making process, because of the fact, that every single citizen is not involved in the decision (referenda versus parliamentary vote)
- § According to the attitude of the French and Dutch people towards the European Constitution, it can be expected, that the majority of the population within the European member states is convinced of the contract and would probably vote against the EU-Constitution
- § The attitude of the citizens represents the real political position, the European Union is integrated in (scepticism and distrust of the EU)
- § Scepticism and distrust has to be overcome for giving the European Constitution a future

3. Practical and analytical part

After creating the fundamentals of this research on the one hand and working towards the answer of this paper on the other hand, the referenda in France and in the Netherlands will be analysed and presented in more detail. Within the previous chapters, the reasons for establishing the European Constitution were worked out. Moreover the differences in the ratification and possible explanations for the failure of the ratification in France and in the Netherlands were depicted. With the description of the advantages and disadvantages of the European Constitution, a big step for the analysis was made. Therefore the previous chapters offer the possibility to receive answers for the failure on the one hand and an answer on the question, whether the European Constitution is at the end, on the other hand. The necessity of the first chapters can be found in the fact, that the research of possible causes, developments and relations is necessary for getting a well-founded and scientific background and for answering the question on a high scientific and analytical level. In this second main part of this assignment, the positions of the French and Dutch governments concerning the European Constitution and concerning the failure of the referendum will be presented and analysed. Moreover the positions of the political parties, the reactions, the current developments and the consequences of the failure will be figured out. Based on this findings and results and based on the elaborated fundamentals it will be possible to answer the research question.

3.1. The position of the French government and the political parties

On May 29th 2005 54, 9 % of the French population decided via a referendum to reject the European Constitution Treaty. In this context the voter turnout lay at 70% of the whole French population. Regarding this vote, the French government's attitude towards the European Constitution was the opposite. As well as the socialist party, the majority of the gaulistic and the right-bourgeois party plead for the ratification (http://www.bpb.de/themen/V6BF0P,0,0,Positionen_in_Frankreich.html). One of the few political parties who asked the French people to reject the EU-Constitution was the extreme rightwing "Front National" under the leadership of Jean-Marie Le Pen. The French head of state Jacques Chirac (gaulistic-party) as well as the French Prime Minister Jean-Pierre Raffarin (right-bourgeois party) and the whole French government confirmed their position and expressed the same time, that a failure would weaken France, as well as the European Union itself. According to the French head of state Jacques Chirac (picture below), the European Constitution would be a chance to make Europe stronger and more social on the one

hand and to increase the French influence on the European Union on the other hand (Weidenfeld 2006: P. 102-103).



(<http://www.rp-online.de/public/article/aktuelles/91908>)

Nevertheless the referendum of the ratification showed, that the majority of the French people was not convinced by the statements and by the publicity of the French government and voted with a “non” (picture below) (Wehr 2006: P. 166).



(http://www.phoenix.de/der_tag/2005/05/31/0/21240.1.htm)

Anyway Jacques Chirac and Jean-Pierre Raffarin tried to confirm the population by arguments. That way, the rejection of the European Constitution would promote an ultra-liberal Europe, which would damage the reputation of France. The same way Chirac told the French people, that a “non” would mean an attack of fifty years of European work and cooperation. On meetings, interviews and public speeches, the French politicians tried to convince the population and to say “oui” to the ratification of the European Constitution. According to the former French Prime Minister Jean-Pierre Raffarin, the European Constitution could support the democracy and the nearness to the citizens, which is according to Raffarin a very important pillar for living and working together in Europe (Weidenfeld 2006: P. 101-102/P. 96-97/http://www.elysee.fr/elysee/elysee.fr/francais/interventions/discours_et_declaration/2005/avril/discours_du_president_de_la_republique_lors_du_50e_anniversaire_de_la_chambre_franco_allemande_de_commerce_et_d_industrie.29612.html). Thus there are more arguments, which should convince the French people to vote for the European Constitution. According to Jacques Chirac, France needs the EU-Constitution for saving and increasing its position in

