



**THE DEBATE ON THE EUROPEAN CONSTITUTION:
THE ENLARGED UNION IN SEARCH OF COHERENCE AND
SOLIDARITY.**

Joanna Miksa

University of Szczecin

November 2004

The debate on the European Constitution: enlarged Union in search of coherence and solidarity.

Abstract

Just on the eve of the EU enlargement in May 2004 the European Union politics was dominated by the discussion on the Constitutional Treaty. This ambitious project launched by the Laeken Declaration of December 2001 aimed to equip the European Union with new instruments that would, inter alia, facilitate the policy making in the enlarged Union and simplify its structures. The process of negotiations however, taking into account the European Convention followed subsequently by the Intergovernmental Conference, was significant for a number of reasons. It mattered not only because of its outcome - final adoption of the Constitutional Treaty - but because it provided a vague view of what the European Union after enlargement seems to be. It presented a list of unsolved problems rather than a coherent concept for the future of the Union. Citing the example of Polish participation in the debate, the essay aims to present major conclusions that can be drawn from this ambiguous view.

First of all, the debate revealed much controversy about common European interest and cooperation. It was quite clear that the Member States did not agree not only on the institutional issues (stressing first and foremost the national interest) but that the dispute touched the subject of common values and beliefs as well.

Following this argument, the discussion on the future of Europe showed how the current enlargement round reshaped the former balance of power in the Union. The voice of France and Germany, so far the axis of the Union, now changes its character along with the balance of interest and influence that those two countries exercise at the EU level. Naturally, this shift affects the role that other EU members are to play.

Thirdly, it was a lesson for the new member states in terms of becoming a European player. It also showed new patterns of negotiations since each member of the enlarged EU 25 had to adjust (or re-adjust) to European consensus making. It proved that the new member states have a long way ahead to adapt to the European decision making customs. New alliances are being built, and on much broader scope than before.

Finally, it can be argued that the European integration process loses its track. Despite the adoption of the Constitutional Treaty, when observing its making, it may be doubted if it will be a remedy for the EU problems. The ratification process remains an open question to say the least. What EU seems to suffer from is lack of solidarity and common European spirit both in domestic and international issues. It remains to be seen if another treaty will change it.

Keywords : European Convention, EU Enlargement, European Constitutional Treaty

Author:

Joanna Miksa

University of Szczecin

Joanna Miksa

Institute of Political Science

Szczecin University

**The debate on the European Constitution:
the enlarged Union in search of coherence and solidarity.**

“Europe will not be made all at once or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.”

Schuman Declaration, 9 May 1950.

Just on the eve of the EU enlargement in May 2004 the European Union politics was dominated by the discussion on the Constitutional Treaty. The draft of the new treaty was a result of work of the European Convention, launched by the Laeken Declaration of December 2001. The Declaration called upon the European Convention on the Future of Europe to deal with the, so far unresolved, problems of the Union, which touched such issues as simplification of the existing treaties, efficiency of the policy-making procedures, answering the so called democratic deficit in the Union, making the EU more transparent for the citizens, re-arrangement of institutional order. Putting things straight, the aim was to provide for a better functioning of the enlarged EU and, externally, to strengthen the EU's position and role in the world.¹

Has the outcome of the European Convention and of the Intergovernmental Conference 2003 provided a clearer picture of the enlarged European Union? Could this question be examined just on the basis of the Constitutional Treaty or is there an additional factor that should be taken into account? Has the enlarged European Union presented itself as a coherent body with the solidarity principle at the forefront?

A basic observation of the IGC 2004 brings to a set of important conclusions that may answer these questions; for, the negotiation process revealed many ambiguities in the Union that cannot be ignored once the treaty has been signed.

Indeed the outcome is a quite ambiguous picture of the European Union that can be observed. The European Union after the debate on the future of Europe still remains an entity that lacks

¹ See: *The Laeken Declaration*, 15 December 2001, http://europa.eu.int/futurum/documents/offtext/doc151201_en.htm

coherence and solidarity. The spirit in which the Intergovernmental Conference underwent was far from any kind of unity and the IGC revealed a list of unsolved problems rather than a coherent concept for the future. Without any doubt making of the new treaty was a significant step forward; at the same time the IGC proved again that European politics is more about bargaining for the sake of a particular member state than for the sake of the Union. It revealed also that enlargement reshaped the balance of power in the EU thanks to new member states which, citing the example of Poland, learned to become respectable players for the old Union. The stalemate of the Brussels summit in December 2003 also showed that the Convention process as an example of search for a broad consensus² was partly left forgotten.

