

France: Constitutional reform strengthens presidency

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On July 27 at Versailles, the combined membership of the French National Assembly and Senate approved a reform proposed by President Nicolas Sarkozy to the constitution of the Fifth Republic. Despite a limited increase of the formal powers of the National Assembly, largely at the expense of the prime minister, the net effect of the reform is to strengthen the already powerful office of the presidency.

Sarkozy included a call for reforms to the constitution in his 2007 election campaign, as part of his broader attempt to co-opt left-wing sentiment and work out a deal with sections of the Socialist Party (PS), which has historically been associated with calls for constitutional reform. Having arrived in power on the basis of appeals to national unity and law-and-order sentiment, Sarkozy named several PS officials to top government positions, notably Foreign Minister Bernard Kouchner, and recruited PS ex-minister Jack Lang to help draft the constitutional reform.

The main goal of Sarkozy's presidency is to dismantle what remains of the post-war welfare state and carry out a massive reduction in the living standards of the working class—cutting pensions, health care spending, unemployment compensation, etc.—while preparing for a more aggressive assertion of French imperialist interests abroad.

This has been the essential policy of a succession of French governments, starting in the 1990s. However, these governments have foundered on mass strike movements by the French working class, which have undermined their legitimacy and led to retreats on planned social “reforms.” Attempts to carry out pension cuts in 1995, 2003, and 2007 led to strikes that shattered the authority of the Juppé, Raffarin, and Fillon governments. Labor law reforms and other social cuts led to strike movements against de Villepin in 2006 and again this year. The current government is highly unpopular, with Sarkozy's approval ratings under 40 percent in all recent polls.

The constitutional changes strengthening the position of the president are aimed at facilitating these social attacks and bolstering the ability of the state to suppress popular opposition. The aim is not to rebalance political power

between the different branches of government, but to rebalance the state apparatus to assert these more fundamental class interests.

Constitutionally and traditionally, the presidency is responsible for foreign policy, while the prime minister, who is answerable to the president, carries out the government's domestic policy. Since coming to office, Sarkozy has sought to limit the influence of Prime Minister François Fillon and directly oversee both foreign and domestic policy. This allows Sarkozy to wrap his social cuts in the mantle of French sovereignty and his status as head of state, in line with the nationalist, law-and-order atmosphere he has sought to encourage since his election.

Under the present constitutional system, the president has substantial power over other branches of government. After legislative elections, he nominates the prime minister and approves a cabinet of ministers nominated by the prime minister. The president can dissolve the legislature at any time.

The immense powers granted to the president in the Fifth Republic's constitution stem from its origins, in a 1958 coup d'état organized against the Fourth Republic by General Charles de Gaulle's supporters in the army of occupation in Algeria, variously called “the velvet coup” or the “democratic coup.”

Amid growing popular opposition to the war in Algeria, army forces in Algiers who were in contact with de Gaulle's associate Léon Delbecque organized army rebellions against government authority in Algeria and Corsica. Plans were made for parachutists to airdrop into Paris. De Gaulle told the National Assembly that the only way to avoid a direct confrontation with the army was to grant him powers to write a new constitution and institute a Fifth Republic.

De Gaulle considered that the proportional representation in parliament and weak presidency of the Fourth Republic, which had emerged from the liberation of France from the Nazis, hampered the effective protection of French imperialist interests. In drafting the constitution, de Gaulle created a highly powerful presidential office, which he

planned to occupy, in order to stabilize the political situation and enforce continued French rule in Algeria.

The constitution has proved highly unpopular ever since, and the Constitutional Council records no less than 19 successful attempts to amend it since 1960.

The president's power vis-à-vis the parliament grew after the 2000 constitutional reform, which shortened the president's term from seven to five years. Since legislative elections now take place every five years, just after the presidential elections, the president is virtually guaranteed to begin his term with a majority from his own party, especially as the winning party receives extra seats in parliament.

The newly amended constitution limits the president to two five-year terms. It provides some minimal measures to increase the powers of the legislature, including giving a parliamentary committee the right to vote down the president's nominations to important legal posts. It also gives the National Assembly the right to set its own agenda on 50 percent of working days. Previously, the agenda was set entirely by the prime minister and cabinet.

The reform marginally limits the prime minister's ability to use the controversial Article 49-3 to impose legislation on the National Assembly. Up to now, the prime minister has been able to use the measure to require the parliament to either pass a bill or vote a motion of "no confidence" in his government, which causes it to fall. In practice, the National Assembly, as a result of the invocation of Article 49-3, almost always approved the bill in question. The current reform specifies that the prime minister can freely use article 49-3 for laws on state budgets and social security, but only once per parliamentary session for other business.

The constitutional reform places certain limits on the president's emergency powers, which were assumed most recently by former President Jacques Chirac after the 2005 riots against police brutality. It specifies that after 30 days of presidential emergency rule, the leaders of both houses of parliament can jointly require the Constitutional Council—the body that rules on the constitutionality of law—to rule on whether the president should continue to exercise these powers. After that, they can jointly refer the question to the Constitutional Council every 60 days.

The reform also requires the government to obtain parliamentary approval for military action. The modified text adds: "When the length of the intervention exceeds four months, the government submits its prolongation to the authorisation of parliament." No such limits existed previously. This measure, which aims to provide a veneer of democratic legitimacy to French imperialism's actions abroad, suggests that plans for more aggressive French military operations are well advanced.

These amendments still leave the president with immense

powers and increase them in some respects. He may now address the parliament in joint session and have his speech debated—a right which French heads of state have not enjoyed since the nineteenth century.

The current constitution's attempt to present the president as above partisan politics was a major factor in the decision to keep the president from addressing parliament. Speeches to parliament were the prerogative of the prime minister.

In a measure aimed directly against Turkey, the constitution as amended requires an endorsement by referendum of any European proposals to accept new countries into the European Union. However, the president can propose a waiver of this provision.

Sarkozy worked strenuously to obtain the necessary two-thirds majority in parliament for the constitutional reform. The outcome was unclear ahead of the vote, which proceeded largely along party lines. Significantly, Sarkozy decided not to submit the changed constitution to a popular referendum.

The required margin, achieved with two votes to spare, was hailed as a victory by Sarkozy's supporters. PS leaders blamed Jack Lang, the only PS deputy who voted with the government, for handing Sarkozy a victory.

Sarkozy convinced the PRG (Left Republican Party) deputies, who usually work with the opposition PS, to support the reform by promising to reduce to 15 the number of deputies required to form an official parliamentary group.



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