Europe. Moreover the constitution makes the EU despite of its enlargement ready for decisions and saves the leadership within the European Union. Furthermore the constitution increases the involvement of national parliaments and the European Parliament and supports the transparency and the right of codetermination this way. As said at the beginning most of the French political parties were for accepting and ratifying the European Constitution Treaty. Within the governmental parties nobody was for the rejection of the constitution (http://www.jne-asso.org/dossiers_constitution.html). But as mentioned before, one of the opposition parties, the “Front National”, pleaded for the rejection of the constitution. The party leader Jean-Marie Le Pen gave the reduction of social equality and the loss of the French sovereignty as the main reasons for his and his parties’ attitude. Moreover the new constitution would weaken the rights of the workers in all sectors on the one hand and would heighten the rate of unemployment on the other hand. In 2005 the rate of unemployment in France has lain at 10, 0 %, which supports the negative attitude of the French people concerning the constitution. The economic-liberal structure, which was established in the French society, would be raised through the European Constitution Treaty and would deteriorate the situation on the labour market as well (Dehousse 2005: P. 46-55/ Moscovici 2006: P. 117-134). Although the French government stands up for the ratification, the results of the referendum would be accepted. In November 2004, the French “Conseil Constitutionnel” made the referendum possible by agreeing the change of the French Constitution. At the beginning of 2005 the French senate and the French national assembly passed the draft of the “Conseil Constitutionnel” and made the referendum in the special case of the ratification possible. An analysis of the voting behaviour of the French population showed shortly after the election, that the inhabitants of only four of 22 departments of France voted with a “oui”. These departments are the Ile-de-France (the Paris area) with an approval of 54, 0 %, the Elsass with an approval of 53, 4 %, the Bretagne with an approval of 50, 9 % and the Pay-de-la-Loire with an approval of 50, 1 %. All the departments, which have accepted the ratification, belonged to the wealthier and economically integrated areas of France (<http://www.cap-lmu.de/themen/eu-reform/ratifikation/frankreich.php> and <http://library.fes.de/pdf-files/bueros/paris/03666.pdf>). The departments with the highest rate of objection were the rural areas of France like the Picardie or the Nord-Pas-de-Calais. In the department Nord-Pas-de-Calais, 35, 1 % of the population voted against the ratification. In the Picardie nearly 35 % rejected the ratification. Summarized it must be figured out, that within the French government nobody attract attention through negative utterances concerning the European Constitution. Some negative utterances inside the oppositional parties must be

considered. Although the French government has had a clear position concerning the European Constitution, the referendum failed. The main reasons for the failure of the ratification in France can be found in the connection between the government and the people on the streets. Basically most of the French people named in an opinion poll the following reasons for the rejection of the European Constitution and its treaty (<http://constitution-europeenne.info/>):

- § The general EU-scepticism in a connection with the scary arguments of the opponents of the EU-Constitution made the rejection possible.
- § Within the majority of the French population ruled ignorance concerning the European Union, its structure, its aims and its necessity for France.
- § Most of the French people were afraid of the possible loss of the French sovereignty.
- § The name “constitution” was an attack of the French patriotism and the French ideal of nationality.
- § The French wanted to give the government and the head of state Jacques Chirac a lesson for domestic reforms.
- § The domestic crisis and the dissatisfaction with the work of the government under Jean-Pierre Raffarin led to the rejection of the EU-Constitution.
- § The insufficient reforms on the labour market and the high rate of unemployment are also a reason for the failure of the ratification.
- § The high burden through taxes and the decreasing of social benefits caused the rejection of the European Constitution as well.

(http://constitution-europeenne.info/special/france_analyse.pdf)

Actually the main causes for the failure of the French referendum can be found in domestic affairs and not in the European Constitution itself. Naturally the fear of losing the sovereignty was one reason, but the main reason was the dissatisfaction with the French government and its policy. It must be figured out, that the referendum was held at the wrong time, because most of the French people wanted to punish the French government and not to destroy the vision of a united Europe. It is to be expected that if a parliamentary election would have held, the governmental parties would get a defeat as a punishment of the French population. As a consequence of the failed ratification of the European Constitution, the French Prime Minister Jean-Pierre Raffarin resigned his office on June 2nd 2005 and handed over the official duties to Dominique de Villepin. Moreover Raffarin announced that the referendum will not be repeated (Kempf 2003: P. 316/ http://www.politische-bildung-brandenburg.de/publikationen/pdf/europa_denkpause.pdf). According to the French

newspaper “Le Parisienne”, the election concerning the ratification of the EU-Constitution can be described as an internal protest-election of the French population. Summarized the following aspects concerning the French governments position and attitude can be figured out:

