



# Analizy *natolińskie*

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## The French elections and the Future of EU

**I**n the spring of 2005 the ratification of the EU constitutional treaty was put to a stall when both the French and Dutch voters rejected it in referendums. The French revolt against a stronger Europe marked a reversal of France's historical support for greater unity with its European neighbours, a unity that several Member States had already agreed to at the time of the French "no", by ratifying the constitutional treaty<sup>1</sup>.

The constitutional process was, however, given fresh impetus as EU marked its 50<sup>th</sup> anniversary of the Treaties of Rome. In the final part of the adopted Berlin declaration the Member States set themselves the task of reforming the European Union and getting a new common basis before the European Parliament elections in 2009<sup>2</sup>. This will require a unanimous EU and therefore also a determined France. Nonetheless, at the time of writing the position of France is still on hold. The forthcoming two-rounds of Presidential (April 22<sup>nd</sup> and May 6<sup>th</sup>) and legislative (June 10<sup>th</sup>) elections will see one of the three leading candidates for the French presidency, François Bayrou, Ségolène Royal or Nicolas Sarkozy, taking power. All have been laying out their specific plans to turn France's "no" into a "yes", clearly in favour of re-activating the European construction process and the role that France should play in doing so.

This paper intends to expose each candidate's policies regarding the EU constitutional process as well as to point out what their ideas, if carried out, would entail.

## I. François Bayrou: Re-linking France to Europe and creating two-speed Europe

François Bayrou, the “third man” of French politics, stands on a centrist position. His party, the “Union pour la Démocratie Française” (UDF) has traditionally been pro-European. It was founded by Valéry Giscard d'Estaing who presided over the European Convention. François Bayrou is considered a European enthusiast that would like to rally personalities from the left such as Jacques Delors or Michel Rocard to his camp.

The main line of his European project lays in his desire to “restore the political link”<sup>3</sup> between the countries that have already ratified the constitutional draft and those who have not done so. To achieve his objective, he advocates the simplification of the treaty<sup>4</sup> in order to draft a new “text that is short, readable and understandable for all”<sup>5</sup>.

According to Bayrou in such a “fundamental law”, only “principles, institutions, competencies and procedures” would be put forward<sup>6</sup>. To draft this text, Bayrou agrees with the German Chancellor Angela Merkel who has called for an Intergovernmental Conference (IGC). He appeals for a broader “ICG+” in which national and European parliaments would be associated with. General orientations and political contents, the so-called part III of the constitution, would not appear in this fundamental law; they would be undertaken in separate treaties or European Union acts<sup>7</sup>.

Because Bayrou believes that not all states would agree on certain policies - such as tax harmonization, research, immigration, climate change or defense policies, which all are part of his European priorities – he foresees the distinction between an inner Europe that would be more politically integrated and a wider Europe where countries would share common goals. In this perspective, the centrist candidate clearly favours a “two-speed” solution for Europe.

This fundamental law would have to be ratified by a referendum since, according to François Bayrou, “only the people can put back together what the people have undone”<sup>8</sup>. To him, this would be a political and a moral requirement, not a juridical

### Reforming the

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one<sup>9</sup>. This referendum could take place on the same day as the European parliamentary elections, in June 2009.<sup>10</sup>

## II. Ségolène Royal: The quest for a social Europe

In a different way, the socialist candidate, Ségolène Royal, lays forward a maximalist proposal aimed at pleasing her constituency. According to her, allowing time for debate is crucial as far as “politics cannot be cut down to institutions<sup>11</sup>”. This position has to be understood in the French context. While the “Parti Socialiste” (PS) was officially supporting the constitutional treaty, the majority of sympathizers encouraged by certain party leaders (Laurent Fabius, Arnaud Montebourg, Jean-Luc Mélenchon) stood against the text that they found too liberal.

Ségolène Royal has thus adopted a socially oriented program for the EU in order to appease the left wing of PS. Proposition 88 of her “Presidential Pact” directly tackles the core of her position stating that she desires to “build a more protective Europe”. She believes that parts one and two of the TCE respectively, the institutions and the Chart of Fundamental Rights, have not been controversial in France and that they could stay intact. But she calls for a complete revision of the Part III. She proposes instead an additional “protocol”<sup>12</sup> which would deal with “new policies, social progress, public services and the environment”<sup>13</sup>. This protocol would also have repercussions on domestic laws of EU member states.

Ségolène Royal envisions that the discussion process over the new treaty would start under the German presidency and end under the French presidency (July 2008), which would launch a convention in charge of the drafting of the text<sup>14</sup>.

