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Moving Away from Unanimity

Ratification of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union

Carlos Closa Montero

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Abstract

The *Treaty on Stability, Coordination and Governance in the Economic and Monetary Union* (TSCG) removes the unanimity requirement for entry into force. This innovation is possible because, technically, the TSCG I not an EU Treaty. It is not constructed as a reform of the EU Treaties following Article 48 which prescribes unanimity. So far, EU treaty revision is firmly locked in the unanimity requirement creating a Catch-22 situation: unanimity can only be removed unanimously. This, together with an adherence to a 'strict construction' in the interpretation of EU law and the relative absence of instances of ratification failures may explain the permanence of the requirement. As the basic rule of constitution-making, several criticisms can be launched against unanimity.

This paper discusses the rule of unanimity in three parts: it presents, firstly, the origins and maintenance of the rule through the EU's successive treaty reforms, as well as the theoretical alternatives proposed. The second part of the paper raises various arguments against unanimity: the factual outcome of the practice of unanimity, its effect on the model of constitutional rules of the Union, the issue of consent and the possibility of externalising the effects of unanimity. The third part presents and discusses the provisions in the existing draft on a reinforced economic union. The conclusion argues in favour of any rule short of unanimity, since its most important property will be to transform the dynamics of the ratification process.

Keywords

Constitution Building — Constitutional Change — European Union Law — Political Science — Treaty Reform — Unanimity

Introduction

The *Treaty on Stability, Coordination and Governance in the Economic and Monetary Union*[1] (TSCG) negotiated by 26 of the European Union (EU) member states after the UK rejection, has several significant features. For one thing, it removes the unanimity traditionally required for EU Treaties to enter into force. This has provoked scant discussion, even though the rule of unanimity for treaty reform has been a central feature of European integration. This is even more surprising since earlier failures to ratify have shown the limitations of the rule – as with the negative referendum outcomes in France and the Netherlands on the EU constitution (2005), the lack of vote in the French Parliament during the ratification of the European Defence Community (EDC) (1954) and the negative referendums in Denmark on Maastricht and Ireland on Nice (2000) and Lisbon (2008). All the same, no reform of the rule has been seriously contemplated, partly because it would involve a Catch-22 situation: unanimity has to be reformed unanimously. It would seem that no national government is prepared to give up a rule which grants them veto power in the constitutional configuration of the EU.

This paper discusses the rule of unanimity in three parts: it presents, firstly, the origins and maintenance of the rule through the successive treaty reforms happened in the EU and it presents also the theoretical alternatives proposed. The second part of the paper raises various arguments against unanimity: the factual outcome of the practice of unanimity, its effect on the model of constitutional rules of the Union, the issue of consent and the possibility of externalising the effects of unanimity. The third part presents and discusses the provisions in the existing draft on reinforced economic union. The conclusion argues in favour of any rule short of unanimity, since its most important property will be to transform the dynamics of the ratification process.

The requirement of unanimity and its evolution

Origins of the unanimity requirement for entry into force

Explanation of the origins of the unanimity requirement must be traced to the European Coal and Steel Community (ECSC) Treaty, whose Article 99 conditioned entry into force to ratification by all states. The same provision included a scape clause: '*in the event that all the instruments of ratification have not been deposited within a period of six months following the signature of the present Treaty, the governments of the States which have effected such deposit will consult among themselves on the measures to be taken*'. Subsequent treaties did not repeat this escape clause, with the exception of the EU Constitution and its often quoted Declaration 30 annexed to the Final Act of the Intergovernmental Conference (IGC).

The explanations on the origin of this requirement needs to combine different arguments which were hypothetically in the minds of drafters. The first explanation refers to the nature of the text: conceived as an international treaty, it adopted standard procedures and techniques of treaty making. Innovation was concentrated on the institutional design around the High Authority, the Assembly and other organs whilst ratification could well have fallen within the arena of 'technical' treaty issues. The basic choice seems to have been a subtle translation of the logical requirement in bilateral treaties to multilateral ones (Hoyt, 1959). Organisations with similar trade orientation and two (BLEU, 1921) and three partners (i.e. the London Customs Union Convention and BLEU plus the Netherlands, 1948) became intermediate steps towards the ECSC and they applied the same requirement. Six member states was still considered a small size explaining the choice of unanimity (De Witte, 2007: 936; Ehlermann and Mény, 2000: 9) under the implicit assumption that a larger number of members would have led to a different choice.

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[1] The original title of the Treaty was *International Treaty on a Reinforced Economic Union*.

Size, though, does not seem to be the most important explanation for selecting unanimity. Unanimity, rather, seems the requirement associated with organisations that create schemes for regional integration and/or economic cooperation. Thus, EFTA, NAFTA, the Andean Community, ASEAN, SAFTA, EAEC and GUAM require unanimity for entry into force and revision (see Appendix 1). Since all of these were created after the ECSC itself, it may be safely assumed that the original design of the Communities influenced them rather than the other way round. Being 'integration' organisations, the repetition of the requirement seems to establish a tight relationship between unanimity and the creation of (economic) integration organisations whilst other international organisations created during the 1940s and 1950s, either with European scope (the Council of Europe), hemispheric (NATO) or global (the UN), did not require unanimity.

Any explanation of the ECSC provisions needs to take into account also that its rules were not negotiated in isolation but in parallel to the creation of the European Defence Community,[2] a treaty with perhaps bolder political implications. Hence, there was some connection between the sets of rules. Both sets of negotiations proceeded simultaneously (the later starting on 15 February 1951) although with different rhythm (since the governments of the Six only signed the EDC Treaty on 27 May 1952). Additionally, a third draft was negotiated: encouraged by the success in signing the EDC Treaty, the Consultative Assembly of the Council of Europe (CoE) proposed to the governments of the Six drafting a statute for a supranational community. The enlarged assembly of the ECSC (78 members plus nine members of the Parliamentary Assembly of the CoE, the *ad hoc* assembly) started its work on a new Treaty on a European Community (Karp, 1954). The draft created a supranational EC which would bring together the individual sectorial communities (ECSC plus EDC). The linkage of communities and negotiations made the adoption of the same model of institutional solutions and mechanisms, ratification among those, natural and absolutely logical. If read in conjunction with this host of institutional negotiations, the unanimity rule conveys the belief that countries were prepared to engage in the creation of the communities on the condition that all of them participated or, rather, than they preferred the failure of the project before the self-exclusion of one of the states.

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[2] The EDC originated in a Memo that Monnet presented on 18 September 1950 to the President of the French Council of Minister suggesting the creation of a supranational High Authority for the supervision of the pooling of military resources. See 'Memorandum to the President of the French Council of Ministers', 18 September 1950. Available at: <http://www.ena.lu/europe/19501956-formation-community-europe/memorandum-president-french-council-ministers-1950.htm>.

