

'Realities in Nice' from the Frankfurter Allgemeine Zeitung (8 December 2000)

Caption: On 8 December 2000, the German daily newspaper Frankfurter Allgemeine Zeitung analyses the implications of the Nice European Council and welcomes the official proclamation of a Charter of Fundamental Rights of the European Union.

Source: Frankfurter Allgemeine Zeitung. 08.12.2000, Nr. 286. Frankfurt/Main. "Wirklichkeiten in Nizza", auteur:Frankenberger, Klaus-Dieter , p. 1.

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Realities in Nice

By Klaus-Dieter Frankenberger

So this is the reality of Europe in all its many facets: on the streets outside the push-and-shove of a new, cross-border, rather violent generation of protesters, inside the solemn proclamation of a Charter of Fundamental Rights; here a misty-eyed vision of the grand Community of tomorrow, there the bitter struggle for votes, influence and power — and, somewhat incidentally, the efforts to deal with the consequences of a crisis which could only be called lunacy. And if that is not enough to form a picture of the contradictions which have become apparent in Nice, of the challenges which Europeans must now address and of the chances which are open to them, take a look at the parting shots levelled by the US Defence Minister at the moves made by Europe in the direction of an independent security and defence policy. The European Union Summit is certainly making a lasting impression — from the start!

In proclaiming an EU Charter of Fundamental Rights, the Heads of State or Government of the fifteen countries have confirmed to one another what they would like to be: a community of values. They have told their untrusting citizens that they will not be delivered up defenceless to the Union, that its institutions' authority will not go unchecked. Even if the Charter is not (yet) legally binding in the formal sense, European jurisprudence will be guided by it and will strengthen control over the Union's power. That is more than many critics and advocates expected.

The Charter, whose value will become clear as time moves on, may prove a pointer to the future in a further sense. Roman Herzog, the former German President who chaired the Convention which drew the Charter up — both the form and the method have proved their worth — has already assigned it a place as part of a future European Constitution. It is to appear at the beginning and hence also overarch the constitutional process which is supposed to get underway in Nice. In this way, the distribution of competencies in the multi-level EU system and in its national and sub-national branches would be addressed; in this way, a new Order would be set down in a Constitutional Treaty. This is not going to happen from one day to the next, but things may move quicker than many expect.

Before any of this can happen, it will however be necessary to remove the existing points of friction. The Community must acquire the ability to work effectively, to act decisively; and it must get ready for enlargement. This set of aims takes precedence over all other concerns and special wishes, something which the Heads of State and Government, and more especially the French EU Presidency, should not lose sight of in the days and nights ahead. That some may, following their own interests, be tempted to block the institutional reform, is clear enough from the many worried voices suggesting that the negotiations may ultimately fail. That would not be the end of the EU. It would however betray a mean-spirited attitude towards the accession countries and an irresponsible approach towards Europe's citizens on the one hand and the common currency on the other.

Things don't need to go that far. Compromises, on for example the future distribution and weighting of votes in the Council of Ministers, are not beyond the wit of man; and in a community of nation-states, compromises are unavoidable. The quality of the compromises reached will not be determined by whether they pass 'national' muster; that on its own would be too narrow a criterion. What is eventually achieved must have a broader, historic dimension; it must meet the demands of the enlargement process of the next few years and support the geopolitical continuation of unification. This implies a need for the European institutions to be reinforced, not weakened. This implies also the need to come up with a new, resilient equilibrium between — and among — the small and large Member States, an equilibrium whose legitimacy is recognised.