

Interview with Jacques Santer: the French and Dutch rejection of the Constitutional Treaty (Sanem, 3 May 2006)

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[Étienne Deschamps] We are aware of the negative result in the referendums organised in the Netherlands and in France, in the spring of 2005. How do you see the reasons, the motivations and the negative results, quite simply, of these two referendums?

[Jacques Santer] Yes, one must, of course, take account of the negative results. But, first of all, it must be said that the people that voted 'no', whether in France or the Netherlands, or even here in Luxembourg, were not voting against Europe. They often had other reasons and other considerations that had nothing to do with the Treaty itself. It is for this reason that I say that we made some strategic mistakes there... and, above all, during the Intergovernmental Conference. But it was General de Gaulle — someone who knew a lot about referendums — who said: 'In a referendum, one never replies to the question asked, one replies to the person who asks the question.' Therefore, in just the same way, in France or in the Netherlands it was a protest vote against the Government, or even the President of the Republic. It is a combination of factors. It really has nothing to do with the Constitutional Treaty. Communication with the public regarding the Treaty went badly... God knows — and I was in France on several occasions myself, during the campaign as well, making some speeches — God knows, if you distribute a book like that, just as we did here too, with 400 articles in it, then you are completely lost. I was present at the first rally; I attended 32 here in Luxembourg. My first rally was in Mersch, and I remember it well. There were a lot of people present; the room was full to bursting. On that occasion the first to speak was a teacher, who took the Treaty and said: 'Look at this: Article 212'. He then quoted Article 212. 'Can you explain something to me, isn't this a contradiction with Article 380...?' and I do not know what else, and he quoted Article 380, in a room full of people. Of course one can reply to such questions solely from a technical or legal perspective, but this interests nobody. Then everyone who was there, and there were workers, intellectuals — young and old people as well — were thinking: 'What on earth is it, this treaty? Is that what they are proposing? We cannot understand a thing...' That is what it was like, and it carried on like that throughout... because everyone, for the Treaty was distributed here as well, everyone came with their copies of the Treaty and demanded explanations. That is not the way to deal with a Constitution. A Constitution must contain a vision of society and of the future of that society and the wider principles to which one subscribes, but that was a merely peripheral discussion.

What is more, there was also rivalry between the various political parties, and even within the various political parties, if I think of France. So it did not begin at all well. Nonetheless, today you have 15 Member States that ratified the Convention; some following a referendum system, as in Spain or here; others following a parliamentary system. But you cannot continue to ignore this 'yes' vote to the Treaty, can you? Now you will soon see in Estonia, and in Finland too, that they are going to ratify the Treaty. Then you will have 17 Member States that have ratified the Treaty, as against two that have not done so. Of course there will still be some left over. But already within the Convention — and this should not be forgotten — if I am not mistaken and my memory is accurate, it is Protocol 30, where it says: If after the signing of the Treaty, in Rome — it was in October 2004, I think — two years later, 20 Member States have ratified the Treaty, and a fifth of them have not done so, or have had difficulties in doing so, then the European Council shall meet again in order to discuss how to proceed. Which all goes to show that during the Convention we already had the feeling that not everybody, not the 15, nor the 20, nor the 27 Member States were going to ratify the Treaty. But this regarded the great majority: we did not imagine that it might be the founding Member States. That was the surprise: it was France and the Netherlands that did not ratify in their referendums.