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**THE CHOICE FOR PARLIAMENTARY RATIFICATION IN  
ITALY: A TRADITIONAL PRO-EUROPE ATTITUDE OR  
HIDDEN DISSENT?**

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**Introduction**

Italy was one of the first EU countries to ratify the Treaty establishing a Constitution for Europe (henceforth Constitutional Treaty, CT) on April 6, 2005. Even though some calls for ratification through popular referendum were voiced by both the government coalition itself and the opposition, the Berlusconi centre-right government decided to ratify the CT by a vote in Parliament authorizing the ratification.

The Italian Constitution explicitly rules out submitting a law authorising ratification of an international treaty to popular referendum. Therefore, without either a change to the Italian Constitution or adoption of an ad hoc constitutional law, the CT could only be ratified through Parliament.

The vote of the two houses of the Italian Parliament resulted in an overwhelming majority in favour of ratification. However, two parties, the hard-line Refounded Communists and the populist Northern League, quite influential within their respective coalitions, voted against it. In particular, the Northern League, while part of the government coalition, did not follow the official line of endorsing the Constitutional Treaty and its leaders often indulged in strong criticism not only of the text itself, but of European integration *tout court*.

The decision not to hold a popular referendum on the issue prevented extension of the debate, that remained mainly confined to political leaders and a circle of experts. Even news of the ratification went almost unnoticed by the press. However, after the Constitutional Treaty was rejected by the French and the Dutch in their respective national referenda, the debate on the Constitutional Treaty and, more generally, on European integration, started to arouse much more interest in the press. With the emergence of this debate, some political leaders voiced very critical remarks vis-à-vis European integration – rather uncommon in a traditionally Europhile country. Indeed, the process of European integration still enjoys a degree of support in Italy that is hard to find in most European countries. Even though Italy's active participation in all sectors of the European integration project under the Berlusconi government could not be taken for granted as it had been, the Italian public opinion still thinks that the EU can be instrumental in working out issues that the government, and more generally the national political class is unable or willing to resolve, while now looking at the EU in a more critical and less fideistic way.

The focus of this paper is to examine the reasons – legal and, above all, political – for not holding a popular referendum on the ratification of the EU CT in Italy and therefore resorting to parliamentary ratification. In addition, the traditional pro-Europe stance of both the political class and public opinion will be checked against recent developments.

## 1. Was it a free choice? legal-constitutional constraints

The CT was signed by the twenty-five EU members in Rome on October 29, 2004 and on that very same day the Council of Ministers led by Silvio Berlusconi started the procedure for ratification by approving the draft law authorising ratification and sending it to both houses of Parliament: the Chamber of Deputies (lower house) and the Senate (upper house). The intended goal was to have the CT ratified before the end of the year by an overwhelming majority in Parliament, in order to send a strong, positive signal to the other EU members<sup>1</sup>. The Parliament approved the law authorising the ratification of the CT after some five months. The Chamber of Deputies approved the law on January 25, and the Senate approved it on April 6.

Before considering the political reasons behind the decision to use parliamentary procedures, the legal-constitutional procedures for ratification of international treaties have to be analysed, since the Constitutional Treaty is a Treaty from the legal point of view, even if it has been often referred to as the “European Constitution”<sup>2</sup>. According to art. 87 of the Italian Constitution, it is the President of the Republic, in his capacity as representative of the Republic itself, who ratifies international treaties. The same article specifies that in some cases ratification by the President must first be authorised by Parliament. Art. 80 specifies these cases: international treaties of a political nature, those implying modification of the territory of the State, and so on. The Constitutional Treaty is considered a Treaty of a political nature and therefore its ratification by the President must first be authorised by a law passed by the Parliament.

The law that authorises the ratification is a normal law<sup>3</sup>, therefore, according to the Italian Constitution, it has to be approved by both houses of Parliament after being previously examined by a parliamentary committee, in this case the Foreign affairs committee, and having received the positive opinions of a number of other committees. No special procedures such as qualified majority are required for passing the ratification law. However, art. 75 of the Italian Constitution includes ratification laws among those that cannot be submitted to an “abrogative” popular referendum, in other words a referendum that abrogates a law. The abrogative referendum provided for in art. 75 can be called by 500,000 citizens or five regional councils and can determine the abrogation of a law or some of its articles. In order for the referendum to be valid, a so-called quorum is required, that is an electoral turnout of at least 50% of the population.

