Celebrating Anniversaries, Manning the Trenches, Risking a Split

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Theme: The celebration of the 50th anniversary of the signing of the Treaty of Rome is highlighting the accentuated nature of the divisions within the European Union.

Summary: The celebration of the 50th anniversary of the Treaty of Rome on 25 March 2007 will be an excellent opportunity to test the depth of the waters separating member states over the future of Europe and, more specifically, of the Constitutional Treaty. At first glance, commemorating the achievements of the last 50 years should not be the object of major controversy: achievements as to peace and prosperity in Europe are obvious and clearly visible. The case is that, as the date draws nearer, member states, instead of sitting down at the negotiating table to reflect on the achievements of these 50 years and openly discussing what can be achieved in the next few decades, seem to be entrenching themselves with a view to the imminent negotiations on the future of the Constitutional Treaty.

Analysis: The German Presidency has commissioned the drafting, for the commemoration of the 50th anniversary of the Treaty of Rome, of a declaration. The initiative, assumed by the European Council in June 2005, was instigated by the European Commission which, in its communiqué of 10 May, had suggested to member states that they take advantage –by means of a ‘solemn declaration’– of the 50th anniversary of the Treaty of Rome to ‘reconstruct the climate of trust and reconnect citizens with the Union’ (A Citizen’s Agenda: Delivering Results for Europe, COM 2006, p. 211 f.). More than a rhetorical exercise with usual topics in established Eurospeak (too often incomprehensible to citizens), it aims to be a short, direct declaration expressed in layman’s language that citizens can understand and share. However, the reality is moving in a different direction as what is to be known as the ‘Declaration of Berlin’ is encountering numerous obstacles along the way.

A Not So Harmless Declaration
Strictly speaking, the commemorative spirit might appear to be mistaken since if there is a real date for the foundation of the European Union it is the anniversary of the Schumann Declaration of 9 May 1950 (of course it does not seem to be a coincidence that Europe’s official day is 9 May and not 27 March). However, as the member states let the 50th anniversary of the Schumann Declaration slip by almost unnoticed, this time their determination could be worthwhile. On the other hand, as Josep Borrell, President of the European Parliament, highlighted to members of the Council gathered in June 2006, in a speech that was not very well received by the Heads of State and Government of the countries that have not ratified the European Constitution, if what was being prepared was a declaration on values and principles, they only had to open the European Constitution

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and read its Preamble, Part I and the Charter of Fundamental Rights. Not only was everything said there but it was signed by the 25 member states.

Beyond the details, the declaration was presented and justified as part of a packet of measures which, in the Commission’s opinion, will serve to close the split opened up by the referendums in France and the Netherlands. Among other aspects, the European Commission’s communiqué proposed the following: completing the internal market; deepening its social dimension; strengthening the Area of Liberty, Security and Justice; opening up a debate on enlargement strategy; improving the coherence of the EU’s foreign action; involving national parliaments in the European legislative process more closely; and, finally, creating the conditions to achieve an agreement on the institutional reforms necessary to make the EU work. The declaration was therefore an essential piece of machinery aimed at revitalising and boosting the EU.

Consequently, the declaration of the 50th anniversary was understood right from the beginning as an exercise in political content and aims, not as a mere historical commemoration. Hence, the Commission spoke of a ‘political’ declaration which set out not only Europe’s ‘values’ but also its ‘aspirations’ as well as its ‘common undertaking to achieve them’. More specifically, in his response to Chancellor Angela Merkel on occasion of the presentation of the German Presidency’s working programme to the European Parliament on 17 January, the President of the European Commission, José Manuel Durão Barroso, asked European leaders to measure up to the founding fathers, tackle the challenges that the founding fathers could not imagine in 1957 and prepare Europeans for globalisation. In short that they think of ‘open economies, open societies, in a Europe which must engage with citizens, not ignore them’.

As for the contents of the Declaration of Berlin, Barroso advocated before the European Parliament a ‘political’ declaration on the Europe that we want for the next 50 years and proposed five substantial elements: first, ‘solidarity’, understood as economic and social cohesion; second, environmental ‘sustainability’, especially in relation to climate change; third, ‘responsibility’ as to the exercise of power by European institutions under conditions of transparency and accessibility for citizens; fourth, ‘security’ for Europeans, compatible with the maximum degree of freedom; and, fifth, promotion of Europe’s values throughout the world.

However, doubts and problems surrounding this initiative have already emerged. First, while the European Council of June 2006 (in its point 49) accepted the Commission’s proposal in the terms set out (in the sense of promoting a ‘political declaration that sets out the values and aspirations of Europe and confirms its common undertaking of how to achieve them’), six months later, in December, the European Council limited itself to ‘reiterating the importance of commemorating the 50th anniversary of the Treaty of Rome with the aim of restating the values of the process of European integration’ (point 3). It was therefore called into question whether the declaration would be ‘political’, whether it would speak of ‘aspirations’ and whether, beyond commemoration, the ‘undertakings’ regarding the future would be achieved.

