

The European Council, which met in Thessaloniki (Greece) a few days ago, had approved the draft Constitution, prepared by the 105-member Convention, led by former French President, Valéry Giscard d'Estaing.

This presentation marks a historic step in the direction of furthering the objectives of European integration. The Inter-Governmental Conference (IGC), which is likely to be convened in October this year, would further dilate upon the text. The IGC is obliged to complete its work and agree on 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. The acceding states will participate fully in the IGC on an equal footing with the current Member States.

✓ The heads of the state, or governments, will conduct the IGC, assisted by the members of General Affairs and External Relations Council. The European Parliament will be closely associated and involved in the work of the Conference. The three candidate countries, Bulgaria, Romania and Turkey—with whom accession negotiations are under way—will take part in all Conference meetings as observers.

The draft text has deliberated upon a number of core issues that have been center of debate for the past few months. The Convention, among other issues, has proposed a permanent EU presidency that will last for five years. That idea was dropped in the initial draft.

"Our Constitution is called a democracy because power is in the hands not of minority but of the whole people," is the foundation statement upon which the whole edifice of the draft Constitution has been erected.

Smaller member states have voiced their concern over certain provisions of the draft Constitution and have demanded either their immediate removal or amending. They have feared the draft Constitution, if implemented in its present form, will lay the foundation stone of a super state, curtailing the role of smaller states in the future EU affairs.

The Common Foreign and Security Policy (CFSP), appointment of an EU Foreign Minister, President of the European Council, and formation of the European Commission are some of the core issues the Convention for Enlargement was confronted with. Article 15 of the draft Constitution deals with the

Towards a greater Europe

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Small Member States of EU fear that the recently proposed draft Constitution, if implemented in its present form, will lay the foundation stone of a super state, curtailing the role of smaller states in the future EU affairs

By Ansar Mahmood Bhatti

electd by universal suffrage of European citizens in free and secret ballot for a term of five years. Its members shall not exceed 700 in number. Representation of European citizens shall be digressively proportional, with a minimum threshold of four members per Member State." This clause, however, does not indicate the possible numerical strength of the European Parliament. The President of the European Parliament will be elected for a term of five years, from among its members.

Article 20 deals with the composition of the European Council. The European Council's status is cardinal since it comprises all the heads of the state or governments of the member states together with its President and the President of the European Commission. As per this provision, the EU Foreign Minister shall also participate in the meetings of the European Council.

The main task of the European Council has been to provide necessary impetus to the Union's development related activities and define its general political directions and priorities. The Council, as per the new Constitution, would continue playing a similar role. A qualified majority shall elect the European Council President for a term of two and a half years, renewable once. The person elected must be, or have been for at least two years, a member of the European Council. In cases of serious malpractice, the European Council can

majority rule, the big states would be having greater say in all decisions. In other words, Germany and France being the biggest states—in terms of population—would influence all the decisions of the EU.

The smaller states have formally conveyed their reservations to the Presidium. Mr Giscard wants a system under which any vote could be won by a majority of Member States representing a majority of the EU population. This is, nevertheless, a contentious article and therefore requires to be dealt with prudence since it may jeopardise the enlargement prospects of the Union.

Article 25, 26 and the 27 are highly important in the sense that they deal with the most significant institutions such as European Commission, Commission President and the EU Foreign Minister. As per this Article, the European Commission shall consist of a President and up to 14 other members. It may call on the help of the Associate Commissioners. The Commission shall be completely independent, in carrying out its responsibilities. Importantly, the members of the Commission shall neither seek nor take instructions from any government or other body. Currently, the 20-member Commission is functioning under the aegis of Romano Prodi, who saddled in after the dismissal of the previous Commission on corruption charges.

As per the second clause of this Article, each Member State shall submit a list of three persons, of whom at least one must be a woman, whom it considers qualified to be a European Commissioner. The President-elect, taking account of European political and geographical balance, shall, from among the names submitted, select as members of the Commission up to 13 persons chosen for their competence, European commitment, and guaranteed independence. This article empowers the President of the Commission to pick up as members, persons of his own choice. It is, therefore, not necessary that every member country has its representation in the Commission.

Article 27 elaborates the appointment of an EU Foreign Minister. It says, "The European Council, deciding by qualified majority, with the agreement of the President of the Commission, shall appoint the Union's Foreign Minister. He shall conduct the Union's [CFSP]." It is important to note here that the Foreign Minister shall be from one of Vice-Presidents of the Commission. No tenure of the Foreign Minister has been given in

The rotating EU presidency



Graphic showing details of the EU's rotating presidency. — AFP wirephoto

19 of the draft Constitution deals with the CFSP. The Article says, "Union's competence in matters of [CFSP] shall cover all areas of foreign policy and all questions relating to Union's security, including the progressive framing of a common defense policy, which might lead to a common defense."

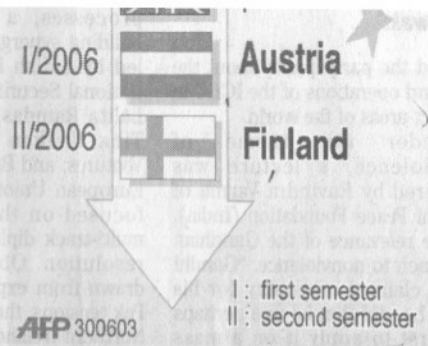
The second clause of this Article makes it incumbent upon all the Member States to support the Union's CFSP in a spirit of loyalty and mutual solidarity. The Convention has gathered required support in favour of this Article, and therefore, the said article is likely to be retained as it is in the final stage.

The presidium has dwelt upon the future structure of the European Parliament in Article 19 of the draft Constitution. The Article comprises of three main clauses. Clause two says, "The European Parliament shall be directly

maipractice, the European Council can end his mandate according to the same procedure. It is important to note here that the President of the European Council may not be a member of another European institution or hold national mandate.

Article 22 and 23 deal with the formation of the Council of Ministers and Council formations, respectively. The presidium has retained most of the provisions of the existing procedure for the formation of Ministers' Council and Council formations.

Article 24 of the draft Constitution defines the procedure of a qualified majority. It says, "When the European Council or the Council of Ministers take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three-fifth of the population of the Union."



Clause two says, "Within the European Council, its President and the President of the Commission do not vote."

The first clause of this particular Article has evoked serious criticism from the smaller EU states. As per the qualified

RESIDENTS OF THE COMMISSION. TO VICES of the Foreign Minister has been given in the Article. The big countries seem reluctant to borrow the idea of having a Foreign Minister from within the Commission.

The draft Constitution has proposed an EU presidency whose term would be five years. The integration-minded Benelux countries want to retain the current system of rotating the union presidency every six months: But Britain and other big countries believe this would weaken their concept of the full-time presidency.

In a nutshell, the preparations for a new constitution are always an uphill task and therefore subject to amendments/changes. The concerns shown by the smaller EU states are genuine; hence their interests need to be looked after since it is vital for the future well being of the Union.