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<sup>1</sup> Interview: Frattini all’opposizione “Voto bipartisan sulla Costituzione Ue”, in “La Stampa”, October 21, 2004, p. 9.

<sup>2</sup> In reality, some of its elements resemble a Constitution (in particular the Charter of Fundamental Rights), but other ones, and notably the need for it to be ratified by all Member States, are still typical of international treaties.

<sup>3</sup> The issue whether the law authorising the ratification of an international treaty needs a constitutional or a normal law was resolved by the Italian Constitutional Court in 1964. According to the Court, a normal law is sufficient, since the limitations to sovereignty necessary for building the process of European integration are already “permitted” by art. 11 of the Italian Constitution, which reads: “l’Italia consente in condizioni di parità con gli altri Stati alle limitazioni di sovranità necessarie ad un ordinamento che assicuri la pace e la giustizia tra le Nazioni: promuove e favorisce le organizzazioni internazionali rivolte a tale scopo”. See on this GRECO Ettore and TOSATO Gianluigi, “The EU Constitutional Treaty: How to Deal with the Ratification Bottleneck”, in *The International Spectator*, Vol. XXXIX, No. 4, October-December 2004, p.10.

However, it would in principle have been possible to change the rules that do not allow for popular referenda on laws authorising ratification of a treaty. The first and most difficult way would have been to change article 75 of the Constitution; the second and more feasible way would have been to adopt an *ad hoc* constitutional law.

The first option is very difficult and lengthy. Indeed, changing an article of the Constitution requires the special procedure provided for in article 138. Without entering into complex legal details, suffice it to say here that while the majority of members of Parliament is required in this case, a 2/3 majority is required to rule out the possibility that the law amending the Italian Constitution be submitted in turn to a referendum. Therefore, the procedure takes much longer than usually needed to pass a normal law. In addition, it would be extremely risky to change art. 75 to provide for the possibility of laws ratifying international treaties being submitted to the people. For example, foreign and security policy, a particularly sensitive field, would run the risk of being constantly subjected to popular referendum. The danger of a populist approach to foreign policy would in this case become quite real.

The second option is more feasible and has already been used once in the past. It involves approval of a constitutional law that allows for a referendum to be held on a specific treaty. The precedent was on June 18, 1989, when Italians went to the polls to vote not only in the European Parliament elections, but also on a resolution calling for the transformation of the then European Economic Community into “an effective Union provided with a government responsible towards a parliament”. In addition, people were polled on the idea of providing the European Parliament with “the mandate to write a draft Constitution to be submitted to ratification by national Member States”. The outcome of the referendum was an overwhelming victory for the “yes” camp, which secured 88% of the votes.

While more feasible than amending the Constitution, this kind of law also involves some problems. From a strictly legal point of view, approving such a constitutional law is a kind of “paradox”<sup>4</sup>. According to the Italian Constitution, all constitutional laws can be submitted to popular referendum if one-fifth of the members of a house of Parliament, 500,000 citizens or 5 regional Councils so wish. The referendum is ruled out in the event that Parliament approves the law with a 2/3 majority in both houses. However, the principle remains: an *ad hoc* constitutional law providing for a referendum on a treaty can in turn be submitted to referendum, unless it is approved by a 2/3 majority in both houses<sup>5</sup>.

There is also another obstacle to the approval of an *ad hoc* constitutional law allowing for a referendum on the CT. From a broader political point of view, there is a significant difference between the 1989 project of a draft European Constitution and the Treaty Establishing a Constitution for Europe signed in Rome on October 29, 2004. Unlike the former, the latter did not provide for significant transfer of sovereignty beyond what had already been provided for by the Maastricht, Amsterdam and Nice Treaties<sup>6</sup>. In the

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<sup>4</sup> Una legge costituzionale per votare sulla Carta Ue, Corriere della Sera, June 22, 2004.

