

Peoples' Vengeances

The Dutch Referendum

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Origin of referendum discussion in the Convention. The national debate on referenda. The crucial role of the liberal party. Referendum bill private members initiative. Referendum Act an *ad hoc* consultative referendum. Referendum the first opportunity for a broad political debate on the EU. Complacency and disorganised arguments of the 'yes' campaign. First analyses of referendum.

INTRODUCTION

On 1 June 2005, 61.5% of the Dutch voters rejected the European Constitution by referendum. Turnout was unexpectedly high with 63.3%. It was the first national referendum in the modern history of the Netherlands, made possible through a number of surprising political developments. This article looks at the history of the referendum, the legal design of the referendum, the campaign and it attempts to analyse the outcome.

EVENTS LEADING UP TO THE REFERENDUM

Until June 2005, the Kingdom of the Netherlands was the only European state which had never held a national referendum. Only during the time of its legal predecessor, the Batavian Republic, were some referendums held on the adoption of a Constitution. However, at the local level approximately 115 referendums have been held since 1912 on various topics. Also several referendums were held in the Dutch Antilles and Aruba (Caribbean islands which belong to the Kingdom of the Netherlands) on their status within the Kingdom and their constitutional future. Moreover, the public debate on introduction of direct democracy dates

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from the beginning of the 20th century. Seven state commissions have published reports on the introduction of some form of referendum during that century. Like elsewhere in Europe, the interest in referendums grew considerably after the end of the Cold War, and after the Netherlands had seen a historically low turnout in the 1990 municipal elections. Local referendums were seen as a means of closing the 'gap between citizens and politics', and their number increased quickly.¹ After the Christian Democrats were left outside the government coalition in the 1994-2002 period – for the first time since 1917 – the process of introducing the referendum also began at the national level. Between 1994 and 2003, two attempts were made to amend the Constitution to allow for binding corrective referendums. These attempts failed due to resistance from the Liberals and Christian Democrats. Parallel to the second of these attempts, a Temporary Act on the Consultative Referendum [*Tijdelijke referendumwet*] was in force as of 2001, but as a consequence of new power relations in the coalition it was allowed to expire in February 2005. Nevertheless, the use of referendums is clearly on the rise in the Netherlands.

In 1991, the Green Left [*Groen Links*] parliamentarians argued for a referendum on the Maastricht Treaty. In 1997, some leftist campaigners collected signatures of prominent Dutchmen for a referendum on the Amsterdam Treaty. In 1998, the Green Left and the Socialist Party ([*Socialistische Partij*], which is not to be confused with the larger Social Democrats [*Partij van de Arbeid*]), asked for a referendum on the introduction of the Euro. These initiatives were easily dismissed by a large majority in parliament and by the government, who did not see a need for referendums. But when Pim Fortuyn won 26 seats (of 150) in the parliamentary elections of May 2002, things changed. Among others, Fortuyn had argued in favour of holding referendums on major European topics. Fortuyn's rise showed dissatisfaction with a number of policies and institutions, among them the European Union. And possibly some established politicians were hesitant about the speed with which the EU developed, too.² So, when in the autumn of 2002 there was again a call for a referendum on the EU-enlargement with 10 new states, the parliament adopted a motion asking the government to investigate the possibilities for a referendum. When in response the government argued against such a referendum, the majority decided to leave it at that; probably also because the European Parliament members of the Social Democrats and Green Left had spo-

¹ See for this history A. Nijeboer, 'Direkte Democratie in den Nederlanden', *Europa Magazin* (3, 2000); and J. van Holsteyn, 'The Netherlands: national debates and local experiences', in: M. Gallagher & P.V. Uleri, *The Referendum Experience in Europe* (Houndsmill: Macmillan, 1996), p. 126-138.

² See, e.g., Frits Bolkestein, 'Europese Unie heeft zich overschreeuwd', *NRC Handelsblad*, 30 May 2005; and the Summer 2004 issue of '*Christen-Democratische Verkenningen*' in which a number of ideologues criticize fundamental developments within the EU.

ken out against a referendum on EU enlargement, saying it was too late for that. But at the same time they proposed instead to hold a referendum on the European Constitution.

