

Speech by Valéry Giscard d'Estaing

“Britain & the EU: a special status ?”

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“What next for Britain and Europe?”

Translation by Ian Milne

“Ladies & Gentlemen,

I will be speaking to you with the utmost prudence, needed by every Frenchman who speaks on a topic involving the UK, and especially in my case, since I am regarded, rightly, as a pro-European Frenchman.

The relationship between the UK & Europe has, right from the beginning, been complex and ambiguous. The UK announces simultaneously that it wishes to be “at the heart of Europe”, but endeavors to oppose all progress in European integration. Can this relationship be clarified, to the mutual advantage of the parties, or is it bound to remain “conflictual” ? That is the question I intend to address today.

Whatever is said about me, I am without doubt one of the French politicians who best understands & respects the UK. My maternal grandfather was educated at Oxford and published the correspondence of Queen Victoria. And, during the long night of the Occupation, my mother made us listen, every evening, to the news bulletins broadcast by the BBC. I am conscious of the fact that since the tenth century our two countries, England and France, are those which have expressed their political identity in Europe with the most conviction and brilliance, and that, over three centuries, our histories have been closely intertwined.

Thus, it is with the most open of minds, and, I trust, few preconceptions, that I shall address the question which has been put to me.

The problem of the political situation of the UK in Europe can be broken down into two questions:-

- What place does the UK wish to occupy in the EU ?
- What level of European integration is acceptable to the UK ?

From the outset of the process of European construction, the UK has sent out contradictory signals on the place it wishes to occupy in Europe.

It began with a double refusal.

The first is conceptual. It was expressed by Sir Winston Churchill in his famous speech in Zurich, and which is regarded as the formulation of British pro-European policy: the UK is in favour of the union of the European continent, so he said, articulated around Franco-German reconciliation. The British would support this, like the Americans, while staying outside the union.

The second is diplomatic: the refusal to participate in the negotiation & signing of the Treaty of Rome establishing the EEC, to which the UK had been invited. The treaty was adopted by six countries which continue to be known as the “founding countries”.

At the same time, the UK developed an organisation which reflected its own conception of European union: EFTA, consisting of countries which agreed to dismantle customs barriers, with no accompanying political cooperation.

From the 1960s until 1990 British policy on “Europe” followed a contradictory course: its candidacy for accession to the Community was first rejected by de Gaulle, then accepted by Pompidou; the nomination of a well-known British politician, Sir Roy Jenkins, to the presidency of the Commission, and, on the other hand, the British refusal to accept the provisions of the European Monetary System of 1978-79; and the bitter struggle to get the very high British financial contribution to the Community, which resulted from the application of the accession treaty, reduced.

In short, during this period, the UK became a full member of the EU, whose constraints it bore with ever-increasing difficulty, and whose deeper integration it did not see itself able to support.

In the 1990s, the nature of the debate changed. On the one hand, the adoption of the single currency, supported by a majority of member states, had, according to German leaders, to be accompanied by a new phase of political integration. On the other hand, the enlargement of the EU to the east, strongly supported by the UK, required a reform of EU institutions which were manifestly ill-adapted to an enlarged union.

Thus it was that the debate on the nature and functioning of the Union began. This debate is the framework for your questioning of the place and status of the UK in Europe.

Let us note first of all that the UK negotiated and ratified all the EU treaties adopted during this period, obtaining from time to time a number of opt-outs.

Such was the case with the Treaty of Union, the Maastricht Treaty, which today constitutes the legal foundation of political Europe. That treaty, adopted by the UK, expressed the willingness of European states to “move to a new stage in the process of European integration, begun by the creation of the European Communities”, and re-stated, in its Article 1, that “this new stage aims to create an ever-closer union between European peoples”.

The treaty set out the principles of a common foreign and security policy and did not include a corresponding opt-out for the UK.

It is in the part of the treaty devoted to the creation of the common currency that one finds the opt-out which allows the UK – and other member-states – to remain in a situation of “derogation” and not to adopt the Euro.

The next two treaties, of Amsterdam and Nice, gave fairly limited results. They failed to reform the institutions, but we note that they were ratified by the UK.

It was the European Convention, in 2002 and 2003, which allowed the debate its full expression.

The UK was particularly active and present in the work of the Convention, whose Secretary-General was the brilliant and talented Lord Kerr. The British Government set out its “red lines”, none of which, you can verify, were crossed. The Prime Minister, Tony Blair, signed the final text in Rome, and announced his intention to secure British adoption of it by referendum.

I was myself at 10 Downing Street the week that Tony Blair announced his referendum. I asked him what the chances of success were. He told me that he was optimistic, and described his three-part strategy: parliamentary debate, general election then referendum, all of which he thought he could win.

That referendum never took place. It was replaced in the UK by a parliamentary debate which allowed the ratification of the Treaty of Lisbon, which is simply a legal re-packaging of the Constitution, albeit unreadable, and which scrupulously reproduces the innovations set out in the Constitution. As far as the UK is concerned, it adds a “clause of exception” affecting the application of the Charter of Fundamental Rights.