<sup>5</sup> *Ibidem*.

<sup>6</sup> PACE Alessandro, Costituzione europea e autonomia contrattuale. Indicazioni e appunti, in “Contratto e Costituzione europea”. Convegno di studio in onore di Giuseppe Benedetti (Firenze, November 26, 2004), Cedam, Padova, 2005.

absence of such transfers of sovereignty, a referendum on the CT was not considered necessary.

## 2. Political reasons behind the choice of Parliamentary ratification

After having examined the legal-constitutional constraints on holding a referendum on laws authorising ratification of international treaties, we will now examine the political reasons that led the Italian government to choose not to hold a referendum on the ratification of the CT.

First of all, it should be recalled that for some time after approval of the CT by EU Heads of State and Government (June 18, 2004), the idea of ratifying it through a popular referendum gathered some consensus among Italian political leaders, from both the Berlusconi government and the centre-left opposition<sup>7</sup>. The proposal was first launched by some key political leaders from the government coalition. In particular, only a few days after the approval of the Constitutional Treaty, then Italian Foreign Minister Franco Frattini called for a popular referendum to be held on the text<sup>8</sup>. Speaker of the Chamber of Deputies, Pierferdinando Casini, also advocated holding a referendum<sup>9</sup>. However, the proposal received a very lukewarm response from some prominent cabinet members, as well as Prime Minister Berlusconi himself, who declared that he had “not had enough time to think over this issue”, thereby displaying a dismissive attitude towards it<sup>10</sup>. A more straightforward reply came from the Interior Minister Giuseppe Pisanu, who stated that a referendum would not benefit the cause of European integration, already going through a deep crisis<sup>11</sup>.

The Vice president of the Council of Ministers and representative of the Italian Government at the European Convention, Gianfranco Fini, who was to become Foreign Minister in November 2004, was also critical of the idea of a popular referendum on the CT, but his opinion was more articulated and clearly reflected the worries of the government. On the one hand, he thought that there was no need for a referendum in such a pro-Europe country as Italy: “I have nothing against [a referendum] since it is the most direct form of democracy; but I wonder whether it makes sense in a country like Italy, where the problem does not exist, considered that there is a long standing pro-Europe attitude”<sup>12</sup>. On the other hand, Fini feared a kind of boomerang effect, triggered both by low turnout and the risk that the vote on the CT would be taken for a vote on the introduction of the euro, which many people considered responsible for the increase in prices registered in Italy in the early 2000s – a view that was supported by some political leaders from the centre-right coalition.

The idea that Italy did not need to organise a referendum because “most Italians are Europeanist” was also upheld by the Minister for Community policies, Rocco

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<sup>7</sup> ZANON Flavia, “Il nuovo Trattato costituzionale: dall’approvazione alla firma”, in A. Colombo e N. Ronzitti (eds.), *L’Italia e la politica internazionale*. Edizione 2005, Bologna, il Mulino, p.124.

<sup>8</sup> Intervista con il Ministro degli Affari Esteri Franco Frattini, *Una Costituzione da sei e mezzo*. Firma a Roma entro novembre, *Corriere della Sera*, June 20, 2004.

<sup>9</sup> Intervista con il Presidente della Camera dei deputati Pierferdinando Casini, *Il referendum utile all’Italia e all’Europa*, *Corriere della Sera*, June 21, 2004.

<sup>10</sup> Referendum europeo, *Il governo si divide*, *Corriere della Sera*, 22 giugno 2004.

<sup>11</sup> *Ibidem*.

<sup>12</sup> *Ibidem*.

Buttiglione<sup>13</sup>, who was designated to become a Commissioner in the Barroso Commission, but was rejected in October 2004 following a negative vote by the newly elected European Parliament's Committee for Civil Liberties.