From 2001 onwards, several organisations promoting direct democracy – among which were Mehr Demokratie (Germany), the Referendum Platform (Netherlands) and WIT (Belgium) – were in the meantime preparing the European Referendum Campaign. The goal was to obtain as many national referendums as possible on the European Constitution and to try to implement instruments of direct democracy in the European Constitution. At the European level, activists lobbied in the European Convention on almost all Convention sessions. At the end of the Convention (June 2002), they gathered 97 signatures from Convention Members and alternates under a proposal to hold national referendums on the European Constitution, and 72 signatures under an amendment to the European Constitution to allow a European Citizen's Initiative, by which 1 million European citizens could ask the European Commission to make a proposal to the European Council and Parliament.³ However, the proposal for national referendums drew the most attention. Through the Convention members, who were representing national governments, national parliaments, and the EU institutions, the discussion spread further through Europe. For example, Dutch MEP and Convention member Hanja Maij-Weggen, a prominent Christian Democrat, did not sign the petition but surprisingly argued in the Dutch media for a single Europe-wide referendum on the European Constitution, organised by the EU. The European Referendum Campaign activities at the EU level were followed by national campaigns in 15 European countries, among which was the Netherlands.

Many MEPs, especially, argued for a referendum organised at the EU level, instead of national referendums on the European Constitution. That is understandable from their perspective. A single Europe-wide referendum would mean that the citizens of the EU member states would be treated as one constituency, who could adopt the European Constitution with a simple majority (maybe combined with a majority of the states). It would start from the presumption that the principal sovereignty was already located at the EU level. It would also be easier to adopt the EU Constitution, because there would not be 25 independent states, each of which could block the EU Constitution. In reality, the states have never placed this principal sovereignty (the right to decide on the fundamental rules of the EU, e.g., the Treaties) at the EU level. The European Referendum Campaign lobbyists argued rightly that, for such a single Europe-wide referendum, Article

³ See M. Efler, 'A rollercoaster ride towards transnational democracy', in B. Kaufmann, A. Lamassoure and J. Meyer (eds.), *Transnational Democracy in the Making: the New Challenge of Initiative & Referendum after the Convention* (Amsterdam: Initiative & Referendum Institute Europe, 2003), p. 47-48.

48 of the European Union Treaty had to be changed. Chief lobbyist Michael Efler wondered why so many MEPs could hold on to such a legally and politically unrealistic demand.⁴ Even more worrisome is that, after the French and Dutch voters clearly let it be known that they wish to retain the sovereignty of their respective states, both the Austrian and Polish government, as well as the leader of the Liberal group in the EP, Graham Watson, repeated the demand for a single EU-wide referendum in the near future to revive the European Constitution ('Super Polling Day').

HOW THE REFERENDUM ACT CAME INTO BEING

In October 2002, Convention member and Social Democratic MP Frans Timmermans – one of the signatories to the European Referendum Campaign petition – brought a motion in Parliament stating that the parliament would like to have a referendum on the EU Constitution. It was adopted on 5 November. Formally it meant little as it was clear, from Mid October, that there would be elections between that moment and the parliamentary debates on the EU Constitution. But politically it was important. In these elections of January 2003, the parties in favour of a referendum – the left plus the LPF, Pim Fortuyn's party – lost their majority. Of the remaining parties, the Christian Democrats [*CDA*] and the small Protestant parties have always consistently been opposed to every form of referendum. A majority of the Liberals [*VVD*] was opposed too, but internally there was a large minority in favour, and the Liberals had pragmatically supported the referendum under the so-called 'Purple Coalition' (1994–2002) because the other coalition partners wished so.

Most constitutional lawyers hold that a national referendum, even an *ad hoc* consultative one at the initiative of parliament, can only be held on the basis of an act of parliament. The Bill of the Social Democrats, Green Left and Liberal Democrats [*D66*] was introduced in parliament on 20 May 2003.⁵

The position of the Liberal Party [*VVD*] was crucial for the fate of the Bill. The Dutch section of the European Referendum Campaign lobbied hard for the Bill, knowing that the new Liberal leader, Jozias van Aartsen, had been an advocate of referendums for many years, though his party's majority had not been in favour of referenda previously. First, Van Aartsen turned out to be a full-hearted advocate of this referendum and, later, of referendums in general. The government said that it was against the referendum, but that it would respect the (non-binding) outcome should the parliament adopt the referendum. As the small Christian Union, which

⁴ Ibid., p. 47.

