

Brussels, 12 March 2002

A P P E N D I X
to the
M I N U T E S
of the 388th plenary session
of the European Economic and Social Committee
held on 20 and 21 February 2002

Meeting of 20 February 2002

Speech by **Mr Jean-Luc Dehaene**,
Vice-president of the Convention on the Future of Europe
followed by a summary of the debate on
"Follow-up to Laeken – The role of the European Economic and Social Committee"

Introduction by Mr Göke Frerichs, President

**Prime Minister,
Mr Dehaene,**

I welcome you most warmly to the European Economic and Social Committee and thank you for accepting our invitation to speak to us in your capacity as vice-president of the European Convention and join in our discussion. We have heard that you will be the convention bureau member handling the dialogue with civil society. We would be happy if you could confirm this.

The European Economic and Social Committee, which has the ambition and the mission of representing the "organised civil society" of Europe at institutional level, takes its role as an active observer at the Convention very seriously.

Yesterday our bureau decided to set up a subcommittee to define and coordinate the different tasks which will result for us from it.

As representatives of a body which groups together organisations, trade unions, federations and associations which have major responsibilities in the Member States of the European Union, we have something to contribute towards finding some answers to the 67 questions in the Declaration of Laeken which circumscribe the mandate of the Convention.

But quite apart from our contribution towards content, we naturally see a central task of our committee as being to enable and facilitate dialogue between the Convention and civil society.

We can and we will use our existing contacts and our extensive, well-structured cooperation with different categories of partners:

- with the national organisations represented on our committee;
- with the economic and social councils of the EU Member States;
- with the European, transnational networks of so-called non-governmental organisations in different fields;
- and finally with civil society organisations in the future Member States.

We are happy to make ourselves available to the European Convention, as well as to the living social forces interested in the debate on the future of the Union (even those which are not directly or indirectly represented by our committee), if there is a question of giving tangible form to the idea of a forum of civil society.

In other words, we offer the Convention - through you, dear **Mr Dehaene** - our help in organising and structuring the dialogue with civil society.

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Speech by Mr Jean-Luc Dehaene

Mr President, indeed I do believe that the Economic and Social Committee has an important role to play as a bridge between the Convention and civil society. As far as we are concerned, we are also trying to organise our relations with civil society. I should like to be fairly brief because I believe that it is more interesting to answer your statements and questions which will follow. I shall therefore briefly inform you of the situation with regard to the Convention.

The inaugural meeting of the Convention will be held on 28 February and we are currently planning to have a series of meetings between then and July at which the various members of the Convention can express their views fully. The bureau will thus be able to have a complete overview of what the Convention thinks and should be able, from September onwards, to submit a series of proposals, on which this same Convention can then come to a conclusion.

It is important to specify - and I base myself here on my previous experience as a member of the Convention which drew up the Charter of Fundamental Rights - that it is not a question of the Convention taking decisions by a vote; above all, it is about stimulating the discussions between the Convention and the bureau in order to determine the possibilities of consensus, even if they be partial.

If you ask me what the work of the Convention might lead to, I would say basically that two extreme outcomes are possible: either the Convention will draw up a report which be a sort of catalogue of what is possible, which would mean for me that the Convention will have been a failure because such a report would have no impact, or - and this would in fact be the optimum result, even if I cannot say, especially at the present time, whether or not it is feasible - a consensus may form on proposals, on a basic draft treaty which would present in a clearer and more transparent way what the European Union is and what it represents.

All that will depend of course on the discussions and negotiations which will take place within the Convention, but I am convinced that the more operational the Convention's proposals are, the more the Intergovernmental Conference which will follow it will be facilitated.

Getting back to working methods, and especially the bridge which has to be built between the Convention and civil society, I think that two aspects should be underlined.

Firstly, I point out that, like the social partners, the observers of the Committee will be able to speak and take an active part in the work of the Convention. Your observers will therefore be partly responsible for playing this bridging role between the Convention and civil society.