This treaty would be ratified before or the same day as the EU parliamentary elections in 2009 by a referendum in France. In a very optimistic way, she believes “that there is no reason to fail.”<sup>15</sup> Significantly her campaign has recently been endorsed by Jacques Delors<sup>16</sup>, a former President of the Commission who is considered a centrist-left in the French framework.

## III. Nicolas Sarkozy: Unblocking Europe by “scissors”

For the right-wing party, the “Union pour un Mouvement Populaire” (UMP), « institutionally unblocking Europe<sup>17</sup>”, i.e. improving the decision-making process of the EU, is a matter of emergency. That’s why its President, Nicolas Sarkozy, has pro-

posed the idea of a “simplified-treaty” adopted by parliament<sup>18</sup>. He first suggested a “mini-treaty”<sup>19</sup> but due to fact that only the British liked the idea, he changed his stance.

As Sarkozy’s EU adviser, Alain Lamassoure, puts it, “this new text will be elaborated with scissors but not with a pen<sup>20</sup>”. The main idea is to keep the juridical innovations made since the Treaty of Nice (2001) to enable the EU institutions to work more efficiently.

Four out of Nicolas Sarkozy eight-point proposal for a simplified treaty deal with the decision-making procedures<sup>21</sup>. An important step would be to do away with unanimity preferring instead an extension of the domains of qualified majority, co-decision and double-majority. Member States disagreeing on some issues would, then, not prevent EU from “going ahead”. In the same fashion, he plans to introduce a more stable presidency of the European Council<sup>22</sup>, rather than the actual six months rotation, in order to favour long-term actions and to create the position of European Minister of Foreign Affairs to strengthen the EU stance on the international scene<sup>23</sup>.

## Regarding

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In this pragmatic trend, because, according Alain Lamassoure, any other way would not be successful, the simplified institutional treaty would be ratified by the Parliament, meaning no referendum would be required. This limited ratification is also supported by the French European commissioner, Jacques Barrot<sup>24</sup>, as well as by a socialist, Hubert Védrine, former French Minister of Foreign Affairs.

### IV: Balance of the three proposals

The three candidates stand on rather diverse positions. Accordingly, their election could lead to different scenarios that certainly would influence the future of Europe. The socialist candidate, Ségolène Royal, who opts for a maximalist solution, is to some extent in line with the majority of the pro-EU Member States. Indeed, the so-called “Friends of the constitution”<sup>25</sup>, who met in Madrid - without France - in January, signed a declaration stating that an agreement limited to some institutional changes is not sufficient<sup>26</sup>. Instead, they want to preserve the existing text intact or even add to it, among others, include a social protocol quite similar to what Ségolène

Royal has advanced. However, among others, the Czech Republic, the UK, the Netherlands and Poland will not accept adding a new protocol to the constitutional text. On the contrary, they pledge for a small or simplified treaty – more in line with what has been put forward by François Bayrou and Nicolas Sarkozy. A newly held debate, organised by the European Commission’s Representation in France also pointed in the direction of a smaller treaty. All participants, including Valéry Giscard d’Estaing as well as the spokespersons of Ségolène Royal and Nicolas Sarkozy, agreed to a two-stage process, where in the first stage a simplified or as the official spokesperson for Ségolène Royal called it, a “refined” treaty, would be negotiated at the Intergovernmental Conference<sup>27</sup>. Even though, the presidential candidates themselves were not present, their spokespersons signalled a *rapprochement* between the presidential candidates, especially regarding the position of Ségolène Royal.

In fact, the three leading candidates see eye to eye on a number of issues, while on others, they still offer quite different options for the future of EU.

*Similarities:*

- Discarding the TCE in its actual form,
- Finding a new common ground for Europe,
- Working toward an efficient EU,
- Strengthening the provisions concerning the CFSP,
- Leaving out a reference to Christianity.

Regarding a reference to the “Christian roots of Europe” France is not likely to change its “laic” stance. François Bayrou is clearly against any mention of it<sup>28</sup> while Ségolène Royal discarded the option by, in a very diplomatic way, stating that the values she was defending in her social protocol were very similar those carried by Christianity<sup>29</sup>. Last, even though, Nicolas Sarkozy acknowledged the Christian roots of Europe in his book called *The Republic, The Religions and Hope*<sup>30</sup>, his EU adviser, Alain Lamassoure, declared that he was against any mention of it in a future treaty<sup>31</sup>.

