

# Jean-Luc Dehaene, Prospects for the Convention


**Caption:** On 27 April 2002, at a conference held in Brussels, Jean-Luc Dehaene, former Belgian Prime Minister and Vice-President of the Convention on the Future of Europe, emphasises the implications of the Convention and explains why this method was chosen in order to define the future of a united Europe.

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## Prospects for the Convention

by Jean-Luc Dehaene

Ladies and gentlemen,

From the moment when the Convention was convened by the European Council, emphasis was placed on the need to avoid working in isolation and, instead, to build bridges towards civil society by organising a civil society forum through which the public as a whole could not only be informed and made aware of the issues but also have an input into the debate. So we believe that our job is to listen to the debate taking place in civil society and channel the results of our own discussions to that civil society. This is the purpose of what I have to say to you today as Vice-Chairman of the Convention.

### Issues facing the Convention

It is important to stress that this Convention comes at a time of crucial significance for Europe. In the late 1980s, the European Union had to cope with the end of the Cold War and the reunification of Germany. I believe that it responded well at that time, on the one hand by deepening European integration through monetary union and, on the other, by opening the door to the countries of Central Europe, whose prime ambition, clearly expressed by their people and their leaders, was to join this European Union, a symbol to them of the stability and peace which we have enjoyed for 50 years and an undisputed symbol of our prosperity. And it would have been a mistake of historic proportions if we had failed to respond.

We responded by embarking on a process of enlargement. This is a technical process which we had applied in previous enlargements, too. However, this particular enlargement is more important than the earlier ones in that it offers these countries the prospect of a twofold change: conversion from an authoritarian system to a parliamentary democracy and conversion from a state-controlled economy to a free market economy. This is no simple matter, and we probably underestimate the scale of the challenge. For large sections of the population in these countries, it actually means a retrograde step in welfare terms, and the process is made tolerable only by the prospect of enlargement and accession to the European Union, because that will lead to greater stability and greater security, as well as growth which will enable them to catch up with us.

We therefore came to realise gradually that this enlargement was not a routine enlargement but that, at the same time, monetary union was taking us to a new level of integration. Enlargement thus brought a new challenge for us: how to maintain efficient decision-making at European level and avoid paralysis caused by a sheer weight of numbers.

Monetary union gave people a European 'identifier' which continues to be popular, whatever people may say. But this monetary union has to be able to work properly. So it is vital that it should be organised institutionally inside the Union, because it will not be long before new members join the euro zone — those Member States which are not yet part of monetary union plus the applicant countries. It is not sufficiently appreciated that monetary union is actually a form of enhanced cooperation, in the sense that enhanced cooperation was enshrined in the Treaty, though it was never organised or formalised by any kind of institutional link with the European Union. For the moment, monetary union operates more on an intergovernmental than an integrated basis, despite being the most integrated feature of the European Union. This is another challenge that we have to face.

Above all, there has been a gradual realisation that this enlargement marked the political reunification of Europe, restoring the historical dimension of Europe in which all countries with a shared cultural past and shared values could once again come together. But it was also realised that this reunited Europe was part of a new world order and that, from now on, working towards integration increasingly meant working to define Europe's place in the world, the role which Europe might play in world governance. For it is clear that globalisation can be beneficial only if it is organised and that, in order to organise it, we must establish a

balance amongst the main organised regions of the world. No single European country can make itself count on its own. But if Europe speaks with one voice, on the basis of a coherent policy conducted at European level, Europe will be a world player of enormous influence, and several continents are watching what Europe does, seeing it as a model which they might emulate.

### **Another way forward for Europe**

All the speeches by the Prime Ministers and other leaders in the run-up to the Intergovernmental Conference in Nice indicated that this enlargement was likely to be trivialised at the IGC. And this is precisely what happened in Nice: quantitative changes were made to the institutions and the treaties, but we failed to make the great leap forward in terms of quality ... to the point where we realised the fact, realising, too, that the Intergovernmental Conference was probably not the way to generate the strength and the energy that Europe needed in order to make this qualitative leap forward which was essential to its reunification. Some, like Jacques Delors, were quick to speak of the ‘recasting’ of Europe — and the Chairman, Valéry Giscard d’Estaing, talked of an ‘intellectual reassessment’ of Europe in his inaugural speech to the Convention. And it is worth noting the words of Tony Blair who commented clearly — and rightly — that the prime objective of Europe now was not so much peace, though this remained an important objective, as the power which Europe might wield in the world equilibrium to which we all aspire.