What is more, the old member states apparently were not ready for enlargement. Therefore a question of existence of coherence and solidarity in the new Union with a new Constitutional Treaty is not surprising. Subsequently, it may be discussed whether the European Union thanks to this new treaty is back on the right path to achieve unity among its members. The IGC 2004 allows for a doubt in this case.

Focusing on development of the IGC, I will try to explain why there are still more questions than answers, bearing in mind the fact that predicting the future of the Union is not possible. I will also use as an example the Polish stance during the IGC that fits well into the Robert Putnam's concept of a two-level game in the international bargaining and which serves well as a basis for different observations and conclusions that could be drawn from the above mentioned ambiguities.

I.

Dubious remarks about the willingness or ability of the member states to provide for common European interest could have been observed at various moments of the negotiation process. To start with, the way the concept of double majority voting in the Council of Ministers was proposed by the Praesidium of the European Convention in April 2003, almost at the end of the process, puts a question why such a crucial issue was postponed until the last moment. Not only that the idea was barely discussed at the plenary session and received support of few of the Convention members but also, no working group on institutional affairs was established

² Naturally its shortcomings cannot be omitted. Some of them as crucial factors for the treaty development will be examined further. For the full analysis see: Klaus Bachmann, *Konwent o przyszłości Europy. Demokracja deliberatywna jako metoda legitymizacji władzy w wielopłaszczyznowym systemie politycznym*, Wrocław 2004.

within the Convention³ that could further examine the proposal before it was officially accepted and included in the draft. In this context a commentary that it could not have been a mistake that such a working group was not at all created⁴ cast a blatant light of manipulation; moreover, the debate was steered by Valéry Giscard d'Estaing so to put off the most important institutional issues until the last moment and thus to adequately influence the outcome. In addition, extension of the QMV rule to other policy fields was not properly discussed by the Convention's members either.⁵ The controversial idea of double majority voting, despite having been mentioned as a possible solution already after the Nice summit, received little support among the Convention members.

Leaving aside its advantages/disadvantages in comparison to the Nice Treaty provisions, it is notable that France and Germany strongly insisted that the draft treaty would be adopted without any change in this field. National interest of those two countries clearly prevailed. Bearing this in mind, reaction of the Polish government expressed before and during IGC could not have been surprising. It was not just a result of a proposal that would change positioning of Poland in the Council of Ministers, but also a reaction towards the "European policy-making", that is, ignoring other partners and forcing own preferences without consultation.⁶ However, the unfortunate slogan "Nice or death", as widely cited after the debate in the lower chamber of the Polish parliament, set the tone of negotiations and gave a comfortable excuse for other EU partners to blame Poland for stubbornness, lack of cooperation and understanding of the EU values.

It is true that the Polish government hardly took an effort to explain that the stance of the opposition had nothing to do with the stance of the government. But it is also true that hardly any press article after the failure of the Brussels summit pointed at another country than Poland and Spain that could have been blamed for the failure, thus helping create a biased atmosphere. It was left almost unnoticed that the French President Jacques Chirac saw no room for negotiations concerning the content of the Treaty during the Brussels European Union summit in December 2003. Even more, just on the eve of the always difficult

³ Giovanni Grevi, *The Europe we need. Integration and enlargement*. Working paper 06/03, European Policy Centre, <http://www.theepc.be/en/default.asp?TYP=SEARCH&LV=279&see=y&PG=TEWN/EN/directa&AI=304&I=>, p. 8.

⁴ J. Kranz, *Between Nice and Brussels or life after death*, Reports and Analyses, Center for International Relations, 1/04 A, http://www.csm.org.pl/en/files/raports/2004/rap_i_an_0104a.pdf, pp.17-18.

