

## The Intergovernmental Conference (IGC) on Political Union

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Negotiations on Political Union proved to be much more challenging than those on Economic and Monetary Union (EMU). There were no specific plans for Political Union as there were for the single currency, such as the Delors Report, hence the plethora of different proposals put forward on the objectives to be achieved and the numerous possible options available.

The European Parliament had long been calling for the extension of qualified majority voting in the Council of Ministers and the extension of the powers of the Commission and of Parliament. In March 1990, it had declared that it was in favour of the rapid conversion of the European Community into 'a European union of federal type going beyond the single market and economic and monetary union' as well as the integration of intergovernmental cooperation in foreign policy into Community structures.

As for the governments, Belgium was first boldly to take the initiative by sending an *aide-mémoire* on 20 March to its partners which advocated strengthening of the Community's institutional system through the general application of qualified majority voting in the Council, a reduction in the number of Commissioners, investiture of the President of the Commission by the European Parliament, the reinforcement of legislative codecision between Parliament and the Council as well as the enhancement of cooperation in foreign policy and its extension to security problems. The Belgian Government's proposals fell on rather stony ground, but they did address the main issues at the heart of the negotiations.

France and Germany actually set things in motion with a letter from President François Mitterrand and Chancellor Helmut Kohl dated 19 April, in the run-up to the Dublin European Council held on 28 April 1990, urging the Council to speed up the political integration of Europe and, to this end, convene an Intergovernmental Conference (IGC). They proposed four objectives: to enhance the democratic legitimacy of the Union called for by Germany and the European Parliament, to make the institutions more effective by extending majority voting in the Council of Ministers and, by expanding the role of the European Council, to ensure the unity and coherence of the activities of the Union in the economic, monetary and political spheres and to make its activities more comprehensible for the man in the street, and finally — this was a major challenge — to define and establish a common foreign and security policy.

Reactions to Belgium's project and to the Franco-German proposals became apparent at the Dublin European Council. Margaret Thatcher, the British Prime Minister, as well as her Danish and Portuguese counterparts, expressed concerns and wished to defend national powers. On the other hand, the 'pro-Europeans' feared that reference to Political Union and not just to the Community would weaken the Community's status. The President of the Commission, Jacques Delors, was in favour of the Belgian project. Mrs Thatcher, aware that she could not refuse the convening of an IGC, which could be decided by a majority vote, called for a clarification project to be carried in advance so that a possible Union might be defined.

The aforementioned task was completed successfully by the Ministers of Foreign Affairs who, in conjunction with the European Parliament and Commission, drew up a list of suggestions and drafted a report outlining the main objectives (legitimacy and efficiency of the institutions as well as the Community action on the international scene). They set out the possible options for each objective. In light of the report, the second Dublin European Council, held on 25 and 26 June 1990, decided to hold an IGC on Political Union, in parallel with the conference on EMU, on 15 December 1990.

The remaining task under the Italian Presidency involved drafting a mandate for the future conference that would be as specific as possible. However, profound disagreements came to the fore. France and the Federal Republic of Germany (FRG) were very much in favour of the common foreign and defence policy and were followed by Belgium, Luxembourg, Spain and Greece. Germany, Italy, Belgium and the Netherlands wanted the powers of the European Parliament to be extended. France, Germany, Italy and the Benelux countries were interested in social policy and the southern European countries were in favour of economic and social cohesion with the northern European countries. The United Kingdom, which was hostile to all of those proposals, sought, above all, to maintain the *status quo* and, in the worst-case scenario, to 'limit the

damage', an attitude which restricted the ambitions of its partners to what London would accept. However, the British stance became slightly more flexible upon Mrs Thatcher's departure from government and the arrival, on 28 November 1990, of the newly appointed Prime Minister, John Major, who subsequently declared that he wished to place Britain 'at the very heart of Europe'.

The Community institutions put forward their opinions. On 22 October, the Commission came out in favour of a single community, combining political, economic and monetary union with the aim of ensuring the coherence of economic and political relations, but it recognised that the Community decision method could not be applied to foreign policy. From 27 to 30 November, the European Parliament held a conference involving the parliaments of the Member States in order to reassure them about the desired extension of its powers.

