

**Transcript of Open Europe event “Europeans for democracy”
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Chair: Bruce Arnold, Political Columnist, Irish Independent

“I am convinced of the value of voting no.”

“I think it’s fair to say that I do not accept that the changes that have been carried through by our government represent anything at all of value and are certainly not firmly fixed in the Europe of the future if there is a Yes vote.

“I am also appalled at the degree to which the Lisbon White Paper is one-sided, and this has been reinforced by research carried out by Open Europe of very considerable value, which shows what the Irish government gave away perforce in its own attempts to get changes into this Treaty. None of that is present in the White paper. The White Paper should offer the full facts in a fair and balanced way.”

“This is not the case with the White Paper and it is not the case with the referendum commission who should be keeping the whiteness of the White Paper up to that kind of standard. “

Gisela Stuart, British Labour MP, former Minister and Member of the Convention on the Future of Europe, 2002-2004

“At the end of that process [The Convention on the future of Europe], I felt it did not address the democratic deficit, it did not make the European Union accountable and therefore, whilst I am a deeply committed pro-European...this is not a structure that will take us forward.”

“My basic test of democracy is: can I get rid of them? By casting a vote you can change the people who are in control of you.”

“Lisbon does not give you, as a citizen, the means to control the executive or the politicians who decide on your behalf, and that’s the hurdle it falls on in my view, as being a document which we should endorse.”

Svetla Kostadinova, Executive Director, Institute for Market Economics, Bulgaria

“What we [the Institute of Market Economics in Bulgaria] believe in is informed debate and we were not able to have this debate in Bulgaria. The Bulgarian government approved the Lisbon Treaty in 15 minutes, with 24 acts. The Bulgarian parliament spent 2 hours discussing it.”

“I also apply a test to the Treaty which is the following: we asked ourselves whether this proposed text would lead to more freedom? Freedom for business, people and governments is more or less beneficial to all.”

“The other test... is will it lead to more prosperity?... We [the Institute of Market Economics in Bulgaria] don’t see the foundations [for increased prosperity in the Treaty].

Another test is will it lead to more harmonisation? Most likely. The Bulgarian experience of harmonisation or proposals of harmonisation... have proved to be more or less unsuccessful and not beneficial for the country.”

“Another test question is will this Treaty that seeks for more co-ordination of administration be transparent enough for citizens and business so they can predict the future... in a way that they can adapt their decisions and try to be flexible.”

“We have more questions on the Treaty, but the general conclusion is... this Treaty will probably not give the freedom we need for more prosperity and give the freedom to everybody to trade and produce and do everything that people want to do.”

Dr Jochen Bittner, Europe and NATO Correspondent, German newspaper Die Zeit

“I have a very fundamental question on the treaty, in that I think it allows for something unique in history and that is the possibility that states may constitute laws for other states, in areas which formally were reserved for national sovereignty.”

“Whereas in the past the possibility to make laws for other states was mainly confined to common market issues; with the Lisbon treaty it will additionally cover justice and internal matters, and potentially also foreign policy.”

“At the same time proponents of the Lisbon treaty say that it will make the EU more efficient and democratic. They say that because, with the Lisbon treaty, both the European and the national parliaments will gain greater control rights.”

Dr Bittner quoted from the German constitutional court ruling, which said that “the European Parliament does not represent a sovereign European people.”

He said: “This is why it would raise fundamental objections if the European Parliament were to nominate a government equipped with powers comparable to those of governments of the nation states.”

“The German constitutional court has therefore called on the national German parliament to come up with much stricter controls on legislation from Brussels. It has also set clear boundaries for the powers of the European Parliament and of the European institutions. It shall for instance have no say over military affairs. No say over taxation and [defence, public...] spending. No say over schooling and education. No say over penal law. No say over religious or family issues.”

“The legal guarantees I think the Irish are looking for are very much embedded in this court ruling, but they only apply to Germany and they are only binding for German parliamentarians. But let’s face one thing: after this ruling we are seeing clear limits of further European integration limits and ‘ever closer union’ cannot for much longer be the aim of the European institutions after this ruling.”

“Now as I said the constitutional court came to this conclusion because it thought the European Parliament is a kind of second-order parliament that cannot be compared to parliaments of traditional nation states, which leads us onto a fundamental question.”

