

**FRANCE, GERMANY AND THE UK IN THE CONVENTION  
COMMON INTERESTS OR PULLING IN DIFFERENT DIRECTIONS?**

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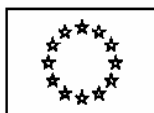
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# **FRANCE, GERMANY AND THE UK IN THE CONVENTION COMMON INTERESTS OR PULLING IN DIFFERENT DIRECTIONS?**

*EPIN WORKING PAPER NO. 7/JULY 2003*

**ULRIKE GUÉROT, KIRSTY HUGHES, MAXIME LEFEBVRE AND TJARK EGENHOFF\***

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## **ABSTRACT**

In this paper, we explore in more depth the positions of three of the larger countries during the Convention – France, Germany and the UK (drawing on both published position papers and on off-the-record interviews and unpublished sources). The extent of agreement or disagreement between these three can contribute to an understanding of the wider Convention and the likely IGC dynamics. An analysis of the underlying convergence and divergence in their views on the strategic development of the Union can also cast some light on the future political dynamics of the enlarged EU.

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## **Introduction**

As the Convention on the Future of Europe draws to an end and attention shifts to the intergovernmental conference (IGC), a central question now is the compatibility of the views and reactions of the member states and the accession countries regarding the draft Constitutional Treaty produced by the Convention. The 16 months of debate in the Convention, together with policy and public statements by different governments offer much insight into this question. Some of the key splits seen at the Convention will certainly recur during the intergovernmental conference – not only the splits between integrationist and intergovernmental views on future EU development but also the tension between larger and smaller countries that became such a defining feature of the Convention, particularly in the central institutional debates.

In this paper, we explore in more depth the positions of three of the larger countries during the Convention – France, Germany and the UK (drawing on both published position papers and on off-the-record interviews and unpublished sources). The extent of agreement or disagreement between these three can contribute to an understanding of the wider Convention and the likely IGC dynamics. An analysis of the underlying convergence and divergence in their views on the strategic development of the Union can also cast some light on the future political dynamics of the enlarged EU.

Although the split between larger and smaller countries was one of the defining aspects of the Convention, France, Germany and the UK do not typically share common views on the future development of the Union, particularly in institutional matters. Germany's more integrationist views have always stood in strong contrast to the determined intergovernmentalism of the UK. France has tended to be positioned between the two, aiming for a strong Europe but without undermining government powers.

Observers were caught by surprise, including some in the UK, by the revival of the Franco-German relationship beginning in the autumn of 2002. This was evidenced by their joint submission of a number of common position papers to the Convention, the most crucial one being on institutions in January 2003. France in many ways seems to have been a broker in leading to fairly common positions on key institutional issues between the three countries. It played an important role in persuading Germany to accept the idea of a full-time president of the European Council and persuaded the UK to accept the idea of an EU foreign minister. Whether its role as broker means that among these three countries France is the most positive in its response to the Convention conclusions is one of the issues addressed below.

Future development of a common foreign and security policy (CFSP) has been critically overshadowed by the Iraq crisis. Despite the damaging splits over Iraq between France and Germany on the one hand and the UK on the other, there was common ground on some but not all aspects of foreign policy, and defence in the Convention. But institutional proposals from the Future of Europe Convention alone cannot resolve the different approaches and analyses adopted by these three countries. Nonetheless, agreement on institutional steps

forward in foreign policy and security and defence policy is one necessary element, if the prospects for developing a genuinely EU-wide common foreign and security policy are to be restored.

## **1. French, German and British attitudes towards the Convention**

### **1.1 French views**

When the German Foreign Minister Joschka Fischer proposed a European Constitution in his now-famous speech of May 2000 at the Humboldt University in Berlin, the reactions in France were mixed. President Jacques Chirac asserted his support for the idea of a Constitution in his own speech before the German Bundestag in June 2000, but didn't endorse the prospect of a European federation. Many French politicians displayed their scepticism towards the intention of extending the German federal model to Europe and of reaching a clear sharing of competences between European, national and regional levels. The difficult negotiations at the Nice summit in December 2000 increased suspicions against Germany. In 2001, Prime Minister Lionel Jospin spoke of "doing Europe without undoing France" in delivering his important and long-awaited speech on his concept of European policy.

