

The French Elections and the Future of the EU

In the spring of 2005, the ratification process of the EU Constitutional Treaty was stalled when both the French and Dutch voters rejected the proposed treaty in national 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 signed up to before the French "no" vote, by ratifying the Constitutional Treatyⁱ.

The constitutional process was, however, given fresh impetus as the EU marked the 50th anniversary of the Treaties of Rome. In the final part of the Berlin Declaration adopted on 25 March 2007, the Member States set themselves to the task of reforming the European Union and getting a new common basis before the European Parliament elections in 2009ⁱⁱ. This will require an EU that speaks with one voice, and therefore also a committed France. Nonetheless, at the time of writing, the position of France is still on hold. The outcome of the forthcoming two rounds of the Presidential elections (April 22nd and May 6th) and the subsequent legislative (June 10th) elections will see one of the three leading candidates for the French presidency, François Bayrou, Ségolène Royal or Nicolas Sarkozy, taking power. All three have been laying out their specific plans on how to turn France's "no" into a "yes", and are clearly in favour of re-activating the European construction process and the dynamic role that France should play in this process. The purpose of this report is to outline each candidate's policies regarding the EU constitutional process as well as to describe what their ideas, if implemented, would entail for the future of Europe.

François Bayrou: Re-linking France to Europe and creating a "two-speed" Europe

François Bayrou, the "third man" of French politics, occupies 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 who would like to rally leading figures from the left, such as Jacques Delors or Michel Rocard, to his camp.

The main thrust of his European project is his desire to "restore the political link"ⁱⁱⁱ between the countries that have already ratified the draft Constitutional Treaty and those who have not done so. To achieve his objective, he advocates the

simplification of the treaty^{iv} in order to draft a new “text that is short, readable and understandable by all”^v.

According to Bayrou, in such a pared-down text, only “principles, institutions, competencies and procedures” would be put forward^{vi}. 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 “IGC+” in which national and European parliaments would be associated. Explicit policy-making orientations, as featured in the so-called Part III of the Constitution, would not appear in this revised draft treaty; they would be undertaken in separate treaties or European Union acts^{vii}.

Because Bayrou believes that not all states would agree on certain policies – such as tax harmonisation, research, immigration, climate change or defence policies, which all form part of his European priorities – he envisages 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 downsized version of the treaty 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”^{viii}. To him, this would be a political and a moral requirement, not a legal one^{ix}. This referendum could take place on the same day as the European parliamentary elections, in June 2009.^x

Ségolène Royal: The quest for a social Europe

In a different way, the socialist candidate, Ségolène Royal, has put forward a more comprehensive proposal aimed at pleasing her constituency. According to her, allowing time for debate is crucial as “politics cannot be reduced to institutions^{xi}”. This position has to be understood in the French context. While the “Parti Socialiste” (PS) officially supported the constitutional treaty, the majority of sympathisers, encouraged by some party leaders (Laurent Fabius, Arnaud Montebourg, Jean-Luc Mélenchon) opposed the proposed treaty which they considered too pro-freemarket and alien to the European social model.

Ségolène Royal has thus adopted a socially-oriented programme for the EU in order to appease the left wing of the PS. Proposition 88 of her “Presidential Pact” articulates her core position, stating that she desires to “build a more protective

Europe". She believes that Parts I and II of the ECT – 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 Part III. She proposes instead an additional "protocol"^{xii} which would deal with "new policies, social progress, public services and the environment"^{xiii}. This protocol would also have repercussions on domestic laws of EU member states.

Ségolène Royal envisages 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^{xiv}.

This treaty would be ratified before or the same day as the EU parliamentary elections in 2009 by a referendum in France. Optimistically, she believes "that there is no reason to fail."^{xv} Significantly, her campaign has recently been endorsed by Jacques Delors^{xvi}, a former President of the Commission, who is considered centre-left in French politics.

Nicolas Sarkozy: the "scissors" approach

For the right-wing party, the "Union pour un Mouvement Populaire" (UMP), «institutionally unblocking Europe^{xvii}», i.e. improving the decision-making process of the EU, is a matter of urgency. That's why its President, Nicolas Sarkozy, has proposed the idea of a "simplified-treaty" adopted by parliament^{xviii}. He first suggested a "mini-treaty"^{xix} but due to the 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 drawn up with scissors, not with a pen^{xx}". The main idea is to retain the legal innovations acquired since the Treaty of Nice (2001) thereby enabling the EU institutions to work more efficiently.

