

CENTRAL MICHIGAN UNIVERSITY

A STUDY OF AUSTRIAN AND GERMAN REASONING FOR SUPPORTING THE
EUROPEAN UNION CONSTITUTION

A RESEARCH STUDY SUBMITTED TO
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The European Union (EU) is bound together through a series of treaties and agreements that have been signed and ratified by its 15 member states. In the year 2004, that membership grew to 25 members, with the potential for additional members in the future. The question that is on the minds of the current members of the EU is how the EU will deal with enlargement. “One of the basic assumptions is that the Nice Treaty did not provide an answer to the numerous challenges of enlargement – and by a wide margin.”¹ The basic principal of the Treaty of Nice was to streamline the introduction of 10 new member states in regards to EU institutions. In order to solve such a potential crisis, the European Council created a Constitutional Convention. The purpose of this Convention was to create a document that would streamline the EU and tie all the treaties into one document. Such a document, however, must be ratified by the current 15 member states, as well as the incoming ten, most of who are from the former Soviet bloc. “This assumption [the numerous challenges of enlargement] must be shared at least partly by the European Council. Otherwise, it would not have created the Convention.”² The Convention has drafted a proposed document, which answers three fundamental questions: What is the meaning of Europe and what are its powers and institutions?³ However, maintaining the proposed document appears to be a difficult task, as large and small states are arguing over various powers and functions, from the mention of God to the number of votes a nation will receive. Such arguments are even being debated between Austria and Germany, both German-speaking lands with similar historical backgrounds. Differences between large and small states, such as Austria

¹Franklin Dehousse, “The Perils of a European Constitution,” Royal Institute of International Relations, 15 Nov. 2003, <<http://www.irri-kiib.be/papers/ConstitutionofEuropemotivation.pdf>>.

²Ibid.

³Ibid.

and Germany, needed wrapped up by December 2003, or the Constitution would not take effect by the time the new member states were officially welcomed into the EU.

Even with a common language, the Austrians and Germans are at odds, and on a larger scale the small verses large nations, over the powers granted to the institutions of the EU. Germany, along with France, has created a proposal that would “create a dual executive, with a commission president elected by the European Parliament and a council president elected for a set term by the leaders of the member states.”⁴ This proposal would give some formal authority to the Parliament, as it currently has no “teeth,” according to German Foreign Minister Joschka Fischer. The fear for this proposal comes from the small states, including Austria, who fear the larger states, who have more votes within the Parliament, would in effect create give the power of the EU to the large states, which includes France and Great Britain. “Austria is among the group of small and medium sized countries worried about the dominance of the bigger EU players.”⁵ This worry is justified, as Germany has 99 seats within the Parliament, and Austria has 21 seats. If, however, the Parliament had seats according the population, Germany would have additional seats, with some seats being taken away from Austria. The smaller states have created a bloc to work on items of current, including the notion of a dual-executive. The Austrians have a very different viewpoint on the proposal regarding the Parliament than that of the Germans, based solely on the number of votes they would have.

⁴“France, Germany Defend Joint EU Constitution Proposal,” Deutsche Welle, 21 Jan. 2003, <http://www.dw-world.de/english/0,3367,1433_A_760766,00.html>.

⁵“Austria Critical of German Warning over Draft EU Blueprint,” Agence France-Presse, 02-Oct. 2003, <http://quickstart.clari.net/qs_se/webnews/wed/ai/Qeu-constitution-austria.RZKT_DO2.html>.