These reactions reveal the traditional contradictions of French European policy: France wants a strong Europe, but sees Europe mainly as a means to develop its own national ambitions. Nevertheless, these partly sceptical reactions didn't lower the French support to the Laeken statement of December 2001, which led to the start of the European Convention. In the meantime, Valéry Giscard d'Estaing obtained the support of the French authorities and of France's European partners to chair the Convention, which increased French involvement in the whole process.

The clear result of the French elections of 2002 put an end to the internal rivalries of the 'Cohabitation'. After some months, the French government decided to appoint a new representative. Pierre Moscovici, the Former Minister of European Affairs in Jospin's government, was replaced by Dominique de Villepin, the new Minister of Foreign Affairs. This cleared the way to a renewal of the Franco-German axis in the Convention's work, with the background of the 40<sup>th</sup> anniversary of the Franco-German Elysee Treaty of January 1963. It also led to a Franco-German agreement on the financing of EU enlargement, which facilitated the decision of the Copenhagen Summit (December 2002) to enlarge the EU with ten new member states.

### **1.2 German views**

Despite the renewal of the Franco-German axis, Germany and France look at the European integration process from very different angles. Given the multilateralisation of post-war German foreign policy, it is not surprising that Germany has traditionally taken a pro-integrationist position in Europe. The deepening of the political dimension of the European Union, which has been part of the agenda since the Treaty of Maastricht and which has been considered a priority since the successful completion of the monetary union, has been identified as the main challenge. When tackling questions of constitutional rank and fundamental importance to the core of the integration process, a consensus within the political elite emerges, that is rapidly pushing for further deepening. Germany has so far demonstrated a certain affinity for the Community method, a particular fondness for a strong European Parliament and the strengthening of the Commission. The discussion in Germany on the outcome of the Convention shows, however, that a growing scepticism *vis-à-vis* the European integration process is on the rise. The criticism, especially from the German Christian Democrats (who under Chancellor Helmut Kohl had been advocating the deepening of the

integration process), shows some euroscepticism in their approach. This trend stands in contrast to the traditional position of Germany and might be a reason for its weak position in the Convention process.

The German position is commonly identified with support for a federalist model for the European Union. It is true that when raising the question of a future institutional architecture, Germans (as other Europeans) think in terms of their national institutional setting. Nevertheless, the question of whether a congruent federal model has been presented by the Germans in the Convention could be seen sceptically, since a number of players involved have made their different interests heard.<sup>1</sup> Yet it is important to consider that there is a broad consensus in Germany regarding the need to increase the democratic legitimacy of European policy. In this sense, the German representatives understand the establishment of a clear competence regime as a fundamental element in any constitutionalisation process. The way that the German *Länder* fought for a clear catalogue to be included in the treaty did much harm to this cause. But the starting point of the German discussion on Europe is the lack of democratic legitimacy and accountability of European policy-making. This has far-reaching implications on the institutional design that Germany is advocating and explains why German representatives object to altering the current institutional system from scratch by adding new institutions.

### 1.3 Renewal of the Franco-German motor

At the end of 2002 and at the beginning of 2003, France and Germany made a series of joint proposals about many of the important topics related to the Convention: European security and defence, justice and home affairs, economic governance, and finally, their concept of the institutional system. Many of their proposals were made after the Convention had, in fact, discussed most of these areas in working groups and produced reports. But on the institutional issues in particular, these were of great importance, as were the defence proposals. These joint proposals represented a compromise between the frequently antagonistic approaches of France and Germany. They were also an attempt to revitalise the Franco-German motor after a time of dissention between the two countries and to demonstrate its vigour in the perspective of the new, enlarged Europe.

On the institutional aspect, the joint proposals of France and Germany particularly offered a kind of compromise for the entire Convention, although they were in fact received extremely negatively in the crucial Convention debate on institutions in January 2003. Almost all of the smaller countries and the European Parliament were united in their criticism of the Franco-German paper. Rather than being seen as a compromise, it was seen as a move that was more representative of the larger countries against the interests of the small countries.