Necessarily, a complementary explanation relates the choices of rules to the strategic calculus of member states on negotiations. Despite the traditional (functionalist) division between low and high politics and the consideration of economic and commercial issues as low politics (and, hence, more easily negotiable), the governments saw coal and steel production as highly sensitive issues. All governments aspired to control the outcome of the negotiations and unanimity at ratification guaranteed the result as any of the participants could condition the efficacy of the agreement. Additionally, it could be argued that those sovereignty-yielding organisations are the ones requiring unanimity. Governments will accede to yield sovereignty only if they are in the position of controlling the outcome.[3] Thus, unanimity was an important negotiating tool which allowed vetoing whatever governments may consider against their vital interest or, for that matter, against their interest plainly. Veto and unanimity act as a guarantee for each and every government in negotiating treaty clauses.

A second component of the strategic calculation referred to the probability of obtaining domestic approval and the parallel probability of other member states doing so. *A priori*, domestic ratification requirements in the early 1950s did not seem as demanding as they proved to be some decades later. The Six were parliamentary democracies in which the government depended on the confidence of the parliament. Being all governments necessarily supported by parliamentary majorities, they could secure a majority *a priori* in support of any agreement negotiated. Originally, the ratification rules in all six countries demanded simple majority of the respective chambers with the exception of Luxembourg (which required a two-thirds majority).

This created the perception that domestic ratification was obtainable and, hence, unanimity was not perceived as an obstacle. In contrary sense, in case of domestic opposition to the treaty, a failed ratification would not have consequences in form of exclusion for a given member state since the treaty would simply not have entered into force. This was particularly important for France, since the plans basically responded to the project of reconciliation with Germany whilst, on the other hand, there was some internal opposition to the same. French (or German) exclusion would render any proposal meaningless and, hence, unanimity became a guarantor, not so much of small states, but of the two leading countries.

In fact, internal opposition existed in many of the six countries and not just because the alleged 'supranationalist' or 'integrationist' nature of the Communities, but because of concrete fears of the effect of the treaties in specific sectors. Thus, ratification was far from a consensual moment in many of the six. The parliamentary debates on the ratification of the ECSC show that calculus of the effects of the Treaty on specific national sectors placed a very important role and prompted abstention or negative votes in parliaments of parties which have developed through time support for the EU and European integration. The defeat of the EDC did not prompt any debate or reflection on the necessity to change the unanimity rule.

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[3] Already in the 1940s, certain studies demonstrated that voting procedures for daily decisions in international organisations have moved towards the recourse to majority voting in less political fields, whilst in those more directly concerned with power relationships, member states were more reluctant to abandon unanimity. See Koo (1947), and additionally, McIntyre (1954).

In summary, preferences for the requirements of unanimity seem to reflect traditional ideas on international treaties and international organisations and it shows the prevalence of these thought over the 'federalist' ones. In parallel, they show that if the actors calculated the probability of obtaining domestic assent, their assessment was less than perfect and somewhat short-sighted.

Permanence and change of the reform and ratification rules

Unlike the evolution of the original EU institutional choices and designs, the rules for amendment and ratification remained highly stable for more than 60 years through no less than six treaty reforms. Amendment rules usually lock the future entry into force of a new revision in by establishing requirements for it in the current Treaty (thus, for instance, the entry into force of the Lisbon Treaty, as established in Article 6 Final Provisions, was locked in the previous treaty which determined the requirements for it, Article 48 of the Treaty of Nice).

Facing the strictness of these lock-in mechanisms, the drafters of the amending or new texts have debated whether these rules are unavoidable. Historically, though, drafters of Constitutions have taken decisions against existing revision requirements. The paradigmatic example is that of the US constitution. The Philadelphia Convention was convened to reform the Articles of Confederation whose amendment rule prescribed unanimity. However, Article VII of the 1787 United States Constitution established that the ratification of the Conventions of nine states would be sufficient for the establishment of the constitution between the states so ratifying the same. A second example of a similar process is the Swiss 1848 Constitution that was adopted by a majority of cantons and voting citizens. Fifteen and a half cantons were deemed to have accepted it, while six and a half cantons, including these of the *Sonderbund* (with the exception of Fribourg) rejected it. In the popular vote, 170 000 voted for it and 72 000 against (Forsyth, 1981: 29).

Moreover, practice has shown some breakdowns in the application of the rules also in the EU. Thus, some early minor reforms did not respect the revision procedure of the ECSC Treaty: the Convention on Common Institutions Common to the European Communities (1957)[4] and the Treaty on the status of Sarre (both affecting ECSC Treaty) were negotiated and signed aside from the Paris Treaty dispositions on its own reform. Although these were negotiated before the codification of the Vienna Convention, some lawyers (Ehlermann and Mény, 2000) argued that general international law allows contracting parties unanimously to depart from a specific clause relating to the amendment procedure by adopting an *actus contrarius* and, more generally, by invoking the principle of freedom as to the form of amendments (Articles 11 and 39, Vienna Convention 1969).

However and despite the existence of these theoretical and practical antecedents, the dominant EU paradigm is that revision must stick to existing treaty rules. In 1979, the European Court of Justice (ECJ) held authoritatively in the Defrene case[5] that *apart from any specific provisions, the treaty can only be modified by means of the amendment procedure carried out in accordance with Article 236*. This marked the emergence of a paradigm of 'strict construction' in the interpretation of the rules of amendment. Commenting on the 1957 ECSC reforms mentioned above, Weiler and Modrall (1985: 318) called them an '*early aberration*'. These authors discussed (in relation to the European Parliament Draft Treaty on European Union) the question on whether member states legally can conclude a new agreement superseding the Treaty of Rome by other means than through the procedure laid out in Article 236 ECC (current Article 48 TEU). They conclude that a strict construction of Community and international law does not justify bypassing explicit amendment procedures. The difficult issue at stake was whether or not to retain unanimity for the entry into force of a new treaty following efficiency considerations (Weiler and Modrall, 1985: 318). Later on, following the 2005 French and Dutch referendums, the "strict construction" paradigm dominated the debates on how to escape the deadlock. Thus, a reputed scholar forcefully argued that escape routes from the constitutional impasse should be based on respect for the rule of law (De Witte, 2007: 919); i.e. strict respect for the requirements of Article 48 and warned that '*countries willing to forge ahead would be prepared to break the law and explode the long-established institutional arrangements on the ground that the un-reformed EU no longer allows them to pursue their most cherished goals and interests*' (ibid.: 920).

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[4] 'Convention Relating to certain institutions common to the European Communities' (1957), *American Journal of International Law*, 51(4): 1000-04.

[5] *Defrenne v Sabena (No 2)* [1976] ECR 455 (C-43/75).

