

EUROPE IN THE FRENCH PRESIDENTIAL ELECTIONS: SIDE SHOW, FALL GUY OR JUST CONSPICUOUS BY ITS ABSENCE?

By Gaëtane Ricard-Nihoul

General Secretary of Notre Europe¹

The resounding “no” the French returned to the referendum on the Constitutional Treaty for Europe in May 2005 was a bolt out of the blue for France and Europe. The Dutch rejection, a few days later, came to confirm that there was trouble ahead the European construction. To be sure, some countries – among which, by referendum, Luxembourg – have honoured their commitments and kept to the constitution ratification process. But a fair number of States chose to suspend the procedure, fuelling uncertainty as to the fate of the text. No wonder then that the “pause for thought” decided by the Heads of State and Government in June 2005 gradually turned into a kind of European paralysis, at best a wait and see – without the seeing.

Fresh hope is however taking hold with Germany at the helm of the Presidency of the Council of the European Union. The “roadmap” The European Council should adopt at its June Summit amounts to a commitment by the Member States to find a solution to the crisis and to implement the required measures before the 2009 European elections. But the European context is, to some extent, hostage to a French electoral calendar hardly favourable to progress. France is to elect a new President of the Republic by a two rounds voting system taking place respectively on 22 April and 6 May 2007. His or her election will be closely followed by Parliamentary elections (on 10 and 17 June).

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Is Europe an issue in the French presidential campaign? The passions stirred up by the May 2005 referendum have given way to a profound silence and the presidential election has yet to exorcise this “European taboo”. Europe may be mentioned but it is no political football, not even the excuse it often is to justify unpopular measures (those are not the stuff of electoral campaigns). The real European debate thus shines by its absence: on everybody’s mind but never in focus. The first part of this paper retraces how people in France have gone from Euro-bulimia to a very low calories diet, if not a full fast.

The debate on the European question, and more specifically on the way to salvage the advances of the Constitutional Treaty was nevertheless tentatively kicked off by Nicolas Sarkozy’s Brussels speech on 8 September 2006. After a few off the cuff reactions, statements have come thick and fast over the last few months. Rarely at the heart of candidates’ speeches and receiving little media attention, some of the stated options are no less precise and loaded with a range consequences for forthcoming European developments. They need therefore to be briefly spelt out. This will be the object of the second part of this article. In a third section, we will go into the analysis of these proposals, trying to rate their chances of success in the decisive period that opened with the German Presidency of the Council of the European Union.

FROM EUROPEAN HOTBED TO EUROPEAN TABOO

It has been a rather strange phenomenon, the way, since 29 May 2005, the European question has gradually and quietly been dropped from national arguments. There is certainly nothing very new in seeing the soufflés of referendum news and comments fall stodgily flat the day after the vote. After all, for the last twelve years, since the flights of rhetoric and polemics set off by the Maastricht Treaty, what the French have heard about Europe has been fragmented and biased. And that is undoubtedly one of the tragedies of the way the European public space operates today: the absence of national debates on European issues outside the charged moments corresponding to these episodes of direct democracy. Our national political leaders do not seem able to bring Europe alive day to day and neither will they manage it for as long as they do not give up on the schizophrenic model whereby one takes decisions one day in the Council of Minister of the EU, blaming on the morrow “Brussels” for its imposed legislation.

In fact, European questions are only rarely at the heart of French political debates, traditionally focussed on the country’s internal problems. The debates organised in the framework of the Socialist Party’s “primary” elections provide a prime example of this. The two first debates

took place with hardly a reference to Europe, even as the questions treated (economy, research, environment) called for it; meanwhile, the European questions were addressed “separately”, amidst a welter of wide-ranging international questions – and with utmost caution. The programmes of the parties represented by the diverse candidates have precious little room for European problematics in any case.

