



[Comment] The European constitution: twice as Nice

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EUOBSERVER / COMMENT - Gisela Stuart, British Labour MP and presidium member in the [Convention](#), has declared this week that the draft [constitution](#) should not be adopted as presented to the [IGC](#).

It does not improve the EU, she says, and it was not drafted in a suitably democratic manner. Nobody should be afraid of the failure of the constitution proposal, because enlargement of the EU can go on under the terms of the Nice treaty.

British foreign minister Jack Straw floated similar comments to the British press last week. These are the hallmarks of an oncoming negotiation: each player has to give the impression of toughness and determination. That is only to be expected.

But what will happen if Britain tries to say no? Let's look at history.

Britain failed to take the Messina conference seriously back in 1955 and refused to sign the Treaty of Rome that followed. Such an attitude did not prevent the EEC from getting underway.

The Maastricht treaty's commitment to launch the single currency did not - and still does not - have British support, but the currency went ahead regardless.

Britain has proved twice that its participation is not essential in the future development of Europe. It is desirable, both for Britain and for Europe, if they take part, but the British should not be sure that they can stop the others from going ahead without them.

And while it is unclear that the British can prevent the adoption of the draft constitution, it is even less clear why they should want to. For the alternative to the constitution is the Treaty of Nice.

Compared with the Nice treaty, the new constitution brings in several areas of improvement.

It would give national parliaments a say in the legislative programme of the European Commission, and provide for a more coherent expression of European interests around the world. The voting methods in the Council of Ministers would be simplified and decision-making would be more transparent. The Brussels system would be brought under the same kind of human rights considerations as all the other institutions of government in Europe.

And perhaps most important of all, the voters would be given a say in who should govern them by linking the choice of president of the Commission to the results of the European elections.

Last time, Romano Prodi was nominated as president six weeks before the elections took place. It's hardly surprising that not many people voted when the results had been announced beforehand.

This adds up to a menu of simplicity, transparency and accountability. Who can be against that?

To be fair to Gisela Stuart, she has a very good point in her criticisms of the conduct of business in the Convention itself. Too many decisions arose as *faits accomplis* rather than as a result of genuine and open debate.

But the Nice summit was worse. Decisions were taken by sleep-starved government leaders in the small hours. It is absurd that the biggest issues are decided in the most inadequate way.

So, what to do now?

First, the draft constitution should be agreed by the IGC as easily and quickly as possible. The hollow threats from Gisela Stuart and Jack Straw should be put on one side in the interests of the future of Europe. The draft text proposed by the Convention is by no means perfect, but it still represents progress over the Europe of Nice.

And secondly the IGC should agree to come back to this issue again. At the outset, Giscard speculated that the constitution might last for fifty years - it will be lucky to last five. Another IGC should be convened no later than 2008 to ensure that the flaws in the current text can be rectified in the next one.

If we are looking for Giscard's successor to chair the Convention and act with scrupulous procedural fairness, perhaps Gisela Stuart would be willing to serve.

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