In reaching their bilateral compromise, Germany accepted the proposal of a long-term elected president of the European Council, who would bring more stability in the European Council's work. France for its part accepted that the president of the European Commission should be elected by the European Parliament.

Both countries also endorsed the idea of a 'European minister of foreign affairs' who would take over the functions of both Javier Solana, High Representative for the Common Foreign and Security Policy (CFSP) and Chris Patten, European Commissioner for External Relations.

<sup>1</sup> Guérot, U. and T. Egenhoff (2003), "Nothing but federalism? The German Position on the Constitutionalisation of the European Union", February, retrieved from [http://194.78.234.19/europe/strand\\_one\\_detail.asp?STR\\_ID=1&REFID=1069&TWSEC=Commentary&TWDOSS](http://194.78.234.19/europe/strand_one_detail.asp?STR_ID=1&REFID=1069&TWSEC=Commentary&TWDOSS).

In fact, this idea was already a conclusion of the working group of the Convention on EU external action. But remarkably, in the joint paper, France turned away from its reluctance to adopt qualified majority voting (QMV) in CFSP matters and accepted – as a concession to Germany – that such QMV should be extended to all CFSP matters except on security and defence issues.

The renewal of the Franco-German relationship at the Convention took place at a time when the two countries affirmed their common opposition to the US policy on Iraq. On the one hand, this coincidence increased the public effects of this relationship. On the other hand, it caused a political division with a number of other European countries who supported Washington's policy. Moreover, the fear of Franco-German dominance in Europe worsened the gap between large and small countries in Europe.

#### **1.4 UK attitudes**

The British government made the decision early on to take the Convention seriously, in terms of its potential role and influence, and so appointed the then Minister for Europe, Peter Hain (now Leader of the House of Commons) as its Convention representative. The British were also active behind the scenes even before the Convention started – promoting their ideas from January 2002 for a full-time president of the European Council.

The UK was taken by surprise at the revitalisation of the Franco-German relationship that became evident in the autumn of 2002 both within and outside of the Convention. In general the UK was rather pleased with what they saw as the influence of the French in moving Germany towards Franco-British ideas on institutional issues in the Convention. But at the same time the UK was rather threatened by the breadth of the renewed Franco-German cooperation, even before the substantial splits over Iraq appeared at the start of 2003.

Despite being towards the intergovernmental end of the spectrum within the Convention, the UK demonstrated some flexibility and constructive thinking, especially in the early months. Regardless of the eurosceptic leanings of British public opinion, British ministers indicated near the start that they could accept the idea that the Convention was drawing up a constitution (albeit a constitutional treaty). They have supported moves towards a single legal personality for the Union and a single treaty structure, abolishing the three-pillar framework.

But as the Convention moved on to drafting treaty articles and to debating institutional and foreign policy issues, the British approach started to look less confident and more neuralgic in response to some of the Praesidium's treaty proposals. Peter Hain submitted 15 amendments to the first draft 16 treaty articles and by the end of the process, the UK was said to have submitted almost twice as many amendments as any other country. Sometimes, the concerns were more related to language than to substantive legal changes. Nevertheless the concern to demonstrate that the member states bestow powers upon the Union and to emphasise the intergovernmental side of the Union led the UK in some cases even to question policies or positions taken over from the existing treaties. Clarifying to the British public what the existing situation is with regard to the EU, such as the supremacy of EU law over national law, is seen as highly sensitive, even before new treaty changes are made.

Overall, the UK government argues that it achieved many of its major aims at the Convention, particularly the full-time chair of the European Council, but in fact, it also compromised on a range of issues. The UK remains essentially at one end of the spectrum in terms of its views among the member states and accession countries on the future direction and structure of the EU. It retains its strong intergovernmental leanings and its policy stance generally militates against strong moves in a federal direction. Its principal strategic aim at the Convention was

to strengthen the Council, especially the European Council, in order to give governments and not the Commission the central guiding and leading role, and to emphasise that the Union remains a union of member states and not an emerging federation or superstate. Nevertheless, the UK is clearly also concerned to maintain a major role in the EU's decision-making. Faced with enlargement to 25 countries, including 19 smaller countries, the UK also sees in some areas a need to move to more integrationist structures, away from the veto and emphasis on national sovereignty.

