Hearing on 26 June in the Flemish Parliament, Committee responsible for European Affairs, on the draft decree concerning the assent to the Treaty of Lisbon (1653 (2007-2008) - No. 1).

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Eric Verhulst: profile

- **Technology entrepreneur & researcher**
  - **www.OpenLicenseSociety.org**
    - Systems Engineering
    - Formal methods for software and system design
- **Application to socio-economics:**
  - **www.WorkForAll.org**
    - Work is a fundamental right: key to prosperity
    - Independent socio-economic think tank
      - Focus: right to work (in complete freedom)
      - Restoring productive employment
    - Approximation:
      - Facts, data and thinking ahead
      - Studies, analyses and commentary

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Europe is a beautiful project

1. Peace and prosperity brought after WWII –

   Free Trade Zone (= large domestic market)

   – No borders for people and goods

2. Facilitating the economy:

   • Common norms and standards • Euro

   • Combating trust formation • Creation

   of a European innovation area • ESA

Challenges

• Rapid expansion, perhaps too fast or not quite?
   – No real choice (Eastern Europe)

• Ageing & economic stagnation – High
   unemployment and inactivity •

Globalization, energy, raw materials •

Immigration •

Clumsy and expensive government

structures • Still a political lightweight on a global level •

The "European" citizen does not exist: –
   Democratic challenge.

There's more to it than that

<u>Proposition</u>: **There are too many unemployed people because the**

The economy is stagnating. The economy is stagnating because democracy is failing. Democracy is

failing because its moral foundation has been undermined.

- **The Lisbon process demonstrates this**

- **Democratic should be:**
  – **Feedback, bottom-up**
  – **Broad consultation and mature deliberation**
  - **Well-considered decisions**
  – **Only the framework, impose as little implementation as possible**

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Democratic functioning of Europe?

- **Commission not elected, but appointed**
- **80% of national legislation is a result of European decrees: sovereignty?**
- **Very detailed regulations, technically very demanding**
- **Growing influence of industrial lobbies**
- **Lisbon Treaty first sold as "Constitution" unreadable document 600 pages**
- **De facto creation of VSEU (Union vs. Community). OK, but why through a back door?**
- **After rejection (consensus legally required) repackaged as a hodgepodge of amendments to existing treaties, just as unreadable.**

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Treaty of Lisbon

- **Certainly contains good elements, but...**
- **Formal requirements:**
    - **Readable and well-defined?**
- **Content requirements:**
    - **Set the framework, unambiguously?**
        - **typical text: Article 311 is deleted. A Article 311a is inserted with the text of paragraph 2, first subparagraph; and paragraphs 3 to 6 of Article 299 are amended as follows: ...**
- **Functional requirements:**
    - **Adapted to the purpose?**
        - **democracy is a bottom-up process, not a treaty of amendments in legal speak**
- **Legal requirements: consensus? (=27x YES)**
    - **Can therefore no longer be ratified at European level level**

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Extensive but vague powers

- **E.g.: "The Member States shall coordinate their economic and employment policy in accordance with detailed rules laid down in this Treaty, which the Union shall have competence to provide."**

    - **The Union imposes and the (small) Member States are sidelined**
    - **Will this be a harmonization policy downwards or upwards?**
    - **Isn't this exactly the reason why Belgium is no longer works?**

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Anti-democratic attitude and reaction of European media and top politicians

- **Before the Irish referendum:**

  - **- Only government support for Yes camp**
  - **– Intimidation and threats**

- **After the referendum (54% = no):**

  - **– Gross insults to the Irish people**
  - **-Threats**
  - **– Lying campaigns (ingratitude, role of European subsidies)**

- **Yet 73% of Irish people are in favour of Europe**

  - **– One of the best scores (avg.EU = 52%)**

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Should you just push through anyway?

- **Most European governments have referendums removed for fear of a "No": democratic?**
- **The rest rushes ratification through Parliament**
- **Irish are being pushed towards a second referendum: is the second no then legitimate?**
- **What if a large country had voted negatively?**
- **Commission urges swift ratification by national or regional parliaments: – Does this prove that the Treaty/Constitution has been ratified by the European citizen is worn?**

  - **– Damage to the European idea caused by reactions after the referendum is very great**

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Quid Belgium?