*Differences:*

- Less versus more inclusive treaty,
- Ratification via parliament versus referendum,
- Accepting Turkey as a EU Member State or not.

Indeed, both Nicolas Sarkozy and François Bayrou have pointed out, that Turkey will not become members as long as they are president. Ségolène Royal, on the other hand, has signalled, that she will not exclude the possibility solely because it is Turkey. This question might turn out to be one of the most critical obstacles due to the constitutional change made by Jacques Chirac<sup>32</sup>. So, whatever candidate is elected the way to constitutional agreement within the EU will be paved with the controversial legacy of Jacques Chirac.

## V. Implementing the proposals

On the national scene, Nicolas Sarkozy wants to escape a national referendum (ratification by the Parliament) and hereby avoiding the risk of a second “no”. At first glance, this could seem efficient, but one has to take the special case of the French political system into consideration. First of all, if Nicolas Sarkozy is elected president in May this does not mean that he will have a majority of votes in the Parliament. The Parliament elections are first to take place in June this year, why there is a real possibility, that the party of the president will not have the majority of seats, narrowing the room for political manoeuvre. Second of all, the French parliament is rather weak, politically, why rushing a treaty which original version was rejected by the population, through the parliament can cause a further resentment against the EU as be seen as a way of Sarkozy to distance himself from the masses.

While both Ségolène Royal and François Bayrou intend to hold a referendum on the new text, they will, if elected president, like Nicolas Sarkozy be confronted with the special case of the French political system. This will especially be evident in the case where Bayrou becomes president. Currently, his party, only possess 27 out of 577 seats in the French parliament. So unless UDF will have a massive increase in seats in the forthcoming election, Bayrou could only hope to govern in principle, not in reality<sup>33</sup>, making it difficult for him to carry out the policy his has advanced. In other words, winning presidential elections does not guarantee that candidates’ proposals will actually become the EU policy of the French Republic.

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<sup>1</sup> The draft constitutional treaty has been fully ratified by 16 (Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovenia and Spain) of the 27 Member States, and Germany and Slovakia have completed the parliamentary stage of ratification, but the ratification instruments have not been signed. Seven Member States, the Czech Republic, Denmark, Ireland, Poland, Portugal, Sweden and the UK, have put ratification on hold. Europa website, [http://europa.eu/constitution/ratification\\_en.htm](http://europa.eu/constitution/ratification_en.htm), last accessed 30 March 2007.

<sup>2</sup> Presidency of the European Union (2007). *Declaration on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome*. [http://www.eu2007.de/de/News/download\\_docs/Maerz/0324-RAA/English.pdf](http://www.eu2007.de/de/News/download_docs/Maerz/0324-RAA/English.pdf)

<sup>3</sup> Bayrou François (2007). « Stratégie pour une refondation de l'Europe », speech held on 8 March 2007, Friends of Europe, Brussels, [http://www.friendsofeurope.org/download/Policy%20Spotlight%20Bayrou/Speech\\_by\\_Francois\\_Bayrou\\_Strategie\\_pour\\_une\\_Refondation\\_de\\_lEurope\\_8\\_March\\_2007.pdf](http://www.friendsofeurope.org/download/Policy%20Spotlight%20Bayrou/Speech_by_Francois_Bayrou_Strategie_pour_une_Refondation_de_lEurope_8_March_2007.pdf), last accessed 12 March 2007.

<sup>4</sup> Bayrou François (2006). Closing speech of the symposium: « Un Nouvel élan pour l'Europe », 13 May 2006, [http://www.bayrou.fr/system/galleries/download/discours/bayrou\\_europe\\_130506.pdf](http://www.bayrou.fr/system/galleries/download/discours/bayrou_europe_130506.pdf), last accessed 14 March 2007.

<sup>5</sup> *Op. cit.* Bayrou François (2007). « Stratégie pour une refondation de l'Europe »

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Bayrou François (2006). Closing speech of the symposium: « Un Nouvel élan pour l'Europe », *op. cit.*

<sup>11</sup> Royal Ségolène (2006). « L'Europe par la preuve », Press Conference at the National Assembly, 11 October 2006, *Désirs d'avenir* (official website of the candidate), [http://www.desirsdavenir.org/index.php?c=sinformer\\_discours&cid=191](http://www.desirsdavenir.org/index.php?c=sinformer_discours&cid=191), last accessed 13 March 2007.