## **2. Institutional issues**

France presented its joint proposal with Germany on institutions as reinforcing all three poles of the institutional triangle: the European Council, which would be chaired by a more permanent president; the European Parliament, which would elect the Commission; and the Commission, which should be granted a greater legitimacy. Only the first reform represented a strong national demand that was expressed before the joint initiative. The European Council is seen in France as the expression of the common sovereignty of member states and as the best link between the member states on one side, and the European institutions with their own legitimacy on the other side. Here it is very close to the UK position. Nevertheless, France was reluctant to see a greater subordination of the Commission towards the Parliament, which could result in its politicisation and affect its independence. The extension of qualified majority voting in CSFP matters didn't raise any enthusiasm in France and was a concession to France's German partner.

In common with virtually all the members of the Convention, the UK emphasised the need to maintain the current institutional balance and to strengthen all of the institutions. But the UK's real preoccupation was clearly to strengthen the strategic role of the European Council and to increase the importance of the intergovernmental side of the institutional triangle, a point that Jack Straw, British Secretary of State for Foreign Affairs, rushed to make as soon as the draft Constitution was agreed on 13 June. Power, he noted, was clearly in the hands of the member states and the Council was stronger. From the UK point of view, the European Commission can and should be strengthened in its monitoring and enforcing roles rather than in its more governmental, executive role. It is this Council-Commission balance of power that concerned the UK most. A certain strengthening of the European Parliament was viewed as generally acceptable.

### **2.1 The European Council and the Council of Ministers**

France supported the idea of a more permanent chair of the European Council, and together with Britain and Spain, was responsible for pushing the idea forward strongly outside the Convention (since the institutional debate within the Convention was deliberately delayed until the end). France managed to persuade Germany to endorse the idea of establishing a president of the European Council for a period of five years or a renewable period of two and a half years. This was a somewhat surprising agreement from the German side (and for the smaller countries who opposed the idea relentlessly, the agreement of Germany was seen as particularly damaging to their attempts to obtain a balanced institutional outcome).

Prior to the joint Franco-German paper on the architecture of the institutions, Foreign Minister Joschka Fischer clearly opposed the idea of giving the European Council a more visible institutional presence. From this perspective, the creation of a new centre of gravity in the European institutional setting could be considered as a setback to achieving substantial improvements towards a more accountable and democratically legitimate structure of European policy-making. The European Council is seen by Mr Fischer as a body that should

concentrate on strategic questions of the Union. To accomplish this task, there was no need to press for a full-time chair of the Council, creating a strong president figure that would alter the power relationship between the institutions in favour of the national executives. But crucially, the German chancellery (in opposition to the Foreign Ministry) did not show too much discomfort in joining the concert of the bigger states, advocating a stronger role for the Council. The French and German accord on institutional reform can be seen as a compromise between two very different approaches. Nevertheless, the German position was rather blurred and fell short of thinking out a position guided by its main concern to improve democratic legitimacy and transparency in the European Union.

For Britain, France and Spain, a greater stability in the presidency of the European Council was seen as strengthening both the continuity of the European Council's activities and the EU's voice on the international stage. The joint proposal with Germany did not give any assurance that a president should have significantly more power than the president of the German Federal Republic or the French Fourth Republic. In terms of appointing the president, the UK preferred some sort of majority voting system, to avoid a veto and for candidates to be current or former prime ministers, or heads of state. According to the Franco-German proposal, the new president of the European Council would prepare, chair and follow-up European Council meetings and represent the EU on the world stage at heads of state level. The UK did not disagree with this but also wanted wider power. It wanted to see the European Council chair preside over regular (perhaps even weekly) meetings of all of the different Council chairpersons, to monitor delivery. Together with the proposal that this new chair should preside over the General Affairs Council (GAC), this suggests the development of a parallel executive body, permanently based in Brussels, to the Commission. It also suggests the development and extension of the role of the European Council beyond strategic guidance.

