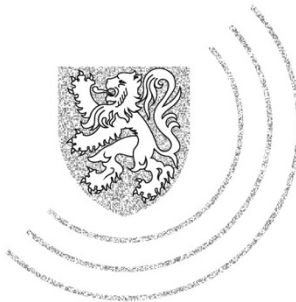


V L A A M S   P A R L E M E N T



Session 2007-2008

**DRAFT DECREE**

**concerning the assent to the Treaty of Lisbon amending the Treaty on European Union  
and the Treaty establishing the European Community, and the Final Act, signed in  
Lisbon on 13 December 2007**

**HEARING**

**REPORT**

**Delivered on behalf of the Committee on Foreign Policy, European Affairs,  
International Cooperation and Tourism by Ms Anissa Tamsamani**

*Composition of the committee:*

*Chairman:* Mr Karim Van Overmeire.

*Permanent members:*

Messrs. Stefaan Sintobin, Roland Van Goethem, Luk Van Nieuwenhuysen, Karim Van Overmeire, John Vrancken;

the ladies Sabine Poleyn, Miet Smet, the gentlemen Luc Van den Brande, Johan Verstreken;

Mr. Marnic De Meulemeester, Mrs. Stern Demeulenaere, Mrs. Anne Marie Hoebeke;

Mr. Flor Koninckx, Mr. Jan Roegiers, and Mrs. Anissa Tamsamani.

*Substitutes:*

the ladies Agnes Bruyninckx, Hilde De Lobel, Mr Werner Marginet, Mrs Marie-Rose Morel, Mr Christian Verougstraete;

Mr. Ludwig Caluwé, Mrs. Cindy Franssen, Mr. Koen Van den Heuvel, Mrs. Monica Van Kerrebroeck;

Messrs. Louis Bril, Patrick De Klerck, Marc van den Abeelen; the gentlemen Bart Caron, Kurt De Loor, Jacky Maes.

*Added members:*

Mr. Jan Loones;

Mr. Eloi Glorieux.

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*See:*

**1653** (2007-2008)

– No. 1: Draft decree

– No. 1 Appendix: Appendix

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LADIES AND GENTLEMEN,

On Tuesday, June 24, 2008, the Committee on Foreign Policy, European Affairs, International Cooperation and Tourism, following the consideration of the draft decree approving the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, and the Final Act, signed in Lisbon on December 13, 2007, reached a consensus on organizing a hearing with several experts. Thursday, June 26, 2008, was set as the date for this hearing. During the morning session, Mr. Jean-Luc Dehaene and Mr. Eric Verhulst were heard. Mr. Natan Hertogen spoke during the afternoon session.

## I. INTRODUCTORY INTRODUCTION BY THE COMMITTEE CHAIR

**The Chair:** Colleagues, given that this hearing had to be organized in less than a day, not all the proposed speakers were able to accept our invitation. I would therefore like to briefly provide you with an update. Professor Hendrik Vos, Professor Danny Pieters, and Professor Matthias Storme were unable to free themselves due to exams and deliberations. I also fully understand that academics are unable to free themselves at this particular time of year. Emeritus Professor Frank Delmartino is currently abroad and was therefore also unable to participate in our activities.

Contact was also made with Mr. Paul Goossens, a journalist who closely follows European events. A somewhat unusual situation has arisen in this case. Mr. Goossens informed the committee secretariat by email that he did not wish to attend.

At his own request, I am providing you with his reasoning verbatim: "Dear Sir, I am prepared to attend the hearing in the Flemish Parliament on the Lisbon Treaty if the Vlaams Belang withdraws its complaint against me to the Centre for Combating Racism. In De Morgen [of] 14 June 2006 (sic), I formulated my opinion on the Irish no, and that inspired the Vlaams Belang MEPs to file a complaint with the Centre. How can I speak freely about the same topic in the Flemish Parliament if the chair of the relevant parliamentary committee and/or the members of his party would use my statements in the lawsuit they are bringing against me? Only when the Vlaams Belang removes this mortgage on freedom of expression will a mature discussion and a fair debate in the Flemish Parliament be possible. I would appreciate it if you would forward this text to all members of the parliamentary committee. Kind regards, Paul Goossens."

You will understand that, as chair of this committee, I am not authorized to take any initiative in this matter. Therefore, our committee can only take note of this letter and include this statement for the report.

Ultimately, after considerable effort, we managed to find three people who were able to free themselves up at short notice to participate in our hearings. These are Mr. Jean-Luc Dehaene, Mr. Eric Verhulst, and Mr. Natan Hertogen. We will hear the first two this morning, and Mr. Hertogen this afternoon.

## II. DISCUSSION WITH MR. JEAN-LUC DEHAENE

**The President :** I hardly need to introduce our former Prime Minister, Mr. Jean-Luc Dehaene. His resume is long and impressive. Therefore, I will confine myself here to his most notable activities at the European level. For example, he chaired the group of wise men that advised Commission President Prodi on the Intergovernmental Conference. He was a member of the Convention, a member of the Laeken Group, and vice-president of the European Convention from 2002 to 2003. He is currently a Minister of State, a Member of the European Parliament, and Chair of the Board of Governors of the College of Europe. I now give him the floor for what will undoubtedly be a fascinating presentation and debate.

### 1. Presentation by Mr. Jean-Luc Dehaene

**Mr. Jean-Luc Dehaene :** The Treaty of Lisbon effectively adopts the content of the Constitutional Treaty, albeit omitting several symbols—the flag, the anthem, etc.—that are usually associated with a constitution proper. However, in terms of content, the text of the Constitutional Treaty is perfectly reflected in the text of the Treaty of Lisbon. If this Parliament has approved the Constitutional Treaty—which it has effectively done—it will be difficult to prove its disagreement with the Treaty of Lisbon.

I would first like to address the criticism, often heard during the Irish referendum as well, that the treaty itself is unreadable. This criticism may be theoretically justified, but it is wrongly blamed on "Europe." After all, the Constitutional Treaty replaced all existing treaties, had a coherent structure, and formed a whole, albeit technical, yet highly readable. The Treaty of Lisbon reverts to the tried-and-true technique of the treaties of Maastricht, Amsterdam, and Nice: amending existing texts. The Treaty of Lisbon is therefore a list of amendments to existing texts. Without the original texts, these amendments are indeed difficult to understand.

To be able to discuss the Treaty of Lisbon in a useful and meaningful way, it is necessary to have—at this point, necessarily still unofficial—coordination of the texts that will finally be established after the treaty is approved. I can confirm here that Parliament has the coordinated text as drafted by the Ministry of Foreign Affairs. It immediately becomes clear that this actually involves two treaties: the Treaty on European Union and the Treaty on the Functioning of the European Union. Viewed this way, the Treaty of Lisbon may ultimately even provide a better structure than the Constitutional Treaty.

The Constitutional Treaty essentially consisted of four parts, the last of which contained a number of transitional provisions. The first part of the Constitutional Treaty was the Constitution itself, the second part contained the Charter of Fundamental Rights, and the third part constituted the concrete policy application of the first part. The Treaty of Lisbon retains the essence of the first part, but in the form of a treaty, the Treaty on European Union. The Charter of Fundamental Rights is annexed to that treaty. However, a reference to that Charter is included in the treaty itself, giving it full legal force. In this way, the same result is achieved as with the full integration – as Part Two – into the Constitutional Treaty. The implementing provisions are now incorporated into a separate treaty: the Treaty on the Functioning of the European Union. This significantly improves readability. Ultimately, we are left with two relatively readable texts.

Comparing this to the Belgian situation, the Treaty on European Union is the equivalent of the Constitution, while the Treaty on the Functioning of the European Union is the equivalent of laws requiring special majority voting and implementing laws of the Constitution. It would be more optimal, but not feasible, if the Treaty on European Union were the basic treaty and the Treaty on the Functioning of the European Union were a subordinate implementing treaty. The conditions for amending this second treaty could then be more flexible than the burdensome treaty-based procedure that will remain necessary for the Treaty on European Union anyway.

Given the existence of the coordinated text, the criticism that the treaty is unreadable is therefore unfounded. After all, it concerns two treaties that, in their consolidated version, are generally quite readable and substantively correspond to the Constitutional Treaty. The various bodies within the Union were involved in this process at the level of the Convention that drafted the basic text. In a sense, the Treaty of Lisbon is therefore nothing more than a technical procedure to break the impasse following the negative referendums in France and the

Netherlands.

A third element also plays a role in the public debate. Institutional treaties like the Treaty of Lisbon face the challenge of necessarily always being a compromise text. After all, in Europe, there are multiple visions for the path forward. To make progress, a compromise is necessary. The various phases of state reform in Belgium are also compromises of visions for the Belgian state. Such compromises last for a while, but by their very nature, they always necessitate a new phase. This is also the case with European texts.

Besides the argument of illegibility—which conveniently ignores the existence of the coordinated texts—the argument of incompleteness also played a role in the Irish referendum. In public opinion, the word "compromise" often has an unjustified negative connotation. In this case, it is the only way to make progress.

The Treaty of Lisbon, like the Constitutional Treaty, has a dual objective. First, it aims to maintain efficiency in decision-making in a Union of 27 Member States. One of its key elements is that the Council of Ministers must be able to decide by majority vote. The Treaty of Lisbon describes the Council of Ministers as a kind of second parliamentary chamber, alongside the directly elected European Parliament. The Council of Ministers consists of representatives of the various governments. The counterpart to majority voting in the Council of Ministers is the full power of the European Parliament, which also emphasizes the democratic nature of decision-making.

A second element is giving Europe the necessary tools to meet the challenges of globalization. Besides the opportunities, this also applies to the threats that undeniably emanate from globalization, such as terrorism, uncontrolled migration flows, and cross-border crime. Effectively combating these ills requires a supranational approach. On the other hand, Europe must gain greater clout in foreign policy and defense. This goes hand in hand with increasing Europe's powers in energy and climate change. These too are major challenges of globalization.

It is essential, after all, that institutions must adapt to a changing world. Nation states, for example, arose in response to industrialization. A computerized and globalized society demands decentralization. Information technology, after all, makes differentiation and decentralization possible. However, this society also requires larger units to balance and organize the global world. Globalization itself is a neutral factor. How things exactly unfold depends on the organization. Balance is only possible if there are large units in the world. Some countries

are large units in their own right: China, India, Brazil, the United States. Europe is an atomized continent. It can only exert sufficient influence if it speaks with a single voice on major global issues. Europe has already demonstrated the reality of this potential, for example, in the World Trade Organization negotiations on climate change.