- § The French government advocates the ratification of the European Constitution Treaty.
- § The French head of state Jacques Chirac tried to convince the French to vote for the ratification of the European Constitution Treaty.
- § The opposition party “Front National” spoke against the ratification of the treaty in public.
- § The reasons for the failure of the French referendum can be found in the national dissatisfaction concerning social inequality, a high rate of unemployment and a failed reform of taxes.
- § The disadvantages of the European Constitution, which were presented in one of the chapters before, had a slight influence on the election-behaviour of the French people.
- § Most of the French people felt cheated by the government and so the referendum represented the first opportunity to present the internal dissatisfaction.
- § The necessity of the constitution, which results from the intricate structure of the plenty of contracts (shown in the chapters before), was not noticed by the majority of the French people.
- § The failure of the French referendum is based on a domestic crisis.

(Montbrial / Jansen 2005: S. 67ff./ <http://www.stern.de/politik/ausland/540979.html>)

3.2 The position of the Dutch government and the political parties

Shortly after the French referendum, the Dutch people were called on to decide about the ratification of the European Constitution via a referendum. After the failed referendum in France, the Dutch people rejected the European Constitution Treaty on June 1st 2005. With a voter turnout of 62, 8 %, 61, 6 % of the Dutch population rejected the European Constitution, although the Dutch government has tried to convince the people to vote with “ja” (<http://www.eiz-niedersachsen.de/177.html>). In contrast to France, the result of the Dutch referendum was not bounded. The Dutch government, consisting of the CDA, VVD and D66, under Prime Minister Jan-Peter Balkenende (picture below) confirmed with restriction, to accept the peoples vote.



(<http://www.cda.nl>)

The governmental coalition brought in plenty of arguments for preventing the failure of the referendum. So the constitution would strengthen the fight against and defend terrorism on the one hand and would strengthen the political stability within the European Union on the other hand. Moreover the constitution would protect and extend the common market and would improve the trade with each other. According to the governmental parties, the European Constitution would also adjust the rights of asylum and fugitive politics. Furthermore the contract would stabilize the EURO as a common currency and would influence the labour market positively (Weidenfeld 2006: P. 102-103/<http://www.wsws.org/de/2005/mai2005/holl-m19.shtml>). Between the positive arguments concerning the constitution, which the government brought in, some oppositional parties figured out negative aspects of the ratification of the European Constitution. The right-populist-party LPF, named after its founder Pim Fortuyn, and the former VVD member Geert Wilders (one of the most famous right-populist politicians, who is now independent) brought in nationalistic facts to convince the population. Within these statements, the party put in the fact, that the European Constitution would accelerate the Turkish EU-joining on the one hand and would promote a threat through a flood of immigration. Beside these negative arguments, which were according to the government, not true, other Dutch political parties threw in more arguments, which plead for a rejection of the European Constitution Treaty (Wehr 2006: P. 132-133/ P. 136-138/ P. 144/ <http://www.europa-nu.nl/9353000/1/j9vvh6nf08temv0/vh8ml7j9udxm>).

As well as the LPF, the Socialist Party (SP) tried to convince the people to vote with a “nee” (picture below) and to turn down the European Constitution Treaty. The arguments of the SP had a more social and European character and were not comparable with the extreme visibility of the right-populist-party LPF. The most important reason for the SP, to vote against the ratification, was the fact that social issues and social benefits would be reduced through the constitution. Moreover the standard of living of the Dutch population would suffer by the ratification. Other arguments of the SP were the strengthening of militarism and the support of a neo-liberal project. Furthermore the European Constitution and the changes

itself, would influence the labour market and the economic structure in a negative way (<http://grondwethoezo.nl/> Weidenfeld 2006: P. 96-97/ P. 100-101/ P. 103-107/ http://www.tweedekamer.nl/images/Uitslag%20raadgevend%20referendum%20kiesraad%206%20juni_tcm118-79890.doc).