⁵ *Kamerstukken Tweede Kamer* [Parliamentary Documents Lower House], vergaderjaar 2003–2004, 28885, No. 1.

had just enough seats to ensure a majority, also said in the beginning of June that it might support the referendum, newspapers argued that one way or the other, the referendum would be achieved: 'In parliament, a majority for the referendum on the European Constitution begins to show clearer and clearer'.⁶ As early as 12 June 2003, the government promised to respect the outcome of the referendum if the parliament would decide to hold it.⁷

Most Liberal politicians did not speak out publicly. It was telling that, apart from Convention member and spokesperson on Europe, Hans van Baalen, mainly elderly Liberal politicians such as former minister Henk Vonhoff, European Commissioner Bolkestein and liberal MEPs were speaking out against the referendum. The debates were kept internal to the party. It did transpire that the Liberals would pay great attention to the advice of the Council of State [*Raad van State*], an important advisory body, which tenders its advice on all bills prior to discussion in parliament.

In September, the Council of State published its advice, which was widely interpreted as positive.⁸ (Later on the Council of State made clear, as the text of its advisory opinion shows, that it did not make any statement on the desirability of the Bill.) The Council did argue that adopting the European Constitution was to some extent comparable to amending the Dutch Constitution. The final adoption of a constitutional amendment should be preceded by elections, and because this is not the case with the European Constitution, the Council reasoned that a referendum is a means of filling this gap.

In a poll commissioned by the government, published on 5 September, more than 80% of the Dutch supported the referendum. 'That's a high number', was all that Prime Minister Balkenende wanted to say on the result.⁹ One of the leading newspapers, *De Volkskrant*, commented: 'The pressure to allow a referendum on the European Constitution is growing and growing'.¹⁰ On 11 September 2003, the Liberals announced their support of the referendum *en bloc*. As party discipline dictated, the debate was kept internal and all MPs, also the opponents, supported the common party standpoint.

The Bill had provided for a combination of the referendum with the elections for the European Parliament in 2004. As it turned out, the intergovernmental conference agreed on a text only much later than initially expected. In order to make the eventual Act comprehensible to the electorate, and because the right to

⁶ *NRC Handelsblad*, 'Stemmen over EU op komst', 11 June 2003.

⁷ *Telegraaf*, 'Kabinet respecteert uitkomst Europa-referendum', 12 June 2003.

⁸ *Kamerstukken Tweede Kamer* [Parliamentary Documents Lower House] 2002–2003, 28 885, A.

⁹ *De Volkskrant*, 'Overgrote meerderheid Nederlanders voor EU-referendum', 5 Sept. 2003.

¹⁰ *Ibid.*

vote in the referendum was made dependent on the age (and other requirements) on the date of entry into force of the Act, a majority of the Upper House insisted on a simplification of the Act on this point. After all, there might be years of difference between the adoption of a text by the Intergovernmental Conference and the entry into force of the Act. This could, under the applicable provisions of the national Constitution, only be rectified by introducing another Act of Parliament amending the original Act of Parliament, which was still pending.

Thus, the matter was resolved, and could finally be adopted on 25 January 2005.¹¹ It entered into force on 28 January 2005, and provided itself that it could not be subjected to a referendum on the basis of the Temporary Referendum Act.¹²

LEGAL-POLITICAL DESIGN OF THE REFERENDUM

The Act on the Consultative Referendum on the European Constitution [*Wet raadplegend referendum Europese Grondwet*] is an *ad hoc* Act for this case only. Most of the Articles were modelled on the act which was related to the second attempt at constitutional amendment and was in force from 2001 until February 2005, the Temporary Referendum Act mentioned above.

