

'IGC 2000: The Union with its back to the wall' from L'Europe en formation (Summer 1999)

Caption: In its Summer 1999 issue, the Federalist journal L'Europe en Formation criticises the weaknesses of the Treaty of Amsterdam in the area of European Union institutional reform which is, after all, required to allow the enlargement of the EU to include the countries of Central and Eastern Europe (CEECs), and identifies the implications of the forthcoming Intergovernmental Conference (IGC).

Source: L'Europe en formation. Été 1999, n° 313. Nice. "C.I.G. 2000: l'Union au pied du mur", p. 3-6.

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IGC 2000: The Union with its back to the wall

Editorial

The Treaty of Amsterdam, which recently came into force, was supposed to bring about an in-depth reform of the institutions of the European Union so as to enable its ‘great enlargement’ to take place in acceptable conditions. We know that nothing of the kind has happened. However, the Treaty does include, in one of the thirteen protocols which accompany it (Article 1), the following provision: ‘At the date of entry into force of the first enlargement of the Union, [...] the Commission shall comprise one national of each of the Member States, provided that, by that date, the weighting of the votes in the Council has been modified, [...] in a manner acceptable to all Member States’, including, in particular, compensation for those Member States ‘which give up the possibility of nominating a second member of the Commission’. Moreover, according to Article 2, one year before the membership of the Union exceeds 20, an intergovernmental conference is to be convened ‘in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions’. In an additional declaration, Belgium, France and Italy call for ‘a significant extension of recourse to qualified majority voting’.

- The European Council, meeting in Cologne on 3 and 4 June, adopted a cautious approach, deciding to convene, in the year 2000, during the consecutive presidencies of Portugal and France, an intergovernmental conference which would be given the task of resolving those institutional issues which could not be settled in Amsterdam owing to a lack of agreement among the Fifteen, that is to say the size and composition of the Commission, a new weighting system for votes in the Council, and the ‘possible’ extension of qualified majority voting. According to the Cologne Declaration, the conference could also discuss ‘other necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam’. That is a good example of Euro-speak which can be interpreted in many different ways.
- Meanwhile, on 1 July, the Finnish Council Presidency published its programme, which is peppered with good, but vague, intentions. It talks about increasing ‘efficiency, transparency and coherence’, developing the Union’s external relations ‘comprehensively, and with the cross-pillar approach’, and improving the Union’s decision-making capacity so as to enable it ‘to take up the challenges posed by enlargement’. Actually, the Finnish Presidency will be remembered above all for the finalisation of a Charter of Fundamental Rights of the European Union, the subject to which the extraordinary meeting of the European Council in Tampere in October will be devoted. This is a very laudable exercise, even though one might legitimately wonder whether it is actually necessary. A European Convention on Human Rights already exists under the aegis of the Council of Europe, of which all the countries of the Union are members.

In reality, Finland is chiefly interested in building an information society (it is a leader in the field of informatics), in an environmental Europe and in the employment crisis (its unemployment rate is over 10 %). On the other hand, its citizens have not yet become used to the idea of a European Union, which seems to them to be somewhat esoteric: less than a third of the Finnish electorate voted in the recent European elections.

- Despite the lethargy induced by summer, a number of public figures have already come forward to condemn the restrictive nature of the commitments made in Cologne for the IGC 2000. Viscount Etienne Davignon, a former (Belgian) Vice-President of the European Union and President of the organisation ‘Friends of Europe’, is calling for ‘a new Conference of Messina’ which would result in a new treaty which could come into force in 2004.
- At a hearing organised in June by the French Senate’s Delegation for the European Union, Jacques Delors regretted the move towards a mini-IGC. He harked back to the idea of an ‘open avant-garde’, in which France and Germany could and should take the initiative. Like Viscount Davignon, Mr Delors is in favour of the Commission’s being accountable not only to the European Parliament but also to the European Council. In his opinion, the best way of carrying out reforms would be via a treaty drafted by a committee whose mandate would be to ‘clear the ground’. The general guidelines proposed by the father of monetary Europe are transparency, efficiency, a rethink on the way in which the Council operates, the same voting system

throughout the Union for the election of Members of the European Parliament and a reduction in the Commission's management responsibilities.

However, when it comes to generalising qualified-majority voting, Jacques Delors thinks, somewhat sarcastically, that to imagine its being extended to cover all taxation matters would simply be wishful thinking. Moreover, the former President of the Commission does not believe in the idea of a European constitution any more than in Member States' capacity to renounce their right to nominate a European Commissioner, even though he thinks that the structure of the executive body needs to be improved in order to take up the challenge posed by greater numbers. Finally, he doubts the ability of 'Mr CFSP' to solve the problem of 'dispersion', which is found so often in the Union's dealings with other countries, and says that he is suspicious — and rightly so — of the effects of making announcements and not following them up when European defence is at issue.

- Mr Michel Barnier, the new French Commissioner who is close to Jacques Chirac, has also let it be known that he rejects the idea of an 'institutional mini-reform'. He says he is convinced that we should not limit ourselves to the first stage of the Amsterdam Protocol and argues in favour of a 'constitutional deepening of the Treaty' and of a European defence policy (something that the President of the French Republic has recently been supporting). Yet will it really be possible for anyone to succeed in prising defence policy from the restraining grip of intergovernmental cooperation, so well typified by WEU for the past 43 years?

- Finally, last but not least, at the request of the French Minister for Foreign Affairs, Mr Jacques Attali, a former adviser to François Mitterrand, former President of the European Bank for Reconstruction and Development and currently a Member of the Conseil d'État, recently submitted a report on Europe in the year 2020. In his report to the Quai d'Orsay, this exceptionally gifted man, a graduate of the École Polytechnique, the École des Mines and the École Nationale d'Administration, as well as being an essayist, novelist and playwright, imagines a 'Europe' of 40 Member States, combining the existing European Union, all the countries of Central and Eastern Europe, the Balkan region in its entirety, Russia, Belarus, Ukraine, Turkey, Georgia, Armenia ... and Switzerland. De Gaulle's dream of a Europe stretching 'from the Atlantic to the Urals' has thus been to a large extent surpassed by Attali's dream. The Europe of Jacques Attali would take the form of a 'plural union'. It would be the result of 'differential integration', neither 'hierarchical' nor 'pyramid-style', but 'polycentric, networked', so as to enable it to bring together 'a series of groupings'.

There is no shortage of suggested schemes. Some are akin to the federalist approach (for example replacing, in most cases, unanimity in Council decisions by qualified majority voting). Jacques Attali, however, does not want to hear any mention of a 'federal Union'. In that case, though, one wonders how he conceives this merger of the European presidencies which he is recommending and which has the approval of certain federalist authors.

Moreover, Mr Attali has even more ideas up his sleeve: he also imagines limiting for ever the number of Commissioners and the members of the Council. Both of them would no longer represent the Member States, but rather 'country groupings', while the General Affairs Council would be merged with the Commission (to manage the Union), and the Commission's Directorates would be converted into 'standalone agencies', and so on. In short, we have here a sort of European flying trapeze act which will not necessarily help to clarify the debate — already confused — which has already started about the prospect of having two successive IGCs before any enlargement takes place, and at a time, moreover, when the calling into question of the Community institutions is accompanied by the reform of a Community administration which is becoming increasingly cumbersome and complex — and, therefore, vulnerable.

L'Europe en formation