



Debate

Europe's Crossroads

Hywel Ceri Jones

Hywel Ceri Jones assesses what input the National Assembly should make to the Convention on the future of the European Union launched by the Council of Ministers in March 2002.

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The year 2002 has started with a huge success for the European Union. The introduction of the EURO, with its new notes and coins, was not only a remarkable logistical achievement for a project on such an unprecedented scale, but it was also enthusiastically embraced by people throughout the Euro-zone and will undoubtedly be adopted by other Member States in the next few years. The Euro has certainly given a psychological fillip to the public's sense of belonging to a Europe which makes a real impact on their lives. All the candidate countries wish to come aboard as soon as practicable after their entry to the Union.

But even as EU leaders celebrated the passing of an important milestone, they were uncomfortably aware of the challenges posed by an increasingly unstable global situation. Beneath the continued expressions of solidarity with the US there were unanswered questions about the increasingly unilateralist posture of the US and whether the EU would continue to see eye to eye on wider issues of global policy and the future architecture of global governance.

The Laeken European Council, which established the Convention last December, will be remembered for setting out a clear road map for the future development of a constitutional European Union which should be capable of fulfilling the historic task of European unification. The Belgian EU Presidency, and in particular the Prime Minister, Guy Verhofstadt, were rightly feted for the determination and subtlety they displayed in ensuring the success of Laeken. The centrepiece of the summit was the agreement on the Laeken Declaration on The Future of the European Union. Although the text included wording designed to reassure the British and other governments, nervous about the scale of future integration, the declaration charged the Convention, to prepare "...a constitution for European citizens". It also spelt out in detail 64 questions which must be addressed in a comprehensive institutional reform. In the end, proposals to limit the mandate of the Convention came to nothing.

The declaration is a landmark text in the history of European integration, both for the accessibility of its style and the clarity with which it poses a whole series of questions about political and constitutional issues. This matches the innovative aspects of the Convention itself, which brings many new layers of participants into the process, which has traditionally been monopolised by governments and diplomats.

The launch of the Convention on the Future of Europe took place in Brussels on the eve of St David's Day. It kicked off on the right foot, sending an encouraging political signal to all concerned with the process of European integration. Although it is far too early to make any predictions, the opening plenary revealed a significant degree of agreement among its 105 members upon the vital importance of this exercise and the ambitious targets to be achieved.

In spite of the negative publicity originally surrounding his appointment as Convention President, Giscard d'Estaing himself passed the first test as chairman of the new body. He made a notable speech where he set the mission of the Convention in the context of current political challenges – internal and external – and outlined the steps to be taken for the Convention to function and deliver.

Giscard openly stressed the need for a re-founding of the Union. He insisted there was a need to instil new life in the process of integration which has shown so many signs of wear and tear on the eve of an unprecedented enlargement of the EU. In Giscard's view this is the first time, since the Messina Conference in 1955, that European politicians will give the time to sit down and devote serious thinking to the future of the continent. Giscard spoke of nothing short of a Constitutional Treaty for the Union, thereby making clear that European integration will be a fully political project, and not simply an economic or functional form of enhanced coordination.

The goal is to complete the process of a new constitutional treaty in time for the expected ten new EU Member States to take part in the European Parliament elections in June 2004. For the first time EU leaders identified all ten candidates: Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, the Slovak Republic and Slovenia as the probable (but not yet definite) candidates for accession agreements which are to be negotiated by the end of this year. Bulgaria and Romania were praised for the progress they have made but they will need more time for the completion of the accession negotiations.

Some diplomats privately believe there will be another enlargement phase between 2006 and 2008 in which these countries and some new candidates from the western Balkans may become members. Turkey is meanwhile encouraged to make more progress in economic and political reform – especially in the observation of human rights. For the future, a new and more comprehensive relationship with Russia has been identified as a major priority. This appears, in part, to be a balancing component in the strategy for a 'big bang' enlargement of the Union by another ten Member States in 2004. The special situation in the Russian Kaliningrad enclave, in the Baltic Sea area, is particularly pressing. But there was nothing from the Laeken summit pointing to the need for a bigger, looser pan-European "big house" bringing together an enlarged EU with its major neighbours to the east. Many believe this will have to

come soon on the heels of an enlargement agreement, hopefully at the end of next year.

