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AND THE EUROPEAN CONSTITUTIONAL TREATY**

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## FOREWORD

This British – and critical – analysis of the "constitutional process" launched at the European Council meeting in Laeken in December 2001, which went through a highly animated and productive phase during the European Convention before reaching the current deadlock at the European Council meeting in Brussels in December 2003, will no doubt be of interest to many. As one might expect from a sharp, penetrating author such as Anand Menon, the following account of this inconclusive and intense period of the Union's history is somewhat less consensual than most of the grey literature on the topic.

But above all, it provides clear insights into a change of heart which astonished most observers, from the pro-active, imaginative and positive attitude of the British delegation during the first phase of the Convention to its much more customary back-footed behaviour at the close of the negotiations. The pundits will certainly be interested by the assertion that the British internal coordination machine, widely held to be the best in Europe, is perfectly adapted to processing day-to-day business but ran into serious difficulties when it had to deal with more strategic issues.

Even more significant, to my mind, is the author's analysis of the shift in British objectives. The initial vision was very ambitious: to restore the Union's institutional balance from the top down by strengthening all of its components, *including the Commission* (the emphasis is mine, but the reader will find many quotes which are quite clear on this point). To be sure, Britain will be Britain and this ambition was anything but federalist (the famous "F" word...), in particular as regards the role allocated to the Commission: a super-administration with acknowledged qualities, but certainly not a European executive. Even so, British policy underwent a clear change of tack towards defiance for any institutional progress, frequently expressed with Eurosceptic overtones. The author suggests two causes, probably interconnected, for this state of affairs: the rift which the Iraq crisis opened up between the main partners and the increasing pressure from the British media and public opinion. With an ultimate paradox as the result: the United Kingdom secured a draft constitutional treaty which took on board virtually all of its demands, but continued to fight the text nonetheless.

The author is tempted to consider that this attitude on the part of New Labour is tantamount to shooting itself in the foot, since the party is neither benefiting from its negotiation successes nor playing a key role in Europe. For my part, I fail to see who could be happy at the sight of the United Kingdom giving up the sincere ambition it had at the start of the "negotiations" – to enable the Union's institutions to cope with enlargement – for a timid attitude of general distrust. Being an irrepressible optimist, I trust that this shall be only a temporary setback, and that the United Kingdom will soon rejoin the "constitutional" debate – with its own views on what the Union should be, of course, but also with the ambition of strengthening it in order to make a success of enlargement.

Jacques Delors

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‘We will not have influence if we only ever see Europe as in opposition to Britain and become back-markers for further co-operation, always arguing thus far but no further’.

Tony Blair, speech to the European Research Institute, University of Birmingham, 23 November 2001

‘...it is important to recognise that we have our red lines and we are maintaining them’

Tony Blair, statement after the formal handing over of the draft constitutional treaty to the European Council, 20 June 2003

## INTRODUCTION

The dust has yet to settle fully on the Intergovernmental Conference that ended so ignominiously in Brussels last December. And, of course, the debate over the European Union's constitutional future will now drag on – some are saying into 2005 – as the member states attempt to agree on a new constitutional treaty.

This paper examines the role of Britain in the negotiations that commenced with the creation of a Convention on the Future of Europe at the Laeken summit of December 2001. Its aims are broadly fourfold. First, and most simply, to describe the approach to, and behaviour within, the negotiations of the British representatives. Second, to consider the extent to which, if at all, the constitutional text agreed on by the Convention and further amended by the IGC reflected British concerns and preferences. Third, to explain how this outcome came about, and finally, to place this analysis within the wider context of Prime Minister Blair's ambitions concerning the UK's place within the European Union.

The argument presented below runs as follows. London approached the Convention with a clear set of priorities focusing on the need to make the EU more effective. In specific terms, this entailed ensuring the creation of a permanent chair for the European Council and the provision of a role for national parliaments in the oversight of subsidiarity. It also implied the strengthening of the European Commission, as an essential element of a well-functioning Union. During the first half of the Convention, until around December 2002, Britain proved remarkably successful in promoting its priorities, a success reflected in the notably positive tone struck by all those involved with the negotiations.

Things changed, however, in the early part of 2003, as London's upbeat tone was quickly replaced by a more negative and critical approach to the negotiations. The change in tone was accompanied by a shift in policy objectives, as British negotiators came to focus more on blocking initiatives they opposed than on putting forward a proactive agenda of their own. Insofar as an agenda survived, all references to a need to strengthen the Commission were dropped in favour of rhetoric critical of the supranational institutions and apparently fearful of the development of some kind of European superstate.

This was somewhat paradoxical if only because, in contrast to the increasing defensiveness of London's approach, the final draft of the constitutional treaty chimed remarkably well with the stated preferences and priorities of its negotiators. That this was so was due in no small part to the effectiveness of the British representatives within the Convention. Moreover, all indications are that the final treaty drafts that were being negotiated at Brussels before the collapse of the summit reflected these preferences and priorities still more faithfully.

The mismatch between the substance of what was achieved and the increasingly bitter rhetoric that accompanied it is explicable to no small extent in terms of political developments within Britain. As the Convention neared its endgame, it became an object of political debate at home. The Government found itself faced with a hostile media and the carping of a eurosceptic opposition in parliament which rallied opposition to the constitutional treaty – including amongst Labour backbenchers - round the flag of the need for a referendum.

It was because of increasingly vociferous domestic political opposition to the constitutional treaty that British rhetoric hardened and its priorities within the Convention shifted. Consequently, while the Government managed to ensure its priorities were reflected in the final outcome, these differed from the ones expressed when it was not running scared of a hostile domestic political environment.

Consequently - and perhaps the ultimate irony of all this - Britain's achievement in shaping the constitutional treaty was a pyrrhic one when put in the context of the Government's stated ambitions for the country's developing relationship with the Union. Not only did the final text not reflect what had been a central concern of British officials only a year earlier – notably a strengthened Commission – but the style in which that outcome was achieved served to reinforce still further the negative stereotypes about 'Europe' that are all too common in the UK. And this under a government which, on more than one occasion, had stated its intention to tackle anti-European prejudice head on, and sell the positive case for deeper British involvement in the Union. Political considerations, therefore, drove a strategy aimed at short term political damage limitation rather than progress towards the longer term ambition so frequently expressed by Tony Blair of a more confident Britain exercising leadership and influence within the Union.

The following discussion is divided into four parts. Part One examines British involvement in the Convention on the Future of Europe; the following part analyses Britain's performance in the succeeding intergovernmental conference, and compares the constitutional treaty that emerged from the negotiations with stated British preferences. Section three attempts to explain this outcome, pointing in particular to the importance of the increasingly bitter domestic dispute about the constitutional treaty which played a crucial role in shaping the attitude of the government towards the negotiations. Section four, finally, considers the implications of the negotiations for Britain's place in the EU more generally.

## I - BRITAIN, THE CONVENTION AND THE IGC

### The run-up<sup>1</sup>

#### Towards Laeken

Prior to the Laeken summit, which was formally to enshrine the idea of a Convention, the British attitude towards proposals to create such a body was distinctly unenthusiastic. For one thing, London's experience with EU Conventions was hardly positive. That which had drafted the Charter of Fundamental Rights had taken many in the UK by surprise with the way in which it had achieved consensus and produced a text that many in Whitehall and Westminster considered deeply flawed. For another, British officials were not in favour of launching a process over which governments could not exercise complete control.

Initial concerns were voiced in dramatic fashion in a Cabinet meeting in early 2002. As reported some months later by Blair's cabinet colleague Peter Hain, the Prime Minister:

“... quite startled people at an informal Cabinet committee with officials by saying that the outcome of the Convention is absolutely fundamental. It will define the relationship between Britain and the rest of Europe, the prospects for the euro, and it would last for generations.....He said it was more important than Iraq, which rather startled people round the table, in the sense that the European issue would be with us for generations

*(The Times 9 September 2003).*

Whilst one can question Mr Hain's judgement in bringing this up in this way at this time (see below), the message the Prime Minister was conveying to colleagues was clear: Britain was playing for high stakes in the Convention and would have to live with its consequences for a long time. The unease felt in Whitehall was summed up by a senior Foreign Office official: for him, the Convention was a matter of 'damage control'.

#### The Summit

British hesitancy about a Convention to discuss the future of the Union was mollified significantly by the text of the Laeken declaration. Appended as an annex to the Presidency conclusions of the Laeken summit of December 2001, this formally announced the creation, and spelled out the terms of reference of, the forthcoming Convention (Presidency 2001).

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<sup>1</sup> This section is based heavily on Menon (2003)

Reading the Laeken declaration, one cannot but be struck by the degree to which it reflected British anxieties about both the Convention itself, and European integration more generally. The former was explicitly limited in scope, with the prospect of an EU constitution (to which Blair himself (2002) had voiced his hostility) consigned to a long term future. The Convention, moreover, was restricted to the task of producing a document which 'may comprise different options, indicating the degree of support which they received, or recommendations if consensus is achieved'. Regardless of what it was to produce, its findings were in no sense to be binding. Thus the final document would provide merely a starting point for discussions in the Intergovernmental Conference, which would take the ultimate decisions (Presidency 2001: 24-5). The language used about European integration addressed British concerns still more clearly. What citizens expect, the declaration asserts, 'is more results, better responses to practical issues and not a European superstate or European institutions inveigling their way into every nook and cranny of life' (Presidency 2001: 21).

At the European Council meeting, British officials recovered quickly from their embarrassment when the Prime Minister refused to pose with his euro starter pack. Robin Cook emphasised delightedly that it had been his predecessor, Douglas Hurd, who had first demanded that the Union be kept out of the 'nooks and crannies' of national life. Meanwhile the Prime Minister confidently asserted that the document chimed with his view that European countries should cooperate more closely, but 'as a group of nations together, not on the basis of a federal superstate' (*The Herald* 16 December 2001).

### From Laeken to the Convention

Once the idea of a Convention had been formally accepted, it remained to select the British representatives on that body. When, in January, the Minister for Europe, Peter Hain, was announced as the British representative, this was widely seen as a signal of the UK's serious intent (*The Independent* 25 January 2002). London was also handed a couple of unanticipated and unplanned fillips. Despite facing severe opposition, Labour loyalist Gisela Stuart was elected to the Presidium of the Convention as one of the representatives of national parliamentarians. Less public though more significant was the selection of Sir John Kerr, former Ambassador in Washington and to the EU, to serve as Secretary General of the Convention. One senior official beamed that the appointment 'means Britain will be in the driving seat' (*Financial Times* 25 January 2002).

London was also quick off the blocks in attempting to seize the initiative in the early rounds of the battle of ideas. Peter Hain insisted repeatedly that independent nation states ‘must remain the bedrock’ of the European Union. In a speech to the European Policy Centre, he declared that what he wanted from the Convention was a list of principles stressing that ‘the EU is primarily a union of the member states’ (*Financial Times* 30 January 2002). And in an interview with *The Guardian* (28 February 2002), he spelled out what would be the central British message: the ‘Council of Ministers has got to take over the political leadership of the EU so that elected governments are the key driving force strategically, which has not been the case up until now. That is crucial.’

It also quickly became clear that the Government had no intention, if this could possibly be avoided, of fighting its battles alone. In February, the Prime Minister, accompanied by Hain, made a trip to Rome to discuss the forthcoming constitutional discussions. Just days before the official launch of the Convention, Blair and German Chancellor Gerhard Schroeder, in a joint letter to the Spanish presidency, emphasised the need for the Council of Ministers to be reformed in order that it work more effectively and transparently (*The Guardian* 26 February 2002). And, in a move that foreshadowed a strategy he was to adopt throughout the Convention, Hain began to cultivate links with the accession states. On the day of the formal launch of the Convention proceedings, he held a breakfast for the representatives of the then applicant countries (*The Independent*, 28 February 2002).

The search for allies was accompanied by an effort to avoid antagonising opponents, as London adopted a markedly conciliatory tone over even the most sensitive *dossiers*. Thus, Foreign Secretary Jack Straw, in a major speech immediately before the launch of the Convention, appeared far more relaxed about the prospect of an EU constitution than had the Prime Minister less than a year and a half earlier (Straw 2002). Meanwhile Peter Hain told BBC’s *On The Record* programme that he was not opposed in principle to the Charter of Fundamental Rights being included in the new text as long as it were not enforceable by British Courts (*Financial Times* 18 February 2002).

This conciliatory approach, however, had its limits. Certainly, there were protestations concerning Britain’s centrality within the Union and its desire to be a constructive partner, coupled with efforts to disown London’s past negotiating style. Hain declared (*The Independent* 31 January 2003), that ‘the idea that you could just go into the Convention like

Margaret Thatcher waving a handbag and splatting everyone is just fantasy'. Such rhetoric was on occasion, however, succeeded by outbursts reminiscent of the Iron Lady herself. Thus, confronted with rumours about possible plans for an elected EU president in January 2002, Hain brusquely rejected them as 'barmy' and insisted that Britain would use its veto at the IGC if necessary (AFX Europe (Focus); 9 Jan, 2002). British politicians, moreover, remained keen to emphasise that the ultimate task of deciding on the future structures of the Union would fall to the forthcoming IGC. In his otherwise positive speech in the Hague in February 2002, Jack Straw portrayed the Convention as little more than a discussion forum which would precede the taking of the real decisions by the IGC (Straw 2002).

Yet, in the early stages at least, such defensiveness was the exception rather than the rule. Indeed, the British tone became, if anything, increasingly confident and assertive. Newspaper reports stressed the positive mood in the Foreign Office, based on a belief that the tide was turning in Britain's favour (*The Independent* 21 February 2002). Hain insisted that Britain 'is going into this with confidence and a constructive frame of mind...We are now at the centre of gravity of European debate and our arguments get a wide resonance' (*The Guardian* 28 February 2002).

## **The Convention**

The work of the Convention itself was formally divided into three phases: a listening phase, which lasted from March to July 2002, a discussion phase, spanning the period between August and December of that year, and a drafting phase which ran until the following July. In terms of Britain's involvement, however, it is perhaps more useful to think in terms of two distinct periods. The first lasted from the beginning of the Convention until the end of 2002; the second from January 2003 until the following July, when the draft constitutional treaty was formally handed over to the European Council.

### The First Phase: February-December 2002

Two features of the British approach to the Convention during its first nine months stand out. First, the emphasis placed on the need to maintain the 'institutional balance' of the Union which accompanied substantive British proposals. Second, the remorselessly positive tone about both the Convention process and British influence within it.



### *National control and 'institutional balance'*

The Convention itself was formally launched with a plenary session on 28 February, and finally got down to serious business at the meeting of 25 March. Predictably enough, British representatives spent much time responding to proposals they found unacceptable. Thus Hain's alternate, Baroness Scotland, was quick to reject the notion of any move towards a single EU judicial system, whilst assiduously explaining British reservations about the clear consensus which emerged in favour of incorporation of the Charter of Fundamental Rights into the constitution during the plenary of 3-4 October.

