



**From the European Convention to Public Discourse:
Debating on Common European Future**

**Istituto Affari Internazionali
in cooperation with
The Trans European Policy States Association**

convention watch

FINLAND

1. Evaluation of the work and results of the European Convention

1.1 Overall assessment of the results of the Convention

What is your government's overall assessment of the results of the Convention? How have they been received by the other main political and social actors?

The Finnish government, headed by Matti Vanhanen (Centre Party), is of the opinion that the Convention's proposal for the new constitutional Treaty of the Union is for the most part acceptable and includes many important achievements. It agrees with the conclusions of the European Council of Thessaloniki, according to which the Convention's proposal is a good basis for starting the intergovernmental conference. However, the proposal includes also points that in the Finnish view should be still negotiated in the IGC.¹

According to the Finnish government, the main achievement of the Convention was that it succeeded in unifying all EU treaties into one single document and in clarifying the division of competences between the Union and the member states. Also the establishment of a legal personality for the EU was welcomed by Finland. On the other hand, Finland does not consider the Convention's solution on EU institutions balanced. It finds problematic also the possibility for a smaller group of countries to form a "core group" in defence. The Finnish government wants qualified majority decision-making to be further increase over and above what was defined in the Convention's proposal.

The Finnish opposition has criticised the government for having been too passive and conciliatory within the Convention. For this reason, according to the opposition, Finland did not succeed in promoting its own priorities in the Convention. Opposition leaders want Finland to take a more active role in the IGC.²

¹ The present inquiry is based, as far as the official positions are concerned, mainly on the Report of the Finnish government to the parliament on the results of the work of the European Convention and on the preparation to the Intergovernmental Conference, 29.8.2003.

² Helsingin Sanomat, 4.9.2003.

The former government, headed by Paavo Lipponen, has been criticised for not having understood the critical role that the Convention would play. According to the critics, the Lipponen government moved from the wrong assumption that the "real" negotiations on the new constitutional treaty would have been conducted in the IGC. In fact, many important questions were agreed upon already in the Convention.

1.2 Convention method

Is there the perception in your country that the Convention has contributed substantially to making the process of constitutional reform of the EU more transparent and democratic? What are considered to be the main positive elements of the Convention method? And those that, on the contrary, have drawn the most widespread criticism?

According to the Finnish government, the European Convention achieved very good results on the questions to which the Convention method was applied in a genuine way. On the contrary, there is the feeling that the questions that were not adequately discussed in the plenary sessions were addressed less successfully. In fact, all the questions to which Finland would like to return in the IGC belonged to the second category³.

The working method of the Presidium, which often left out the other members of the Convention from the decision-making process, has also been heavily criticised in Finland. The big countries are perceived to have agreed on many critical issues without consulting the smaller ones. The democratic character of the process has been questioned especially by the Finnish media.⁴

1.3 Performance of national representatives

How do you judge the performance of the representative of your government in the Convention? Do you think that he/she played a proactive and dynamic role? What are the Convention issues on which he/she concentrated his/her interventions and proposals? Did your government work actively to adopt common positions or establish a unity of action with other governments? Did the representatives from your country at the Convention take similar stances on the most important issues, or did their different political affiliations and ideological convictions reflect in substantially different positions?

The representative of the Finnish government during the whole process was Teija Tiilikainen, research director of the Centre for European Studies of the Helsinki University. Despite the fact that she is appreciated for her wide and profound knowledge of EU affairs and for her active participation in the Convention's work, there were speculations about her replacement with a representative of ministerial level who would have had more weight in the Convention. However, the former Prime Minister

³ Press release 239/2003, Government's information unit, 29.8.2003. See also Alexander Stubb, professor at the College of Europa, Brugge and EU expert of the Finnish government on Helsingin Sanomat, 6.7.2003.

⁴ Helsingin Sanomat, 7.9.2003.

Lipponen and his successor Anneli Jäätteenmäki were satisfied with the work of Tiilikainen and did not see any reason to replace her.

The Finnish government collaborated during the spring of 2003 with other governments of small member states in order to influence the outcome of the Convention. This proved however difficult because of the very different objectives of the governments concerned and because this collaboration between the “seven small” (Finland, Benelux, Ireland, Austria and Portugal) was established too late. There was also an attempt to create a Nordic coalition in the Convention, but Sweden, Denmark and Finland proved to have quite different starting points and expectations as regards the Convention.

