

ADVISORY LETTER

**THE EUROPEAN UNION AND ITS RELATIONS  
WITH DUTCH CITIZENS**

No. 10, December 2005

## **Members of the Advisory Council on International Affairs**

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## **Members of the working group on Europe and its citizens**

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Bernard R.Bot  
Minister of Foreign Affairs  
Postbus 20061  
2500 EB Den Haag

Date: 13 December 2005

Ref. AIV-223/05

Re: presentation of Advisory Letter

Dear Dr Bot,

I am pleased to present you with the Advisory Letter "The European Union and its relations with Dutch citizens". I am also sending copies to the Minister of Defence, the Minister for Development Cooperation and the Minister for European Affairs.

Yours sincerely,

Frits Korthals Altes  
Chair, AIV

## **Introduction**

The Advisory Council on International Affairs (AIV) decided to write this advisory letter in response to the Dutch referendum of 1 June 2005 on the Treaty establishing a Constitution for Europe.

To prepare the letter, the AIV set up a working group with members drawn from the permanent committees on European integration (CEI), human rights (CMR) and peace and security (CVV) and two co-opted members, since the Council does not generally concern itself with the domestic aspects of international issues. The entire European Integration Committee was also directly involved in preparing this advisory letter.

The working group consisted of the following members: Dr B. Knapen (chair), Professor F.H.J.J. Andriessen (chair of the CEI), Professor J.W. de Beus (co-opted member), Dr M. Bulk (member of the CEI), Professor C. Flinterman (member of the CMR), T.C. De Graaf (co-opted member), F. Korthals Altes (chair of the AIV), H.C. Posthumus Meyjes (member of the CEI), Professor J.W. de Zwaan (member of the CEI), E.P. Wellenstein (member of the CVV). Secretarial duties were performed by Dr S. Volbeda (executive secretary of the CEI), assisted by the trainee H.J.W.B. Lathouwers, and the interns M.R. de Jong and S.F. van den Driest. While preparing its recommendations the working group also benefited from the knowledge and experience of D.F. Huisinga and H. Laffeber (liaison officers at the Ministry of Foreign Affairs, who are attached to DGES/FSU and DIE/IN, respectively).

The importance of the European Union to the Netherlands can scarcely be overstated. Ever more frequently, the Netherlands finds itself facing problems requiring an international solution, either at EU or global level. In such cases the EU can act to protect our interests vis-à-vis other major world players. But the EU also possesses unquestionable importance in generating prosperity and suppressing conflict. As a project involving the peaceful pooling of sovereignty, it is unique in history and something to nurture carefully. That is precisely why the AIV decided that – partly in the light of earlier recommendations on the benefits of and need for European integration – it should rapidly prepare recommendations on how to narrow the gap between Europe and the Dutch people and hence help break the impasse that has arisen since the referendum. The general public needs to be able to follow Project Europe, and preferably to communicate its criticism of it; it should not turn away from it. That is the focal point of these recommendations. In this brief advisory letter, the AIV will confine itself to Dutch policymakers.

## **The gap and the referendum**

The referendum result can be seen as the culmination of an insidious process that has been going on for many years. For some time now, researchers have been registering a widespread mood of public resentment of ‘politics’, of the impact of globalisation, of immigration, and of the untenability of welfare provision. Besides concrete objections, feelings of fear and security were projected onto the European referendum. The AIV does not intend, in this brief advisory letter, to address this widespread public dissatisfaction or the question of how rational these feelings may be, however important such matters may be to shed light on the context. The referendum result has shown up a variety of gaps: between citizens and the outside world or “Brussels”, between the general public and lobbying groups, and between the general public and those holding political office. In all these different sectors, the **lack of identification** with and

confidence in politicians plays an important role, undermining the legitimacy of what the government does. There is also a **lack of confidence** in the way the European institutions function as such. This has been fuelled, for instance, by the price tag attached to EU membership, by the inability of various member states to bring their budgetary policies into line with the demands of Economic and Monetary Union, and by the inability of the institutions concerned to correct these anomalies in good time.