But beyond these recurring weaknesses in European democratic praxis – which must disappear if the European construction is to have a future –, it is important to attend to the peculiar mood prevailing in France on the day after 29 May. It was dominated by the brutal trauma suffered by a political class broadly in favour of a “yes” vote: From the Green to the UDF (Union for French Democracy, Centrist) and from the PS (Socialist Party) to the UMP (Union for a Popular Movement, Centre-right), all government parties were in favour of the “yes” vote. The Republic’s established elites were, therefore, faced with a disavowal of their legitimacy and the lingering bitter taste of the “April 2002” episode, when the far right candidate had reached the second round of the presidential elections. Speaking of Europe has become a risk for any politician wishing to regain this legitimacy.

There is another reason for this silence: the inability for the “no” collectives (recruiting mostly on the left and the far left) to create the alternative movement they had hoped to extend to the whole of Europe. Although they remained in existence beyond 29 May 2005, internal policy divergences soon re-appeared. Besides, these collectives did not in themselves give a full account of the great diversity of reasons for the rejection of the Constitutional Treaty in France. Although it is true that criticism of the European integration’s “neo-liberal” straightjacket was broadly endorsed by the Eurosceptic currents, it was essentially out of expediency. It was in reality the preserve of the “alter-Europeans” – present mostly on the left of the political spectrum and fronted among others by Socialist Laurent Fabius –, that is of those who claimed to be in favour of another Europe, more forward in some domains, such as economic governance. It is in fact impossible to find a single demand shared by them on the one hand and, on the other, by those who, from the right and from the left, clamoured for the return of Nations threatened, according to them, by the increasing federalisation of “Brussels” decision making methods². For proof of the *Nonistes*’ failure to make good their 2005 positioning, see Laurent Fabius’ poor show at the primaries the Socialists organised to choose their presidential candidate.

² For an in-depth analysis of the reasons for a “no” vote, see “*The French “no” vote of 29 May 2005: understand, act*”, study by this author published by *Notre Europe* in October 2005 (www.notre-europe.eu)

Finally this French political silence (and not least Jacques Chirac's) rather melted in with the "Pause for thought" decreed in June 2005 and renewed in June 2006 by the Heads of State and Government of the European Union. Whereas this pause for thought was to be the occasion of great civic debates at national and local level, they remained few and far between in the EU and non-existent in France. Post-referendum overdosing partly explains this democratic setback.

A LOW-KEY EUROPEAN CAMPAIGN

Nevertheless, a low-key "European campaign" was launched with the speech delivered on 8 September last in Brussels by Nicola Sarkozy. For the first time a serious contender for the 2007 presidential election (not as yet officially endorsed at the time, he would be so by 98% by the UMP's internal election of 14 January 2007) set forth a roadmap towards a fresh start for the European Union. This, according to him can only take place in two phases: a "mini-treaty", purely institutional, drawn in 2007 and ratified by parliaments in 2008, and a more ambitious text put together after the European Parliament election in 2009.

For Nicolas Sarkozy, the institutional reform is urgent and relatively simple. It consists in reasserting the "consensual" elements of the former part I of the TEC, namely: the extension of qualified majority voting and co-decision, the principle of double majority voting (of Member States + citizens), a European Foreign Affairs Minister, stable Presidency for the European Council, etc... These advances existing in the TEC would be compiled in a new text adopted by an Inter-Governmental Conference (ICG) then ratified by national Parliaments to take effect in 2009. This proposal is close to that proposed by Pierre Lequiller³ Chairman of the National Assembly Delegation for the European Union, although the latter would also like to see Part II and some elements in Part III included in this reduced treaty.

