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### **Too easy to blame Spain and Poland**

By Kalypso Nicolaidis

Who's done it? Since last week's EU summit debacle, all fingers have pointed to Spain and Poland as the two culprits who insisted on defending their narrow national interest to the bitter end. This is too easy. Defending one's national interest is, for one, a strange accusation. Has any head of government ever been seen to come home to its electorate stating: sorry, this time around we made a bad deal but you will be glad to know it was in the interest of Europe? It is to deeply misunderstand the EU to oppose those who are allegedly able to "think in terms of the European interest" and those –allegedly the new comers- who have not yet learned to do so. The European Union is a wonderful machine for managing differences through creative negotiations where solutions are found which make no one worse-off than before.

The defining issue of weighted voting which plagued the summit in Brussels could have been addressed through a *rendez-vous* clause for 2009 or by modifying the "double majority" formula suggested by the Convention in order to give middle size countries a blocking minority equivalent to Nice in circumstances where their national interest may have been invoked. It would have helped to give Spain and Poland more representatives in the European parliament, since this is precisely the linkage that had been made at Nice and where they had lost out in exchange for their "victory" on the voting front.

That no compromise was found reflects not only Mr Berlusconi's inadequacies but above all a failure of German and French diplomacy as Wolfgang Munchau rightly point out (*FT, December 14*). Both in the Convention and the IGC, Germany refused to revisit its Nice "gains" concerning the European Parliament. And yet, the commendable double majority system proposed by the draft Constitution includes a population threshold of 60 percent, a formula favouring Germany as never before. Little attention was paid last June to the fact that small and medium member states in the EU only very reluctantly and unhappily bowed to the so-called "consensual" results of the Convention. They too did not support France and Germany's unwavering "take it or leave it" position. In a previous era, where the two countries played their role as the "motor of Europe" in a benign manner, other member states may have acquiesced for the sake of Europe. But at the end of a year where the two seem to want to make rather than apply EU rules, who can fault small and medium member states for fearing the re-emergence of hegemonic power politics in Europe, after a half century lapse?

Arguably, there is another, deeper reason for the failure in Brussels which lies with the perennial question of democracy in Europe. In spite of its grand opening by Thucydides who spoke 2 500 years ago about the rule of the many, this draft Constitution does not belong to the many, but to the very few. Neither the Convention process nor, and even less, the intergovernmental conference succeeded in generating the degree of momentum and enthusiasm one would expect from a Constitution written in the XXIst century.

European elites will have to act differently if they wish to create a ‘constitutional moment’. They need to listen better and create real agora for debate. They need to write in a clear, accessible style a Constitution to inspire and not only manage Europeans. We Europeans must all make this Constitution our own. This is the message my colleagues and I sought to convey in a document published and signed by 100 academics from across Europe at the eve of the IGC.\* It contains some suggested amendments on style and substance which we believe would help move in this direction .

The European Constitution is not dead. Let us hope that the continent’s leaders will use this festive pause to reflect on what it would take to transform the draft into a final version that is justified in beginning: We the peoples of Europe.”

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\* *‘Making it Our Own: A Trans-European proposal on Amending the draft Constitutional Treaty for the European Union’*. The document is available for consultation and adding signature online at:

<http://www.fedtrust.co.uk/default.asp?pageid=173&mpageid=67&groupid=6>