In the event, much of the final manoeuvring in the Convention focused on attempts by the smaller countries and the European Parliament to limit and circumscribe the powers of the new president. As examples, they refused to agree that he or she should chair the General Affairs Council; they insisted that the Commission drafts the multi-annual strategic agenda and left open the possibility that at some future stage, the EU could have a single president over both the Commission and Council. These issues of defining the role of the new president will undoubtedly be renegotiated at the IGC. But it seems that it is the UK that will be strongest in attempting to fight off attempts to weaken the role of the new position. It would appear that Germany and France are rather more open to compromise in this regard. Overall, much scope remains for confusion and rivalry between the post of chair of the European Council and the president of the European Commission.

## **2.2 The Council of Ministers**

For Germany, when it comes to the lack of transparency and accountability, it is the Council of Ministers that is at the centre of critique. The opaqueness and lack of democracy of its decision-making behind closed doors led to the demand for a division between legislative and executive tasks. This view was shared by most Convention participants in the plenary. Germany also wanted to see a much greater use of qualified majority voting, especially in CFSP. A closer look reveals, however, that Germany fiercely opposes the broadening of QMV in immigration matters. This ambiguity shows that when it comes to touchy issues for the national audience, the political will to go ahead melts visibly. Also the rotation system of the Councils was seen as undesirable, given the increasing number of member countries. Even though Germany understood the concerns of the smaller countries to keep the rotation system alive, their position was clear – the main Council formations should be chaired permanently,



while the rest could keep some form of not-well-defined rotation system. The Franco-German proposal argued for the four main Councils to be chaired by different member states for a longer period. In addition they argued that the reformed General Affairs Council should be chaired by the Secretary of the Council and that the Foreign Affairs Council should be chaired by the newly appointed EU foreign minister.

France did not object to the idea that the new European foreign minister should chair the External Relations Council, although the separation of the General Affairs Council and of the External Relations Council could weaken the position of the Ministry of Foreign Affairs in the overall coordination of European matters in Paris. The divided presidency of the different sectoral councils can be also seen as partly contradictory with the idea of increasing the coordination and the stability of the Council of Ministers' activities.

During the Convention, the UK and Spain proposed a system of team presidencies in an attempt to assuage the concerns of smaller countries about the loss of the rotating presidency. The proposal involved four countries sharing a two-year presidency and rotating the chairs of the sectoral councils between them every six months. But in two important exceptions, they proposed that the European Council president chair the General Affairs Council, and that the High Representative chair the External Relations Council. Since the UK-Spain joint paper to the Convention emphasised how difficult it would be for the rotating six-month presidency to handle the development of compromise proposals in an EU of 25, it is unclear why a four-country presidency, still rotating their chairs of Councils every six months, would be preferable.

In the event, with the exception of proposing that the new foreign minister chair the External Relations Council, the Convention left open the issue of chairs (and the composition) of sectoral councils, only indicating that there should be equal rotation and that chairs should stay in position for at least a year. Overall, the lack of time for the institutional debate and the focus on the European Council president meant that much has been left for debate at the IGC.

The idea of a joint General Affairs and Legislative Council also proposed by the Convention will be revisited and changed at the IGC. Most governments in the Convention indicated they were not happy with this proposal and the UK strongly opposes it. For the UK, there was concern that a separate legislative Council would look too much like a federal second chamber and that there was no single minister who could fulfil the required role (an issue for most of the member states). France too has concerns about the legislative Council, particularly how the participation of sectoral ministers would be ensured.

It appears that all three countries are ready to agree to the move to a double-majority voting system, despite the brief alliance of the UK and Spain at the end of the Convention in support of retaining the Nice weights. On the extension of qualified majority voting to new areas, all agree in principle with the need for expansion, but even just among these three countries alone, there are a number of red lines and concerns. So the UK will not agree to extend QMV in the areas of tax, social policy or foreign policy (see below). France has indicated reluctance to extend QMV in a number of areas including cooperation in penal matters, trade, policy in the fields of health, education and culture, and the adoption of the EU budgetary multi-annual framework. Germany does not support extending QMV to asylum and immigration – an area where the UK is keen to see QMV. The UK has also already expressed its strong opposition to the so-called *passerelle* clause in Article 24 of the Constitution that would allow a move to QMV through a unanimous vote in the European Council. France's position is not yet fully clear on the clause but it does not appear as hostile as the UK, while Germany appears to see the clause as acceptable.