The other, less detailed, component of the Sarkozy proposal consist in calling a Convention after the 2009 European elections. On the basis of a broad mandate, its object would be to engage an in-depth debate on the future of the Union. But Sarkozy remains vague on the modalities of this Convention III (after that for the Charter of Fundamental Rights in 2000 and the 2002-2003 Giscard Convention). These modalities did not get any clearer in his February 2007 speech in Strasbourg, when he did not touch on his second revival component. At this

³ Lequiller P, « *Europe, comment sortir de l'impasse ? Un traité institutionnel pour l'Europe* [A draft institutional treaty to lead Europe out of stalemate] », Fondation Robert Schuman, Note 39

stage, he seemed more preoccupied with reaching also the “no” support in France. He might in the future take his text from the proposal put forward by Hubert Haenel⁴ Chairman of the Senate⁵ Delegation for the European Union. For Sénateur Haenel envisages, after adopting an “interim” treaty, a broad debate towards a new “fundamental treaty”, the object of a new Convention, and dealing in particular with enlargement, cohesion, cultural identity and the way to bring Europe closer to her citizens.

Nicolas Sarkozy’s declaration on the urgency of an institutional reform of the European institution caused rather negative reactions in France. Ever ready to gainsay his Interior Minister, Dominique de Villepin stated, in Brussels too, that Europe needed first and foremost concrete results, more so than an institutional reform. This position is close to Ségolène Royal’s for whom the “Europe of Projects” and “Europe of Results” come first. As for parliamentary ratification, the other candidates are, to date, all hostile to dispossessing the citizens of the last word, even on institutional matters.

The split among the Socialists regarding the TEC, manifest ever since the party’s internal referendum in December 2004, has partly subsided with the “Socialist Project” for 2007. This project, which will act as a frame of reference for the would-be Socialist president, includes a sub-section dedicated to “ensuring the success of France in Europe”. Very broad, the proposal for a constitutional revival is founded on a new, strictly constitutional text which differs from Sarkozy’s “mini treaty” in two respects: a “renegotiation” of the TEC and a ratification by referendum. Among the other proposals, it is worth noting the importance given to enhanced cooperations and the intent to achieve a social Treaty.

Contrary to the UMP, where Nicolas Sarkozy’s nomination as candidate for the Presidency was a foregone conclusion, the Socialist party organised proper primary elections between three contenders for the candidacy. Each could be defined by a slightly different take on European questions. Laurent Fabius, in spite of the positive response to the internal referendum, had fought for a “no” during the French referendum campaign. Strong of the victory of his side, Fabius rested on this result to promote a “social Europe, reinforced by the adoption of a Social and a Fiscal Treaty. This “Europe from the Left”, hinges on a constitutional overhaul via an IGC in 2007, followed by the election of a Constituent Assembly at the same time as the election of the European Parliament (2009). This Constituent Assembly would take on the task of revising Parts I and II (Charter of Fundamental Rights) and IV of the TEC, to come up with a new text to

⁴ “Thoughts of a former convention member on European renewal”, Fondation Robert Schuman Note 40

⁵ The French Upper House (trans)

be approved by all Europeans on the same day. He was the Socialist pretender to speak most of Europe in his capacity as self-appointed spokesman for the 55% of French people who had voted “no” to the Constitutional Treaty.

The two other candidates, Dominique Strauss-Kahn and Ségolène Royal, had fought for a “yes” in 2004-2005. Exposed by the national outcome to the referendum, and the Socialist majority “yes” to the TEC during the December 2004 consultation notwithstanding, they were not forthcoming on an Institutional revival for the Union. Dominique Strauss-Kahn stressed the June 2007 European Council key role in a constitutional revival of the European Union. In his view, Europe will only advance again under the pro-active impulse of the Franco-German couple.

Elected by 60.62% of the vote in the novel internal ballot within the Socialist party on 16 November 2006, Ségolène Royal has on her part stated that building Europe “by result” would be a priority and that the institutional reform should flow from the project and not the other way around. In an address to the *Sénat* in October 2006, she advocated a democratic debate on European goals to be held under the German Presidency (with consultation of the Parliaments, social partners, civil society and the citizens via Internet) alongside the adoption of the Berlin declaration. These debates would be followed up and summarised under the Portuguese and Slovene Presidencies. Then a Convention would be launched under the French Presidency to draft the text for institutional reform. Ségolène Royal has proposed that the text be ratified on the same day according to procedure chosen by each Member State. Having made the case for a referendum in France, she was, at a later date, to suggest June 2009 for this consultation.