Similarly, during his lengthy intervention in July on the Common Foreign and Security Policy (CFSP), Hain declared that its credibility relied entirely on consensus among national governments to pool their diplomatic, financial and military resources. Consequently, all that the introduction of the greater use of qualified majority voting (QMV) would achieve was a starker illustration of the divisions among the Member States. Moreover, although Britain favoured the idea of a single 'face' to represent the Union in external affairs, its opinion of such an innovation would be conditional at best. As Blair (2002) put it during his Cardiff speech that November, double hatting 'cannot be a way, through the back door, of communitising the CFSP. The High Representative's accountability to the Member States, and their responsibility for foreign policy, must remain clear cut'.

More positive British thinking crystallised around two key issues. First, the idea that the European Council should have a permanent chair. In May 2002, Hain explained this proposal on the grounds that the 'current system causes a lack of strategic grip and doesn't give Europe political leadership and clout'. Under his scheme, the chair would take on much of the work done by Javier Solana, the EU's foreign policy representative, and be the first point of call for a US Secretary of State hoping to speak to 'Europe' (*Financial Times*, 16 May 2002).<sup>2</sup>

Britain's other practical proposal related to subsidiarity. Blair had argued in a speech in Warsaw in 2000 that there was a need for a second chamber of national parliamentarians to oversee the application of the principle (Blair 2000). Such thinking, however, received short shrift from the other member states and by the time of the Convention, the British were

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<sup>2</sup> German Foreign Minister Joschka Fischer had called for a single President of the Council and the Commission. Europe Minister Denis MacShane caused something of a stir when he bluntly rejected the idea of such a 'European Kaiser' (*Financial Times* 2 January 2003).

arguing for something far less ambitious. In a joint letter sent in June 2002 to the Convention and co-signed with Peter Glotz (Germany), Pierre Moscovici (France), Ray McSharry (Ireland) and Danuta Hübner (Poland), Hain proposed a watchdog body which would represent a check and balance on Commission legislative proposals and help to improve democratic legitimacy. This was to be a political body, made up of MPs from national parliaments or some body mandated by the European Council, which would advise whether proposals should be carried out at EU level (*Financial Times* 14 June). The following month, Hain clarified British thinking. The problem, he declared, was that the Union had ‘no means of enforcing subsidiarity. It's like passing a law and having no police force to enforce it’. He proposed a ‘subsidiarity watchdog’ made up of one MP from the 15 EU member states. His officials had great fun with the idea, dubbing it ‘Of Brussels’ (*The Independent* 22 July 2002).

By the end of the year, London had made significant progress in gaining acceptance for its ideas. The open hostility of federalists towards the first draft texts focused on the inclusion of provisions for the institutionalisation of the European Council which, although they had failed to garner widespread approval during plenary debates, clearly represented a step in the direction of British proposals. On the subsidiarity proposals, although the two working groups which dealt with the issue shied away from the idea of a ‘red card’ system, the subsidiarity group did recommend a watered down version of the Hain plan. Under this, national parliaments would have the right to examine Commission legislative proposals, and produce reasoned opinions as to whether or not these breached the principle of subsidiarity. If a significant number of concerns were voiced, the Commission would be required to reassess the original proposal (CONV 286/02).

Partly as a consequence of the fact that both its substantive proposals were intended to enhance national control over the Union, London insisted - increasingly so towards the end of 2002 – that this was not enough in and of itself. Jack Straw argued in *The Economist* (11 October 2002) that enlargement would require the strengthening of all the EU institutions, and not merely the intergovernmental ones. The following month, in an interview with the *Financial Times*, Peter Hain asserted that ‘a strong Commission matters to us. Without a strong Commission driving through change, none of the Council's decisions would come to anything’.

Hain went on to propose several areas where the role of the Commission could and should be maintained or even strengthened – when setting out the Union’s strategic agenda, in policy initiation, and over policy enforcement – whilst underlining the Government’s opposition to the election of the Commission president by the European Parliament, because of the deleterious consequences of such a step for the institution’s ability to act in the general interest (*Financial Times* 15 November 2002). Later the same month, the Prime Minister himself, in a striking speech delivered in Cardiff, hammered home the same message in perhaps the strongest defence of the European Commission ever launched by a British Prime Minister (Blair 2002).

It would be naïve to deny that an element of tactical manoeuvring lay behind this series of interventions. There were concerns in Whitehall, clearly expressed in a *Financial Times* article by Peter Mandelson (11 November 2002) - itself, according to some, part of his own campaign to become Britain’s next Commissioner – that Britain’s stance in the Convention, and particularly its focus on enhancing national control over the Union, was alienating the smaller member states. Yet the Prime Minister’s interest in ensuring a strong Commission pre-dated the Convention. Speaking in Warsaw in 2000 he had prefigured the tone of his Cardiff speech:

Neither do I see any profit in pitting the European institutions against intergovernmental co-operation. We need a strong Commission able to act independently, with its power of initiative: first because that protects smaller states; and also because it allows Europe to overcome purely sectional interests. All governments from time to time, Britain included, find the Commission’s power inconvenient but, for example, the single market could never be completed without it.

(Blair 2000)

The commencement in earnest early in the New Year of debates about the Union’s institutional future would reveal how firmly held such beliefs were.

### *Upbeat Britain*

The other noteworthy aspect of Britain’s early involvement in Convention discussions was the positive nature of its contributions. In his opening statements in the plenary, Hain was notably upbeat about the European Union, and reinforced his conciliatory message by claiming that he had ‘come to listen... there is no British blueprint’.

Hain made it clear that he intended to take his participation very seriously. He attended regularly, was an active participant in debates, and a tireless networker, bending the ears of colleagues incessantly in an attempt to put over the British position. At the plenary session of 11-12 July, which debated the Common Foreign and Security Policy, he played the leading role. At one stage, the session took on the appearance of a Peter Hain question and answer show as he spelled out the strict limits Britain placed on developments in this policy sector.

When confronted with potentially major setbacks, the British reacted by redoubling their efforts at persuasion. When strong support was voiced for inclusion of the Charter in the constitutional text, Baroness Scotland in particular undertook a period of frantic behind the scenes lobbying and cajoling. Largely as a consequence of her work, the Commission suggested that the Charter apply only to States when they were implementing EU law. Equally, during the debate of 29 October there was widespread acceptance of the need for 'explanatory notes' to be produced to help courts 'interpret' the Rights, and/or 'horizontal clauses' to the Charter, laying down exactly how far these would affect the laws of the member states. Peter Hain graciously welcomed this compromise, and indeed applauded the Working Group for accommodating British concerns.

Certainly, there was the odd crack in the positive mask. When the first draft text appeared at the end of October, the British were typically forthright in their condemnation of those elements they found unsatisfactory. Peter Hain did not pull his punches in reaction to the proposal that the Union could henceforth be called United States of Europe, sniping that 'Europe United' sounded more like a football team. A senior official asserted bluntly that there 'is not a cat in hell's chance of it being called the United States of Europe' (*The Guardian* 29 October 2002; 30 October 2002). The spat over nomenclature notwithstanding however, the clear sense from this plenary was that it was the federalist camp, rather than their opponents, who had the most cause for concern. By October, Peter Hain was asserting once again that 'we are winning the battle of ideas over the future of Europe' (*Financial Times* 16 October 2002).

### The Second Phase: Jan-July 2003

Despite certain setbacks – notably over the charter of fundamental rights - the British thus finished the year 2002 on a high. However, the dynamics of the Convention were to change significantly as from the early part of 2003.

#### *The Franco-German Contribution and the end of ‘balance’*

As the New Year dawned, attention in London began to focus on the forthcoming fortieth anniversary celebrations of the signing of the Élysée Treaty, which the French and Germans had signalled would produce a high profile joint contribution to the Future of Europe debate.<sup>3</sup>

Neither Paris nor Berlin had hitherto appeared to take particularly seriously a Convention whose proceedings had, if anything, been dominated by the figure of Peter Hain. The first signs of a change in attitudes over the Channel occurred in the autumn of 2002 when first the Germans and then the French decided to send their Foreign Ministers as government representatives to the Convention. This apparent change in attitude, together with the escalating crisis over Iraq which was beginning to drive a wedge between EU member states, meant that all attention was focused on Paris by mid January, as observers waited to see if the Franco-German motor of European integration could be jump started.

There were real concerns in London prior to the publication of the Franco-German proposals that the pro-integrationist stance of the Germans, and especially of their Foreign Minister, Joschka Fisher, would push France away from its traditional intergovernmentalist stance. A particular worry was that the French would be persuaded to accept the idea of a single EU President that Minister for Europe Denis Mac Shane had derided as representing a European ‘Kaiser’ the previous December.<sup>4</sup> Traditional German proclivities to strengthen the Commission and Parliament stood in stark contrast to the British proposals which centred on ensuring effective national control. As one senior foreign office official put it in early January, ‘this could all go pear shaped at Versailles’.

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<sup>3</sup> The thirtieth anniversary of British accession to the EC occurred in the same month as the fortieth anniversary of the Élysée Treaty. The contrast between the ways in which these were celebrated in one case, and virtually forgotten in the other, could hardly have been more marked.

<sup>4</sup> See footnote 2, above. MacShane had been elevated to the post of Minister for Europe in October, when Peter Hain was made Secretary of State for Wales. Hain continued to act as Government representative on the Convention, however. For a discussion of the effects of this reshuffle, see below.

In the event, however, such fears proved to be largely unfounded in that the proposals published by Paris and Berlin were not the direct challenge to British views that many in London had anticipated and feared. The ‘common contribution to the Convention’ agreed by Schroeder and Chirac on January 15, 2003 steered clear of the ‘Kaiser’ idea, proposing, rather, the creation of a dual EU presidency consisting of a permanent European Council chair and a European Commission President directly elected by MEPs.<sup>5</sup>

Initial British reactions to the proposals were broadly positive. Peter Hain, for instance, welcomed the continuity implied by a long-term chairman for the European Council (BBC News, 20 January 2003). The mood in the Foreign Office was immensely upbeat as earlier fears about the plans being hatched in Paris and Berlin proved groundless.

Confronted with the Franco-German initiative, British officials quickly came to reveal the true weight they gave to the goal of maintaining institutional balance. In November of the previous year as we have seen, London was insisting on the need to ensure the continued independence of a strengthened European Commission. Yet it became evident, in the days following the Franco-German announcement, that such ideas were tradable in return for what was perceived as the far more important objective of securing a permanent chair for the European Council. Thus Ministers declared that a directly elected Commission President - for all that this contradicted British thinking about what was best for that institution - would be a small price to pay to ensure a permanent chair of the European Council (*The Independent* 16 January 2003; *The Guardian* 21 January 2003).

As for assertions concerning the need to strengthen the Commission, the aftermath of the Versailles celebrations quickly underlined the strict limits to such thinking. Substantive British concerns about the Franco-German initiative focused largely on the third institutional innovation it proposed – the creation of an EU ‘Foreign Minister’ elected by the Council but also a member of the Commission. Peter Hain argued forcefully in a paper circulated to Convention members in January that there was no need for a merger between the posts of Commissioner for External Relations and High Representative for Foreign policy in order to achieve consistency. Indeed, in his *Economist* article of the previous October (11 October 2002), Jack Straw had argued that EU foreign policy could be made more effective simply via

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<sup>5</sup> See, Franco-German Plan (15.2.2003) (<http://www.bundeskanzler.de/www.bundeskanzler.de-7698.459668/Deutsch-franzoesischer-Beitrag-zur-institutionel...htm>).

the reinforcement of the High Representative's position, and improvement of coordination between him and the Commissioner for external relations.

Hain's paper also emphasised, in contrast to the Franco-German proposals that ultimate authority over foreign policy should rest with the President of the European Council, while the Foreign Minister would play a more operational role on the ground in the Balkans and Middle East (*The Guardian* 30 January 2003, *The Independent* 24 January 2003).<sup>6</sup> Differences between the British and Franco-German views crystallised in a joint paper by Spanish Foreign Minister Ana Palacio and Peter Hain submitted to the Convention on February 28, 2003 (CONV 591/03). Under these proposals, the EU Foreign Minister was to be a strengthened High Representative, who enjoyed the right to attend Commission meetings when foreign affairs were discussed, while the President of the European Council was to reinforce the Union's external representation. London was hence signalling, if only implicitly, its willingness to see both the coherence and independence of the Commission undermined if this were necessary in order to limit its remit over foreign policy (Menon 2004).

The focus on balance, along with Britain's previously upbeat tone, were both to be forgotten as the Convention moved towards its final stages.

#### *The closing stages: increasing defensiveness*

Following the publication of the Franco-German proposals, events moved fast. On 30 January, Tony Blair met with Giscard d'Estaing and signalled his flexibility – even to the point of accepting some degree of QMV on foreign policy, as long as this was agreed to by unanimity. The Prime Minister also displayed a willingness to make significant concessions on a host of other issues ranging from the idea of an elected Commission President to the adoption of the EU's charter of fundamental rights to the creation of an embryonic EU diplomatic service. London was obviously happy to offer trade offs in order to secure the creation of a permanent chair for the European Council (*Financial Times* 30 January 2003).

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<sup>6</sup> The idea of a permanent chair for the European Council had first been openly mooted in a speech by Jacques Chirac in Strasbourg in 2002. The French President had in fact portrayed the proposal largely as a way of ensuring effective external representation for the Union.

The conciliatory tone quickly disappeared, however, when the rewritten draft treaty articles were published in early February. These drew an immediate and uncompromisingly hostile reaction from Peter Hain, who commented acidly that it:

“Didn’t seem to reflect the consensus....I am wondering whether the people who drew up this document have been going to a different Convention. It's a bit odd. The presidium has a lot of explaining to do. We'll be making clear that a lot of the material in the draft has got to change”.

*(The Guardian 7 February 2003).*<sup>7</sup>

Specific issues criticised by London included the proposed role for the Union in coordinating the economic policies of member states, the phrasing of the definition of common defence policy and the text on foreign policy. As Hain commented, it ‘seems to put the EU in charge of economic and foreign policy, when that was not what was agreed’. He also objected to the reference to the EU's charter of fundamental rights as ‘an integral part of the constitution’ (*The Guardian 7 February 2003*). Indeed, the British stance on the Charter appeared to have hardened significantly, as Hain demanded further reassurances.

In the ensuing plenary discussions, London raised objections and proposed amendments to 15 of the 16 articles, and Hain became the only government representative to use the phrase ‘my government will not accept this’ (*European Voice 6 March 2003*). Perhaps most worryingly from a British point of view, he appeared isolated. Neither Paris nor Berlin expressed any real concerns about the draft, whilst Denmark, traditionally a sceptical member state, said the articles were ‘a rather good basis’ for setting out the division of labour between member states and the EU (*Financial Times 7 February 2003*). The sense of British isolation increased as a flood of amendments to the initial text – some 1500 of them – came in. Depressingly for London, however, few of these went in the direction of British objections, ranging, rather, from calls to reinstate the notion of ever closer union – dropped at UK insistence - to demands for a reference to the ‘European social model’ (*Financial Times 20 February 2003*).