“With the Lisbon Treaty, I think we are monitoring the emergence of a state-like system in the EU. A state-like system which behaves like a state, without providing for the essential ingredients of a democratic state, and my fundamental question would be whether we want this.”

“One can argue that in the globalised world...it is just outdated to want to maintain traditional democratic models of sovereignty; that may well be, but then let’s debate it.”

“One may say that a Europe which is comprised of 27 democracies is just too slow in the global race, but if that is the case, the discussion should refocus on this point and politicians should be so honest as to say that we have a choice between more efficiency or old-fashioned democracy as we are used to. I think that would be the right question to ask.”

Dr Erik Lakomaa, Political Consultant and Associate Professor at Stockholm School of Economics, Sweden

“In Sweden we are not allowed to vote on the Lisbon Treaty as you are, so you should be grateful for that.

“What we should say about the Swedish situation regarding the Lisbon Treaty... is that a majority of all parties except for one, or maybe all parties [support the Treaty, although the debate is currently dormant]... because the Swedish parliament voted by about 80% in favour of the Lisbon Treaty last year.”

“But, if you look at the polls, a majority of voters of every party are in favour of having a referendum on the Treaty and they will also vote No, with the exception of supporters of one party in Sweden - the People’s Party. If you ask a more general question like are you in favour of transferring more power to the EU, you have a 9/10 against that, which is quite interesting because we have a super majority for the Lisbon Treaty. Actually, they voted in the Swedish parliament to invoke special procedures so they could change the Swedish constitution without the ordinary process, as in special cases they can use special procedures. They voted that the Lisbon Treaty was so important that you should take the quick road in the Swedish Parliament.”

“But, for example, I asked the chairwoman of the sub-committee on European issues from the ruling moderate party... whether there was a transfer of national sovereignty and she replied ‘You and I know that is not the case’ and I pointed out that yes, it is clearly listed that the EU got, not only the power to decide on a list of areas, but also, which I think is the most important question, is that the EU, with some small restrictions, will get the right to decide on what it could decide on, without further consulting the people. It could decide on the government level, which from a campaign perspective...that will automatically render all promises made in a referendum like this like hot air, because you could say it’s not the case. It will not affect defence, tax etc. but if you give the EU the power to decide what it can decide on, this is null and void, and this is the main issue.”

Eline van den Broek, Journalist and Political Scientist. Leader of the Dutch 'No' campaign, 2005

“You could compare the Yes campaign in the Netherlands [during the campaign on the European Constitution] to what’s going on in Ireland right now. It was very powerful and it had a lot of money, but it lacked good explanations of why people should vote in favour of the EU Constitution and so we decided to run the No campaign on the basis of providing people with information... on what a Yes or No would imply. This turned out to be very successful.”

“I wouldn’t claim that the No campaign in the Netherlands in 2005 was so successful, but I do claim that the Yes campaign was so bad that people were convinced quite easily because they lacked good explanation about the Constitution.”

“There were many arguments [in the Netherlands] to vote against the EU Constitution and those are still the reasons to vote against the Lisbon Treaty, because they are basically the same thing.”

“But what worried me most after 2005, and this is why I’m still very actively involved in the debate and am also helping wherever I can in other European countries, is not so much because the Lisbon Treaty itself is undemocratic, but I experienced in the last couple of years since 2005 that the actual process of implementing the Constitution or the Lisbon treaty, is undemocratic.”

“The Netherlands is the best example: it did not only have a No vote in 2005, but it was 62% of the Dutch people saying we do not want an EU constitution...after that, most of the Netherlands’ political parties promised a second referendum, because they said that on something major like this, we should have a second referendum. Obviously, [they said it] because [otherwise]... you could ask what democracy is worth: first asking the people what do you want, they say No, and then just going to Brussels to sign a Treaty that is quite similar after all. This is exactly what happened.”

“The exact same people who promised a second referendum are now in government [in the Netherlands] and they never gave it to the people. So, for me there was not only the issue of the Treaty itself, as much as the process of trying to get Lisbon implemented as fast as possible.”

“Over the last two or three years, I have been struck by many examples of the undemocratic way the political elites both in Brussels and different European countries tried to force people into this very unconstitutional treaty.”