(<http://www.grondwetnee.org>)

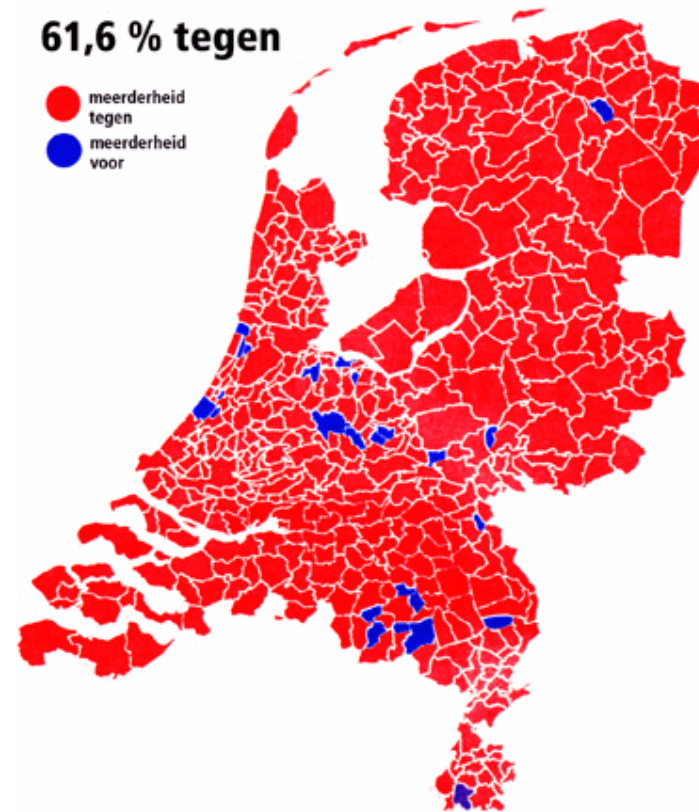
Based on the advantages and disadvantages the Dutch political parties brought into speech, the following results concerning the political parties can be made. As well as the government in France, the government under the leadership of Jan-Peter Balkenende pleaded for the ratification of the European Constitution Treaty. The following table makes the attitudes of all Dutch political parties visible.

Political Party	For/ against the European Constitution	The results of the referendum will be accepted (Yes / No)
Christen-Democratisch Appel (CDA)	for the European Constitution	yes, if the voter turnout lies at 30 % minimum and 55 % of the people vote for or against the EU-Constitution minimum
Partij van de Arbeid (PvdA)	for the European Constitution	yes, if the voter turnout lies at 30 % minimum
Volkspartij voor Vrijheid	for the European	yes

en Democratie (VVD)	Constitution	
Democraten 66 (D66)	for the European Constitution	yes
Socialiste Partij (SP)	against the European Constitution	yes
GroenLinks	for the European Constitution	yes
ChristenUnie	against the European Constitution	No, results of the referendum are not bounded
Lijst Pim Fortuyn (LPF)	against the European Constitution	yes
Staatkundig-Gereforeerde Partij (SGP)	against the European Constitution	no statement
Groep-Wilders	against the European Constitution	no statement
Groep-Lazrak	unknown	unknown
OSF	unknown	unknown

(Source: own table based on: Wielenga/ Taute 2004: P.16-17/ P. 21/ P. 415-416/
<http://www.europa-nu.nl/9353000/1/j9vvh6nf08temv0/vh8ml7j9udxm>)

As described in the table above most of the bigger Dutch parties, integrated in the government and in the opposition, were for the ratification of the European Constitution. To summarize the political standpoints, of the different parties, concerning the European Constitution, it must be figured out, that the bigger and more important parties like the CDA, the PvdA, GroenLinks, VVD and D66 would support the ratification. The LPF and the SP built the most important parties on the site of the referendum and European Constitution opponents. The following map of the Dutch districts, published by the constitution opponent SP, showed clearly, how the Dutch people judged the European Constitution respectively the referendum concerning the ratification (<http://grondwethoezo.nl/>).