In addition, the government also wanted to avoid exposing the differences underlying its coalition. Indeed, while the three main parties of the coalition – Berlusconi's own party Forza Italia, the right-wing Alleanza Nazionale, heir to the pro-fascist Movimento Sociale Italiano, and the moderate, pro-Catholic centrist Centro Cristiano Democratico – were in favour of the Constitutional Treaty, the populist Northern League was vocally against it. Even though the electoral weight of the Northern League was rather limited compared to the other parties in the coalition, it was decisive in winning elections. Indeed, the Northern League's contribution was instrumental for Berlusconi's coalitions in winning the national elections in both 1994 and 2001. When the Northern League decided not to join the coalition led by Berlusconi in the 1996 national elections, it lost to the centre-left coalition.

The Northern League was the only party within the government's coalition to be officially against the CT, and it was also the only one in favour of a popular referendum on ratification, which it had been asking for since 2002. In a document approved at the party congress in March 2002, at a time when the European Convention had just started its work, the party suggested that “an eventual final text of the European Constitution, drafted by the Convention and successively approved by the Intergovernmental Conference be submitted to the citizens of each EU country through a popular referendum, so that the values and principles of the European Constitution can be shared and felt, not imposed”<sup>14</sup>.

In addition, while the Eurosceptic tones used by Northern League's political leaders were not shared by most people, some of the topics they mentioned to justify their opposition to the Constitutional Treaty, and more generally, to European integration were delicate. The first was criticism vis-à-vis the introduction of the euro in Italy in 2002. Italy experienced a significant inflation in the years following the introduction of the euro, for different reasons. While the Berlusconi government blamed Prodi's centre-left government for having accepted what it considered not the right exchange rate between the euro and the lira in 1998, the centre-left opposition in turn blamed the Berlusconi government for having failed to enact the necessary controls to prevent businessmen and shopkeepers from raising their prices in an unjustified and excessive ways. In any case, the argument that the introduction of euro was a cause for inflation resonated in the public opinion, while the argument that the euro had been beneficial to Italy's public finances remained a more complex topic, more difficult to circulate beyond a restricted group of experts and political leaders. Among the fiercest critics of the euro were the Northern League and some political leaders belonging to Forza Italia, notably the Minister of the Economy Giulio Tremonti and Defence Minister Antonio Martino.

Another topic that could have had an impact on the outcome of a referendum was the topic of the lack of a reference to Europe's Jewish-Christian roots in the Preamble of the

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<sup>13</sup> *Ibidem*.

<sup>14</sup> Congresso Federale Ordinario della Lega Nord Padania, Assago, 1-3 March 2002, Tesi congressuale, “La Futura Unione Europea”.

CT. The Italian government was among those advocating such an insertion in the CT, both during the debate and the successive drafting by the European Convention and during the discussions and vote within the Intergovernmental Conference. Most of the Italian representatives at the Convention, and notably all those belonging to the centre-right coalition strongly supported a reference in the Constitutional Treaty to Europe's Christian roots. The same day as the ratification of the CT, the centre-right majority voted a Senate resolution calling for the government to maintain its commitment to promote recognition of the Union's Christian roots and to safeguard the concept of the family as described in the Italian Constitution. Unlike other topics that failed to reach the broader public, the issue of Europe's Christian roots was much discussed, and even prominent institutional figures took a favourable position and often referred to it in speeches and writings. The President of the Senate Marcello Pera co-authored a book with Cardinal Joseph Ratzinger – who was to become Pope Benedict XVI in April 2005 – advocating a reference to Europe's Christian roots in the CT<sup>15</sup>.

While most political leaders who had supported a the reference to Christian roots in the CT, especially those coming from the centrist Catholic parties, nevertheless remained in favour of the Constitutional Treaty, the Northern League included disappointment for the lack of a reference among the reasons for being against it and said that they would raise the debate on the matter.

If, on the one hand, the government feared the emergence in case of a public debate of divisions between its mainstream and the Eurosceptical positions of the Northern League, on the other, the opposition could not count on complete convergence on European integration among the political forces making up its coalition either. Both the left-wing Democratici di Sinistra (DS) – although the main heir to the Italian Communist Party, which was not supportive of European integration for a long time – and particularly the moderate centrist La Margherita (The Daisy) hold a pro-European position, yet the radical Refounded Communists, generally in favour of transferring more competences from the national level to Brussels, would like the EU to focus more on social than on market issues. Therefore, while in principle a pro-Europe party supporting many of the demarches of the EU in different fields, the Refounded Communists were vocally critical of what they considered a liberistic Europe, with not enough concern for social rights. This is also why the Refounded Communists voted against ratification of the Constitutional Treaty in Parliament.

