



**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

FRANCE

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 French government and the President of the Republic have on several occasions expressed their general satisfaction with the outcome of the Convention. Indeed, the Convention accepted most of the French proposals, particularly those regarding the Union's institutional structure. France would have preferred a more precise text on several issues. But in general the draft Treaty is considered a very good basis for the negotiations at the Intergovernmental Conference.

As of this writing there are very few comments available from the trade unions and the employers' associations concerning the result of the Convention. The incorporation of the Charter of Fundamental Rights and the formal recognition of the role of the social dialogue has been very much appreciated by the trade unions. The new articles on employment and environment protection are also considered of key importance. However, there is a certain disappointment about the French government's failure to find support for its proposals on economic governance and coordination within the Euro zone.

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?

The Convention is clearly seen as a success story in terms of both the results achieved and the new method used to discuss the constitutional issues. It is often compared with the failure of the Nice negotiations. The fact that the Convention brought together representatives of both European and national institutions is seen as a key element of its eventual success. Furthermore, it was feared that the compromise reached in Nice would be impossible to renegotiate. In fact, the Convention was able to adopt reform proposals concerning many key aspects of the Nice package, including the composition of the European Commission and the definition of the qualified majority. Moreover, it is perceived that the Convention method facilitated considerably the consensus-building process. No less important, in terms of transparency, the Convention method is considered very innovative.

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 French government succeeded in gaining the support of the Convention for most of its proposals. On only a few issues did the French government back down and this was often to facilitate the definition of common positions with Germany.

The main priority of the French government was the abolishment of the rotating Presidency. There was a strong demand from the French side that the European Council should be chaired by a permanent president. Other central issues for the French government were the establishment of a Foreign Affairs Minister of the Union and the extension of qualified majority voting. However it successfully resisted the attempt to extend QMV also to negotiations and conclusion of agreements in the field of trade in cultural and audio-visual services.

The Franco-German couple in the Convention has been very active at the Convention especially since Fall 2002. The two countries made joint proposals on European security and defence, justice and home affairs, economic governance and the institutional system. Especially the proposal on defence and institutional affairs were of high importance. In particular, they reached an agreement on the idea of a European minister of foreign affairs.

The French government was successful in persuading Germany to accept the idea of a President of the European Council elected for a period of two and a half years renewable.

There were also a joint Franco-Dutch proposal on the Community method, and a Greco-French one on the social dimension. Furthermore, together with the Polish and Portuguese governments, France presented a text on the European Council with regard to a stable Presidency. The governments of France, Austria, Britain and Latvia presented a common proposal on the future organisation of the Commission. Finally,

the French government cooperated with the Czech government on justice and home affairs.

Lequiller, who represented the Assemblée Nationale at the Convention, proposed to have a single chairman for both the European Commission and the European Council. Badinter from the Sénat came up with the idea of a new system which would combine a President of the Union (proposed by the Council and elected by the European Parliament) with a Union Prime Minister (nominated by the European Council but accountable to the European Parliament)¹.

The French politicians agree that the existing division of competences between the Union and the Member States should be maintained. However, left-wing members of the Convention have argued in favour of a stronger role of the EU in the social policy field. The more federalist-oriented French members such as Lamassoure have argued in favour of a federalist approach in particular concerning the common foreign and security policy. By contrast, the “souverainistes” have expressed concern about the risk of a loss of national sovereignty in the CFSP field. Generally speaking, the divisions have reflected more the cleavages between federalists and “souverainistes” than party affiliations.

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?

Opinion polls showed that towards the end of the Convention's working period the Convention remained largely unknown among the French². Only 29% of the French had heard about it. However, concerning other European topics, it appears that the media have succeeded in spreading a better knowledge of the EU's constitutional issues. Indeed, the French who claimed they were not informed at all on these issues had diminished. Most French citizens supported the idea of a European constitution, although the percentage of this support had slightly dropped. It can be argued therefore that the presentation of the draft Treaty did not have a significant influence on public opinion trends.

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?

¹ M. Lefebvre, Policy Brief, IFRI 2003

² Eurobarometer 59, National report France, European Research Group EEIG, Spring 2003

The European Affairs Committee of the Assemblée Nationale has, as its primary mission, to provide adequate and timely reports to Parliament concerning European issues. The Minister for European Affairs, Noelle Lenoir, and Minister of Foreign Affairs, de Villepin, spoke several times before the Committee, explaining the developments of the Convention. Several parliamentary debates and reports have addressed the role played by the French government and by the French members of the Convention in the European constitutional debate.

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?

The French Minister for European Affairs, Lenoir³, has undertaken many actions aimed at involving French civil society in the European debate, including an active information campaign, forums in the largest cities, the organisation of several so-called "rencontres pour l'Europe" in the provinces on different European themes. Most of these initiatives were undertaken during the final stages of the Convention. Their impact is difficult to assess. It will probably become more evident in the coming months when the debate on the new constitution will intensify in view of its ratification.