To compound London’s problems still further, plans were unveiled in March for the creation of an EU public prosecutor. He or she would investigate serious crimes committed across EU borders as well as cases of fraud against the European taxpayer, pursuing them in the courts of the member states. Once again, Britain reacted angrily. Whilst London had been in the forefront of attempts to strengthen the EU in the area of asylum and immigration, EU

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<sup>7</sup> In an interview in *International Affairs* in October, Hain (2003) acknowledged that the publication of the first draft marked the low point of the Convention for him, and that he was ‘a bit bad tempered’ about it.



intrusion into the area of criminal law represented a ‘red line’ issue. One British official argued that the ‘job of pursuing cases through British courts is one that has to remain within, and accountable to, the British system. We will not support the idea of a European public prosecutor as proposed’ (*The Independent* 18 March 2003). Fortunately, such concerns were shared. In May 2003, Britain, along with six other member states (Austria, Sweden, Ireland, Denmark and Estonia), signed a letter attacking the plan (FT.com 21 May 2003).

Indicative of the new defensiveness in the British attitude was the puzzling and ultimately fruitless outburst by Hain at the plenary session of 5 March 2003, when he demanded that the proposed treaty article on the primacy of EU law be deleted from the text. It was only after a sharp reminder from Vice-President Giuliano Amato and Commissioner Antonio Vitorino that the principle of EU law primacy had served as the basis of legal functioning in the Union for fifty years that Hain modified his position and instead advocated a rewording of the text (*EU Observer*, 6 March 2003).<sup>8</sup>

Meanwhile, London continued its rearguard action against Franco-German proposals relating to CFSP. During the plenary debates on the institutional architecture on 15 May, and despite almost unanimous support for the idea of a single EU Foreign Minister based in both the Council and the Commission, Hain, backed by Sweden, argued that the post should come under control of governments, and that its links to the Commission be limited. Moreover, whilst France, the Netherlands and Belgium argued for more majority voting on foreign policy matters, Hain voiced strong opposition – ‘[the] freedom to act is at the heart of our sovereignty’ (*EU Observer* 16 May 2003).

From around April, the British tone within the Convention hardened still further. In a sharply worded letter to the Convention chairman, Hain warned him against claiming that Britain had agreed to the charter of fundamental rights being included in the new treaty (*The Guardian* 15 May 2003). When, on 19 May, Giscard visited Downing Street and held talks with Hain, Foreign Minister Jack Straw and the Prime Minister, Blair threatened to use his veto at the

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<sup>8</sup> The doctrine of supremacy had been established in the 1964 *Costa/ENEL* case, (case 6/64) in which ECJ ruled that ‘the law stemming from the Treaty, an independent source of law, could not, because of its special and original nature, be overridden by domestic legal provisions...without being deprived of its character as Community law and without the basis of the Community itself being called in to question The transfer by the states from their domestic legal systems to the Community legal system of the rights and obligations arising under the Treaty carries with it a permanent limitation on their sovereign rights, against which a subsequent unilateral act incompatible with the concept of the Community cannot prevail’

IGC if certain elements of the constitution were not dropped or amended (*The Independent* 20 May 2003). In particular, he insisted that if the word ‘federal’ and references to QMV on tax fraud and social security rights were not removed, then the veto would indeed be wielded (*The Guardian* 20 May 2003). Reports indicated that, during the course of this meeting, Giscard agreed to remove references to ‘federal’ from the draft and to amend article 13 which, in its original form, referred to the Union coordinating the economic policies of the member states (*Financial Times* 22 May).

London also increasingly came to speak out against what some senior figures labelled the danger of a ‘backdoor communitarisation’ of CFSP via the proposed Foreign Minister’s links to the Commission. Indeed, officials also objected to use of the term Foreign Minister at all. The FCO’s ten point guide to the new constitution termed it the ‘European foreign affairs representative’ (FCO 7 June 2003).

While criticism of the proposed Foreign Minister focused on the danger of strengthening the Commission, concerns regarding the new Chair of the European Council related to the post’s potential weakness. London mounted a rearguard action against smaller member states keen to water down the powers of the proposed chair. Thus Hain commented on the ‘smalls’ that, if ‘they think the full-time post can be purely decorative . . . then a deal won’t be made’ (*The Guardian* 12 June 2003). He insisted that it was essential that the chair have the power to set the agenda in the EU’s decision-making councils, such as those dealing with the internal market (*The Independent* 7 June 2003).

Final debates in the Convention took place between the end of May and mid-June. During a frantic fortnight of drafting and redrafting, certain key changes were made to the text, including the insertion of a new ‘passerelle’ clause to allow for the extension of the scope of QMV by unanimity in the European Council. In addition, it was decided that the European Parliament’s role in the appointment of the Commission President would be limited to the confirmation of the candidate selected by the Council. Finally, a last minute compromise on the explanatory notes for the Charter of Fundamental Rights secured UK support for its inclusion in the constitution.

The final plenary session on the published draft of Parts I and II, held on 13 June, saw broad support, in the end, for the text to be presented to the Council at Thessaloniki. The European Council accepted the final draft, and instructed the Convention to make no more than technical amendments to Part III. On 4 and 9-10 July, plenary sessions took place to discuss Part III, and on 18 July, the final text was presented to the Council in Rome.

## II - THE CONVENTION OUTCOME AND BEYOND

### British reactions and the IGC

British reactions to the draft constitutional treaty were positive without betraying anything amounting to enthusiasm. Foreign Secretary Jack Straw declared it to be ‘a good starting point for the lengthy negotiations in the IGC’ (*The Independent* 12 June 2003). The Government, Peter Hain declared, was broadly satisfied with the outcome, and happy with ‘eighty or ninety per cent’ of the draft constitutional treaty (Hain 2003). Importantly in terms of what was to follow, the official line from Whitehall was that the text was both better than could have been hoped for at the start of the Convention process, and necessary in order that enlargement proceed smoothly and the Union enhance its effectiveness.

Unsurprisingly, Ministers were keen to underline what they saw as British gains from the Convention process, emphasising the benefits of both the ‘yellow card’ system of national parliamentary oversight of the subsidiarity principle, and the creation of a permanent chair of the European Council (Hain 2003). The Government’s White Paper on the IGC (Secretary of State for Foreign and Commonwealth Affairs 2003: para 42), released on 9 September, also notes approvingly the fact that the new treaty text not only consolidates existing treaties into a single, logical text, but also provides a definition of EU competencies and made it clear that ‘the national governments of Member States remain in control’.

Finally, the White Paper spells out the thinking behind the Government’s somewhat grudging acceptance of the incorporation of the text of the charter of fundamental rights into the constitutional text:

The Convention text makes clear, in Article II-51, that the Charter “does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks defined in the other parts of the Constitution.” It therefore does not give any new powers to the EU. The Member States are affected only when they are implementing Union law. So where Member States are dealing with non-EU matters the Charter has no legal application.’

It went on to make clear, however (para 103) that this acceptance was provisional and ultimately dependent on developments within the IGC.

As the IGC approached, attention focused on the need to maintain the gains secured while amending those sections which gave cause for concern. As one senior Whitehall source put it, there 'is no reason why we cannot keep the good bits and get rid of the bad bits' (*The Telegraph*, 31 July 2003). In terms of improving on the 'good bits', Britain negotiated hard to try to secure greater authority for the chair of the European Council – notably by arguing that he or she chair the General Affairs Council.

At the same time, several 'bad bits' preoccupied London and continued to do so during the IGC skirmishes.

### The EU 'Foreign Minister'

As noted above, the UK had initially not favoured the merging of the posts of Commissioner for External Relations and High Representative for foreign policy as proposed in the constitutional text. The White Paper (para 52) acknowledges that there may be advantages to merger, including 'better coordination of external policy at EU level'. However, officials voiced several concerns. First, that under the double hatting arrangement he or she be subject to Commission collegiality. Once again, fear of a Commission 'grab for power' underpinned such concerns:

"You could find the Commission through the back door, in a kind of gradual process, exerting more and more influence, so that the centre of gravity moves away from governments keeping a tight hold on the common foreign and security policy, to the Commission".

(Hain 2003)

As the IGC got underway, Jack Straw underlined at a meeting of Foreign Ministers on 16 October his unhappiness both with the term Foreign Minister and the post's links to the Commission. At the preparatory meeting in Luxembourg three days earlier he had proposed a solution whereby the Foreign Minister would have the right to attend Commission meetings, but would not be a member of the institution. (*EU Observer* 16 October 2003).

The situation was made worse for London with the publication on 26th November of a revised draft which strengthened the provisions for qualified majority voting by allowing for such votes on proposals from the Foreign Minister. 'We are surprised to see this proposal' declared a government spokesman, adding that it was 'totally unacceptable in any shape or form' (*Financial Times* 26 November 2003).

## QMV

The second major area of concern for London related to provisions for moves towards qualified majority voting on certain of Britain's 'red line' issues, notably cross border social security payments, and cross border tax fraud. The arguments deployed against such initiatives were fundamentally similar to those utilised to oppose the Foreign Minister being a full member of the Commission: the fear that any concession in a sensitive area might be the thin end of the wedge, seized upon by the Commission to increase its powers still further. As Hain put it, discussing the issue of tax fraud, 'once you establish that principle, then do the Commission and the Parliament start encroaching elsewhere in your tax system?' (Hain 2003)

A particular concern when it came to moves away from unanimity as the basis for decision making was the so-called *passerelle* clause (Article I-24), which would have allowed Heads of State and Government, meeting in the European Council, to alter the basis of decision making in a particular area from unanimity to QMV. British concerns were broadly twofold. First, that decisions amounting to treaty changes could be decided on without national parliaments being consulted (Hain 2003). Second, that the *passerelle* could represent a means of achieving virtually continual reform. As one British official put it, '[w]e want this to be a long-term settlement, not permanent revolution' (*The Independent* 14 June 2003).

## Defence

The final issue that dominated British thinking during the IGC was defence policy. Two aspects of the draft treaty in particular spawned British opposition: provision for the creation of a mutual defence pact within the Union, and the possibility of 'structured cooperation' allowing some member states to collaborate more closely on defence issues.

The British government has long stressed its opposition to any moves within the Union that might be seen to challenge, or unnecessarily duplicate, NATO. Talk of a mutual defence pact clearly fell into this category, given the Article Five commitment existing under the NATO Treaty. British officials were clear that their preference on this score was to remove the mutual defence clause altogether, leaving only a more vague commitment to 'solidarity' among EU countries (*The Daily Telegraph*, 31 July 2003).

As for the notion of ‘structured cooperation’, British wariness stemmed to a significant extent from its origins in the summit that occurred between the Heads of State and Government of Belgium, France, Germany and Luxembourg on April 29, 2003. Involving the four member states most openly hostile to the military action about to commence in Iraq, the meeting – inopportune in its timing if nothing else – provoked fears in London and elsewhere that certain member states were intending to use the forthcoming IGC as a means of enabling the Union to compete with NATO. Stipulations in the communiqué produced by the summit to the effect that the four states intended to create between them a more effective autonomous planning capacity for the Union based in Tervuren outside Brussels did little to dispel such anxieties. As Peter Hain, put it in an interview with *The Times* (September 9, 2003): ‘we have to get rid of the nonsense that France, Germany and Luxembourg, with all due respect, and Belgium can go off and launch a defence initiative in Europe’s name on their own by bypassing NATO’

During the IGC London made it clear that it remained fundamentally opposed to measures that could undermine NATO or set the Union up as a rival to it. Bilateral and trilateral negotiations between London, Paris and Berlin attempted to secure consensus, or at least agreement, on this point. At an informal trilateral summit of Heads of State and Government in Berlin in September, progress was made in this direction, with Blair agreeing on the need for the creation of an EU Headquarters and acceding to the notion of structured cooperation, following French and German agreement to drop plans to set up a separate EU operational planning facility. Simultaneously, Blair insisted that all member states must enjoy a veto over EU military operations (*Financial Times* 22 September 2003; *EU Observer* 16 October 2003). Discussions in early November made further advances, with consensus emerging between Paris and London that the definition of any ‘vanguard’ for EU defence be based not upon simply desire – as had been the case with the so-called ‘chocolate summit’ – but, rather, upon capabilities (*Financial Times* 12 November 2003)

Final agreement came a step closer at a further meeting between Blair Chirac and Schroeder in late November which agreed on the need for the creation of at least an embryonic EU military planning capability (*Financial Times* 26 November 2003, 28 November 2003), and provided the basis for broad agreement between Foreign Ministers meeting in Naples later that week.

## **The Brussels Summit**

For all the progress made in such discussions, as the summit itself approached, London raised the stakes significantly. In late November, the British quality press was full of reports that a senior ‘government source’ or ‘foreign office official’ had declared that the new treaty fell into ‘the category of highly desirable, but it's not in the category of absolutely necessary. If there were no agreement it would complicate all sorts of things. But plainly life will go on under existing treaties’ (*Financial Times* 24 November 2003; *The Independent* 25 November 2003; *The Telegraph* 25 November 2003).

Whether a negotiating tactic or a serious threat to wield the veto, the immediate effect of such language was limited, as the Italian Presidency proceeded, in early December, to produce a further draft text which contained provisions for QMV on both cross-border tax fraud and proposals from the Foreign Minister (Presidency 2003). Indeed in early December it seemed that the number of British objections to the draft text had multiplied as the government added the provisions on energy to its list of red lines, fearing for the effect on its control over North Sea oil (*The Telegraph*, 26 November 2003). Blair in fact scheduled a meeting with Jacques Chirac and Gerhard Schroeder immediately before the opening of the December summit in an attempt to resolve the outstanding issues.

In the event, of course, the summit, or at least its outcome, proved to be something of an anti-climax. From London’s point of view, there was no little consolation in the fact that it was not Britain that stymied agreement on a new Treaty. In the absence of an agreed text it is impossible to judge to what extent British red lines had been respected during the negotiations, though early indications from participants indicate that, to a significant extent, they were.

### A Very British Treaty?

It would be all too easy, given the heated political debates taking place within the country, to assume that the constitutional treaty in some sense represented a defeat for Britain. The language used by the Government about its ‘red lines’, along with the tone of opposition statements (see part three) conspired to provide a somewhat negative impression. Moreover, the Government, it seems, took a decision to downplay its successes in favour of exaggerating potential problems.



On tax and social security, the provisions for a possible move towards QMV were very weak – certainly far more so than the reactions of Ministers implied. An even clearer illustration of this mismatch between rhetoric and reality was provided by the passages in the text relating to the Area of Freedom, Security and Justice (Article 41). In his interview with *The Times* of 9 September, Peter Hain flagged up criminal law issues as one of the five ‘red line’ issues confronting the Government:

“We have enthusiastically accepted proposed majority voting on the whole justice and home affairs area because it stops back markers from passing the buck over illegal migration, or combating terrorism, or border control, or fighting international crime. But its extension into the operation of our judicial system is not acceptable”.

Yet it is difficult to conceive of a final outcome to the Convention negotiations in this area which could better have reflected British sensibilities. The document stressed the principle of mutual recognition of Member States’ systems, which was always a key principle for the government. The big shift was to abolish the Third Pillar and move over to QMV on the majority of JHA issues, as Britain had hoped. Moreover, Article 41 referred most of the substantive decisions to Part III, where the crucial exceptions to the QMV rule tend to be in areas of concern to London. In particular, the text of Part III preserved unanimity on the creation of a Public Prosecutor (III-175), on operational police cooperation or police action on other states’ territory (III-176 & 178), or on establishing further common definitions of criminal offences or sanctions (III-172) beyond the list of cross-border crimes which had, with British support, already been drawn up. There was no mention of a common border guard even as an ultimate objective, despite the fact that the issue was raised in several plenary sessions as one on which action should be taken.