A final concern with regard to the idea of holding a referendum was that of a low turnout, linked with what I would call “referendum fatigue”. Italians have in recent years been called upon many times to vote in a referendum, particularly since the 1980s. A single party, the Radicals (currently renamed “La rosa nel pugno”), has been in the forefront calling popular referenda on many different issues, especially civil rights. The problem is that some of these referenda were on very complex and, to some extent, technical issues, about which most of the electorate had little information or knowledge. That is one of the reasons why the turnout was extremely low on some of these occasions, and did not reach the so-called quorum (50%) required for the referendum to be valid<sup>16</sup>. Therefore, putting a long and complex text like the CT to the vote was

<sup>15</sup> See for example Joseph Ratzinger e Marcello Pera, *Senza Radici*, Milano, Mondatori, 2004.

<sup>16</sup> The most recent example for that was the June 2005 referendum on *procreazione assistita?*, with only 25% of the electorate having showed up at the polls.

considered risky: people might have considered it a technical issue, and populist anti-EU rhetoric could have tried to simplify the question, relaunching stereotypes.

In addition, some other ideas for the ratification of the CT were floated. For example, some political leaders such as the Vice President of the European Convention, Giuliano Amato, and some parties like the Radicals suggested holding a pan-European referendum (rather than a national one) simultaneously in all EU members, with the understanding that if the majority of the people that went to the polls voted in favour, the CT would enter into force regardless of whether the yes were the majority in each member state.

### **3. The vote in Parliament and the political debate over ratification**

These were the main reasons why the Italian government chose Parliamentary ratification of the CT during the autumn 2004. As mentioned above, the draft ratification law of the Treaty was approved by the Italian government on October 29, the very same day as the signing of the Treaty in Rome, with the significant exception of the Ministers belonging to the Northern League. Initially, it was the government's intention that Italy should be the first EU country to ratify it, in order to reaffirm the country's traditional pro-Europe stance and encourage other EU member states to ratify. However, the CT could not be ratified within the end of the year because the budget debate was prolonged and kept the members of parliament busy longer than expected<sup>17</sup>. After a preliminary examination of the text within specific parliamentary committees, the lower house of Parliament finally passed the ratification law on January 25, 2005. Out of the total 630 representatives in the lower house, 469 attended the session and 464 voted (five decided to abstain). There were 436 "yes", and only 28 "nos". Similarly, the Senate passed the ratification law on April 6, 2005 with an outcome rather similar to the one in the Chamber of Deputies.

As mentioned above, all political groups voted in favour with the exception of the Northern League and the Refounded Communists.

It is interesting to examine further the reasons why these two groups voted against.

The Northern League, a party that gathers its consensus mostly in the more dynamic and richer Northern Italy, was first represented in Italian Parliament in the late 1980s. Its leaders criticised the centralised State in remarkably harsh tones - unprecedented in the Italian political arena - and called for more autonomy for the Northern regions, in some cases going so far as to demand their secession from the Italian Republic. The negative vote of the Northern League was really a vote against the process of European integration, as it is developing. On many occasions the party criticised what it considers to be a process leading to the building of a so-called "European superstate", therefore reproducing to a certain extent national states at a broader level. In particular, the Northern League is strongly critical of any moves designed to increase the EU and Community's competences in areas such as justice, immigration, taxation etc. In addition, at the time, Northern League leaders raised the issue of the lack of reference to Christian roots and the introduction of the euro into the debate.

As for the Refounded Communists, their negative vote was motivated by the idea that the EU is neglecting the social and democratic dimensions, and that it should focus

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<sup>17</sup> F. Zanon, cit., p. 125.



more on the building of a so-called “social Europe” rather than on a single market with free movement of capital and services. The Greens also raised similar criticism of the current trend in European integration, which they similarly see as tilted towards the free market rather than social and environmental rights. However, their major critiques of the CT – and the reason why they ultimately decided to abstain from the vote in Parliament<sup>18</sup> – were the absence of an explicit refusal of war and the absence of a real political debate on the CT, involving not only political leaders and technocrats, but also citizens<sup>19</sup>. For this purpose, the Greens presented a draft law providing for a popular referendum on the ratification of the CT. Interestingly, the parties that backed the idea of a referendum were those that voted against the CT (Northern League, Refounded Communists) or abstained (The Greens).