Roland Vaubel, Professor of Economics at the University of Mannheim

“I collected more than 100 signatures from European professors against the Constitutional Treaty and our declaration was published [amongst others] in the Financial Times London and Le Figaro.”

“If the treaty of Lisbon is ratified, there will be a flood of new regulations from Brussels which will interfere with local autonomy and weaken the European economy from within.”

“Why would the Lisbon Treaty have these effects? I see three reasons. First, the Lisbon Treaty would lower the binding majority requirement in the Council of Ministers from about 74% to 65%. This means that more votes would be needed to block EU regulation. Ireland belongs to the anti-regulation coalition in the Council... which consists

of the UK, Ireland, the Netherlands and the Scandinavian countries, sometimes Luxembourg and sometimes, but rarely, Germany. This coalition would find it more difficult to block regulation from Brussels if the majority requirement is lowered. In fact, the Irish government voted against this change to voting rules, also because the voting weight of Ireland would be more than halved under the new regime.”

“The second reason... is that the Lisbon Treaty would also reduce the combined voting weight of the group of countries opposing excessive EU regulation... So that is not only a reduction in the majority requirement, but also a reduction in the voting weight of the anti-regulation coalition to which Ireland belongs.”

“The third point... which cannot be stressed enough, is the general empowering clause which we will get under the treaty of Lisbon.”

“Article 308 [in the Treaty of Nice] was confined to common market issues and could not do much harm. It was about moving national barriers...now this general empowering clause will be extended to any policy objectives mentioned in the treaties. This would deprive the national parliaments of their control over the exercise of those competences which they share with the EU.”

“The German constitutional court has ruled that the general empowering clause must not be invoked without the explicit legislative assent of the German parliament. To my knowledge the Irish parliament is not protected in this way, nor are the Irish people, who without the Lisbon treaty would have the right to vote on such transfers of power to the EU. So, I think these changes would really open the floodgates for interference from Brussels.”

Question on clarification of possible conflict between the German government and EU law?

Jochen Bittner

“The conflict that would first and foremost arise between the German parliament and the German government in Brussels or a majority vote in the Council [of Ministers]... in most cases nothing would happen if Germany is overruled in the Council. That means laws can enter into force in Germany, which were neither wanted by the German government, nor the German parliament, nor the German public.”

“Another question is what happens if the German Bundestag says explicitly to the German government - look, we want you to have this or that position in Brussels - in the future, if the German government decides not to follow the recommendations of the parliament... it would just be illegal.”

“But, there are exceptions: It may well be that the German government says that the decisions we have supported in Brussels are so crucial, so substantial, for European integration that even a veto from the German parliament could not stop the process.”

“The question that is still open... is what exactly does this mean? Where do we enter the realm of substantial integration questions in Europe? This will be left open to the political game and only the future will show.”

“Very much depends on how actively the Bundestag decides to get involved in European affairs. It holds the key now to either block European integration or to promote it, but that is up to the national parliament.”

Gisela Stuart

“This has a real caveat. You’ve got to remember that governments in Europe are formed by the party that has a majority in parliament, so if you assume that democratic accountability is when a parliament disagrees with its government - in practice that doesn’t happen— that is a matter of a vote of confidence and usually it would result in a general election.”

“[Regulations from Brussels] start as modest proposals...it usually takes such a long time until it gets kicked in and you would have a vote. The mechanisms sound very nice in theory, but if you think through how it would work in practice, it isn’t real control: a no would have no significance.”

“In the German case I can only think of one area where their second chamber would assert itself and that’s a matter of education.”

“The history has been whenever there’s been a clash between a country’s constitution and the European Court of Justice, the ECJ blinks because it knows at this stage, it can’t afford to do it. Once you’ve got Lisbon, there will be no more treaty ratifications, there will be no more referendums anywhere, because the Union will have acquired the power to create its competences, and then I suggest to you an ECJ that has no political control over its balance will no longer shy away from blinking and actually asserting itself.”

Eline van den Broek

“With the Lisbon Treaty, even more so than is already the case, there is only one place where European citizens can go to if they really want to question a law and that’s the European Court of Justice.”