The Treaty of Lisbon attempts to provide Europe with the necessary tools for this. Fundamentally, this represents a movement that complements decentralization in the various Member States. The two are absolutely not contradictory. This movement is also occurring globally: on the one hand, globalization, and on the other, thanks to information technology and the information society, thorough decentralization. This allows powers to be allocated to the most appropriate level. In short, the essence of the treaty is to maintain the Union's efficiency and position Europe as a 'global actor' in 'global government.'

The text is, as mentioned, a compromise. If I had free rein to rewrite it, it would undoubtedly look different and go much further in terms of integration. There are simply two trends in Europe: one emphasizes the supranational, the other the intergovernmental. The treaty is a compromise between these two tendencies. As a compromise text, it meets the same standards as the Constitutional Treaty.

The Irish referendum, it seems, raises a dual problem. First, the issue of decision-making within the Union. Can one member state, and a small one at that, block the whole thing? In a democratic system, it's odd that a country with approximately 3 million inhabitants can block the rest of Europe with over 450 million. This must be resolved; otherwise, it will continue to cause problems.

The decision-making process used here, particularly the referendum—which is a constitutional requirement in Ireland—also poses a significant risk. If a referendum is a more democratic decision-making process than parliamentary approval, a parliament must surely question its very nature, its essential *raison d'être*. A parliament is an elected body mandated by the people to make decisions. If its decisions are seen as not democratically legitimized, and a referendum is necessary, that parliament has a problem. Moreover, a referendum presents another problem. A "yes" vote is clear: the treaty has been approved. For a "no," no one takes responsibility, and no one is willing or able to declare it "no."

Opinion polls conducted after a referendum clearly demonstrate that a wide variety of motives almost always play a role in people's voting behavior. People often vote for reasons that have nothing to do with the

treaty itself. Furthermore, approximately 73 percent of Irish say they rejected the treaty now because they assume they will get a second, better chance later. This multitude of irrelevant factors is inherent to the referendum technique. That's one of the reasons why I certainly don't consider a referendum, to put it mildly, the pinnacle of democracy.

At the recent European Council meeting in Brussels, European leaders rightly urged the other countries to continue ratifying. This will make Ireland accountable in a potential second referendum. According to the aforementioned opinion polls, another factor also played a role: the perception that people could vote no with impunity. If, in a second referendum, all other countries have ratified the treaty, it will be clear to the Irish that their voting behavior does indeed have consequences. The inevitable question will then arise whether they still want to be a part of it.

## 2. Questions and comments from members and answers from Mr Dehaene

**Mr. Jan Roegiers :** After the Irish vote, Foreign Minister De Gucht, among others, suggested continuing without Ireland. Another option is a two-speed Europe. What does Mr. Dehaene think about that?

This parliament, too, is questioning the urgency of swift ratification. Is such urgency really necessary? Does the treaty address concerns about Europe's democratic, social, and cultural deficits?

**Mr. John Vrancken :** With the referendum, Ireland has demonstrated that it doesn't need the European Union to be economically successful. There's a certain aversion among citizens to European institutions. They see Europe as a costly, bureaucratic institution. A thorough information campaign could certainly address that. That could tip the scales the other way. However, that's one of the reasons why, given the current state of affairs, many countries certainly haven't opted for a referendum.

According to Mr. Dehaene, decision-making by referendum should be subordinate to parliamentary decision-making. The previous treaty was rushed through Parliament in just a few hours. Incidentally, the text was presented to the representatives during the hearing. That's not exactly a good example of democracy either. Simply informing citizens about the treaty's content is an argument for referendums.

**Mr. Luk Van Nieuwenhuysen :** It bothers me that Mr. Dehaene compares the Treaty of Lisbon to the Belgian compromises. After all, those are what led to

the current impasse, and in our case, we're only talking about two communities. Neither the French-speaking nor the Flemish majority can identify with the current state of affairs. Is it appropriate for Europe to continue on this path?

It is not good for the public's civic spirit to ignore the referendum result and proceed with the ratification of Lisbon, contrary to current treaty rules. The Irish result is probably not unique, but it reflects the prevailing opinion in many other countries. After all, the Lisbon Treaty is nothing more than a rewording of the Constitutional Treaty, which was rejected by the majority of the population in the Netherlands and France.

I disagree that a referendum is not useful for complex matters. It is up to policymakers to present such complex issues in a sufficiently comprehensible manner. I disagree with the choice between a representative democracy and a referendum. A combination of the two should certainly be possible in crucial moments like these.

It may be true that the Irish no is not unequivocal, but the same will probably also apply to the yes of others.

There is free movement of goods, services, people, and capital. That is an achievement. Everyone agrees that it is a foundation for prosperity. However, many people wonder whether that prosperity cannot be maintained by maintaining the current situation or even with a more limited EU, in the sense of a free trade area. What does Mr. Dehaene say to those who believe that a free trade area with limited central authority and, of course, significant democratic input from citizens is preferable to the policies of a unified Europe? After all, three non-member states—Iceland, Norway, and Switzerland—are at the top of the list in terms of personal prosperity of their citizens.

Despite the Irish people's ruling, Mr. Dehaene still wants to have the treaty ratified quickly. However, it is also unclear whether the Czech Republic will ratify the treaty, as several senators have already appealed to the Supreme Court. In the United Kingdom, a complaint has also been filed with the High Court concerning the ratification of the Treaty of Lisbon. The German Constitutional Court in Karlsruhe has also been seized with a complaint that the treaty conflicts with the German constitutional provisions on sovereignty. In light of this, wouldn't it be better to wait and see how things develop in those countries?

**Mr. Roland Van Goethem :** If the content of the Treaty of Lisbon is almost identical to that of the Constitutional Treaty, Ireland will essentially be not the first, but the third country to say no. A no always results in a pedantic European finger being raised.

This goes against the democratic decision-making process. Moreover, it's not really true that one small country is holding back the union; the people of the other countries simply haven't had the opportunity to express their views on it. As the treaties currently stand, Ireland cannot be excluded in any legally binding way.

European leaders want to circumvent Ireland's referendum. In my view, it would be better to investigate why the people of three countries have rejected the text and make the necessary improvements accordingly. If the people receive clear information, they can make their own informed judgments. Rushing ratification to pressure Ireland is certainly not democratic; on the contrary, it is a form of brutal power politics.

**Mr. Stefaan Sintobin :** Should there be a two-speed Europe after the Irish "no" vote? During a previous hearing in this committee – at the time, in response to the European Constitution – Mr. Dehaene expressed his support for this. How will this play out in the long term? Is the intention for the countries that are currently lagging behind to join the frontrunners later? In my opinion, a two-speed Europe will only lead to greater disparities between the two groups. That will only increase the aversion of citizens in the lagging countries.

During those same previous parliamentary hearings, speakers from the progressive left argued that the Constitutional Treaty was clearly a neoliberal project. It allegedly entailed both a democratic and a social deficit. This, incidentally, is perhaps one of the many reasons why Ireland voted against the treaty and why there is considerable criticism in other countries as well.

One of the common criticisms is that Europe has expanded too quickly with too many new countries. According to this criticism, it would have been better to first put the institutions in order, the so-called "deepening." The Treaty of Lisbon also does not define Europe's geographical borders. This too will cause problems, because it means that Europe is always open to expansion. This could also be related to the possible accession of Turkey. Should this ever happen, the aversion of European citizens will become even greater.

**Ms. Marie-Rose Morel :** On December 4, 2007, Mr. Dehaene was also present at the session in the European Parliament. The Lisbon Treaty was explained there. The Irish representatives, who supported the treaty, asked the EU to support a "yes" campaign. They failed to mention that the campaign was being supported with European funds. I've been incredibly annoyed these past few days when

politicians like Mr. Ivo Belet and Ms. Annemie Neyts have announced on television that the "no" supporters had primarily launched a major campaign. Did European funds only go to the "yes" campaign? In a democracy, resources should go to both sides.

Back in 2007, *The Economist* labeled the Lisbon Treaty as unreadable, mercilessly complex, and deliberately obscure. This last label especially frightens me; if you keep something obscure, you usually have something to hide. I quote: "Whatever your views on the treaty, this is a farce, and it has consequences stretching far beyond Europe." This proves that you can't be too careful with ratification.

The original text, the European Constitution, was mercilessly condemned in the Netherlands and France at the time. In France, it was argued that the referendum was actually about Turkey's accession. However, the two are inextricably linked. If the Eurocrats are convinced of the text's merits, why don't they dare to test it with a series of referendums? There's a risk that some countries will say no, but that would at least clarify the real support for the issue.

With the European Constitution, more than twelve member states initially intended to hold a referendum. With its successor, the Treaty of Lisbon, only one country ultimately does so, and then only because it is constitutionally obligated to do so. This doesn't inspire much confidence. To use an analogy, if I sell speculaas at the market, everyone gets to try them. In Great Britain, a very important criticism was rightly formulated: "The need to have a new treaty is not so great that it justifies having a poor one." It's better to wait than to approve something bad.

The treaty has now lost all legitimacy. States that ratify without a referendum are essentially making an illegal transfer of sovereignty. Some lawyers dispute this assertion; that debate always exists. What is Mr. Dehaene's opinion on this? Mr. Belet doesn't think a referendum is necessary. Last Sunday, during the Zevende Dag (Seventh Day), he said that the European elections of June 2009 will be the real referendum on the Lisbon Treaty. It's bizarre to ask for the people's approval after the treaty has already been ratified. All forces that have no respect for democracy, that think European citizens can't read or write, that want everything for nothing from the people, might be surprised in 2009. After all, the people don't want any of this. Just because it's been worked on hard doesn't mean it's good.

**Mr. Karim Van Overmeire, Chair :** I don't consider the fact that the text is illegible a major objection in itself, since this is ultimately a treaty and not a constitution. This committee regularly hears texts that are almost completely illegible, precisely because

they are treaties. It's also true that the European Constitution and the Treaty of Lisbon contain roughly the same content. Agreeing with one also means agreeing with the other. But in that case, the reverse also applies. The referendums in the Netherlands and France on the European Constitution still retain their full weight within the current debate on the Treaty of Lisbon.

Moreover, I'm not so much worried about the Irish "no" vote as about the reactions to it. After all, the Irish are simply being dismissed. Is that really wise of the proponents? I think a new Irish referendum today would yield an even bigger "no." No nation would tolerate being treated this way. Moreover, the question that's on the minds of Ireland is entirely justified: if the referendums in France and the Netherlands were enough to dismiss the European Constitution, why isn't that the case with the Irish "no" vote regarding the Lisbon Treaty? This at least suggests that there's a clear discrepancy within the EU between a large and a small country.

