



The Context

The European Union Treaty History

The European Union has developed over a number of decades. This development has been characterised by the agreement of a series of Treaties concluded between the Member States. At the point at which a new Member State joined that Member State had to accede to the existing Treaties.

The Treaties did not supersede each other. They built on each other and amended each other. The result was a number of different Treaties, all of which were valid but some of which had been amended by subsequent Treaties.

The main Treaties thus currently in force and which govern the functioning of the European Union:

Original Treaty	Current Position
Treaty of Rome (1957)	There is a consolidated version of this Treaty published in December 2002 which incorporates amendments to this Treaty made by all subsequent Treaties
Treaty of Maastricht (1992)	There is a consolidated version of this Treaty published in December 2002 which incorporates amendments to this Treaty made by all subsequent Treaties
Treaty of Amsterdam (1997)	There is a consolidated version of this Treaty published in December 2002 which incorporates amendments to this Treaty made by all subsequent Treaties
Treaty of Nice (2001)	This is the most recent Treaty and has not been amended by any subsequent text.

The Convention on the Future of Europe

In December 2001, the Heads of States and Governments at their Summit in Laeken agreed the Laeken Declaration which set up the Convention on the Future of Europe. The Declaration posed a number of questions:

- What is Europe's role in a globalised world?
- How can European citizens be brought closer to the European Union Institutions?
- How can European politics be organised within the much larger area of the enlarged European Union of 25 (and subsequently 27) Member States?
- Should the incremental system of Treaties which had developed over the previous 44 years be replaced by one constitutional text?

The Composition of the Convention on the Future of Europe

A large number of people participated in the Convention on the Future of Europe. It was composed of:

- Representatives of the Governments of the Member States and of the Governments of those countries which at that point were waiting to become Members
- Representatives of the national parliaments of all those countries
- Representatives of the European Parliament
- Representatives of the European Commission

There were several groups who had representatives with observer status at the Convention. These were:

- The Economic and Social Committee (a European level body representing national employer organisations, trade unions and civil society¹ organisations)
- Trade Unions
- Employer Organisations
- The Committee of the Regions.

The Convention on the Future of Europe invited participation beyond these numbers by inviting submissions and comments from civil society and by setting up a Forum for civil society. All submissions made were placed on the website of the Forum and were thus available publicly.

The Convention started meeting in February 2002 and continued its work until July 2003, a little longer than originally anticipated.

The Convention Process and Achievements

The Convention Process was initially set at a pace where input from interested parts of civil society was possible. Once the process turned from discussion of principles (which was done in 10 theme groups) to the actual drafting of the constitutional treaty text, the process speeded up a lot and made it difficult for civil society to contribute. Only members of the Convention could propose amendments to the drafted text and therefore civil society had to first read the text, then draft proposed amendments and then get them to one or more members of the Convention to put forward. All this in a very short timescale which for some parts of the text was a matter of days.

Part of the reason for this time pressure was the desire to complete the text before the European Summit in June 2003 so that the Council could adopt the text there as a basis for the next stage of the process. However, and given the immense importance given to this exercise by the Member States and the European Union Institutions, there might have been an argument for giving this phase of the process longer. Indeed, QCEA commented on this in the May 2003 edition of *Around Europe* as follows:

In the final stages it seems that the agenda is being shaped primarily by only one of the groups represented at the Convention, the governments of the Member States. The push to finish the work of the Convention by 20 June 2003 is artificial and creates the risk that the final Constitutional Treaty presented by the Convention will not be as well thought out as possible and there will not be sufficient scope for consultation. Convention Members will not have the opportunity to consult with their constituents, and the situation will be even worse for NGOs, which represent the voices, concerns and interests of citizens across Europe. It is sadly ironic that a body set up to bring the EU closer to citizens has in the end been driven by political priorities to rush through some of the most important decisions to affect European citizens for many years.²

That said, it is also fair to say that only those with a clear interest in this process would have been likely to get involved. The media covered the process only in part and mainly around the more controversial issues. The general public was not very well informed. This lack of information provided in an accessible format was one of the key failings of the Convention.

Looking back at the 4 questions which the Laeken Declaration posed, the Convention addressed only one: it considered the adoption of a constitutional text and then went on to draft it. As a product of that drafting process, some of the other issues were addressed. Most importantly, the question of how to organise European Union politics effectively in an enlarged EU is addressed extensively in the text. The question of the European Union's role in the world is addressed to an extent. But bringing the citizens closer to the European Union has not been achieved, despite clear attempts to do so through the process.

The Intergovernmental Conference

Once the Draft Constitutional Treaty had been finalised by the Convention, it was submitted to the European Summit in Thessaloniki in June 2003 and agreed there as a basis for the Intergovernmental Conference.

IGCs are the mechanism which the European Union employs to change its Treaties. As the Constitutional Treaty will replace all previous treaties on which the European Union is based, such a Conference was necessary.

The Conference began in October 2003. Issues were discussed at different levels.

- Matters of detail were discussed by the representatives of the Governments of the Member States and Accession Countries. Most likely, these representatives will be the Permanent Representatives of each country, i.e. their EU Ambassadors.
- Most issues were discussed in the General Affairs Council. This involves the Ministers for Foreign Affairs and/or the Ministers for European Affairs of the Member States and the Accession Countries.
- There were also several meetings of the European Council. This involves the Heads of Government/State of the Member States and Accession Countries. They discussed and decided on broader issues.

Originally, it was intended that this process should be completed in December 2003. However, the Summit that month failed to reach agreement. An assessment of that Summit and its outcome is contained in *Around Europe*, Issue 258, January 2004 which can be accessed on our website at <http://www.quaker.org/qcea/AE258.htm>.

The Intergovernmental Conference finally came to a conclusion in June 2004 when agreement on an amended text was reached. **Briefing Paper 2** in this series sets out the key components of the treaty.

QCEA's Work on the Convention and on the Draft Constitution

QCEA undertook a main project on the Convention. This project was supported financially by the European Commission and attempted to engage Friends in the discussion on the Future of Europe. The purpose of this engagement was to enable QCEA to make submissions to the Convention which would reflect Quaker concerns and values. Our website contains all the information we produced and you will find the relevant link to this in **Briefing Paper 5** of this series.

During the IGC stage of the process, QCEA decided to focus on the issue of the militarisation which is reflected in the Constitutional Treaty. We lobbied on this issue and developed a set of proposals designed to put alongside such militarisation a development of civilian capabilities. You can find details of this work and our proposals updated to reflect more recent developments on our website at <http://www.quaker.org/qcea/foemiliteu.htm>.

This series of briefing papers takes the process of our work on the Convention to its conclusion. We are intending to provide with this briefing a guide to the Constitutional Treaty (in part by providing you with links to other analyses) in order to assist Friends in their own decision making and action relating to the ratification of the Constitutional Treaty.

The other briefings in this series will cover the following topics:

Briefing Paper 2 - Key components of the Constitutional Treaty

Briefing Paper 3 - Ratification Process

Briefing Paper 4 - Pros and Cons of the Constitution

Briefing Paper 5 - Sources of additional information

Briefing Paper 6 - Action Points

¹ Civil Society is a word used nowadays to describe all those parts of society that are non-governmental. This includes a broad range of organisations and is used by different people in slightly different ways. As a minimum, it would include employer organisations, trade unions, NGOs and Associations, religious bodies and groups, and the media.

² Bronwen Thomas, The Convention Draws to a Close, in *Around Europe*, No 252, May 2003