

THE EUROPEAN JOURNAL

THE JOURNAL OF THE EUROPEAN FOUNDATION



MARTIN HOWE, QC
EUROPE'S EMERGING CONSTITUTION

&

DR RUTH LEA • BILL JAMIESON • LORD CHALFONT
WILLIAM REES-MOGG • RT HON. DAVID HEATHCOAT-AMORY
ANDREW ALEXANDER • LUCIA GOMEZ
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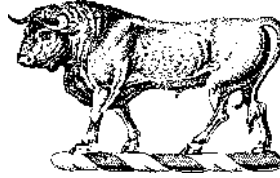
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SOLON

sōlon, n. a famous lawgiver of Athens (594 b.c.), one of the Seven Sages; a sage; a wisacre.



The Death-Knell for Britain

THE EUROPEAN LEADERS have shown their true colours at last. The constitution being drawn up by the Convention on the Future of Europe is for a federal entity. The concept of Europe has now moved far and away beyond being a trading agreement with political co-operation to a fully-fledged constitutional super-state. The *European Journal* has warned for years that this was the real agenda behind the political colouring. We have been proved right. Now we can see the reality, what should we do about it?

The urgency of this debate has become even more acute since the Copenhagen Summit on 12th and 13th December. We have always argued that widening of the Union, with the blackmail of the *acquis communautaire*, would deepen the integrationist process. The accession countries will eventually live to regret this unless we can arrive at a solution along the lines of the pamphlet *Associated Not Absorbed* written by Bill Cash last year.

The British Government is determined to sell its electors down the river, and go ahead with a United States of Europe (though it may quibble about the name) without any mandate from the British people. A European federation was not on the agenda at the last election; it is certain that Tony Blair was not elected in order to scrap our constitution. Unwritten though it is, our constitution represents the struggles, freedoms and values of generations of Britons. We must fight to prevent its downfall.

It makes no difference how many times the Her Majesty's Government claims that the European constitution is just a practical step, with everything just being written down for clarity. It is clear that the final document is in fact going to be, as its draft is, the basis of a federation. It contains fundamental changes that are not, and never will be acceptable to the subjects of the British Isles. They must be allowed to chose. For a decade, the European Foundation has been calling for a referendum beyond the issue of the single currency.

We are no longer alone in this demand. The Conservative Party is calling for a referendum, and to his credit on the 11th December in the House of Commons the Shadow Foreign Secretary, Michael Ancram, indicated that he now felt that we should have had a referendum on the Maastricht treaty in the early 1990s. Readers of the *Journal* and others may reflect on the fact that the European Foundation grew out of the Maastricht debates and the Maastricht Referendum campaign. This campaign was the driving force for a referendum on the whole issue, not exclusively on the single currency. Even in those days we obtained half a million signatures on our petition. Sadly, this was undermined by the vote in the House of Lords when hundreds of backwoodsmen were wheeled in by the Chief Whip to over-rule the stalwarts from all parties.

This new constitutional proposal from the Convention on the Future of Europe builds on the infrastructure of Maastricht, Amsterdam and Nice but now transcends them. Those treaties should never have been let through. However, it is clear that, in all material respects, the new constitutional proposals will now go through if unopposed. We have to face this. The very fact that this is a constitutional framework, whatever it is called, makes it a stake to be driven through the heart of our own constitution.

It is crucial that the citizens of the UK should be fully informed, well in advance of any vote or other resistance on this constitution. The contitution will have a massive impact on the British people. It would subvert power away from Westminster, negate our laws and inevitably lead to European taxation. We would no longer be an independent and democratic nation but a mere region of a European Empire. The laws which it will promulgate and sanction will not be properly scrutinised and our Westminster democracy will be undermined. We have moved past breaking point. A campaign against the European constitution must be mounted now. It will be no good waiting until the last minute. The issues must be put into simple language and described in a manner which is relevant to peoples' daily lives. An explanation of the European Arrest Warrant would be a good starting point.