No doubt, authoritative political action could challenge this strict construction in revolutionary spirit (such as happen with the US Philadelphia Convention), but not even in the peak moment of EU Constitution building (the 2002-2003 Convention) have the treaty drafters adopted or even seriously believed in revolutionary changes in relation to entry into force (although they adopted other significantly innovative solutions such as repealing former treaties, giving themselves a constitutional mandate, adopting a constitutional terminology for the EU system of norms, etc.) and they stuck to the existing rules. Thus, when the Plenary of the Convention debated the provision, it did not produce any expression of the need for qualified majority and the majority supporting proceeding through the existing requirements for entry into force.[6] The three largest parties in the European Parliament (EP) also argued that the draft had to stick to the existing treaties on European Union with respect to the revision and entry into force provisions.[7] Only a member of the Convention, Andrew Duff,[8] proposed strongly a different requirement for entry into force, arguing that the dual lock of unanimity is the highest possible threshold, and is largely unprecedented for international organisations. Duff asked the Convention *whether it is right that the opposition of a small minority of voters or parliamentarians in one or two member states – often acting for reasons only loosely connected with the politics of the European Union – should be sufficient to veto the constitutional reform required and supported by the rest of Europe*. And he suggested a majority of five-sixths for an agreement at the IGC and the entry into force when ratified by five-sixths of member states. He also anticipated the eventual failure of an escape clause: if four-fifths of member states have ratified, the European Council should call a conference of member states which would re-negotiate the provisions of the article on entry into force. All member states shall commit themselves to this conference in good faith). Finally, once the Convention ended, its president, Giscard d'Estaing, showed his sympathy for avoiding the strictures of Article 48; in the summer of 2004, he wrote that if a large majority of citizens of Europe and of the member states approve the constitution, problems would arise for those states that have refused to ratify it, and not for the constitution itself.[9]

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[6] CONV 696/03.

[7] CONV 833/03.

[8] Duff, A.(2003) 'How to Bring the Constitution into Force', CONV 764/03.

In summary, entry into force has always remained within the prescribed procedures established in earlier treaties and consolidated with a paradigm of 'strict construction' of EU law in which the challenge to unanimity by means of a *de facto* alternative agreement (legally possible) has never been seriously considered or, plainly, it has been considered unlawful.

Proposals for entry into force that bypass unanimity

The prevalence of the 'strict construction' doctrine condemned to the sidelines of academic and political respectability proposals for bypassing unanimity. Only the 1984 EP Draft Treaty on European Union (elaborated with a 'revolutionary' spirit) foresaw its entry into force by majority (Article 82). The leading personality behind, Altiero Spinelli, argued that:

> [I]t is important that the final provisions of the draft include one that provides for the entry into force of the treaties-constitution once a decisive block of support has been reached – let us say a group of states whose combined population is equal to two-thirds of the entire population of the Community. This would prevent any one government holding up the creation of the Union by its decision not to act on Parliament's (EP) request.
>
> (Spinelli, 1983)

He went on to explain that:

> [I]f we left any doubt as to whether a start could be made without the full number ratifying the Treaty, we should be putting the success of the enterprise into the hands […] of those states who are the most hesitant, even potential opponents, condemning the entire undertaking to virtually certain failure. Among the hesitant countries I am thinking […] of France.
>
> (Spinelli, 1984)

Article 82 of the Draft Project proposed entry into force after approval by a majority of states (six out of ten in 1984) representing two-thirds of the EU population. The Treaty would enter into force only for these member states which had ratified it.

A realistic interpretation limits the efficacy of the majority requirement: the intention was to prevent the unfavourable attitude of a minority of member states from being sufficient to block the entry into force of the treaty. However, as the legal crafters of the text argued, the best political and legal solution would be for all states to consent (even if over a long period of time, by a progressive increase in the number of ratifications) because even if majority ratification is achieved, the consequence is not the automatic entry into force of the Treaty (Capotorti et al., 1986: 308). Rather, the consequence is that a meeting of governments of the states which have ratified must be convened immediately, and they must reach an agreement on two types of problems: (a) procedure and date of entry into force; (b) relations with those countries which have not yet ratified. The main weakness of the requirement derives from its incapability to circumvent the status quo created by current legal obligations: should the other member states adopt an attitude which is clearly and radically opposed to their participation in the Union, that would make it necessary to lay down a pattern for relations between the two groups of states. Both groups would have to consent to the extinction of the Communities and to a radical transformation. In the absence of such an agreement, the creation of the Union would amount to an unlawful breach of the provisions of Community law (Capotorti et al. 1986: 310).

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[9] Giscard d'Estaing, 'Vite, la Constitution de l'Europe', *Le Monde*, 20 July 2004, quoted in De Witte (2007: 920).

Other Draft TEU procedural innovations lacked efficacy. For ratification, the Draft adressed to a kind of conversation between the EP and the national parliaments out of which amendments could be introduced (Cappotorti et al., 1986: 306). Although not explicitly stated, one should logically expect that national parliaments should be requested to adopt laws authorising the ratification of the draft. Then, the draft did not envisage signature. The legal experts who drafted the document argued that, under international law, this option is possible. But this formality marks the end of negotiations conducted by governments, while the text was proposed by parliamentary institution of the communities rather than by an IGC (Cappotorti et al., 1986: 306). What the EP foresaw, however, was ratification according to their respective constitutional procedures.[10] Finally, the draft (same Article 82) foresaw that the governments of the member states would decide by common accord the procedure for the Treaty entering into force, making it possible to condition validity of ratifications to an ulterior unanimous agreement.

After the 1984 Draft, the EP proposed several alternatives to unanimity but it has not consistently advocated any of them. In its 1990 Resolution on a Draft Constitution, the EP proposed that this would enter into force only for ratifying states,[11] which is a usual mechanism in international law and does not fix beforehand a minimum threshold of ratifying states. But the same *rapporteur* proposed (and the parliament endorsed) in the same year that the Constitution would enter into force with a majority of three-quarters of states (nine out of 12) representing two-thirds of the population of the Community.[12] And in the more 'realistic' Martin report (1990), Parliament proposed that amendments had to be unanimously ratified (Article 236). In 1994, the Herman report proposed a majority of states representing four-fifths of the population.[13]

Later on, during the Convention process, the (Commission sponsored) Penelope Project suggested the most articulated proposal in form of an *Agreement on the Entering into force of the Constitution* (European Commission, 2002). The project moved within existing legality, i.e. the unanimity prescribed for the reform of the treaties, and designed an ingenious solution. Firstly, all member states would ratify the Constitution fulfilling in this way the requirement of unanimity. In parallel, they would approve a Solemn Declaration confirming their decision to remain part of the EU. Should a member state fail to approve this declaration, then, it should abandon the Union and conclude an agreement regulating their future relationship. Thirdly, the Constitutional Treaty would enter into force according to the conditions laid down in the Agreement (specifically, the three-quarters majority of member states have made the Declaration). It would apply to states that by making the Declaration want to remain in the Union.

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[10] Resolution of 14 February 1984 on the draft Treaty establishing the European Union (OJ C 77, 19.3.1984, p. 53-54, Rapporteur: Altiero Spinelli, 1-1200/1983).