### **2.3 The Commission**

Germany has had different views from both France and the UK on the role of the Commission and in particular on the issue of democratising the Commission. Improving the legitimacy of the European Union implied, in the eyes of the German Convention participants, a focus on building the link between the European citizens and the college and presidency of the Commission. Naturally, this has serious consequences for the allocation of executive powers in the institutional setting. In the German perspective, this is seen mainly in the hands of the Commission rather than with the Council of Ministers. The question of the politicisation of the Commission and hence, the menace to their impartiality, has not been ignored by Germany, but considered a problem to be tackled by adjusting the level of majority necessary to elect the president of the Commission. So Germany pushed for a far-reaching approach to democratise the European Commission by granting the European Parliament rights to vote and impeach the president of the main European executive body.

In contrast, both France and the UK accepted the principle of the Commission being directly elected by the European Parliament quite reluctantly. But both were rather satisfied by Giscard's proposal that the president of the Commission should be first chosen by the European Council through a qualified majority and subsequently elected by the Parliament. Initially, the UK did not support proposals for the European Parliament to directly elect the Commission president, arguing this would compromise its independence. The real reason was that the UK does not want to see the Commission lean towards the role of being a European government in any way. It remains determined to push the role of governments and thus the Council in running the EU.

The Giscard proposal is in many ways a very weak form of election, only calling on the European Council to take into account the results of the European elections when they put their single choice to the Parliament. One surprise in the Convention was that neither Germany nor other countries made much effort to strengthen this election procedure. Instead the main focus turned to the number of commissioners. So while the original Franco-German institutional compromise focused on trading off the permanent president of the European Council with the election of the Commission president, the heart of the compromise in the Convention was in fact over the European Council president and the numbers of commissioners.

Regarding the reform of the Commission, at first Germany openly supported moving beyond the Nice compromise of one commissioner per country and pushed for a solution that follows the logic of functionality. Contrary to this position, the Franco-German proposal was conspicuously silent about the question of numbers of commissioners and did not define in detail how the college should be structured in the future. The strengthening of the Commission as an executive body, granting it more democratic legitimacy (and therefore more political weight within the institutional triangle as outlined in the bilateral proposal) can be clearly identified as the handwriting of the German Foreign Ministry. But the vagueness of the German position on important details concerning the work and structure of the new Commission left much room for interpretation.

France did not raise the issue of the number of commissioners with Germany when they made their joint proposal. Its position also aimed at a clear reduction of the Commission's size, but it did not want to challenge the whole Nice compromise. France's position was that it could accept Giscard's proposal of reducing the number of commissioners and members of the EP. But France would accept double-majority voting at the Council (a majority of states reflecting 60% of the EU population) only if the two first reforms were achieved.

The UK view was that it would like to see a stronger Commission in some dimensions, particularly in its monitoring and enforcement of EU legislation. At present, it also supports the Commission retaining its sole right of initiative. On the question of the size of the Commission, the UK maintained a low profile until near the end of the Convention. It did not expect the Convention, not least the new member states, to move away from the Nice compromise of one commissioner per member state until the EU reaches 27 members. In the closing stages of the Convention, the UK backed Spain and Poland along with a group of smaller countries in defending the Nice deal on qualified majority voting and the number of commissioners. The UK itself was not against a move to double-majority voting nor against a smaller Commission, but it appeared to think that this support for the Nice deal would encourage smaller countries to back the permanent chair of the Council. It also seemed to think that its support for Spain on QMV would be balanced by Spain supporting the UK on not losing the veto on tax issues. In the event, as the final deal rapidly evolved in the last ten days of the Convention, Spain became rather isolated, once the smaller countries had achieved the principle of equal rotation in a two-tier Commission and the Convention had agreed on the double-majority voting approach.