⁵ Read more in: K. Bachmann, *Konwent Europejski*, Reports and Analyses, Center for International Relations, 1/03, www.csm.org.pl/pl/files/raporty/2003/rap_i_an_0103.pdf.

⁶ Compare: Jerzy Kranz, *ibid.*, pp. 17-19.

budgetary negotiations for the period 2007-13 Poland was almost directly threatened by France and Germany concerning the EU aid funds if it did not accept the new provisions.⁷ For that reason putting upon Poland a label of the main “trouble-maker”⁸ was only one side of the coin; Germany and France especially could have just as well be equally named since their stance did not comply with the European spirit of searching for a consensus either. For, both the opponents and proponents of the new system tried to fight the battle using the same weapon and until after the failure of the Brussels summit none of the sides made an effort to compromise.

Another point that deserves some attention in this context is the dispute about the preamble to the Constitutional Treaty. The issue of Christianity divided the member states presumably more than the double majority vote discussion. This matter surely reflects much deeper a problem than institutional order in the Union. The fundamental question of who the Europeans are predetermines recognition of common European identity; denying the influence of Christianity would most probably (if not already did) stop many Europeans from supporting the Constitution in its current form. The Constitutional Treaty without a proper preamble identifying sources of European civilisation leaves a blunt impression that European leaders for the sake of falsely perceived political correctness tried to shape the past according to present needs.

Identification of the basic pillars of European civilisation requires admitting that it always comprised Greek philosophy, inheritance of the Roman Empire and of Christianity. As French historian noted, to remove the latter pillar from the preamble of a European Constitution is to deprive or neglect one of fundamental characteristics of the European civilization and to deny European history.⁹

However, the argument over preamble was widely misunderstood as a dispute whether or not to mention God, faith and religion in the treaty and if so, if this would leave space for other religions than Christianity. Put this way, the standpoint of Poland and other countries where religion strongly affects the society was perceived that the aim was to stress the supremacy of Christianity and perhaps of the Catholic Church over other religions in Europe which in the

⁷ Honor Mahony, *Poland and Spain threatened with aid cuts*, 6.10.2003, EUObserver, <http://www.euobserver.com/?aid=12921>

⁸ At the same time Spain was regarded as the more flexible partner since the statement of Jose Maria Aznar that „Nice is not a Bible”. M. Frydrych, *Poland and Spain keep up the Nice fight*, 16.10.2003, EUObserver, <http://www.euobserver.com/?aid=13075>

⁹ See: A. Besancon, *Duch jest, sensu nie ma*, Tygodnik Forum 48/2003. Article no longer available on the website; in archives of the author.

end would result in discrimination and dominance of one religion in Europe. From this point of view, fierce opposition of France forcing secularism in the European Union as a main value could have been supported. What was borne in mind in this context was also the ongoing discussion on the accession of Turkey to the European Union, which has again ruffled feathers. It was argued that if the preamble refers only to Christianity, there would be no place in the Union for non-Christian countries, such as Turkey.¹⁰ This perception, despite being based on false presumptions, nonetheless stirred the debate that caused deep cleavages among the member states.¹¹

Europe “united in its diversity” shares common history. Origins of the European civilization cannot be denied or changed by politicians. Surely the picture drawn by them during the debate does not resemble unity but an entity divided on the most crucial issues. Ironically, the text of the preamble should contribute to a better understanding of what the Union is or should be – a common project of people, whose identity is based on European culture but whose values, among them religious, are a matter of personal choice. Instead, political dispute intertwined two separate issues, mixing religion with history which cannot be changed. The dangerous consequence of it is that it left an impression of Europe as a continent with an unclear identity.

II.