- **Treaty is with the Belgian federal state**
  - **Not with the regions**
  - **Legitimacy of Belgian federal level is faltering**
  - **Can Flanders chart its own course?**
- **However:**
  - **The solution for Belgium is a confederal state within a confederal Europe**
  - **Cf. Switzerland**
  - **Also a solution for Europe:**
    - **Only way to work with 27+ heterogeneous Member States in a democratic way**

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Long-term vision

- **Or a bad and illegitimate treaty?**
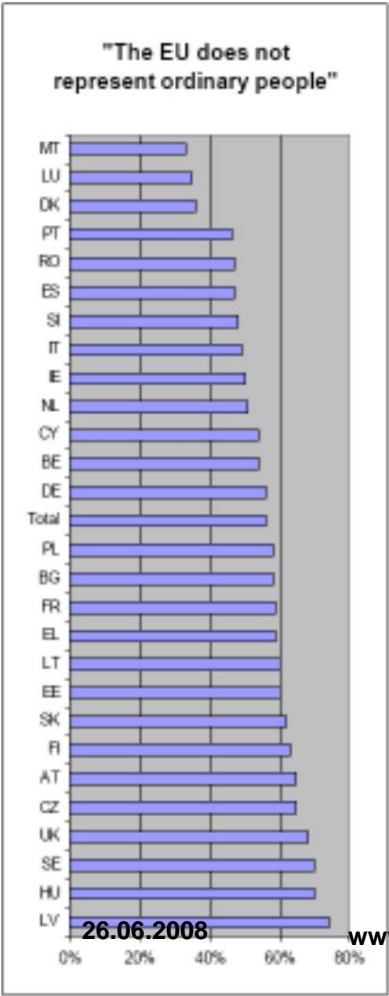 - **Imposed unilaterally**

  What if support completely disappears within 10 years? The risk of disintegration is very high.
- **Either build (and earn) democratic legitimacy instead of a treaty**
  - **This can give Europe a solid foundation**
  - **Lasting democratic integration**
  - **Lasting prosperity**

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Poll on the future of Europe (OpenEurope):

Democratic deficit is clear

"The EU does not represent ordinary people"

Proposal	Total believing it should be a priority
Establish clear limits on the power of the EU	28%
Reducing the EU's trade barriers against poor countries	27%
Turn the EU into just a simple free trade area, without political aims	25%
The EU should reduce the number of new rules and laws it passes	21%
Making it harder for a few countries to block new EU laws	19%
A single foreign minister for the whole EU	17%
Allowing more countries to join the EU	14%
Spend less on agriculture and more on other things	12%
Don't know	9%
None of these	3%

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Should people have a referendum on the new EU treaty?

Would you vote for or against a new EU treaty?

More powers or less for the EU?