### **3. Foreign and defence policy**

The latest survey on the acceptance of a common European foreign and security policy reveals that a vast majority of the citizens throughout Europe wish to see the EU speak with one voice in international affairs. The war in Iraq and the conflicting interpretations of its consequences for the international order, however, manifested that it was not the people of Europe but the governments that were divided. The Iraq crisis cast a long shadow over the work of the Convention on foreign and defence policy. Lack of consultation over Iraq, particularly among the larger member states (with the UK first and then Germany taking strong positions without consultation and coordination), led ultimately to the damaging splits across Europe in early 2003.

The Iraq crisis raised a number of doubts in France about the possibility of building a real common foreign policy within the whole European Union. President Chirac argued that the crisis and Europe's divisions would lead to new progress for Europe through a kind of 'remorse'. No initiative, however, gave new impetus to the political integration of Europe. Instead, the idea that political integration and European defence could make progress through more restricted configurations, particularly through enhanced cooperation, gained more support.

How the Iraq crisis will impact the UK's attitude to EU foreign policy is as yet unclear. But the splits within both the EU and the transatlantic alliance graphically undermine any claim by the UK to be acting successfully as a bridge between Europe and the US. Moreover, in leading (together with Spain) the publicity surrounding the EU splits, through the letter of eight European prime ministers to the Wall Street Journal, the UK failed to demonstrate any political will to even manage the differences effectively, if unable to overcome them. With Downing Street, and not the Foreign Office, driving UK foreign policy, it is unclear how the UK may try to handle European foreign policy coordination better in the future. For the present, the UK appears to be aiming to mend fences in Europe while maintaining its strong link with the US. This strategy will be put to the test – as will European foreign policy – as soon as another major crisis arises.

In Germany, the crisis, debates and European divides over Iraq actually reinforced existing views that national concerns can only be given a voice by strengthening the common approach in European foreign policy. The Convention was therefore seen as an ideal place to

push forward far-reaching ideas for a common stand in foreign policy, especially as advocated by Joschka Fischer. The creation of a European foreign minister by merging the existing Commissioner for External Relations and the High Representative was at the core of the German position – and much media comment now suggests Mr Fischer as a likely candidate for this post.

Nevertheless, the Franco-German proposal of merging the posts of the Commissioner for External Relations and the High Representative for CFSP matters was not a bold one. It had already been under wide discussion for a long time and had been endorsed by the working group of the Convention on external action. The objective of this reform is to better coordinate the member states' national positions, the political objectives of the CFSP and the substantial economic means of external action depending on the first pillar. The Franco-German paper gave more precise indications about how the European foreign minister should be appointed, which were similar to the Convention's final outcome (appointment by the European Council through a qualified majority and approval by the president of the Commission).

In their joint proposal of November 2002 on European defence and security policy, France and Germany proposed the building of a European defence and security union (EDSU) and the development of enhanced cooperation in defence matters. France can go along with the proposals considered by the Convention – including a general solidarity clause in case of terrorist attacks and the use of enhanced cooperation in three particular areas. The three areas are: a European armament agency; a collective defence commitment taking over the obligations of the Brussels Treaty of 1948; and, a 'more structured cooperation' for countries willing to commit themselves more strongly to an overall cooperation in defence matters.

The Iraq crisis led to more doubts expressed in France regarding qualified majority voting in CFSP matters. France accepted the general QMV on CFSP affairs (except for defence and security issues) in the joint initiative with Germany. But it was rather satisfied by the Praesidium's proposals to limit the new cases of QMV to joint proposals of the European foreign minister and of the Commission. By the end of the Convention, this proposal had been weakened much further.

In contrast, Germany was keen to address the need to enhance efficiency in the decision-making process of the Council of Ministers by recommending a general rule on qualified majority voting in CFSP. With regard to military and defence policy, unanimity in Council decisions is not questioned by Germany. But the joint Franco-German declaration on defence and the initiative of a European defence union indicate that both countries advocate a stronger engagement in filling the European defence policy with content. Being aware of the reluctance on the part of some member states, they call for an extension of the instrument of enhanced cooperation in defence matters.