Subsequently, the preliminary consultations on the drafting of this declaration have only served to confirm the difficulties. After the meeting of the ‘friends of the Constitution’ in Madrid on 25 January, it seems evident that the declaration of the 50th anniversary has turned into a no man’s land in which member states are jostling for position for the future negotiations on the Constitutional Treaty. On the one hand, the European Commission wants the declaration to endorse the list of five priorities proposed by President Barroso to the European Parliament. On the other hand, the German Presidency suggests placing the main emphasis on the social dimension of the European project in a manoeuvre that many interpret as an attempt to offer the French electorate a friendlier vision of
constitutional Europe. However, countries such as the UK suggest concentrating on the celebration of enlargement and the fall of the Berlin Wall which will inevitably irritate those member states for which the latest enlargement of the EU is negatively perceived. For its part, the Czech Republic is demanding a declaration along liberal and transatlantic lines while, faithful to its principles, the Polish government advances as an aim that the Declaration of Berlin speak of the Christian roots of Europe and European identity. Therefore, we clearly have before us an obvious jostling for position for the upcoming debate.

Risking a Split

The period of listening and reflection (for many mere paralysis) has been replaced by a period of sizing up that looks increasingly like an intergovernmental negotiation, although it is still kept below the surface for the time being. In this respect the meeting of the ‘friends of the Constitution’ held in Madrid has had the undoubted effect of accelerating debate on the future of Europe. The meeting was a success; this was recognised publicly even by those who, like the Liberal European MP Andrew Duff (author of a very interesting ‘Plan B’ to rescue the European Constitution), had significantly questioned the meeting’s timeliness (see, for example, Andrew Duff’s article in the Financial Times of 30/I/2007).

The reason for the meeting’s success lies in the fact that before it the proposal made by the UMP presidential candidate and French Home Secretary, Sarkozy –referring to a ‘mini-Treaty’ focused on institutional aspects– had gained significant prominence in the European debate. It was even taken for granted by some media that the Sarkozy plan would have the support of Chancellor Merkel in the event that he was elected President. After the meeting in Madrid however, it was clear that instead of a ‘mini-Treaty’, a broad majority of states preferred an option that we could call ‘Constitution plus’, in other words, a method to resolve the crisis that would involve revising the constitutional text, adding to it and adapting it to the needs for a 27-side consensus, but not on upsetting the delicate balances and compromises on which it is based. Therefore, after the Madrid meeting it was clear that although the solution proposed by some (a merely constitutional Treaty) could satisfy the French, German and British for various reasons, it did not reflect the majority feeling of the member states, nor did it have as many chances of triumphing as was initially thought.

As expected, the Madrid meeting was not very well received in countries that believe that the way to resolve the current crisis is to bury the European constitution once and for all. In the Netherlands and the Czech Republic, for instance, hostility towards the Madrid meeting was aired publicly. In the Netherlands, the discussion on the Constitutional Treaty has registered a record rejection of everything represented by the political aspects of the integration process. Meanwhile, the negotiator designated by the Czech government, Jan Zahradil, made it clear that his country not only rejects saving the constitution but also (as proposed by the German Presidency) even preserving its substance. The problem is that in a situation marked by the radical refusal of four countries (the UK, Poland, the Czech Republic and the Netherlands) to even accept the ‘substance’ of the Constitutional Treaty, the possibility of—and temptation for—splitting the Union has clearly been placed on the negotiating table.

In this respect, it is possible to anticipate that the results of the French presidential elections will have a very significant impact depending on who wins. Therefore, Sarkozy’s advisers, conscious of the situation created by the Madrid meeting, were quick to deny that their proposal is limited to the institutional aspects and are making an effort to make it more attractive. The Euro MP Lammasoure –the leading promoter of the Sarkozy initiative— is therefore in a difficult position; on the one hand, his proposal should not bear too many similarities to UK’s, at the risk of leaving an easy flank open to criticism; on the
other hand, the positioning of Ségolène Royal in favour of a ‘Constitution plus’ reinforced with social aspects and followed by a second ratifying referendum, although very risky politically, could complicate Sarkozy’s election campaign enormously, as he wants to avoid a referendum at all costs.

But where things are taking on a more worrying turn is in the UK. There, according to (possibly deliberately leaked) news published in *The Times* on 1 February, Brown and Blair agree on being inflexible towards Europe. Although the ups and downs of the UK’s European policy are well known, it is obvious that something deeper has changed in Britain since Tony Blair, Jack Straw and Denis MacShane sent the draft bill for ratification of the European Constitution to the House of Commons.

At that time, they argued vigorously in favour of the Constitutional text, with Blair himself stating: ‘The Constitution will bring real improvements to make Europe more effective, more accountable and easier to understand […] I think it represents a good result for Britain and for Europe. We can be proud of the strong part we played in shaping the Treaty – a role widely recognised across the EU’ (*White Paper on the Treaty Establishing a Constitution for Europe*, FCO, September 2004, p. 3). Speaking afterwards, Jack Straw appealed to British patriotism to gain support for the Constitution by arguing: ‘It is a Treaty which certainly reflects a British vision for Europe […] The choice before the British people, when the referendum comes, will be fundamental to our national interests. If we reject this treaty, Britain will be isolated and weak in Europe’ (*The Patriotic Case for the EU Constitution*, Written Statement by Jack Straw, Foreign Secretary, 26/I/2005).