(http://www.sp.nl/pictures/050601_referendumuitslag.gif)

In only the few blue marked districts, the Dutch voters accepted the ratification of the European Constitution. In the red marked areas, the Dutch voters rejected the EU-Constitution and destroyed the Dutch government's hope of a realization of the common constitution. Like the situation in France a few days earlier, also the Dutch government was confronted with the EU-scepticism on the one hand and with the dissatisfaction about internal policies and reforms, as well as unsolved domestic problems on the other hand. The reasons for the failure of Dutch referendum can be found in the following developments and aspects:

- § EU-scepticism within the Dutch population
- § Ignorance concerning the European Union / faulty pieces of information
- § Fear of losing national identity and sovereignty
- § Internal political problems/ A lesson for the government
- § Fear of losing the usual standard of living
- § Faulty domestic reforms
- § Rising rate of unemployment
- § Dissatisfaction about the government respectively internal reforms
- § High payments to the European Union
- § Decreasing Dutch influence at the EU

§ The very fast process of European integration (Turkish EU-membership)

§ A intricate globalization

The analysis of the Dutch referendum showed, that most of the Dutch were against the ratification of the European Constitution. In contrast to the French referendum, this negative opinion was spread under the majority of the Dutch people (all classes in the society). Furthermore the Dutch government and the social-democratic party PvdA missed the right moment to begin with the “pro-ratification” and “Pro-EU-Constitution” campaign (<http://www.referendumwijzer.nl/organisatie/projecten>). The map above supports this vision.

Summarized the following aspects concerning the Dutch government and the Dutch opposition parties related to the European Constitution and its referendum can be made:

§ The Dutch government pleaded for the ratification of the European Constitution Treaty

§ Also the oppositional parties PvdA and GroenLinks supported the governmental parties

§ Nevertheless these parties couldn't mobilize its voters

§ Smaller parties rejected the ratification (LPF, SP, ChristenUnie)

§ Arguments for the EU-Constitution were: a strengthened fight against terrorism, more political and economic stability within the EU, more transparency and a simplification of discussion-making processes

§ Arguments against the EU-Constitution were: high payments to the EU, the loss of the sovereignty, only little influence on the European Union, Weakness of the national labour market and the too fast process of integration

(MacCormick 2005: P. 50-53/ <http://www.grondwethoezo.nl/>)

3.3 After the referendums in France and in the Netherlands

Based on the results of the French referendum, this chapter concentrates on the national and international reactions and the consequences, which are connected with the failure of the referendum concerning the European Constitution. Moreover, current developments, which are in context with the EU-Constitution, will be figured out. According to the national and international press, like the French newspaper “Le Figaro” or the British newspaper “The London Times”, as well as the German newspaper “Frankfurter Allgemeine Zeitung” and the Italian newspaper “La Repubblica”, the failure of the French referendum was assessed as a deep crisis for Europe on the one hand. On the other hand, the newspapers wrote, that the

result of the French vote would reflect the results of the Dutch referendum view days later. After the failure of the second referendum in the Netherlands only view days later, the national press in both countries, as well as the international press wrote, that the European Constitution has entirely been failed (Weidenfeld 2006: P. 98/ Wehr 2006: P. 115/ <http://www.europa-digital.de/aktuell/dossier/verfassung/ausweg.shtml>). Actually to of the European Union founding members have rejected the European Constitution. After the process of ratification was stopped, the European Constitution was ratified in 13 of now 27 member states. The stopped process of ratification made the EU falling into the deepest crisis ever. After the stopped ratification process, the EU itself promised all inhabitants of the EU, to introduce a process of reflection. This process and this effort should prevent the failure of the process of ratification for long-term. Nevertheless it must be figured out, that shortly after the failure of the French referendum, the Prime Minister told in an interview, to accept the rejection and to put in no second referendum as well. In accordance to the developments in France and in the Netherlands, the European Union has to establish a second alternative for modernizing the structure of the EU. Furthermore the contract of the European Constitution must bring into public, to give all people the possibility to get involved with this topic (Weidenfeld 2006: P. 102-103/ MacCormick 2005: P. 38-44). Through the enlargement of the European Union, the discussion of the ratification and the necessity of a EU-Constitution were revived. But based on the negative developments in France and in the Netherlands, the European Union tried to elaborate a second strategy, which should and could save the future work of the EU. In this context, the European Union tried to find opportunities, which should grasp in the case of a long-term failure of the constitution. In the case of a failure four main fields of action has to be changed, respectively improved:

- § The issue of institutional reforms.
- § To get further developments in the field of decision-making and voting processes.
- § To achieve improved opportunities for a closer relationship and cooperation (political and economic) between single member states, without a necessary involvement of all 27 member states. Furthermore there must be the possibility for a later integration of interested other EU-member states as well.
- § A creation of a clear distribution of competences within the European Union, as well as the integration of the Charta of fundamental laws and human rights.