Overall, it is hard to avoid the impression that the constitutional Treaty is a document which is strikingly congruent with expressed British preferences. Progress in negotiations with France and Germany over defence, along with the fact that the provisions for moving towards QMV on tax or social security issues are very weak meant that London’s red lines were unlikely to be crossed by the time of the Brussels summit. More positively, the final text represented something of a triumph in that the two British proposals put forward at the Convention were adopted. Certainly, neither was included in precisely the form that London had wished. The Chair of the European Council was not to enjoy the wide ranging powers to chair the General Affairs Council, and be in charge of strategic planning. And the red card idea was shelved in favour of a yellow card scheme. For all this, however, and particularly in light of the concerns

that had been voiced about the convention process, the Treaty, British rhetoric notwithstanding, suited London far better than many had feared it would. As one French commentator put it:

“Chateaubriand ironically termed the (French) Constitution of 1814 « la Benjamine », a reference to Benjamin Constant. It would be appropriate to call the draft Constitution for a 25 member states Europe “la Britannique” ... For the Constitution’s work bears the mark of British pragmatism more than it does of French Constitutional law”.

*(Le Nouvel Observateur 19 June 2003)*

How, then, did this situation arise. And, perhaps more interestingly, why did the portrayal of the Treaty in Britain diverge so strikingly from such positive analyses?

### III - EXPLAINING THE OUTCOME

#### The Convention

The true measure of the achievement of securing a treaty that chimed so well with stated British objectives becomes clearer in light of the nature of the Convention within which it was negotiated. Despite British satisfaction with the substance of the Laeken declaration, its stipulations concerning the composition of the Convention provided grounds for unease from the beginning. These were neatly summed up by *the Economist* (27 May 2003): ‘Mr Giscard’s Convention is packed with enthusiastic Euro-centralisers and harmonisers’. One fifth of the members of the Convention and nearly half of the Presidium were either Convention staff (President and Vice Presidents) or representatives of the EU institutions. As from the first plenary sessions, London was to become aware of the veracity of this statement as speaker after speaker came out in favour of, amongst other things, a European social model, EU involvement in crime, border control, and the environment; the promotion of EU values abroad through a coherent CFSP, more economic coordination for the EU and the possibility of EU taxes.

In contrast to the tendency within the plenary sessions, the Convention President, Giscard d’Estaing, was in many ways a more sympathetic figure from a British perspective. Despite the vitriol heaped upon him by sections of the British press (the Sun, in a carefully considered pen portrait, described him as an ‘arrogant condescending French snob’ who ‘was planning to end Britain’s freedom’) his perspective was a largely intergovernmentalist one. Thus he was the driving force behind the decision to include the reference to a permanent chair of the European Council in the initial treaty texts, despite overwhelming opposition to the idea on the floor of the Convention. As for an early proposal to vote by QMV on foreign policy proposals from the High Representative agreed on by the Commission, that Tony Blair succeeded in having this dropped from the texts during a meeting with Giscard d’Estaing in London in April 2003 was in part due to the fact that the Convention President himself was not a supporter of the idea. As Peter Hain (2003) himself put it once the Convention had drawn to a close, ‘Giscard is keener on the British agenda than he is on the federalist agenda’.

Giscard d'Estaing notwithstanding, the Convention became a more challenging environment for British negotiators as the New Year dawned. Partly this was due to the increased attention paid to events in Brussels by Berlin and Paris. Partly, too, the Iraq crisis impacted upon the negotiations. For one thing, it led to an unprecedented bitterness in the tone adopted in London towards Paris. With France threatening to use its veto, whatever the circumstances, to block a second UN Security Council resolution on Iraq, Britain accused president Chirac of ending any chance of a diplomatic settlement. At the March European Council in Brussels, Blair and Chirac maintained a frosty distance.

The Iraq crisis impinged in particular on discussions of CFSP and ESDP. French Foreign Minister Dominique de Villepin encapsulated the feelings of many –if not the British – when he stated in front of the Convention that in ‘a world where war and peace are now at stake,’ Europe ‘has to play its full role because the world needs Europe’ (*The Guardian* 30 January 2003). The undue haste and – it should be said – lack of adequate reflection that preceded the Brussels mini-summit bore eloquent testimony to the role of events in the Middle East as driving forces for developments within Europe. Arguably this haste was eventually to come to London's aid, making it easier for British officials to argue that the initiative was based more on knee-jerk anti-Americanism than on a genuine desire to make Europe a more effective actor in international affairs.

On the other hand, the bitterness generated by the crisis made it difficult for British officials to work effectively with their French counterparts on Convention business. French officials and political leaders share to large extent British reservations about basing the EU Foreign Minister too firmly within the Commission. It is reasonable to assume that, had it not been for events in the Gulf, London and Paris would have worked together more effectively to secure an alternative specification for the post. Some Foreign Office officials have even gone so far as to claim that Britain suffered a backlash as a result of its staunch support for the United States, with ambitious proposals being forwarded – such as for an EU Security Council seat during the plenary of 21 May – purely in an effort to embarrass London and force it into wielding the threat of a veto.

## In Search of Friends

Britain is often portrayed as – indeed has often found itself – isolated in discussions over the future of European integration. During the Convention and subsequent IGC, however, this has not proved to be the case. From the first, Peter Hain was anxious to emphasise the closeness of his links with the accession states.

“We are seen as the best friend of the candidate countries; we are the champion of enlargement....Most of them have only won independent nationhood in the last 10 years; they are not about to subvert it into the nightmare of a federal superstate ... Enlargement will help build our kind of Europe rather than a superstate”.

*(The Independent 23 April 2002).*

A further consequence of the Gulf crisis was to solidify relations with many of these countries, not least because their distrust of the Franco-German tandem was reinforced by President Chirac’s ill advised outburst criticising them as ‘badly brought up’.

The Government in fact proved highly adept at seeking out tactical alliances to further its case within the negotiations. It found itself with allies on most of its red line issues, ranging from the Irish on taxation, to Spain, Italy and several of the accession states on defence policy. Such was the degree of unease concerning the creation of a ‘single legislative council’ that the Italian Presidency postponed discussions of sensitive matters relating to the chairing of councils to a European Council meeting after the IGC (*EU Observer 27 October 2003*).

As the Brussels summit approached, London unexpectedly offered support for the Poles in their quest to retain the voting weight they had acquired at Nice. Jack Straw and his Polish counterpart Włodzimierz Cimoszewicz met on 17 November 2003. The following day, as the former stressed that any constitutional settlement should be acceptable to all, the latter stressed the points where Warsaw and London were in complete agreement – notably defence and the extension of qualified majority voting (*EU Observer 19 November 2003*).

Indeed, such was the obvious desire on the part of British negotiators to secure whatever support was forthcoming that it is difficult not to be cynical when considering the acerbic comments made in November 2003 by Denis MacShane about Commission President Romano Prodi (*The Guardian 5 December 2003*). The timing, if not the content of his remarks - that Prodi should either resign his position or cease to act as an Italian ‘leader of the opposition in exile’ - could, by one reading, have been intended to curry favour with Prodi’s

sworn enemy from Italian politics Silvio Berlusconi, who was about to chair, in his own unique style, the European Council meeting.

## **Britain**

### 'Hain the Pain' and the British Convention 'team'

The success of British efforts to shape developments within the Convention were also a function of the role played by the various British representatives to it. Foremost amongst the British 'team' was Peter Hain. From the first, he benefited from his position in the government, as a Minister known to have the ear of the Prime Minister (even if his relations with his Secretary of State were not always too cordial). Equally important was the way he went about his job. He was a virtually always present, not only attending the majority of sessions, but staying around, arranging meetings, and collaring people in corridors. His permanence contrasted starkly with the attitude of other senior Convention members. Joschka Fischer, for instance, turned up for the plenary session of 28 October, made a brief intervention, spoke to the members of the French team – then left. As Giscard d'Estaing commented ruefully following this: 'participating in the Convention means living with the others.'

Hain also, moreover, took full advantage of the system in place within Convention plenary sessions, and to good effect. These operated according to simple rules of procedure whereby participants indicated with a green card their desire to respond directly to a preceding speaker, and registered with a blue card a request to react generally to the foregoing debate. Hain used the blue card system very effectively to react to previous interventions and make general points spelling out the British position – a far more effective strategy than use of the green card, the use of which was seldom recognised by the chair. His interventions were generally felt by Convention participants to be clear and to the point.

Hain was more than ably supported by his alternate, Baroness Scotland. Not only did she perform well in plenary sessions – she received a standing ovation the first time Justice and Home Affairs issues were discussed in the plenary – but she played a crucial role in persuading and cajoling colleagues over the question of inclusion of the Charter of Fundamental Rights in the draft treaty text, and was instrumental in obtaining the caveats which limited its applicability to the field of EU actions.

One Foreign Office official attributed British success in watering down the applicability of the Charter to 'sheer bloody-mindedness in bending the ears of Convention members'. This was not atypical of the British approach. Both Hain and Baroness Scotland were regarded by their colleagues as talented negotiators and debaters, who were very well briefed on the relevant *dossiers*. Both invested large amounts of time and effort in developing contacts and lobbying. Moreover, throughout the first phase of British involvement, they managed to at least appear open minded and willing to both listen to others and to make concessions –as they did over the Charter and the post of EU Foreign Minister.

More generally, they were willing to spell out British positions openly and frankly, in contrast to many other participants who were happy to hide behind British positions rather than voicing their own concerns about proposals. Nor, finally, did the British give up easily. One Presidium member remarked that they were 'very similar to Yasser Arafat in their way of negotiating in that they do not give in or stop until the very end'. From this came the epithet – part admiring, part pejorative – of Hain the pain.

Alongside the UK government representatives, London was also represented by two MPs - Gisela Stuart (Labour) and David Heathcot-Amory (Conservative). Whilst the latter's profound and unflinching euroscepticism won him few friends and little influence, Ms Stuart's role was more complex. Her appointment to the Presidium as a representative of national parliaments was seen by many in London as something of a coup. While on the surface a parliamentary representative with the same role as Heathcot-Amory, her close links with the Labour leadership (and her aspirations to a ministerial position within the Labour Government) meant that she was far better briefed on, and loyal to, the Government's 'message', although she herself was careful to play down such links. Thus, she never travelled to sessions with the British delegation.

However, assessments of Ms Stuart's role within the Convention from other members of it reflect the ambivalence of her formal and informal roles. Many were keen to point out that she was, on occasion 'more British than the UK representatives', and acted as little more than a British Government 'plant' within the Presidium. The general consensus amongst those interviewed was that her influence within both the group of national parliamentarians and the Presidium suffered as a result of her determination to pursue a Blairite agenda over the involvement of national parliaments in EU decision-making processes – an agenda which did

not chime with that of the majority of national parliamentarians whom she was chosen to represent on the Presidium. Particular annoyance was voiced by several Convention participants about the fact that, whilst she sat on the Working Group on subsidiarity and prepared its report, she was later to disown it in discussions within both the plenary and the presidium, in favour of lobbying again – in January 2003 - for London's preferred 'red card' approach.

In contrast to Ms Stuart's increasingly high profile opinions was the role of those who had worked within the machinery of the Convention itself. British officials had, as we have seen, reacted with delight when Sir John Kerr was appointed as Secretary General of the Convention. Sir John's role, and particularly his role as an ally of London, is immensely hard to pin down due to lack of anything other than anecdotal evidence. Convention and Presidium insiders have insisted that London was kept abreast of everything that was happening in the Convention by him, and that he acted as a highly effective – and very discreet – conduit between Giscard d'Estaing and Downing Street. Whilst it is impossible accurately to know the full extent of his role, it seems clear that London benefited from his presence at the heart of the Convention, not least because contacts between him and his former Whitehall colleagues were both easy and frequent.

## **The Convention in Britain**

### The Blair Factor

A crucial factor determining British behaviour, and performance, within both the Convention and the IGC was the nature and style of leadership exercised from 10 Downing Street by Prime Minister Tony Blair. It is dangerous to indulge in too much of the kind of Kremlinology that has characterised much academic and most press reporting of the Prime Minister's role both in the recent Gulf crisis, and in matters European, particularly as they pertain to his relationship with his neighbour Gordon Brown. However interviews with senior Whitehall officials do reveal certain of his key characteristics and preferences.

For one thing, the Prime Minister is a keen networker who dislikes being isolated or unpopular. This, as much as tactical reasons to do with the negotiations, or strategic ones related to a desire to hold a euro referendum, lay behind the periodic calls from Downing Street to British negotiators to be positive in their dealings with partners. On the other hand,



the lack of consistency revealed by officials and Ministers – generally in terms of the tone they adopted, and more specifically over the issue of a possible referendum – was indicative of a lack of firm day to day management of the Convention process from Downing Street.

Indeed, insofar as there was a coherent or consistent thread to British actions during the negotiations, this has been the unwavering insistence on the need for there to be a permanent chair of the European Council. This again can be attributed to the Prime Minister himself. Tony Blair has never been a Minister. Consequently, his experience of the European Union is limited to his dealings within the European Council. He has no direct experience of the workings of the European Parliament, or the Council of Ministers, or of the day to day functions and functioning of the European Commission. Certainly, the European Council is an institution that has not always functioned as effectively or as consistently as is desirable – witness the recent Italian Presidency. However what has been striking about London’s negotiating tactics has been the way in which its position on institutional reform has focused, virtually to the exclusion of all else, on this one institution. Thus Britain signalled its willingness to accept election of the Commission President as a *quid pro quo* for the Council chair. British negotiators also dropped their insistence on the need for a smaller Commission - a demand grounded in a desire to see that institution be made more effective and more independent - as a trade off with the ‘smalls’, who, egged on (curiously enough) by Romano Prodi, argued in favour of representativeness at the level of Commissioners in return for accepting the idea of a permanent European Council chair. As the final section will illustrate, this focus on the European Council, to the virtual exclusion of all other institutional questions, may well be one that spawns negative consequences for the UK.

### A Rolls Royce in Overdrive

The British administrative system has long been hailed as one of the most effective when it comes to dealing with the European Union. A coherent and cohesive administration, operating in an information rich environment, has permitted London to cope successfully with the taxing demands of EU membership and made Britain known as the member state which manages most effectively to coordinate its responses to, and present the most united and coherent negotiating positions within, the Union.

The Foreign Office was the central player in London during the Treaty negotiations, with policy thrashed out at Friday meetings involving Peter Hain and the relevant FCO officials.

During the course of the Treaty negotiations the FCO gained a reputation for a greater degree of Euroscepticism than was to be found in Downing Street. A senior member of the Presidium recalled having heard, on more than one occasion, the phrase 'this is the position of the PM, but the FCO...' Partly, the different positions sprang from the fact that the Foreign Minister, if not a eurosceptic, certainly did not share the pro-European enthusiasm of his predecessor, Robin Cook, or the Prime Minister.