It's said that the No voters don't quite know why they're against the treaty. But do the Yes voters really know what they're voting for? Ultimately, it comes down to a gut feeling. After all, it's not so much about the text of the treaty, but about the process of integration. The Treaty of Lisbon is yet another step in that direction, and more steps will likely follow. The majority of the European population is not against Europe, but in favor of the European peace project. Now that we live in peace, in a free market with relative prosperity, citizens are not convinced that strengthening European institutions can ultimately contribute anything extra. People are unsure whether Europe really needs to become a player in global politics, at the risk of being dragged into adventures like Iraq and Afghanistan. Citizens of countries with a tradition of neutralism, such as Ireland and Austria, are particularly suspicious of this.

Moreover, one should not underestimate the mental aversion of the former Eastern Bloc countries to rejoin a large power bloc whose governments merely implement what has essentially been decided elsewhere. They fought for decades to escape the communist yoke. Of course, the EU cannot be compared to the communist bloc, but those countries are not inclined to compromise their regained sovereignty in 1991.

The Treaty of Lisbon transitions from unanimity to qualified majority voting. Doesn't this represent a huge step backward for smaller countries? They may rarely use the veto in practice, but it does give them a stronger negotiating position. However, under a qualified majority system, a small country can no longer block any decision unless it finds a number of



allies.

The discrepancy between the results of a referendum and the results of parliamentary decision-making is a major concern. In referendums on Europe, the "no" and "yes" votes fluctuate around 50 percent, while in parliaments, approval is often around 90 percent. This points to a growing gap between the political elite and the people. This may continue for a while, but ultimately, the question of the legitimacy, concept, and origins of sovereignty will inevitably arise. Members of parliament have a mandate from the people to represent them, but they are increasingly returning to the enlightened despotism of the 18th century, where a political elite decided what was good for the people.

In my opinion, the rejection of the Lisbon Treaty is not due to a lack of information. Quite the opposite. Everyone who wanted information about the treaty was given ample opportunity to do so. Further information campaigns are unnecessary. However, it is equally illusory to think that the average Member of Parliament is better informed than the average Irish voter. I would like to test how many of the 124 Flemish Members of Parliament know exactly what the Lisbon Treaty says. In that respect, too, it remains questionable whether a vote here in this parliament has any greater democratic value than a referendum.

The Brussels and Flemish Parliaments did not immediately put the treaty on the agenda because they were waiting for the interparliamentary cooperation agreement. The Treaty of Lisbon establishes a subsidiarity procedure. National parliaments are given slightly more powers in this regard than in the Constitutional Treaty, and the time limits are also extended. Declaration 51 of the Treaty of Lisbon states that the Flemish Parliament must also be considered a component of the national parliament. As long as this cooperation agreement is not in place, the Flemish Parliament is left to guess what its role will be after the Treaty of Lisbon enters into force. It is therefore entirely legitimate that the parliament waited for the cooperation agreement. I therefore still regret that the approval procedure has now begun. After all, there was initially a consensus in this parliament to wait for the cooperation agreement.

**Mr. Jean-Luc Dehaene :** When Mr. Van Goethem says that the Netherlands and France have essentially rejected the Lisbon Treaty, he actually means that the vote in the Dutch and French parliaments is not democratic. This is dangerous reasoning, because he calls parliamentary democracy itself into question. I will not make any value judgments here about the respective democratic content of the referendum or of parliament. French President Sarkozy said that members of parliament should think carefully before

prioritizing a referendum over parliament. Moreover, he pointed out that his election message was clear: he would strive for a treaty that he would submit to parliament, not to a referendum. He was elected with more than half the vote, so he clearly has a mandate from the voters not to hold a referendum.

The transfer of sovereignty is regulated by the Belgian Constitution. Such procedures are therefore perfectly legal and pose no constitutional problems.

Furthermore, I firmly believe that every Member State should have the pride of making its own decisions. Its position should not depend on what other countries decide.

The European project has always been a long-term project and is also, to a significant extent, a project of political leadership. Some believe that in a democracy, the leader must follow, but in my view, the elected official is the one who provides direction and leadership. This partly determines the history of European integration, and everyone agrees that it has had several positive consequences, especially for the population. I'm not certain that referendums in 1945 or 1950 would have resulted in a yes vote. The fact is, the masses tend not to take risks and react in the short term, while those responsible for politics must dare to address long-term problems. If they don't, they will be reproached in the long run, even if they can gain a lot of votes in the short term. It is therefore a matter of addressing societal problems within a democratic system. I am in favor of elected officials who take responsibility and are held accountable for it afterward.

It is indeed possible to opt for an intergovernmental Europe that is primarily a free trade area. That is a perfectly defensible project. Iceland, Switzerland, and Norway benefit from European integration but refuse to contribute. In doing so, they do, however, significantly sacrifice their democratic participation. The countries have no say in the drafting of the texts applicable within the European Economic Area. The parliaments involved must simply approve all European texts without having the slightest say.

I defend an integrated Europe. In a globalized world, many issues will be decided on a global scale, whether you like it or not. These could be climate, energy, or other issues. I believe Europe shouldn't let others dictate its decisions but should make a significant contribution itself. It must be organized in such a way that it can do so. Europe can only make a difference if it speaks with a single voice. With the euro, for example, Europe has acquired significant influence in the global monetary order.

Unanimity with 27 is synonymous with immobility.

A small country can now de facto never use its veto, while a large one can. Unanimous and intergovernmental decisions usually mean that the large countries decide and the small ones follow. The structure of the European Union, with the central position of the European Commission, provides a counterbalance to decisions based on the general European interest. Then small countries have much more say than they do now.

Let me give you a telling example. When I was federal prime minister, we pegged the Belgian franc to the Deutsche Mark. The result was that Belgian monetary autonomy and sovereignty were limited to the number of seconds we allowed to elapse between the decision of the German central bank and our National Bank. The decision in Frankfurt was made solely in the interests of Germany. Belgium paid a price for this, partly due to the financial problems that accompanied German reunification. But Belgium was willing to pay that price because it ensured its stability. With the euro, Belgium seems to have lost sovereignty on paper. In reality, decisions regarding the euro—although still made in Frankfurt—are now made by an entity, the European Central Bank. An entity within which Belgium does indeed have a voice. Moreover, this entity acts in the interests of Europe. So, ultimately, Belgium has gained de facto sovereignty. Small countries must realize that absolute sovereignty—as posited in nation-state theory—is completely outdated in a globalized world. True sovereignty is only possible there as shared sovereignty within larger entities, such as the EU. If small countries fail to grasp this, they will ultimately have to allow rules to be imposed on them without any say in the matter.

The question about a two-speed Europe is essentially quite theoretical, because Europe has always progressed at two speeds. Not all countries have joined the Schengen Agreements or the Monetary Union. The treaty, however, allows for differences. Moreover, the more member states, the greater the likelihood of different speeds. I am convinced that this will certainly be the case for a matter like defense. Those who want to progress should be given the opportunity, but the door must remain open to those who wish to join the group later.

The debate about the kind of Europe we want must be placed in the proper context. What exactly does the oft-cited democratic deficit entail? We already have a European Parliament and a Council of Ministers, with ministers accountable to their national parliaments. If there were a deficit, that would be precisely an argument for voting in favor of the Lisbon Treaty. After all, the directly elected European Parliament would gain significantly more power under that treaty.

With innovation, economics often move much faster than social matters. The Charter of Fundamental Rights, which already existed, is now being integrated into the treaty and thus gains legal force. The formulation of the powers in the treaty also represents a huge step forward towards a social Europe. To make real progress in this area, too, majority voting will be necessary. This is also the case for tax matters. This naturally means that occasionally decisions will be made that Belgium disagrees with. Not everyone shares the same vision. In short, the Treaty of Lisbon is also a step forward in social matters.

In my opinion, European politics is not "neoliberal" at all. The Lisbon Process is an adaptation process to a new societal entity. The European social model will only survive if it evolves with the society in which it is implemented. A constitution is also neither liberal nor socialist; it merely defines the framework within which a particular policy is implemented. Minorities and majorities implement politics in a democratic system. The current procedure of amending existing treaties will, as mentioned, result in two treaties that carry equal weight under treaty law. In essence, I would have preferred it to be different. It would have been better if we could have arrived at a basic treaty and a subordinate implementing treaty. But the treaty law procedure did not permit such a thing.

"Ratification quickly" is also a relative concept. Belgium is already no longer in the lead. Parliament must assess the treaty on its merits and not let its decision-making depend on the opinions of others. However, if the process drags on too long, other developments will be jeopardized. After all, the various factors are linked. If the treaty is not ratified before the European elections, Europe will fall back on the Treaty of Nice, which does not limit the number of MEPs. This is not the best way to ensure democratic standards. Seen in that light alone, the Treaty of Lisbon must certainly be ratified on time. If the treaty is not ratified before the European elections, Europe will be forced to focus on its own institutions for several more years, while in the meantime it should already be pursuing an active and dynamic policy. It would be a shame if Belgium, due to the Flemish Parliament's attitude, were unable to ratify the treaty. That would cause considerable damage to Belgium.

**Ms. Marie-Rose Morel :** Personally, I'm not particularly bothered by another country looking askance at Belgium because the Members of Parliament here make decisions in good faith. That would be completely inappropriate. At the European level, after all, it's the Members of the European Parliament who are supposed to represent their constituents and be accountable to them.

**Mr. Jean-Luc Dehaene** : I can tell you that, as a Member of the European Parliament, I am fulfilling that role well. But I also hope that the majority of the Flemish Parliament will recognize that Flanders' place lies in its autonomy within Europe.

**Ms. Marie-Rose Morel** : I disagree that ratification without the Irish is perfectly legal. If we were to push that argument to its limits, we could also amend the Belgian Constitution without Wallonia's approval.

**Mr. Jean-Luc Dehaene** : My statement on this was much more nuanced. As the treaty is currently drafted, the Irish are indeed needed. However, if they continue to say no, other countries will, using the two-speed approach, create a supplementary treaty without the Irish.

**Ms. Marie-Rose Morel** : The European elections argument doesn't really convince me either. There are other ways to limit the number of MEPs than approving the Lisbon Treaty. The European Parliament is creative enough for that.

**Mr. Jean-Luc Dehaene** : The method by which Parliament is elected is laid down in the treaty. The European Parliament itself cannot change this at this stage.