Each of these issues has served to undermine public confidence, and the AIV is willing to address this point in a subsequent advisory report if the government so desires. **In the present brief advisory letter, however, the AIV will confine itself primarily to the gap that has arisen between the general public and the national policymakers who concern themselves with EU affairs.** In this context, “policymakers” should be understood primarily to mean the members of the government, their officials and parliament.

The gap between public and national policymakers was clearly reflected by the debates in the run-up to the referendum. These debates revolved around issues of costs, the Netherlands’ net contributor position,<sup>1</sup> the trials and tribulations of the euro, agriculture subsidies, Brussels’ bureaucratic fervour, Turkey’s application to join the EU, the influx of labour from the countries of Central and Eastern Europe, and the loss of sovereignty and national identity. Few of these issues had anything to do with the Constitutional Treaty; and in many areas the Treaty had been designed precisely to assuage widely felt grievances about the bureaucracy and lack of transparency in Brussels. Neither the government nor a large parliamentary majority succeeded in bridging the gap between the subjects that came to the fore during the campaign and the content of the Constitutional Treaty in the run-up to 1 June 2005.

Although the government signed the Constitutional Treaty, it did not succeed in presenting its own core issues clearly. This is all the more regrettable since the Netherlands had undertaken vis-à-vis the other High Contracting Parties, after signing the document, to do its utmost to ensure that the Treaty was approved.<sup>2</sup> It should be noted, however, that the referendum was held on the initiative of the House of Representatives.

The political parties that pushed for this referendum, however, were also largely ineffectual in the campaign; preparations and coordination alike left much to be desired. The initiators suffered badly from the lack of experience of national referendums, exacerbated by the fact that this first experiment happened to deal with a complex, multifaceted and wide-ranging subject. The result was that with a turnout of almost 63%, the Dutch electorate delivered an unequivocal verdict, rejecting the Constitutional Treaty by a clear majority of 61.6%.

Although the referendum was formally speaking only consultative, the government immediately withdrew the bill for approval of the Treaty, in the knowledge that parliament was now bound to reject it. The government decided to “mark time”, as the prime

1 The AIV presented its recommendations on this matter in its advisory report 45, “The Netherlands in a changing EU, NATO and UN”, July 2005. See <<http://www.aiv-advice.nl/>>.

2 Treaty establishing a Constitution for Europe, article IV-447; see also “Verslag van de werkzaamheden van de Referendumcommissie”, Referendum Committee, The Hague, September 2005.

minister put it in the House of Representatives,<sup>3</sup> since the EU was moving too fast for the public, too much was happening, and the EU was growing too large. That is what the public had said.

But what had the public really said?

The enquiry that was held in the weeks and months following the referendum showed more than anything else a very diffuse picture.<sup>4</sup> Over 80% of the Dutch population continue to support the European Union, a third of the electorate complain about a lack of information and expertise, and research with focus groups reveals that many voters explained their “No” vote in terms of a general resentment of the national government and “The Hague”. These findings show that not just the events leading up to the referendum but also the conclusions that the government drew from the referendum are illustrative of the gap between public and policymakers.

### **What the Netherlands itself can do: recommendations**

The European Union has disappeared from political debate over the past couple of decades. This is something for which politicians bear considerable responsibility. In the early years of European integration, leading parliamentarians were profoundly, directly involved in the integration process, and the House of Representatives frequently held lively debates about it. What is more, the “dual mandates” that were still standard

3 Debate in the House of Representatives on the outcome of the referendum on the Treaty establishing a Constitution for Europe, see <[www.tweedekamer.nl/documentatie/stenografische\\_verslagen](http://www.tweedekamer.nl/documentatie/stenografische_verslagen)>.