“The European Court of Justice, I’ve seen from experience being in Brussels, has over the last few years been very much misused to drive case law into European law. I’ve seen many cases where... [different nationals who lost in national courts won a joint case in the ECJ] and then somebody in the European Parliament says now we have a European problem so we should have a European law on this. This way, many different laws have got through the Parliament.”

“We had the European Union in the beginning to have economic cooperation... we wanted to have an internal market with the four freedoms... So my question is how could we increase the amount of European laws if we didn’t finish the original process of economic cooperation? It shows we are not competent in cooperation on the European level, so it really is not yet the time to get more and more laws through the ECJ that have extensive implications for European citizens and European member states.”

Question on what would happen if Ireland says No?

Jochen Bittner

"If the Irish say no, it doesn't mean the treaty is rejected, I would say. From what I hear in Brussels is that politicians throughout the major European countries are making up their minds what would happen next with Ireland, not with Lisbon."

Gisela Stuart

"Can I just remind you we were told that Laeken was because the people never have much faith in the European Union and it was a bit like Brecht in 1954 who said 'would it not be better for the government to dismiss the people and elect another one?'"

"We produced the first thing and we were told you must not block it because enlargement will not happen... well, if I remember rightly, NATO enlargement happened, European enlargement happened, without whatever we call this thing now, and the world didn't stop."

"We've been given all sorts of reasons for this, but the basic, fundamental point in politics - and this is a very important point Jochen Bittner made - is we are dealing with a new kind of institution that is very good at creating rules, but it itself is completely unbound. It has mechanisms where as long as the political will is there, it can still do whatever it wants to do."

Roland Vaubel

"If the Lisbon Treaty is rejected then the European Union would work with the Nice Treaty. The Nice Treaty is working very well. There are studies of decision making under the Nice Treaty... that show that the share of contested decisions in the Council has fallen since the Nice Treaty and also since Eastern enlargement. So it is not true that the reduction in the majority requirements would be necessary - in fact it has been quite easy to agree under these rules. Easier than before."

Question on reactions to the Yes side emphasising that the Lisbon Treaty gives national Parliaments a greater say?

Eline van den Broek

"We see the Yes campaign [in Ireland] do the same thing that happened in the Netherlands without the respect for their political lives... The Lisbon Treaty would not give national parliaments a greater say. I came to Dublin and I'm sitting on the bus and I read all these Yes posters and I am surprised because there is no poster that actually tells the truth."

Jochen Bittner

"I would object so far as both in letter and in theory the Lisbon Treaty does give a lot more powers to the national parliaments. But it requires that a third of all member states, or in other cases half of them, depending on the policy area, of all the European parliaments gather within a timeframe of 8 weeks and launch a veto to Brussels."

"But the probability of this happening is I think as high as, say, the probability of a Bulgarian-Dutch moon project. If the nation states or the parliaments use this veto right,

then the opposite of what the proponents of the Lisbon Treaty wanted would happen and that is a blocked European Union. It is the opposite of more efficiency.”

Bruce Arnold

“There is no parliamentary mechanism, though, it’s a government mechanism. There is no parliamentary mechanism for a number of different parliaments to meet and debate such an issue.”

Gisela Stuart

“I chaired a working group which came up with what you’ve got in [the Lisbon Treaty] now and I did not want national parliaments to become a new player in the European dynamics.”

“In parliamentary democracies the government is the majority of the parliament. The circumstances in which a national parliament disagrees with its own government in sufficient numbers are unlikely. Furthermore, it needs a third [of all national parliaments] in an 8 week period [to get a review of a Commission proposal]. The Working Time Directive, which currently is throwing the UK National Health Service into disarray... started in 1992. So you’re really telling me that 8 weeks before its implementation anybody is going to change anything? No they’re not.”

“Then, who is going to vote – the Bundestag and the Bundesrat would have one vote each? Half the time they don’t agree with each other.”

“I chaired the group of national parliamentarians who were represented in Brussels at the convention. When we had our weekly meetings, I used to start off by saying, ‘Ok folks, we can agree with Brussels it’s Tuesday, and we can probably agree whether it’s raining. Is there anything else we can agree on?’ ... And finally you have a body called Cosac where national parliaments meet in their career and I wanted to deal with them and say I tell you what, you abolish Cosac, take the MEPs off Cosac because they are the only ones who ever have the kind of collective will to go against their government and give national parliaments a red card that they can actually stop something with... The key thing is what is power? And I tell you that just like in democracies it is to remove those in government, power is for me to say No and that No has consequences. All national parliaments have got is more opportunity to talk and travel, and that’s not power. Not in my book.”