More recently, she has raised the ante, taking a stance further to the left. The candidate advocated the adoption of a Social Protocol “to drag upwards living standards and social protection in all European countries”. Another of the priority measures outlined in her Presidential Pact aims at writing into the statutes of the European Central Bank the growth-employment target and to create a eurozone government. Madame Royal had harsh words for the Stability Pact: “The 3% maximum deficit-GDP ratio must be rescinded. The eurozone must be in a position to evolve those Maastricht criteria according to economic trends in order to adjust budgetary constraints to the business and job creation targets”⁷ This stiffening is

⁶ Her opponents obtained respectively 20.83% for Dominique Strauss-Kahn and 18.54% for Laurent Fabius with a participation of 82.04% of the 218 771 militants

⁷ Press conference 11 October 2006

probably partly linked to Jean-Pierre Chevènement rallying the side of the Socialist Candidate: the old enemy of the Maastricht Treaty and of the TEC has recently published a book with title that speaks volumes: *La Faute de Monsieur Monnet* (Monsieur Monnet's is to blame).⁸

One of the surprises of the ongoing presidential campaign is unquestionably the emergence of the UDF (Union for French Democracy) candidate, François Bayrou. The Centrist leader, traditionally pro-European and whose addresses have often revolved around the European concerns, seems just as subject to the cautious mood affecting all the candidates on European issues. Taking a stand later than his competitors, François Bayrou has defined his European ambitions mainly in two speeches, one in Strasbourg, (12 February 2007) and the other in Brussels (8 March 2007). His position comes through as distinctly European, notably through his defence (unique in the French political landscape⁹) of the ECB. The Centrist candidate upholds the idea of a short and readable institutional treaty, a “fundamental law”, reasserting the principles, institutions, competences and procedures. François Bayrou thinks that a Convention would be necessary if the construction of an entirely new system was being proposed. But in this context, Bayrou champions a revision by an IGC, which would be an “IGC+”, the proposals of which would be submitted to an Areopagus of national and European parliamentarians. For the purpose of ratification in France, the UDF candidate is convinced that the people alone can re-do what they have undone and calls, along with his Socialist opponent, for a referendum.

However, this new Constitutional Treaty will not suffice, according to Bayrou, to make Europe a great political actor worldwide. Accordingly he proposes six major policy exercises addressing the economy (including budgetary and fiscal harmonisation), energy, climate change, biodiversity, research, immigration, co-development and defence. The six advances would bring about the advent of a “dense Europe”, centred on the eurozone, a hard core within a second circle of “greater Europe”.

As for the “lesser” candidates, Eurosceptics from the far left like from the far right, excepting the candidate of the *Mouvement pour la France* (Movement for France), Philippe de Villiers, who seems poised to make of his “no” to Brussels a recurring theme of his campaign, they rarely place the European Union at the centre of their stated preoccupations. The candidate for the *Font National*, Jean-Marie Le Pen, remains discrete on his main European position: take

⁸ Title suggested by the translator of this paper. The book has not come out in English (yet).

⁹ Nicolas Sarkozy and Ségolène Royal have, among others, criticised the ECB action too focused, according to us, on inflation and not enough on growth.

France out of the European Union and of the euro. Paradoxically, however, he advocates the return of a “Community preferential option” for farming, with the return of high custom duties. On the far left the idea of a more social Europe is championed. The Communist candidate, Marie-George Buffet builds her campaign around a gathering of a “popular and anti-liberal” left, seeking to build on the *noniste* movement that emerged “on the left of the left” during the May 2005 referendum, without making much of a mark to date.

FRENCH PROPOSALS AND EUROPEAN REALITY

By taking the initiative on the European question, Nicolas Sarkozy has scored on several boards. His aim is no doubt to reinforce his image as a pro-European statesman, as his electoral rank and file, which voted “yes” in its great majority on 29 May 2005, should wish. But he also forces the Socialists, very divided over Europe since their internal referendum, to position themselves on an awkward subject. He seems to have succeeded in opening the game since, significantly, Laurent Fabius, Ségolène Royal then Dominique de Villepin and François Bayrou have in turn visited Brussels.