4 - Report of the activities of the Referendum Committee, Referendum Committee, The Hague, September 2005;

- European Commission, The European Constitution: post-referendum survey in Spain, 2005, see <[http://europa.eu.int/comm/public\\_opinion/flash/fl\\_168\\_en.pdf](http://europa.eu.int/comm/public_opinion/flash/fl_168_en.pdf)>;
- European Commission, The European Constitution: post-referendum survey in France, 2005, see <[http://europa.eu.int/comm/public\\_opinion/flash/fl171\\_en.pdf](http://europa.eu.int/comm/public_opinion/flash/fl171_en.pdf)>;
- European Commission, The European Constitution: post-referendum survey in the Netherlands, 2005, see <[http://europa.eu.int/comm/public\\_opinion/flash/fl172\\_en.pdf](http://europa.eu.int/comm/public_opinion/flash/fl172_en.pdf)>;
- European Commission, Eurobarometer 63, first results. Brussels, 2005, see <[http://europa.eu.int/comm/public\\_opinion/archives/eb/eb63/eb63.4\\_en\\_first.pdf](http://europa.eu.int/comm/public_opinion/archives/eb/eb63/eb63.4_en_first.pdf)>;
- European times, public opinion on Europe & Working hours, compared and explained, European Outlook 3, Annexe to The State of the European Union 2006, Social and Cultural Planning Office of the Netherlands (SCP), pp. 7-43, which uses the findings of a great many opinion polls, see <<http://www.cpb.nl/eng/pub/cpbreeksen/bijzonder/58/bijz58.pdf>>;
- Joint Committee “Sturing EU-aangelegenheden”, final report of the programme Modernising Government, analysis across central government, The Hague, 7 June 2005 (chaired by Berend-Jan, Baron van Voorst tot Voorst), see <[http://www.minbuza.nl/default.asp?CMS\\_TCP=tcpAsset&id=D79092BE393B4D21AFF95E224B8530F5X1X42643X08](http://www.minbuza.nl/default.asp?CMS_TCP=tcpAsset&id=D79092BE393B4D21AFF95E224B8530F5X1X42643X08)>;
- “Kom maar naar de Camping! Tijd voor een reality check”, final report of the Ministry of Foreign Affairs focus groups, Anker Solutions, New York and Amsterdam, September 2005, see <<http://www.bkb.nl/html/pdf/kommaarnaardecamping.pdf>>;
- Aarts, Kees and Henk van de Kolk (ed.), “Nederlanders en Europa: het referendum over de Europese Grondwet”, University of Twente, Bert Bakker in 2005, see <<http://www.utwente.nl/nieuws/archief/2005/november/boekreferendum.doc>>.

forged personal ties between Europe and The Hague. In addition, people were far more inclined than today to follow the line laid down by the political parties or other organisations with which they were affiliated.

Later on, however, the EU faded into the sidelines of political interest. It is therefore up to politicians to reverse this development, and to do so in an era in which members of the public are not inclined to follow, but are self-reliant and critical. The debate on the EU urgently needs to be politicised. This can and must be achieved at national level, since citizens can only feel really involved in Europe through their own country.

The lack of interest in European affairs both inside and outside parliament is at odds with the fact that Dutch representatives are always involved in any measure taken by “Brussels”: the European Commission consults national experts before submitting proposals, the working groups under the Council of the European Union include Dutch representatives, and the Netherlands contributes input up to and including decision-making by the ministers themselves; besides which Dutch political parties are represented in the European Parliament.

European legislation, in the form of directly applicable regulations and directives that have to be transposed into Dutch legislation, is part of the national legal order. This means that it belongs to the sphere of *domestic* government, and therefore requires the constant attention of the Dutch parliament. On 15 September 2005 the Council of State issued recommendations on the consequences of EU arrangements for the position of national state institutions, the way they function, and their mutual relations.<sup>5</sup> Dutch politicians’ failure to exploit the crucial moments at which effective influence can be exerted on the process through which EU legislation is adopted has serious consequences.

The recent trend has meant that preparations and implementation alike have become the business of bureaucrats. Not only that, but compartmentalisation is very common. Drafts for new legislation often go back and forth within only one particular channel of a specific line ministry and its equivalent of a particular Directorate-General in Brussels, with little if any harmonisation with other policy areas. In some cases, very detailed legislation is enacted, which national politicians subsequently construe as exaggerated interference on the part of “Brussels”. This creates the wrong impression among the public. Insufficient political attention and review in the national implementation of EU directives sometimes leads to a caricatural presentation of the facts, as happened recently with the highly detailed safety regulations for children’s play areas issued by “Brussels”. This situation also provokes incomprehension and negative responses, as happened when air pollution norms were linked to spatial planning decisions. It is not “Brussels” but “The Hague” that makes choices of this kind.<sup>6</sup> The Netherlands chooses the means by which the end of the directive is to be attained.