So we had to find an alternative way of defining the future of Europe. This was the Convention, set up under pressure from the European Parliament. This gave Parliament the chance to play a full part, whereas, at an intergovernmental conference, it would have had only observer status. We thus opted for the convention model which had previously been used in drafting the Charter of Fundamental Rights of the EU. Maybe we were a bit too quick to make the comparison. It is clear that the success of this first Convention resulted in part from the fact that it had a limited and well defined remit: to codify existing rights in the Treaty. And because the members of the Convention on the Charter of Fundamental Rights, myself included, kept to their terms of reference and did not seek to go beyond them and create further rights, that Convention was a success.

For the new Convention, however, it was essential to have broad terms of reference. The four main issues raised at the European Council in Nice could not generate an in-depth debate, because they were far too restricted. The whole point of the Laeken Declaration was to open the debate and ask a series of questions which would enable the Convention to visualise how this recasting of Europe might be achieved for a new century. But, at the same time, the big problem for the Convention will be how to secure agreement on specific proposals.

When asked ‘what is the Convention meant to achieve?’ and ‘how is the success of the Convention to be measured?’, I usually reply that there are two extreme positions. If the Convention concludes with a grand report listing ten to fifteen ways forward and saying who supports them, this may perhaps be a document to grace university library shelves, but it will certainly not be on mine, because it will be of no use whatsoever. Politically, one could do nothing with it. And perhaps one or two heads of government would be quite happy for things to end that way.

The other extreme position may appear somewhat utopian. The view here is that the Convention should culminate in a broad consensus — which does not necessarily mean total unanimity — on a new basic treaty which Mr Giscard d’Estaing described in his inaugural speech as a constitutional treaty. Here we have two very important concepts: a ‘broad consensus’ and a legal text. I actually think that the lesson that we can learn from the previous Convention is that the new Convention will be all the more influential if it produces a legal text. Because if we produce a work of literature, even if it contains clear options, I can tell you now that, at an intergovernmental conference, there will always be someone who claims that the text is not clear and that interpretative clarifications need to be added, etc., whereas if we produce a legal text, it will be significant on its own account.

This is what happened with the previous Convention on the Charter of Fundamental Rights. To begin with, no one believed in consensus. And the Chairman, Mr Herzog, had the wisdom to present the Charter in the form of a legal text, even though we knew that the time was not ripe for incorporating it into the Treaty. We knew

that presentation of this text in a legal form would lend it significance — and the fact that the Court of Justice in Luxembourg has already made reference to it is clear proof of that. This text must also be based on a broad consensus, so that the European Council cannot reopen the debate. That is what happened with the previous Convention, and I would go so far as to say that, for some members of the Council, it was a frustrating experience.

Likewise, the Laeken Declaration said that the Convention's final document 'might comprise (...) different options', because, if the stipulation had been that the Convention *had* to produce a consensus, the European Council would never have approved it. This is not to say, however, that we should not strive for consensus.

To those who — understandably — think that the Charter of Fundamental Rights does not go far enough and would like to discuss it again before it is incorporated into the Treaty, I would say that a step of this kind is very dangerous, because that might well result in the Charter's not becoming part of the Treaty. But, if the Charter is incorporated into the Treaty first, we shall have taken a major step forward. A single judicial area will have been created which includes the European Court of Human Rights in Strasbourg, and, from then on, we shall have a basis for reopening the debate on a few points. If we do the opposite, however — for reasons which are undoubtedly well-intentioned — we shall end up with nothing. European integration requires us to move forward in little steps. If we refuse to take a small step because we want it to be a bigger step, we shall often find that we make no progress at all.

I have every understanding and sympathy with those who advocate total federalism at European level, and, ultimately, this is my dream, too. However, any expectation that the Convention will produce that will result in great disillusionment, because the time is not ripe for a step of that magnitude. So the Convention must carefully set out the objectives that we wish to attain, so that we can sustain a consensus over a fairly long period of time. This is what the Convention is currently trying to do by introducing a 'listening' phase of consultation with its members and with the world outside. It is, therefore, very important that civil society sends us signals which are as concordant as possible and that these are reflected in the Convention.

The Convention will probably start work in earnest in September, on the basis of texts which the Praesidium will of course have to propose and to which the Convention will have to respond. This is not a parliamentary way of working, but the Convention is not a parliament. No matters are put to a vote in a convention. The aim is consensus, and this takes a lot of skill and a lot of mutual trust on the part of the parties involved.