The Finnish Parliament’s representatives in the Convention were Kimmo Kiljunen (social democrat) for the whole period and the current Prime Minister Matti Vanhanen (centrist) until May 2003 when he was replaced by Jari Vilén (conservative). The Finnish representatives’ positions as regards the questions that were considered the most important from a national point of view were quite similar: e.g. they were all against the establishment of a permanent President of the European Council and a “core group” in defence. All Finnish representatives also asked that the Commission’s future composition ensure equality between member states. They advocated a further extension of majority decision-making in the Council and the inclusion in the new constitutional treaty of a separate paragraph devoted to civilian crisis management.

The Convention ended in a confused atmosphere for the Finnish representatives. On the last session of 10th July, some of them refused to sign the cover page of the draft constitutional treaty. They did not accept the fact that the Praesidium had made some last minute changes to the draft. This demonstrated, according to some critics, that there were serious divergences among the Finnish representatives concerning the EU-policy.⁵

2. National debate and public opinion trends

2.1 Public opinion trends

How have the attitudes of public opinion towards the EU evolved in your country in the last months of the Convention’s work? Can it be argued that the completion of the Convention’s activities, and the presentation of the draft constitutional treaty have had a substantial impact on public opinion trends?

According to the Commission’s Eurobarometer 142 of June 2003, the Finnish people were more aware of the Convention's work than the citizens of EU countries on average. 65 % of the Finnish respondents had heard about the Convention, while 35 % did not know what it was about.⁶ One third of the Finnish respondents was satisfied with the Convention’s work, while other third was unsatisfied and the remaining third had no opinion at all on the matter.⁷ Still, the text of the draft constitutional Treaty has been often criticised by the public as too difficult for an ordinary citizen to understand.

The public opinion was more favourable to the work of the Convention until it became clear that some of the decisions were taken in quite an independent way by the Praesidium. The way in which the Convention concluded its activities left a negative

⁵ Aamulehti, 12.7.2003

⁶ Commission’s press release IP/03/1115, 25.7.2003.

⁷ Aamulehti, 26.7.2003.

impression in Finland about the whole process. Finns have been disappointed about the plans to conclude the IGC before the end of 2003 and about the big countries' unwillingness to reopen the draft constitutional Treaty for further negotiations, as they expected the IGC to be the "real" forum for negotiations.

2.2 The role of parliament

Was the draft constitutional treaty approved by the Convention discussed in your national parliament? Did the committees of your parliament working on EU issues address and examine, on a more or less regular basis, the work of the Convention? How did the government inform parliament about its initiatives and positions concerning the constitutional reform of the EU?

The Finnish government presented its report on the draft constitutional treaty and on the forthcoming IGC to the parliament on 29 August 2003. This was followed by an intense discussion. The parliament was given one month time to examine the government's report and define proposals for the Finnish IGC delegation.

During the work of the Convention, the Finnish parliament was quite actively involved in formulating the national positions. It was the responsibility of the parliament's Grand Committee and Foreign Affairs Committee - using the expertise of other relevant committees when needed - to follow the work of the Convention. These committees held a meeting before each session of the Convention in order to discuss the Finnish positions. Also the government informed the parliament on the proceedings of the Convention's work on a regular basis.⁸

2.3 Other relevant initiatives

Do you think that the many initiatives undertaken by the EU to promote a public debate on European constitutional issues, notably by involving civil society, have had an impact in your country? Has your government played an effective role in raising the knowledge and awareness of public opinion concerning the Convention's goals and activities?

EU's www-pages and discussion channels on the future of Europe and on the Convention's work gathered some attention in Finland. Also the initiative of convening a Youth Convention and a separate session for the non-governmental organisations received public interest. In Finland a forum for non-governmental organisations and social actors met seven times to discuss the proceedings of the work of the Convention. Also a separate web site was created in order to promote discussion and provide information on the future of Europe.⁹

In addition, the Finnish Foreign Ministry's Europe Information Unit that has EU-information points in all the provinces of Finland has delivered information about the proceedings of the Convention to the public and to the actors of civil society. Among other things, it plans to organise public seminars on the new constitutional Treaty in 21 Finnish cities during autumn 2003.¹⁰ The European Commission's Representation in

⁸ Turun Sanomat, 9.9.2003.