Another concern within the institutions is the European Commission. Currently, the Commission is comprised of 20 members, two for each of the five large states, and one member for the remaining ten states. Under the proposed Constitution, that number would be reduced to 15, even though ten new nations would be joining the EU. According to Austrian Foreign Ministry spokesperson Johannes Peterlik, "Each country should have a commissioner who has the right to vote and that the presidency should be representative of all the member states."⁶ Austria has been working behind the scenes to draft a revision on behalf of the small states, using carefully crafted language to not anger the larger, more powerful Germans. German Chancellor Gerhard Shroeder has hinted that tampering with the proposed Constitution had the potential to delay the enlargement process. A major concern for Austria on the German position towards change to the current draft of the Constitution has been threats with regards to voting. Austrian Chancellor Wolfgang Shuessel said, "This tone is not welcome" on German television. Shuessel's comments were directed to the German Foreign Minister, who at one time said any members of the EU who wanted to make changes to the draft Constitution would need a majority backing. The main concern for the Austrians is the fear that they would not, under such a proposal, have a vote within the Commission, as only 15 seats would be allocated to the 25 member states.

A threat to the balance of power in Europe has been seen within the institution of the president of both the European Council and the European Commission. Under the draft Constitution, the president of the European Commission would be elected by members of the Parliament. Fears have come from smaller nations, who have fewer votes in the Parliament and would potentially lose their voice in selecting the president, whose term would be up to five

⁶"Small States to Meet Again on EU Constitution," EU Business, 19 Sept. 2003, <<http://www.eubusiness.com/afp/030919172946.pv8kseba>>.

years. “Delegates from smaller European countries warned against eliminating the current rotating presidency, fearing that too much power would then be concentrated amongst the EU’s largest members, like Germany.”⁷ The Austrian government issued a joint declaration with other smaller states, stating they would refuse acceptance of a full-time European Council president if selected in such a manner. Austria favors keeping the current system, which rotates amongst member states every six months. Another reason for the smaller states to go against such a proposal is the simple fact that the Commission would be pushed to a lower position than the Council, which clearly favors the larger countries. A German member of the European Parliament, Elmar Brok, said, “The policy being determined bilaterally between countries like Germany and France rather than as a collective community [would be bad for the EU].”⁸ Clearly, members of the German delegation do not even support the idea that Germany would have greater influence on policy over smaller states, such as their southern neighbor, Austria.

One proposed change under the draft Constitution is how legislative policy is adopted by the EU. Under this change, instead of a qualified majority needed to pass legislation, only a simple majority of the member states that must include at least 60-percent of the EU population would be needed. This would allow Germany, with the EU’s largest population, to have 17 percent of the vote. “Lord Saatchi [British Shadow Finance Minister] said the Common Market that Britain had joined was an ‘equal partnership.’ ‘We were equal parties and had equal shares of the votes. The new constitution ends that principal of equality.’”⁹ The Austrians share this

⁷“France, Germany Defend Joint EU Constitution Proposal.”

⁸Ibid.

⁹George Jones, “Germany will Outvote Britain in EU Constitution” Telegraph, 09 Sept. 2003, <<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2003/09/09/neuvot09.xml>>.

similar view, with a much smaller population than that of Great Britain and Germany. “There are some new voices, surprisingly, Austria, which has been loudly warning its European partners that it will not stand for bullying by the bigger EU states.”¹⁰ Austria understands its share of votes will not be a match for larger states, like their northern German neighbors, and are trying to keep the European Union a union amongst equals, just like the British. “Obviously the larger nations with the biggest populations are bound to carry the most weight in EU decisions, but the smaller members argue that there should be stronger moderating mechanisms. They argue for a device for checking and balancing the power of the biggest players.”¹¹ Clearly, the smaller state of Austria understands a larger state such as Germany should have a greater say in EU affairs, just not complete control over the entire process.