Given that the Labour party is now committed to the European Constitution, we must without delay mount a campaign for a referendum on the constitution as well as on the euro. It was only political will which forced a referendum on the euro. The same pressure must be applied again. Indeed, there is a dire need for referendums throughout Europe, including the accession countries. We need a grand European strategy, drawing upon alliances throughout the entire European continent.

Leadership is crucial. For those who have read John Ramsden's recent book on Churchill they will see that Churchill would have taken up this challenge in the national and European interest.

With the present government and with the European élite against us there will be a fight. Indeed, Labour politicians also must ignore the Whips and stand up for their beliefs, as many of them now increasingly show signs of doing.

This is the biggest turning point in our history since the betrayal of appeasement in the 1930s. Albeit belatedly, we did the right thing then. We must do so again now. We must fight on and fight to win: to win the right to maintain our freedom our democracy our tradition and self-government.

The most important question is 'who governs Britain?' As William Pitt the Younger said, "*England has saved herself by her exertions, and will, as I trust, save Europe by her example.*" We must save Europe again.

The Common Fisheries Policy and the wreckage of an industry

by Dr Ruth Lea

Introduction

The UK joined the European Communities – the European Economic Community (EEC or ‘Common Market’), the European Coal and Steel Community (ECSC) and the European Atomic Energy Community (EAEC or Euratom) – on 1 January 1973. Denmark and Ireland joined on the same day. So 1 January 2003 was the thirtieth anniversary of British membership of ‘Europe’. Over the intervening 30 years the EEC has been transformed. Political and economic integration has proceeded apace, though it should always be remembered that the EEC was, from its inception, about political integration. The 1957 Treaty of Rome spoke of the “*ever closer union of the peoples of Europe*”, and so it has proved to be. Indeed the ‘European Union’ (EU) was set up under the Maastricht Treaty as agreed at the Maastricht Summit of 1991.

Over the last 30 years the EU has increased in size as well as political integration (‘widening’ as well as ‘deepening’). Greece joined in 1981, Spain

and Portugal in 1986, and Austria, Sweden and Finland joined in 1995. Over the next couple of years the current ‘15’ is expected to become ‘25’ but enlargement is not expected to stop there.

EU membership has, of course, meant winners and losers – but, arguably, the biggest loser has been the British fishing industry. The Common Fisheries Policy (CFP) is devastating the industry and the decline is far from over.

The 1970s

In 1970, when the UK, Norway, Ireland and Denmark (all with substantial fishing waters) were negotiating entry into the European Communities, the Six hastily developed the CFP, the key feature of which was that all Member States would have “*equal access*” to EEC fishing grounds, which would become a “*common resource*”. This was a problem for all the applicant countries because they were fish rich – but especially for the UK and Norway (which subsequently did not join because it could not accept the CFP). The UK government,

however, finally agreed to the CFP in 1971 with the relatively minor concessions (“*derogations*”) that the limit for national “*exclusive*” coastal fishing rights would be 0 to 6 miles, and the limit for “*partial*” rights would be 6 to 12 miles. These concessions were originally for 10 years only, expiring on 31 December 1982, but were extended to 31 December 2002. (This original “*transitional phase*” was, therefore, due to expire at the end of 1982.)

In 1976 the UK parliament passed the Fisheries Limits Act, extending Britain’s fisheries limit from 12 to 200 miles (which, on some estimates, enclose about 80% of western Europe’s fish). This Act accorded with international law but, because of the terms of Britain’s accession Treaty, the extra fishing grounds were handed over to the EEC to be shared with every other Member State.

The 1980s

Until 1982 there were few further developments, but all changed in 1983 when a system of total allowable catches (TACs)

Sir George Gardiner (1935–2002)

A tribute from the European Foundation

The European Foundation is very sorry to have learned of the death of one of its most respected advisory board members. Sir George Gardiner was known as an “*icon of euroscepticism*”, and had found unpopularity within the Conservative Party for sticking up for his sceptic viewpoint through both the Thatcher and Major governments.