During this period, the UK has maintained its refusal to adopt the (intergovernmental) Schengen Agreement, which aims to remove police controls at the internal borders of member-states and replace them at the periphery of the area.

Thus, the present position of the UK is that of a State which has participated in all the negotiations and adopted the texts aimed at improving the

functioning of the EU, while insisting on opt-outs allowing it not to apply certain provisions of the treaties.

The importance of these opt-outs – from the single currency, from the Charter of Fundamental Rights, from Schengen – constitutes a kind of “special status” for the UK vis-a-vis the EU.

The use of this “special status” – already present in the Churchillian vision – deserves to be examined at a time when there is a risk that different views concerning the continuation and deepening of European integration divide the member-states.

Two different approaches to European integration can be seen.

For a majority of member-states, representing a clear majority of the population, the position is that integration must be continued as set out in the Union Treaty, and that the EU is not yet “complete”. At a time when new powers are emerging – as the Olympic Games in Beijing have shown – the unification of Europe must be made more effective and understandable. In those areas over which the Union has competence, decisions should be able to be taken by qualified double majority, thus avoiding the delays and uncertainty of the vetoes of twenty-seven member-states. The building and development of the Common Foreign and Security Policy must be reinforced, gradually being detached from exclusively national impetuses. And the Parliament must conquer the democratic legitimacy which the election of its members confers on it.

For these States, the EU is on the right path, but its integration needs to be improved, and fresh efforts devoted to accomplishing this task.

For other States, including the UK, as far as can be judged from its political parties and public opinion, the degree of European integration achieved today is enough, and should not be deepened. The dominant feeling is “too much” rather than “not enough”. The excessive interventionism of Brussels damages the efficient functioning of the market. And other vital relationships, especially that with the USA, ought to be given more weight, as well as the new factors resulting from economic globalisation. These States do not want more “initiatives” and would prefer a more modest conception of European union.

Let us be realistic: these two approaches, these two stances, are incompatible, yet, at the moment, they co-exist within the EU. To avoid the possibility that these tensions grow and end up in a crisis, we need to ask ourselves what is the best way to go forward. The thinking behind today’s event is a good example.

It seems to me that the solution needs to be sought on the basis of the application of a democratic principle, at the EU level. If a majority of EU citizens judge that the level of integration – that is to say the degree of union reached today - is sufficient, there is no need to bring forward new initiatives, and tensions will lessen.

If, on the other hand, a majority of EU citizens, of which I am one, believe that our degree of union, of conscience and action, is not yet adequate to meet the challenges of today's world, then we will need to envisage new advances, remove vetos and reinforce a strictly European Common Foreign and Security Policy.

This difference of views can be handled with permanent antagonism, some seeking to deepen integration through new initiatives, others to apply the brake by complicating negotiations, flattering nationalisms or devising subtle manoeuvres to encourage further enlargement, all matters in which British diplomacy has incomparable expertise. This approach is exhausting for the participants, and disappointing for public opinion, which is forever presented with negative results.

The other method would consist of learning the lessons of recent decades: European integration can be continued, and remain compatible with the participation of the UK, on condition that the latter be allowed to opt out of initiatives it judges to be incompatible with its national prerogatives. Such opt-outs could be claimed by other member-states, as is the case with monetary union. The recognition of the entirety of these exceptions would equate to the granting to the UK of a "special status", the operation of which would have to be meticulously worked out.

Let us be clear: we are not talking here of a two-speed Europe, arbitrarily separating the good from the bad, the strong from the weak. After fifty years of living together, a two-speed Europe would provoke an acrimonious dislocation of the system. On the contrary, for a Europe already united, it is a question of pursuing its integration, at a realistic pace, respecting the identities and competences of member-states. This approach, based on the democratic legitimacy of the double majority, would be open to all, but, just as for monetary union, include opt-outs.

In the case of the UK, because of its island situation and financial importance, these opt-out clauses would take the form of a "special status".

Much detail would need to be worked out, as had to be done with the treaty regarding monetary union.

Should the requirement for an opt-out be stated at the beginning of the process of discussion – which to me seems preferable – or only at the conclusion of the discussions?

Just as with Article 122 of the consolidated Treaty of Union, it would be necessary to spell out the situation of the State with an opt-out vis-a-vis the implementation of the policy concerned: positions held in the new institutions, participation in the deliberations of the Parliament and the Council on the subject concerned, voting rights, financial consequences. And one could also agree on future mechanisms in the event that opt-outs were given up.

It seems to me that the lessons of history indicate that European integration should be pursued. The requirements of scale are becoming more and more demanding; besides, momentum is growing, sub-consciously, in peoples' minds and in businesses.

To appreciate this one only has to look at the importance given to Europe by the non-European economic media.

It is also true that the workings of integration are felt differently according to States' historical experience and the social organisation of their population.

This is without doubt particularly true of the UK.

We owe it to ourselves to be capable of reconciling this necessity and this specificity.

That is why, if I may, I suggest that we end the permanent antagonism which weighs down our relationship and reduces our capacity for action, by deciding to pursue the great movement for European integration, in which we would agree to grant the UK a special status."

Valéry Giscard d'Estaing