[11] Resolution of 11.7.1990 on the European Parliament's guidelines for a draft constitution for the European Union (OJ C 231, 17.9.1990, p. 91, Rapporteur: Emilio Colombo, A3-0165/1990).

[12] Resolution of 12.12.1990 on the constitutional basis of European Union (OJ C 19, 28.1.1991, p. 65, rapporteur: Emilio Colombo, A3-0301/1990).

[13] Resolution of 10.2.1994 on the Constitution of the European Union (OJ C 61, 28.2.1994, p. 155, rapporteur: Fernand Herman, A3-0064/1994).

Scholars have been divided on their evaluation of Penelope. On the one hand, the project respected both the law and the need for reforms and it offered maximum guarantees for recalcitrant states preserving their rights plus unanimity for reform (Dehousse, 2007: 949). On the other hand, some (Grant, 2003) criticised that it gave the same weight to the smallest and largest states and that it would fail to safeguard the interests of the larger countries. Thus, the kind of rules proposed by Penelope could lead to the enforced exit from the Union of, say, France, a prospect that would be disastrous for European integration. Whilst this last criticism targeted the non-equality argument discussed below, Penelope contained some moot points: can failure to ratify the Declaration cancel former compromises assumed by a member state in former treaties or, in other words, can the withdrawal of a member state be imposed by an ensued obligation. And, at the end of the day, Penelope did not solve the real political question: why a member state that could advance its inability to ratify the said declaration would consent in being left aside and clearing the way for the other member states advancing without it?

None of the proposals were successful and only the TSCG introduced, for the first time, a ratification requirement short of unanimity. The following section revises the theoretical and practical criticism against the rule of unanimity.

Arguments against unanimity as the requirement for the entry into force of EU reform treaties

The requirement of unanimity remained unchanged in all major treaty revisions from the Rome Treaty. The practical difficulty to modify it (unanimity needs to be changed unanimously) and the lack of ratification failures until 1992 may explain this. The Danish Maastricht referendum in 1992 next to the two Irish referendums in 2001 and 2008 and then the failure of the EU Constitution in France and the Netherlands in 2005 dramatically transformed perceptions: failure was possible. Still, the unanimity rule remained strained from theoretical discussions on its merits. The following sections propose arguments for revising the requirement: firstly, the application of unanimity shows that beyond the equality on which it formally rests; considerations on size and length of membership have been instrumental in determining its real efficacy. Secondly, the requirement of unanimity has affected the model of constitutional rules (primary law) of the Union. Thirdly, unanimity has been sustained on a false identification between the rule and consent. Finally, the unanimity requirement has made it possible to externalise the negative consequences of the decisions taken in one member state to any other.

Unanimity and the equality of EU member states

Hypothetically, unanimity expresses a basic principle of equality: differently to the qualified majority voting with pondered values for different member states (as used in the Council), unanimity grants the same value and effect to any vote. All and every national ratification decision is treated equally irrespective of the material characteristics of the state (size, population, GDP) or the procedure used for ratification (whether parliamentary or referendum). It translates a basic principle of public international law – all states are equal in formal terms – into a voting requirement. EU practice shows some signs that question this basic assumption. Historically, there have been five cases of failure to ratify (whether they became provisional or definitive): in 1992, a slight majority of citizens voted against the Maastricht Treaty in Denmark and in 2000 and 2008 the Irish population also rejected in referendum the Treaties of Nice and Lisbon. However, in the three cases in these two countries the ratification process did not end with the first veto, but new referendums were held, encouraged by the other states, which finally yielded positive results. In the three cases, bypassing and enabling instruments, such as interpretative declarations, were used. Both states ended up ratifying both treaties. In 1954, the French National Assembly put on hold the EDC Treaty and in 2005, voters in France and the Netherlands voted against the proposed EU Constitution. After a long and tortuous process, these votes effectively ended the process of ratification. In these three cases, national failures to ratify became effective vetoes, whilst in the other three cases it did not happen so.

What is the difference between the two sets of cases? In five of them, member states used referendums to ratify whilst in one of them, France, used parliamentary ratification in 1954. Thus, the domestic procedure chosen seems not to be a determinant of whether or not a negative domestic decision terminates the ratification process for the whole Union. Gráinne de Búrca (2010) has rehearsed some explanation for repeating referendums. In her view, three factors explain re-running referendums: (1) the fact that the treaties do not allow provisional application pending its ratification by all member states; (2) the distinct nature of the context of EU treaty change compared with other international contexts; and (3) the growing mistrust of popular referenda on constitutional matters. However, whilst these arguments may explain why referendums may be re-run in all occasions, it fails to explain why some referendums are not re-run.

During the 2005 failure in France and the Netherlands, actors provided implicitly different kinds of explanations that underline the 'inequality' of member states. Arguments referred to the quality of the founding members of France and the Netherlands (for instance, Dehousse, 2007: 947), and the size and political weight of France (and to some extent, the Netherlands) compared to Denmark and Ireland. Contrariwise, few emphasised the different treatment afforded to France and the Netherlands in comparison to Ireland and Denmark. As Hervé Bribosia noted, while none contemplated having the French vote again after their 'No' to the European Constitution, the Irish were induced to repeat a fruitless referendum on two occasions (Bribosia, 2009: 15). Thus, the practice of unanimity for entry into force, under the coverage of the strict construction which sanctions obeying by the rule of the game, has had the effect of protecting larger states. In specific terms, France has benefitted of the rule twice.

That practice reflects consistently the underlying rationality when the requirement of unanimity emerged: in his historical analysis, Edwin Hoyt (1959) traces the origin of unanimity back to the concert of the 19th century European *great powers* and he argues that they consistently interpreted unanimity as the requirement of the agreement among themselves. When they relinquished the unanimity requirement (being the initial paradigmatic case the amendment procedure agreed for the League of Nations), they conditioned the acceptance of qualified majority on their retention of the veto. Small states, in turn, coalesced to this demanding, and obtaining, the right to withdrawal. The structure of unanimity eliminates (in theory) asymmetrical veto and withdrawal. Since the right of withdrawal was only explicitly acknowledged with the Treaty of Lisbon, unanimity served to preserve state consent on the (hypothetically wrong) assumption that a state could not withdraw from the Union.

Unanimity and the model of EU constitutional rules

Constitutional economics have tightly linked unanimity and the negotiation of constitutional rules. Its founders, James Buchanan and Gordon Tullock (1962), differentiate between two levels for collective action with different but linked decision rules. The lower level is ordinary politics which refer to the decisions (often taken by majority) in legislative assemblies. The upper level is constitutional politics: the set of framework rules that establish the boundaries on what ordinary politics can and cannot do. In the opinion of Buchanan, majority rule in ordinary politics produce results which are both inefficient and unfair but those rules (majority) are permissible for ordinary politics if there exist a consensus on the framework rule, the Constitution (Buchanan, 2003).