<sup>12</sup> Cf. Proposition 90 in Ségolène Royal's Presidential Pact: « Upgrade the standard of living and the social protection in all European countries thanks to a social protocol » (our translation), Royal Ségolène (2007), « 100 propositions pour un Pacte présidentiel », *Désirs d'avenir* (official website of the candidate), [http://www.desirsdavenir.org/index.php?c=sinformer\\_propositions&serie=9](http://www.desirsdavenir.org/index.php?c=sinformer_propositions&serie=9), last accessed 15 March 2007.

<sup>13</sup> Royal Ségolène (2007). « Je ne dois rien à personne si ce n'est au peuple français », *Le Monde*, 6 mars 2007, p. 8.

<sup>14</sup> Royal Ségolène (2006). « L'Europe par la preuve », *op. cit.*

<sup>15</sup> *Ibid.*

<sup>16</sup> Mandraud Isabelle (2007). « Ségolène Royal abat la carte Jacques Delors face à François Bayrou », *Le Monde*, 28 March 2007.

<sup>17</sup> Sarkozy Nicolas (2007), « Je veux que l'Europe change », speech held in Strasbourg on 21 February 2007, UMP website, <http://www.u-m->

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[p.org/site/index.php/ump/s\\_informer/discours/je\\_veux\\_que\\_l\\_europe\\_change](http://www.ump.fr/site/index.php/ump/s_informer/discours/je_veux_que_l_europe_change), last accessed 13 March 2007.

<sup>18</sup> Sarkozy Nicolas (2007). « Je veux que l'Europe change », *Op. cit.*

<sup>19</sup> Sarkozy Nicolas (2006). Speech held at the Konrad Adenauer Foundation, Berlin, 16 February 2006, UMP website, [http://www.ump-fr.org/site/index.php/ump/s\\_informer/discours/deplacement\\_de\\_nicolas\\_sarkozy\\_a\\_berlin\\_le\\_16\\_fevrier\\_2006](http://www.ump.fr/site/index.php/ump/s_informer/discours/deplacement_de_nicolas_sarkozy_a_berlin_le_16_fevrier_2006), last accessed 12 March 2007.

<sup>20</sup> Alain Lamassoure, speech held in a conference on “The Future of Europe in the French Presidential Debate” organized by the Thomas More Institute, Paris, 28 March 2007.

<sup>21</sup> Sarkozy Nicolas (2007). « Mes objectifs en matière de politique étrangère », 28 February 2007, UMP website, [http://www.ump-fr.org/site/index.php/ump/s\\_informer/discours/mes\\_objectifs\\_en\\_matiere\\_de\\_politique\\_internationale](http://www.ump-fr.org/site/index.php/ump/s_informer/discours/mes_objectifs_en_matiere_de_politique_internationale), last accessed 14 March 2007.

<sup>22</sup> Sarkozy Nicolas (2007). « Je veux que l'Europe change », *op. cit.*

<sup>23</sup> Sarkozy Nicolas (2007). « Mes objectifs en matière de politique étrangère », *op. cit.*

<sup>24</sup> Parker George (2007). “French Candidates warned on approach to EU”, *Financial Times*, 4 March 2007.

<sup>25</sup> “Friends of the constitution” is a group of 20 Member States, the 18 Member States that have ratified or almost ratified the constitution as well as Ireland and Sweden.

Taylor, Simon (2007). “Majority wants to expand and improve the EU constitution”. *European Voice* 13 (4), 1 February 2007.

<sup>26</sup> Taylor, Simon (2007). “Majority wants to expand and improve the EU constitution”. *European Voice* 13 (4), 1 February 2007.

<sup>27</sup> Riccardi, Ferdinando (2007). “A look into the news”. *Europe Daily Bulletin*, 28 March 2007.

<sup>28</sup> Goulliaud, Philippe (2007). “Bayrou: Je veux rassurer et apaiser les tensions” *Le Figaro*, 28 March 2007.

<sup>29</sup> Royal Ségolène (2007). « Je ne dois rien à personne si ce n'est au peuple français », *Le Monde*, 6 mars 2007, p. 8.

<sup>30</sup> Sarkozy Nicolas (2004). *La République, les religions, l'espérance*, Editions du Cerf, Paris, 2004.

<sup>31</sup> « Le PPE mentionne les « racines judéo-chrétiennes » dans sa déclaration de Berlin », *Le Monde*, 21 March 2007.

<sup>32</sup> In echo of the French “no” Jacques Chirac changed the French constitution so that any further EU enlargement after Croatia, will require the approval of the French voters in a referendum.

<sup>33</sup> Special edition of *The Economist* (2007). “It all went wrong”, *The Economist*, 15 March 2007.