The recent enlargement round invoked a new search for coherence and solidarity in the Union. Without any doubt the context of European decision-making changes along with a new balance of power. The old axis of the Union, France and Germany, is striving to preserve its role as founding fathers, policy initiators and guardians of the spirit of the Union whereas new member states are trying to find their own place in the European spectrum. This can be seen both in the internal and external policy fields as new member states present their own vision of policy, not necessarily coherent with the stance of the old members. Moreover, since most of the new member states are small or very small countries, the big countries search to confirm their dominant position on the EU scene, not necessarily trying to convince the smaller ones to their initiatives. For that reason the European Convention process and the IGC

¹⁰ Compare the comment of the Turkish Prime Minister who stated that if Christianity was to be mentioned in the preamble, then just as well there should be a reference to Islam and Judaism. See: R. Carter, *Turkey calls for Islam and Judaism in Constitution*, 1.10.2003, EUObserver, <http://www.euobserver.com/?aid=13737>

¹¹ *Discussion about European Constitution*, Arguments of the Minister of Foreign Affairs of the Republic of Poland, <http://www.msz.gov.pl/start.php?page=113010000%20>

debate may be seen as an attempt to set up a new post-enlargement balance of power, yet not quite successful for plenty of reasons.

Externally, lack of cohesion and solidarity seems to be a continuation of the long-lasting efforts to establish a common foreign policy. The task however becomes even more difficult for the EU 25 since most of the new member states support close ties with the United States and NATO and were even perceived by France as a Trojan horse of the USA. Significant discrepancies appeared with the American invasion on Iraq, when lack of cohesion and common vision of EU policy was as clear as ever. Neither allies of the USA in this conflict, nor their opponents held it for important to discuss and agree on common position toward the invasion. Instead just on the eve of official enlargement new division and atmosphere of distrust and suspicion was created on both sides. Neither Poland informed the German neighbour about its decision to support the coalition, nor did the Franco-German alliance communicated its position in time to allow for an agreement on the issue.

The external discrepancies continued at the internal scene. During the debate in the European Convention and later at the IGC the Franco-German struggle to preserve power had been clearly visible. The immediate response took form of the so-called ‘Pralinengipfel’, which aim was to create a strong military group within the European Union. Despite official claims that this cooperation was to strengthen the European dimension within the NATO structures, it caused nervousness among European leaders. The proposed idea was criticized for possible weakening of the NATO’s role and razing the trans-Atlantic gap. Moreover, proclaimed willingness of the UK to participate in the club was conditional – according to Tony Blair’s words, the UK would take part in the initiative as long as it would not undermine the relationship with the USA within NATO and also, as long as the new group would be open to any interested member state.¹²

Disagreement about the new defence group was furthermore stirred after the failure of the Brussels summit in December 2003. As it was pointed above, none of the conflicted parties was ready to work on a compromise. It resulted in a threat of France and Germany that in view of failure to adopt a new treaty, a set of the so called core countries would force a further integration thus creating a “two-speed Europe”.

What is important here is not the fact that such a threat arose – indeed we already have a two-speed Europe in the form of the Euro group and the Schengen area – but timing and addressee of this proposal. For, it left an impression that France and Germany use the tactics of George

¹² *EU-Gipfel: Streit um die europäische Verteidigungspolitik*, die Welt, 17.10.2003, <http://www.welt.de/data/2003/10/17/184476.html?search=Verteidigungspolitik&searchHILI=1>,

Bush: “are you with us or against us” thus leaving behind countries which did not want to follow Franco-German dictate. Moreover, this tactics applied to all members of EU 25. It leads to a conclusion that both countries are recently trying to keep up their influence in EU at whatever price and force other member states to follow even if new ideas not necessarily satisfy the interest of the latter. An intensified relationship of France and Germany could have been also noted in other areas, such as their mutual solidarity in breaching the rules of the Stability and Growth Pact or representation of Germany by the French President, Jacques Chirac at the EU summit in Brussels in October 2003.

The problem here arises around the nature of the old axis – no one ever contested the Franco-German motor of the Union, as long as it provided for a constructive impetus for the Union that enabled further integration of all EU members. In view of enlargement of the Union to 25 members however, both countries started to perceive the EU integration as preserving first and foremost their national interest. In this context the claim for a multi-speed Europe bears a danger of watering down the whole process.

It is impossible to keep status quo in the enlarged Union in the form of previous balance of power. New alliances are being built on the basis of common interest and as such, they do not necessarily have to reflect the will of the founding fathers of the Union. They did not have to in the EU 15 already but it will become even more visible in the EU 25. An example of the Polish-Spanish partnership in the Constitution against the will of the core countries should be borne in mind. Another example that emerged during the debate was the coalition of small countries, which, under the leadership of Austria, contested provisions of the Treaty which in majority undermines their role in the Union. Their opposition was mostly ignored, also in the media. One of the bases of those coalitions was a struggle to maintain the principle of European solidarity which opposed the policy of ignorance presented by France and Germany at the IGC.