Sir George had an interesting and varied career. After taking a first in PPE from Balliol College, Oxford, he went on to become a prominent lobby journalist and political commentator. At the age of 39 he became an MP quickly gaining a reputation as a zealous Thatcherite. She never rewarded this support with a position in her Government. She did however, recognise his high profile loyalty to her with a knighthood in her Resignation Honours List. When Major became the Prime Minister, Gardiner continued his backbench career, vociferously fighting for both eurosceptic and right wing causes.

As a committed eurosceptic, Sir George did not find it easy to conform to the policies of the Major government. Sticking to his principles, he continually harassed Major and his supporters over the European issue, and was one of the Maastricht rebels, whom John Major famously labelled ‘bastards’ who were trying to sabotage his European policy. Gardiner was one of the backbenchers who was immensely proud of this label and subsequently published his account of the story under the title of *A Bastard’s Tale*.

Prior to the 1997 general election, Gardiner’s Reigate constituency deselected him, and he stood in the same seat for the Referendum Party. He was unsuccessful and was not in Parliament to witness the accession of one of his fellow Maastricht rebels to the leadership of his original party.

At only 67, Sir George had accomplished a huge amount, especially for the eurosceptic cause, and he will be greatly missed.

and quotas on a species-by-species basis (with minimum permissible mesh sizes) was introduced. Any fish that were caught that didn't fit the species quota were discarded (thrown back into the sea) even though they were probably dead and could otherwise have been marketed. This policy of dumping millions if not billions of discards, nothing but rotting pollutants, has been at the heart of the ecological disaster that has happened in our fishing waters over the last 20 years – along with general over-fishing and the lax compliance standards of the large Spanish fleet.

Ostensibly the quota system was about fish conservation and management, but it has clearly been counterproductive and in reality it was driven by a politically integrationist agenda intended to achieve “equal access” to all EU Member States to “Community waters”. This inevitably meant that those with large fish stocks would be sharing them with countries that had fewer fish stocks. The UK came out of the 1983 share-out particularly badly. Even though we had, possibly, 80% of the stocks our allocation was a mere 37% by volume and possibly as low as 12% by value.

The 1983 system was designed to operate for two 10-year periods until 2002, during which time the Commission intended to delay Spain's and Portugal's full rights to the “Community waters”. This would give the Commission time to reduce the fishing fleets of the other EEC countries by various nefarious means before Spain was fully part of the CFP. The Spanish fleet was a particular problem because, even though it was a very large fleet (much bigger than Britain's), Spain had few “marine resources”. The Spanish, however, partly circumvented

the restrictions placed upon them by registering their boats (‘flag boats’) and buying licences, with fishing quotas attached, in other countries (especially in the UK). This ‘quota hopping’ activity had become so serious a problem for the British by the late 1980s that they passed the 1988 Merchant Shipping Act, trying to make it illegal. Suffice to say, the European Court of Justice (ECJ) overruled the British law in 1991.¹ By the mid-to-late 1990s more than 25% of UK quotas were in foreign hands.

The 1990s

The sad story continues into the 1990s. In 1992, in the name of “conserving fish stocks” all national fleets were instructed to reduce their “fishing effort”; Britain was asked to cut its quotas by 19%. Decommissioning of some British boats inevitably followed.² Then in 1994 Spain threatened to veto the membership of Austria, Finland, Sweden and Norway (which voted ‘No’ again) if it did not have full access to “EU or Union waters”, as they were now known, by 1996. Concessions were made.

By 1996 it was increasingly clear that the northern countries (especially the UK) were having their national fleets drastically reduced in order to create room for the full access of the loosely regulated and vast Spanish fleet. The ‘conservation’ arguments were, in part, a smokescreen. And, sure enough, in 1996 the UK was told to cut its fleet by 40% (on top of 1992's 19%) – for the sake of ‘conservation’.

