

## **The upshot if the French vote 'no'**

By Katrin Bennhold

International Herald Tribune

FRIDAY, APRIL 15, 2005

If French voters reject the European Union's constitution next month, as opinion polls keep suggesting, what would come next for the EU?

This question has moved to the front burner in European capitals, and it was certainly on the mind of President Jacques Chirac on Thursday as he staged his first television appearance to campaign for a "yes" vote in the May 29 referendum.

Nobody doubts that a French "no" would create a crisis for the EU, which spent years negotiating the constitution and needs the approval of all 25 member states for it to take effect.

Analysts and politicians differ on what form such a crisis would take, but this much seems clear:

The EU constitution - a document created to deal with an expanded union - would effectively be dead, and there would be no attempt to resurrect it in the foreseeable future.

The EU would continue to function under the complex rules of the Nice Treaty, which took effect two years ago, before the union expanded by 10 members last May.

This would put economic reform at risk and threaten enlargement plans, setting back the membership hopes of Croatia and Turkey, among others.

Some elements of the constitution, like the proposal to establish a European Union foreign minister, might be salvaged and enacted by the member states.

Coalitions might emerge in which certain countries would forge ahead with projects that others are reluctant to endorse.

The European Commission in Brussels has not written off a possible "yes" vote in France. With six weeks to go before polling day and a large proportion of French voters undecided, it sees the possibility of a turnaround.

But with 13 consecutive opinion polls since mid-March predicting that about 53 percent of the French plan to vote "no," European officials have begun weighing the consequences of a possible rejection by France, a founding member and the chief architect of the EU.

"A renegotiation of the constitution seems very difficult since it is already the result of a compromise," said a commission official, who requested anonymity in accordance with EU practice on issues being considered by national governments.

Valéry Giscard d'Estaing, the former president of France who led the painstaking negotiations that produced the constitution, went further.

"A renegotiation is practically impossible," Giscard said. "If the 'no' wins in France, it will win for reasons that are contrary to what other member states want to see in the treaty. The British and the Scandinavians will certainly not ratify a more integrationist text. There is simply no room for further negotiations."

It is equally unlikely that the text could be submitted for a revote a year later, analysts say. In the past, referendums on EU treaties have been held anew, but only because voters objected to a specific point and their governments then negotiated the right to opt out of that point, said Charles Grant, director of the Center for European Reform in London. He cited Denmark, which voted in favor of the Maastricht Treaty in the early 1990s only after being allowed to stay outside the eurozone, and Ireland, which adopted the Nice Treaty after being guaranteed neutrality in military matters.

Technically, as long as four-fifths of the member states ratify the constitution, rejection by one or even several countries does not automatically render the document obsolete. This means that a "no" vote in France would not necessarily stop the ratification process. Indeed, a Dutch referendum, planned for three days after the French vote, is expected to proceed, whatever the outcome in Paris.

In reality, however, according to Stefan Wolff, professor of European studies at Bath University in England, shock waves from a French rejection of the constitution could seriously set back the process of increasing political, economic and social integration that has been pursued by the union since it first took shape as the European Economic Community in 1957.

"A 'no' vote in France and all the consequences it would trigger could fundamentally call into question the road of integration the EU has embarked on," Wolff said.

For one thing, the EU would have to continue operating under the decision-making rules of the Nice Treaty. These rules make it easy for countries to form blocking minorities and stall legislation. Given the gap between the Atlanticist, pro-free-market vision of Europe popular in countries like Britain, and the multipolar, social economic views held by countries like France, economic reform would become difficult, if not impossible, analysts say.

"Nice is a caricature of what is needed for a union of 25, let alone for the union of 27, 28 or 30 it aims to be," said John Palmer, the director of the European Policy Center in Brussels. "It would be a recipe for paralysis and risks putting further enlargement on ice."

Romania and Bulgaria, which have been promised membership by 2007, would still be allowed in, Palmer said. But Croatia, Serbia and especially Turkey would see their hopes dwindle, he said, not to mention future hopefuls like Ukraine.

One way of avoiding institutional gridlock after a defeat of the constitution in France would be for leaders to select key points of the document and adopt them without a referendum, Grant said. EU voting rules, for example, could be adapted to the union's larger size, and an EU diplomatic corps, headed by a foreign minister, could be established.

"Politically it would be a hard sell to make changes like this on the sly after losing a referendum," Grant said. "But it would be one quick and temporary fix."

Failing that, laborious procedures might prompt member states to stop experimenting with the vision of a large-scale political union, Grant said. Instead, smaller coalitions may emerge.

In France, the notion of a European "hard core," consisting, perhaps, of the six founding members - Belgium, France, Germany, Italy, Luxembourg and the Netherlands - and Spain, has been gaining currency in tandem with a perceived decline in French influence in Brussels.

Germany, meanwhile, has already prepared a "Plan B" in case the constitution falters. Sources close to the German government say that the office of Chancellor Gerhard Schröder, looking ahead to the possibility of a defeat of the charter in Britain next year, recently drafted a proposal for a smaller, fast-track community that would operate within the EU, but on its own.

Writing in the newspaper *Le Monde*, the veteran foreign analyst Daniel Vernet commented recently, however, that the "fantasy of a French-German union" would hardly be reinvigorated by a French defeat of the constitution.

The most likely hypothesis in the event of a French rejection, Vernet wrote, would be a gradual "renationalization" of various policy matters that have moved from the national to the European level, "a reinforcement of a tendency that has emerged in recent years and that the constitution aimed to reverse."

There is, of course, a precedent for such hesitation in EU history. In 1954, ambitions to create a European defense union came to a sudden halt when the proposals were rejected by the French Parliament.

It took 40 years for the concept to resurface.