Consensus meant unanimity, which was thought both desirable and achievable: since constitutional rules will be stable in a wide temporal sequence comprising a large range of options and policies, individuals cannot identify (in this temporal and material range) concrete interests, nor they can calculate the effect of the functioning of the constitutional rules. Actors can be deemed placed in a situation close to Rawls' 'veil of ignorance'. Hypothetically, if actors cannot calculate, the maximisation of utility dictates that generalisable criteria such as fairness or justice guide the calculus of constitutional rules, rather than calculus on net income or expected wealth. In their opinion, it was easier to reach an agreement on the rules rather than an agreement on possible alternatives which can be agreed with these rules.

These theoretical assumptions rely not only in an easily falsifiable belief about the real conditions of constitutional negotiations (the existence of ideal conditions under a veil of ignorance). The assumption of efficiency is also disputed (Berglöf et al., 2007; Parisi and Klick, 2003). Buchanan himself recognised that his main inspirer and original proponent of the unanimity rule, Swedish economist Knut Wicksell, was aware that unanimity might produce deadlocks and, in this sense, be inefficient. Wincksell recognised that decisions time costs may be too high to make the rule practical and, to address this problem, he proposed pragmatically an undefined rule that departing from majority became closer to unanimity (five sixths). In other words, unanimity operates as a kind of 'aspirational' rule which inspires operational rules. Buchanan and Tullock (1962) developed this idea more completely by explicitly considering the optimal 'non-unanimity rule'. Other authors within the constitutional economy approach argue robustly that the constitutional choice of decision rules should steer clear of generalised adoption of unanimity rules, given the paradox of unanimity voting. The paradox is the following: given the opportunity to receive side payments, each voter will have incentives to falsify his preferences generating negative externalities for other voters. (Parisi and Klick, 2003: 13-14). Hence, the 'unanimity paradox': even if all voters agree in principle to a policy proposal, they are likely to fail to reach unanimous consensus, if subjected to unanimity rule (Parisi and Klick, 2003: 11).

Despite these theoretical assumptions, unanimity has managed to deliver no less than six successful EU reforms. A standard explanation relates unanimity to the number of actors (Ehlermann and Mény, 2000; Lamassoure, 2001).[14] Starting from the premise that the EU rules were calculated for six member states, the thesis sustain that the chances of ratification by 27 are smaller than if only six states have to ratify. And these chances diminish in an ever-enlarging Union. However, there is no relation between partial and total failures and the size of the Union. Total failures happened with six member states (EDC) and with 25 (EU Constitution), whilst partial failures happen with 12 (Maastricht), 15 (Nice) and 27 (Lisbon). No pattern seems to emerge from these episodes although an increased risk of failure can be anticipated in relation to the enlarged structure of actors who find the possibility of veto thanks to national procedures. Increasingly so, the unanimous agreement of the governments do not act as proxy for a unanimous ratification.

The puzzle that the EU reform treaties posse is: how is it possible that a highly inefficient rule such as unanimity has delivered a significant number of successful ratifications? Constitutional economics had warned of the large increase in strategic behaviour where each individual voter holds an effective veto power over any policy proposal of other voters' coalition (Parisi and Klick, 2003: 10). The response has to be sought in the nature of the rules negotiated: their increasingly *differentiated structure* and their *very specific nature*. Differentiation refers to the mechanism to avoid veto: under unanimity, the least efficient member imposes her preferred effort choice on the entire organisation. In this context, the threat of forging an 'inner organisation' can undermine the veto power of the less efficient members and coerce them to exert more effort (Berglöf et al., 2007). In certain conditions, the threat of forming an inner organisation is never executed but, in certain other conditions, inner organisations are equilibrium outcomes. Although these authors basically refer to organisations, the EU reflects this kind of outcome perfectly: there has been a progressive increase in instruments of differentiated integration, rules with variable geometry in its application, being opt-outs the paradigmatic case.

Secondly, EU constitutional negotiations produce highly specific primary (constitutional) rules which differ substantially from the 'general' character associated with national constitutional ones. Negotiations are forced to the very last question of detail that is "petrified" in primary legislation. Negotiating governments at IGCs aspire to control outcomes and, moreover, they aspire to predict the effect of the rules in the medium term. This aspiration leads towards a negotiation of the details and, since there is no limitation to the number or character of the provisions negotiated, or the detail in which they must be drafted, the tendency of negotiating actors is to include all and every preference in the text and to do so in a very detailed form. In this way, the outcome is a document which is the antithesis of a constitutional document (whose characteristic, *vis-à-vis* the law is the minor degree of specification and detail). Each and every government has an extractive strategic behaviour: they expect to have treaty provisions explicitly reflecting their preferences on which specific calculable benefits can follow. Thus, the kind of compromises of EU Treaties is not with meta-constitutional rules but with explicitly and legally frozen constitutional pay-offs. The result is that Treaties are highly complex and the results may ultimately lack overall coherence (Bribosia, 2009: 15). But more importantly, they introduce a bias in favour of existing status quo policies (let alone, of course, institutional choice). Unanimity breaks the symmetry between defenders of status quo and advocates of change. Fritz Scharpf argued the point clearly: existing EU policies could be corrected only under the same rules that governed its adoption.

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[14] Julio Baquero Cruz made this argument. See Baquero Cruz (2007a, 2007b).

> In the European Union, this asymmetry is in fact more extreme than in any national constitutional democracy. Policies adopted in the supranational-centralized mode can be changed only by unanimous Treaty amendments and parliamentary ratification in all member states [...] As a consequence, policies will be maintained and need to be enforced even though there would be no chance of having them adopted now under the original decision rules, or even by a simple plurality vote.
>
> (Scharpf, 2006: 16)

As a result, the juridical structure of the treaties is, in itself, a limitation to European democratic politics (Closa, 2005), since majorities (in the sense of the aggregation of ideological or political similarity in an institution) cannot determine their programme. This is conditioned by the compromises established and petrified in the treaties. And since this is a very rigid structure, there is a constant pressure for its reform to include new compromises. Thus, rigidity, paradoxically, presses in favour of constant constitutional reform.

Unanimity and the legitimacy of the Union: The question of consent

Unanimity for entry into force of reforming EU Treaties has been often identified as one of the sources of legitimacy of the integration process (Ehlermann and Mény, 2000: 9). Despite the commitment towards an ever-closer union contained in all treaties and the *rendez vous* clauses included in the Single European Act (SEA) and Maastricht Treaties; despite the evolving constitution-making character implicit in the treaties and the vague commitment to European integration or any similar rhetorical form found at national constitutions in the 'integration clauses', no member state has ever authorised a discretionary and open process along these lines. Rather, all of these want to control and negotiate the concrete changes introduced at any round of reform. Nor there has been no instance of a constitution-making coup analogous to the one performed by the Philadelphia convention: despite the rhetoric that wanted to see the Convention on the Future of Europe as an analogous process, the later did not create a 'constitutional moment' (Walker, 2003) and it limited itself to the more modest achievement (even though an important one in comparative perspective) of granting itself a kind of constitutive-like self-mandate (Closa, 2004).