Four points out of Nicolas Sarkozy's eight-point proposal for a simplified treaty deal with the decision-making procedures^{xxi}. An important step would be to do away with unanimity in favour instead of an extension of the domains of qualified majority, co-decision and double-majority voting. Member States disagreeing on some issues would, under this scenario, not prevent the EU from "going ahead". In the same fashion, he plans to introduce a more stable presidency of the European Council^{xxii}, to replace the current six-months rotation system, in order to facilitate long-term policy initiatives, and also to create the position of a

European Minister of Foreign Affairs to strengthen the EU's stature on the international scene^{xxiii}.

In this pragmatic approach – because, according to Alain Lamassoure, any other approach would not be successful – the simplified institutional treaty would be ratified by the parliament, meaning that no referendum would be required. This limited ratification strategy is also supported by the French European commissioner, Jacques Barrot^{xxiv}, as well as by a socialist, Hubert Védrine, former French Minister of Foreign Affairs.

Overview of the three proposals

The three candidates represent rather diverse positions. Accordingly, their election could lead to different scenarios that will certainly have an impact on the future of Europe. The socialist candidate, Ségolène Royal, who opts for the solution of a more, rather than less, inclusive, text is to some extent in line with the majority of the pro-EU Member States. Indeed, the so-called “Friends of the Constitution”^{xxv}, who met in Madrid – without France – in January, signed a declaration stating that an agreement limited to some institutional changes is not sufficient^{xxvi}. Instead, they want to keep the existing text intact or even add to it, among other features, a social protocol quite similar to what Ségolène Royal has advocated. 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 are arguing for a small or simplified treaty – more in line with what has been put forward by François Bayrou and Nicolas Sarkozy. A recently held debate, organised by the European Commission's Representation in France, also suggested increased support for 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^{xxvii}. Even though the presidential candidates themselves were not present, their spokespersons signaled a *rapprochement* between the presidential candidates, especially with regard to 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 the EU.

Similarities:

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

Regarding the question of a reference to the “Christian roots of Europe”, France is not likely to change its secularist stance. François Bayrou is clearly against any mention of it^{xxviii} while Ségolène Royal has eluded the issue by, in a very diplomatic way, stating that the values she was defending in her social protocol were very similar to those enshrined in Christianity^{xxix}. Last, even though Nicolas Sarkozy acknowledged the Christian roots of Europe in his book *La République, les religions, l'espérance*^{xxx} (“*The French Republic, religions and hope*”), his EU adviser, Alain Lamassoure, declared that he was against any mention of Christianity in a future treaty^{xxxi}.

Differences:

- A less versus a more inclusive treaty
- Ratification via parliament versus ratification via referendum
- Accepting Turkey as a EU Member State or not.

Both Nicolas Sarkozy and François Bayrou have indicated that neither of them is in favour of Turkey becoming a member of the EU. Ségolène Royal, on the other hand, has signaled that she will not rule out the possibility of Turkey joining the EU. This issue might turn out to be one of the most critical obstacles due to the constitutional amendment introduced by Jacques Chirac, who altered the Constitution so that any further EU enlargement after Croatia’s accession will require the approval of French voters in a referendum^{xxxii}. So, whichever candidate is elected, the way to constitutional agreement within the EU will be influenced by the controversial legacy of Jacques Chirac.

Implementing the proposals

In the national context, Nicolas Sarkozy wants to avoid going down the route of a referendum (preferring the option of ratification by the parliament), thereby precluding the risk of a second “no”. At first glance, this might seem to make sense, but one has to take the special circumstances of the French political

system into consideration. First of all, if Nicolas Sarkozy is elected president in May this does not automatically mean that his party will have a majority of votes in the following parliamentary elections in June. Thus, there is a real possibility that the party of the president will not have the majority of seats, thus narrowing the scope for political maneuvering. Secondly, especially given that the French parliament is rather weak, rushing a treaty whose original version was rejected by the population through the parliament might lead to further public resentment against the EU and be interpreted as a sign of Sarkozy's arrogant disregard for the democratic wishes of the people.

While both Ségolène Royal and François Bayrou intend to hold a referendum on the new text, if elected President each will, like Nicolas Sarkozy, be confronted with the special circumstances of the French political system. This would be especially evident in the event of Bayrou being elected President. Currently, his party only holds 27 out of 577 seats in the French parliament. So unless the UDF gains a massive increase in seats in the forthcoming parliamentary elections, Bayrou could only hope to govern in principle, not in reality^{xxxiii}, making it difficult for him to carry out the policy he has put forward. In other words, winning presidential elections does not guarantee that candidates' proposals will actually be translated into the EU policy of the French Republic.