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?

Judging by the French media headlines, one could have believed in the existence of two Europes⁴. On the one hand, most French media presented the elaboration of the new Constitution as a process of crucial importance for the future of Europe and France. On the other hand, the EU was seen as a distant entity forcing the French government to introduce unpopular reforms which were opposed by a large protest movement. Rather abundant information was provided especially on the proposals to reform the EU's institutional structure but this kind of information was of little interest for most citizens. A serious effort has been made to inform about the content of the draft Constitutional Treaty, but the subject was too technical to attract the attention of the wider public. The information broadcasted on the contents of the draft Treaty has improved over time but have also had difficulties reaching a large public. This may be attributed to the fact that the French opinion had not been sufficiently prepared to understand what was at stake at the Convention. The Thessaloniki Council received relatively little coverage. Very few articles were devoted to the European constitutional issues during the summer

³ « Un an d'action pour l'Europe », Noelle Lenoir, 30 June 2003

⁴ « Europe, une Convention pour rien », in <http://www.lemondediplomatique.fr/>, by Bernard Cassen, edition , edition July 2003

holidays. It is also worth noting that some newspapers and reviews, e.g. *L'Express*, *Libération*, *Le Monde Diplomatique*, have recently published critical analyses of the Convention proceedings and results.

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?

The French government considers the draft Treaty as a very good basis for the Intergovernmental Conference. It believes that the text can be adopted with only very modest modifications. Fearing that renegotiating on what was agreed at the Convention could open a Pandora’s box of opposing requests, France will do its utmost to maintain the text as it is now.

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 French government thinks that the IGC should take place at a high political level. This position is in tune with its desire that only few and minor modifications be made, if needed, to the draft Treaty adopted by the Convention.

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.

France wants the President of the European Council to prepare and chair its meetings, ensure the follow-up and represent the EU internationally at the level of the heads of state and governments. This position was clearly stated in the Franco-German proposal concerning the institutional set-up of the Union.

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 French government has kept a relatively low profile on the question of the number of commissioners as well as on the structure of the Commission. It has, however, accepted Giscard d’Estaing’s proposal of 15 commissioners with voting rights plus others without voting rights so that all Member States are represented.

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

France agrees on the new definition of qualified majority voting.

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 French government would have liked a stronger commitment to the coordination of economic policies. Furthermore, the provisions on the social dimension are seen as too weak. It is, however, questionable whether the French government would be prepared to accept qualified majority voting in these areas. France is also reluctant to accept QMV in the CFSP field despite the fact that in the proposal presented jointly with Germany it had subscribed to this idea.

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?

France has not taken a clear position on this question.

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?

Given the vast majority that the government enjoys in parliament and the relatively strong position of the French President, it does not seem realistic to expect serious difficulties in the ratification process. However, the outcome of an eventual referendum is uncertain. The widespread concern about the effects of the enlargement process may increase the opposition to the new Constitutional Treaty⁵. Moreover, the political discourse in France about European issues may have the ultimate effect of strengthening the anti-EU feeling. In fact, the EU is often presented as a technocratic entity which is imposing social and economic sacrifices on the citizens, while the benefits of the European integration are mentioned much less frequently.

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?

During the election campaign for the European parliament the political debate will probably focus on the effects and possible revision of the Stability Pact. The social and economic dimension of the EU will be at the centre of the public attention. By contrast, the constitutional issues per se are unlikely to play a major role. Moreover, most French appear to believe that their national parliament is more important than the European parliament. As a result, such issues as employment, security, environment and migration will be probably discussed from a national perspective rather than from a European one.

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?

There is a widespread belief that a referendum is needed because of the federal character of the new Constitutional Treaty. As the draft Treaty is seen as leading to a closer political union it becomes a question of political legitimacy to have a referendum.

⁵ Eurobarometer 57, National report France, European Research Group EEIG, Autumn 2002

As said above, in case such a referendum is held, the outcome appears very uncertain. When Valéry Giscard d'Estaing was invited to Matignon together with the French members of the Convention by Jean-Pierre Raffarin, he recalled that it is in the French political tradition to submit these texts to a referendum. On the one hand, given the widespread scepticism that exist in France towards European matters, a referendum appears a risky exercise⁶. On the other hand, considering the strong democratic tradition of the country, the push for a referendum is likely to grow in the coming months. The fact remains that the decision of organising a referendum is up to the President. Jacques Chirac has repeatedly declared, notably during his presidential campaign of 2002, that the French must be consulted on the major issues related to the future of the EU. So far, he has however remained silent on the referendum issue.

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?

So far the French government has not expressed a position on the attitude it would adopt in case the Constitutional Treaty is not ratified by one or more countries.

⁶ « Chirac redoute un référendum piégé », in <http://www.libération.fr/>, by Antoine Guiral, edition 13 September 2003