

# **A new way forward for the European Dream**

## **The European Constitution – a Dutch perspective**

**Copenhagen, May 19<sup>th</sup>, 2006 – Lousewies van der Laan, MP**

I am honoured to speak here today on a few of my favourite subjects: Europe, the Netherlands, democracy and the future. It also makes a nice break from talking about Ayaan Hirsi Ali's passport.

In order to understand the outcome of the referendum on the Constitution in my country, you need to know that the last time we had a referendum was over 200 years ago. My party has tried, since its establishment in 1966, to allow for a constitutional referendum. An effort, in which we have failed spectacularly. At the time of the enlargement of the EU, I suggested to hold a referendum, but the party leader at the time, thought the subject was too important to leave to the people. An interesting notion, on which I will comment later.

The referendum was historical, simply because it was held.

A few words about my own role: I founded the cross-party "Foundation for a better Europe". It played a key role in the YES campaign. It included the five pro-parties, three in the government coalition, and two in the opposition. Unfortunately it was a terrible campaign by the government (including threats that war would break out), but a very good one by the NO camp. All in all, our efforts were not enough to prevent 60% of the Dutch from voting NO.

After the referendum, various polls were held to analyse the reasons for the overwhelming NO.

There were of course people who tried to express their opposition to the previous enlargement, to the introduction of the Euro, to Turkish membership.

But, according to the analysis the overriding concern was a loss of national identity. The Dutch feel our small country is being overwhelmed by Brussels, and that we will lose our identity, be that the Queen, our effective drugs policy or our gay marriages.

This is important, because it is different from the French concerns, which include social-economic aspects.

Also, different from the French is that the Dutch were not punishing the government. So, do not expect a new government to make the difference in public opinion about the constitution. Most people voted on Europe, because the government made it clear they would stay in power no matter what.

Though most people indicated they would have liked more information, do not make the mistake of thinking that "if only they had been better informed they would have made the right choice". Such thinking is not only arrogant, but also naïve, because the Dutch were much better informed than the Spanish, who voted YES.

In addition to this statistical analyse of the NO-vote, please allow me to give my own interpretation.

Following the referendum, there was an upsurge in public confidence in the political system.

For the first time in a long time, people felt included in an important decision that affected their lives.

It was the first time, that there was a substantial debate on Europe. This without a doubt is an important step forward in a country that for decades had Europe taken for granted and in the last years has spent most of its time complaining about the height of the contribution to the EU budget.

European integration has been a project of the elite. The Dutch felt excluded during key decisions such as the introduction of the Euro (which was poorly timed to come insight with a period of inflation and is therefore blamed for price-rises).

They felt that the enlargement was pushed down their throats at a moment when insecurity about globalisation and the economy were at their peak. And they do not understand why the political elite is so keen on admitting Turkey as a member of the European Union.

The fact is that the political elite had never bothered to allow its citizens aboard the train of European integration.

A course was mapped out, the train was speeding along the tracks, and an overwhelmed public could do nothing else than pull the emergency-break.

If you do not stop the train at various stations along the way, to allow people on board to see what is going on, you should not be surprised the project is stopped in its tracks further down the line.

The Dutch NO, in my view, was simply an overdue bill presented to the establishment for building Europe without them. Regrettably I predicted this in 2002.

In a democracy there is always a risk that decisions are "so important" that "they cannot be left to the public at large". This country, Denmark, and Switzerland may be the exceptions, but in general governments do not allow the public to interfere with their agenda. At least not more than every four years. Though it is understandable, we must realize, that with every step we take, without taking people along – the people for whom we claim we're doing this all - we are building up a resentment which will lead to rejection, as we saw last year.

I therefore plead for more public support for the next steps for the European integration. "But of course" I hear you think, "no one disagrees with that". However the only way to do this is to allow people a final say, much more often. I'm confident that if we had a referendum on the Euro and the enlargement, even the treaties of Maastricht and Nice, then this referendum would have gone another way.

Let me come to my recommendation to the future: In which I will combine my federalist ambitions for Europe, with what I think is necessary to get the Dutch on board.

Let me first make it clear that I'm not speaking here on behalf of the Dutch government.

Whereas most countries have come forward with suggestions about the future, as Chancellor Merkel's social annex or Mr. Sarkozy's short version of the Constitution, the Dutch government has come up only with a website and a conference on subsidiarity.

I find this lack of ambition regrettable and unacceptable, because all the problems that led us to draft the constitution on the first place are still on the table:

No democrat can accept that a part of the European budget falls outside democratic control.

No one who believes in freedom and human rights can accept to leave the world's foreign policy to George Bush.

No one who believes in security can accept that vetoes are maintained in the third pillar.

But as much as I think this constitution is a necessary step toward solving these problems, as hard as I campaigned for its adoption, as a democrat I have to accept the result of the referendum. This means that this draft is dead.

I do not have any illusions that any Dutch government would be able to ratify, or even to put to a referendum, this plan. It would be political suicide and no one will take that upon themselves.