**Ms. Marie-Rose Morel** : I think the number of Members of Parliament simply doesn't outweigh the other aspects of the treaty. Unlike Mr. Dehaene, I believe that small is also beautiful.

**Mr. Jean-Luc Dehaene** : Small is indeed beautiful, but within a larger context. If you're small on your own, you're just a dwarf.

**Ms. Marie-Rose Morel** : I completely disagree. History, by the way, contradicts that. The Eastern Bloc is the best proof that big doesn't always mean high performance. But I readily admit that the comparison is somewhat disrespectful.

**Mr. Jean-Luc Dehaene** : The former communist bloc is indeed absolutely incomparable to the European Union. I once said to the Czech president: "One thing was imposed on you, the other you chose." Choosing something always carries certain consequences.

**Ms. Marie-Rose Morel** : If all countries approve the treaty by referendum, I will be the first to support that proposition.

**Mr Karim Van Overmeire** : For the sake of completeness, I would also like to point out that in my speech I made a clear distinction between the former

Eastern Bloc and the EU.

**Ms Marie-Rose Morel** : I have not yet received an answer to the question of whether it is true that only the yes campaign was supported with European money?

**Mr. Jean-Luc Dehaene** : I don't even know if Europe has supported a campaign at all. I don't think so. In this connection, I would like to point out that I find it very difficult that, according to their legal bodies, the governments in the Netherlands and Ireland are only allowed to provide neutral information. After all, court rulings in those countries stipulate that the campaign must be conducted by parties other than the government. That is abnormal. If a government chooses to sign a treaty, it should be allowed to defend it in parliament and, upon signing it, to its citizens. In other words, those who signed the treaty are being partially silenced, and that undeniably benefits those who oppose the treaty.

By the way, I recommend everyone investigate who financed the No campaign in Ireland. It's all about millionaires who made their money through not always entirely shady businesses. I can provide you with the necessary information on this if you'd like. Incidentally, countless arguments were used in the Irish debate that have nothing to do with the treaty.

**The Chairman**: I would like to thank Mr Dehaene on behalf of our committee for his fascinating presentation and for this illuminating debate.

### III. DISCUSSION WITH MR. ERIC VERHULST

**The Chair**: Our next speaker is Mr. Eric Verhulst. On June 18th, shortly after the Irish referendum, he and Mr. Willy De Wit published an opinion piece in *De Tijd* entitled "The Irish 'no' is not stupid." That title alone suggests to me that he will defend a somewhat different position than Mr. Dehaene. Stimulating debate is, of course, the purpose of a hearing. I would also like to mention that Mr. Verhulst is the chair of the independent socio-economic think tank 'WorkForAll'. Mr. De Wit is a staff member of this think tank.

#### 1. Presentation by Mr. Eric Verhulst

**Mr. Eric Verhulst**: First of all, I'd like to thank the committee for the invitation. It was a short one-day meeting, so I didn't have much time to prepare. I'm not an expert on European treaties either. I'll rather represent the perspective of the critical citizen who watches all sorts of things unfold from the sidelines.

I'm a technology entrepreneur and researcher by profession. I run a research institute primarily focused on systems engineering. I apply much of this to the WorkForAll think tank. After all, identical principles apply to economic, social, and technological systems. These principles also apply to the European Union and the way the Lisbon Treaty was negotiated.

I largely agree with Mr. Dehaene when he says that Europe is a wonderful project. After the Second World War, Europe ensured peace and prosperity, primarily through the creation of a free trade zone. This was absolutely necessary because Europe was historically highly fragmented. Borders for people and goods no longer exist. Until about ten years ago, Europe facilitated our economy and prosperity, partly by introducing common norms and standards. Another important factor is the single currency, the euro. Furthermore, Europe is combating cartel formation. A European innovation area has emerged. One of the success stories is certainly the European Space Agency (ESA), which was only possible through collaboration.

I also largely agree with what Mr. Dehaene says about the challenges of the future. Historically, Europe has always been an economic leader. However, as a result of globalization, Europe has been marginalized. Everyone is familiar with the numerous problems we face. One problem European politicians face is that Europe's political power remains limited globally. Perhaps this is one of the driving forces behind the attempts to impose the Treaty of Lisbon, and previously the European Constitution, on the peoples of the member states.

In other words, Europe itself isn't a bad goal. It's mainly the way things are going that raises major questions. In my opinion, the way things are going is also the reason why the structure will collapse indefinitely. In such matters, one must think long-term. One shouldn't try to have a treaty approved quickly just because it's necessary. One must carefully consider the consequences of rapid approval.

Another problem is that the European citizen exists, at best, only on paper. One of Europe's greatest challenges is and remains the emergence of the European citizen. This cannot be achieved by force. A culture and a favorable climate must be created for it.

One of WorkForAll's propositions is that there are too many unemployed people because the economy is stagnating. The economy, in turn, is stagnating because democracy is failing. Democracy, through political decisions, creates a framework within which the economy operates. The Lisbon Process—the one

that defines the Lisbon objectives, not the Lisbon Treaty—illustrates this. Democratic means continuous feedback. Democratic also means citizen-driven, not top-down. This presupposes broad consultation and thorough deliberation. The same applies to systems engineering, where it's called "requirements capturing." First, a consensus must be reached on what exactly will be created. This is followed by a thorough analysis to arrive at a sound system. Such a decision is well-considered. At the same time, the goal should be an implementation that imposes as little as possible. For any system, it's important not to propose too many solutions in advance. And that's precisely what happened here.

I'll first address the democratic functioning of Europe. The European Commission isn't elected but appointed, but it does have the final say. We shouldn't forget that almost 80 percent of our legislation originates in Europe. We might even begin to wonder what real authority national parliaments still have. European legislation is sometimes extremely detailed and difficult to implement. This isn't conducive to a smooth economy or democracy.

Another problem is the growing influence of industrial lobbying. The automotive sector uses lobbying to influence legislation. This is undemocratic.

The crux of the debate is that the Treaty of Lisbon is a camouflaged constitution. Mr. Dehaene has admitted as much. Even for specialists, it's a weighty and unreadable document, 600 pages long. The question is what will happen if it's ever interpreted.

With this treaty, they want to surreptitiously introduce a kind of United States of Europe. I'm not opposed to that per se. Sooner or later, something like that has to happen. But introducing something like that surreptitiously is counterproductive. Mr. Dehaene also confirmed, by the way, that the Treaty of Lisbon is a hodgepodge of amendments to other treaties. This makes it even more unreadable. Moreover, I haven't found an official consolidated text of the treaty anywhere.

The Treaty of Lisbon undoubtedly contains some good intentions. However, I do question whether it meets the minimum requirements for a good treaty. A good treaty must meet certain formal requirements. It must be readable and clearly defined. In England, this is even a legal requirement. The Belgian Constitution isn't 600 pages long either. A constitution must be limited in scope.

A good treaty establishes a framework and is unambiguous. The following passage is typical of the Treaty of Lisbon: "...Article 311 shall be deleted and

Article 311a shall be inserted with the text of paragraph 2, first paragraph, and paragraphs 3 to 6 of Article 299..." Even a lawyer would be puzzled by this. In terms of content, this is completely unacceptable.

In addition, there are functional requirements. A treaty must be adapted to its purpose. Creating the United States of Europe with a flexible constitution isn't achieved through a detailed 600-page document. In software, this is called a "log file." A log file is a file containing all changes to the software. It's not the file itself that is certified, but the software itself.

Then there's another legal requirement. Under European law, following the referendum in Ireland, it is no longer possible to legally approve the Lisbon Treaty with binding force for all member states. The Flemish Parliament can, at most, formally approve the Lisbon Treaty. If the consensus rule causes problems, something must first be changed in the consensus rule.

The treaty contains very far-reaching yet vaguely worded powers: "The Member States shall coordinate their economic and employment policies in accordance with detailed rules laid down in this Treaty, which the Union shall have the power to lay down." This is a blank check. Strasbourg or Brussels can decide and impose anything. The question is what will happen to the smaller Member States. Will they still have any say? Mr. Dehaene is also aware of this.

Is there a leveling up or a leveling down? In Europe, it's usually a leveling up. The higher, the harder. And that's precisely why Belgium can no longer function. The south and the north have a different vision. What's impossible in a small country won't work in Europe either.

The biggest shock for me was the extremely anti-democratic and arrogant attitude of the media and many top European politicians after the referendum. According to Open Europe—an independent think tank on Europe—the Irish government only funded the "yes" campaign. The Irish were severely intimidated, threatened, and insulted. That such false campaigns are still even possible completely surprised me.

You sometimes hear that Ireland owes a great deal to Europe. We studied and refuted that a few years ago. Ireland has indeed received subsidies. Southern Belgium and Italy have as well. According to that criterion, Hainaut should be one of the most prosperous regions in Europe. I do notice, however, that Belgium is often absent from European Commission workshops. Ireland has done well because the government's share of the budget has

been reduced. Ireland has made investing attractive. Ireland has invested in research and development.

Despite all the negative criticism directed at Ireland, according to an opinion poll, 73 percent of Irish people are in favor of Europe. This is high compared to the European average of 52 percent. So let's not attack the Irish for daring to question Lisbon.

Ireland has said no. The treaty can no longer be ratified. Yet, they still want to implement it. The Flemish Parliament is being summoned to ratify the Lisbon Treaty at a run. I have reservations about that. What if Germany had rejected the Lisbon Treaty? Would all sorts of things have been thrown at the Germans as well?

Suppose the Lisbon Treaty is finally approved. Is that still legitimate? Does approval by the national parliaments prove that European citizens support the treaty? What damage will that do to the European idea? I'm all for Europe, but this approach is damaging the European idea.

The Treaty of Lisbon is not a treaty with Flanders, Wallonia, or Brussels, but with Belgium. Currently, the Belgian federal level is under discussion. What if this treaty is approved? Even Mr. Dehaene questioned whether Flanders will still be allowed to chart its own course. Mr. Dehaene sees two paths: an intergovernmental or a supranational organization. In my opinion, there is a third path: a purely confederal organization, like in Switzerland. As little as possible is done at the top and as much as possible at the bottom. For Europe—but also for Belgium—that is the only solution to keep the heterogeneous whole together. Europe consists of 27 member states. Strongly centralizing such an organization is impossible. Allowing smaller entities to collaborate is much more effective. We must strive for a confederal model. We must not strive for a treaty that fixes every detail.

I'm particularly concerned about the long-term vision. What will happen if we unilaterally impose this treaty? What if the political support of European citizens declines even further? What if member states decide to leave Europe? In that way, we risk losing more than we can gain in the short term. In my opinion, the risk of Europe falling apart is already quite high right now.