Thus some political forces complained about the lack of a real debate on the Constitutional Treaty and, more in general, on the ultimate goals and direction of European integration. Even the parties that supported ratification gave the text approved by the Intergovernmental Conference a rather lukewarm reception, because they regarded it as somewhat disappointing, given the expectations of a strengthening of the common institutional framework<sup>20</sup>. In particular, the successful attempts to strengthen the EU’s intergovernmental dimension during the last phase of the IGC negotiations, and the re-emergence of national sensitivities reduced the coherence and effectiveness of the reform<sup>21</sup>. In addition, while the centre-left opposition generally supported the text that was drafted by the IGC, some of its members did not hide their disappointment on some points. According to one member of parliament belonging to the DS, the institutional framework designed by the CT “ does not make it possible to overcome the significant democratic deficit from which it suffers”, while “the instruments providing the EU with the capacity to realise Europe’s vocation for peace in the world (...), which represents the true identity of this continent” are “weak”<sup>22</sup>. In addition, other members of parliament from DS also complained about the absence of an explicit refusal of war in the text<sup>23</sup>, a critique that, as seen, was also made by more radical left-wing parties.

All in all, the political debate in Italy over the CT and the future of Europe was very meagre. Even though most of the political forces in Italy describe themselves as pro-EU, they often prefer to focus on domestic issues, neglecting the fact that the impact of the choices made at the EU level now have an extraordinary impact on citizens’ daily life. In other words, if European integration could be regarded as a foreign policy issue a few decades ago, this no longer holds true.

The insufficient attention paid by political leaders to the reform of the EU was also reflected in the media: very few daily newspapers reported the parliamentary ratification of the CT in

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<sup>18</sup> However, some Green members of parliament did not follow the official line of abstention and indeed cast their vote in favour of ratification of the Constitutional Treaty.

<sup>19</sup> Intervention by the chairman of the Green Party Alfonso Pecoraro Scanio, Italian Chamber of Deputies, 25/01/2005, session n. 574.

<sup>20</sup> ZANON, Flavia, “Riforma dei trattati e futuro dell’Europa: il dibattito politico ed istituzionale”, in Michele Comelli e Ettore Greco ( eds.), *Integrazione europea e opinione pubblica italiana*, IAI quaderni 25, maggio 2006, p. 28.

<sup>21</sup> *Ibidem*.

<sup>22</sup> Intervention by the Senator Cesare Salvi, Italian Senate, 06/04/2005.

<sup>23</sup> Intervention by Alfiero Grandi, Italian Chamber of Deputies, 25/01/2005, session n. 574.

April 2005, and the event was not emphasised in any way<sup>24</sup>. Indeed, according to a poll conducted in May 2005<sup>25</sup>, only 35% of Italians were aware that the Italian Parliament had ratified the CT one month earlier. Conversely, the issue of constitutional reform of the EU was covered much more extensively on the occasion of the French referendum and its aftermath. Paradoxically, even Italian civil society organisations were more involved during the French referendum campaign than during the months when Italy's Parliament debated ratification. Thus, an article appeared in *Le Monde* in May 2005 suggesting that Italian civil society was involved in the French campaign because it had not had the chance to express its opinion in a referendum at home<sup>26</sup>.