⁹ The web site was called "minun Eurooppani", my Europe, <http://www.minuneurooppani.fi/>.

¹⁰ Pirkko Hämäläinen, Head of Unit, Europe Information, at Helsingin Sanomat, 13.9.2003.

Helsinki also organises a series of public seminars on the future of Europe and on the enlargement of the Union, where experts from present and future EU members are invited to give a presentation.

2.4 Media coverage

How was the media coverage of the final, crucial phase of the Convention's work? How extensive has information on the content of the draft constitutional treaty been? Has it been presented in a positive or negative light? Which issues have been covered the most?

Many decisions taken by the Convention, especially those related to EU's institutional reforms and security and defence policy, were covered quite extensively by the Finnish mass media. Especially during May, June and July 2003 the mass media reported almost daily about the proceeding of the Convention. In August and September the media attention concentrated mainly on the forthcoming IGC's possible nature, outcome and length and on the strategies that the Finnish delegation should follow in the conference. In this framework the presentation in the parliament of the government's report on the Convention's outcome and on the forthcoming IGC received wide attention. Although the improvements included in the new draft constitutional treaty have been noted by the mass media, the media discussion has concentrated mostly on the questions that have been problematic for Finland, namely the institutional changes and the creation of a "defence core".

3. Prospects for the Intergovernmental Conference

3.1 Link between the Convention and the IGC

The Thessaloniki Council did not go beyond defining the text of the draft constitutional treaty "a good basis for starting the Intergovernmental Conference". In your government's view, should the IGC limit itself to endorsing the results of the Convention, concentrating only on the few issues that still remain controversial, or engage in a more comprehensive review of the draft constitutional treaty?

In the Finnish government's view the IGC should discuss these points of the draft constitutional Treaty that need clarification or are of particular importance for one or more member states. Finland does not want to put strict time limits for the IGC, because the quality of the new treaty is more important than rushing the IGC into an end before Christmas 2003. The IGC should however be brought to an end during spring 2004, so that EU citizens could become acquainted with the new treaty before the European Parliament elections in June 2004.

3.2 Organisation of the IGC

To prevent the upcoming Intergovernmental Conference (IGC) from bogging down in obscure and prolonged negotiations, as in the previous IGCs, the Italian government, which will hold the EU's presidency until December 2003, proposes that the IGC be

held mostly at top-level, i.e. at the level of the Heads of State and Government and the Ministers of Foreign Affairs. Does your government agree with this approach?

The Finnish government has not expressed any dissenting opinions as regards Italy's approach to negotiate the most controversial issues at the top-level. However, according to the Finnish Minister for Foreign Affairs, Erkki Tuomioja, it is important for Finland that all the work that has proved useful in the previous IGCs could be also used in the forthcoming IGC.¹¹

3.3 Controversial issues

3.3.1 Elected President of the Council

While there is general agreement concerning the establishment of a permanent and elected President of the Council, there are still different ideas on his/her functions, especially on whether or not he/she should play a co-ordinating role with regard to the presidencies of the other Council formations.

The Finnish government has not supported the establishment of a permanent President of the European Council. Finland can however accept the proposal of the European Council's President advanced by the draft constitutional Treaty if the institutional balance and equality between member states are safeguarded. Finland also requires that the functions of the President should be accurately defined. They should not include tasks that would impinge on the work of the Council of Ministers.

3.3.2 Composition of the Commission

The debate in the Convention concerning the European Commission eventually concentrated on its composition. The Convention approved the following proposal: "The Commission shall consist of a College comprising its President, the Union Minister of Foreign Affairs/Vice-President, and thirteen European Commissioners selected on the basis of a system of equal rotation between the Member States." In addition, "the Commission President shall appoint non-voting Commissioners, chosen according to the same criteria". Does your government back this proposal or is it in favour of a different solution?

The Finnish government can accept the Convention's proposal on the composition of the Commission in other respects, but requires that it is changed in a way that would guarantee the presence in the Commission of one voting member from each member state. It should also be safeguarded that the division of tasks among the Commissioners would be based on equal rotation between the member states.