The chance for France and Germany in maintaining their status in the Union lies in recognition of a broad European interest and developing a policy that in the end would benefit them as well. Only then, by identifying (and fulfilling) common European goals could those countries count on regaining the respect of other members that they used to enjoy. Used to, because their recent policy lost the European dimension and as a consequence resulted in a loss of credibility, both in the economic and political field. A policy of disregarding or ignoring European partners cannot be maintained for long, otherwise it will cause serious breaches in the stability of the Union. Signals of those breaches were presented at the

December 2003 European Council summit bringing a stalemate that did not contribute well to the image of the Union as a whole.

In order to achieve a new balance France and Germany have to accept their old role in a new form, that is, to provide for a broad European consensus that would be based on mutual solidarity of both big and small member states and of old and new members. They should accept that Franco-German dictate no longer adheres to the European Union. Its new strength should be based on maintaining the balance of interests and coherency in the Union, not on ignorance and forcing of national prerogatives. Moreover, as the stance of France and Germany at the IGC proved, it provoked other countries to adjust to the rules imposed by the two countries and see to national interest in the first row. In this context the failure of the Brussels summit in December 2003 is an obvious consequence of national rivalry for power and influence.

III.

The last Intergovernmental Conference made a significant impact on the new European players. Despite the fact that all new member states went through the accession negotiations process, the IGC on the future of the European Union was in fact the first occasion when these countries participated in a fully-fledged way in European decision-making. At the same time, the process proved to be also a lesson for the old member states, here again notably for France. It confirmed that underestimating the counterparts may become a “double-edged sword” as it was visible at the IGC.

To reflect on the new balance of power, it is useful, while citing the example of Polish participation in the debate, to remind the Robert Putnam’s theory of a two-level game. Putnam’s theory presents the intergovernmental bargaining as a process that takes place at two interdependent levels: first level of negotiations between governments and the second level of internal bargaining seen as a game between the government and different interstate actors such as the opposition. The outcome of the internal game, that is the adopted policy and strategy of the government predetermines the “win set”, that is the scope of possible solutions that build on the external position of the government in the intergovernmental negotiations. Therefore the smaller the win set at disposal of the government, the weaker are chances for a satisfying outcome of the intergovernmental negotiations. Moreover, scope of the win set may also determine ratification of the international agreement or serve as a blackmail tool for a particular government to achieve the outcome it was obliged to by domestic pressure.

At the IGC Poland presented itself not only as a proclaimed “European trouble-maker” during the negotiations but also as a new member of the European Union not afraid to make its way on European corridors against apparently deliberate intimidation. It proved to be a difficult negotiator for three main reasons. At the level I of the Putnam’s theory, that is in the interstate bargaining phase, Poland showed, from a position of a “fresher”, how to negotiate with the more experienced counterparts in the atmosphere of political pressure. As mentioned in the first part of the essay, the way the provisions for double majority vote were incorporated in the draft treaty provided a weak basis for explanation of its advantages by its proponents. However, at the same time a rather fragile argument that provisions of the draft Treaty weakened Polish position in the Council of Ministers did not ease the task of the Polish government to defend the order established in Nice. Nonetheless, Poland adapted to the strategy of Germany and France, which was to force the national interest over the European one. Sharing common goal with Spain (and possibly other countries opposing the double majority voting proposal) and ready to break the summit in view of no feasible compromise, Polish government demonstrated that manipulating tactics¹³ of other EU member states were useless and new European partners may just as well respond to such a stance in a proportionate way, threatening even to block the whole process.

However at the level II of the Putnam’s theory, that is, in the domestic bargaining for policy acceptable to all actors, the Polish government, not properly replying to the slogan “Nice or death” had manoeuvred itself in a position which anyway, even without difficulties from the Franco-German side, could have led to a stalemate in the negotiations. Moreover, an adaptation of this slogan indeed left the Polish government in such a position that very little room remained for any compromise at the European stage. The Polish government created an impression that the stance of the opposition is exactly a stance of the government and of the whole society. Thus, constrained by a narrow win-set at the level II, the government could not present a constructive position at the level I, thus resulting in a no-agreement outcome which in fact took place in 2003. The consequences of the no-agreement have consequently been high since a discussion about a two-speed Europe emerged once again and the summit has been pronounced as a big failure of the enlarged European Union.