ⁱ 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, last accessed 30 March 2007.

ⁱⁱ 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

ⁱⁱⁱ François Bayrou. « Stratégie pour une refondation de l'Europe », speech delivered 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, last accessed 12 March 2007.

^{iv} François Bayrou. 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, last accessed 14 March 2007.

^v François Bayrou. « Stratégie pour une refondation de l'Europe », *op. cit.*

^{vi} *Ibid.*

^{vii} *Ibid.*

^{viii} *Ibid.*

^{ix} *Ibid.*

^x François Bayrou, Closing speech of the symposium: « Un Nouvel élan pour l'Europe », *op. cit.*

^{xi} Ségolène Royal. « L'Europe par la preuve », Press Conference at the National Assembly, 11 October 2006, *Désirs d'avenir* (official website of the candidate), http://www.desirdsavenir.org/index.php?c=sinformer_discours&id=191, last accessed 13 March 2007.

^{xii} 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 », Ségolène Royal, « 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, last accessed 15 March 2007.

^{xiii} Ségolène Royal. « Je ne dois rien à personne si ce n'est au peuple français », *Le Monde*, 6 mars 2007, p. 8.

^{xiv} Ségolène Royal. « L'Europe par la preuve », *op. cit.*

^{xv} *Ibid.*

^{xvi} Isabelle Mandraud. « Ségolène Royal abat la carte Jacques Delors face à François Bayrou », *Le Monde*, 28 March 2007.

^{xvii} Nicolas Sarkozy, « Je veux que l'Europe change », speech delivered in Strasbourg on 21 February 2007, UMP website, http://www.u-m-p.org/site/index.php/ump/s_informer/discours/je_veux_que_l_europe_change, last accessed 13 March 2007.

^{xviii} Nicolas Sarkozy. « Je veux que l'Europe change », *op. cit.*

^{xix} Nicolas Sarkozy. Speech delivered at the Konrad Adenauer Foundation, Berlin, 16 February 2006, UMP website, http://www.u-m-p.org/site/index.php/ump/s_informer/discours/deplacement_de_nicolas_sarkozy_a_berlin_le_16_fevrier_2006, last accessed 12 March 2007.

^{xx} Alain Lamassoure, speech delivered at a conference on "The Future of Europe in the French Presidential Debate" organized by the Thomas More Institute, Paris, 28 March 2007.

^{xxi} Nicolas Sarkozy. « Mes objectifs en matière de politique étrangère », 28 February 2007, UMP website, http://www.u-m-p.org/site/index.php/ump/s_informer/discours/mes_objectifs_en_matiere_de_politique_internationale, last accessed 14 March 2007.

^{xxii} Nicolas Sarkozy. « Je veux que l'Europe change », *op. cit.*

^{xxiii} Nicolas Sarkozy. « Mes objectifs en matière de politique étrangère », *op. cit.*

^{xxiv} George Parker. "French Candidates warned on approach to EU", *Financial Times*, 4 March 2007.

^{xxv} "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.

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

^{xxvi} Simon Taylor, "Majority wants to expand and improve the EU constitution". *European Voice* 13 (4), 1 February 2007.

^{xxvii} Ferdinando Riccardi, "A look into the news". *Europe Daily Bulletin*, 28 March 2007.

^{xxviii} Philippe Goulliaud, "Bayrou: Je veux rassurer et apaiser les tensions" *Le Figaro*, 28 March 2007.

^{xxix} Ségolène Royal. « Je ne dois rien à personne si ce n'est au peuple français », *Le Monde*, 6 mars 2007, p. 8.

^{xxx} Nicolas Sarkozy. *La République, les religions, l'espérance*, Editions du Cerf, Paris, 2004.

^{xxxi} « Le PPE mentionne les « racines judéo-chrétiennes » dans sa déclaration de Berlin », *Le Monde*, 21 March 2007.

^{xxxii} "A smaller treaty with a bigger chance", *European Voice* 13(8), 1 March 2007.

<http://www.europeanvoice.com/archive/article.asp?id=27469>

^{xxxiii} Special edition of *The Economist*. "It all went wrong", *The Economist*, 15 March 2007.