Roland Vaubel

“If one third of the parliaments complain that some legislation runs counter to the subsidiarity principle then the Commission has to give an answer. They may of course insist on what is happening, but they have to give an answer and that is the only power which they have.”

“They may then of course go to the ECJ, but as we know, the ECJ sides with the Commission.”

Question on the Treaty not being legally precise when it says the Commission “may” review the proposal when one third of parliaments object to it on subsidiarity grounds.

It's similar to the Citizens' Initiative provision – in that the Commission has no obligation to take it up.

Eline van den Broek

“From the parliaments' perspective, like the German court said, there need to be guarantees from government that there will be checks and balances on the national level. The Netherlands, for example, thought of a system... which established a committee that should test every policy proposal against the principles of subsidiarity and proportionality... we can draw a red card with which legislation could supposedly be blocked. However, the whole Commission... is a political Commission. It has no legal power whatsoever... it is definitely not a guarantee.”

Bruce Arnold

“Are you critical of the weakness of the word “may” or the strength of it?”

Erik Lakomaa

““May” is so ambiguous. The reason we are told the Treaty is long is that it needs to be precise, so if you're putting words like “may” into a treaty, that's a decision for the Commission.”

Question to Gisela Stuart on having three European presidents under Lisbon who are not elected.

Gisela Stuart

“On the history of the word “may”, Commissioner Barnier... thought it was an insult to the Commission that they would ever come forward with anything so objectionable that a third of member states' parliaments would object to it.

“On the peoples' petition, again you have to remember the history of that. It had never been debated in the entire 18 months of the Convention. It arrived on the table within 36 hours of our deadline and it was explicitly put in because it would allow the Germans not to have a referendum and it was the German Green Party at the time that if you had a peoples' petition on there, they could say it is a significant step towards participatory democracy. And again the wording of that actually puts no obligation on it at all... This is a document that gives powers to the executive but no restraining abilities that they shall do things or may not do things.

“And we see three presidents. Absolutely. It is an institution that is composed of democratic institutions, but itself has not conducted itself democratically.”

Erik Lakomaa

“It is worth commenting that this is not the only issue that gives a signal that the [Lisbon Treaty]... is sloppy work. It was much clearer in the previous version.”

“The translation in any European or EU language is as binding as the other, so translations matter. In the Swedish translation [of the Constitutional Treaty]... in the

previous version it said that the European national holiday on the 9th May “should” be celebrated in the entire Europe and another area says that criminal punishment “ought” to be proportional. At a seminar organised by the sub-committee of European affairs in the Swedish parliament I asked what’s the meaning of “should” and “ought” and for example if you didn’t celebrate the EU national holiday, would that incur a proportional punishment? They said that is something the ECJ has to sort out.”

“But, we shouldn’t concentrate the campaign on the sloppy work... because you only have to realise that the Lisbon Treaty will indeed transfer sovereignty... That is the only part you need to be aware of. That is what the referendum should be about.”

Roland Vaubel

“Article 7 of the Protocol on the application of the principle of subsidiarity and proportionality says that: ‘Where reasoned opinions on the drafts legislative acts non-compliant with the principle of subsidiarity represent at least one third of all the votes allocated to the national parliaments, the draft must be reviewed. After such review, the Commission...may decide to maintain, amend or withdraw the draft. Reasons must be given to such a decision.’”

Question on military power.

Jochen Bittner

“[The German ruling on military power] said very clearly that such core issues, such as sending German soldiers into battle must rest with the German parliament. This is also written in the constitution and all rulings of the German constitutional court automatically become part of the constitution, so there is no necessity to clarify this in another field. I don’t know the details of the recent implementation bill... but it goes without saying that the Germans will not give in to a Brussels’ ruling about sending our soldiers somewhere. That does not mean that Germany is not allowed to have certain numbers of troops in international bodies... But, whenever German soldiers are deployed [on such missions], the Bundeswehr needs the approval of the Bundestag first.