Disputes between Downing Street and the Foreign Office arose primarily over legal issues. Thus, they clashed over the question of the charter of fundamental rights. From the perspective of the PM, it would have been politically very difficult to oppose the defence of rights. Moreover, the legal arguments against the charter were not of a kind to interest public opinion. The FCO, on the other hand, advocated a more rigid position on the advice of its legal experts. Baroness Scotland, according to some, had to negotiate as hard in London as in Brussels to secure an acceptable deal on the charter. Similarly, the surprising and ill-judged intervention of Peter Hain on the issue of the supremacy of EU law reflected the position adopted by the Foreign Office lawyers who had also been reluctant to concede on the question of an EU legal personality. Once again one can see evidence of a lack of firm leadership from the centre in deciding which battles to fight, and which to pass by. This left British negotiators in the worst of all worlds - losing negotiating capital as a consequence of their negative attitude whilst not being committed enough to fight to the bitter end on issues such as supremacy.

Such tensions certainly had an impact on Britain's performance during the negotiations. For one thing, there was the lack of coherence and consistency. London oscillated between producing lists of amendments to almost every treaty article, as individual departments struggled to defend their own turf, and periodic outbursts of conciliatory behaviour, as pressure from Number 10 in particular limited the negative tactics. To a certain extent, this was counterproductive. For instance, given the increasingly negative tone that London adopted as the Convention wore on, it was perhaps unwise to concede ground on issues such as the label 'constitution' so early in the process. It would presumably have been more rational to use the debate about nomenclature as a bargaining chip later in the process.

Clearly, treaty negotiations involve a number of ministries. When it comes to coordinating their various positions, the very features of the British system that make for effectiveness in

dealing with routine EU business represent something of a handicap in treaty negotiations. For one thing, unlike routine legislative matters treaty negotiations deal directly with issues of power and competence, rather than matters of policy substance. This necessarily affects the attitude of individuals and ministries towards them. As one Foreign Office official put it, 'even broadly pro-European ministries are not when it comes to defending their own turf against "Brussels"'.

Second, treaty negotiations are far more public than legislative negotiations within the Council. As a consequence, they provide an incentive for posturing on the part of Ministers anxious to play the patriotic card to a somewhat sceptical public. Because of the visibility of the negotiations, Ministers themselves became involved in the discussions, making it impossible, unlike in the case of 'normal' EU business, for the senior mandarins at the heart of the EU coordination system to overrule recalcitrant line ministries. Ministers are all too aware of the need to maintain their political standing within the country, and 'standing up to Brussels' is, unfortunately, as good a way of doing this as any. They are therefore all too willing to fight their own corners and let the Prime Minister take the rap for any concessions that are made. It is, partly at least, in this light that Gordon Brown's outburst against tax harmonisation should probably be viewed (*Daily Telegraph* 5 November 2003).

A clear example of the influence of line ministries was provided by domestic debates over the proposal to create a single legislative council. Both the Prime Minister and especially his adviser Roger Liddle were enthusiastic supporters of an idea which, for them, promised more transparency and less bureaucracy. It was the opposition of line ministries - anxious to guard legislative prerogatives in their own areas of competence - that led London to drop its initial support for the idea (*The Times* 15 May 2003)

The large number of British amendments and objections to the draft treaty texts was further evidence of the negative impact of the highly tuned British coordination system. Because consultation was the norm, texts were circulated to all departments, each of which promptly inserted its own reservations. The absence of direct and persistent Prime Ministerial involvement in the process created a leadership vacuum, spawning an inability to define an overall strategic vision whereby certain reservations were dropped in order to focus on more pressing issues.

Two ministries in particular were forthright in their interventions during the negotiations. The White Paper on the IGC was published only hours before the commencement of the parliamentary debate because of the need for detailed negotiations on the text over the preceding weekend between Foreign and Home office officials. Downing Street was happy with the unanimity lock on the idea of a European public prosecutor, but this did not satisfy Home Office officials, who insisted on the need to water down the text still further. One Foreign Office official exclaimed, with uncharacteristic forthrightness, that the 'Home Office were a complete pain in the arse'.

The other Ministry which flexed its muscles was Her Majesty's Treasury (HMT). Because it enjoyed a large degree of autonomy over domestic policy, and because of the political weight of the Chancellor, HMT enjoyed significant influence within the domestic processes that lay behind the Treaty negotiations. As one Foreign Office official put it, 'some departmental red lines are redder than others, and the Treasury's are the reddest of all'.

There was a palpable sense of frustration amongst certain officials in the Foreign Office about the attitude of the Treasury to EU negotiations. At a general level, officials accuse their Treasury colleagues of 'not playing the game', of clearing initiatives late if at all. In particular, as far as the Treaty negotiations were concerned, the Treasury has adopted a hawkish tone about the (highly remote) possibility of tax harmonisation. As one Foreign Office official remarked, 'they would oppose any treaty article with the letters T, A and QMV in the same sentence'.

Treasury officials, for their part, are wont to criticise their colleagues on King Charles Street for their unhealthy emphasis on 'relationship management'. The Foreign Office has thus found itself on more than one occasion trapped uncomfortably between more hawkish members of the Treasury team such as the Chancellor's adviser Ed Balls, and more Europhile members of the Prime Minister's staff such as Roger Liddle, who have criticised the FCO's negative attitude towards the on going negotiations (*The Times* 15 May 2003).

Divisions were not overcome by the failure to secure agreement at Brussels. In the wake of the failed summit, senior Cabinet ministers privately dissociated themselves from the Prime Minister's 'evangelism' about the new constitution. The Foreign Secretary himself was reported to have been urging the Prime Minister to adopt a more conciliatory approach

towards the notion of a referendum (*Sunday Telegraph* 14 December 2003, *Sunday Times*, 41 December 2003).

Even within the Foreign Office itself, effective coordination was, on occasion, problematic. Partly, as already alluded to, this stemmed from differences of opinion between key ministerial players about Britain's relationship with the Union. Partly, too, the difficulties encountered by the FCO stemmed from a series of reshuffles which had the effect of moving the British representative on the Convention, Peter Hain, from King Charles Street. In October 2002, the then Minister for Europe was promoted to the post of Secretary of State for Wales (the Welsh portfolio, naturally enough, representing a promotion from the European one). The move created uncertainty about coordination procedures, not least because of incipient tensions between Hain and the Foreign Secretary, as acknowledged by one Foreign Office official, who confided to the FT's Observer column that the 'lines of responsibility' implying, one presumes, the question as to whether Hain was to report to the FCO or Number 10, 'have yet to be decided' (28 October 2002). It seems fair to assume, at the very least, that Hain's move to another department made it harder than ever for FCO officials to control his tendency to 'shoot from the hip', with obvious consequences for his behaviour in the Convention.

Bureaucratic in-fighting was also responsible for the failure of an abortive initiative aimed at imposing greater coherence and leadership on domestic actors. When planning the Cabinet reshuffle in June 2003, the Prime Minister had strongly considered creating a cabinet level post of Minister for Europe. Certainly, there is no guarantee that such an initiative would have been effective at imposing greater coherence and discipline on the various competing ministries in London: it is hard to imagine even a European Minister of Cabinet rank imposing discipline on the Treasury. However, it is conceivable that a senior and high profile appointment (the PM apparently was considering both Peter Hain and Alan Milburn for the position) might have succeeded in imposing greater discipline on the line ministries and having a clearer strategic vision of the overall British position. The proposal, however, was opposed and finally killed by Jack Straw, who did not want to see a rival centre of power on the Europe issue. (*The Independent* 12 June 2003 21 June 2003).

### Party Politics and the Press

If the world of Whitehall was where the detailed discussions of Britain's negotiating stance took place, it was over the road in Westminster that the *grandes lignes* of policy were most profoundly shaped. A clear illustration of the state of British party politics when it came to discussions of the EU was provided by the political reaction on the PM's return from the Laeken summit. As pointed out above, short of having the Laeken declaration drafted in the FCO, it is hard to conceive of a document more sensitive to British concerns. Nonetheless, the Prime Minister's report to the House of Commons prompted allegations from Conservative leader Iain Duncan Smith that the government was leading Britain towards deeper political integration with Europe (*Financial Times* 18 December 2001).

However, during the early stages of the treaty negotiations, the Government must have been pleasantly surprised by the almost total lack of reaction to events in Brussels in Westminster. The press was quiet on the issue of the Convention, and Iain Duncan Smith failed to raise it even once at Prime Minister's Questions. This brief period of calm, however was rudely shattered in April 2003, as the Iraq crisis neared its climax and the first draft texts appeared. *The Sun* (17 April 2003) was quick to link the two issues in its own inimitable style: 'Mr Blair has just fought a war that France and Germany bitterly opposed. The split between the axis of weasel and allies like Britain, Spain and Italy runs deep. The shabby dealings of the surrender monkeys have shown that much of the EU is not to be trusted'.

The picture for British negotiators was complicated immensely in May as the press – in anticipation of the publication of the full draft at the end of the month – launched a furious assault against the government and the Convention. Opposition to the constitutional treaty was closely linked to growing calls for a referendum. In May of 2003, the issue gained public prominence when the Right Wing newspaper the *Daily Mail* launched a campaign for a referendum on the constitutional treaty because of which, apparently, British 'independence, sovereignty, indeed our very soul is under threat' (19 May). On the same day, Conrad Black, owner of the Telegraph newspapers, announced that these latter would campaign for a referendum on the constitution (*The Guardian* 20 May 2003). Equally if not more unsettling for the Government were reports that some Labour backbench MPs favoured the calls for a referendum (*The Scotsman* 20 May 2003).

Rather than adopting a coherent position on the referendum issue, Government Ministers seemed ill-briefed and out of step with each other. Peter Hain stated confidently that the

Treaty represented little more than a ‘tidying up exercise’ in contrast to the Single European Act and the Maastricht Treaty, neither of which had resulted in a referendum (*Financial Times* 13 May 2003). Yet later the same month, in an interview on the Radio Four Today Programme of 27 May, he declared, apparently without prior consultation with Cabinet colleagues, that ‘I would be quite happy to fight the next European elections on a Labour platform endorsing this treaty, and the conservatives can oppose it, and then the people will decide’. Two months later, despite frantic denials from Downing Street that either the EP elections could be used as a surrogate referendum, or that the Government planned to call a referendum, Minister for Europe Dennis MacShane, in an interview on 17 July 2003, with *EU Observer*, stated simply, if ambiguously, that it ‘is simply too early to call for a referendum’.

As the row simmered on, the Conservative opposition seized upon it, with Iain Duncan Smith calling for a referendum on the constitutional treaty – a call taken up immediately after his inauguration as Duncan Smith’s successor by new Conservative Party leader Michael Howard. Meanwhile, the Government continued to create rods for its own back. In an interview with *The Times* in early September, Peter Hain, no doubt honestly, yet nevertheless ill-advisedly, made his comments about the Prime Minister describing the Convention to the cabinet as potentially more important than the Iraq crisis. This was hardly calculated to chime with repeated Government assertions to the effect that the Constitution did not seriously redefine Britain’s relationship with the European Union.

The assault was redoubled in September as the Government prepared to release its White Paper on the IGC. *The Sun* printed a photo of Blair in an undertaker’s hat on the front page of its 10 September issue - the day after the White Paper’s publication - under the headline ‘Last Rites: Blundertaker Blair is set to Bury our Nation’. In October the *Telegraph* (16 October 2003) was trumpeting on its front page the fact that the Queen herself was becoming increasingly concerned that the assertion, in article 10 of the draft treaty, of the primacy of EC law would undermine her role as Head of State.

The point of all this lay not in the journalistic sophistication of the British tabloid press but, rather, in the effect that domestic opposition to what the Government was doing had on British policy. It is certainly no coincidence that it was during the phase of media and opposition quiescence that the British stance was most positive, conciliatory and upbeat.

Similarly, the more negative tone adopted by the press and the opposition from around April 2003 coincided with a distinct hardening of the tone adopted by British negotiators.

The government's mishandling of the issue has certainly exacerbated the pressure it now finds itself under. Confused and confusing messages, alongside often injudicious language emanating from Whitehall and Westminster have done nothing to dampen the ardour of the pro-referendum right, whilst helping to reinforce an image of a government running scared. Pressure on the Prime Minister to call a referendum intensified when his official spokesman told journalists in London that it was a 'reasonable representation' of the UK's position that if certain 'red lines' are breached, a referendum might be held (*EU Observer* 16 October 2003).

Political pressure linked to calls for a referendum had a particular weight in the UK context. Regular scrutiny of the negotiations by parliamentary committees – most notably the House of Lords EU Select Committee – coupled with the need to report regularly to the House on progress meant that the Government could not simply sweep the whole difficult issue of the constitutional treaty under the carpet. As one senior Foreign Office official commented wryly 'on issues like the supremacy of EU law we could not, as some other member states did, recognise the potential for a clash with domestic constitutional norms and ignore it. We had to respond to challenges from parliament about the m.'

Domestic unrest, moreover, was grist to the mill of Ministers anxious to prove their patriotic credentials, and merely increased the incentives for them to guard their turf and leave it to the Prime Minister to take the responsibility – and the rap – for concessions. It is hardly surprising therefore that even a strongly worded memo from the Prime Minister's adviser to key Foreign Office officials urging the need for a less aggressive and negative tone towards the Convention failed to have the required effect (*The Times* 15 May 2003).



By the time of the Brussels summit, political pressure increased still further as British parliamentary representative on the Convention, Gisela Stuart, appeared to disown its outcome. In December, she launched an unexpected and furious assault against both the treaty and the process by which the Convention had come to negotiate it, declaring that the government 'does not have to accept it' (*EU Observer* 8 December 2003; *Financial Times* 8 December 2003). Her outburst had the effect of ratcheting up the pressure on the Government to call a referendum, leading former Europe Minister Keith Vaz to speculate publicly at the weekend of the summit itself that a referendum had perhaps become a necessity. The same weekend thirty one MP's signed a public letter demanding a referendum, whilst there were mutterings (if unconvincing ones) on the Labour backbenches that the Prime Minister could face the equivalent of his own Maastricht if he attempted to deny a popular vote. The Prime Minister himself appeared to soften his tone in the immediate aftermath of the summit, when, asked directly if he was willing to countenance a referendum, he stated 'Let's wait and see what we get as to the European constitution' (*The Sunday Times* 14 December 2003).

Nor is there any indication that the political pressure will abate following the Brussels summit. The debate has certainly been complicated by the intervention of Gisela Stuart who, her reputation for being pro-European notwithstanding, has set herself up as an unlikely intellectual leader of the eurosceptic cause. The real fear for British negotiators now must be that, faced with a continuation of the IGC in a political climate that will be marked by the fall out from the Hutton report, and with the prospect of a 2005 general election reducing still further the Government's room for manoeuvre, making the new round of negotiations far more difficult than those of the last two years.

As a consequence the Government will doubtless be less inclined than ever to attempt to stand up to the eurosceptic attacks on the draft treaty. This, as the final section will argue, may be politically expedient, but it will also help undermine progress towards the achievement of one of the central objectives of Prime Minister Blair's EU policy. .