In this context Putnam’s theory proved how damaging consequences have unresolved internal disputes on the outcome of negotiations. It showed how they might weaken the mandate of a

¹³ Indeed presentation of the proposal for double majority voting contained in the draft as the only possible solution, whereas as future compromise showed, there existed a room for maneuvering within the threshold, resembled nothing more than manipulation.

government at the European level, especially of that relatively inexperienced. Therefore search for coherence and solidarity adheres also to the new member states where discrepancies concerning European issues between the government and its opposition often lead to a fundamental question of “be or not to be” of the latter. Thus, if the new member states (in this case with a particular reference to Poland) are to exert effective pressure in the European decision-making process, coherence and solidarity on the internal political scene is a prerequisite for it.

Thirdly, the debate proved that only a constructive dialog and creation of different possible solutions is a way of resolving European issues. The fact that the founding fathers of the Union created an atmosphere of suspicion and treated other member states on an unequal basis, does not provide a good example for future paths of negotiations. Naturally, it could be argued that almost none of the previous IGCs went smoothly, and to the benefit of all interested parties. Intergovernmental bargaining always takes place in a hectic atmosphere with all players trying to achieve their goal via all possible means. The problem arises however, when some of participants are no longer treated as partners but as an obstacle to achieving a dubiously ‘European’ consensus.

Lat but not least, the former EU 15 should accustom to the fact that European Union comprises 25 members and this fact changes the pattern of coalition building around different interests. What could have been noted during the IGC is that some countries were not ready for enlargement from the political point of view since it requires, notably from the biggest ones, yielding to new players in the decision-making process. Poland as a country of significant influence stemming from its population size and big economic market already proved that it wants to play a decisive role in shaping the European Union. Moreover, it also gave clear evidence to such countries like France that it can effectively influence intergovernmental bargaining. For that reason ignorance presented by President Jacques Chirac toward new member states in a comment (at the time of invasion on Iraq) that countries that signed the “letter of eight” were “badly brought up” and had “missed a good chance to shut up”¹⁴ showed not only lack of respect but also fear that the traditional role of France will be questioned by the new member states. Non-compliance with the will of France, here represented by Jacques Chirac, has recently been seen by this country as disobedience that threatens, directly or indirectly, the French vision of the European Union. Moreover, new alliances will not necessarily be built around the Franco-German axis. Within the EU 25 the

¹⁴ R. Carter, *Chirac: no ‘Europe within Europe’*, 24.02.2004, EUObserver, <http://www.euobserver.com/?aid=14586>

scope of possible coalitions allows for many different combinations, which France or Germany not necessarily has to lead. Putnam's approach allows for a conclusion that the two-level game in the EU 25 may cause further breaches for the EU's policy in the form of no-agreements if the EU countries do not work on cohesive goals.

IV.

Does the European integration process lose its track? Or, is there any track that the European Union follows at the moment? The debate on the future of Europe was meant to answer the most crucial questions for existence of the Union as a political entity. Indeed it has answered many of them in the sense that the institutional order and EU competences have been adapted to requirements of the post-enlargement Union. The new Constitutional Treaty is meant to provide a picture of a new, stronger Union that plays significant role in the world; once the treaty is ratified, Henry Kissinger will be able to reach Mr Europe under one concrete telephone number.

At the same time however, a stronger European Union cannot be built in the atmosphere of political pressure and mutual distrust. The IGC 2003 was especially not suitable a moment to present such deep disagreements bearing in mind the enlargement day, treated as a symbol of overcome division of Europe. Instead of tightening the relations between the member states the IGC (and the Convention beforehand) presented that Europe has a significant identity problem. Moreover these were not only the new inhabitants of the European house that had problems with adaptation to the new balance of power as the IGC showed.