(Weidenfeld 2006: P. 98-99/ <http://www.zeit.de/2005/22/EU-Verfassung>)

Although the reactions in France and in the Netherlands were clear in Mai 2005, the attitude concerning the European Constitution has changed in France especially.

According to a survey of the “Euro barometer”, which took place in September 2006, 66 % of the French population would accept the European Constitution, if a referendum would be repeated at that time. Only 23 % of the French people would still reject the constitution. 12 % would refrain from the election. The current developments have shown that the European Constitution is not “dead”. According to the German chancellor Angela Merkel, who is the current president of the European Council, the European Union, its politicians and its citizens have to try to get the European Constitution ratified and stabilized. According to Angela Merkel, the constitution is the only possibility, to stabilize and modernize the European Union for the future. Furthermore, the constitution makes the EU more transparent and more comprehensible for the citizens of the EU and simplifies the political, economic and socio-cultural cooperation between the single EU-member states (Weidenfeld 2006: P. 98-99/ MacCormick 2005: P. 71-72/ <http://www.dw-world.de/dw/article/0,,2201257,00.html?maca=de-rss-de-top-1016-rdf>).

Angela Merkel told the parliamentarians of the European Parliament that the European Constitution has to be ratified until 2009. This statement and the developments in France as well as positive voices from the Dutch side, describe the change in the discussion of the European Constitution. According to the European Parliament as well as to national governments in Germany, France, the Netherlands and the United Kingdom, the European Constitution has the best chance to be realized at this moment (Weidenfeld 2006: P. 98-99).

Summarized, the following aspects concerning the reactions and developments can be figured out:

- § Shortly after the failure of the referendum in France and in the Netherlands, the national and international press wrote, that the project of the EU-Constitution has been failed
- § Based on the results, other states of the EU stopped the process of ratification
- § Considering this situation, the EU tried to elaborate a second strategy in the case of a long-term failure of the European Constitution
- § More than a year later, the possibilities of ratification has been changed!
- § Angela Merkel declared the ratification of the European Constitution as the main goal of the European Union.

(Wehr 2006: P. 181-185/ Weidenfeld 2006: P. 98-99)

4. Questions and answers

Based on the elaborated and analysed facts and results concerning the European Union, the European Constitution and the referendum concerning the ratification of the European Constitution, the two main questions of research paper can be answered. The first question deals with the reasons for the failure of the referendum in France on the one hand and with the failure of the referendum in the Netherlands on the other hand. In second part of this chapter the research question, if the European Constitution is at the end will be answered as well.

4.1 Why have the French and the Dutch referendums been failed?

For answering the question, whether the European Constitution is at the end, it is necessary to figure out reasons for the failure of the French and Dutch referenda. First it can be figured out, that the reasons in both countries can be subdivided into internal or national reasons and into reasons, which stand in the connection with the European Union itself (Weidenfeld 2006: P. 98-99).

The most important reason for the failure of the French referendum was the dissatisfaction with the French head of state Jacques Chirac and the French government under the leadership of Prime Minister Jean-Pierre Raffarin. The missing understanding for the people's sorrows concerning the European Union itself made the government Raffarin very unpopular. Moreover the French government carried out tax-reforms, which strengthened the dissatisfaction with the government and the head of state. So the referendum concerning the European Constitution was the next possibility to give the government a lesson and to punish its policy. Further aspects for the failure of the referendum were the high burden of taxes, which was introduced through new domestic reforms and the diminished standard of social benefits. Moreover the high rate of unemployment and the insufficient reforms on the labour market made the French dissatisfied, too. Beside the dissatisfaction about the French government and its policy, factors for the failure can be found within the European Union itself respectively are connected with the European Union. A big majority of the French declared, that they would reject the European Constitution because of the fact that they were afraid of loosing their national sovereignty. Another reason was the dissatisfaction with the EU in the case of the integration policy. Moreover many French people were not sufficiently informed about the European Union, the European Constitution and the necessity it brings with. The last reason, which was presented very often by the international analysts, is the fact the constitution was named "constitution". That means in detail, that the French rejected the contract because it was named "European Constitution". The reasons for that can be found in