#### **4. Is Italy still a Euro-enthusiastic country: the attitude of the Berlusconi government and of the public opinion**

As mentioned above, some political leaders said that Italy did not need to ratify the CT through a referendum because the country is largely supportive of European integration. Is this still true today? Let us start by considering the centre-right government. On the Euro-sceptic side is the Northern League, but also a few prominent ministers, mainly belonging to Forza Italia party, which criticised not only some aspects of the European integration process, like the introduction of the euro, and more generally attempts to transfer more competences to Brussels, but also expressed doubts about the process of constitutionalisation in Europe. According to Economics Minister Giulio Tremonti, "Too much legislation is today operating in Europe that did not originate in national parliaments. If you want to create a constitution you must have the highest level of democracy. Technocrats can build the Euro, but they cannot build the constitution of Europe"<sup>27</sup>. Berlusconi himself showed little enthusiasm for the European Union and put relations with the United States at the top of his priorities<sup>28</sup>. On some occasions the Italian government under Berlusconi took decisions that were at odds with some of its traditional European partners, notably France and Germany. For example, in late 2001, it decided not to participate in the construction of a large military transport plane (Airbus A400M), required for the establishment of the European rapid reaction force and decided, instead, to buy (a similar plane from Boeing) the American Boeing airplane. This was one of the things that prompted Renato Ruggiero, the Europeanist former diplomat whom Berlusconi had chosen as his Foreign Minister upon the suggestion of Gianni Agnelli, to resign from his post in December after only a few months. However, on other occasions Italy continued its traditional support for deeper European integration, notably in the area of CFSP, where the government supported an extension of qualified majority voting (QMV), first within the European Convention and later within the Intergovernmental Conference which agreed on the CT.

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<sup>24</sup> See INTONTI Clara, "Riforma dei trattati e futuro dell'Europa: il dibattito sui quotidiani" in Michele Comelli e Ettore Greco ( eds.), *Integrazione europea e opinione pubblica italiana*, IAI quaderni 25, maggio 2006, p. 37.

<sup>25</sup> The poll "La Costituzione europea" has been conducted by Ipr Marketing for the daily newspaper "Il Sole-24 Ore". The results of the poll are available on the website [www.agcom.it](http://www.agcom.it)

<sup>26</sup> Les Italiens privés du référendum s'inmiscient dans le débat français, *Le Monde*, 17 May 2005.

<sup>27</sup> "Italy's Finance Minister Takes Central Role in European Debate," *Financial Times*, 10/01/2002, p. 16.

<sup>28</sup> ROMANO Sergio, "Berlusconi's Foreign Policy: Inverting Traditional Priorities", in *The International Spectator*, Vol. XLI, No. 2, April-June 2006, p. 102.

Advancement in other areas, such as judicial co-operation, was nevertheless rather opposed by the government.

If the Berlusconi government was thus showing a partially different approach to the EU, when compared to previous Italian governments, Parliament and social forces displayed more pro-European integration attitudes<sup>29</sup>. Finally, with regard to the attitude of the Italian public opinion, and notably to the question whether Italians still strongly support European integration, the answer is generally yes, but with some caveats. As some recent analysis on the outcome of a number of public opinion surveys has emphasised<sup>30</sup>, the percentage of Italians who like the EU has steadily decreased in the past few years, in line with a broader European trend. However, more than 70% of Italians are still favourable to the EU, a higher percentage than in most EU countries<sup>31</sup>. In addition, according to a poll conducted by the Osservatorio del Nord Ovest<sup>32</sup>, the Italians that trust the EU have also significantly decreased from 63.8% in early 2003 to 48.6% in late 2005. At the same time, it should be noted that, according to a poll conducted by Demos in November-December 2005, Italians trust the EU much more than they trust their national and local governments<sup>33</sup>.

With regard to the more specific issue of approval of the CT, most Italians (74%) believe that it would have brought benefits to all EU countries<sup>34</sup>. According to another poll, 68% of Italians would have approved ratification of the CT if a referendum on the subject had been held, only a small minority, 12%, would have opposed it<sup>35</sup>. The reason most frequently mentioned for voting in favour was political and social integration of Europe (58%), thus showing that Italians are still attached to the idea of continuing down the path of European integration.

Another poll, conducted between June and September 2005<sup>36</sup>, confirmed the generally favourable attitude of Italians vis-à-vis the CT: 69% said they supported the CT, 16% that they opposed it, and 14% had no opinion or did not answer. In addition, Italians

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<sup>29</sup> ROSSI, Lucia Serena, "Italy's view(s) of the Future of the European Union", in *The International Spectator*, Vol. XXXVII, No.1. January-March 2002.