The European Defense Force is a major cause of concern, not along the lines of large and small nations, but nations who are neutral and those who have military’s that are permitted to engage in combat operations. The sticking point to this agreement is a clause which is similar to NATO, if one member country is attacked, all member countries would be required to assist. This is of concern to Austria, who has been a neutral country since the end of World War II. The Germans, on the other hand, support this, as well as the formation of a system similar to NATO. What these four nations, Austria, Finland, Ireland, and Sweden, have though, is the support of other nations to rework the wording of the clause. “[French Foreign Minister Dominique] De Villepin insisted that the position of neutral or non-aligned countries such as Ireland, Sweden, Austria and Finland would not be compromised by a new EU mutual defense clause.”¹²

¹⁰David Howell, “Big Countries vs. Small in Europe,” The International Herald Tribune, 03 Dec. 2003, <[http://www.iht.com/ihtsearch.php?id=119931&owner=\(IHT\)&date=20031203130937](http://www.iht.com/ihtsearch.php?id=119931&owner=(IHT)&date=20031203130937)>.

¹¹Ibid.

Currently, Finland is working on suggested wording that would permit neutral member states to contribute to a fellow member in another way. The Finnish are proposing wording stating that “countries ‘may’ assist with military ‘or other’ means at their disposal.” Such a change has the support of Great Britain, as well as other members of the EU. The initial idea of a European Defense Force came from France and Germany, with operations needing the unanimous approval of the Council of Ministers in order to deploy troops. Another use for the force would be to serve as a “system to develop military capabilities,” according to the Foreign Minister of Great Britain.

A source of discontent amongst the current EU members, including Austria, is with the larger states, mainly France and Germany, and the EURO Stability Pact. This pact states that member countries in the EURO zone will keep within deficit rules. Germany failed to remain under the cap, and the issue was brought before the Ecofin Council, which ultimately decided to allow the Germans to remain above the cap for the time being. “Austria voted against this decision. The EU Commission has let it be known that it may ask to have the Ecofin decision reviewed by the European Court of Justice.”¹³ Austria was the member nation who has urged the Commission to not send the decision over to the courts for review. Austrian Chancellor Schuseel noted, “Austria would have preferred to see the EU finance ministers remain within the limits set by the stability pact in their decision.”¹⁴ Though the Austrians feel nations should stay within

¹²Honor Mohoney, “EU Sees Breakthrough on Defense Questions,” EU Observer, 29 Nov. 2003, <<http://www.euobserver.com/index.phtml?sid=13&aid=13726>>.

¹³“Germany and Austria Against Deficit Complaint by European Commission,” Die Bundesregierung, 28 Nov. 2003, <http://eng.bundesregierung.de/top/dokumente/Artikel/ix_567612.htm?template=single&id=567612_2776&script=1&ixepf=_567612_2776>.

¹⁴Ibid.

the rules of the stability pact, they also see a need for such rules to be more flexible to economic trends and GDP growth. “The Austrian Chancellor proposed a European initiative to improve the stability and growth pact. He said there is a need to have credible European monetary policy rules that will ensure the stability of the currency while permitting growth to take place.”¹⁵ The Austrian proposal has the support of German Chancellor Schroeder, as he believes a political consensus is healthier to both nations as compared to a legal dispute.

A sticking point within the proposed Constitution that does not directly relate to policy is the mention of God or any of the Christian heritage of Europe’s past. Such an omission has sparked dissent amongst member states, again not based on the small/large nation, but more along the lines of Catholic and Protestant. Catholic states, such as Austria, have suggested that mention of Europe’s Christian past, be included within the document, as “respect for human life, the desire to protect the weak and the oppressed, equal treatment of women, the commitment to the rule of law” are all mentioned in the preamble, and member states with Catholic majority’s believing the Christian past has had a direct impact on such behaviors. “We share the opinion of those authoritative members of the convention who have already proposed the inclusion of this element ... out of respect for historical truth.”¹⁶ Austria is one of those members who is supporting the inclusion of a line in reference to the role religion has played in the shaping of European believes, whereas Germany is not. “Germany's delegate to the convention has already said that he believes God will not make it in. The statement was echoed by former German

¹⁵Ibid.

¹⁶“God’s Place in Europe’s Future Constitution,” Deutsche Welle, 31 May 2003, <http://www.deutschewelle.de/english/0,3367,1430_A_882638,00.html>.