## IV - THE NEGOTIATIONS IN BROADER CONTEXT

### Selling Europe

Any assessment of Britain's role within the Convention and the IGC must be placed in the wider context both of the country's relationship with the EU in general, and the ongoing debate about the UK's relationship with the Union in the country itself. A curious paradox emerges when these are juxtaposed. The negativity that characterises public perceptions of Britain's place in Europe stands in stark contrast to a reality in which Britain is generally viewed as a generally effective member of the EU which has done more than most member states to shape its recent development (Menon and Wright 1998).

One of the defining features of the Blair government has been an apparent commitment to reconciling these conflicting perspectives by persuading the British public of the UK's central role and influence in the Union. Since his accession to power in 1997, Tony Blair has periodically given the impression that his intention was to challenge prevailing popular misconceptions:

“The blunt truth is that British policy towards the rest of Europe over half a century has been marked by gross misjudgements, mistaking what we wanted to be the case with what was the case; hesitation, alienation, incomprehension, with the occasional burst of enlightened brilliance which only served to underline the frustration of our partners with what was the norm”.

(Blair 2000)

He repeated his criticism the following year in a speech to the European Research Institute at the University of Birmingham: ‘Britain's future is inextricably linked with Europe;...to get the best out of it, we must make the most of our strength and influence within it; and...to do so, we must be whole-hearted, not half-hearted, partners in Europe (Blair 2001)

The Convention was seen by many in the Government as an ideal opportunity to alter prevailing ideas about Britain's relationship with the Union. Partly, this was so in its own right, with the Convention serving as a means to challenge head on some of the misconceptions that pervade British discourse about the Union. Partly, too, the Government – and the Prime Minister in particular - had a more instrumentalist purpose, notably to use the Convention as a means of easing a positive vote in any euro referendum. Simply put, the Prime Minister was of the opinion that, given his attempts to sell the euro to an

overwhelmingly sceptical population, the Convention could serve to separate political discussions about the European Union from what he was keen to portray as the purely economic question of the euro. Peter Hain made this point after the Convention had finished its work. The ‘outcome . . . as Tony Blair has always wanted, has put us in a good position to win the euro argument and creates the context for making the case for the euro’ (*Financial Times* 29 July 2003)

Consequently, according to officials at the Foreign Office, a Prime Ministerial ‘edict’ in early 2002 had urged those involved with the Convention to adopt a positive tone. As preparations for the Convention got underway - in early 2002 – there was still a feeling that the Government might call a referendum on the euro as early as the autumn of 2003. This being the case it was felt that the adoption of an excessively hostile or negative tone towards the ongoing negotiations would serve to confirm, rather than reduce, the euro scepticism of the British public.

The positive tone, as we have seen, took two forms. First, an upbeat assessment, maintained by all officials during 2002, of the work of the Convention and Britain’s role and effectiveness within it. Second, the emphasis on institutional balance maintained until the end of the year was partly based on a desire to explain to a wider audience that traditional British phobias – about the Commission in particular - were misplaced. Take, for example, the following passage from the Prime Minister’s November 2002 speech in Cardiff:

“It is easy to knock the Commission. By definition, because it is based in Brussels, it is a remote bureaucracy - but smaller in size than many single Whitehall Departments. It takes unpopular decisions - because it is responsible for keeping Member States to the commitments they have agreed. This role as enforcer is unenviable, but essential. Governments rarely give it credit for its achievements, but are always quick to criticise its shortcomings. And it has at times in the past not managed its internal affairs well....But we should stand up for the Commission. It plays an essential role. Along with the Court of Justice, it is the best guarantee of equality in the Union, ensuring that small countries or new Member States are not treated as second class members. And on enlargement, economic modernisation and CAP reform, the Commission has been a strong progressive force”.

Such positive rhetoric was, not, however, to be sustained. During the course of 2003, partly due to increased defensiveness within the Convention itself, but mainly because of the political backlash that was brewing at home, the government increasingly seemed to come to believe that it was both easier and more profitable to pander to eurosceptic myths than to question them.

Thus, as relations between Britain and the Convention moved into their second phase, the traditional themes of Britain's public diplomacy with the Union resurfaced. Rather than exuding confidence about their ability to shape the Union's future, British officials resorted to raising fears concerning the Commission's desire and ability to steal power from nation states if it were given the merest opportunity to do so. Opposition to the 'Foreign Minister's' links with the Commission and to the possible use of Qualified Majority Voting on social security and cross border tax fraud were explicitly justified in these terms. As Peter Hain put it in reference to the latter:

You might say it was sensible to have the Brussels Commission able to stop cross-border tax fraud. Say a member state, perhaps a newer member state, doesn't have quite the standards of anti-fraud measures in place that a country like ours does. That sounds very plausible but actually it would allow the Commission and the European Parliament a back door into our tax system'

(Times 9 September 2003)

Clamping down on tax evasion across frontiers, then, certainly made sense – not least for a British Exchequer that was losing significant sums because of it. However, it was simply too dangerous a step to take. This, it should be remembered, was the same Peter Hain who, upon his appointment to the post of UK Government representative on the Convention, had stressed that he was 'focused on delivery, not process' (*The Independent* 25 January 2002). It is striking to what extent the shadow of the future stalked the corridors of a Whitehall that previously had been anxious to trumpet its ability to shape that future.<sup>9</sup>

In early June, a further aspect of that future was clarified – to an extent – when the Treasury published eighteen volumes of evidence to support the 246-page assessment of the tests on the single currency. The Chancellor duly announced that the Treasury's massive assessment had concluded that only one of the five economic tests for joining the single currency had been

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<sup>9</sup> Such a lack of confidence was not confined to the Government. A senior CBI official told me that, whilst he appreciated that there was no problem *per se* in voting by QMV on cross border tax fraud, or on incorporating the Charter with explicit safeguards limiting its applicability, his organisation was voicing opposition to both because it simply did not trust Ministers to defend these positions adequately in the future.

met, and that changes to the housing market, Britain's inflation target, and reforms in the rules governing the European Central Bank were required to allow the UK to safely enter the existing eurozone of twelve.

In the face of the profound disappointment that the announcement spawned amongst the pro-European lobby, Gordon Brown and Tony Blair used the occasion of a joint press conference following the Chancellor's statement to announce a decision to send out Ministers aggressively to promote a 'positive pro-European consensus'. Brown announced a series of events around the country to counter 'anti-European prejudice'.

For all the fine rhetoric, however, the promised pro-European road show never materialised. One Minister stated, of the promised campaign to tackle 'anti-European prejudice' that there 'was no follow through. It looks like another five-minute wonder' (*The Independent* 21 June 2003). On 9 September, Simon Buckby announced his resignation as Director of the Britain in Europe Campaign. His parting shot was illuminating, as he complained that the government had suffered a loss of confidence over the euro and failed to follow a consistent strategy: 'When I came here, I was told Tony Blair would attack anti-European prejudice. One speech every six months does not a campaign make. Stop-go is not good enough.'

Indeed, freed from the prospect of an imminent euro-referendum, and hence of the need to strike a positive tone to convince doubtful voters that the European Union represented an opportunity rather than a threat for Britain, Ministers responded with a more euro-sceptic tone. Following the presentation of the Convention text, and immediately before the commencement of the IGC, Peter Hain pulled no punches in an interview for *International Affairs* with Martha Kearney:

MK: ....You talk in terms of constantly fighting back the tide and the power of the European Commission, you talk about them encroaching, that they want to do this, they want to do that—

PH: That's the language in which the debate with them is conducted.

MK: Well, it's the language in which you're conducting the debate.

PH: Well, I have to.

MK: But it's your sense, the sense of your party, that you are fighting it. And that accounts for a lot of people's suspicion about the European Union, doesn't it? The feeling that it is some kind of conveyor belt, that we're the whole time having to draw lines in the sand.

PH: Well, the point is, there are—it is a terrible caricature of a term, but there are the federalists, who are well represented in the Commission and in the Parliament, because they enjoy exercising more and more power, and that is their ambition;

The supranational institutions were thus increasingly portrayed as the enemy, in stark contrast to the language used by both the Prime Minister and Hain himself in November of the previous year. And the degree to which concern for institutional balance had been shelved became abundantly clear in the Government's White Paper on the IGC. Seemingly unaware of the irony, that document (page 16., para 5) quoted verbatim a passage from the Prime Minister's Cardiff speech which referred to the need to strengthen all the EU institutions and criticised those who saw the EU as a battle between the intergovernmental and the supranational. Some pages later, a text box (p. 31) trumpeted the fact that the 'House of Lords European Union Committee concluded in its twenty-first Report on 15 May that "it is clear that the balance of power in the European Union is going to shift from the Commission in favour of the Member States if the [Convention's] proposals... are adopted"'.

Indeed, so pleased was the Foreign Secretary with this idea, that he not only quoted the same passage again during his presentation of the White Paper to the House, but also (against the advice of at least some Foreign Office officials) hammered home the point by proclaiming delightedly that the creation of a permanent chair for the European Council 'will too, in practice, shift authority from the Commission to national Governments' (House of Commons, Hansard, 9 September 2003 column 173).

Two months later, the same Chancellor who had promised to counter anti-European prejudice penned an article that was as astonishing for its placement in the eurosceptic *Daily Telegraph* (5 November 2003) and the title under which it was reported ('Brown the sceptic blasts EU federalism') as it was for its content. In a tone all too reminiscent of the hectoring of Margaret Thatcher, Brown lectured the rest of Europe on the theme of how they should follow the British economic example. Whatever the rights or wrongs of his economic case, the way in which it was put, with the now all too familiar dismissals of the idea of a European superstate, and its arrogant, even condescending tone illustrated all too clearly that the period of listening and of compromising was over.

The dangers inherent in this steady rhetorical drift were neatly summed up by a Blair aide: 'If we attack the Convention's proposals all the time, we are sending more negative messages about the EU....We need to present a more balanced picture, or we will just reinforce people's prejudices about Europe.' (*The Independent* 20 June 2003).

## Shaping Europe

So much for the Government's abortive efforts to win round a sceptical British public to the positive aspects of EU membership. In and of itself, the failure of the 'hearts and minds' strategy was of only limited significance, given the Government's refusal to countenance a referendum on the constitutional treaty, and the Chancellor's veto on a euro referendum in the foreseeable future.

Unfortunately, however, the implications of this retreat into timid pandering to the eurosceptics were not confined to its consequences for British popular opinion or the possibility of a referendum on euro entry. Equally importantly, the turn taken by British policy was one which threatened to undermine the very British effectiveness within the European Union that the Blair government was, sporadically, keen to underline to the population.

In retreating from its earlier emphasis on institutional balance, the government was turning away from policy preferences which suited its own interests in the Union. There were genuine concerns amongst senior officials in Whitehall as to the implications of enlargement for the effective functioning of the Union. In making his speech at Cardiff, the Prime Minister was not simply engaged in a struggle to win over British public opinion, but also underlining the degree to which these benefits depended on the presence of effective supranational institutions. In so doing, he provided one of the most honest assessments of the role of the ~Commission ever provided by a serving British Minister:

Its role is two-fold: the initiation of detailed proposals within the strategic priorities set by the European Council and the implementation of political decisions. I want to see both those roles strengthened. I do believe it is time to communitise much of the Justice and Home Affairs Pillar. This will not, of course, affect the agreement Britain secured at Amsterdam in 1997 on our border controls. But it will mean integrated and effective action on issues to do with organised crime, drug dealing, asylum and immigration that affect all of Europe, cause huge distress and difficulty and cannot seriously be tackled by nations alone....The Commission is rightly responsible for ensuring that there is a level playing field across the Member States; and that the detailed legal rules can be changed rapidly where that is sensible: for example through the...procedures to keep our financial services industry competitive in the new global market. We should improve the way the Commission consults on future framework legislation. In addition I favour strengthening the Commission's authority in making sure Europe's rules are obeyed and redress is available quickly in circumstances of a breach of the law.

(Blair 2002)

There is hardly need for additional explanation. As the state which has played a leading role in creating, and has benefited as much as, if not more than any of its partners from the Single

Market, Britain has more reason than most to desire a Commission able effectively to perform these tasks, particularly given the recent decline in authority suffered by that institution (Kassim and Menon 2003). Faced with public hostility and ignorance forged via years of misleading rhetoric, however, it proved impossible for the Government to stick to its line concerning institutional balance. The need to strengthen the European Commission was forgotten and, as we have seen, Peter Hain even suggested removing the legal foundations of the whole integration project.

The Blair government is not the first to try to have its cake and eat it in this way. The Tories, too, when in power benefited from British engagement in the Union, and especially from the Single Market, whilst castigating the very institutions on which its continued effectiveness depended. The situation now however is very different, given the prospect of the accession of ten new member states in May 2004. Not only will a market of twenty five require more effective policing and law enforcement than ever, but it is hard to rate as encouraging the prospects for carrying out the necessary reforms in future IGC's when twenty five vetoes are there to be wielded. The potential implications of the British stance, therefore, are far from positive.



## CONCLUSION

Any judgement about Britain's role and performance in the negotiations over the draft constitutional treaty must necessarily be nuanced. On the one hand, British negotiators proved strikingly successful in achieving their stated objectives. This was all the more remarkable given not only the composition of the Convention and the objectives of a majority of its members, but also Britain's increasing isolation as 2003 dawned, and the steadily more acerbic tone of negotiations as the Iraq crisis intensified. Despite the overwhelmingly negative press comment, the Treaty was, as we have seen, a better one from a British perspective than most in Whitehall could have hoped for at the start of the Convention process.

On the other hand and largely as a result of steadily increasing domestic political interest in and unrest about the negotiations, British negotiators steadily shifted their priorities in 2003. This involved a downplaying of their earlier emphasis on institutional balance in favour of a defensive stance focussed on measures intended to promote and enhance national control over 'Brussels'. The early confidence that marked British attitudes soon dissipated in favour of a more familiar negative, carping and defensive tone.

Certainly this shift of emphasis did nothing to diminish the ability of British negotiators to achieve what they said they wanted. On the contrary, it is arguable that the Whitehall machine proved most adept at defending essentially negative positions as illustrated by the gusto with which individual departments added their own red lines to the growing list. The British, moreover, are hardly inexperienced when it comes to arguing against proposals, or securing limited tactical alliances to stymie the initiatives of others.

However, this negative approach, born out of a desire to peddle to short term political pressures, did have potentially deleterious wider implications. For one thing, the way in which London approached the negotiations, particularly during 2003, did little to facilitate the Government's quest to place Britain at the heart of the Union. Certainly, the Iraq crisis in and of itself seriously damaged relations with both the French and the Germans. Whatever little chance remained of rapprochement was further eroded by London's attitude to the IGC negotiations. Veto threats sat uneasily beside the broadly supportive attitudes of Paris and

Berlin. More importantly, the apparently purely instrumentalist way in which Britain appeared to offer its support to Spanish and Polish demands that the Nice voting weights be maintained angered German and French officials. Some reports following the Brussels meeting claimed that President Chirac held Tony Blair responsible for the breakdown of the summit.

Second, and perhaps more importantly, the positions that British negotiators ultimately defended were not necessarily those most suited to the creation of a Union whose nature meshes neatly with British interests. As argued above, Britain has as much as any member state to gain from an effective Union with a well functioning internal market. As several high profile British Ministers including the Prime Minister himself openly acknowledged towards the end of 2002, this involves a reinforced and independent European Commission with the authority and resources effectively to police that market. The political pressure that was brought to bear upon the Government, however, militated against the continuation of the kind of rhetoric that marked the autumn and winter of 2002. Commission bashing, which became the norm (at least from Peter Hain) was politically far easier than putting forward a reasoned case for institutional balance. After all, the costs of a treaty which is not congruent with British interests would take time to emerge and would be far from obvious.