5 This Council of State advisory report was published as Parliamentary Papers 29993, no. 21 and 22, 3 and 4 November 2005, see <<http://parlando.sdu.nl/cgi/login/anonymous>>.

6 Sybilla Dekker, Minister of Housing, Spatial Planning and the Environment, explained in her speech of 2 November 2005 at Schiedam that the link is not prescribed by Brussels but arises from the Dutch Spatial Planning Act; see <<http://www.vrom.nl/pagina.html?id=21764>>. This act requires that all interests, including environmental ones, must be taken into account. This link is not mandatory, and its consequences were not discussed in parliament beforehand.



As far as European legislation is concerned, Dutch ministers are among the decision-makers in the EU, and as such they are accountable to parliament. If no timely effort is made to identify politically sensitive points in this process, unpleasant surprises may occur later on, as the following examples illustrate.

A draft directive dealing, among other things, with protection against harmful optical radiation at work provoked a flood of negative publicity. But the opposition to what many deemed to be inefficient and interfering over-regulation did not arise until the decision-making procedure had already reached the European Parliament.

A more serious example that caused a great deal of political commotion was the draft for the Services Directive, originally devised under the Prodi Commission. This is clearly a politically sensitive subject, given the interaction between the service sector and conditions on the labour market.<sup>7</sup> This draft had passed through all the procedures unhindered, until it turned out to be a stumbling block in the run-up to the French referendum. Because the preparations for the Services Directive had been devoid of political input, giving rise to commotion at a late stage in the proceedings, this directive now threatens to become so mangled that the many useful elements it contains will also end up being shelved. In fact, because of this, the implementation of the free movement of services within the EU may well collapse altogether because the necessary political framework was not created at the outset.

**The AIV endorses the Council of State's recommendation that the House of Representatives subject the Commission's proposals to timely critical examination before the Netherlands decides on the position it is to adopt in the negotiations in Brussels. This includes ministers accounting to parliament more systematically, at the stage when decisions are being prepared, for the positions they intend to adopt in the Council of the European Union.** Parliament can only enter into effective debate with them and call them to account if it examines the Commission's proposals early on.

Some time ago now, the Senate set up a European Office in the Registry to devote specific attention to EU policy. **The AIV endorses the Council of State's advice that the House of Representatives too should create a permanent unit to assist members of parliament in relation to all areas of Dutch decision-making on European affairs.**

The AIV is pleased to note that the Senate has now begun to subject the European Commission's legislative programme to systematic scrutiny. Starting in 2006, the Senate will be examining specific elements of the programme in light of the principle of subsidiarity.<sup>8</sup> This is part of an action prepared by a joint committee of the Senate and the House of Representatives, chaired by Dr J.J. van Dijk in consultation with the

7 The Commission even published a "reflection document" or green paper on financial services policy (2005-2010) COM(2005) 177, May 2005 and a white paper on services of general interest COM(2004) 374, May 2004.

8 The European Affairs Committees of the parliaments of the EU member states and the European Parliament (assembled in COSAC) formulated a proposal to this effect that was adopted by the Senate, letter from the Senate to the AIV, no. 134012, 4 November 2005.

national parliaments of the other member states, to apply a subsidiarity test to the European Commission's legislative plans for the entire EU.<sup>9</sup>

This critical scrutiny by both Houses should be geared towards answering the following questions beforehand, in the spirit of Article 5 of the EC Treaty and proceeding on the assumption that the Community has powers:

- expediency: whether the proposed legislation meets a need in Europe;
- subsidiarity: whether the proposed legislation needs to be put in place at European level; and
- proportionality: whether the proposed solution is proportionate to the problem.

As far as expediency is concerned, it is important to see whether the proposed legislation deals with a problem that is making itself felt in Europe. It is possible, in such a case, that the Netherlands already possesses adequate legislation (or that the problem is less acute in the Netherlands than elsewhere), but that legislating at European level is nonetheless deemed to be useful.