I know the counter argument: “But 17 countries have ratified”. Yes, but the procedure that was agreed was that all countries would have to ratify separately. Then you should have held a common European referendum. It is not acceptable to change the rules after the game.

So what can be done?

In the first place I believe that everything that can be done within the current legal framework to address the problems should be done. You don't need a constitution, but political will for the following suggestions:

- A. Compliments to the Commission Presidents for daring to call on the Member States to use the Justice and Home Affairs passarelle of Nice – I hope the Member States will rise to the challenge.
- B. It is also a good step forward for the Commission to send its proposals to the national parliaments. But why not take on a moral obligation to use the yellow-flag procedure. You do not need the constitution to do this, only political will. Sure the European Parliament will complain, but they have had decades to build a bridge between the EU and its citizen's, but have failed. I can say this as a former MEP. It is now time to involve national parliaments on a larger scale.
- C. Back to the Council: what is stopping you from opening up the Council meetings? Lack of transparency and accountability of the most powerful institution is undermining public support for European integration. Why wait for the Constitution? Just do it!
- D. Let's get radical: why not treat EP amendments to agricultural policy as if they had a say over the whole budget? There is no legal obstacle to taking the amendments seriously, rather than chucking them into the bin, as they do now.

But it is clear that next to these few steps, which can be done right now, with political will, a new treaty is needed. Some advice on how to take this forward:

- 1) Do not call it a constitution. The Dutch like their constitution just fine, thank you very much. Call it a charter, call it a treaty, but not a constitutional treaty. Presentation is very important.
- 2) Draft a short document, as easy to read as the UN Charter or the US Constitution, which any 12-year old can understand. State only the basic principles, for example: “Every decision shall be taken transparently and democratically”. Details can be worked out elsewhere.
- 3) Include effective wording to improve the economic governance of the Union. When citizens see that the Eurozone rules are applied only to small states, while larger countries get away with breaking them, it undermines the credibility of the Union. When the Lithuanians are then kept out of the Eurozone because their inflation is in line with their dynamic growing economy, it amounts to sheer hypocrisy. Rules should be reasonable and flexible and be consistently applied.

- 4) Do not try to get an agreement on a “European economic model”. It is perfectly healthy to have competition between the EU countries. If the Germans and the French enjoy low growth and high taxes, fine. If the British like expensive education, that is their choice. A “solution” will end up as a silly compromise, like the Globalisation Fund which means that courageous countries that take difficult measures to reform end up subsidising passive countries that do not do their homework. It is not good for public support of the European project.
- 5) Do strengthen the environmental passages. A new generation is not only counting on us to leave them healthy economics, but also a liveable environment. If there is one area in which our continent is unique, it is that we are green. Environmental priorities need to guide the implementation of the agricultural policy, energy policy, and - as the recent report by Christian Aid pointed out - development policy.
- 6) The Union must have its own resources. If anything is damaging to European integration it is the endless squabbles about money. Let the Union tax and let the European Parliament decide on both income and expenditure. In addition to ending the money squabbles, this will also increase turnout in European elections. In my county the government has focussed on getting its money back. I do not need to tell you how damaging this has been for public opinion on Europe. The conservative-liberal finance minister now wants to tell people on their tax return, how much euros they will get back from Europe thanks to his latest deal. When the leader of the second largest coalition partner reduces Europe to “what does it cost me”, do not be surprised if people turn away from the project.
- 7) Finally, give people a final say in the important steps of European integration. Include a legally binding corrective referendum that entitles people to correct their representatives. This should be organised not along national lines, but along European lines. Not only is it correct in a democracy to give the people the final word, but the threat of a corrective referendum will force politicians to take the public along in their decisions, something they have failed spectacularly to do at a very high cost. When it comes to enlargement, hold a referendum before opening negotiations, not at the end. Applicants need to know where they stand.

In conclusion, I believe there is much we can do and should be doing. Much more than the Dutch government or the Council are doing. “Reflection period” is a polite word for stagnation, navel gazing and passivity. The silence from Europe’s political leadership stands in stark contrast with the flurry of ideas creative coming out of the European Parliament and the Commission.

But it is up to the Council to act. Europe’s citizens are waiting for more action on fighting crime and terrorism. They want a common asylum policy and a common immigration policy. They want Europe to act in international crises, not fall apart into those who follow the United States and those who do not.

The European Dream is worth fighting for. Europeans live longer, work less, and have more holidays than people on any other continent. We do business, travel and educate ourselves in 25 countries. We have overcome centuries of war in order to prosper and live peacefully. Enlargement has been the world’s most effective foreign policy tool. Just imagine how the

United States would deal with Mexico or Bolivia if these were standing in line to become part of the United States.

I am ready to fight for that European Dream. If the current leadership is not up to the job, please note there is a new generation ready to take over. Show you can do it, or be ready to be voted out of office. There is no time to waste.