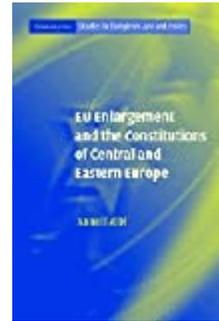




**Anneli Albi.** *EU Enlargement and the Constitutions of Central and Eastern Europe.* Cambridge: Cambridge University Press, 2005. xxxii + 257 pp. \$44.99 (paper), ISBN 978-0-521-60736-0; \$96.00 (cloth), ISBN 978-0-521-84541-0.



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## **Constitutional Change Among New European Union Members and the Implications for the EU Constitutional Treaty**

Anneli Albi's study lays out a broad comparison of the process of constitutional change and refinement among eight of the ten newest members of the European Union (EU), admitted as of May 1, 2004. Concentrating on the newly independent nation-states of central and eastern Europe, Albi ably demonstrates how these countries responded in varying ways to the standards of conformity for EU membership, opening their constitutions to permit the extension of political sovereignty to the EU after having only recently gained such sovereignty in their own right. The initial volume in a new series from Cambridge University Press, this study is the first to analyze the impacts of EU accession on the constitutions of new members. It demonstrates the comparative difference from "old" members in terms of how sovereignty is defined in Central Europe and the implications of these constitutional developments on future EU development.

The sheer scale of the 2004 enlargement demands a close examination of the process of accession for the countries in question. Twelve nations were considered and ten new countries were admitted: Poland, Hungary,

the Czech Republic, Slovakia, Slovenia, Estonia, Latvia, Lithuania, Malta and Cyprus. Bulgaria and Romania, which began negotiations at the same time as the rest of this group, are expected to join in 2007. Albi examines all of these nations save Malta and Cyprus, which, she argues, have unique constitutional and political backgrounds. The first two chapters provide background on "old" member nations and set up the context of the enlargement process, while chapters 3 and 4 discuss the formation of the countries' constitutions and their protective attitude towards sovereignty in light of their experience under the rule of the Soviet Union. Ironically, Albi finds that contrary to the initial intent of their constitutions, these countries were forced to give up a portion of their well-defended political sovereignty during the accession process, if only to gain a measure of it back after gaining membership and the privilege to participate in EU decision-making processes.

The real core of Albi's study explores the debates surrounding the required constitutional amendments of each nation, with chapter 5 devoted to the official nego-

tiations and chapter 7 demonstrating the importance of public opinion and political referendums during the accession process. Admission requires harmonizing a nation's laws to the 80,000 pages of *acquis*, or the body of EU community law, and the social impacts of EU membership often include serious economic costs. These chapters underscore the constitutional development of these countries and reveal the accelerated process of supranational accommodation required of nations seeking speedy entry (in what Albi terms a "constitutional leap") and the obstacles faced by all EU members in regard to issues of national sovereignty. The remaining chapters discuss the impacts of other international organizations (U.N., NATO, WTO) in the context of the EU debates, and the final chapter outlines the development of the Constitutional Treaty and the similarity of the debates surrounding this document to the accession process among the central and eastern European nations.

Albi finds that the countries that had fewer restrictions regarding constitutional amendments and/or those that enjoyed widespread public support for EU membership were able to make a substantial number of changes to their respective constitutions. In contrast, other nations, particularly the Baltic states, made minimal changes and faced serious public opposition. In Estonia, in fact, the constitution was not amended at all, but rather was "supplemented" by a separate constitutional act (p. 111). Furthermore, widespread "Euroskepticism" forced governments in Latvia, Estonia and Lithuania in particular to implement incentives and press campaigns to further public support for EU accession. In cases where public support for accession was strained, officials often chose to make only the most pressing changes required for accession to gain entry into the EU, leaving the further negotiation of subsequent amendments for lower profile post-accession political debates.

The subtle but significant manipulation of referendums in the CEE countries was problematic. For many of the nations in question, referendums had been used frequently in recent years to demonstrate the viability of the democratic process. Despite this, the referendum process was often fraught with problems stemming from requiring high voter turnout and the potential banishment of a failed referendum from further debate for a period of one to four years, depending on the country

in question. While in every case successful referendums eventually were achieved, they were often preceded by years of uncertainty and wavering public support. These concerns were surmounted only in part through political and procedural maneuvering, such as extending the voting periods (Lithuania, Slovakia, the Czech Republic, Poland and Romania). Other interventions included incentives to voters themselves, such as papal appeals, free transportation and absentee voting (Poland); free football tickets (Romania); and televised public messages or free beer and chocolates (Lithuania). Both central European and Baltic states carefully timed referendums to proceed from the countries with the most pro-EU outlook to those more skeptical, under the assumption that positive results in a few countries would help persuade the uncertain in other countries—a new spin on the "domino theory."

While Albi's study presents a mass of cumbersome material in an accessible and compelling manner interspersed with helpful tables to help diagram the mass of data, I found that the text in fact repeated the same or similar statements between chapters. One example may suffice: Albi's final chapter examines the developing EU Constitutional Treaty. While she certainly intends this chapter as partly a summary of her larger assessment, her assertion (which inverts the view of many CEE heads of state, p. 181) that the new document should be viewed as a "'Constitutional Treaty,' with the emphasis on the 'constitutional'" (p. 192), returns twice more (pp. 194, 209). Other similar turns of phrase will strike the reader as redundant.

This rather minor point, however, is easily put aside by her more significant, if perhaps underplayed, observation that a constitution need not be seen solely in terms of signifying statehood in the traditional nation-state sense, but instead can transcend previous conceptions of nationalism as defined by a single territory, ethnicity, language and shared culture. Despite the specter of "federalism" or a "United States of Europe" that this new structure conjures up for some Europeans, the increasing integration of the EU is unlikely to diminish soon. The forthcoming Constitutional Treaty marks a major step forward for European political development in the twenty-first century, and should be viewed, as Albi suggests, as a "supranational organization *sui generis*" (p. 204).

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