<sup>30</sup> See COMELLI Michele and GRECO Ettore, *Integrazione europea ed opinione pubblica italiana*, IAI Quaderni 25, May 2006, in particular the chapter by A. Lapolla, "Tendenze evolutive dell'atteggiamento dell'opinione pubblica italiana nei confronti dell'integrazione europea", pp. 9-24 and the final remarks by Ettore Greco, pp. 69-72.

<sup>31</sup> LAPOLLA Arcangela, "Tendenze evolutive dell'atteggiamento dell'opinione pubblica italiana nei confronti dell'integrazione europea", in Michele Comelli and Ettore Greco (eds.), *cit.*, p.22. The article reports on the Transatlantic Trends surveys conducted by the German Marshall Fund of the United States and by the Compagnia di San Paolo, according to which Italians that declared themselves sympathetic to the EU decreased from 84% to 72% from 2002 to 2005.

<sup>32</sup> See LAPOLLA, *cit.*, pp. 14-15.

<sup>33</sup> The poll showed that 52% trust the EU much or very much, while only 45% trust the municipal government, 41% the region authorities and only 37% the State. The poll is available at the website [www.agcom.it](http://www.agcom.it)

<sup>34</sup> The poll "L'Europa questa sconosciuta: italiani tra attese e scetticismo" was conducted between November 25th and December 2nd, 2004 and is available at the website [www.agcom.it](http://www.agcom.it)

<sup>35</sup> The poll "La Costituzione europea" was conducted by the survey company Ipr Marketing for the daily newspaper "Il Sole-24 Ore", and is available on the website [www.agcom.it](http://www.agcom.it)

<sup>36</sup> The poll "Immigrazione e cittadinanza in Europa" was conducted by the survey company Pragma Srl on behalf of Fondazione Nord est within the framework of the project "Immigrazione e cittadinanza in Europa" directed by I. Diamanti and F. Bordignon.

turned out to be the strongest supporters of the CT, when compared with the citizens of the other countries polled<sup>37</sup>.

## Conclusions

Italy ratified the CT in Parliament and did not submit the law authorising its ratification to a popular referendum. This main reason for this is that the Italian Constitution states that laws authorising the ratification of international treaties cannot be submitted to popular referendum. However, there is more to this than purely legal-constitutional considerations. Actually, the legal obstacle could have been overcome, for example by passing an ad hoc constitutional law providing for a specific referendum on the CT, but the Italian government led by Berlusconi was not keen on letting the small but influential Northern League party make its anti-EU rhetoric heard, thereby conveying the image of a government split on a fundamental issue such as the constitutionalisation of the EU. In a similar way, the centre-left opposition preferred not to make the case strongly for a referendum because the Refounded Communists would have campaigned against the CT, even if for different reasons than those of the Northern League. In the end, the only parties that wanted a national referendum on the issue were those that would have campaigned against the CT.

As the decision over parliamentary ratification of the CT shows, there were some differences inside the centre-right governing coalition on the issue of European integration, and the position of those who opposed the EU often prevailed. Unlike in the past, when no Italian government took decisions that were out of line with those of European institutions or with those of the main European countries, such as France and Germany, the Berlusconi government made some decisions that were at odds with Brussels, Berlin and Paris and tried, instead, to establish even closer links with Washington. However, the Italian government generally favoured steps forwards in most – but not all – sectors of European integration during the European Convention and the subsequent Intergovernmental Conference.

Finally, some political leaders made the case for not holding a referendum by saying that there was no need for it, considering that Italians overwhelmingly support European integration. Is that still the case? On the one hand, support for the EU has steadily declined in Italy during the past years, as a result of many different factors, including discontent with inflation, which a number of people see as closely associated with the introduction of the euro. On the other, while Italians seem to have a more disenchanted view of the EU, they are still in favour of the CT, they still think that EU membership is a positive thing and they are still more inclined to trust Brussels than Rome and even their regional or local governments.

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<sup>37</sup> For example, only 56% of Hungarians, 47% of French and Germans, 33% of the Czechs and 30% of the Polish declared to be in favour of the CT.

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