3.3.3 Definition of qualified majority voting

The Convention has proposed abolishing the current weighting system for qualified majority voting (QMV), by defining QMV as the majority of the member states

¹¹ Press release 191/2003, Finnish Foreign Ministry, 29.8.2003.

representing at least 60% of the European population. Is your government satisfied with this provision, or would it rather change it?

The Finnish government does not support the Convention's proposal on QMV, because it would enhance the possibilities of the big member states to hamper decision-making. In the Finnish view decision-making should be based on a simple double-majority, that is half of the member states representing half of the population.

3.3.4 Extension of qualified majority voting

Does your government support an extension of QMV to policy fields other than those indicated in the draft constitutional treaty, such as taxation and CFSP?

The Finnish government wants the EU decision-making procedures to become more efficient and is therefore prepared to extend QMV well beyond the fields defined in the draft constitutional Treaty. In the Finnish view QMV should become a general rule also in the CFSP, with the exception of security and defence policy. The decision-making procedures of the European Council should also be made clearer and more efficient than in the draft constitutional Treaty.

3.3.5 Minister of Foreign Affairs and EU diplomatic service

While there is a consensus on the creation of a EU Minister of Foreign Affairs, different views exist concerning the executive structure he/she should rely upon. What is your national government's position on this issue? Should the structure be placed within the Commission or the Council?

The Minister of Foreign Affairs of the EU should, according to the Finnish government's view, be placed within the Commission. He/she should function as a Vice-President of the Commission and be a full member of the *collegium*. There should be no other members in the Commission from the member state from which the Foreign Affairs Minister is nominated. Finland has a reserved position as regards assigning Foreign Minister the role of chairman of the Foreign Affairs Council. The chairmanship of the Council of Ministers should remain a task of the member states and be based on equal rotation also in the future.

The creation of an external relations unit under the authority of the Foreign Minister is from the Finnish view acceptable. It should however not be a new, parallel structure, but it should be created using the existing resources.

According to the Finnish government, the Convention failed to clarify the division of powers between the President of the European Council and the EU Foreign Affairs Minister concerning the external representation of the Union and therefore the IGC should return to this matter.

4. The ratification process

4.1 Eventual obstacles

Do you think that the process of ratification of the new constitutional treaty may encounter difficulties or major political opposition in your country? If so, which?

If the IGC provides satisfactory solutions to the most controversial issues for Finland, one can expect no difficulties as regards the ratification of the new constitutional treaty.

4.2 European Parliament elections

According to the conclusions of the Thessaloniki Council, the Intergovernmental Conference should “complete its work and agree the Constitutional Treaty as soon as possible and in time for it to become known to European citizens before the June 2004 elections for the European Parliament”. Do you expect the constitutional issues to become a central matter of debate during the electoral campaign in your country? Or do you think that the European Parliament elections are more likely to be dominated by national issues?

In Finland the EP elections have usually been dominated by national issues. The Convention has, however, increased the interest of Finnish politicians and public in EU matters, including constitutional issues. One can thus expect some debate on the constitutional matters to take place during the EP election campaign.

4.3 Referendums

For constitutional reasons, some countries need to submit the EU Constitutional Treaty to a national referendum before it can enter into force. Others may decide to hold a referendum in order to give the national ratification more legitimacy. Is a referendum foreseen in your country? If so, do you expect this to be a factor that will complicate or facilitate the ratification process?

The Finnish political elite is of the opinion that the decision on the possible referendum should be taken when the substance of the treaty is clear. However, a referendum is foreseen only in the case of a complete transformation of the draft constitutional treaty as a result of the IGC.¹² The Greens and the Left Alliance have actively claimed the rights of Finnish citizens to have a referendum on the new Treaty.

4.4 What to do in case of failed ratification

Has your government expressed any preference on the eventual initiatives to be undertaken in case one or more countries should fail to ratify the new treaty?

¹² Helsingin Sanomat, 16.9.2003.

Finland thinks that, in the case that one or more countries fail to ratify the new treaty the European Council should discuss the matter and try to find a political solution. Finland is against a forced removal of a member country in the case of failed ratification.