We'd better start by laying a legitimate foundation for developing a genuine constitution. This won't, and shouldn't, be a 600-page document. It should be a 10-page document laying down the fundamental principles. The rest will be implemented as decentrally as possible. This will guarantee continued democratic functioning and prosperity. The current

system is too burdensome to respond flexibly to the challenges that present themselves.

Open Europe has conducted an opinion poll on Europe. When the average person is asked for their opinion, it reveals a huge democratic deficit. There's virtually no majority on any point in the treaty. I'm not against a treaty, but I am against one that isn't supported by the population. Such a treaty is only counterproductive. The vast majority of respondents agree with the statements: "The EU does not represent ordinary people" and "Establish clear limits on the power of the EU." An overwhelming majority answers yes to the question "Should people have a referendum on the new treaty?" This stands in stark contrast to the fact that parliaments must approve the treaty quickly. The majority of citizens would vote against a new EU treaty. Increasing powers for Europe doesn't seem an option either.

So there is indeed a problem. We can't simply sell the Lisbon Treaty to the public. We even conducted an opinion poll on our website. Statistically speaking, a total of 33 respondents is, of course, somewhat low. It's striking, however, that only nine percent want the treaty ratified. Most believe that ratification is no longer possible because it's no longer legal. Quite a few people propose revising the treaty instead of discarding it entirely. They propose breaking it down into readable pieces and examining each section separately. I believe that's the right approach.

According to current European regulations, the Lisbon Treaty can no longer be ratified. There's no longer any consensus on it. A trick? This was essentially a second attempt. If possible, even more clumsy than the first. I don't think we should resort to a third trick. It will only lead to Europe falling apart due to a lack of support.

The Lisbon Treaty is flawed in substance, form, and law. For these reasons, we should not approve it. That would send a clear message to the Eurocrats. I'm actually surprised that these top officials dared to present the Lisbon Treaty in this form. It demonstrates a lack of respect for the people of Europe and sheer incompetence.

I repeat that I still support the goal of a better Europe. Open Europe also stands for a better Europe. A better Europe is a confederate Europe. Less happens at the top. All the more at the grassroots. Switzerland remains the example. A heterogeneous country that has existed peacefully for 150 years. Switzerland regularly organizes referendums. Incidentally, it's not the day of the referendum that matters, but the debate and the awareness-raising that precede it. This is something that is often forgotten. It's surprising how the Swiss sometimes vote. Among other things, they

decided to extend their working week.

Belgium is also a small and heterogeneous country. Belgium is sometimes called Europe's laboratory. Let us demonstrate this. However, Belgium is currently demonstrating how Europe should not act. Are people voting for more power in the short term, or are they thinking about the long-term freedom and prosperity of European citizens?

## 2. Questions and comments from members and answers from Mr Verhulst

**Mr. John Vrancken:** The speaker confirms what I just said: there's a lack of information for citizens. How can citizens inform themselves if there's no official text available? Organizing a referendum leads to a debate. A debate leads to information. This way, citizens can vote in good conscience on what's happening to them.

The Lisbon Treaty aims to establish an overarching superstate. What will that lead to? Perhaps more bureaucracy. Perhaps even a tax increase. After all, tax harmonization has already been proposed several times.

**Mr. Luk Van Nieuwenhuysen:** The speaker doesn't call himself an expert. He's observing from the sidelines. How do the powers granted to Europe by the Treaty of Lisbon compare to the powers of the federal government in the United States of America?

In your article in *De Tijd*, you advocated for a free trade association. Now you advocate for confederalism. That goes even further. Suppose we limit ourselves to a free trade organization. Europe is facing problems with a European dimension, such as climate, environment, and immigration. Don't such problems exceed the effectiveness of a free trade area? According to Mr. Dehaene, in the globalizing world, there is no other option than an EU that goes beyond a free trade organization.

**Mr. Stefaan Sintobin :** I note that the majority has no questions about this explanation. They clearly understood everything well and agree with you.

I honestly don't think Ireland will ever leave the EU. Especially not considering the way the Irish people are being blackmailed.

I believe that European citizens are critical of the EU's rapid expansion over the past decade, especially given Turkey's possible future accession. What is the speaker's position on this matter?

From some quarters, this treaty is being presented as

neoliberal. People point to a social deficit. Do you agree?

According to Mr. Dehaene, a two-speed Europe already exists. Is that an option in your view? Do you agree with me that the two groups will only continue to diverge?

**Mr. Roland Van Goethem** : When I study the results of the opinion polls, I can only conclude that Europe is facing a dual problem: on the one hand, a credibility problem, and on the other, a communication problem. There's always a majority advocating for less Europe. Is the population beginning to feel that Europe is an administrative behemoth that makes their lives difficult? Has the population lost confidence in Europe? Is that because Europe communicates poorly? The population no longer knows what's happening in the European circles.

Within the EU, these opinion polls will also be familiar. Won't they react too frantically? The more the population turns against Europe, the more desperately Europe tries to build a strong power structure to counterbalance it. I believe Europe should take on fewer powers and communicate better. Europe needs to better explain exactly what it stands for. Otherwise, in ten years, we'll be governed by an undemocratic, bureaucratic behemoth that no one can control. What's your opinion on this?

**Ms. Marie-Rose Morel** : You were upset by the media's attitude after the Irish "no" vote. One of the journalists involved was invited, but refused to accept the invitation because Vlaams Belang filed a complaint against him. I find that a weak reason. I don't think it's right that someone who doesn't get their way starts calling others Catholic alcoholics.

I read that the European citizen doesn't exist. I do think this point is often underestimated. People try to force everything into a straitjacket, but they forget that the European identity isn't being embraced. It's an artificial identity imposed on people because, in the eyes of the Eurocrats, it serves a higher purpose.

In a recent article, Professor Storme advocates for Europe as a framework. It must become an area of freedom within which agreements are made. People and citizens must have the opportunity to maintain or change their individual values and lifestyles. They must be able to act morally in freedom. This is the opposite of what is happening now. They are simply asking for our trust—which, in my opinion, is lacking—to act as they see fit. Open Europe states that 75 percent of Europeans want a referendum. That figure should give us pause. Three out of four Europeans are unwilling to give a blank check. We often forget that members of parliament are

representatives of the people. We are not here to defend our own righteousness, but to give our voters a voice.

Closely linked to the Treaty of Lisbon is Turkey's possible accession to the EU. What is your position on this?

Would it be useful to set up a campaign in Flanders or Belgium advocating for a referendum?

You often refer to Open Europe. What is the scope of their website? It contains quite a few studies from across Europe.

**Mr. Karim Van Overmeire, Chairman** : There are two schools of thought in Europe: federalists and intergovernmentalists. It's sometimes said that proponents of an intergovernmental Europe also advocate for the largest possible Europe—including Turkey—with the perverse intention of watering things down. There's also the issue of absorption capacity. In my view, a country can only become a member of the EU if the EU is also ready. Approving the treaty will only increase the theoretical absorption capacity. Where do you see Europe's physical boundary? Is that boundary purely economic, or is there also a need for a certain degree of cultural homogeneity? What does the Treaty of Lisbon actually mean for Turkey's accession?

**Mr. Eric Verhulst** : I regret that the "left" doesn't have any questions. I don't like to position myself in terms of left or right. WorkForAll strives for objectivity. It's just that they like to categorize us as something specific. That's easier for some.

**Ms. Anne Marie Hoebeke** : You're now making it sound as if the majority is left-wing. You're going too far.

**Mr. Eric Verhulst** : By "left wing," I literally mean the left side of the room. I'm not thinking in political terms.

I'm not against an overarching level, but I would oppose it according to the third way, which delegates as little as possible upwards. That way, we don't end up with a superstate, but a larger whole. The European Commission reprimanded Switzerland last year for levying lower taxes on corporate profits. Such interference goes far too far. If we cede too much power, we risk creating a burdensome structure. Immediately after the Second World War, Europe was highly dynamic. However, over the past twenty years, institutions have become self-serving. When organizations survive too long without being shaken by external events, they will sooner or later become self-serving. Companies don't have that, because they

have to account for themselves annually or quarterly. They are obligated to adapt.

Feedback is also a democratic principle. Citizens/shareholders shouldn't have complete control. Feedback helps the system evolve to an optimal level. It prevents a system from becoming rigid or sluggish.

I don't know enough about the intricacies of the US Constitution to answer the question regarding the federal structure in the US. All I know is that the Lisbon Treaty transfers far-reaching and vague powers to the EU. This will not only lead to heated discussions later on, but it's a Pandora's box. It will certainly be misused during interpretation.

I consider a free trade association the minimum. Incidentally, we've long since passed that stage. We must realize, however, that a free trade association is sufficient for many countries. It's an option like any other. We shouldn't hold that against them. It's their prerogative. There are indeed problems that transcend that level, but there are other supranational organizations, such as the UN, that address those issues.

I don't want to comment on Turkey's accession. It's a cultural issue. I work regularly in Ukraine. I regret that, under Russian pressure, Ukraine is being ignored. Ukraine is very European. I'm surprised by the average Ukrainian's knowledge of European history. I think Ukraine can become a member of the EU. I would be cautious with Turkey. I regret that some countries are encouraging Turkey's accession because it would paralyze the EU. That could possibly happen. There are already serious migration problems because there's no structural approach. That would also be a problem if Ukraine were allowed to join without further ado. After all, we're talking about 40 to 50 million more people in one fell swoop. Although I think it's somewhat easier to integrate their mentality than the Turkish one. It's not that black and white, though. There are quite a few Turks living in Germany who are fairly well-integrated. That's partly due to Germany's approach to immigration.

I have the impression that the Lisbon Treaty is anything but liberal. Granting excessive powers to the top is typical of illiberal regimes. There's a risk we'll end up with the opposite of a neoliberal treaty. Such labels are nonsense, by the way. They only serve to corner people. The economy and society are about efficiently using available resources. Engineers create systems that must be efficient. We can also apply that principle to socio-economic systems. Is that neoliberal? No. Is that a good principle? Yes. I don't really care whether it's left-wing or right-wing. What matters is that people can develop to their full

potential and that everyone enjoys maximum well-being and prosperity.

In Belgium, 1.2 million people on the National Employment Office (RVA) live under the guise of solidarity and social security. I fear we'll achieve just the opposite. The core of the problem has been misunderstood. These 1.2 million people constitute a fourth class: the new underclass. Anyone who opposes this is not neoliberal, but rather very socially conscious. After all, anyone who ends up in this class will have a hard time getting out.