Thus, the legitimacy and validity of every and all reforms of EU treaties (so far) depends on the habilitation established in national constitutions and constructed through national ratification procedures and nor even the Convention managed to circumvent this requirement. The international law nature of the revision act means that in may member states (and contrary to the orthodoxy of the ECJ's supremacy doctrine), EU and EU law are applied on the basis of national constitutional rules doctrine about the domestic effects of international treaty law (De Witte, 2004: 57). As the German Constitutional Court argued in the 1990s in the *Maastricht Urteil*, the member states remain the 'masters' of the treaties and the most powerful instruments for controlling EU constitutional evolution are the ratification requirements.

However, granting consent to any reform that may apply to itself is qualitatively different to granting consent to reform in general (independently that the reform does not apply to the member state granting consent). In fact, the relationship between unanimity and consent results logical only on an assumption rarely discussed: unanimity is legitimate if it is assumed that dissenting states cannot escape of the new obligations that a new treaty may impose upon them. Whilst consent means that no obligation can be imposed upon a state if it does not grant its acquiescence, it does not mean that a state can prevent others to consent on specific set of agreements. Hence, there is no automatic or immediate relationship between consent and unanimity and what the principle of consent requires are mechanisms that can articulate the relationship between the dissenting state and its (former) partners. One of these mechanisms is the withdrawal provision introduced with the EU constitution and consolidated with the Lisbon Treaty. The other mechanism is partial withdrawal which is the technical situation constructed by opt-outs clauses.

The assumption of unanimity as consent constructs a protective framework of the rights of dissenting states. Thus, revisions would only be acceptable if they do not affect member-state rights under the current treaties. Objectively, it is highly dubious that any EU reform would not affect member states' 'rights', or that a member state could not interpret any revision to which it did not wanted to acquiesce as affecting its rights. Thus, a principle of legality concurs also to protect the revision of unanimity. But it colludes with a principle of legitimacy since unanimous consent may oblige to all minus one of the member states and, from a democratic point of view, it is dubious that this is a tenable position. Most of the criticism of unanimity has come, in fact, from arguments on its lack of democratic quality.

The externalisation of the costs of (negative) decisions

The question of consent may also be reviewed from the point of view of the effects of a negative decision. In the case of the revision of existing EU Treaties, the unanimity rule allows the externalisation of the effects that may derive from a failure to ratify in a single state (i.e. the translation of negative effects to third parties that have not taken that decision). At least two cases provide evidence of this externalisation effect. The first Danish 1992 negative referendum triggered the crisis of the European Rate Mechanism (ERM, ancestor of the Monetary Union) and this affected the currencies of Italy, Portugal, Spain, France and the UK, but not Denmark. These countries had to devalue their currencies. In the same vein, arguments have been made that the failure to ratify the EU constitution in France and the Netherlands affected mainly new member states and candidates (Stefanova, 2006).

Other EU treaties illustrate instances in which effects cannot be externalised (even under unanimity rule). Thus, the failure of an accessing country to ratify the adhesion treaty does not have negative consequences on the Union and its member states,. In 1972 and 1994, Norway failed to ratify its accession treaty and this did not have consequences for the EU or any of its member states. In 1992, the Swiss citizens voted in referendum against the ratification of the European Economic Area (EEA) Agreement and this, again, had effects only for Switzerland. Naturally, the case of a member state rejecting an accession treaty of a candidate poses the same kind of situation (discussed below).

Under the current set of rules, a clear possibility of externalising negative effects refers to euro governance.The reform of the Eurozone governance requires also the unanimous agreement of all EU member states (including those who are not members of the euro). Hence, if a non-euro member fails to ratify an agreement that refers to the euro, it may externalise the costs of its decision. So far, externalisation either in cases of partial or total failure has resulted from either unintended consequences of poor calculations of political leaders. However, certain member states have introduced domestic mechanisms for ratification that have the effect of limiting the options of positive results. Thus, the UK has introduced a referendum lock which obliges the government to hold a referendum on EU reform treaties in a large number of cases. The referendum lock formalises the logic of a two-level game since the British government will need to calculate the preferences of the British public opinion in any Treaty revision. Given the anti-European feelings dominant in the British public, any Treaty agreed among 27 may easily fail in the UK and the effects of this failure affect any other member state.The referendum lock mechanism in the UK opens up the possibility of externalising the costs taking domestically to any other EU member state.

The cases of ratification failure are associated with the use of referendums and these, in turn, find a justification in the case of membership because of the transcendence of the decision to join the EU. However, the environments of accession and reform referendums are totally different: the first provoke decisions which affect unilaterally to the state holding the consult whilst in the case of EU reform treaties, referendum decisions (as the ones taken by national parliaments) automatically affect all and every member state.

Ratification requirement in the economic union treaty

The requirement for ratification in the TSCG

In December 2011, 26 member states of the European Union (all but the UK) agreed to negotiate a new Treaty on reinforced economic union. Initially, the President of the European Council had suggested two alternatives: either a Revision of Protocol 12 (on the excessive deficit procedure) and secondary legislation or a revision following Article 48. According to the President, changes to Protocol 12 could be introduced by a unanimous decision of the Council on a proposal from the Commission after consultation of the European Parliament and the European Central Bank. This decision does not require ratification at national level. This procedure could therefore lead to rapid and significant changes. The alternative avenue of Article 48 would be more time-consuming and subject to ratification in all member states, but it would allow more fundamental changes in the budgetary framework.[15] The UK opposed reform following Article 48 and this opposition opened the path to the negotiation of an extra EU Treaty.

The TSCG is not constructed as a revision of the existing EU Treaties but rather as, hypothetically, independent Treaty under public international law. Naturally, this is only a technical trick since the Treaty contains a significant number of substantive linkages, for instance, the requirement of consistency with EU law and the subsidiary character of the Treaty *vis-à-vis* EU treaties; the involvement of EU institutions executing policy under the new treaty, or the explicit reference to its incorporation into EU Treaties within five years at most following its entry into force. The actors promoting the new Treaty are the euro members and the launching declaration records the desire to adhere to the agreement of Bulgaria, Denmark, Latvia, Lithuania, Poland and Romania and, similarly, of the Czech Republic and Sweden.[16]

Released from the strictures of Article 48, the five drafts coincided in removing the requirement of unanimity for the entry into force of the new Treaty. Whether this move results from the supervened need to bypass British absence (which nullifies the applicability of the EU Treaties revision procedure) or it results from learning from past problems of ratification under unanimity or it results from the urgency to fix economic governance of the euro area, the 26 member states have settled for a novel ratification requirement. The threshold changed between the several drafts: Article 14 of the first December 2011 draft specifies that the Treaty will enter into force when it is ratified by nine member states *whose currency is the euro*. The second draft, in early January 2012, substantively increased the threshold to 15 euro member ratifications. The remaining three drafts reduced the ratifying majority to 12 euro member state. None of the drafts considered a population requirement, so that the size of members, *a priori* and formally, is disregarded.