Secondly, the Convention has to take initiatives to organise its relations with civil society at European level. How does the Convention plan to organise the forum envisaged by the Laeken Declaration? So far, action is planned on four fronts:

- Firstly, use of information technology with the creation of a virtual forum on the future of Europe which will make it possible for civil society to express itself and submit proposals. The secretariat of the Convention will be responsible for combining the contributions and extracting from them their substance for the members of the Convention. Internet chat sessions, for example, could also be organised.
- Secondly, some NGOs and their networks want to get together and coordinate their approach to the Convention. This is the result of the frustration felt by these organisations at the time of the work of the Convention on the Charter of Fundamental Rights, when they felt they did not have sufficient possibilities to express their views at the time of the hearings organised by the Convention. Several NGO networks therefore proposed holding regular meetings to monitor the activities of the Convention.

In this context, the Convention could undertake to have members of its bureau take part in such meetings to inform but also listen to the representatives of these networks and organisations and thus make a concrete contribution towards building this bridge between the Convention and civil society.

- Thirdly, there are plans to organise one or two hearings in front of the Convention.
- Fourthly, an appeal will be made the media to give plenty of space to the debates of the Convention.

By systematically and continuously informing the various actors concerned and providing them with the opportunity of making their contribution, we hope that the Convention can profit from the input provided by civil society in its work.

We also intend to define clearly the topics to be discussed by the Convention. A number of these are mentioned in the Laeken Declaration which was written with a view to setting a very broad agenda for the Convention. The Laeken group, of which I was a member and which prepared this Declaration, considered that the Nice Declaration was too restrictive. Of course, some

may find the list of the questions asked by the Laeken Declaration to be too long and it is true that some questions could be grouped together. So, it is not a question of the Convention answering each one of these questions, but more one of approaching the issues.

In addition, the agenda for the Convention does not have to be limited to the Laeken Declaration. Other topics can be broached, such as the financing of the Union, because this is a question which is closely linked to that of the institutions' powers and the instruments they should have to implement them.

A second series of questions deals with the machinery for taking decisions within the Union. A third series concerns the nature of the basic treaty to be drawn up for the new Union, which raises in particular two questions concerning the legal and moral personality of the Union and the incorporation into the treaty of the Charter of Fundamental Rights.

The agenda for the Convention is therefore very broad, which is an advantage but which can also be a handicap, since the success of the Convention which prepared the Charter of Fundamental Rights can be explained partly by its limited agenda. Because of the breadth of its agenda, this new Convention represents a real challenge. While this challenge is without any doubt stimulating, no-one can predict whether we will achieve the same success as the previous Convention.

As I have already said, the Convention will have a very great influence on the Intergovernmental Conference which will follow if it manages to reach a sufficiently broad consensus to transform this consensus into operational proposals, i.e. into a genuine proposal for a basic treaty for a future Europe.

Ladies and Gentlemen, I would like in conclusion to express to you my willingness to maintain contacts with you throughout the duration of the Convention. Allow me too to stress once again the very important responsibility that your observers will have to bear.

Thank you.

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Summary of the debate

Mr de Paul de Barchifontaine

European citizens cannot always see the link between the objectives which the Union has set and the work it carries out. They are demanding less rigidity, more efficacy and more

transparency from the institutions. Even more important, we note that citizens find themselves governed by rules they do not know about and therefore have the impression that the Union is undemocratic.

How can we best meet the expectations of the citizens ? By listening to the ESC. We know that in order to open up the debate to the citizen, a forum will be established for the organisations representing civil society. But the Treaty of Nice has confirmed the ESC's function as the institutional representation of organised civil society. The ESC therefore provides a permanent and structured forum for the dialogue and consultation between civil society and the institutions at Community level. I therefore encourage the Convention to make the most of this infrastructure and the expertise of the ESC, which is not always exploited as much as it should be.

Given that the future Union must be able to react to new challenges, I ask myself how can one increase the democratic legitimacy and transparency of the institutions. Again I believe this can be done by consulting the ESC and listening to its exploratory opinions. In order to prepare itself properly for the work of the Convention, the ESC needs to know more specifically what the Convention expects of it and what difference there will be between the role played by the ESC and that of the Forum which will be running parallel to it.

Mr Morgan

There is a question of political legitimacy as far as the European Union is concerned which arises because the transfer of power to the Union has sometimes been quite secret and certainly not open – a number of countries did not vote on Maastricht, others had majorities which were not constitutional. Do you anticipate that as a result of the Convention steps will be put in place to legitimise such transfers of power as there are ? National voters still think they vote for power in their own parliaments when in fact the power isn't there anymore. That is my first question.