The integration process was always characterised by rapid developments. In the past eighteen years since the Single European Act treaty changes took place every four years on average. Naturally, it was a result of political decisions that the more pro-integrationist countries put forward. Yet the pace was never constant, it was rather a set of jumps that advanced the integration. Little time was left to let the process ripe before and after it was undertaken and this is especially important in the context of accession of the countries of Central Eastern Europe. The Intergovernmental Conference 2003 showed that in fact the European Union was not politically ready for enlargement understood here as a change in the balance of power within the Union. Lack of coherent vision for integrating the EU 25 on the side of the Franco-German motor resulted in a weak IGC. Struggle to preserve power, also by creation of the so called triumvirate of France, Germany and co-opted United Kingdom left the impression that indeed a two-speed Europe could emerge. When those three countries announced willingness

to go ahead with integration by establishing a closer cooperation in the field of defence¹⁵, the general impression this idea caused was not an applause but fear of other member states that herewith a new European Union of elite countries is being created. Explanations that the new initiative is open to any member state that wishes to join did not help much.

For that reason it is up to the so far leading countries to create an atmosphere of mutual trust and partnership that was infringed at the IGC at an indeed very bad moment. A close cooperation of all members is needed if the integration process is to keep the pace and not be watered down. But it depends on political will of the interested parties.

It remains to be seen whether the Constitutional Treaty fulfils this goal. Despite its adoption, it can be questioned if it will be a remedy for the EU problems since they are very well reflected in the text. The Treaty is an outcome of a political dispute over unity and solidarity so it is up to the member states to make good use of it; otherwise a threat of dismantling the Union may indeed emerge.

This question of dismantling the Union has already been raised however. The fact that about eleven out of twenty five member states will ask their citizens for approval of the treaty (it has never been the case) set the question what would happen if in one or more countries a referendum had a negative outcome. For the first time the European treaty sets a procedure for leaving the Union but will rejection of the Constitutional Treaty have such a consequence? Such a commentary has already emerged¹⁶ and this kind of pressure may only worsen the situation in the more EU-sceptical countries such as UK. On the one hand asking about legal consequences of rejection is justified. On the other however, if the Treaty is not accepted in one or more member states, who is to be blamed? Who bears responsibility for failure in context of the IGC that adopted the text? Surely, the attention of the society will not be focused on the Treaty provisions but rather on the ambience that will be (or already was) created around it during the campaign. Citing the case of Poland - the ambience of the IGC will only help EU opponents to build up an effective anti-Treaty campaign, probably calling for leaving the EU. The commentary of Romano Prodi might be of great help to explain to the Polish citizens that the European Union does not want Poland. Already thanks to the slogan "Nice or death" a certain impression has been created that the EU again tried to call off promises it had made in connection with the Nice Treaty and deprive the Poles of moral values and Christian heritage.

¹⁵ *EU-Gipfel: Streit um die europäische Verteidigungspolitik*, die Welt, 17.10.2003, <http://www.welt.de/data/2003/10/17/184476.html?search=Verteidigungspolitik&searchHILI=1>

¹⁶ T.T.S., *Oporni mogą opuścić Unię*, Rzeczpospolita, 04.12.2003.

Undoubtedly the referendum campaigns across Europe will be based on emotions to a certain degree. Again the ambience around the Treaty may mean more than the text itself. The European Union is an entity based on strong economic cooperation but politically still fragile. It would be difficult to make the project collapse but a threat of a political disaster does exist. It could be argued that if the European Union survives this political thunderstorm intact, it will survive just about anything.

CONCLUSIONS

The making of the new treaty has revealed that the European Union is subject to many contradictory trends at the moment, which, put together, create an ambiguous picture. On the one hand accession of the Central Eastern European Countries closed the post Second World War chapter in the history of Europe. On the other however, the EU politics, facing so many challenges stemming out of this process along with globalisation and demands of the external policy, has not yet adapted to the new situation and day-to-day European policy making. It has been clearly visible at the Intergovernmental Conference 2003 where particular interests of new and old member states, put in a context of new alliances across the EU clashed, resulting in a failure to adopt the Constitutional Treaty.