Opinion polls indeed indicate a problem with credibility and communication. Anyone who talks to the average person immediately notices a disconnect, if not a chasm, between the citizen and Europe. The problem is that the institutions have taken on a life of their own. Anyone who has been in the same organization for too long thinks that organization is the end in itself. The Eurocracy has become isolated from the citizen. This is the essence of what we must address before we can even talk about a treaty that unites citizens.

The Eurocrats' reaction to the Irish "no" vote was disproportionate. I repeat that this is completely unacceptable to me. Europe communicates poorly, but that's not the only issue. Europe distributes dull brochures at its events, printed in a small font that doesn't enhance readability. What's missing above all is genuine citizen engagement. That goes far beyond mere communication. Only by truly involving citizens will they become European.

Arte—a rather artificial project, by the way—broadcasts in both German and French. But that same Arte also dubs all films and refuses to subtitle them, even if the original language is French or German. Even then, films are simply dubbed in French and German. And, mind you, this kind of nonsense is perpetuated by the EU, among others. That's a prime example of how it shouldn't be done, even though I don't think the underlying objective is bad in itself. Only do it in a truly European way, in such a way that it fosters interest in other cultures or languages. I speak four languages myself. I consider that an important point, and it helps me enormously when I travel within Europe. I'd love to know seven languages. That's just never going to happen by childish dubbing films into another language.

The truth is, the European citizen simply doesn't exist. The Eurocrats have become isolated from the population. Rationally, they have many good insights, but the citizen reacts to them emotionally. Anyone who wants to make the citizen think European must engage them emotionally. This means respecting their culture and traditions. This doesn't mean questioning



German beer or banning French blue cheese because it's too bacterium-ridden. Another problem citizens face is discovering, while traveling through Europe, that their laptop doesn't fit anywhere. Europe can't solve such simple issues. But Europe does interfere with French cheese. That's not the right way to engage citizens emotionally with Europe.

I don't think it's a bad idea to replace the word "parliament" with "representation of the people." I do indeed doubt whether a parliament still represents the people. That's a problem not only here but in many European countries. In a representative democracy, a mandate is granted through elections. If we examine how a mandate is established, we see that the people are no longer represented due to electoral thresholds, successors, cordon sanitaire, and so on. This is a serious violation of the democratic principle. Even if you don't like your opponent, you must dare to engage in discussion. Engaging in discussion is the only way to reach a consensus. Currently, they act as if the citizen is represented in the European Commission. That's not the case at all.

Referendums are criticized for fear that citizens will make their voices heard. A referendum isn't a silly survey conducted by a marketing agency. The essence of a referendum, as mentioned, is the public debate that precedes it, which leads to insights that allow people to adjust their positions. In Belgium, *Democratie.Nu* advocates for referendums. Mr. Duchâtelet of Vivant has often advocated for direct democracy. Open Vld has adopted that position. Although I haven't seen much of it in practice yet.

**Mr. Sven Gatz :** I fully understand your arguments. I also regularly read your newsletter because you have interesting things to say. But you have to be measured. You're being a bit hasty here. At the end of the previous term, I submitted a decree proposal that was supposed to enable referendums and referendums. However, the Council of State says that the Constitution must first be amended for this. You're familiar with the discussion. So please don't say that we're not trying to translate our political objectives into reality.

**Mr. Eric Verhulst :** My apologies for that. I can't possibly know everything. I'm not involved in politics on a daily basis.

Open Europe is a British website. The British have allegedly always been Eurosceptic. But I believe they make serious efforts to gather accurate information. They are critical, but at the same time advocate for a stronger and better Europe. This doesn't mean that the top should be given more power. The main thing is to create sound frameworks within which people can operate.

A two-speed Europe is a simplistic representation of the facts. The reality is a Europe with ten or even twenty speeds. Member states belong to all sorts of shifting groupings: the eurozone, Schengen Area, free trade zone, and so on. A homogeneous whole is therefore absolutely unnecessary because it functions through loose associations. The business world is full of such loose and constantly shifting associations. That works perfectly. It's much more flexible and dynamic. People can constantly adapt.

**Ms. Marie-Rose Morel :** The Irish government has apparently also released European funds for the "yes" campaign. This is diametrically opposed to Mr. Dehaene's assertion.

A clash has indeed already occurred between citizens and Eurocrats. This is not surprising, given the lack of trust citizens have in Europe. While people may not like to hear it, it's a reality. Anyone who occasionally has both feet firmly planted in the ground will often pick up on this. There is clearly a deficit. Some are calling for Europe to first—to borrow a New Age term—be subjected to a "purge." Europe must first become more transparent, more democratic, and less wasteful. Then, Europe can reconnect with its citizens with a sound treaty. Europe must first earn its citizens' trust. Every single day. I have the impression that people are so spoiled these days that they no longer want to fight for that trust. They are looking for a means—in this case, the Treaty of Lisbon—to simply take that trust.

The argument that the Irish voted against because they didn't really know what was being discussed can be taken to absurd extremes. During elections, many people may have little idea why they're voting for someone. We might be shocked if we knew why someone ended up in parliament. It's not always about substantive reasons. It depends on small details and press opportunities.

Even before a referendum can be held, the European behemoth must first earn the citizens' trust. The various forces present in all European countries should come together. When I see how the majority in the European Parliament is coming together to push this treaty through against the will of the people, I think we are either lazy or missing opportunities. The 75 percent who do not want to ratify the treaty are no longer seeking each other out. Surely there should be platforms for that as well.

**Mr. Eric Verhulst :** Regarding those resources, I refer you to the Open Europe website. Of course, I'm not an investigative journalist. It's not about European resources, but about resources from the Irish government.

Looking back over the past ten years, it's a shame how the beautiful European project has been professionally botched. This also applies, for example, to the European framework programs. They have been taken over by the industrial lobbies who see them as a money-making machine. Many projects aren't research projects. They're being faked. They're supposedly achieving the Lisbon goals by spending resources. Actual progress in research and development is too limited. Institutions have been allowed to take over the mechanisms. The institutions are becoming ends in themselves. As citizens, we must not allow this.

The ideal way to address this is not to make yet another attempt to sneak things through back doors. That would guarantee complete loss of public trust. Public is not stupid. It will just take a little longer for them to grasp everything. My concern is primarily long-term. We are currently destroying the European project in the long run. A serious global economic crisis would be enough to do that. All rationality is lost in moments of major crisis. Then we'll likely lose the entire project. Anything could happen.

To resolve this, we first need an agreement on the consensus rule, which is unworkable with 27 member states that don't all have a democratic tradition. This is especially true for Eastern Europe, although we shouldn't look down on them too much. They know better than we do why systems with excessive power at the top don't work. Furthermore, we need to find a minimal constitution that everyone can agree to. Combined with a system that makes decisions based on a large majority, we will be able to gradually build on that constitution by taking into account existing treaties and achievements. Expanding powers can be done through separate referendums and discussions. I'm also thinking, for example, of the issue of Europe's military power. Tackle the problems one by one. Not, as is currently the case, arranging all the details in a 600-page text. That won't work. It's a recipe for disaster.

I repeat that I am a concerned and critical European citizen. That's why it's important that you cast the right vote. We must make it clear to them above that things are going wrong. That, too, is democracy. The voice of a small minority is often more important than that of large power blocs. They have the right to be critical because they personally experience the consequences of others' decisions.

#### IV. DISCUSSION WITH MR. NATAN HERTOGEN

**The Chair :** The next speaker, Mr. Natan

Hertogen, who is also our only speaker this afternoon, represents the de facto association "Onzezeg/Notremotadire." This citizens' initiative builds on the initiative taken earlier by Mr. Jef Sleenckx, Mr. Georges Debunne, and Mr. Lode Van Outrive regarding the European Constitution.

#### 1. Presentation by Mr. Natan Hertogen

**Mr. Natan Hertogen :** I am indeed addressing you on behalf of Onzezeg/Notremotadire. This campaign builds on the initiative taken by Jef Sleenckx, Georges Debunne, and Lode Van Outrive two years ago in response to the European Constitution. They requested, through a collective petition, that a referendum be held on the European Constitution. Not to bypass you as parliamentarians and champion direct democracy, but first and foremost out of deep concern about the antisocial content of the European Constitution.

Initially, we submitted a separate petition to Parliament requesting that the ratification process of the Lisbon Treaty be suspended and that time and resources finally be invested in a constructive public debate on Europe. By inviting us, as well as other speakers, to this hearing, this request is being met, albeit to a limited, and perhaps even too limited, extent. But I am realistic enough to know that in politics, one sometimes has to make the best of what one has. Therefore, I have withdrawn the petition in question today and am now addressing you as "heard." My message, of course, remains the same.

Unlike the European Constitution, the Treaty of Lisbon will not replace the previous treaties, but merely reform them. A difference in approach, therefore, in response to the French and Dutch no's to the European Constitution. But that's where the difference ends. Mr. Valéry Giscard d'Estaing himself – who chaired the European Convention – stated that the content of the Treaty of Lisbon is 98 percent identical to the European Constitution. In other words, a vote against the European Constitution is as good as a vote against the Treaty of Lisbon. All of this means that today not only the Irish no vote is on the table, but also – and still is – the resounding rejection by the French and Dutch populations. The same strong signal was thus heard in three countries. The Irish are adding something else and are now saying "no means no." The people of Onzezeg/Notremotadire are wondering which of these three words the proponents of hasty ratification by parliament failed to grasp.

Over the next twenty minutes, I'd like to discuss two things with you. First, there are quite a few substantive objections to this treaty. You'll recognize several of them from the debate on the European Constitution. Since our country has never taken the time to comprehensively and in-depth address the numerous objections raised by social movements, it wouldn't hurt to briefly mention them here. Second—and this is where I begin—we believe it's the responsibility of this committee to also openly and honestly address the political consequences of a possible forced ratification in the coming weeks.

And there will be political consequences. Starting with the Irish, of course. Now that Ireland has said no, it's not up to us to ratify the deal before October 15th – the date put forward at the most recent European summit as the deadline for a political solution. It's not simply a matter of respect, by the way. Nor is Onzezeg/Notremotadire simply going along with abstract speculation about the sovereignty of the Irish people being violated by ratification. The crux of the matter, and the reason why Flemish ratification on July 9th or 10th is the worst possible decision of all, is democracy.

Ratifying now would be the ultimate proof that the European authorities only believe in a European democracy if the outcome can be determined in advance. And anyone who presses the green button before October 15th in any parliament, in any member state, is joining them in this. Is that really the signal Parliament wants to send? I would like to ask the Members to formulate a clear answer to this question.