The UK was ready to support certain institutional changes in both foreign policy and security and defence policy but not in ways that will constrain its national freedom of manoeuvre. The UK was not in favour of the idea of merging the posts of the Commissioner for External Relations and the High Representative, but was persuaded by France that the idea was acceptable with insistence that an EU foreign minister is under the control of the Council. The UK would not support a 'double-hatting' of the two roles, if that involved the foreign minister also being a full member of the Commission, with full collegial responsibility (since that could endow the Commission with a new foreign policy role). So it has also insisted on the special status of the proposed foreign minister in the Commission. UK sensitivities also led

the UK in the end to say that it would oppose calling the new post a 'foreign minister'. Some compromise on name can be expected at the IGC.

Giving the EU foreign minister a formal right of initiative means that he or she will have considerable weight in designing a common policy, as long as the division of tasks between the foreign minister and the permanent president of the European Council are sufficiently defined. Nevertheless, this division of tasks is not clear and could lead to overlap and friction between the two posts. It is not yet certain how the three countries see the role of the proposed president of the European Council in external relations with reference to that of the proposed EU foreign minister. What the Iraq crisis demonstrates is that the external relations role of the new president and the foreign minister will be seriously compromised in any similar future crisis, unless the EU has strengthened its common foreign policy.

While the UK is concerned that progress in EU common foreign policy should not be hampered by the excessive use of vetoes, not least by smaller member states, it is opposed to any moves to qualified majority voting in CFSP. In the face of sceptical media commentary in the closing weeks of the Convention, the UK insisted that this was one of its 'red lines' for the IGC. But the UK has been reflecting on ways to strengthen and enhance the use of constructive abstention and possibly, of developing enhanced cooperation. After internal debates, the UK is currently expressing opposition to structured cooperation in defence and is notably unwilling to see a separate collective defence commitment that could encourage action outside of NATO. The rationale for opposing structured cooperation in defence is unclear and the UK may shift its position during the IGC.

These tensions between France and the UK, especially over moves towards European defence, were further highlighted by the Brussels summit in April between France, Germany, Belgium and Luxembourg. The summit considered the possibility of developing a structured cooperation with a small group of countries that would build the 'EDSU' (a kind of 'Schengen of defence'). The Brussels summit resulted in several operational decisions on capacities, but no final decisions on the future of European defence policy. Britain's political and military support to a European defence project is seen as essential, not only because Britain re-launched the European defence project with France at the Saint-Malo summit of 1998, nor because Britain's military capacities are, beside those of France, the most significant ones in Europe. The more that countries participate in the European defence project, the easier the coordination with the overall EU external policy and with NATO will be. The first EU military operation in the Balkans (Macedonia) in 2003 was only possible with NATO's support.

More generally, the crisis showed the necessity for Europeans to better coordinate their views regarding the EU's role in the world and its relationship with the US. First steps in this direction have been taken at the summit at Thessaloniki. But until a focused, coordinated approach is built up and demonstrated over time, many doubts will remain over the success of a credible European foreign and defence policy. France, Germany and the UK will continue to adopt somewhat different views on these key questions. For the foreseeable future, a degree of flexibility and ambiguity will probably remain necessary and visible in these fields, limiting the advance of a strong European voice in the world.

#### **4. Conclusion**

It is clear from the analysis of the positions of these three players in the Future of Europe Convention that, along with the overall split in the Convention between larger and smaller countries, there are also major differences of approach among these three countries. These differences include the overall strategic direction of the Union, detailed policy and

institutional issues. Divergences in these areas will come into focus during the IGC when the institutional compromise of the Convention will be reconsidered.

In many ways, France – out of the three – appears to have been especially successful at the Convention in achieving many of its key goals, notably on the issues of the European Council president and on the EU foreign minister. The UK also put central emphasis on the Council president, but had to accept the president's role being more circumscribed than it had wanted. It also had to accept moves towards electing the European Commission president, a move it had opposed. Germany was persuaded by France to accept the idea of a permanent Council president, but the balancing compromise of electing the Commission president is a rather weak one, given the form of that election. Nor was Germany able to force progress on qualified majority voting in foreign policy. Indeed, a number of commentators have expressed surprise at Germany's relative lack of weight in the Convention, a situation driven in part by its own ambiguous stance on the central issues. Differences on these and other issues suggest that the negotiations at the IGC will be tough. The sharp split between larger and smaller countries seen at the Convention may become more blurred at the IGC as France, Germany and the UK differentiate their positions.

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