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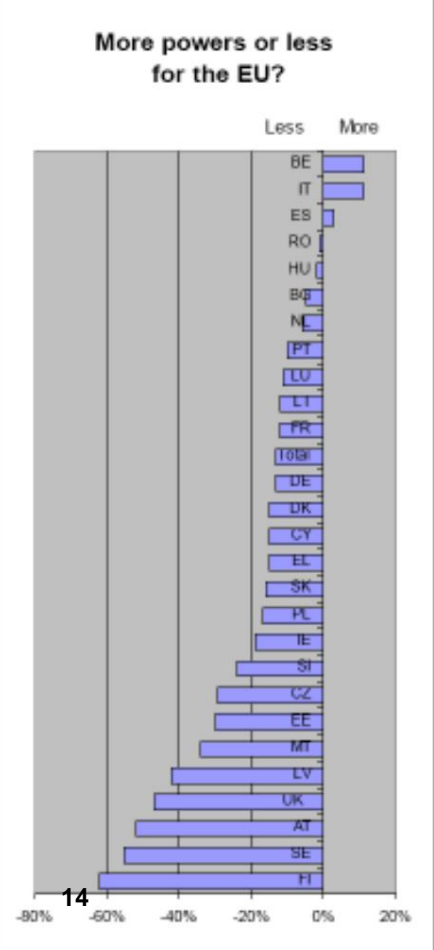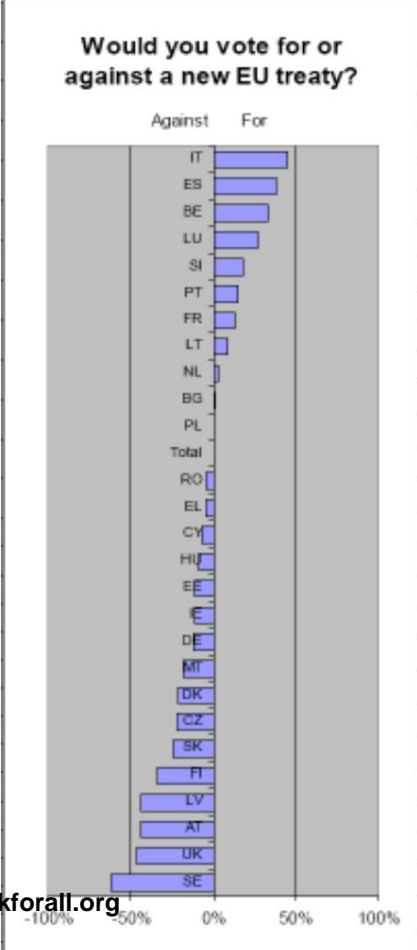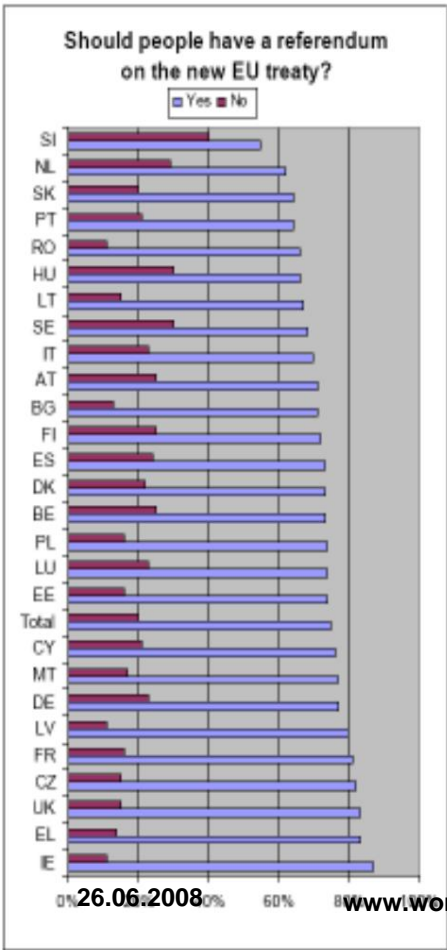
What needs to happen now?

- **Poll on WFA website**
- **Do you agree that the Lisbon Treaty should be be revised?**

Yes, because it can no longer be legally approved.

24% (8 votes)

No, the treaty may be ratified unchanged by all EEC member states be accepted

9% (3 votes)

Yes, it needs to be completely revised.

9% (3 votes)

Yes, but it should be split up and all parts should be put to referendum.

39% (13 votes)

Yes, but we must hold a European referendum.

18% (6 votes)

Total votes: 33

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Decide today

- **According to current European law, the current treaty can no longer be ratified**
- **No tricks can save this (already second (trying)**
- **The treaty is substantively, formally and legally defective**
- **Better not approve**
  - **Countervailing power and insight of a regional minority: democratic**
- **But working towards a democratic Europe**
  - **Example is Switzerland, confederal**
  - **Strongly decentralized, strong subsidiarity**
  - **High prosperity**
- **Short-term power vs. long-term freedom**

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Possible roadmap

- **First resolve consensus blocking**
  - **E.g. ¾ majority + second round with consultation if a Member State has serious**

objections • Then draw up a minimal constitution of the USEU, to be approved by national referendums

- **Continuous information exchange and citizen involvement. Direct democracy instead of... Representative democracy**

- **Gradually expand the Constitution by subject with strict application of the subsidiarity principle (bottom-up)**

- **Reducing the influence of EEG legislation**

References

- **http://www.openeurope.org.uk/**
- **http://www.workforall.org/drupal/en/node/182**
- **http://eur-lex.europa.eu**