Finally, the style and tone of British participation - so reasoned and positive during the first months of the Convention – served to work against another objective of a Government which, on more than one occasion, has stated its intention to explain the benefits of EU membership clearly, and combat the prejudices of euroscepticism in Britain. Rather than doing so however, the Government opted instead to pander to these prejudices as from the early part of 2003. In so doing, it not only played down its own achievement in negotiating a text which suited it relatively well but also helped to reinforce the negative stereotypes about the European Union that it had been its stated intention to challenge.

The key reason behind the change of attitude to which most of these negative consequences can be attributed was, of course, domestic politics. More than one of those interviewed in Westminster and Whitehall referred to domestic political pressures to account for the apparent timidity of the Government's efforts to 'sell' a more positive image of the Union to its citizens.

Yet perhaps the ultimate indictment of Government policy in this regard is that greater political courage could conceivably have yielded significant fruit in terms of shifting the terms of political debate in the UK. Far from the federalist nightmare bemoaned by much of the British press, the draft treaty suggests a European Union modelled firmly on intergovernmentalist lines. The spectre of a superstate, in retreat anyway for much of the last decade, has finally, it would seem, been banished. If ever there were an opportunity to challenge prevailing stereotypes about the EU, it existed for this pro-European government, during these negotiations, armed with this draft text and an overwhelming majority in the House of Commons. The opportunity, however, like so many others in the history of British membership of the EC/EU, has been squandered.

## BIBLIOGRAPHY

Blair, T. (2002). 'A Clear course for Europe', Cardiff, 28 November.

(2001). 'Britain's role in Europe' Prime Minister's speech to the European Research Institute, University of Birmingham 21 November.

(2000). Prime Minister's Speech to the Polish Stock Exchange, Warsaw, 6 October.

Hain, P (2003) 'Europe: a vision for the World, Peter Hain talks to Martha Kearney', International Affairs 79, 5, October

Kassim, H. and Menon, A (2003) 'Les Etats Membres de l'UE et la Commission Prodi', Revue Française de Science Politique, 53, 4, August 2003, p. 491-511.

Menon. A. (2004) 'Foreign and Security Policy' in H. Kassim, G. Peters And A. Menon (eds.) Co-ordinating the EU: constructing policy co-ordination and coherent action in a multi-level system (forthcoming)

(2003). 'Britain and the Convention on the Future of Europe' International Affairs, 79, 5, 963-978.

Menon, A. and Wright, V (1998) 'The Paradoxes of "Failure": British EU Policy Making in Comparative Perspective' Public Administration and Public Policy 13. 4.

Secretary of State for Foreign and Commonwealth Affairs (2003) 'The British Approach to the European Union Intergovernmental Conference 2003' Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs, September

Straw, J. (2002) 'Reforming Europe: new era, new questions', The Hague, 21 February.

Presidency (2003) Addendum to the Presidency note,  
[http://www.ueitalia2003.it/NR/rdonlyres/B6D8B2AC-707C-4FC8-AA34-12FD3C396EC8/0/1209Cig60Add1\\_en.pdf](http://www.ueitalia2003.it/NR/rdonlyres/B6D8B2AC-707C-4FC8-AA34-12FD3C396EC8/0/1209Cig60Add1_en.pdf)

Presidency (2001) Presidency Conclusions, European Council Meeting In Laeken 14 And 15 December 2001 Sn 300/1/01 Rev 1, Annex I, Laeken Declaration On The Future Of The European Union

**Annex 1**  
**Tax and Red lines: constitutional texts**

**Article III-62**

1. A European law or framework law of the Council of Ministers shall lay down measures for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation provided that such harmonisation is necessary for the functioning of the internal market and to avoid distortion of competition. The Council of Ministers shall act unanimously after consulting the European Parliament and the Economic and Social Committee.

2. Where the Council of Ministers, acting unanimously on a proposal from the Commission, finds that the measures referred to in paragraph 1 relate to administrative cooperation or to combating tax fraud and tax evasion, it shall act, notwithstanding paragraph 1, by a qualified majority when adopting the European law or framework law adopting these measures.

**Article III-63**

Where the Council of Ministers, acting unanimously on a proposal from the Commission, finds that measures on company taxation relate to administrative cooperation or combating tax fraud and tax evasion, it shall adopt, by a qualified majority, a European law or framework law laying down these measures, provided that they are necessary for the functioning of the internal market and to avoid distortion of competition.

That law or framework law shall be adopted after consultation of the European Parliament and the Economic and Social Committee.

## Annex 2

### The European Constitutional treaty – a chronology of Key Events

#### **23 November 2001**

Tony Blair's first major speech on Britain's place in the future of European debate, to the European Research Institute: "Britain's role in Europe"

<http://www.pmo.gov.uk/output/Page1673.asp>

#### **14-15 December 2001**

**Laeken European Council agrees to establish a Convention to debate the Future of Europe**

<http://european-convention.eu.int/pdf/LKNEN.pdf> for the Laeken Declaration on the Future of Europe

<http://ue.eu.int/Newsroom/makeFrame.asp?MAX=&BID=76&DID=68827&LANG=2&File=/pressData/en/ec/68827.pdf&Picture=0> for the Presidency Conclusions

#### **21 February 2002**

**Jack Straw makes his first keynote speech on the Convention process: "Reforming Europe: New Era, New Questions"**

The most provocative element in the speech – at this stage in the process – is his support for the concept of a written European Constitution.

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029393411&a=KArticle&aid=1014918160874> for the full text of the speech

#### **28 February 2002**

**The Convention's first plenary session**

<http://news.bbc.co.uk/1/hi/world/europe/1845695.stm> for BBC analysis

#### **24-25 June 2002**

Convention "Civil Society" consultation Plenary Session.

<http://register.consilium.eu.int/pdf/en/02/cv00/00167en2.pdf> for a summary of the session

#### **27 August, 2002**

Jack Straw makes a keynote speech in Edinburgh, "Strength in Europe begins at home". He points out how Scotland manages to combine several levels of identity and sovereignty, and repeats his support for a written constitution.

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029393411&a=KArticle&aid=1030405878065> for the full text of the speech

[http://news.bbc.co.uk/1/hi/programmes/world\\_at\\_one/2219046.stm](http://news.bbc.co.uk/1/hi/programmes/world_at_one/2219046.stm)

and

[http://news.bbc.co.uk/1/hi/uk\\_politics/2218136.stm](http://news.bbc.co.uk/1/hi/uk_politics/2218136.stm) for BBC coverage and comment

#### **10 October 2002**

Jack Straw's article in the Economist, "A constitution for Europe", sets out his vision of a Constitution for Europe as simple, inspiring and transparent as that of the US.

[http://www.economist.com/displaystory.cfm?story\\_id=1378559](http://www.economist.com/displaystory.cfm?story_id=1378559)

**28 October, 2002**

**The first draft of the Constitution is unveiled by Giscard d'Estaing**

The skeleton text suggests only chapter headings for a new constitution, but in principle envisages merging all the treaties which currently underpin the EU into a single, much simpler document

<http://news.bbc.co.uk/1/hi/world/europe/2367237.stm>

**8 November, 2002**

Giscard d'Estaing tells Le Monde newspaper that people who backed Turkey's accession are "adversaries of the European Union"; in his view, Turkey's entry into the EU would be "the end of Europe".

<http://news.bbc.co.uk/1/hi/world/europe/2420697.stm>

**28 November 2002**

**Tony Blair makes a keynote speech in Cardiff: "A clear course for Europe".**

He calls for a new constitution to clarify the division of powers; more powers for European institutions and a new long-term presidency; a stronger European better able to enforce its laws.

[http://news.bbc.co.uk/1/hi/uk\\_politics/2522931.stm](http://news.bbc.co.uk/1/hi/uk_politics/2522931.stm) for the BBC's coverage and summary

<http://www.pmo.gov.uk/output/Page1739.asp> for the full text of the speech

**15 January, 2003**

After talks in Paris with Schroeder, Jacques Chirac announces suggested Franco-German reforms of EU presidency: one of the co-presidents would be elected by the European Parliament, and the other by ministers

<http://news.bbc.co.uk/1/hi/world/europe/2659445.stm>

**24 February, 2003**

The controversial Franco-German plan to revolutionise the way the European Union is run gets its first real test in the Convention Plenary. Opposition from the Commission and the small states is clear.

<http://news.bbc.co.uk/1/hi/world/europe/2676379.stm>

**6 February, 2003**

GISCARD D'ESTAING ANNOUNCES THE FIRST 15 DRAFT ARTICLES OF THE CONSTITUTION.

[http://news.bbc.co.uk/1/hi/uk\\_politics/2735205.stm](http://news.bbc.co.uk/1/hi/uk_politics/2735205.stm)

**25 April, 2003**

AN EXIT CLAUSE ALLOWING MEMBER STATES TO LEAVE THE EUROPEAN UNION IF THEY CHOOSE IS AGREED ON.

<http://news.bbc.co.uk/1/hi/world/europe/2977143.stm>

**13 May, 2003**

Hain rules out a British referendum, in response to Tory demands

[http://news.bbc.co.uk/1/hi/uk\\_politics/3023493.stm](http://news.bbc.co.uk/1/hi/uk_politics/3023493.stm)

**16 May, 2003**

A letter signed by representatives of the 16 small member and future member states to Giscard d'Estaing, arguing for the retention of the current rotating presidency and for a commissioner in Brussels representing each member state

<http://news.bbc.co.uk/1/hi/world/europe/3035231.stm>

**27 May, 2003**

Publication of the penultimate version of the draft constitution

From the British point of view, a charter of fundamental rights for EU citizens, tax harmonisation and a plan for a European public prosecutor's office are key inclusions; smaller countries (and the Commission) object to the proposed powers offered to a "President" and "Foreign Minister". Another set of symbolic British 'triumphs' are the removal of "federal" from the text, and the retention of the name EU in preference to "United Europe" or "United States of Europe".

<http://news.bbc.co.uk/1/hi/world/europe/2939646.stm>

**28 May, 2003**

Anders Fogh Rasmussen announces that Denmark will hold a referendum on whether to adopt the European Union's new constitution. The same day, Blair dismisses calls for a referendum in the UK.

[http://news.bbc.co.uk/1/hi/uk\\_politics/2944034.stm](http://news.bbc.co.uk/1/hi/uk_politics/2944034.stm) for Blair

<http://news.bbc.co.uk/1/hi/world/europe/2943418.stm> for Fogh Rasmussen

**28 May, 2003**

Publication of the European Union's draft constitution hardly makes the headlines in some countries, and the BBC comments on the apathy with which the news is received across the continent. Prodi is unimpressed.

<http://news.bbc.co.uk/1/hi/world/europe/2944384.stm>

**6 June, 2003**

Valéry Giscard d'Estaing claims that a 'basis for consensus' has been reached on reforms to EU institutions at the Convention's penultimate plenary session

<http://news.bbc.co.uk/1/hi/world/europe/2967684.stm>

**7 June 2003**

At the Seminar on the Convention on the Future of Europe, Jack Straw defends the government's performance at the Convention and its successful defence of British interests

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029393411&a=KArticle&aid=1055784241918> for the full text of the speech

**13 June, 2003**

**Final plenary session of the Convention; a final version of the draft constitution agreed after tough last-minute negotiations.**

"This will be a good foundation for final negotiations... The outcome is a good foundation for a modern, democratic Europe better anchored to its nation states and more accountable to its citizens" Peter Hain

<http://register.consilium.eu.int/pdf/en/03/cv00/cv00814en03.pdf> for the Convention's summary of the proceedings

**17 June, 2003**

Mr Straw told BBC Radio 4's Today program the government did not believe there was a case for a referendum [http://news.bbc.co.uk/1/hi/uk\\_politics/2996322.stm](http://news.bbc.co.uk/1/hi/uk_politics/2996322.stm)

**19-20 June 2003**



**Summit at Thessaloniki, dominated by debate over the Constitution. European Union leaders give a reserved welcome to draft proposals for an EU constitution.**

The official Presidency Conclusions stated:

“The European Council welcomes the Draft Constitutional Treaty presented by the President of the Convention, Valéry Giscard d'Estaing. This presentation marks a historic step in the direction of furthering the objectives of European integration... The European Council decided that the text of the Draft Constitutional Treaty is a good basis for starting in the Intergovernmental Conference. It requests the future Italian Presidency to initiate, at the Council meeting in July, the procedure laid down in Article 48 of the Treaty in order to allow this Conference to be convened in October 2003. The 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...”

[http://europa.eu.int/futurum/documents/other/oth200603\\_en.pdf](http://europa.eu.int/futurum/documents/other/oth200603_en.pdf)

**29 June, 2003**

Pope John Paul II urges the European Union to include in the constitution recognition of Europe's Christian heritage

<http://news.bbc.co.uk/1/hi/world/europe/3029456.stm>

**10 July, 2003**

Last meeting of the Convention

Giscard d'Estaing's closing speech at

<http://ue.eu.int/pressdata/fr/conveur/76615.pdf>

**18 July, 2003**

**EU receives draft constitution. Valery Giscard d'Estaing formally hands the document over to the current EU President, Italian Prime Minister Silvio Berlusconi, at a ceremony in Rome.**

<http://news.bbc.co.uk/1/hi/world/europe/3076641.stm>

**1 September, 2003**

A group of smaller European Union members and candidate countries meeting in Prague calls for parts of the draft EU constitution to be revisited.

<http://news.bbc.co.uk/1/hi/world/europe/3197635.stm>

**9 September, 2003**

Publication of UK White Paper on the IGC.

[http://www.fco.gov.uk/Files/kfile/FoE\\_IGC\\_Paper\\_cm5934\\_sm.0.pdf](http://www.fco.gov.uk/Files/kfile/FoE_IGC_Paper_cm5934_sm.0.pdf) for the Command Paper

**16 September 2003**

Commons debate on Michael Ancram's call for a referendum for the Constitutional Treaty

[http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030916/debtext/30916-20.htm#30916-20\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030916/debtext/30916-20.htm#30916-20_head0)

**20 September, 2003**

UK Prime Minister Tony Blair and French President Jacques Chirac meet with Germany's Chancellor Gerhard Schroeder in Berlin, aimed at finding common ground on Iraq. The

leaders also discussed the controversial draft EU constitution, with the German leader reiterating that he and President Chirac wanted the constitution passed in full.

[http://news.bbc.co.uk/1/hi/uk\\_politics/3112860.stm](http://news.bbc.co.uk/1/hi/uk_politics/3112860.stm)

### **16-17 October, 2003**

European Council meeting in Brussels. Speaking during a break in talks with fellow EU leaders in Brussels, the prime minister again insists he would not accede to demands for a referendum on the draft constitution. Earlier Foreign Secretary Jack Straw insisted there was “no case” for a vote on the issue.

Amid reports of US concerns, the prime minister reiterated his commitment to NATO the UK will not allow the new European constitution to diminish British sovereignty over the “red lines” of tax, defence and foreign policy.

