

EPIN Briefing note: THE NETHERLANDS AND THE FUTURE OF EUROPE CONVENTION

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Background

The debate on the future of the EU since the Laeken declaration has rapidly widened, deepened and intensified. It so happened that precisely this episode was one of the most turbulent periods in Dutch domestic politics since the beginning of general suffrage. The political agenda became dominated by domestic topics, almost to the exclusion of EU or global subjects which is highly unusual in the Netherlands. The sudden rise of Pim Fortuyn and two populist political parties caused the regional and national elections in winter and spring of 2002 to ignore Europe. The subsequent assassination of Dr. Fortuyn, the resignation of the second Kok cabinet over the Srebrenica report (in April 2002), the very brief political life of the first Balkenende cabinet (just 87 days) and hence the many months the Netherlands was (hardly) governed by de-missionary cabinets – indeed, until today – have created too many political inhibitions or hurdles to expect much visibility, let alone leadership in the Convention debate. It is only recently that, for reasons that will be explained, a gradual return to the traditional Dutch activism in EU integration begins to be discerned.

Initially, the Convention was not taken very serious in the country, at least by leading politicians. PM Kok probably underestimated the future importance of the Convention when – it is believed – he refused to be a (serious) candidate for the presidency of the Convention. More blunt was the position of foreign minister Jozias van Aartsen at the time who expected the Convention to be little more than a ‘talking shop’, while strongly emphasizing that the IGC was the only organ that mattered. With the Convention under way the Kok administration resigned on 15 April 2002 over the Srebrenica tragedy. Early March, Pim Fortuyn and his newly-born Rotterdam party gained a landslide victory in local elections with one-third of the votes. This proved to be a powerful start for the parliamentary elections mid-May which led to ever stronger anti-government rhetoric. The murder of Fortuyn early May further boosted the support of his national party (founded late February!), the LPF. They got 17 % of the votes and formed a coalition with the Christian-Democrats (CDA) and the right-of-centre liberals (VVD). This government took office in July and fell late October 2002; it is still ‘de-missionary’, awaiting the results of the 22 January 2003 elections to be translated in a political basis for a new centre-left government. This Balkenende administration began to take the Convention a little more serious. However, whether the replacement of former defence minister and former foreign minister Hans van Mierlo, as the Dutch government representative in the Convention, by former deputy minister (and former MEP) Gijs de Vries from the VVD could be interpreted as an act of support for the Convention was initially unclear. A tighter grip on the moves and views uttered by the representative seemed to have been the overriding motive. In the early days the LPF emitted signals of ‘euroscepticism’, especially as to JHA and budgetary discipline, if not foreign affairs, and this did not tally with the communitarian ideas of Hans van Mierlo. It might also have been mixed up with enlargement sensitivities since, much more than on the EU as such, the LPF was sceptical, if not outright difficult on (immediate) enlargement. The phenomenal rise of this party then compelled the VVD to switch to sceptical overtones as well so as not to lose even more voters to them. All this was hardly relevant to the substance of the Convention in Dutch political debate but the climate rendered a priority for ‘Brussels’ almost impossible. For the first time in post-war history it seemed as if the Netherlands had turned its back to Europe. Not on purpose, not due to a well-thought-out strategy, not because the LPF had a developed view on Europe but merely as a result of an obsessive climate in which political leaders were ceaselessly accused of not listening to voters ‘everyday’s (mainly local) concerns. European, let alone global values and

complex, distant structures such as the EU or its Convention were exactly the kind of things perceived as much too far away from voters to be regarded as relevant for their daily concerns.

The elections of January 2003 have given the CDA and the social democrats (PvdA) a majority in parliament. The two parties currently negotiate on the political deals underlying a new government coalition. The untypical, indeed extreme turbulence in Dutch politics has calmed down as suddenly as it came up. The LPF discredited itself during the month of October, if not before, in a number of ways and their support fell dramatically. In the end their quarrels became an embarrassment for the government which felt it would do better to resign and call new elections. The problem since October 2002 is mainly the lack of political leadership and disinterest in Europe as long as domestic politics are in disarray. Cautiously the accentuation of the fundamental Dutch interests in Europe and its process of deepening would appear to come back to the stage. This is easily explained by the collapse of the LPF in the elections (from 26 to 7 seats in parliament) as well as the return of the consistently pro-integrationist social democrats with the traditionally communitarian CDA. It is unlikely that Gijs de Vries will have to resign as he is a respected specialist who is comfortable with the conventional Dutch positioning on the EU; indeed, he has often been in the forefront in advocating these views in Brussels and Strasbourg.

