

## Interview with Jacques Santer: the implications and the objectives of the European Convention (Sanem, 3 May 2006)

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[Étienne Deschamps] In February 2002, the Luxembourg Prime Minister, Jean-Claude Juncker, named you as his personal representative at the European Convention in Brussels. Could you recall for us the implications and the objectives of this Convention?

[Jacques Santer] Ah, yes. The Convention, which followed the Treaty of Nice, was not very warmly welcomed in European circles, nor in parliamentary and governmental circles either, because it left some countries with a bitter taste in their mouths, especially after the allocation of votes and all that. It was not a great step forward, I should say. In Nice, a statement was made saying that further progress had to be made following enlargement, but henceforth we had to move towards a deepening of the Community.

As you are aware, there has always been a philosophical and theological dispute between deepening prior to enlargement, as opposed to enlargement prior to deepening. Given what we — and our Commission too — have lived through, against the backdrop of an acceleration of history as a result of the fall of the Berlin Wall, the emergence of the new democracies in Central and Eastern Europe, the implosion of the Soviet empire and such like ... We could not put deepening before enlargement. New prospects had to be offered to the new democratic states in Eastern and Central Europe. So to some extent we were caught off guard. Nobody could imagine that a revolution — because it was in fact a revolution — could happen in that way, so quickly, without the shedding of blood and peacefully, yet it utterly changed the face of the world and of Europe. As a result, lessons also had to be drawn from this. Nice had to respond to these lessons where the European Union was concerned, but Nice did not do so. It concentrated on fine-tuning the voting system, here and there ... One good thing that was also done was the Declaration on Fundamental Rights; all this was very well, but as regards deepening, Nice was not a success. It was after Nice, during the Belgian Presidency, that they asked the 62 questions in Laeken, and it was obvious that, with the traditional Intergovernmental Conference, a limit had been reached. A new body had to be created in order to draw up a new Treaty, so the proposal was made: why not envisage a Convention that would include the national MPs, MEPs and government representatives — of course giving them a remit by asking them to reply to these 62 questions? That was the aim. I think that, even though people were somewhat critical at the beginning, even pessimistic ... some were even pessimistic at the start, including our Prime Minister here in Luxembourg, Jean-Claude Juncker, who was at first quite pessimistic, saying: ‘If we could not succeed, how do you think that you can make progress in this way?’ That is why we asked for personal representatives as well, and Juncker’s choice fell on me, since I know all the institutions, all three institutions. I was one of the few to have worked in all the European institutions, so I knew where the shoe pinched in each of these institutions. As a result, I was very pleased to participate in this Convention, and, contrary to all expectations and in a relatively short time — 18 months — the Convention reached a consensus on most of the questions that were asked.

Consensus naturally means compromise, compromise on the substance of the questions, and I think that this was where the Convention scored. I do not agree on all the questions, but if you need a consensus, you sometimes have to forget your own ideas and work for the future. I am still firmly convinced that this was the best possible result that we could have reached and that no one else will reach other compromises in future either. As for all those who, in the discussions that took place during the referendums, whether in France or elsewhere, in the Netherlands or even here in Luxembourg, who spoke of a ‘plan B’, I have no confidence in any plan B. Yes, you can draw up a plan B, once you have extrapolated a certain number of elements, but it is not a plan B. You cannot reach different compromises, they are different matters. It was at the beginning of the Convention — I must say that it opened with some difficulty — President Giscard d’Estaing had some problems starting off ... The discussion was strongly criticised at the beginning. One sometimes has the impression that the Convention succeeded despite Giscard; others say that it did so because of Giscard. I should not care to comment on that. At any rate, he succeeded. At first, he started off with a listening phase; a listening phase, which I found rather long. It irritated the Convention members that more spectacular progress was not made right from the start. But in the last analysis, I think that this listening phase, even though it went on too long, even for me ...

[Étienne Deschamps] Listening to civil society or to the representatives?

[Jacques Santer] Everybody, we discussed things for hours at a stretch; among the Convention members, and with civil society too, as well as other authorities. But mainly among the Convention members; repeating the same things, talk and more talk, but no conclusions were ever drawn directly from all this, that is what I meant. Yet if you look at it as a whole — because it has to be judged as a whole, not just on one or other of its parts — I think that, globally, the Convention was positive. The only thing that I regret is that the Intergovernmental Conference, which was added later on, made a serious mistake in my opinion when it put in this Chapter Three, which had not been discussed at Convention level. I believe that it was this that raised doubts in people's minds, because no one could make head or tail of it. It was too technical; it had nothing to do with a constitution. Besides, there was no need to talk of a constitution but rather of a Constitutional Treaty; I always spoke of a Constitutional Treaty, and if you say Treaty, it is a Treaty first of all, that is for sure. It was not a normal constitution. Next, it was a Constitutional Treaty, and so it should be limited to the real constitutional provisions, namely Chapters One and Two. Those are really constitutional provisions: institutional reform, Declaration on Fundamental Rights, and so on. That was comprehensible. There were 119 articles, about 119 ... Perhaps 118. 119 articles: that is no longer than the Luxembourg Constitution. That, one could understand. But if you add another 300 articles on the workings of the agricultural policy, then the procedure of the European Central Bank, with the statutes of the European central banks, with all that, then you create lots of difficulties. That is what caused all the discord — even among the political parties, because no one ... And they were the existing Treaties. The two things ought to have been split up: on the one hand, what we had drawn up, the Constitutional Treaty, and on the other hand the existing Treaties, perhaps submitting them to two separate ratification procedures, I do not know. But at any rate, I believe that it was above all the Intergovernmental Conference, which took over the work of the Convention and added to it, that created the difficulties of which we are all aware.