The European Convention

The Laeken Declaration is less important for its detailed language than for the remarkable process it has set in train – designed to lead to a major constitutional Treaty in 2004. Indeed, one can take issue with some of the wording of the Declaration. It perhaps overstates the gulf between the EU and its citizens. Moreover, the European Union, at its birth, was certainly more than the “economic and technical collaboration” as is claimed in the Declaration. But talk about avoiding largely mythological dangers such as a centralised ‘super state’ was mainly designed to provide the likes of Tony Blair with arguments for claiming to domestic opinion that he is winning the battle of ideas in the EU.

More significant by far are the 64 detailed questions that the Convention is called to pronounce upon. These include the restriction of the veto in EU decision making to a very limited area in future; the splitting of the Council of Ministers into legislative and executive modes; the possible election of Presidents of the Commission through the European Parliament; and giving the Charter of Fundamental Rights legal force (and EU accession to the European Convention on Human Rights). The future of the rotating EU Presidency (changing every 6 months) and the possible fusion of the High Representative for Common Foreign and Security Policy (CFSP) into the Commission are also up for debate.

Nevertheless, the answers to these institutional questions will inevitably be set in the framework of Convention debate about the overall concept of a ‘federation of nation states’, as advocated especially by French political leaders, notably Jacques Delors. While this particular formulation may capture the continuing commitment of such leaders to national symbolisms and identities as well as to the process of Europeanisation, it will not fit with the specific UK situation where devolved governments and multiple national identities go hand in hand.

The Convention itself numbers more than 105 members, made up of representatives of the Member States (one each – Peter Hain, in the case of the UK), national Parliaments (30), the European Commission (Michael Barnier and Antonio Vitorino) and the European Parliament (16 MEPs). The inner Praesidium of Twelve will certainly play a decisive role in leading the reflections and making proposals to the Convention. It consists of Giscard d’Estaing as chairman and two vice chairmen – Giuliano Amato, the former Italian prime minister, as well as Jean-Luc Dehaene, former Prime-Minister of Belgium. In addition, there will be members of the EU Presidencies during the life of the Convention (Spain, Denmark and Greece), two MEPs, two national Parliamentarians and the two Commissioners.

The ‘social partners’, and the constitutional regions in particular, will take part. Non-government organisations, business, think tanks and other civil society bodies will also be called on to give testimony through a special Forum to link the Convention with public opinion. The expectation is that the Convention will conclude no later than early summer 2003, followed by an interval for reflection – which may well deliberately coincide with a UK referendum on joining the euro.

Where possible the Convention will seek to agree a body of recommendations to present to a special Inter-Governmental Conference which will then take the final legal decisions on a new constitution and a new Treaty. Certainly, unanimous or clear majority proposals will give the Convention a moral and political authority that will be difficult for Member State governments to set aside.

For the first time therefore in many, many years the European Union – its member states, its citizens' elected representatives and its institutions – have a golden opportunity to ensure the Union is given the capacity to meet the challenges of the 21st century. The Convention will hopefully at last confront the problems, which have so long hampered the decision-making capacity of the EU, and which the draft Nice Treaty patently failed to address. There can be no excuse for the political leaders of the European Union to continue fudging or evading the need for fundamental reforms. In spite of the seemingly endless succession of treaties in recent decades – some of more lasting value than others – the political character and shape of the Union, which will shortly be home to more than 500 million Europeans, still remains unresolved.

The Case For Europe

The case for Europe has too often been advanced in narrowly economic and commercial terms, despite the development of policies to encourage regional development, social cohesion and equality and the beginning of a system of fundamental rights. Moreover, the political case for integration got lost once its immense benefits in underpinning Europe's half century of peace and prosperity were taken for granted. It must be reinvented as the continent unites democratically under the rule of law for the first time in its history. The communication of that achievement and political imperative is a major task in coming years. A stronger and more effective EU can act as a crucial shock absorber between its people and the negative or dark sides of globalisation.

As Paul Gillespie suggests:

“This can help ensure a plurality of choices for society, cultures, communities and individuals and contribute enormously to a future system of global governance. It can help ensure a more multipolar world based on multilateral rules, rather than one predicated on US hegemony. Citizenship and identity begin at home in national political spaces but no longer end there within such a polity. They are complementary not antagonistic layers of identification.”

By wisely choosing the format of a Convention, Parliamentarians, governments, the EU institutions and representatives of civil society can ensure that the debate on these urgently needed reforms will be open and transparent. The Convention is now free to consider all the major issues on Europe's future, which will have to be resolved finally in legal form by the planned Inter-Governmental Conference in 2004. So far, so good.