Where subsidiarity is concerned, it must be assessed whether there would be certain advantages to tackling the problem at EU level or whether it would be better to devise a solution at national level. The draft directive on exposure to optical radiation at work and other matters exemplifies the need for such assessment.

Proportionality is important *inter alia* in the Dutch implementation of EU norms. The directive currently under discussion about fine particulate matter in the air and the Netherlands' link with the Spatial Planning Act is an example of this.<sup>10</sup> That said, when the health of residents or employees is in jeopardy because of unduly high concentrations of fine particulate matter, it is unquestionably proportionate to order a building freeze, but it is reprehensible to suggest that such action stems from undue interference by Brussels or is a case in which the Dutch parliament has stood passively on the sidelines.

Where the House of Representatives investigates EU proposals and concludes that the subject concerned should be regulated differently, or not at all, at European level, this position can be put forward in the appropriate Brussels forums. If different national parliaments take the same view, and the ministers abide by their wishes, this could produce a blocking minority of member states in the Council of the EU, and the Commission would then be well advised to reconsider or even abandon its proposal.

Public unease about EU decision-making could be assuaged by allocating more space in domestic policy to European draft regulations, directives and implementing legislation. The preparation of European legislation would become the subject of political debate between government and parliament. Debates in parliament and the media could make the public feel more involved in the European decision-making process. They would also

9 Advice of the Joint Committee on the Application of Subsidiarity concerning parliamentary debate on proposals for European legislation, Parliamentary Papers 29362, no. 61, see <<http://europapoort.eerstekamer.nl/9345000/1/j9wgy6iOydh7th/vgbwr4k8ocw2/f=/vguinrt93neo.doc>>.

10 See note 6.

give the public a better understanding of the negotiations involved in this decision-making and the extent to which Dutch politics is entwined with the EU's governmental apparatus.

Two countries that provide instructive examples of parliamentary involvement in the preparation of EU legislation are Denmark and the United Kingdom. There has long been a parliamentary committee of Denmark's *Folketing* that holds regular consultations with government ministers. While Danish ministers were initially required to obtain parliament's consent before agreeing to proposals, it has now become customary for ministers to discuss new proposals with parliament much earlier, before the start of negotiations in Brussels. The UK's scrutiny procedure works in much the same way. It is undoubtedly the case that these procedures were inspired by these two member states' critical approach to the further development of European integration. In this sense, some have warned in the past against "Danish-type scenarios". In particular, it is important to avoid tying ministers' hands by obliging them to consult before making any decision, since this has a crippling effect. But this would seem to be largely a question of gaining experience and becoming attuned to one another. The above procedures encourage national parliaments to study EU cooperation in greater depth. What is more, the public too will gain more insight into European affairs if the national parliament adopts a more active role. In Denmark the effect has clearly been to reduce Euroscepticism. Recent trends make it clear that the Dutch parliament too should subject government ministers' actions in EU negotiations to more critical scrutiny.

If proposed EU legislation is subjected to political debate, line ministers and parliament can present themselves to the general public as part of the EU's machinery of government. It is important to oppose the tendency to speak of "Brussels" as some remote centre of government over which we have no influence, especially since EU decisions can in fact be influenced in many more ways than have been used thus far.

Although the nature of this legislative process means that the EU policies are now "domestic" policies, this does not remove the need for the Netherlands to protect its interests within the Union. The government, under the leadership of the prime minister, should indicate the course for the Netherlands to follow in Europe.<sup>11</sup> And the AIV recommends that clear positions on EU affairs be included not only in important political documents such as the Speech from the Throne, the State of the European Union and the Budget Memorandum. These positions should also be made clear in domestic press conferences that the prime minister and the relevant line ministers give. **The AIV also advises the government to present and discuss evaluations of the state of affairs in the European Union in parliament more regularly. It also urges the government to discuss the intentions of the European Commission and the Presidency with parliament.**

Debates on EU affairs should not be confined to the annual discussions attending the State of the European Union, but should take place whenever current affairs so dictate. This would work well in both directions: it would keep the Senate and the House of Representatives better informed and it would inform the public of the positions the Netherlands is adopting in Brussels about issues concerning Dutch interests and issues affecting the way the Union functions, for which the Netherlands shares responsibility.