The fact that the goal has finally been achieved by the Irish Presidency of the European Union proved only that time softens the stance of member states on a particular issue in order to achieve the ultimate goal; at the same time however, the fact that a compromise has finally been achieved does not mean that the problem of solidarity has disappeared. Nor, that the EU politics becomes more cohesive. It could be argued that the Constitutional Treaty itself forms only an introduction to build up a common enlarged policy for the Union, both internally and externally. It was however outside the scope of this essay to reflect on the contents of the Constitutional Treaty and to judge whether it constitutes a basis to achieve solidarity and coherence in the Union or not. Yet the way the negotiations have been held as this essay has presented, allows for a conclusion that both new and old member states have a long way ahead to attain this goal. When creating this new Union, the statement “united in diversity” should not only be borne in minds of European leaders but also communicated and explained to all those who influence the European Union in any way. That is, to every citizen.

Bibliography:

1. Bachmann Klaus, *Konwent o przyszłości Europy. Demokracja deliberatywna jako metoda sprawowania władzy w wielopłaszczyznowym systemie politycznym*, Wrocław 2004.
2. Bachmann Klaus, *Konwent Europejski*, Reports and Analyses, Center for International Relations, 1/03, www.csm.org.pl/pl/files/raporty/2003/rap_i_an_0103.pdf
3. Besancon Alain, *Duch jest, sensu nie ma*, Tygodnik Forum 48/2003, <http://tygodnikforum.onet.pl/1128957,3,0,1602,artykul.html>
4. Cichocki Marek A. (ed.), *Does the EU need a Constitution?*, Center for International Relations, <http://www.csm.org.pl/en/files/DoesEUneedConstitution.pdf>
5. *Constitutional Treaty*, Consolidated version, http://www.europa.eu.int/futurum/eu_constitution_en.htm
6. *Discussion about European Constitution*, Arguments of the Minister of Foreign Affairs of the Republic of Poland, <http://www.ms.gov.pl/start.php?page=1130100000%20>
7. Grevi Giovanni, *The Europe we need. Integration and enlargement*. Working paper 06/03, European Policy Centre, <http://www.theepc.be/en/default.asp?TYP=SEARCH&LV=279&see=y&PG=TEWN/EN/directa&AI=304&l=>
8. Hughes Kirsty, *The Convention's way ahead*, Centre of International Relations, April 2003.
9. Kranz Jerzy, *Between Nice and Brussels or life after death*, Reports and Analyses, Center for International Relations, 1/04 A, http://www.csm.org.pl/en/files/raports/2004/rap_i_an_0104a.pdf
10. Middel Andreas *EU Gipfel in Brüssel wird ein Gipfel der Konflikte*, die Welt, 22.10.2003, <http://www.welt.de/data/2003/10/16/183138.html?search=ein+gipfel+der+konflikte&searchHILI=1>
11. *Laeken Declaration*, 15 December 2001, http://europa.eu.int/futurum/documents/offtext/doc151201_en.htm
12. Nowak Bartłomiej, *Unia Europejska po szczycie w Brukseli*, Reports and Analyses, Center for International Relations, 2/04, www.csm.org.pl/pl/files/raporty/2004/rap_i_an_0104.pdf

13. Philippart Eric, *The Convention on the future of the EU*, CEPS Policy Brief, No. 11, February 2002, http://shop.ceps.be/BookDetail.php?item_id=112
14. Prodi Romano, *Laeken: signpost to the future*, Speech to the plenary session of the European Parliament, Brussels, 17.12.2001, http://europa.eu.int/futurum/documents/speech/sp171201_2_en.pdf
15. Prodi Romano, *Looking towards Laeken*, Speech to the plenary session of the European Parliament, Brussels, 28.11.2001, http://europa.eu.int/futurum/documents/speech/sp281101_en.pdf
16. Putnam Robert D., *Diplomacy and domestic politics: the logic of two-level games*, International Organization, 42 no. 3 (1988).
17. Slonimski Peter, *Legitimacy of the European Convention and its impact on the IGC*, Center for International Relations, April 2003.
18. Szostkiewicz Adam, *Krople Valerego*, Polityka 07/2002, <http://polityka.onet.pl/162,1076648,1,0,2337-2002-07,artykul.html>

Websites:

www.european-convention.net

www.euobserver.com

www.euractiv.com