the high developed ideal of the French sovereignty (Weidenfeld 2006: P. 98-99/ Wehr 2006: P. 35-38/ MacCormick 2005: P. 39-36). The reasons for the failure of the Dutch referendum can be found in internal developments and European aspects as well. Beside the fear of losing the usual standard of living, the rising rate of unemployment and the failure of internal reforms are responsible for the results of the Dutch vote. Moreover an extended EU-scepticism can be made responsible for the rejection of the European Constitution. Furthermore a high potential of ignorance in connection with high payments to the EU are reasons for the decision of the Dutch people. Beside these arguments, the decreasing Dutch influence within the EU, the intricate presentation of the globalization and the process of European integration can be figured out as reasons for the failure of the Dutch referendum. Last but not least, the Dutch people wanted to give their government a lesson, too. They wanted to punish the government for the insufficient reforms on the economic and labour market as well as on the field of integration and asylum policy (Weidenfeld 2006: P. 98-99/ P. 101-104).

4.2 Is the failure of the referenda the end of the European Constitution?

According to the received pieces of information and according to the developments, which were analysed, too, it must be figured out, that the European Constitution is not at the end, although the referenda concerning the ratification of the European Constitution have been failed. Based on the causes, which are responsible for the decision of the Dutch and French people, it is clear, that a referendum, which would take place today, would ratify the EU-Constitution. The reasons for this argumentation are based on the changes in the internal political atmosphere in France and in the Netherlands. The year 2007 is a very important year for the French policy, because with the relief of Jacques Chirac as the French head of state, the second important factor for the failure of the French referendum will be cleared up. The first step for a positive development concerning the ratification of the EU-Constitution was made shortly after the results of the referendum came into public. Shortly after the failure, the French Prime Minister Jean-Pierre Raffarin resigned from his office and took over the responsibility for the negative developments concerning the European Constitution. Within the one and a half years after the failure of the referenda in both countries, both the EU and the national governments improved their campaigns for convincing the people and giving the EU a chance for getting over this deepest crisis in history. Internal political problems like high rates of unemployment have been fought successfully and make the people more satisfied.

Concerning the European Union itself, many people haven't changed their opinion yet. But based on the programme, which was presented by the current president of the European Council, Angela Merkel, in January 2007, which wants to make the constitution a bit more comprehensible, it is possible to ratify the European Constitution before the year 2009. These changes and the positive signals from other EU-member states, which haven't ratified the constitution yet contributes to the result, that the European Constitution has a future in Europe.

Summarized the European Constitution is not at the end because of the following aspects:

- § The basic feeling in Europe has changed
- § Internal political problems have been solved
- § Unpopular politicians have resigned from office (will resign this year)
- § EU-politicians are motivated for changes
- § The necessity of the European Constitution
- § Positive opinion polls in France
- § Satisfaction with the new government, means no lesson in form of a negative vote
- § The interest concerning the EU and the European Constitution has been raised in France and in the Netherlands
- § Better campaigns for convincing the people

5. Conclusion

At the end of this bachelor assignment a short conclusion and a possible solution for the crisis of the European Constitution shall round of this analysis. With the help of historic developments and treaties and with the analysis of the European Constitution itself, as well as the analysis of the French and Dutch referenda, reasons for the failure of the ratification could be figured out. Moreover it was possible to elaborate a new strategy or solution for the problem of the European Constitution. In my opinion it is possible to save the EU-Constitution, if the following aspects will be observed. The satisfaction with the government and with current internal reforms has to hold on as well as the new national and European campaigns, which describe the necessity of the EU-Constitution in detail. Moreover the people itself should be integrated in the process of improving the constitution. This way the people experience the transparency and the new European political structure on their own. So they have the opportunity to get touched by the innovation and modernization, the European Union brings to the single EU member states.

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Declaration (in German)

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Münster, den 27.01.2007

(Christian Holling)