11 "The Netherlands in a changing EU, NATO and UN", AIV advisory report no. 45, July 2005. See <<http://www.aiv-advice.nl/>>.

**The AIV also recommends strengthening the ties between the Dutch parliament and the Dutch members of the European Parliament.** MEPs should come to the House of Representatives for consultations more frequently.

Most of the proposals made here demand an extra effort on the part of MPs and MEPs as well as ministers. And it must be said that calling attention to proposals for EU legislation at an early, preparatory stage can be a thankless task, politically speaking. Governments may well find it an unappealing prospect, if they are far from certain that they will be able to reach agreement with the other member states. After all, EU policy has to be prepared through international negotiation and persuasion, and unattractive compromises are sometimes unavoidable. It is important to clarify this procedure for the general public, to familiarise them with the specific context and nature of decision-making within the EU. **The AIV recommends that the parliamentary parties make more human resources available to follow the European legislative process actively and critically and to debate the issues with the ministers concerned.**

It is important for the Dutch government to strike a balance between protecting the Netherlands' interests in the EU and playing its part in governing the EU. Especially where a national approach to a particular problem is inadequate, the Netherlands must operate within an international context. For the government, this means that it must indicate proactively and explicitly when it is acting to protect the Netherlands' interests within the EU and when it is participating in the EU's decision-making in matters requiring a European solution. Clarifying these roles and making them transparent will enhance the public's understanding of the European Union.

The matters discussed above are changes that lie within the Netherlands' power to introduce immediately. The AIV now wishes to recommend some goals for the Netherlands to pursue within the EU.

#### **Goals for the Netherlands to pursue with other member states: recommendations for the short term**

To improve the general public's involvement and sense of solidarity with the European Union, it is also important to actively stimulate the political interaction between Dutch policymakers and the EU's institutions. This requires the cooperation of other member states. Some ways of doing so were built into the Constitutional Treaty, the bill to approve which was withdrawn by the Netherlands after the referendum. Today's political reality compels one to conclude that the Constitutional Treaty will not enter into force in the European Union in its current form – in the foreseeable future, at any rate – according to the president of the European Commission.<sup>12</sup> However, the heads of

<sup>12</sup> Press conference Barroso, European Commission, Brussels (05/530), 21 September 2005 and Lisbon (05/546), 22 September 2005.

As of 2 December 2005, thirteen member states had ratified the Treaty: Austria, Belgium, Cyprus, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Slovenia and Spain. The Estonian parliament is expected to ratify the Treaty in the near future (a referendum is unlikely). Eight member states have deferred ratification: Czech Republic (parliament and referendum), Denmark (referendum), Finland (parliament), Ireland (parliament and referendum), Poland (no decision, awaiting installation of new parliament), Portugal (referendum), Sweden (parliament) and United Kingdom (parliament and referendum). The Slovakian parliament approved ratification, but the president deferred signature on the recommendation of the Constitutional Court. In one member state (France) the Treaty was rejected by referendum, and in one member state (the Netherlands) the bill to approve the Treaty was withdrawn after a consultative referendum. See also <[http://europa.eu.int/constitution/ratification\\_en.htm](http://europa.eu.int/constitution/ratification_en.htm)>.

government have agreed to discuss the way forward on these issues in June 2006, after a period of reflection. **It may be noted that the Treaty contains a number of provisions that could improve relations between the public and the European Union, especially those seeking to make the EU's institutions more open and democratic.** It would be wrong not to persist in pursuing these objectives by other means; indeed, given the analysis of the reasons underlying the electorate's "No" vote, this would be entirely inappropriate. The AIV advises the government to make this clear, and where possible to take the initiative in this regard.

The AIV wishes to draw attention to two ideas from the Treaty that could improve the public's relations with Europe and that member states could introduce through decisions by the EU institutions since they do not require any amendments to the Treaties:<sup>13</sup>

- **Opening up Council ministerial meetings to the public** when they are debating legislation. They might be debating regulations or directives on agriculture, transport, the internal market or justice, which are then dealt with – also in public – by the European Parliament. The debates on the EU budget should also be open to the public. It is important that these consultations can be followed by the media and that the public can see their representatives in action in the European arena.
- It might send out a positive signal for the Council, the European Parliament and the Commission to welcome **Citizens' Initiatives**. Granted, the only way for Citizens' Initiatives to become binding is through a formal treaty amendment ratified by all member states. But if member states were to welcome them informally, they would nonetheless have an impact in practice.