In Article 24, the Act called for the appointment by parliament of an independent Referendum Commission. It had three tasks set out in Article 26 of the Act:

- to set the date for the referendum on a Wednesday within a specified time period, in accordance with Article 8 of the Act;
- to produce an objective summary of the European Constitution, which was to be distributed to all Dutch households several weeks before the referendum;
- and to allocate 1 million euro of state subsidies to organisations and individuals for campaign purposes.

The Referendum Commission decided to make available 400.000 Euro to yes-campaigners, 400.000 Euro to no-campaigners, and 200.000 Euro to neutral organisations who wanted to foster the debate. The Referendum Commission also advised the government on the wording of the exact question. This became: 'Are you for or against the approval by the Netherlands of the Treaty establishing a Constitution for Europe?'

¹¹ *Handelingen Eerste Kamer* [Proceedings of the Upper House], 25 Jan. 2005, EK 13, 13-626.

¹² See *Staatsblad* [Official Journal] 2005, 44, Art. 30.

The Act did not require a turnout quorum. One reason was that the initiators were principally against such a quorum; another was that a quorum is not logical for non-binding referendums, as the parties represented in parliament must always individually decide whether to follow the outcome. A quorum would suggest that the referendum was binding, if the quorum was met.

The Green Left [GL], the Socialist Party [SP] and the Liberal Democrats [D66] promised at an early stage to respect the outcome whatever the turnout. The Social Democrats [PvdA] promised to follow the outcome if the turnout reached 30%. The Christian Democrats [CDA] promised so too, but the party also demanded a minimum of 60% against. These two parties had together a majority in parliament. The LPF demanded a minimum turnout of 50 % (more than 10% point higher than the Dutch turnout of European Parliament elections of 1999!). The Liberals and the small Protestant parties did not want to say anything concrete about their handling of the outcome. However, weeks before the referendum, the Liberal leader in the Lower House, Van Aartsen, persuaded his party to respect the outcome with any turnout (and also to support referendums as a principle from now on). The government was against the referendum, but Prime Minister Balkenende promised as early as Summer 2003 that if a referendum was to be held, he would respect the outcome.

THE CAMPAIGN

The Netherlands has always had one of the lowest levels of public debate on European integration. The yearly parliamentary debate on the EU is usually so boring that no newspaper or television station bothers to cover it. Turnout at European Parliament elections is traditionally among the lowest two or three of the entire EU of 15 member states; only the UK has always had a lower turnout than the Netherlands. The turnout dropped through five subsequent European Parliament elections from 57,8% in 1979 to 29,9% in 1999.¹³ From the outside, it looked as if the Dutch people were a convinced, stable pro-European force. This appearance could be sustained as long as the big, mainstream parties had the tendency to keep European integration out of party politics, and the public could not speak out directly. All mainstream conservative and progressive parties supported the taken direction of European integration. From the political parties represented in Parliament, only the extremist parties were anti-European or at least Euro-sceptic, such as the Communists, the small right wing Protestant parties, the Socialist Party (since 1994 in parliament) and the LPF (since 2002 in parliament). At this

¹³ Contrary to this trend, the turnout in 2004 had risen to 39%.

moment they hold only 15% of the seats. As the Social Democrat MP and Convention member, Frans Timmermans, said, this resulted in a situation in which: 'Europe is like the weather: it can be good, it can be bad, but you certainly cannot change it'.¹⁴ The referendum changed both the level of debate on European integration and the presence of euro-sceptic voices. In the last weeks before the vote, the public debated on Europe as never before during the last three decades. The media commented daily on the European Constitution. Hundreds of debates and public events were held. Dozens of websites were opened. Prominent television shows made special programs about the European Constitution. Well-known commentators, writers, sports people and artists argued for a 'yes' or 'no' on television. A rap group made a song on the European Constitution. In the last week, the European Constitution was the talk of the town in bus stations and sports centers.

In hindsight, it is not hard to see why the no-campaign won. The yes-campaign appeared to reckon too much on the lead they still had in the polls in March and the fact that 85% of members of parliament, as well as many important NGO's, were supporting the European Constitution. They thought that if these organisations supported it, their members and voters would do so too. But foreign experience shows that party elites often have different opinions from their members and voters. Often, parties are completely split over a referendum issue. Due to party discipline, all the MPs may vote in favour of something, but in reality almost half of the party officials and even more of the voters decide contrary.

