LEADERS

The European Union's constitution

Brussels breakdown
Dec 18th 2003
From The Economist print edition

European leaders should take more time to reflect on their planned constitution

Get article background

IN EVERY crisis there is opportunity as well as difficulty. So it is with the collapse of last weekend's European summit, which was meant to adopt a new constitutional treaty for the European Union. The proximate cause of the breakdown was a row about voting rules, with France and Germany demanding a change to reflect more closely their population sizes, and Spain and Poland insisting on keeping the system agreed in Nice three years ago that gives them disproportionate weight (see article). But the reality is that nobody was keen enough on the draft before them to make the summit succeed.

Therein lies the opportunity. The Economist has long argued that the European Union needs a constitution that is simpler to understand than the present hotch-potch of treaties, and that sets out clearly and definitively the division of powers between the centre and the member countries. Sadly, the 250-page document before the summit, based on a text produced by a convention chaired by Valéry Giscard d'Estaing, a former French president, was no such thing. It was, rather, just another treaty, barely easier for the layman to grasp than existing ones. Yes, it made some improvements over those earlier treaties—including, as it happens, the new voting system backed by France and Germany—but it also introduced defects of its own. Above all, it did too little to bring the Union closer to its increasingly baffled and disillusioned citizens.

After the summit's demise, there are two temptations to which EU governments should not succumb. The first is to declare that they were in fact close to an agreement on the draft constitution, so that, after a short delay, they should make another attempt to adopt it in broadly its present form. Already there is talk of doing this after next June's European elections, when the reliable Dutch will take over the EU presidency (the erratic presidency of Silvio Berlusconi, Italy's prime minister, was one reason why the Brussels summit failed).

There are two big objections to this plan. One is that it may well not work. If the protagonists refused to
compromise last weekend, why would they do so next July? Poland and Germany, in particular, seem to be entrenching their respective positions on voting, not preparing to give ground. But an even bigger objection is that ten new countries (including Poland) are formally joining the EU only next May. Few have more enthusiasm than the existing members do for the draft constitution. It would surely be more sensible now to see how a Union of 25 works under the existing treaties, warts and all, for a year or two—and only then take a fresh look at what sort of new constitution is needed to make it both more effective and more comprehensible. That would create the opportunity for a more inspiring (and shorter) text than the present one.

Core dangers

The second temptation seems to appeal particularly to Jacques Chirac, the French president, who proved the least willing to negotiate at the summit. It is to respond to what France sees as the impossibility of working with 25 members in a club designed for six by re-creating a smaller club. Mr Chirac calls this a "pioneer group". Others have spoken of a "hard core", perhaps built around the original six of France, Germany, Italy, the Netherlands, Belgium and Luxembourg.

The European Union is already a club in which different countries participate in different policy areas, such as the single currency or immigration rules. The Nice treaty provides for more such groupings, although it specifies a minimum of eight participants. But what Mr Chirac has in mind is an inner group that might even set up its own institutions outside the current Union. Neither he nor anybody else has worked out what such a group might actually do, and Italy, the Netherlands and even Luxembourg have said they do not favour it. The French and Germans should take heed: if they were now to try seriously to build an inner sanctum, they would only make themselves even more unpopular with other EU countries than they already are.

Copyright © 2004 The Economist Newspaper and The Economist Group. All rights reserved.