The national debate on the future of Europe

As noted, Dutch political debate has been extremely inward-looking. Dominant topics included deteriorating health services, the quality of education and matters (restrictions) of immigration and asylum. For many Dutch citizens the word 'integration' is nowadays associated first of all with the smooth blending of new residents or second generation citizens from countries such as Turkey, Morocco, Suriname, China, Iraq, Iran and the Balkans with native Dutch, based on knowledge of Dutch, the culture and the habits. European integration is for them a fact of life that is hardly discussed. The future of Europe debate has not played a major role in the two elections and is not high on the agenda in the current coalition negotiations. It is true that the prospective coalition partners have largely overlapping views on the EU.

The Dutch Convention debate has thus far been limited to a relatively small elite, the more so as leading politicians had few opportunities to draw attention with statements on the Convention. In the media the EU debate was tantamount to the enlargement debate until December 2002. In the political climate of mid-2002 the inhibitions shown by the governments were a curious mix of the typical concerns of a net-payer and reservations about the candidates 'not being ready'. Since the Benelux-memorandum of early December 2002 and the official and unofficial Commission contributions to the Convention the quality press has discovered the Convention. The Convention president received regular exposure and the Franco/German plan of January 2003 for an EU president has been widely debated (and critically received, one hastens to add). Thus far, public (let alone, private) TV has ignored the Convention.

Some attempts have been undertaken to ignite a national debate. The WRR and Clingendael joined the European Movement and the ministry of Foreign Affairs in a series of seminars in the summer of 2002 which attracted reasonably good (elite) attendance. There is more debate nowadays in the better newspapers as well as, recently, in the parliament.

The Dutch position in the Convention

Gradually the Dutch position in the Convention begins to take shape. Following an unadventurous memorandum in September 2002 (one may understand why, after a hectic

political season) the Benelux-memorandum of early December is a clearer beacon. The new paper sent to parliament on the 7th of March 2003 (The Convention, an interim assessment) is quite specific and conveys an increasingly firm attitude of resistance against the swing towards intergovernmentalism in the institutional proposals to the Convention.

The Dutch position is based on two principles: the equality of Member States and the maintenance of inter-institutional balance. The former is seen as essential with respect to the composition of the Commission (but not beyond 27 members as in Nice) and the presidency of the European Council whereas the latter translates into the reinforcement of the Community method and the simultaneous strengthening of all institutions but especially the Commission.

The Netherlands is opposed to a (semi-)permanent president of the European Council as this would give the European Council more (undue) weight especially vis-à-vis the Commission and thereby disturb the inter-institutional balance. The rotating presidency is much preferred but a chosen president from amongst the leaders themselves – who cannot therefore be more than part-time and develop initiatives as well as a political or administrative apparatus of support – is probably acceptable, as the Benelux paper indicates. With regard to the General Affairs Council and more sectoral Councils the Dutch government is willing to consider variations on the current system like team presidencies (while fearing coordination problems) or an enhanced troika. generalising QMV in Council is supported but *not* in the European Council as this leading organ should not develop into a pseudo legislator.

The Netherlands continue their long standing backing of a strong Commission. They see the Commission as an honest broker between Member States, big or small, and as the guardian of the treaties (for which it has to be authoritative); above all, the Commission represents and defends the common European interest as the basis for policy and legislation. The Commission president can best be elected by the EP. The Commission ought to get the exclusive right of initiative in all legislative matters (so, also in JHA) and the exclusive right of ensuring implementation when relevant at the EU level. Not surprisingly, the Dutch also support more co-decision for the EP.

The government sees a fusion of the CFSP's High Representative and the Relex-Commissioner as the best solution to render the Union's external policy more effective and coherent. This prominent role makes it imperative that (s)he would have to be vice-president of the Commission and chair meetings of the Relex-Council.

A problem has arisen with the Charter of Fundamental Rights. In the Netherlands this Charter is widely supported over a broad political spectrum. Nonetheless, the government assumes a prudent and reserved position for legal reasons. It is adamant that what is now a political declaration should not become material law prompting individual claims vis-à-vis the government. It is held that, eventually, 'principles' may be interpreted by the ECJ as 'rights', in particular, in domains such as social rights, free education and the freedom to choose jobs. In one breath the EU's adherence to the ECHR is also seen as problematic, as long as 'court shopping' between Strasbourg and Luxembourg is not firmly pre-empted.

Strategy

Given the special circumstances the government is only now beginning to turn to reflections about strategy. In the framework of Benelux cooperation is becoming closer recently. Benelux is building up a coalition of smaller countries which met a few days ago with a view of more systematic coordination of views and positioning.