The Dutch have a tradition of short election campaigns (often not more than 4 weeks), and the pro-parties in parliament started late: after the weekend of 7-8 May. Especially in the early phase of the campaign, the pro-parties seemed not to have considered very well which message they wanted to carry. Many of their arguments were technocratic and took many features of the EU, as expressed in the European Constitution, for granted. The no-campaign – especially the *Socialistische Partij* – began earlier, spent much energy on their key message and slogans, stressed general values and principles, and were more passionate in their reasoning. Early in the campaign, high-level government spokespersons of the yes-campaign made a number of serious mistakes. Christian Democrat Justice Minister, Donner, prophesied a European war in case of a no. To the Christian Democrat voters, he said: 'The C[Christian] in CDA obliges you to vote in favour'. The Minister of Economic Affairs, Brinkhorst [D66], claimed that a no would result in an economic crisis. Liberal MEP Jules Maaten had to withdraw a tv

¹⁴ Frans Timmermans during the Parliamentary debates on the Draft Constitution, 10 June 2003, *Kamerstukken Staten-Generaal* [Parliamentary documents States-General] 2002-2003, 28473, Nos. 158e and 33, p. 8.

commercial for the European Constitution showing images of the Nazi concentration camp Auschwitz at the last moment. Christian Democrat Foreign Minister, Bot, said that people who wanted to vote against for the 'wrong' reasons should stay at home, and former Prime Minister Lubbers agreed with him. These arguments were strongly criticised as putting pressure on the Dutch people to vote yes and having nothing to do with the Constitution. In the course of March, the polls still showed a lead for the yes. But as the debate began to unfold, the no-campaign took the lead during April. This led to panic in the yes-camp; they were now on the defensive and could not get out of that position anymore. Decisions such as the spending of 3.5 million Euro extra in Mid-May, in the light of the 'threatening' no vote, probably had only an adverse effect as people felt further pressured.¹⁵

On referendum day, the polling organisation Interview investigated the motives of voters who could give more than one reason.¹⁶ The results were:

- The Netherlands pay too much for the EU [the Netherlands are the EU's biggest net payer] – 62%
- The Constitution leads to less control over our own country – 56%
- The Netherlands will have too little influence in Europe – 55%
- The Netherlands will lose its own identity – 53%
- The Netherlands would become too dependent on Europe – 46%
- The information provided on the Constitution was bad – 44%

On the explicit question of whether EU accession of Turkey played any role, 68% responded no and 22% yes.

Another major investigation was conducted for the Eurobarometer, which established as some of the main reasons for the no vote:¹⁷

- Lack of information on the Constitution – 32%
- Fear of loss of national sovereignty – 19%
- Resistance against the Balkenende government – 14%
- The Netherlands contributes too much to the EU budget – 13%
- Being against European integration – 8%

¹⁵ For these and other facts, see the analysis of the referendum campaign, dating from mid-May: A. Nijeboer, *The First Dutch Referendum: a Pre-Ballot Assessment* (Notre Europe Policy Paper No. 14) (Paris: Notre Europe, 2005).

¹⁶ Published on <www.nos.nl/nosjournaal/dossiers/europesegrondwet/020605_tabel_rede_nen.html>, visited on 2 June 2005.

¹⁷ Published via <http://www.europa.eu.int/comm/public_opinion/index_en.htm>, last consulted July 2005.