My second question relates to the future structure of the European Union. To have a unified Europe involving 500 million people and lots of different languages is a constitutional challenge, which has never yet been faced and I wonder whether you feel that we have the inspiration and the vision to find a way of making such a structure work?

Up to now, our constitutional theory doesn't extend beyond the statement "ever closer union" in the Treaty and most observers think that, if we have anything at all, we actually have a European Empire with absentee ministers but with a vizier in the Commission who runs the whole thing on behalf of everybody, an empire which is repeating again the historic act of annexing Eastern Europe in the face of Russia. This empire has been put together on an economic and financial basis rather than on any other vision. There are going to be a lot of economic and financial problems with the new countries, with the present subsidies, with the travails that will come with EMU. Do you feel that it is

enough to go forward and, if not, what should replace it and give the real vision for the totality of Europe ? This is my third question.

Ms Konitzer

The workers Group has three central concerns which it would like to make the Convention aware of. Firstly, it is of great importance to the members of Group II that the Charter of Fundamental Rights be integrated into the new Treaty. As the Charter now stands, it is neither legally binding for the European courts nor does it give European civil society a reliable legal framework. The Charter therefore is not leading to a community-oriented perception among members of civil society of their rights and social responsibilities.

Our second concern is that the Convention takes note of the opinion of the ESC on the improvement of Economic Policy Co-ordination, which will be available in May. This opinion will deal with the issue of best governance and therefore also the issue of Treaty reform.

Our third concern is the participation procedures and the increased role of civil society. There is a plethora of diverse participation procedures, advisory bodies and committees etc. which lack transparency and whose legitimacy is often doubtful. A concentration in the participation of civil society should therefore utilize the institutionalised role of the ESC whose rich socio-political and economic experience can be used to counterbalance the weight of the various other advisory bodies.

Mr Olsson

I am a member of group III, the group which reflects the diversity of civil society not represented by the social partners. Within group III we have representatives of the social economy, youth, consumers, ecologists, agriculturalists, researchers, NGOs etc. We have all kinds of contacts not only to national organisations but also to local organisations. We are at the crossroad of all these groupings and it is our very important role to find a consensus with which to aid the institutional process in reaching a decision. Historically, we have advocated innovation and played a pioneer role in promoting a European social model. Our strength consists not only in finding a consensus and answering to the general interest but we are also capable of playing an important role in the development of European policy, above all social, economic and ecological policy.

I would like also to remind you again of our role concerning the candidate countries, whom we are helping to introduce to our structures, we are listening to the demands of civil society in the different countries, and involving them in the debate whilst also listening to their debate on Europe at national level. I believe that this promotion of dialogue constitutes our essential role and I ask the question how will civil society and the ESC be engaged in the Convention, what will be their role?

Mr Pelletier

A new inter-institutional balance is going to emerge from the Convention. You emphasized in your speech that there is no clear delineation between the competences of the institutions. I believe that it is easy to foresee that two traditional currents in our Union are going to confront each other: one current is that of increasing European federalism, with the aim of eliminating the power of the Member States, the other corresponds to the democratically elected representatives of national public opinion. If the first current emerges as the strongest one, the power of the state will be diminished and therefore also the democratic representation of the population. We cannot accept a legislation which does not consult national parliaments and civil society. Another issue is that the candidate countries who have just emerged from one form of totalitarianism are not prepared to subject themselves to a new form of it and as far as I know these countries do not have the right to vote in the Convention. I ask you to put a brake on this ultra-federalist integrationist tendency in the Convention, which is threatening the equilibrium of Europe.

Mr Vogler

The reform of the EU should serve the optimal realization of political objectives. For the ESC, this means not only securing an institutional anchoring in the Treaty but also the enlargement of its responsibilities and influence. We often hear the key-phrase "democracy deficit" which raises the questions of legitimacy, representativity and, above all, the increased involvement of civil society in the decisions which affect it. If one approves this democracy model then the future of the ESC is secured. There is no comparable institution at EU level where the participation of organised civil society is so guaranteed. A core element in the fulfilment of its responsibilities is independence; this means not only the independence of its members but also the financial autonomy of the institution. At this time, however, the extent of intervention into the Committee's work due to the mixed competences of our budget authority (the European Parliament) is unbearable and degrading. These interventions lead to delays, hindrances and even the blocking of our work and are totally unjustified.