In this context some recent contributions to the debate about the future of Europe – particularly from some of the leaders of the larger Member States – are especially significant. In his recent (February 21) speech at The Hague, Jack Straw stressed that

“... to an increasing degree, pooling sovereignty helps us strengthen our significance as nations. It is at the supranational level that we can achieve our goals in a way which is no longer possible at the national level. As a sovereign state, our strength is enhanced by the strength of our alliances: our security and prosperity depend on our ability to influence events in the rest of our continent and the rest of the world, not on our ability to stop others from influencing us.”

He then declared that:

“There is no sense in which the identity of nations has been diminished in the EU. Indeed, nations have become more confident and therefore more relaxed about themselves. Because of this, there has been a greater readiness to celebrate diversity within nation states by conceding greater regional autonomy – as for example we have seen in Spain and the UK, both of which are nation states of long standing.”

Straw set out the changes the UK would like to see in the future leadership of the Union. He advocated the creation of a new Presidency system based on the elected chairpersons in a smaller number of ministerial Councils. However, the Council, the Commission and the European Parliament are in all need of reform. An exclusive focus on strengthening the Council at the expense of the other institutions would inevitably lead to ineffective delivery and implementation of European policies, as well as a failure to promote the common European interest.

Let me not mince words. The Commission has an essential part to play in the future leadership of the Union. It is uniquely charged with promoting the collective interest of the EU, rather than the sectional interests of its Member States. This is why the Treaties accord it the sole right to initiate legislation. If the European Council is to play an even more important role in the future leadership of the Union – as it should - and if the Presidency system is to be completely rethought, then the Commission's autonomy, its authority and its share of executive responsibility in the new structures must also continue to be guaranteed, as provided in the founding Treaties.

The Commission must participate as a political equal in the European Council. But it is difficult to be sure that this will happen unless future Commission Presidents have their own democratic mandate as well as the heads of government. There are a number of different ways in which this can be achieved including direct elections at the same time as the European Parliament elections. However, the nomination of the President through the European Parliament, would have the great advantage of allowing our citizens to express their preferences between lists put to them by the political parties in the elections. This might also encourage the much needed strengthening of genuinely European political parties – an essential requirement of any serious European, transnational democracy.

On taking office, the Commission should have the clear responsibility to present a five-year political programme to the European Council and Parliament for approval, adapted thereafter annually on the basis of Commission proposals. It is surely obvious that there should be a clear division between the executive role of the Council of

Ministers and its law-making role. When passing legislation the Council should meet in open, public and 'parliamentary' mode.

As a small candidate Member State, the Czech Republic appears to have an excellent grasp of the kind of reforms needed to ensure the strength of the Union. To quote Deputy Prime Minister Jan Kavan:

“We can imagine an arrangement where the President of the European Commission is elected by the European Parliament, which would raise the prestige of the European Parliament in the eyes of the European public and would mean a reinforcement of the status of the European Commission President in the scope of European institutions.”

Roles for Europe

Of course, today and to a greater extent in a future EU of 25, 30 or more members, not everyone will be able to make the same contribution on all fronts. This is particularly obvious in the field of security and defence. At present the EU as a whole is lamentably ill-equipped to play the role in peace making which it should do. As Europeans, we are frustrated in our desire to play a co-equal role in world affairs with the United States. With the progress achieved towards completing the single market and EMU, the emphasis has switched to internal and external security, expedited by the events on and since 11 September – in short, from *it's the economy, stupid!* to *it's security, stupid!*

European Union security policy is directly linked to broader strategies for economic development and social justice and to the need to develop a more effective system of global governance. Though far from perfect, the EU is still the best example of multilateralism which the world has at its disposal. As Chris Patten recently put it “we are a potential model for other parts of the world of how different countries can come together round a common cause.”

In addition, the Euroland governments must put in place a serious system of governance for managing the economic pillar of Economic and Monetary Union. They must ensure, too, that questions of justice and home affairs (formerly known as Pillar 3) are in future subject to co-decision. This would necessarily involve the European parliament in decisions affecting the security of citizens, especially in achieving the right balance between security and fundamental rights. Indeed, the European Parliament's co-decision powers should be expanded in parallel with the extension of majority vote decision-making. There is a strong case for giving MEPs some responsibility for raising EU budget revenue – not just for spending European taxpayers' money. The Charter of Fundamental rights should be written into what more and more people recognise as long overdue – a real EU constitution.