Attractive though it be at first glance, his proposal for a simplified treaty ratified by Parliaments overlooks two essential factors. First, it minimises the delicate trade-offs which mesh together the constitutional text and the risk associated to a focus on institutional matters, always liable to re-awaken sovereignty questions still sensitive in many States. It is hard to imagine how Poland would start an institutional IGC without trying to bring up the double majority principle again. Second stumbling block: The peoples must not get the impression that they are being by-passed in the process of adopting the reform; this would be particularly risky in a still smarting France, if it enshrined the terms – be they restricted to institutional points – of the rejected text. These proposals have incidentally been met with a mixed response in the countries who have already said “yes” to the TEC and for whom the gap between the mini-treaty and the substance of the TEC is too wide

Ségolène Royal, representing the socialists, enjoys a strong legitimacy as a result of the PS’s internal ballot and a patent momentum – in sharp contrasts with her circumspection regarding European issues. Patently calculated to avoid any repeat of rifts in her party and among her sympathisers, this wariness makes any early judgement on her declarations difficult. Her proposal for an institutional treaty to be ratified in June 2009 suggests a TEC rescue operation not so very different from the Sarkozy plan. As for the review formula, she has only once

alluded to a Convention, which hardly makes it a rallying cry. As against that, the option for a referendum as ratification formula sets a distinct dividing line between her and her UMP rival. And it is this referendum option that worries her European partners who fear that the European Union could not withstand a second French “no” should it prevail again. Her call for a social protocol and her criticism of the ECB also place her in default towards some of her European opposite numbers.

The “wise” input François Bayrou could have contributed to The European debate, given his experience and his long standing commitment to the European cause has been partly dented by the firm and entrenched position he has taken on the issue of a referendum ratification in France. His motivations to call a referendum have probably not much in common with Ségolène Royal’s, who is held to it by the necessity to take into account the “no” returned by the majority of her party’s supporters if nothing else, whereas UDF voters mostly supported the Constitutional Treaty. Bayrou’s line of thinking is probably to capitalise on his pro-European image to bring off a referendum his predecessor lost, thus reinforcing his statesman’s legitimacy. While his referendum preference causes the same concern in Europe, his positions raise other questions, in particular on the way to proceed in a two circles Europe. Will the hard core require new institutions? Will the future European Minister for Foreign Affairs speak in the name of the first circle? Is it realistic to base a first, more integrated circle on the eurozone, bearing in mind, for instance, Ireland’s reticence towards fiscal harmonisation?

With the exception of the ratification formula, the question of a TEC revival is not treated in a fundamentally different way by the three leading candidates. On other European matters, such as economic governance, agriculture, energy or research policies, the differences in positioning are not fundamental either. In the pre-campaign debates the question of Turkey’s membership is probably the one which created most ructions. While Nicolas Sarkozy and François Bayrou have spoken in favour of a form of association other than membership, Ségolène Royal, having reserved judgement for a while, has finally announced that she was not thinking of putting an end to negotiations but that she would surrender to the French People’s decision by referendum.

The media reverberations of this low-key European campaign remain pretty contained. The French media do not in any case spare much space to the way the candidates’ positions are perceived in other Member States, leaving the French disproportionately under the impression that France has the key to the crisis and will be able to impose her roadmap to her partners. As

the presidential campaign enters its decisive phase, the relative interest of the press coupled with the reticence of candidates who have no wish to re-open the wounds of the 2005 referendum do not suggest any great breakthrough for the visibility of European issues during these presidential elections. And yet the future President of the Republic will have to make a stand on his or her European vision from the very beginning of his or her mandate, at the European Council of June 2007. That is not a lot of time to gear up from cautiousness to dialogue and pro-activity.