The Convention will have a lot to do with questions of financing – I ask the Convention to take not only a quantitative stance but also a qualitative one in connection with the modernization of the entire financial administration and the introduction of more efficiency and clarity into these unbearable mixed competences. In particular an institution as small as the ESC needs a solid financial base with more self-regulation. We ask you to prevent these dictatorial interventions into the work of the ESC in the future.

Mr Malosse

The influence of the ESC and its role as the representative of organised civil society has been strengthened by the IGC at Nice despite attempts to make it disappear or at least to reduce

its influence. This is because the Member States recognise the value of such an intermediary body. The national governments have recognized that this institution has two qualities which are essential for the work of the Convention.

The first is concern for the general interest: the ESC functions as a kind of bomb disposal expert for disorganised civil society. The Convention will be bombarded with suggestions and pressure from all kinds of groupings and it will be difficult for it to evaluate their legitimacy and the credibility of their contributions.

The ESC second quality is that of being a sounding board. There is a risk for the Convention of not being perceived by the citizens in the way it should. Despite the presence of representatives of the national parliaments in the Convention, the ESC connections to the national ESCs and other national and European organisations render it absolutely indispensable as a sounding board.

Of particular importance are the ESC connections to organisations in the candidate countries, which are very different to the relations which the other European institutions are capable of: The Commission is negotiating with the governments of the candidate countries who of course want to present themselves to the Commission in the best possible light, the same goes for the European Parliament, whereas we are in contact with the real civil society, the unions and employers' organisations who talk to us openly and honestly, they are not tongue-tied with us.

For these reasons we can make a very different and original contribution to the Convention. This will be our added value in the essential discussion of questions such as the division of competences between the regional, national and European levels and the competences of the economic and social actors. We therefore ask you not to confuse the message of organised civil society, which is represented by the ESC, with the sometimes dissonant and nebulous voices of disorganised civil society.

Mr Vinay

As many of my colleagues have already stated, the ESC represents the composite economic and social reality and produces a synthesis of a series of different interests. It has always been a ring of conjunction between the different initiatives of the European institutions and the expectations and hopes of civil society organisations. At the same time it has made a useful contribution to the development of the debate at national level on the evolution of community policies.

The participation of the ESC in the work of the Convention must be based on a coherent idea and accompanied by all of these initiatives and finalised in consultation with the national and European civil society organisations as well as those of the candidate countries.

The starting point should be to emphasise certain fundamental issues which characterise the reality of Europe at this time. These are the economic slow-down, social and employment demands (which have become more acute due to the economic slow-down), the contribution which civil society should make to the development of these policies and the strengthening of relations between the citizen and the institutions.

This is not simply about economics; each of these points presents several possible scenarios for the way in which the Europe of the future should be designed. Compatible development must be assured, there is the Lisbon-Strategy, the participation model etc. all of these are very interesting items, not to mention the Charter of Fundamental Rights and its insertion into the Treaty so as to allow all the citizens of the Union to identify with it, but it is just as fundamental that the Convention develops an analysis of the model of social relations which will characterize the Europe of the future and this is where civil society with all its forms of groupings has a very important role to play - in the legislative framework for the social dialogue as well as the valorisation of the cultural variety which constitutes the richness of Europe.

These fundamental areas for constructing a solid relation between the citizens and the institutions and for giving the citizen a sense of belonging to the community are what the construction of Europe must be based on.

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Reply from Mr Jean-Luc Dehaene

I would like to emphasize one or two things in answering the questions posed. First of all, one must understand clearly why this Convention is necessary. I believe that this Convention has actually been established because the two previous inter-governmental Conferences did not succeed in adapting fully the European Union to the enlargement prospect. It is clear that the enlargement we now face is something very different to any other enlargement we have had before, quantitatively, of course, but equally in the sense of what Europe is going to become. I believe that Nice and Amsterdam have only managed to make the necessary quantitative adjustments and I am convinced the enlarged Union will very quickly find itself in a deep crisis if we content ourselves with only these quantitative adjustments. This is why the expectations we have of this new Convention are very high because the future of the new European Union will depend on it to a large extent.

The European model is a model which is primarily based on consultation, this is what characterises it, and you [the ESC] are in effect the personification of that, it is something which underlies the whole European construction.