Chancellor Helmut Kohl, a member of the Christian Democratic Party.”¹⁷ Former Chancellor Kohl went on to state that it would be difficult to pass such a reference with France showing heavy resistance.

Time is clearly running out for the 15 EU members, as well as the incoming 10 members, to reach an agreement of the proposed Constitution. Difficulties and areas of concern can be found in many aspects of the document, but most notably, the area of governance. One can see a battle between small and large states over the influence their nation will hold within the new Europe once a Constitution is finally ratified by all 25 members. While the area of European Defense may be worked out, the actually draft language for even that section has not been officially approved by the delegates to the Convention. “Germany is satisfied with the compromise package as it is. Other countries are less pleased and would like to take the package apart again. The objective now is to reconcile existing differences and reach a final agreement on the text of the constitution.”¹⁸ While there is still some time to for compromises, there is not an indefinite amount of time. Areas such as how much power the president of the commission will have, the duration for the president’s term of office, how legislative items will be voted on, how many seats will be allocated within the council, and the issue of God must be taken care of. Under the watch of the rotating presidency, with Italy at the helm, a swift deadline of December 2003 has been established to formally agree to the draft document. “Time is of the essence. Ten new member countries are scheduled to be admitted to the European Union in May 2004. The

¹⁷Ibid.

¹⁸“Constitution and Growth Initiative Discussed at European Summit,” Die Bunderegierung, 17 Oct. 2003, < http://www.german-embassy.org.uk/constitution_and_growth_discus.html>.

EU will need a new set of rules by then if it is to continue to be capable of taking coordinated political action.”¹⁹

¹⁹Ibid.

Bibliography

- “Austria Critical of German Warning over Draft EU Blueprint.” 02-Oct. 2003. Agence France-Presse. <http://quickstart.clari.net/qs_se/webnews/wed/ai/Queu-constitution-austria.RZKT_DO2.html>.
- “Constitution and Growth Initiative Discussed at European Summit.” 17 Oct. 2003. Die Bunderegierung. <http://www.german-embassy.org.uk/constitution_and_growth_discus.html>.
- Dehousse, Franklin. “The Perils of a European Constitution.” Royal Institute of International Relations. <<http://www.irri-kiib.be/papers/ConstitutionofEuropemotivation.pdf>>.
- “France, Germany Defend Joint EU Constitution Proposal.” 21 Jan. 2003.” Deutsche Welle. <http://www.dw-world.de/english/0,3367,1433_A_760766,00.html>.
- “Germany and Austria Against Deficit Complaint by European Commission.” 28 Nov. 2003. Die Bundesregierung. <http://eng.bundesregierung.de/top/dokumente/Artikel/ix_567612.htm?template=single&id=567612_2776&script=1&ixepf=_567612_2776>.
- “God’s Place in Europe’s Future Constitution.” 31 May 2003. Deutsche Welle. <http://www.deutschewelle.de/english/0,3367,1430_A_882638,00.html>.
- Griffin, Joanna. “The European Press and the European Constitution.” 26 June 2003. World Press Review.
- Howell, David. “Big Countries vs. Small in Europe.” 03 Dec. 2003. The International Herald Tribune. <[http://www.iht.com/ihtsearch.php?id=119931&owner=\(IHT\)&date=20031203130937](http://www.iht.com/ihtsearch.php?id=119931&owner=(IHT)&date=20031203130937)>.
- Jones, George. “Germany will Outvote Britain in EU Constitution.” 09 Sept. 2003. Telegraph. <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2003/09/09/neuvot09.xml>>.
- Mohoney, Honor. “EU Sees Breakthrough on Defense Questions.” 29 Nov. 2003. EU Observer. <<http://www.euobserver.com/index.phtml?sid=13&aid=13726>>.
- “Small States to Meet Again on EU Constitution.” 19 Sept. 2003. EU Business. <<http://www.eubusiness.com/afp/030919172946.pv8kseba>>.