The 2000s and the future

31 December 2002 marked the end of the “transitional phase” for Spain and the Spanish fleet now has full access to “Union

waters”. Another development is that the old-style CFP, with its defective quota system, is being replaced by a new-style non-political Commission management committee that will dictate through an individual licensing system precisely how each fisherman will be allowed to fish. It is about the most rigid centralised system that could have been devised and one likely to exterminate small family enterprises. And, finally, there is enlargement with the fleets of the eastern European applicant countries (many of which, including Hungary and the Czech Republic, are totally landlocked) that will also eventually have access to “Union waters”. The future for British fishing and Britain's fishing communities is bleak indeed. And I used to think that the Common Agricultural Policy (CAP)³ was the maddest and most inequitable bureaucratic system ever.

1 This was the “Factortame” case in which Factortame, a Spanish-owned company registered in the UK to enable its owner to exploit British fishing quotas, challenged the 1988 Merchant Shipping Act. The ECJ ruled in favour of Factortame, over-ruling the Merchant Shipping Act.

2 Though, at the same time, the British taxpayer (via the mechanism of the EU budget) was contributing to the building of brand-new Spanish trawlers (the “modernisation” programme).

3 Lea, Ruth: “CAP: a catalogue of failure. The need for radical reform” (IoD, 2000).

Dr Ruth Lea is Head of the Policy Unit at the Institute of Directors.

... news in brief

Big bang

*Wonderful, wonderful Copenhagen,
Friendly old girl of a town, 'Neath her tavern light
On this merry night, Let us clink and drink one down*

The spirit of Danny Kaye will reign over the proceedings which open today in the Danish capital – a lot of shlocky and cheesy bonhomie will conclude what promises to be a ‘three shirt summit’ as the suits hunker down for a lot of last-minute brinkmanship over the minutiae of the EU's agricultural policy. If Tocqueville said that dictatorship would have arrived in France when farmers are told what grapes to grow, how would he find words to describe the EU's Common Agricultural Policy? As the Digest has been saying for years, all the key financial questions have been left until the last minute, and so the newswires have been humming in recent days with excited reports of the latest “breakthroughs” in the negotiations. So for instance Estonia (which has a population the size of

about three medium-sized English towns) has won the “right” to continue fishing herrings in the Baltic sea- they are smaller than the EU “standard” herring, and therefore require a special dispensation - and also to continue hunting bears and lynx. [RFE Newslines, 10 December 2002] The biggest issue of all, however – Poland – has also been left unresolved even as the first glasses of champagne are being sipped in the Amalienborg Palace. The Polish prime minister, Leszek Miller (Communist) went into the summit saying that his country needed more subsidies, or else he would be unable to sell EU membership to an increasingly sceptical Polish public. The Hungarian prime minister, Peter Medgyessy (Communist, former agent of the Hungarian KGB) gave a guarantee that his country would not be a net contributor to the EU budget ... for the first year of membership. After that, it will pay more into the EU coffers than it takes out. Finally, all governments in the candidate states have been coordinating with each other over the dates of their referendums, so that the most Europhile countries go first, with the most Eurosceptic ones voting later on.

Europe's Emerging Constitution: No Room for Democracy

by Martin Howe, QC



THE so-called Constitutional Convention under Valéry Giscard d'Estaing has now published its preliminary draft of a "Treaty Establishing a Constitution for Europe". This body has been beavering away for many months, its proceedings almost unnoticed by the media, particularly in Britain. It deserves to be noticed.

The Convention is consciously modelling itself on the process which gave birth to the United States of America and its Constitution. The process of formulating a constitution for Europe is regarded by Giscard and the other members of the Convention as a profound act with far reaching consequences. There is nothing dishonourable in advancing the argument, as Giscard openly does, that the European Union should evolve into a State, and that it should be provided with the constitutional mechanisms to achieve this aim.

But on this side of the Channel, as so often before, it is heads in the sand as usual. Instead of confronting this development and asking the British people whether they really want this to happen, every attempt is made to belittle or ignore its real importance. Our Foreign Secretary Jack Straw compares the exercise of creating a constitution for Europe with writing a

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constitution for a golf club. It is presented as simply a bit of tidying up of some untidy treaties. Once again, we see a mixture of self-delusion and mendacious deception of the British people about the real consequences of developments in Europe, instead of an honest debate about what those consequences are and whether we want them or not.