With each ratification before October 15th, the Irish come under increasing pressure to ultimately vote yes in a new referendum. Each new "yes" vote further isolates their "no" vote. Essentially, a game of political blackmail is being played against the only population that has collectively committed and exerted itself to form a sound opinion about whether to vote for or against. Ireland is the only country in the entire European Union where the debate on this treaty has been conducted in an open, democratic manner. Following the example of the French and the Dutch, the Irish have reluctantly begun building that European democracy. Their reward will be a re-examination, and the members of parliament, who themselves consistently undermine substantive debate in their own countries, or at the very least, fail to muster the courage to further it, will be acting as the jury.

Next up is the debate on this treaty in our own country. We can be brief about that. There was virtually no debate. There's a hearing here with fifteen people present, and only one dissenting vote from a democratic side.

In our country, hundreds of people are paid to organize democratic debate. To be clear, I'm definitely talking about your job. You were elected by us to organize democracy for us and with us. In parliament if possible, on the streets if necessary. That didn't happen. Earlier this year, Jef Sleenckx submitted a petition requesting a referendum on the Lisbon Treaty. Jef Sleenckx isn't fond of direct democracy. For him, and Onzezeg/Notremotadire as a whole, it was a means to spark a truly substantive debate. Because we felt that the Belgian parliaments weren't going to deliver again.

The request, however, was rejected based on a biased interpretation of the Belgian Constitution, as if a referendum would undermine the sovereignty of any parliamentary mandate. That this interpretation is possible has long been known. Karel De Gucht and Rik Daems—party members of some of you—were unfazed. In the run-up to the ratification of the European Constitution, when they themselves still believed the population would certainly answer yes, they briefly took the initiative for a referendum. Incidentally, Mr. Verhofstadt also let no one stop him when he organized his consultation on the Copernicus Plan.

The ignoring of the French and Dutch signals, the current pressure on the Irish, and the organization of non-European debates in our country are all signs of the same situation. The Belgian political class, like the European leaders, is not ready for a broad and in-depth debate on the direction Europe should take democratically, socially, ecologically, or militarily. Yet, the demand for such a debate is high.

I also wondered, by the way, whether what we're doing here in Flanders is actually any better? What will ultimately be the big difference between this debate and the federal, Brussels, Walloon, or German-speaking debate on Europe?

The reason for this demand for a true European democracy, however, is not isolated. As mentioned, ever since the introduction of the first texts for the European Constitution, now the Treaty of Lisbon, fundamental criticism has been voiced by trade unions, various anti-globalists, academia, European peace movements, the unemployed

movement, and certain environmentalists. Their rejection, based on substantive criticism, is the crux of the matter. Essentially, all these people should have been able to be here, because they are also present in our country. Then we would have had the beginnings of a real debate. After all, the issues they raise are very important and at least interesting enough to merit thorough consideration. It is not my intention to speak here today on behalf of all these people, or perhaps to debate them later. I have no such pretension, nor that mandate. What I am doing is citing some of their points to convince Parliament that a democratic "no" vote is more than justified on the merits.

Just Tuesday, the newspapers reported that the Federal Minister for Public Services, Inge Vervotte, had been reprimanded by the European Commission in connection with the Post Office. "What does this have to do with the Treaty?" some will ask sarcastically. Well, everything. Just like previous treaties, and just like the 'failed' European Constitution, the drafters of this treaty systematically confused two things. On the one hand, the creation of the institutional framework for the European Union; on the other, the construction of a foundation that would fundamentally guide European policy. The reaffirmation in this treaty of the logic of the free, unhindered, and competitive market above all will only increase the concrete pressure on European governments to implement all kinds of liberalizations without complaint or adjustment. This treaty, too, through countless phrases and formulations, some borrowed from previous treaties, cements a strictly neoliberal approach as the absolute and indisputable foundation for any economic or social policy of all member states. It's no coincidence that competition law is central to European legislation. And those who don't comply will be punished.

European leaders, and with them all proponents of this treaty, constantly interweave framework with policy, yet demand that their opponents separate framework and policy in the discussion. This is nothing more than a rhetorical device to avoid any fundamental debate about the direction the European Union is taking.

Also relevant are the recent rulings of the European Court of Justice in the Viking, Laval, and Ruffert cases. The 1997 European Posting of Workers Directive was interpreted by the court three times to the detriment of trade union intervention. Unions in economically strong countries like Finland, Sweden, or Germany are apparently not within

their rights when they attempt to enforce equal social rights for immigrant workers from Estonia, Latvia, or Poland, respectively. The legitimate fear of many trade unionists throughout Europe, including recently in Ireland, is that with each treaty, these antisocial practices of the European legislature and European courts will carry more weight. The new treaty offers no guarantees that such cases will not recur. On the contrary. As a result, the treaty is more of a tool in the hands of employers than a support for the working population.

A social Europe, which millions of European trade unionists can rally behind, is indeed possible. In his book "When a Social Europe?", Georges Debunne offers several concrete proposals: European collective bargaining agreements or the harmonization of social legislation upwards, to name just a few. And Georges Debunne is just one of many with socially constructive proposals. If none of these ideas are firmly anchored in the new treaty, why should trade unionists, and by extension the entire working population, support it?

In Ireland, much ink has rightly been spilled in the entire debate about the treaty articles relating to defense. The non-profit organization Vrede has been closely following the debate since the European Constitution and sees broadly the same problems emerging as back then. The Constitution and the treaty differ little on this point either. For example, the treaty again states that the member states undertake to "progressively improve their military capabilities" (Article 28A, paragraph 3). I briefly quote Ludo De Brabander: "Our defense policy is also linked to that of NATO through an annexed protocol, and the treaty imposes an intervention doctrine (Article 28B, paragraph 1) with accompanying apparatus (Articles 28C and 28D). In short, enough reasons for a peace organization to oppose this treaty." Incidentally, that was a dig at Paul Goossens, who had called him an over-aged pacifist. In other words, the treaty turns defense into a playground for shady characters like Pieter De Crem and permanently banishes the peace doves from the cabinets of Foreign Affairs and Defense. Incidentally, Professor Rik Coolsaet has also expressed concern about this.

In the future, all EU member states will be forced to make significant military efforts. Yet, government budgets are under pressure everywhere in Europe. Where will that money come from? What public investments will we cut back on here

in Belgium and Flanders? Or will we plan tax increases?

The frivolousness with which even our progressive parties brush aside this issue is sometimes painful to watch. Two years ago, just days after Belgium ratified the European Constitution in February 2006, Johan Vandelanotte, then chairman of the sp.a party, declared his intention to eventually halve the Belgian armed forces and spend the freed-up budget on development aid. Groen! immediately agreed. Both sides, however, momentarily forgot that they had just approved a kind of European state reform, which clearly intended to make this not only impossible but even illegal. The progressives in this parliament should surely realize that this was rather odd. You might want to take this into account when voting on this new treaty.

If we are to believe most commentators and high-ranking politicians, Europe is in crisis. We see it differently. While the debate about Europe has been thoroughly conducted in recent years, people discovered how far we have actually come with European state reform, because the European Constitution and this Treaty of Lisbon do indeed constitute state reform. They also began to realize that the content of the European Constitution or the Lisbon Treaty would determine their lives more than they anticipated. Today, 70 to 80 percent of our national or regional laws consist solely of the implementation of European directives or other European regulations. Without the European population fully realizing it, for years a European superstate has been quietly being built behind people's backs and through treaties. This superstate was not only supposed to "train" the member states to the neoliberal insights of government leaders, the Council of Ministers, and the European Commission. It immediately became a new type of state, a silent state, new in the world, new as a concept. A state without the parliamentary democracy we've known since the 19th century, where everything is negotiated between government leaders and ministers. There's a European Parliament, but it can't even initiate legislation. Moreover, it's kept far removed from civil society. This keeps people fixated on their national politics, while the European state exists, but you don't see or hear it.

The debate between federalists and proponents of a purely economic market is bogus in the sense that Europe is already much more than just a common economic space. Through 70 to 80 percent of legislation, you achieve more than just economic

cooperation. The introduction of the euro, for example, with the European Central Bank (ECB), is also of political significance in every respect. The Treaty of Lisbon further deepens the European state. British politicians are well aware of this, by the way. Perhaps the difference of opinion between federalists and others can be traced back to something else: a debate on whether to remain a silent state on the one hand (Blair and co.), or whether it should be given a name and a "face" like every other state in history on the other (Verhofstadt, Chirac and co.).

If we assume this, we are not simply seeing a European crisis today, but above all a crisis of the stagnant state model. That's something different. Confidently, European federalists thought it was time for a European Constitution. They have had to conclude that coming out with their superstate, without democratic and social guarantees for the European people, hasn't worked. The French, the Dutch, and the Irish turned on the lights, and who was there "in the flesh"? Europe, with its secretive, antisocial, militaristic agenda.

Karel De Gucht summarized all of this best, I quote: "The purpose of the Constitutional Treaty was to be more readable. [...] The purpose of this treaty is to be unreadable. [...] The Constitution was meant to be clear, this treaty is meant to be unclear. That's a success." I'll add a second quote from an unexpected source. Giscard d'Estaing again: "The content remains virtually the same, it's just presented slightly differently. [...] The reason for this is that the new text shouldn't resemble the Constitutional Treaty too closely. The European governments agreed on these superficial changes to the Constitution so that it would be easier for the people to swallow." Clear language twice over.

The European powers-that-be have tried to avoid their crisis by shelving the ambition to give Europe more shape through a so-called European Constitution. Their response, however, represents not a step forward, but a step backward. No commitment to greater democracy after all those clear signals, but a step back to treaties and backrooms. Their response is a renewed faith in the old tactics of intergovernmental treaties and a European non-debate. Europe must become silent again to continue to grow, and all voices of dissent must be excluded from the debate. But that is pure nostalgia. The French, the Dutch, and the Irish have caused a breach in the dike. Yesterday, today, and until the end of time, you are stuck with us. We, the people who choose a 100 percent social Europe, a

100 percent anti-militarist Europe, a 100 percent green Europe, and so on. Our euro has fallen, and to achieve all of this, we will also have to force a 100 percent democratic Europe. Therefore, I will end this explanation with a proposal.

Leave this Treaty of Lisbon as it is. Suspend the ratification procedure until at least October 15th, or better yet, simply halt it. And transform the European Parliament, which must be elected by the European people in 2009, into a constitutional assembly. Present the results of all this constitutional work to the European people in a simultaneous, massive, and binding referendum. With a nuanced question and after allocating maximum resources for a rich and engaging debate.