The less-than unanimity requirement introduces two substantive qualifications: the first is that entry into force depends explicitly on consent from the euro members even though the Treaty can be ratified by any other EU member states. Moreover, the draft offers a way through for the UK: according to Article 15, other member states other than the contracting parties may adhere afterwards upon application that any such member state may file with the Depositary. By common agreement, contracting parties may approve the accession.

In quantitative terms, even though the Treaty may be negotiated and signed by 26 member states and ratified by 27 (since the UK may also ratify if it so wishes), it only requires the ratification of part of the 17 euro countries to enter into force. The second qualification refers precisely to the quantity of ratifications required: 15 out of the 17 euro members, which falls short of unanimity. The move was more pronounced in the initial draft which required nine out of 17 is (less than 50 percent and, in relation to 27 member states, 33.33 percent). Thus, the EU ratification regime has moved decisively from the most rigid existing one to a more feasible one. Certainly, this move is possible because of the technicality mentioned above (i.e. building extra-EU but parallel legal orders).

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[15] 'Towards a Stronger Economic Union', interim report, 6 December 2011. Available at: <http://blogs.ft.com/brusselsblog/files/2011/12/INTERIM-REPORT-FINAL-6-12-.pdf>.

[16] Statement by the Euro Area Heads of State or Government. Available at: <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/126658.pdf>.

This change implies also a change in the way consent has traditionally been considered in EU Treaty revision. The new Treaty will bind only member states that have ratified it (being those members or not members of the euro). As for the member states with a derogation or with an exemption (Denmark), these can declare their intention to be bound by the Treaty (by all or part of its provisions) at an earlier date.

In substantive terms, it is not self-evident why member states would want to be bound by the new Treaty, since the costs are quite clear. In particular, its provisions on budgetary discipline imposes new obligations on national authorities and, specifically, it constraints fiscal sovereignty. On the other hand, any payoffs of the Treaty are not so evident: economic governance seems limited to enhanced economic coordination (discussing economic reforms among themselves) and the euro summits are institutionalised (formalising existing practice).

However, the existence of the Treaty and its ratification requirement construct a different incentive: buying credibility. It main promoter (the German government) has already implemented the most costly measure associated with the Treaty (constitutionalisation of the prohibition of structural deficits). Hence, all other member states aiming to keep a level of credibility in international markets close to the German one will need to copy (at least) the same mechanism. The Treaty serves to the purpose of creating some credibility for domestic policies but also as a constraint forcing domestic actors to create strong constitutional or quasi-constitutional limitations on structural deficits. Within the old regime of ratification under unanimity, as exposed above, a single failure (as it happened in Denmark in 1992) would cast doubts on the ability of the EU member states to complete the ratification of the Treaty and, hence, made the rules valid law. The new requirement of majority changes the landscape dramatically: once nine ratifications are achieved, those member states unable or unwilling to ratify may assume totally the costs of their defection which may mean, *a priori*, a loss of credibility in international markets of their commitment with the deficit objectives. Thus, whilst in past the unanimity requirement allowed the externalisations of one single failure to ratify, the new rule makes any member state (after the threshold of nine euro member states is achieved) to fully assume the effects of their sovereign decisions.

Any other rule short of unanimity creates a model in which the possibility for a single member state externalising the costs of decision disappears after passing a certain threshold. Moreover, after passing the threshold, a member state dissenting with a decision of revising the Treaties needs to assume fully the costs of not granting consent. This is, for instance, the effect that the rules for entry into force of the American Constitution created. Article 7 required the ratification of nine states out of 13. There was uncertainty on whether a majority could be attained and this led the Federalists, in fact, to engineer the ratification process in a way that it could be achieved (Riker, 1994). This combined an implicit ordering of the several states' ratification processes with the most pro-Constitutional states first and the more sceptical ones later (see Figure 1 below). The effects are visible: Virginia and New York, two of the states which presented difficulties for ratifying the Constitution, became 10th and 11th in the ratifying order. Since only nine states were needed for the

Constitution to enter into force, this made their veto (and possibility to externalise the effects) in fact a vote on whether remain or not outside the Union and assume the costs.

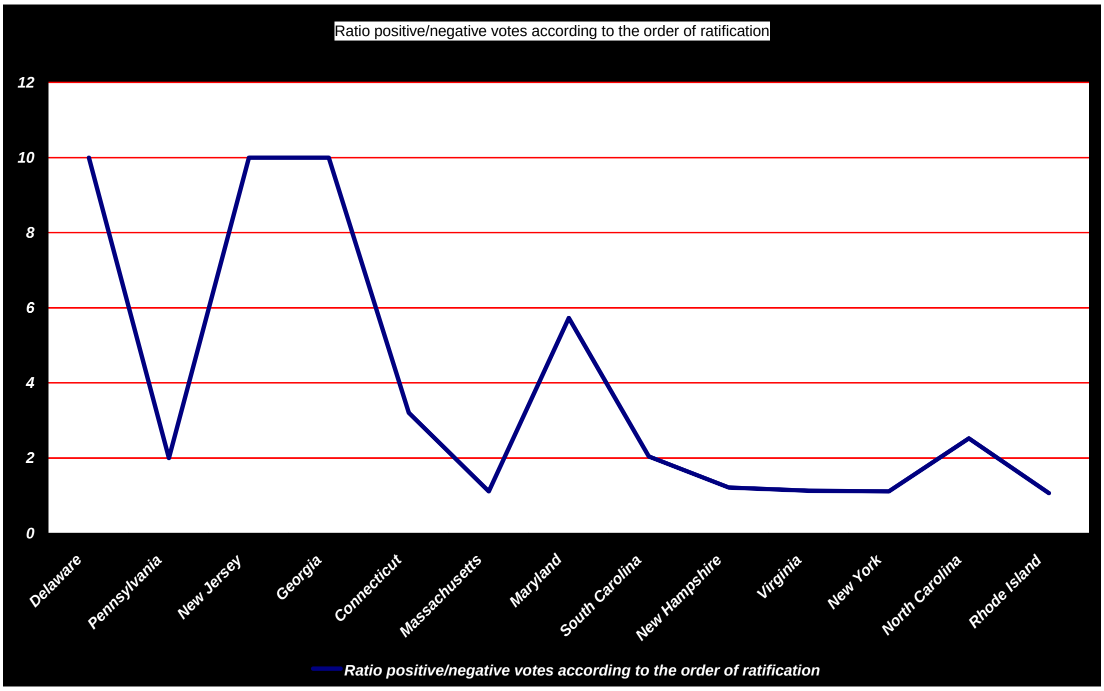

Figure 1: Ratio positive/negative votes on the US Constitution and ratification order.