- Fear for loss of job – 7%
- I do not see what is positive in this text – 6%
- The draft goes too far/advances too quickly – 6%
- Too technocratic/juridical/too much regulation – 6%
- Opposition to further enlargement – 6%
- Not democratic enough – 5%
- Too complex – 5%
- Economically speaking, the draft is too liberal – 5%
- The economic situation in the Netherlands is too weak/there is too much unemployment in the Netherlands – 5%
- I do not want a European political union/a European federal state/the ‘United States’ of Europe – 5%
- Europe is evolving too fast – 5%
- The Netherlands must first settle its own problems – 4%
- I do not trust Brussels – 4%
- Does not want Turkey in the European Union – 3%
- Loss of Dutch identity – 3%
- Not enough social Europe – 2%
- There is nothing on Human rights or on Animal rights – 2%
- Influenced by the ‘No’ campaign – 2%
- Other – 7 %
- Don’t know/no answer – 2%

Prime Minister Balkenende said shortly after the referendum that he deduced three points from the public debate which he will now defend in the EU: the Dutch should pay less to the EU, the Dutch should hand over less power to the EU, and Europe integration is going too fast.

Looking at results per municipality, it shows that a majority voted no in 9 out of 10 municipalities. The municipalities which voted yes in majority are the richest municipalities of the country: Rozendaal (Gld.), Laren, Bloemendaal, Heemstede, Wassenaar, and the rich communities in Eindhoven. Municipalities which had a high percentage of no-voters were the fiercely Protestant localities, the leftwing Socialist localities and those that also voted in high numbers for Pim Fortuyn (‘protest localities’).

SOME PROBLEMS OF THE REFERENDUM

The Dutch referendum was far from perfect. Many features of the Dutch referendum contributed to this:

- Legal basis: The referendum was triggered by the parliament. Dutch citizens have no means to trigger a referendum themselves. This leads to linking of issues: as the Dutch citizens were not able to vote on the Euro and will not be able to trigger a referendum on other EU features if they want to, they tend to vote on all these issues at once when they get the chance to vote on any European topic.
- The referendum was not binding. Polls showed that many Dutch did not trust the political parties to accept the outcome. E.g., Social Democrat leader, Bos, promised to accept the outcome when the turnout reached 30%, but shortly before the referendum, he proposed that in case of a 'no', a second referendum on the same text should be held soon.
- There was a *de facto* turnout quorum, as the large political parties set extra majority requirements for respecting the outcome. The international experience with turnout quorums is negative. They discriminate in favour of those who support the government's position, they are a bonus for avoiding the debate and they trigger boycott campaigns by the opponents of the referendum initiative (they always win if the referendum is ruled invalid).
- The time for a campaign was short: only 4 months between the moment of adoption of the referendum Act and the actual referendum, only 3 months between the announcement of the date and the referendum.
- Subsidies were not fairly distributed. The government had promised, as requested by the parliament, not to use taxpayers' money for a yes-campaign. Tax money is indeed brought up by both yes- and no-voters, and no-voters should not be forced to pay for the attempts to change their minds. But when the chances for a 'no' were growing, the government changed its mind, and used 3.5 million Euros extra for a yes-campaign during the last 2 weeks. Together with the subsidy distributed by the Referendum Commission, the balance of public funds became 400.000 Euros for the no-side and 3,9 million Euros for the yes-side. The parliament, of which a large majority supported the EU Constitution, kept silent. ('A company that wants to sell washing powder will use all means to do so. A country wanting to promote a Constitution, is obliged to do the same', Liberal MP Van Baalen explained.¹⁸) Of the subsidy of the Referendum Commission, 30% was given to political parties, while they seemed to be ruled out for subsidy at first (state subsidies to political parties were recently increased by 50%).

The installation of the Referendum Commission and its subsidy, which was equally available to opponents and advocates, was a positive feature.

¹⁸ Quoted in the editorial 'EU referendum: kabinet, doe iets', *Algemeen Dagblad*, 21 April 2005.