Let us consider the draft Constitution itself.¹ It is only an outline. Many of the draft Articles merely indicate in general terms what will be covered, and other sections consist only of lists of clauses to be inserted later. Its provisions are subject to amendment by the Convention or by the member states. Nevertheless its structure will set the framework for further discussion, and will largely define the terms of debate. The draft Constitution itself is reinforced and amplified by a series of reports on specific subjects produced by

working groups of the Convention.²

Article 1 of the draft Constitution states that the European Union will become:

"A Union of European States which, while retaining their national identities, closely co-ordinate their policies at the European level, and administer certain common competences on a federal basis."

We can leave aside the reference to the retention of national identities, which is legally and constitutionally meaningless. The constituent parts of the United Kingdom can be said to have retained their national identities, even though they became constitutionally integrated into a single unitary state. The reference to "certain common competences on a federal basis" is an accurate description of what the framers of this Constitution are setting out to achieve, although the word "certain" rather modestly conceals the enormous range of matters which would be covered as exclusive or shared competences. The word "shared" competence is rather misleading, since in areas of "shared" competence, as and when the Union takes action, the member states may act only within the limits defined by Union legislation. For "shared" therefore read "transitional" or "on sufferance until the EU takes it away".

THIS CONSTITUTION would represent a major conceptual shift from the present position. At present, the European Union and its institutions are international organisations which are established by treaty between the member states. They are the creatures of the member states. As such, their powers are limited to the competences which the member states have conferred on them by treaty: even if these competences are interpreted ever more widely by the Commission and the European Court.

A Constitution is conceptually different. It defines and limits and shares out powers between the Union and the member states. By doing so, it defines, limits and confines the powers of the member states. It is true that Article 8 would provide that any competence not conferred on the Union by the Constitution rests with the member states. But this clause is very similar to the Tenth Amendment to the US Constitution.³ The Tenth Amendment has not prevented the USA from developing into a fully fledged state, nor prevented the Federal authorities – Congress, President and Supreme Court – from amassing greater and greater powers at the expense of the States. No-one would argue that the States of the USA are independent nations even though they have a considerable degree of internal autonomy: in many respects greater than that which would be permitted to the member states of the United States of Europe under this Constitution.

The Constitution would create a new and different starting point when it comes to defining the respective powers of the EU institutions and the member states. Any suggestion that this Constitution would just be a tidying up exercise that would not alter anything of substance is in the realms of fantasy. The European Court pointed out in the *EEA Agreement* case⁴ that it interprets the legal texts which it enforces largely by reference to their “*objects and purposes*”. This means, as pointed out in that case, that identically worded provisions in two different treaties can have very different effects. Clearly, changing the legal basis of the EU from a series of treaties to a self-contained Constitution would fundamentally alter the Court’s view of the “*objects and purposes*” of the fundamental legal texts which it is applying. This would radically affect its interpretation and application of treaty provisions as well as of the scope of directives and regulations. In practice, there would be a presumption that the member states are only permitted to exercise powers

in the residual areas left to them under the Constitution, and even in those areas they would have to fit in with any over-arching EU policies or foreign policy imperatives in accordance with their duty of ‘loyal co-operation.’

That leads to the question of the name for this body. Article 1 of the draft constitution sets out four alternatives: European Union, European Community, United States of Europe or United Europe. This issue of the name has already allowed the British government to engage in some silly and irrelevant posturing. No doubt it will block the adoption of the name “*United States of Europe*”. It may even force the removal of the word “*federal*” from the second clause of Article 1, quoted above. But unless such cosmetic changes are accompanied by profound changes to the body of the Constitution itself, changes of this kind will merely conceal and not alter the true nature of the animal which is being created.