What then is essentially at stake as the Convention prepares next year's IGC is simply this: do we wish to see the European Union go back to the days of a Europe based on inter-governmental cooperation or do we want to build a distinctive federation of our Member States and Regions which will require supra-national institutions with the capacity to act and with a credible system of democratic accountability? To what extent are we committed to exploit further the distinctive Community method of

decision-making – based on the revolutionary but ever more relevant principle of sovereignty sharing?

An opportunity for Wales

Citizens of all EU member states – present and future – have a vital interest in seeing that sensible answers are found to this range of issues facing the Union. What contribution then should the National Assembly make and how will the people of Wales be actively engaged in this process?

It is important to note that the Laeken Declaration broke new ground in that it is the first time that the 15 Prime Ministers at a Summit explicitly refer in one of their political agreements to the “constitutional regions” and invite them to play their full part in the debate on the future of Europe. The Belgian Prime Minister obviously had no option but to propose such a reference in the Laeken text or he would have been in trouble with the Belgian Regions and the political parties. The German Länder are mobilised already and in continuous negotiation with the federal authorities in Berlin to define their positions. The Spanish Autonomous Regions are also making their voices heard, even if Prime Minister Aznar is clearly reticent about their role in future decision-making.

The Regions must seize this opportunity to play a much more prominent part than in the past in defining the future political architecture of the Union, and their involvement in it.

Although it has been agreed that the Convention will include six representatives from the Committee of the Regions (COR), they have been given only observer status, with speaking but no voting rights. Press coverage of the Convention generally does not even mention their involvement, because all insiders know that it is of little significance. Introduced for the first time, as a result of the Maastricht Treaty, and following the vigorous lobbying of the German Länder, it is true that the existence of the Committee of Regions has highlighted the increasing role and leverage of regions in the Union. Though a welcome first step, I do not believe that this committee is the right formula for the longer term. It lacks any real clout in influencing the core decision-making of the EU, and it in no way fills the democratic deficit.

In any event, the representatives chosen to participate in the Convention do not include one from Wales. It is all the more important therefore for the Assembly to debate and define its own strategic positioning within the UK and to the Convention.

Sadly, in recent days, following the criticisms of Jonathan Evans MEP, the debate in Wales has focussed primarily on the role of the Wales European Centre, its functioning, effectiveness and value for money and whether or not the Assembly should henceforth take over the Centre as its own agency in Brussels. In my view, this is an important but marginal issue compared with the more crucial questions on which the National Assembly, and Welsh MEPs, should now be focussing.

The Assembly, and its European Affairs Committee in particular, should take the lead to mobilise a wide-ranging debate, a debate which engages the different economic and

social actors and partners throughout Wales. Basic questions on which the Assembly might focus include:

- What core values and policies should be central to the Union's future mission? What importance should be given in particular to cohesion and structural policies as a necessary counterweight to the development of the internal market? Should the Charter of Fundamental Rights be integrated into the new Treaty?
- How would the Assembly in future participate in the machinery of a reformed Council of Ministers, both in relation to the emergence of a Legislative Council and if there is a new smaller grouping of Sectoral Councils treating many issues of direct concern to the Assembly's concerns?
- How should the democratic legitimacy of the Commission be enhanced, as the institution charged with promoting the common interest and as guardian of the Treaties?
- How does the Assembly consider the democratic legitimacy of the European Parliament could be enhanced, and how should Welsh MEPs be more organically linked in future with the committee machinery of the Assembly?
- As the Assembly shares the responsibility for connecting citizens in Wales more purposefully to the European Union's institutions, what measures does the Assembly propose?

As Jack Straw put it:

“This time, we have to get it right: to achieve the right balance between progress and stability, and to win people's confidence that the system serves their interests. The EU has to become as responsive to its citizens' priorities as the national governments of the Member States. One of our most pressing tasks, as governments and as Parliamentarians, is to convince our electorates that this process matters: that they have a part to play in it, and that they can influence the outcome. Our aim should be to build a Europe which is better understood, more democratically accountable and works better. Our focus in the Convention should therefore be better decision-making, better democracy and better delivery.”

The Assembly has the responsibility to put its views to the Convention as well as help shape the UK positioning.