Finally, it was the Franco-German partnership that once again led the course of events in a decisive direction. On 6 December, President Mitterrand and Chancellor Kohl addressed a letter to their partners, outlining their vision of the future Political Union. They proposed an extension of the Community's powers in the areas of the environment, health, social policy, energy, research and technology, and consumer protection. They also proposed that the Union's powers be extended in the areas of immigration, visa policy, right of asylum and international crime. They approved the institution of a 'European citizenship', which the Spanish Prime Minister, Felipe González, had proposed. They wanted to strengthen the Community institutions (legislative codecision powers for the European Parliament and Council, Parliament's confirmation of the appointment by the Council of the President of the Commission and the extension of qualified majority voting in the Council), but they insisted on the crucial role that the European Council in the composition of the Heads of State or Government had to play as 'the referee [...] and promoter of a coherent consolidation of integration' and that its role and its missions should be enhanced to this end, with particular regard to the common foreign and security policy, which should 'eventually result in a common defence'. Both signatories declared that 'the entire Atlantic Alliance would be reinforced by enhancing the role and responsibilities of Europeans and by the establishment therein of a European pillar'.

At the Rome European Council held on 14 and 15 December, some reservations were expressed with regard to the negotiating mandate to be given to the IGC. The mandate was limited to a review of a number of points: democratic legitimacy, foreign relations and security, citizenship, the extension of the Community's activities in eight areas and the role of the European Council, without prejudice to the proceedings of the conference.

The conference was held in 1991 under the successive Luxembourg and Netherlands Presidencies, in parallel with the conference on EMU. It discussed the very large number of contributions from the Member States and the opinions requested from the Community institutions. Following a general discussion phase, the Luxembourg Presidency, led by Jacques F. Poos, submitted a plan on 17 April in which the positions supported by a majority of the delegations were included. The text extended the powers of the EEC, strengthened the powers of the European Parliament and introduced justice and home affairs and a common foreign and security policy into the Union structure.

At institutional level, the Luxembourg plan provided for a 'pillar' structure. The first pillar, consisting of the European Community with extended powers, would include EMU and operate in accordance with the strengthened Community system. The other two pillars, one devoted to foreign and security policy and the other to justice and home affairs, would operate in accordance with the intergovernmental method, because several countries, namely France, the United Kingdom, Denmark and Portugal, wanted to maintain their sovereignty in those areas. The pillar structure would be comparable to a Greek temple, consisting of three columns surmounted by a pediment. The Council would be the only institution with powers in all three fields.

The pillar structure was heavily criticised by the Commission but supported by Belgium, the Netherlands and other countries. The pillar structure might destroy the unification process, enhance the intergovernmental method at the expense of the Community system and prohibit any federal development of the Union. Therefore, the Commission advocated a single Community structure, but one which would use

different decision-making processes depending on the areas involved. It would be a structure resembling a tree with a single trunk and several branches of different sizes. In September, the Netherlands Presidency endeavoured in vain to restore the common structure, but no one followed suit. The pillar structure was therefore adopted.

Another difficult problem facing Political Union was the establishment of a European security and defence identity that would be compatible with the Atlantic Alliance and NATO, something which was called for above all by the UK and Italy, with France and Germany emphasising the need for Europe to possess a certain degree of autonomy in defence and security matters. On 11 October, President Mitterrand and Chancellor Kohl, for the third time, addressed a joint letter to their counterparts. They suggested that the common foreign and security policy (CFSP) should include all of the issues concerning security and defence and that the Union's decisions in this regard should be implemented by Western European Union (WEU), the only military organisation among the Twelve (or rather the Eleven, since Ireland was neutral), without affecting their legal obligations with regard to NATO. WEU would therefore become the European Union's 'fighting force' and would have the power to cooperate with the Atlantic Alliance. In principle, the partners accepted the proposals, all the more so because the Americans accepted the European identity and defence project at the Rome Atlantic Council held on 7 and 8 November.

The final obstacles were overcome at the Maastricht European Council held on 9 and 10 December. Social policy was the first issue that was addressed. In defence of the market economy, the United Kingdom had refused to sign the Social Charter in 1989, and it was now opposed to its inclusion in the Treaty on European Union. In order to break the deadlock, the Eleven granted the United Kingdom the right not to be bound by the Social Protocol annexed to the Treaty. It was a type of 'opting out' system, which had already been adopted for London's benefit, in preparation for the transition to the third stage of EMU.

With regard to defence, there was still a heated debate as to how much autonomy the European policy should enjoy. A compromise had to be reached between a 'common defence policy', sought by the United Kingdom, the Netherlands, Denmark and Portugal, and 'common defence' called for by France, Germany, Belgium, Luxembourg and Greece. Finally, both concepts are included in the same convoluted sentence: 'the common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.'

On the qualified majority vote in the Council of Ministers, which was extended to several areas, the British and French agreed that, with regard to foreign policy issues, joint actions should be approved unanimously. Majority voting could be exercised only with regard to implementing measures and only if the Council agreed to do so unanimously.