“The actual question here is of political pressure. Would the German parliament be brave enough to withstand a demand from its European allies... That is to be questioned.”

Question on whether the decision taken by the Bundestag in response to the Constitutional Court’s ruling satisfies the requirements of the Court

Jochen Bittner

“The two conservative members of parliament who were on the Committee discussing the bill were satisfied with the bill in the end... Given those two guys approved it suggests it is actually in line with the constitutional ruling. Again, there may be open clauses... but this again may have to be played out in practice.”

Question to Eline on whether there will be more advertisements for EU jobs if the treaty is ratified

Eline van den Broek

“Good point, although I do think there are many intelligent Irish people who do not want to become bureaucrats. But, I do think that if Europe completes the process of economic co-operation, especially in the context of cross-border services, then there will be much more job-creation than just in the bureaucratic sectors.”

Question on the flexibility clause

Gisela Stuart

“Article 308... has in essence always been a clause which said we can do whatever we want to do, which we haven’t thought of by now, provided everyone agrees.”

“It is the vehicle that provided you have unanimity... you can do anything.”

“We are having a change of dynamics of how Europe works. One of the great things the Brits had always achieved was that they had never agreed to a Europe run by the ‘biggs.’ It used to be that as long as France and Germany agreed and the Brits didn’t object then anything could happen. But the truth is we now have a union of 27 of which 5 are big countries and 22 are small ones and essentially you get into a position where if a handful of big ones say No, it means No. And if lots of smaller ones say No, it doesn’t mean anything because you can always bully them in by majorities or threaten them with headlines. That just goes so fundamentally against what the union was meant to be – that however big or small you are, you have the same rights. I think that is another real, real danger – dominance by the big countries.”

Jochen Bittner

“This general empowering clause has been used more than 30 times per annum in the past. There are complaints about this by well-known lawyers and also by the judicial service of the Council.”

Erik Lakomaa

“If you need to understand this issue, you can compare it with the US Constitution, because when they adopted the Constitution, they said it’s not enough to have a bill of rights, etc. so they added the 9th and 10th amendments saying that any area that is not included here is reserved for the states or the people. That is opposite of the European Constitution. For example, much of US legislation has been squeezed through the tiny hole of the right of the government over general welfare and to regulate inter-state commerce. But, the founding fathers were probably aware that legislation could be stretched, so they were very clear when the states were about to adopt the proposal of the constitution and said that if we don’t include anything here, the centre of government could not take that as them having a right to say anything on that issue, because it’s reserved for the states or the people. We don’t have the 9th or the 10th amendment in the Lisbon Treaty or the Constitutional Treaty, etc.”

Jochen Bittner

“I’d like to come back to my first question now. We hear lots of complaints here now that member states are shifting sovereignty towards the EU. I am not quite sure whether this is the correct picture or image, because the EU is not a ghost. It is comprised of actors and it is first and foremost comprised of 27 nation states, so who will they defer power further to? Not to themselves... What happens with the Lisbon Treaty is that sovereignty is shifted from its old and traditional possessor, the people, up to the next higher level – governments. And the European Constitutional Treaty treats the European governments like a former traditional constitution treated the people, or the citizens. This is a major step, and one should discuss the wisdom of this step.”

“I think there are some very good reasons for making this step up to the next level, called post-democracy or abstract democracy... To give an example, China is very quick in all its decision-making... To give an example, Beijing has managed to build a major airport within three years’ time. The new Heathrow terminal has taken how many years to build? 12 or so and it still doesn’t work.”

“Now, do we want to be more efficient? Do we want to be faster? Because that would mean we would have to give up on the classic concept of democracy and this is what I think the Lisbon Treaty is all about, or is at least a gateway to. So let us have a discussion of what we want.”

Eline van den Broek

“Like I said before, not only the Treaty itself but also the process of implementing the Treaty already raises the question of what democracy still means.”

Gisela Stuart

“I talked to the Chinese recently and they said, ‘I look at democracy like a restaurant. You are politically partisan; you’re so much the same. The differences are between the left and the right, by-and-large. You are like a restaurant where the menu stays the same, but every so often you change the cook. In China, we don’t change the cook, but we do change the menu...’ to which my response was, the European Union as it stands is a restaurant that neither changes the menu, nor the cook.”