### **A draft constitutional treaty**

It is my hope that the Convention will indeed culminate in a draft constitutional treaty — I use the two words deliberately — in which the objective of the European Union, as well as its powers and responsibilities, will be defined, not in the form of an *Abgrenzung* (limitation) but rather of an *Ordnung* (system), a different concept which does what it says, creating in fact a degree of order which we need, and which, at the same time, defines the institutions which will manage this Europe. It is equally clear that this will have to result in a treaty which incorporates the Charter.

I shall not presume today to tell you what will be in the Treaty — that would be exceeding my brief — but I can share with you a few of my thoughts on the objective that I have outlined. Given the role which Europe must play in a globalised world, I think that it will have to be more political than it is at present, and that will mean seeking to end the system of Community pillars, though I would add that we shall probably be able to go further in assigning powers to the Community with regard to the third pillar than to the second. With this second pillar, we shall, above all, need better coordination between external policy in areas of Community competence, for example external trade or development aid, and external policy as conducted by the Council. I think that we shall need to build very strong bridges there, but I do not think the time is ripe for us to move immediately to the 'europeanisation' pure and simple of external defence policy. Here, too, we must take small steps to begin with.

The most important aspect will be to strengthen what I would call the genuinely European institutions, because we need to decide what we can do better collectively. In this connection, subsidiarity has recently been

misused, chiefly by eurosceptics as a way of belittling the powers of Europe. I think that it should be used, above all, as a means of regularly reviewing the division of powers and responsibilities, and it is not by chance that, in Europe, this primarily means decentralisation at the moment. I would point to what has happened in Belgium as well as in the United Kingdom, in Spain and even in Germany. But subsidiarity must also be used to centralise, or at least transfer certain powers to the European level, because we shall be influential and effective only if we act at European level. And, going back to the ideas of Jean Monnet, what has to be done at European level must be done by European institutions responsible for defending the general European interest. For this reason, we need to strengthen the Commission, Central Bank, Court of Justice and the European Parliament and enhance the role of the Council of Ministers as a chamber of the Member States in legislative matters and a body cooperating and exercising scrutiny with the Commission in executive matters. The great danger, in my view, would lie in strengthening the Council of Ministers, and thus the European Council, and in making the Commission into a kind of secretariat for the Council. That would be a retrograde step as far as an effective Europe is concerned. If Europe really wants to have an influence on the ground, it must have a European body which speaks for Europe. A shining example is the World Trade Organisation, where Europe carries real weight. It can have equal weight in other international organisations, provided it follows this same route.

We must try to formulate all that in this constitutional treaty. My preference is for a short text, albeit with a warning against the risk of opening the door to anything which threatens the Community *acquis*. It is a matter of legal order and institutional methods, but we must give it careful consideration, otherwise we may well secure a pyrrhic victory, losing much of what we have already gained.

### **Members of the Convention**

That said, we must work resolutely and with enthusiasm, because the victory is not yet won. I think that the Convention is a very difficult institution to manage, with no guarantee of a result at the end of it. There is a real chance of a result if the members of the Convention act as true ‘Conventionists’ — as the Chairman said at the inaugural session — if they take the view that any failure of the Convention will be a personal failure for them and if they take part not as spokesmen for their parliaments or governments but in order to rethink Europe and defend what we all agree on, in the firm belief that this is best for present-day Europe. To that extent, the Convention may achieve a result close to what I called the utopian objective of a consensus on a constitutional treaty. The closer it is to that, the more respect it will command.

If we do not succeed, enlargement will, of course, still happen, and monetary union will continue, but it is very probable then that enlargement will lead to paralysis and crisis in the European Union and that monetary union will not produce an optimum result because the structures needed to manage it will not have been put in place.

Here, too, not being pessimistic by nature, I believe that that would not necessarily spell the end of the European venture, because anyone familiar with European history knows that Europe has always moved forward on the back of a crisis. But good sense tells me that, knowing this, it is better to avoid crises and to frame a European model for the 21st century with Europe in its rightful place in this globalised world, using democratic methods and a Convention which represents all the parliaments — including the European Parliament — all the governments — including the Commission — and to seek collectively to shape a project which has the support of the general public and of all those who are committed to Europe. And I am happy to have been able to explain this to you today.

Jean-Luc Dehaene