Conclusion

The move towards a less-than-unanimity ratification requirement in the new treaty on economic union seems to respond to considerations of efficacy: there existed fears that a several euro-states (Greece, Ireland, and Finland) might have difficulties in achieving a successful result. Whatever the reason, the move marks a decisive departure from a rule that has conditioned the development of the EU at critical moments and which has produced significant pernicious effects: it has created an environment in which big and/or founding member states invoke unanimity to make their failures to ratify valid whereas small and not founding member states are brought in line with the prevalent trend; it has stimulated a model of very detailed and specific constitutional rules and it allows, finally, the externalisation of the costs of negative decisions. Arguments exist, in parallel, in favour of any rule short of unanimity, being the most powerful of all of them is that it accommodates decisions and consent: none should by bound by a treaty that has not accepted (but in parallel, this decision should not be imposed upon other member states). At the end, pragmatic considerations should also be weighted: after a certain threshold, a rule short of unanimity changes the name of the game from ‘this treaty or nothing’ to either be ‘in’ or ‘out’.

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Appendix 1: Procedures for entry into force and revision in international organisations

Unanimity		Majority	
For entry into force	**For revision**	**For entry into force**	**For revision**
ASEAN	**ASEAN**	**AEC**, 2/3 ratifications	**AEC**, 2/3 ratifications
BENELUX	**CARICOM**	**ACS**, 2/3 ratifications of 25 states	**ACS**, 2/3 ratifications
CAN	**CIS**	**AU**, 2/3 ratifications	**AU**, 2/3 ratifications
ECCAS	**GCC**	**AAEU**, 3 ratifications	**Arab League** 2/3
CIS	**EAC**	**Arab League**, 4 ratifications	**COMESA**, 2/3
GCC	**EurAsEC**	**CARICOM**, 4 ratifications	**CoE**, 2/3 ratifications
EAC	**EFTA**	**COMESA**, 11 ratifications	**ECCAS**, 7 ratifications
EurAsEC	**EU**	**CoE**, 7 ratifications	**ECOWAS**, 9 ratifications
EFTA	**Helsinki Convention**	**ECOWAS**, 9 ratifications	**ECO**, 2/3 ratifications
EU	**IMF** (some cases)	**ECO**, 2/3 ratifications	**IAEA**, 2/3 ratifications
NAFTA	**IMO** (tacit acceptance)	**Helsinki Convention**, 7 ratifications	**ILO**, 2/3 including 5 of the 10 members represented on the Governing Body as members of chief industrial importance
GUAM	**LAIA/ALADI**	**IAEA**, 18 ratifications, including Canada, France, Russia, UK and USA	**IMF**, 3/5, having 85% of the total voting power
OECD (if before 30/09/1961)	**MERCOSUR**	**IMF**,75 % of quotas established by the treaty	**OPCW**, positive vote of a majority of all States Parties with no State Party casting a negative vote
SAFTA	**NAFTA**	**IMO**, when 21 states, of which 7 shall each have total tonnage of not less than 1 000 000 gross tons of shipping have ratified	**OUA**, 2/3
UMA	**GUAM** (mutual consensus)	**IOM**, 2/3 plus a number of members whose contributions represent at least 75% of the Administrative part of the Budget	**OAS**, 2/3 ratifications
UEMOA	**OIF**	**LAIA/ALADI**, 3 ratifications	**OIC**, 2/3 ratifications
WEU	**OPEC**	**MERCOSUR**, 3 ratifications	**SCO**, mutual consensus plus deposit of 4 ratifications
WCO	**SAARC**		**SADC**, 3/4 of all the members of the Summit
WTO	**SAFTA**		**UNASUR**, 9 ratifications
	SEATO		**UN**, 2/3 including the permanent members of the Security Council
	UMA		
	UEMOA		
	WEU		
	WCO		
	WTO (exceptions)		

Unanimity		Majority	
For entry into force	For revision	For entry into force	For revision
		NATO, majority of ratifications, including Belgium, Canada, France, Luxembourg, the Netherlands, the UK and the US **OECD**, 15 ratifications if after 30/09/1961 **OPCW**, 65 ratifications **OIF**, 10 ratifications **OUA**, 2/3 ratifications **OAS**, 2/3 ratifications **OIC**, 2/3 ratifications **SCO**, 4 ratifications **SICA**, ratifications by the majority **SADC**, 2/3 of the states listed in the Preamble **SEATO**, ratification by the majority **UNASUR**, 9 ratifications **UN**, ratifications by China, France, USSR, UK, and the US, and by a majority of the rest **UNWTO**, 51 ratifications **WHO**, ratification of 26 UN members **WIPO**, after 10 states members of the Paris Union and 7 states members of the Berne have ratified or acceded	**UNWTO**, 2/3 ratifications **UPU**, 2/3 ratifications **WHO**, 2/3 **WIPO**, simple majority **WTO**, 2/3 in some cases

Source: Own elaboration.

List of acronyms

AAEU (Agreement on Arab Economic Unity)
ACS (Association of Caribbean States)
AEC (African Economic Community)
ASEAN (Association of Southeast Asian Nations)
AU (African Union)
CAN (Andean Community)
CARICOM (Caribbean Community)
CIS (Commonwealth of Independent States)
COMESA (Common Market for Eastern and Southern Africa)
CoE (Council of Europe)
ECCAS (Economic Community of Central African States)
ECO (Economic Cooperation Organization)
ECOWAS (Economic Community of West African States)
GCC (Cooperation Council for the Arab States of the Gulf)
EAC (East African Community)
EurAsEC (Eurasian Economic Community)
EFTA (European Free Trade Association)
EU (European Union)
GUAM (Organization for Democracy and Economic Development)
IAEA (International Atomic Energy Agency)
ILO (International Labour Organization)
IMF (International Monetary Fund)
IMO (International Maritime Organization)
IOM (International Organization for Migration)
LAIA/ALADI (Latin American Integration Association, previously ALAC)
MERCOSUR (Southern Common Market)
NAFTA (North America Free Trade Association)
NATO (North Atlantic Treaty Organization)
OAS (Organization of American States)
OECD (Organisation for Economic Co-operation and Development)
OIC (Organization of the Islamic Conference)
OIF (Organisation Internationale de la Francophonie)
OPCW (Organisation for the Prohibition of Chemical Weapons)
OPEC (Organization of the Petroleum Exporting Countries)
OUA (Organization of African Unity)
SAARC (South Asian Association for Regional Cooperation)
SADC (South African Development Community)
SAFTA (South Asia Free Trade Agreement)
SCO (Shanghai Cooperation Organisation)
SEATO (South East Asia Treaty Organization)
SICA (Sistema de la Integración Centroamericana)
UEMOA (West African Economic and Monetary Union)
UMA (Union of the Arab Magreb)
UN (United Nations)
UNASUR (Union of South American Nations)
UNWTO (World Tourism Organization)
UPU (Universal Postal Union)
WEU (Western European Union)
WCO (World Customs Organization)
WHO (World Health Organization)
WIPO (World Intellectual Property Organization)
WTO (World Trade Organization)

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