“I think this point is an extremely important one, because the nature of democracy is really at stake. To me, the test always used to be that little democracies were centres for economic success. We always assumed this was a thing that went hand-in-hand – if you wanted to be economically successful, unless you were democratic you wouldn’t be it. Certain places... already question my assumption, but if China succeeds more economically than India does, over a 20, 30 or 40 year period, then I’m wrong and the benevolent dictatorship can be economically successful.”

“But again, let’s talk about it. We keep pretending that we’re doing one thing and not doing another and the No vote, I think, has been a reflection that there has been an implied consent of a political model that has reached its limits. There no longer is that implied consent that people just want to be told.”

Jochen Bittner

“We certainly can’t argue that the Lisbon Treaty makes Europe both more democratic and more efficient. That is a contradiction.”

Bruce Arnold

“[democracy and efficiency] don’t have to conflict. I think it’s a balance between the two. Good democracies, like early Greek democracy, have also been efficient. It ran the state well and through history there have been democracies that can be efficient and respond.”

“I think what has happened is that we are no longer making Europe. Europe is making us. And behind that lies the dread word of totalitarianism. A benign totalitarianism where there is no opposition, there is no right to change what you have and that’s absolutely fundamental to the issue of democracy. You cannot have democracy unless you can change, can throw people out and put other people in. That’s present in the standard of democracy applied by the EU to all member states and it’s not present in the EU itself.”

Eline van den Broek

“And there is another thing you should ask about efficiency and democracy: in a democratic system, are the people in power actually capable and efficient? To give an example, I trained opposition parties [in the Caucasus region, Georgia and Azerbaijan]... and the people who still rule in Brussels, who have both the legislative and executive power, are still the people in the Commission and I would definitely doubt that they are capable people, and they are definitely not put there by the European citizens.”

Question on whether the question of efficiency actually relates to the EU’s relationship to the rest of the world, and whether the EU would be more efficient if it had new common institutions and a common identity

Eline van den Broek

“You are forgetting one thing: the US does have a democratic system... [an European democracy is a] utopia because you’re comparing 27 member states to a country with a common flag, with a common culture, with a common history...”

Svetla Kostadinova

“Regarding democracy and efficiency, what I would say is that each member state at a certain point will have to choose how efficient to be itself because we have different capacities, different views of life and different approaches. In these terms, more centralisation would impose more or less all the same rules, a vision of how efficient member states should be, how this level of efficiency should be achieved.”

“We are in different countries, for example, Bulgaria started at a very low base. You cannot impose an EU vision of efficiency and try to reach it in one or two years.”

“Again, democracy is the proper way in which people should decide how efficient they should be. Just imagine that some people are very happy with the way they live, the way things are going, the way decisions are made and in these terms this proposed treaty

also involves the question of whether we should change everything or whether we should just approach new methods, not just entirely new documents.”

Roland Vaubel

“If the aim is to strengthen the European Union as a global player, I think the appropriate answer would be to lower the majority requirement in foreign policy, but not for regulation. More regulation would weaken the European Union from within. It would lose its competitiveness globally.”

Jochen Bittner

“The story behind the ban on the traditional light bulb was that... EU environmental ministers decided that Europe just cannot afford to lose the race against Australia, which had just banned the light bulb, and the United States who also said that they would like to ban the light bulb, so the German environmental minister decided not to make this move in the German Bundestag, but he orders the Commissioner in Brussels to come up with a proposal.”

“What happened then was a process called comitology, and if you monitor this process closely, you will find that literally no opposition was involved in this process. This was very, very efficient and effective. After two years, the light bulbs for all the 500 million Europeans were banned.”

“Now the Germans were very surprised and upset that they are not allowed to buy the warm light of the traditional light bulb and they came out in protest against Brussels, saying who was so crazy as to create this ban? But now it's too late.”

“Democracy would be the other way round. You have an idea, you spread it in public, you have to overcome public resistance and argue whether the ban of the light bulb is a good idea, that the market will reach a phase where you can't distinguish a light-saving light bulb from a traditional light bulb. This is politics. What happened in Brussels was just imposing an idea on Europeans and this was under the title of efficiency... and maybe we have to apply it in some areas, but I would argue we have to apply it in areas where it is really urgent. For instance, we ban light bulbs, but we don't care for a common European energy market. We still have European nations who think they have to do their own things... and I think this is an area where the Commission should put energy into rather than supposedly very effective ideas like banning the light bulb.”

