

## ITALY IS THE FIRST FOUNDER COUNTRY TO RATIFY THE EUROPEAN CONSTITUTION

On April 6th Italy became the first founder country of the Union to ratify the European Constitution.

In Autumn 2004 the President of the Council Silvio Berlusconi (Forza Italia, FI) and the vice president of the Council of Ministers, Gianfranco Fini (National Alliance AN), said they were in favour of Italy voting by referendum on the European Constitution, which was not however planned for in the Italian Constitution.

Article 71 of the Constitution allows for a consultative referendum if this is requested by an ad hoc constitutional law. Hence on 18th June 1989, the same day as the European elections, Italy held a consultative referendum on the European Union. A great majority of Italians (89.1%) answered “yes” to the following question: “Do you believe that we should proceed in transforming the European Community into a true Union, that has a government that answers to Parliament, and that provides European Parliament with the mandate to draw up a draft European Constitution that will be ratified by the organisms of the Community Member States?” 10.9% of the electorate answered “no” to this question and the participation rate rose to 81%. At the time Italian Parliament adopted a constitutional law to enable the organisation of this election.

Three of the four parties comprising the Italian government, Forza Italia, National Alliance and the Union of Centre Democrats (UDC), said they were in favour of the European Constitution. Only the Northern League (LN) said they were against it and demanded the organisation of a referendum. “*It’s a question of method and not of substance*” explained Roberto Castelli, Italian Minister of Justice and member of the Northern League on the day the European Constitution was signed, 29th October last. Silvio Berlusconi also counted on the support of a majority of the left for the ratification of the text, with the exception of the Communist Renewal (RC) and some of the members of the Italian Communist Party (PdCI).

As for public opinion a Eurobarometer survey, that was undertaken in November 2004 on the constitutional treaty and published in March, revealed that three quarters of the Italians said they were in favour of the European Constitution (72%, versus 10% of those interviewed expressed the opposite opinion).

Discussions on the European Constitution started in the Chamber of Representatives, the lower Chamber of the Italian Parliament. According to articles 72 and 80 in the Italian Constitution the vote in favour by a majority of the members of the each of the Chambers of Parliament (Chamber of Representatives and the Senate) was necessary for the text to be ratified. Article 138 of the peninsula's fundamental law stipulates that the text must be approved twice by both Chambers, (including, the second time round, the majority of the members of each Chamber). The lapse of time between the vote taken by both Chambers must not exceed three months. The Chamber of Representatives approved the Constitution on 25<sup>th</sup> January by 436 votes "in favour" versus 28 votes "against" and five abstentions. Representatives of the Northern League, and those from Communist Renewal and most of the members of the Italian Communist Party (PdCI) voted against the ratification of the text. On 6<sup>th</sup> April Senators finalised the process that had started five months earlier by voting in favour of the European Treaty (217 in favour – 16 "against").

Therefore Italy became the fifth State to ratify the European Constitution after Lithuania (11<sup>th</sup> November), Hungary (20<sup>th</sup> December), Slovenia (1<sup>st</sup> February), and Spain (20<sup>th</sup> February) even though the last country that approved the text by a wide majority ( 76.73% "yes") by referendum the Constitution still has to be ratified by Parliament. Several countries are to ratify the text in the next few weeks by parliament (Latvia, Greece, Cyprus, Austria, Germany and Belgium), two others will be submitting the European Constitution to vote by the citizens (France, 29<sup>th</sup> May and the Netherlands 1<sup>st</sup> June).

Corinne Deloy