CONSEQUENCES OF THE REFERENDUM

In terms of the European Constitution, leading politicians from almost all pro-parties made it clear that the Netherlands would not approve the current text. 'Let us choose another position. (...) Because the Constitutional Treaty is over and done with', said Prime Minister Balkenende (Christian Democrat).¹⁹ 'No is no', said Liberal state secretary for European Affairs, Nicolai.²⁰ According to Social Democrat leader Wouter Bos, it is 'the end of the story' for the Constitution and Green leader Femke Halsema declared: 'We cannot continue with this Constitution.'²¹ Only Liberal Democrat leader Dittich was somewhat less explicit. Rejection of the current text, however, does not mean that some elements will not be introduced later. Dutch politicians will probably reject calling such a text a 'Constitution'. Only states have a Constitution, argued the no-campaign, and a majority of the Dutch seem determined against the idea of creating a European State. The phrase 'cooperation yes, handing over sovereignty no' was probably the most dominant slogan of the whole no-campaign, regardless of background or political colour. An important argument of almost all no-campaigners was that there is no single 'demos' in Europe, and a European democracy can therefore only be achieved in name and never in reality.²² This reflects politicians' estimates in first instance, though several reasons for the no-vote as quoted above lead in this direction; the rather philosophical 'no demos' argument is not named as such by no-voters.

A second consequence is that the attitudes of politicians towards the referendum – actually towards the idea of popular sovereignty, which is the cornerstone of direct democracy – have become much more positive. One reason is that both the high turnout – higher than at the latest municipal, provincial and European elections – as well as the large no vote, proved the necessity of the referendum better than any academic treatise could do: apparently there is a gap between politicians and citizens, and citizens grab the opportunity to show that gap with both hands. A second reason is the broad debate on Europe, which politicians have always called for, has now taken place on a level never expected possible. Politicians, who are normally locked up within the square kilometre of the government district in The Hague, were now running through the country to deliver public speeches and participate in debates, sometimes with as much as thousand attendants. They did not hide their excitement about this. It is not only the citi-

¹⁹ *NRC Handelsblad*, 'Andere koers van Nederland in Europa', 3 June 2005.

²⁰ *De Volkskrant*, 'Balkenende wil dialoog over Europa met bevolking', 2 June 2005.

²¹ *Nederlands Dagblad*, 'Verpletterend nee tegen grondwet', 2 June 2005.

²² See for example Geert Wilders, 'Nederland moet onafhankelijk blijven', *De Volkskrant*, 15 Feb. 2005; Jan Marijnissen, 'De ene Eurostaat komt er snel aan', *Trouw*, 21 May 2005; Matt Herben, 'EU-verdrag verdient krachtig nee', *Financieel Dagblad*, 30 Aug. 2004 (Marijnissen and Herben are leaders of the SP and the LPF, respectively).

zens who feel cut off from politics; politicians feel a need for contact with the real world too.

Finance Minister Zalm (Liberals), previously a fierce opponent of referendums, said that he was 'more or less converted, because a referendum is an opportunity to involve the public into the debate'. Prime Minister Balkenende said he has become 'in any case not more negative' on the referendum. Social Democrat leader Bos said: 'We should [organise a referendum] more often'. And elsewhere: 'Not the politicians, but the citizens should decide what the next referendum is about'. Liberal Democrat MP Van der Ham agreed: 'The support for the referendum within the parliament has increased enormously', declared Green Left leader Femke Halsema.²³ Newspaper *Trouw* wrote in its chief editorial on 1 June: 'The referendum has been a hard lesson in modern politics, which hopefully opened the eyes of politicians for the shortcomings of our system. There is every reason to ask ourselves whether it is the fault of our political system that there has not been a national debate on European integration in 50 years'.

On 28 May 2005, the Liberals adopted a new program of principles, which included the introduction of the referendum (although the particular phrasing allowed many forms). Of the 12 political groups in parliament, only the Christian Democrats and the two small protestant parties are now against. But even party officials of the Christian Democrats and the Christian Union announced a discussion within their parties about direct democracy.

The Social Democrats and the Green Left have now introduced a Bill in parliament to amend the Constitution and introduce the binding corrective referendum. The particulars were deliberately left out of the constitutional amendment, so that they could be adopted and changed with a normal majority in both Houses of parliament. The government allowed the coalition partners to decide themselves on the constitutional amendment, so that the Liberals and the Liberal Democrats are free to support it, if they choose to. If they do so, an element of direct democracy will be entrenched in the national Constitution more than hundred years after Socialist leader Troelstra opened the first parliamentary debate about introduction of 'direct legislation by the people' in 1903.



²³ *NRC Handelsblad*, 2 June 2005; *Trouw*, 3 June 2005; *Financieel Dagblad*, 2 June 2005.