Question on why the EU wishes to be powerful, since power should not be an end in itself

Gisela Stuart

“Power is something that can be good or bad. It depends on how you use it. You are very well to say you don't wish to have any powers, but I think the world has changed in two ways.”

“One is... people expect from their countries now not the ability to go to war, which used to be nation states' fundamental role... These days they expect them to hold the peace. So you still do need power in terms of the global effect that you have. The US has been

immensely powerful by setting rules and standards in terms of trade and trade engagements, but I think what we're coming up to is a very fundamentally different way of looking at the world."

"There is the... way in which the founding fathers and many continental Europeans had, which said that there is such a thing as 'the ultimate truth' out there, which you discover via the process of dialogue, so it doesn't matter that the European Parliament is a talking shop, it doesn't matter that national parliaments haven't got much power when they say no because they talk and the process of talking is a method of discovery of the truth and the right answer."

"Now, even though I am a Bavarian catholic, I don't subscribe to that. I think politics is about a battle of ideas. There is no such thing as 'the truth' as to what you should do now. It's always what is the best thing to do at any given moment, under any given circumstances, and that requires for ideas to really clash and I say Aye and you say Nay."

"That's why I love the British system, where at some stage or another I've got to go into the Aye lobby or the No lobby – I can't sit on the fence. And once I've been in either one you can come and say to me 'Why have you been in there? And if you turn out to be wrong, I don't want you as my efficient politician anymore because you've got a pretty lousy track record for getting things right. Let's give the other lot a chance,' who may be just as bad, and usually ultimately turn out to be just as bad as me, but the process is: arrive at an appropriate answer for which a definable group of people take responsibility."

"What we have now is... the Austro-Hungarian Empire had a word for it: *Durchwursteln* – it's the verb of sausage-making. You just chuck everything in a mincer and something comes out at the end which neither represents what it was to begin with and no-one is responsible for it. That's my problem with it."

Question regarding the US in relation to homogeneity and federal power

Gisela Stuart

"Let's just make one comment on this one. This document [the Lisbon Treaty] contains three fundamental issues it does not address. Three tensions that sooner or later will go 'pop'. One of them is the distribution of rights between small and large countries, which means Turkey may not apply, because it will disrupt population weights. There is a tension between euro-countries and non-euro countries, which again it does not address..."

Due to recording difficulties, it was not possible to continue the transcript past this point. However, below is a summary of the points made.

Gisela added that the third tension is that the Treaty does not address the flow of powers from member states to the EU and that failing to address these three issues could result in unintended consequences, adding that there was no democratic process to resolve those tensions.

Erik said that there was a difference between a procedure and an outcome, and it may be important that the EU was strong in the world, but that was a desirable outcome, and there was a need to address the process of how that was reached.

Gisela said that the Charter of Fundamental Rights was never meant to have legal basis when discussed at the convention, but two years later it became an “integral part of judicially enforceable European Constitution,” which is wrong because it is written in such a “woolly” way. She added it gives the EU a legal personality and the EU will find a way of implementing stuff whether Ireland wants it or not.

Also on the Charter, she said, “Some of the rights in there... to make them justiciable, is bonkers, quite frankly.”

Jochen said he had the impression that the Yes side was dominating the billboards and was connecting the referendum with membership of the EU, which was the tone being set.

Gisela said that it was a bad time economically for the referendum, and described suggestions of a two-speed Europe as complete nonsense. She said that, although there was a common currency union, there was no common credit or debt union and no transfer of tax money. She added that the European Central Bank’s power to help Ireland in the event of an economic meltdown was either to give one big bailout or make changes to the credit union, neither of which would happen: in the first instance because it had no common tax base, and in the second because it did not exist.

Jochen described a discussion with an EU diplomat, who said that “we can’t let this process be stopped by 5 million.” He added that the Treaty “does not lend itself to opt-outs”.

Roland said that “I don’t understand why anyone who voted No in the first referendum should vote Yes in the second referendum,” because nothing in the Treaty has changed.