I bet Mr Barroso that if the new European Constitution is social and fair for everyone in every respect, it will not be rejected.

I bet Mr. Barroso that if this new European Constitution doesn't give the European gun lobby, military leadership, and neoconservatives—like Defense Minister De Crem—a free pass to pursue a military foreign policy, he won't be rejected.

I bet Mr. Barroso that if this new European Constitution establishes democratic European institutions, finally guarantees the separation of powers, and makes the European Parliament a true parliament with the right to legislative initiative, that new European Constitution will not be rejected.

I bet with Mr. Barroso that if this new European Constitution finally paves the way for strong European public services for all, in the hands of the community, by abolishing and replacing the European treaties that consistently thwart this today, I bet such a new Constitution will not be rejected.

And finally, I bet Mr. Barroso, and all of you, that as long as you are unwilling to work towards a truly democratic and consistent social Europe, or, like many progressives, do not believe that sufficient forces can be found within our society to achieve this, I bet you will be forced to cling to your inertia for all that time. That you will be forced to disorganize the debate for all that time, limiting it to a single hearing per treaty, in a single committee, with a single democratic dissenting vote.

The people of Onzezeg/Notremotadire and – I am sure – many others wish you every success.

## 2. Questions and comments from members and answers from Mr Hertogen

**Ms. Anissa Tamsamani :** I have a great deal of sympathy for Mr. Hertogen's argument. My group wholeheartedly supports the idea of a more social, more anti-militarist, and more green Europe. I'm not opposed to a referendum, but I'm also fully convinced that in many countries, few politicians manage to explain exactly what's happening at the European level. I assume that's why many people vote based on an emotional impulse rather than rational considerations. If this is extrapolated to what happened in France, the Netherlands, and Ireland, then I see it as a vote against their own national policies, rather than against Europe.

I also attribute this to Europe's poor communication with the public. I think a referendum in Flanders could very well elicit the same reaction. I compare it to a referendum on whether taxes should be abolished. I can largely agree with Mr. Hertogen's comments, but organizing a referendum seems very difficult to me.

**Mr. Jan Roegiers :** I found Mr. Hertogen's impassioned speech very illuminating. I think it brought the issues to a sharp focus and made us think. I share many of the speaker's concerns, but I have reached a different conclusion. Mr. Hertogen concludes, "No, unless," while I assume, "Yes, but." Therein lies the difference between the green and the red button. My party is convinced that the approval and ratification of the treaty will activate several levers to make Europe much more social, democratic, culturally diverse, and peaceful. I feel as if Mr. Hertogen thinks that these values will be further compromised by ratification.

I also disagree with a number of points. It seems as if Mr. Hertogen believes the insinuation that ratification is desired as quickly as possible to marginalize the Irish in their judgment. I find that reasoning strange, because it seems as if those who support the treaty should feel guilty. The countries that ratify undoubtedly support the treaty.

I also find it strange that Mr. Hertogen and his organization are rallying behind the Irish "no" vote, because the amalgamation of associations and organizations that called for a "no" vote sometimes contradicts Mr. Hertogen's objectives and doesn't share the same concerns. It was ultra-liberals who took the lead, fearing increased taxes from Europe, and ultra- Catholics who feared that abortion and gay rights would gain traction.

I share many of the concerns of those genuinely concerned about this issue. I also assume that many people in Flanders are opposed to Europe, but I expect the reasons for this are often contradictory.

A referendum isn't the only form of democracy. Ratification—in the Belgian context—by seven or eight parliaments is also democratic and equally legitimate. The Flemish Progressives support referendums provided they can ask a clearly defined question. That's not the case here. Mr. Hertogen needed 25 minutes, and even then he was concise. The Flemish Parliament has already invested two and a half days in discussing the topic. Anyone who can't say whether they're for or against in that time will never get their answer. I emphasize that whatever the parliament's decision may be, it is democratic in any case.

To summarize: I share some of Mr. Hertogen's concerns, but not his ultimate objective, nor some of his criticisms of the working methods in Parliament.

**Ms. Anne-Marie Hoebeke :** I confirm Mr. Roegiers's statement: the Flemish Parliament does indeed pay attention to Europe. On the other hand, I respect the young speaker's enthusiasm. Diversity is enriching. Regarding the referendum: it's not in the Belgian Constitution. Moreover, I would like to point out that the way a question is asked influences the answer.

Mr. Hertogen calls competition the foundation of European legislation, but there's more. I'm referring to peace and cross-border justice. Opening borders to goods, services, and people is more than just a neoliberal approach. The treaty isn't just a tool for employers. Numerous social achievements are enshrined in the Treaty of Lisbon.

**Mr. Karim Van Overmeire, Chair :** I share Mr. Hertogen's analysis of the Irish situation. Our group is pleased to have been able to express their opinion in a referendum. On the other hand, I fear the speaker was overly enthusiastic about organizing a constituent assembly with a view to a truly democratic Europe. Our society should not be projected onto the rest of Europe. The countries of Central and Eastern Europe are not eager for a strong state; a large part of their populations opt for a very liberal model.

The key question is: is it possible to build more than a light framework, beyond 27—or more if one

takes the regions into account—distinct local economies and histories, that holds everything together while still allowing sufficient autonomy? Mr. Hertogen, however, opts for the European superstate, albeit more democratic and social. What does he think of my arguments?

Parliamentary decision-making is perfectly democratic. But a parliamentary mandate is granted within a specific framework, and this is precisely about changing the framework itself. The Treaty of Lisbon, after all, transfers powers to a supranational level, where decisions are made by a qualified majority and without the right of veto. Belgium has strict internal procedures for such reforms. It is therefore quite surprising that, in this case, the framework can be completely overhauled with a simple majority.

It's modest that members of parliament are seeking a mandate from the people for this via a referendum. Each country must decide for itself. The only disturbing thing is that, if the result is disappointing, they decide not to hold a second referendum after a new decision (as in France and the Netherlands) or to continue until the result is yes (as in Denmark and Ireland). Such unfair practices are a stain on the European reputation.

**Mr John Vrancken :** I agree with Mr Van Overmeire.

**Mr. Ward Kennes :** I found the argument more pushy than driven. Europe is not a militaristic project, but rather the best guarantee for peace. Accession to Europe means the end of the possibility of taking up arms against each other. If there were no supranational level to clarify certain matters, the individual countries would undoubtedly feel compelled – due to mutual distrust – to significantly increase defense spending. Choosing Europe reduces military expenditure and simultaneously optimizes joint defense. Incidentally, it's also untrue that Europe is not ecological. Much of our environmental legislation in Flanders is precisely the result of European initiative.

As for the procedure, it's not as simple as the President makes it out to be. The Treaty of Lisbon does indeed need to be ratified by 27 Member States, and within those, often by various parliaments. Which is especially true in our country. Each of them can be obstructive. So it's not a mere formality.

The speaker focused more on the European structure itself, rather than on the content of the Lisbon Treaty, such as the generalization of majority voting, the limitation of the veto, the possibilities offered to national parliaments, subsidiarity, and legal cooperation. What is his opinion on this?

**Mr. Johan Verstreken** : My party leans more toward what Mr. Dehaene said here this morning than what Mr. Hertogen just proclaimed, despite his youthful drive. Compromises are necessary to make progress. Furthermore, I believe that pacifism must be supplemented with the necessary realism.

Regarding the referendum, the question arises whether the desired "nuanced question" can be asked in this matter. How should it be formulated?

**Mr. Luk Van Nieuwenhuysen** : Nowhere has the public debate on the European Constitution been more widespread than in the countries where a referendum was held. The speaker advocated for a constitutional European Parliament, the outcome of which would be submitted to the people in a referendum. What does he think of Mr. Verhulst's proposal, which we also heard here this morning, to abandon the major reform and fragment the matter by topic, presenting each outcome separately?

**Mr. Natan Hertogen** : My view is not that Flanders or Belgium are better, that we should forget Europe and return to the days when we were still a dwarf. On the contrary, we must make something of it, albeit something different from what is being proposed today.

Ms. Tamsamani's argument about referendums is flawed. If a referendum on taxes is properly prepared politically and invested considerable time and energy, there's a good chance of convincing a majority of its value. The question is whether or not people are willing to take on such challenges.

**Ms Anissa Tamsamani** : I meant that it is not self-evident to pose the question in such a nuanced way that one gets a nuanced answer.

**Mr. Natan Hertogen** : Questions can be manipulated, but on the other hand, someone like Mr. Chirac, who chose his own question in the French referendum on the European Constitution, was certainly punished. The wording of the question influences the answer, but that's not the whole story.

The debate between progressives and leftists about the choice between "yes, but" and "no, unless" is interesting. However, if one repeatedly answers "yes, but," as has been the case in recent years, one loses the socially transformative momentum that a "no, unless" can initiate.

**Mr. Jan Roegiers** : Europe has been fine-tuned almost month after month for the past 20 years, especially when a "no, unless" was the answer. This has always been taken into account, albeit inevitably in the form of a compromise.

**Mr Natan Hertogen** : Ask trade unionists whether they think that European legislation takes them into account.

For us, direct democracy isn't a fetish, but a means to stimulate the currently non-existent debate. It's true that conservative views are a factor. On the other hand, such a debate offers the left an opportunity to reconnect with the people it has lost but needs to build a social Europe.

Two and a half days of debate in the Flemish Parliament on the Treaty of Lisbon, the European state reform, must be seen as compared to the 365 days in which the Belgian state reform is discussed in the media and parliaments.

Regarding the argument of diversity, it's true that Europe exists, with its 27 member states. It's certainly not a light version of a state. The Vlaams Belang argument is disrupting the debate about what a social Europe should look like. Returning to one's own people is nostalgia; that time is over.

I hope Mr. Kennes doesn't really believe what he just said about peace in Europe. Perhaps there is peace in Europe, but investing in weapons and a large army for export purposes has nothing to do with pacifism. Weapons always have consequences, whether they are used or not. It's no coincidence that many of the advisors drafting the Lisbon Treaty have ties to the arms lobby.

If we start from the current free market, it's impossible to achieve a sustainable and ecological economy. While some details can be changed, ultimately, it turns out that Europe, despite its many good intentions, isn't performing particularly well when it comes to ecology. It has a gigantic economy, and it's overexploiting both people and nature.



*The reporter,*

Anissa TEMSAMANI

*The Chairman,*

Karim VAN OVERMEIRE

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