If there is something which I learned during my time as Prime Minister of my country, it is that this kind of consultation is essential and I can only repeat that the ESC has an important role to play. The fact that the Declaration of Laeken, which is in effect the basis of the Convention, foresees observers of the Committee in the Convention underlines the importance which is attached to it. As I have already said, the fact that these observers are in the Convention means that the Committee really has also to bear responsibility for what the Convention will be.

It is not only important that the observers represent the Committee in the Convention but also that they relay back to you what is happening there so that there is a two-way flow of information. You have here representatives of national organisations who are also members of national consultation organs. You therefore have an important role as a relay between national and European levels. I believe that an important part of your function is to organise the debate at national level.

The ESC has a privileged place which the Convention will recognise. Having said that, the Convention also has a responsibility to assure the dialogue with other representatives of civil society, notably NGOs. There also we have to offer an attentive ear and therefore we must also listen to their contributions. But the role of the ESC is incorporated into the function of the Convention itself, given that you will be represented by your observers and that you will have the possibility of participating in the debate.

I believe it is equally important that as well as participating in the activities of the Convention, the members of the ESC participate in the debate at national level. It is also very important that the Committee makes an active and positive contribution to the work of the Convention by providing it with proposals, documents and suggestions to work with.

Many of you have mentioned something very important which is the role of the candidate countries in the Convention. It has been purposefully decided to let the candidate countries participate in the Convention with the same kind of representation as the Member States but it is just as important that the candidate countries are accorded the same attention in the Civil Society Forum. And here I turn to you because I can well imagine that you have strong contacts with these countries, with the equivalent organisations in these countries, and your role is very important in encouraging them and helping them to make their voices heard.

I will try to answer the other questions which have been posed. In my opinion, one of our key objectives is to create a basic text for the EU which is transparent and reader-friendly. At the moment it is completely unclear to most people what the EU is. That means that the Charter of Fundamental Rights must be incorporated into the Treaty and I believe there is a consensus on this point.

The question of what the EU should be after the enlargement is the fundamental question, the basis of the whole debate. My personal view is that the Union must have a much stronger political dimension than the one it currently has. This means the strengthening of the second and third pillars which should be integrated into a more global vision. We need to regroup our forces in a few areas so that Europe really has its own voice which carries weight in the global arena. The current debate on globalisation requires a Europe which is able to react in a compact and integrated way in a large number of areas, for example the Environment and others – here it is very important that Europe is able to organise itself, which means that Europe must have efficient institutions. We must not come forward with slogans and key-phrases, we must strive for an operational text with concrete proposals.

I am convinced that an institution like the European Parliament, a democratic institution, can certainly contribute to creating a more political Europe and of course for that we need institutions which are truly democratically legitimate. We all have to have a clear vision of what Europe should be and for that we require a basic text which explains clearly and transparently what Europe is and what its objectives are. In order to achieve this we need a bridge to the citizens and this is where the ESC has an extremely important role to play and I hope that the Convention will work very closely with it.

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Conclusion by Mr Göke Frerichs

Many thanks Mr Vice-President.

No one could have expressed better what role the ESC will and must have in the framework of the Convention. We are not only the representatives of our national Member States but also of the organisations from which we come and we have built a bridge to the candidate countries. We have joint advisory committees in 11 candidate countries in order to help these countries understand and achieve the *acquis* and to think European, as you have just expressed so clearly. We stand at your side and take our task very seriously. We will work hard and in the next few days we will communicate a technical concept of how we plan to fulfil our role as a loudspeaker for civil society by working with those civil society organisations which are not represented here. That goes of course for the Civil Society Forum too and all other possibilities we can find of involving the European citizen in this debate. It means that we will be working in our countries, in our organisations; we will go to schools and universities, to citizens' assemblies etc. etc. in order to have the broadest possible base for our common task.

In conclusion I would like to wish you all the best as well as courage and optimism. **Mr Dehaene**, we have followed your work for years, also as the Prime Minister of Belgium. We

know that you are an ardent European, as we all are here, and we think like you. You can rely on us and we hope that the Convention will be a success and that the IGC afterwards will make Europe more peaceful, democratic, economically strong, and socially fair. For that we need men like **Mr Dehaene**.

Thank you once again for visiting us.