The AIV does not consider it to be useful, in the present circumstances, to speculate about the circumstances under which a treaty amendment could become an option again.<sup>14</sup> It wishes to emphasise now, however, that of the administrative improvements that would become possible in that case, the following deserve to be accorded priority:

- **the EU Charter of Fundamental Rights:** it is important for citizens that this Charter be incorporated into a Treaty between the Union's member states, as a result of which it will apply throughout the Union and all EU citizens will be able to invoke it.
- **the co-decision mechanism: the European Parliament's decision-making powers need to be extended across the entire spectrum of legislation.**
- **the European Parliament should acquire decision-making powers over the entire budget – non-mandatory as well as mandatory expenditure,** which means including agriculture spending, for instance.

13 See also Letter to Parliament DIE-597/05, 2 November 2005, Reply from the Minister of Foreign Affairs and the Minister for European Affairs at the request of the chair of the permanent parliamentary committee on European Affairs, ref. 05-EU-B-033.

14 As soon as the 27th member state has joined the EU, a decision must be made on the composition of the Commission and a possible reduction in its size; this can be done on the basis of a unanimous Council decision. Upon the accession of the 28th member state, several matters must be arranged, such as the size of the European Parliament and the European Commission, the Council Presidency, the weighting of votes in the Council and the size of the EU's other institutions. These must be agreed by Treaty amendments, but this can also be laid down in the accession treaty.

The present lack of the last two powers is a serious shortcoming and an anomaly in the democratic status of the EU.<sup>15</sup> This needs to be corrected as soon as possible.

### **Europe and the public domain in the wider sense**

The AIV's remarks thus far have centred on the part the government and parliament can play in vitalising the political dimension of Europe. The following comments touch on certain matters in the public domain in the wider sense, and therefore call on not only the government and parliament, but also, and more especially, political parties, and the Netherlands' educational and cultural institutions, to seek ways of anchoring Europe more firmly in the nation's culture.

It should be reiterated that the tendency to refer to "Brussels" as a remote centre of government, over which ordinary Dutch citizens wield no influence, must be opposed. The opportunities that do exist for exerting influence must be used. The discussions surrounding the referendum brought to the fore certain other fundamental questions about the relations between the Netherlands and Europe that had little or nothing to do with the Treaty and have not been addressed. The AIV wishes to draw attention to some of these questions:

- Is the continuing enlargement of the EU on the basis of the Copenhagen criteria and the associated procedures good for the Netherlands?
- Would the electorate welcome Turkey's possible accession in the long term?
- How much intensive solidarity with successive new member states is the Dutch electorate willing or able to engage in?
- To what extent must the Netherlands work in Europe on a shift in priorities in EU policy: should matters such as stimulating technology and innovation, legislation on immigration, prevention of crime and terrorism, foreign policy and defence be given higher priority, and agriculture lower priority?
- What can the European institutions achieve, and what can they not achieve, in the sphere of economic reform?
- To what extent do these institutions and their representatives contribute to the gap described above, through the discrepancy that exists between the high expectations constantly raised by official statements and the subsequent reality, as in the case of "Lisbon", for instance?
- Can the public be confident that Economic and Monetary Union, the Treaty of Maastricht and the recent modification of the Growth and Stability Pact will provide sufficient protection from instability?

These are fundamental questions, which must be incorporated in some way into the political debate about Europe. **The AIV advises politicians – including ministers – not to push such issues to one side, but to be proactive in placing them on the agenda on appropriate occasions.** The leaders of parliamentary parties and other prominent MPs should raise such issues in their regular political work.

<sup>15</sup> When Germany's new Chancellor Angela Merkel visited Brussels and Paris for the first time on 23 November 2005, she stated that the EU needs the improvements for which the Constitution makes provision in order to retain its effectiveness in the future, and that she wishes to raise the matter again after the period of reflection. See <<http://www.bundeskanzlerin.de/bk/Navigation/Aktuelles/kanzlerkalender,did=45476.html>>.