[http://news.bbc.co.uk/1/hi/uk\\_politics/3195016.stm](http://news.bbc.co.uk/1/hi/uk_politics/3195016.stm)

### **20 October, 2003**

*House of Commons Statement:* Claims that the new European constitution would undermine the UK's independence are “frankly absurd”, Foreign Secretary Jack Straw tells MPs while standing in for the prime minister in the House of Commons. Mr Straw also insisted European Union defence operations would not undermine NATO.

[http://news.bbc.co.uk/1/hi/uk\\_politics/3208168.stm](http://news.bbc.co.uk/1/hi/uk_politics/3208168.stm)

### **23 October, 2003**

The Conservatives step up their campaign for Tony Blair to hold a referendum on the proposed EU constitution, Michael Ancram going to Downing Street to hand over a letter warning the government to hold a vote or face a nationwide petition over the issue.

[http://news.bbc.co.uk/1/hi/uk\\_politics/3210354.stm](http://news.bbc.co.uk/1/hi/uk_politics/3210354.stm)

### **17 November, 2003**

*CBI Conference statement:* Prime Minister Tony Blair tells business leaders that Britain will keep control over taxation, despite the new European constitution, adding that many European countries needed to press ahead with economic reforms, and that Britain should “keep the option open” of joining the euro.

<http://news.bbc.co.uk/1/hi/business/3277107.stm>

### **24 November, 2003**

In their first bilateral summit since their splits over the Iraq war, Tony Blair and Jacques Chirac insist plans for Europe to have its own military capability will not undermine NATO.

[http://news.bbc.co.uk/1/hi/uk\\_politics/3231820.stm](http://news.bbc.co.uk/1/hi/uk_politics/3231820.stm)

### **26 November, 2003**

Eight EU countries vote to overrule the European Commission and allow France and Germany to escape penalties for breaching the rules of the Stability and Growth Pact.

<http://news.bbc.co.uk/1/hi/world/europe/3037672.stm>

### **27 November, 2003**

*Naples:* On the eve of the foreign ministers' negotiations in Naples, the Italian presidency puts forward new that decisions on proposals from the new EU foreign minister should be decided by qualified majority. Mr Straw appeared in the House of Commons and declared: "There are changes we require to the draft treaty in order for Britain to agree."

[http://news.bbc.co.uk/1/hi/uk\\_politics/3244676.stm](http://news.bbc.co.uk/1/hi/uk_politics/3244676.stm)

### **28 November, 2003**

*Naples:* Speaking at the Naples conference, Jack Straw has said 'life would go on' if Europe's leaders failed to agree on an EU constitution. If 'it happened that the convention process ran into the ground and one country or another did not ratify it then I said to put it bluntly that would not be the end of the world'.

[http://news.bbc.co.uk/1/hi/uk\\_politics/3245704.stm](http://news.bbc.co.uk/1/hi/uk_politics/3245704.stm)

### **28 November, 2003**

Jack Straw says the UK would reject the draft if it meant states would lose their veto over foreign policy. Spanish Foreign Minister Ana Palacio, meanwhile, has said provisions in the text which dilute the voting power Spain and Poland won at the Nice summit three years ago are "unacceptable".

<http://news.bbc.co.uk/1/hi/world/europe/3247826.stm>

### **28 November, 2003**

*Trilateral Defence summit:* Britain, France and Germany reach an informal agreement on a joint defence arrangement for Europe. Correspondents say the United States is likely to balk at the accord, and is said to be particularly upset at calls for a European defence headquarters. Speaking in Naples during a break in a meeting of the EU's members, French Foreign Minister Dominique de Villepin said it was crucial Europe forged ahead with plans for a common defence. But a British official said that "any EU operations planning capability has to be compatible with NATO".

<http://news.bbc.co.uk/1/hi/world/europe/3247826.stm>

### **29 November, 2003**

*Naples:* Members and future members of the European Union "broadly agree" to enlarge the body's executive arm so all 25 states will have a Commissioner. Italy's Foreign Minister Franco Frattini announced the agreement as two days of talks on a future European constitution ended in Naples. Progress has also been made on efforts to strengthen EU military co-operation. But major constitutional disagreements remain on voting systems and the role given to Europe's Christian heritage.

<http://news.bbc.co.uk/1/hi/world/europe/3249236.stm>

### **30 November, 2003**

Mr Straw tells Radio 4's *The World This Weekend* that EU members now thought the talks should not "drift" beyond the end of the year. The UK foreign secretary says he hopes a deal can be done by the end of the year over Europe's new constitutional treaty, adding that the previous week's talks between foreign ministers in Naples had been more positive than expected.

[http://news.bbc.co.uk/1/hi/uk\\_politics/3251042.stm](http://news.bbc.co.uk/1/hi/uk_politics/3251042.stm)

### **6 December, 2003**

The Scottish National Party begins a campaign against the proposed new EU Constitutional treaty. Leader John Swinney announced the move in a keynote speech to the party's national council in Glasgow on Saturday, saying his party cannot support the plans because they will "entrench" EU control of fishing policy.

<http://news.bbc.co.uk/1/hi/scotland/3295883.stm>

### ***7 December, 2003***

Speaking in Berlin, German and Italian leaders warn that the forthcoming summit might not agree a new EU constitutional treaty. Silvio Berlusconi said he was “55% optimistic” a deal would be reached. His host Gerhard Schroeder said both men did not rule out failure in Brussels on Friday.

<http://news.bbc.co.uk/1/hi/world/europe/3298441.stm>

### ***8 December, 2003***

Gisela Stuart tells BBC Radio 4's today programme that if ‘the constitution were to be accepted the way we handed it over to heads of governments, I would not find it acceptable.’

[http://news.bbc.co.uk/1/hi/uk\\_politics/3299905.stm](http://news.bbc.co.uk/1/hi/uk_politics/3299905.stm)

### ***8 December, 2003***

Italy hurries to make last-minute changes to the draft EU constitution in an attempt to persuade heads of state to endorse it. Officials want to find a form of words to set up a mutual defence pact without upsetting the four neutral member states.

There was a furious reaction from the president of the European parliament, Pat Cox, to the rejection by the foreign ministers of plans to give parliament the final say over the EU budget.

<http://news.bbc.co.uk/1/hi/world/europe/3301567.stm>

### ***11 December, 2003***

Talks between Poland and Germany in Berlin to resolve a row over European Union voting rights ahead of this weekend's EU summit fail to reach agreement, leaving Poland threatening a veto. Mr Kwasniewski - after meeting Mr Schroeder in Berlin on Thursday - said no progress had been made in the run-up to the summit. President Aleksander Kwasniewski has said Poland could veto a new European constitution if its votes are reduced when it joins the EU next year.

<http://news.bbc.co.uk/1/hi/world/europe/3308917.stm>

### ***12 December, 2003***

Britain, France and Germany agreed on a European Union defence policy, an issue which had caused concern and controversy in the US. NATO chief George Robertson welcomed the new deal, which means making NATO planning staff the first port of call before consulting EU staff. The new proposal met NATO and US concerns that a separate European defence policy would undermine the NATO alliance, as it is explicit that they will first be expected to use planning staff at NATO. Only if that cannot be done would they use existing British and French headquarters, and then in the last resort the European Union's own military planning staff, who would liaise closely with NATO.

<http://news.bbc.co.uk/1/hi/world/europe/3312265.stm>

### ***12 - 13 December, 2003***

#### **Brussels summit**

<http://news.bbc.co.uk/1/hi/world/europe/3315447.stm>

### ***14 December, 2003***

UK Foreign Secretary Jack Straw said he was sorry that EU leaders failed to hammer out a deal over the proposed European Constitution. Mr Straw told the BBC's Breakfast with Frost programme: “What we need and what we now have is a period to reflect.”

[http://news.bbc.co.uk/1/hi/uk\\_politics/3317473.stm](http://news.bbc.co.uk/1/hi/uk_politics/3317473.stm)

***16 December 2003***

Six of the EU's richest states have called for the capping of the bloc's future budget, which could lead to a cut in aid to its poorer nations. Germany, Austria, Britain, France, the Netherlands and Sweden said the budget should not exceed 1% of the EU's gross national product from 2007 onwards. Their letter came just days after Spain and Poland blocked a deal on the EU's future constitution at Brussels talks.

<http://news.independent.co.uk/europe/story.jsp?story=473762>

**Annex 3**  
**KEY INTERVENTIONS BY BRITISH REPRESENTATIVES**

**21 March 2002**

Intervention by Peter Hain on the purpose and aims of the convention

<http://european-convention.eu.int/docs/speeches/412.pdf>

**23 May 2002**

Intervention by Peter Hain on the Efficiency and Legitimacy of the EU carrying out its Missions

<http://european-convention.eu.int/docs/speeches/682.pdf>

**6 June 2002**

Intervention by Baroness Scotland on Justice and Home Affairs

<http://european-convention.eu.int/docs/speeches/892.pdf>

**24 June 2002**

Intervention by Peter Hain at the Civil Society Plenary

<http://european-convention.eu.int/docs/speeches/1138.pdf>

**24 June 2002**

Intervention by Baroness Scotland at the Civil Society Plenary

<http://european-convention.eu.int/docs/speeches/1149.pdf>

**11 July 2002**

Intervention by Peter Hain on EU External Action

<http://european-convention.eu.int/docs/speeches/1480.pdf>

**12 July 2002**

Intervention by Baroness Scotland on Common Foreign and Defence Policy

<http://european-convention.eu.int/docs/speeches/1491.pdf>

**12 September 2002**

Intervention by Peter Hain on Simplification of Instruments and Procedures

<http://european-convention.eu.int/docs/speeches/3233.pdf>

**20 December 2002**

Intervention by Peter Hain on External Action

<http://european-convention.eu.int/docs/speeches/6598.pdf>

**20 December 2002**

Intervention by Peter Hain on Defence

<http://european-convention.eu.int/docs/speeches/6609.pdf>

**6 February 2003**

Intervention by Peter Hain on Social Europe

<http://european-convention.eu.int/docs/speeches/7039.pdf>

*7 February 2003*

Intervention by Peter Hain on the role of the Regions

<http://european-convention.eu.int/docs/speeches/7050.pdf>

**ANNEX 4**  
**TIMETABLE OF CONVENTION MEETINGS**

From the Convention website's schedule of plenary and Praesidium sessions,  
<http://european-convention.eu.int/calendrier.asp?lang=EN>

Summaries of Plenary debate focus taken from the same website's full listing of all sessions, their focus and their key documents,  
[http://european-convention.eu.int/sessplen\\_all.asp?lang=en](http://european-convention.eu.int/sessplen_all.asp?lang=en)

**INITIAL "LISTENING" PHASE – TO JULY 2002**

**February**

28 Inaugural meeting of the **CONVENTION**

**March**

21-22 Plenary meeting – “What do you expect from the European Union?”

**April**

15-16 Plenary meeting – “The missions of the European Union”

**May**

23-24 Plenary meeting – “The European Union carrying out its missions: efficiency and legitimacy”

**June**

6-7 Plenary meeting – “The role of national parliaments in the European architecture” and a discussion of the proposed Area of Freedom, Security and Justice: “The role of the Union and of Member States”

*[21/22 EUROPEAN COUNCIL – Seville]*

24-25 Plenary meeting – Hearing the views of civil society

**July**

11-12 Plenary meeting – “EU external action” and the Report by the Youth Convention

**September**

12-13 Plenary meeting – Simplification of instruments and procedures

**REPORTS FROM THE WORKING GROUPS FORM THE START OF THE SECOND, MORE SUBSTANTIVE PHASE OF DISCUSSIONS**

**October**

3-4 plenary meeting – Subsidiarity: debate on the report of Working Group I  
Legal personality of the Union: debate on the report of Working Group

III

*[24/25 EUROPEAN COUNCIL – Brussels]*



28-29 plenary meeting – Charter of Fundamental Rights: debate on the Working Group II report

The role of national parliaments: debate on the report by Working Group IV on National Parliaments

**Preliminary draft Constitutional Treaty**

**November**

7-8 plenary meeting – Complementary competence: debate on the report by Working Group V

Coordination of economic policies: (a) debate on the report by Working Group VI chaired by Mr Hänsch; (b) debate on a Social Europe

**December**

5-6 Plenary meeting – Simplification of instruments and procedures: debate on the report by Group IX

Formation of Working Group XI on Social Europe

Security and Justice: debate on the report by Group X

*[12/13 EUROPEAN COUNCIL – Copenhagen]*

20 Plenary meeting – External action: debate on the report by Working Group VII

Defence: debate on the report by Working Group VIII

**January**

20-21 Plenary meeting – **The functioning of the Institutions**

**February**

6-7 Plenary meeting – **Presentation by the Praesidium of an initial draft set of articles of Part I of the Constitutional Treaty**

Presentation by Mr Katiforis of the report by Working Group XI on Social Europe

The regional and local dimension

27-28 Plenary meeting – Presentation of draft articles 24 et seq on instruments

Debate on draft articles 1 to 16

**March**

5 Plenary meeting – Debate on draft articles 8 to 16

17-18 Plenary meeting – **Presentation of draft Articles on: Union's finances; freedom, security and justice**

Debate on draft Articles 24 et seq

Debate on: draft protocol on subsidiarity and proportionality, draft protocol on role of national parliaments

*[21/22 (Friday-Saturday) EUROPEAN COUNCIL]*

## **April**

3-4 Plenary meeting – Debate on draft articles on the Area of freedom, security and justice

**Presentation of draft Articles on: Title VI : The democratic life of the Union; Title IX : The Union and its immediate environment; Title X : Union membership of Part I of the Constitutional Treaty; Part Three : General and final provisions**

Debate on draft articles on Finances

24-25 Plenary meeting – **Presentation of new draft Articles**

Debate on draft Articles on: a) Title VI: The democratic life of the Union; b) Title IX: The Union and its immediate environment of Part I of the Constitutional Treaty

Debate on draft Articles on: a) Title X: Union membership of Part I of the Constitutional Treaty; b) Part Three: General and final provisions

## **May**

15-16 Plenary meeting – Working method of the Convention during its last phase and consensus building process

Debate on draft articles on Institutions (Part I - Title IV)

Debate on draft articles on External Action and Defence

30-31 Plenary meeting – Debate on draft texts on enhanced cooperation

Debate on draft texts on: 1- Economic governance and 2- Own resources and budgetary procedure

Debate on draft Part II and Part III of the Constitution

## **June**

5-6 Plenary meeting – Debate on: Part I (Titles I to III and V to IX); Protocols on the role of national parliaments and on the application of the principles of subsidiarity and proportionality; Part IV (General and final provisions)

11-13 Plenary meeting – **Presentation of the revised text of the whole Part I, preceded by the preamble, and accompanied by the Protocol on the role of national parliaments and the Protocol on the application of the subsidiarity and proportionality principles**

*[20/21 Friday-Saturday) EUROPEAN COUNCIL]*

## **July**

4 Plenary meeting – Oral report by the President on the European Council meeting of 20 June

Debate on reactions to doc. CONV 802/03 (CONV 821/03) and revised version in

9-10 Plenary meeting – Closing session

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