However, things have changed and they have changed a great deal. Blair, Straw and MacShane had committed themselves to a complete turnaround in the UK’s traditional policy towards Europe which, according to MacShane himself, involved seeing no Europe, speaking no Europe, hearing no Europe (‘Our Last Chance to Make Europe Work’, *The Observer*, 16/V/2005). The reality is that, far from leading Europe, the Labour government is doubly trapped between its voters and its electoral pledges. On the one hand, aware that the Conservatives are stronger electorally on European matters given the lack of sympathy that the European Constitution arouses among the electorate (only 40% supported it according to the latest Eurobarometer, EB 66/2007, p. 35), the Labour government needs at all costs to avoid a ‘Europeanisation’ of the national political debate with a view to the general elections in 2008. Secondly, given the Blair’s pledge to hold a referendum on the Constitutional Treaty, he can only accept a minimal reform –under no circumstances comparable to the European Constitution— and that would not require a referendum in the UK. Blair and Brown’s room for manoeuvre is therefore minimal and the electoral risk very high.

Consequently, everything suggests that Blair and Brown are thinking of fully exploiting the domestic card to scale down the negotiations on Europe. While during the 2004 constitutional negotiations Europe accepted all of Britain’s ‘red lines’ —in the belief that this would be the Treaty that would bring the UK into the heart of Europe— things will not be so easy for Blair and Brown this time round. Although Merkel’s Germany wants the UK to be in the EU and will do everything possible to accommodate it, there are many other countries that are not ready to accept blackmail from Britain a second time and consider playing the card of partial British withdrawal from the Union (an idea that seems to have some supporters within the Conservative party and among figures such as Lord Blackwell, adviser to John Major between 1995 and 1997) who are openly considering this (see the *Financial Times* of 29/I/2007).
At the other extreme, the Belgian prime minister, Guy Verhofstadt, is renowned for being in favour of tightening the rope and, if necessary, causing a split. At the moment his views are in the minority but everything seems to indicate that Royal’s victory in the French presidential elections could make things very difficult for the UK and therefore, by extension, for the European Union, which might very likely face a real risk of splitting. Comparing Royal’s election pledges (retaining the European constitution and improving it by adding more social content) and the ideas that are emerging in the UK, it is very easy to see that there is practically no common ground between Brown and Royal, either as regards content or form (the British have undertaken not to hold a referendum and Royal, in contrast, has promised to hold one).

The deadlock is therefore obvious. On the one hand, the desire to achieve the UK’s full incorporation into the heart of the European Union advised accepting many of Britain’s demands (the now familiar ‘red lines’). Conversely, the text was very difficult to accept for the French left. ‘The French of both the rejectionist Left and Right’, wrote Denis MacShane on 31 May in The Times, ‘were correct to criticise the new treaty as being excessively britannique. For the first time in five decades, Britain was in the driving seat of shaping the new treaty. The public face was Valéry Giscard d’Estaing, but the hand controlling the keyboard was Britain’s cleverest postwar diplomatist, Sir John Kerr. His genius in promoting core British interests has made him a star of the treaty-writing classes in Brussels, Washington and Paris’.

The result could not have been more paradoxical: the British need to present the Constitutional Treaty as a British success made its ratification in France almost impossible. In turn, the French ‘no’ in the referendum made a British referendum impossible. To date, the situation is still blocked at exactly the same point. Since an agreement on the Constitution that would satisfy the French left would hardly satisfy the UK and vice versa, one of the two leaders had to give in (Brown in his minimalism, Royal in her maximalism). Consequently, although a victory by Royal would improve the chances of the negotiations on the European Constitution being more favourable to Spain’s position on a ‘Constitution plus’, it is also true that the risk of splitting the European Union into two blocks would be greater. By contrast, although Sarkozy’s positions are at a greater remove from Spain’s interests, the risk involved if he wins the elections is greater, because it would allow Merkel and Brown to achieve a minimalist agreement with greater ease.

**Conclusion:** The negotiations to draft a Declaration on the 50th anniversary of the Treaty of Rome, that are being held in parallel with the first moves to decide on the future of the European Constitution, are a good indicator of the fragility of European politics. It does not look like the time to celebrate and reflect but rather to take up positions, man the trenches, choose the best heights and fire some warning shots. If things continue this way, instead of offering a magnificent opportunity to discuss our future in common, the declaration of the 50th anniversary will turn into a quagmire, a prelude to an intergovernmental conference that promises to be highly complex. The same problems are still on the negotiating table, but aggravated by the passage of time and the deterioration of expectations with new solutions having been put forward. Under these circumstances, if Europe’s leaders fail to make an extraordinary effort, the commemoration of the 50th anniversary of the Treaty of Rome could easily become the first sign of a split or the selective demolition of the European integration process.

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