National politicians face a dual challenge. On the one hand, the public wants less Europe: less regulation in Brussels, and a more transparent and intelligible political process. On the other hand, the public understands that many problems call for an international approach. The desire to ensure that more coherent and consistent international agreements are concluded – and that these are observed – has created a demand for more Europe. This tug-of-war between less and more Europe makes itself felt in virtually every debate about the future of the European Union. This goes to the heart of the debate on Europe's destiny. Research carried out at the time of the referendum revealed considerable uncertainty on this front. Where is the EU going? What can the public expect of it, and what can they not expect?

Political parties in particular could indicate their positions on Europe in manifestos or election programmes in ways that do justice to the European context of government more than in the past. The memorandum on rebuilding confidence in Europe recently issued by the Labour Party is – whatever one may think about its content – an innovative example of a party presenting its own particular approach to Europe.<sup>16</sup> Other parties are planning similar initiatives that politicise the debate on Europe in a domestic context. In this connection, political parties can encourage debate on goals, ideals and aspirations in relation to the European Union and Europe's role in the world. For political parties, the degree of solidarity with citizens from other EU member states and with like-minded political parties is an ideal subject for political debate.

Questionnaires conducted at the time of the referendum exposed a striking degree of ignorance among the public about the policy on European integration and about European institutions. European issues do not receive the attention they deserve in education. Educational establishments at all levels should be developing plans to redress this deficiency.<sup>17</sup> The lack of recognition of the European context actually makes it more difficult for Dutch citizens to engage fully with their own society.

In addition, Europe is too weakly anchored in the politics and culture of the nation. While internationalisation is now taken for granted in the financial and economic world, and in some art sectors – music and architecture, for instance – politicians, cultural institutions and the media still tend to adopt a national, internal focus. Political debates tend to be conducted among small groups of insiders about national issues, and European issues are seldom brought in. This flies in the face of the reality that the European Union has become to a large extent “domestic” territory. Anchoring Europe in the nation's culture is something that has to be tackled simultaneously by various sectors. The government must encourage such efforts and seize opportunities to promote them.

For a range of civil society organisations, the referendum can also be regarded as a wake-up call. For the unquestioning support for the Constitutional Treaty given by the leaders of various organisations contrasted starkly with the critical response of their membership. This discrepancy should lead not to mere acquiescence with grassroots opinion, but to an incisive debate on the arguments that sway all those involved.

16 Discussion paper “Europa: Vertrouwen herwinnen” produced by the Europe working group of the Labour Party (Partij van de Arbeid), October 2005.

17 This point is addressed specifically in “Nederland in de Europese bezinningsperiode”, Letter to Parliament (DIE-756/05) of 7 November 2005.

Finally, a word needs to be said about public information. The AIV questions the usefulness of public information as an effective instrument to increase the public's sense of engagement and solidarity with the European Union. Up to now, it has been all too easy for the public to deride efforts to inform them about the European Union as "propaganda" on the part of the executive and the establishment, and for the latter, conversely, to dismiss public discontentment with the EU as "ignorance". As long as public information continues to be used in the place of the true politicisation of European issues, it is counter-productive: the more pamphlets are distributed, the more resentment they provoke.

A professional communication strategy could prove useful as a supplement and finishing touch to the true politicisation of the EU.<sup>18</sup> But in the context of all the above suggestions, communication, while indispensable, is only an aid.<sup>19</sup> Complaints about a lack of attention devoted to European issues in the media must not be answered with more information campaigns and interactive websites. Instead, the answer is to bring European debate back to the arena of domestic politics. Even television will race to catch up when the European context of the Netherlands once again becomes part of the nation's regular, animated political discourse.

18 Jaap W. de Zwaan, "Europese Unie moet beter op de kaart", *Internationale Spectator* vol. 59, no. 9, September 2005, pp. 448-451.

19 "Nederland in de Europese bezinningsperiode", Letter to Parliament (DIE-756/05) of 7 November 2005, refers to new initiatives in this area regarding Europe.



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