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The true nature of the successive steps taken in Europe has been repeatedly obscured by silly and irrelevant arguments about the meanings of words. One such semantic argument has been about whether or not the European Union is or will become a “*state*”. Let us look at the substance rather than the label. Community law is recognisable as a classic federal system of law. Sovereignty is exercised within certain fields by the central European authorities to the exclusion of the authorities of the subordinate units of government, the member states. The federal laws apply directly within all parts of the federal state and override any local laws which conflict with them. The subordinate units of government may be punished with fines if they disobey the federal laws.

The scope and content of the federal laws, and the powers of the federal institutions, are determined not by the lower units but by

the organs of the federal authorities, most importantly by the supreme constitutional court or European Court of Justice. The scope of the remaining powers left to the lower units of government, is limited to what is left after the federal authorities have applied and interpreted their own laws.

In addition, the EU satisfies a number of the other requirements for the creation of a state recognised by international law. It has a Citizenship of the European Union. The Union has a clearly defined external frontier, with free movement of citizens inside that frontier and a common system of visa control on foreign nationals who cross that frontier. The Union has an executive (the Commission), a legislature (the Council of Ministers in conjunction with the European Parliament), and a developed judicial system with the European Court as supreme court, a lower Court of First Instance, and a developing further tier of specialist courts and judicial bodies.

The Union has its own currency and a common economic policy, with legally binding guidelines on the member states’ conduct of macroeconomic policy and on budget deficits. It has a common foreign and security policy, it is developing its own armed forces, and it is creating a nascent system of federal criminal law through such measures as the European arrest warrant and the ‘harmonisation’ of substantive criminal laws. The inevitable conclusion must be that the European Union now possesses many of the most important features which are the recognised attributes of a state. Choosing not to call it a state will not alter the reality.

The Constitution will drive that process further forwards.

Under the guise of simplification, it would divide its provisions between those that are fundamental, and those that supposedly merely set out policies. That would open the door to a relaxed method of amendment of the supposedly non-fundamental provisions, at least by dispensing with the requirement that each member state should ratify such changes in accordance with its constitutional requirements, and possibly by permitting amendments to “*policy*” articles by QMV rather than unanimity. If that is done, very important “*policy*” powers, such as for example the already broad power to legislate for single market matters under Article 95 EC, could be yet further broadened without a right of veto.

The Constitution would abolish the existing “three pillar” structure of the EU and merge it into a “single institutional framework”

The Constitution would abolish the existing “three pillar” structure of the EU which was established by the Maastricht treaty, and merge it into a “single institutional framework”. Foreign policy and criminal and judicial matters would become fully supranational instead of being in the present hybrid area. The Union would be given full “legal personality” in international law, so that treaties would be entered into by the Union in its own name and member states would, like states of the USA, no longer be parties to international treaties under their own names.

The supremacy of Union law over the laws of member states is reinforced by Article 8 of the draft Constitution, which also imposes an “obligation of loyal co-operation vis-à-vis the Union” on member states. Such a duty would go beyond the existing duty under Article 10 EC on member states to facilitate the achievement of the Community’s tasks, and in the creative hands of the European Court could readily be interpreted as a duty to co-operate even in the residual areas of competence which would be left to member states.

Article 15bis of the Constitution would establish a new post of President of the European Council: in effect, a new semi-permanent President of Europe, although with term and method of election yet to be defined. Article 18bis would expand further the powers of the President of the Commission.

The EU Charter of Fundamental Rights would be given substantive legal effect under the Constitution. Since the Charter contains many provisions which relate to spheres of policy which at present only have relevance to the member states and do not impinge on EU competences, this can only be a Trojan horse which will be used to subordinate further areas of residual competence of member states to the jurisdiction of EU courts and institutions.⁵

What the Constitution lacks, and where it differs from the American historical precedent which the Convention is trying to mimic, is any serious democratic dimension. It would further strengthen the EU

power structure for the benefit of the European élite. The European bureaucratic and political élite will seek to force it through with the minimum of real democratic scrutiny. In place of any real commitment to democracy, Article 34 contains Orwellian new-speak about “participatory democracy” through so-called “citizens’ organisations”, i.e. the unrepresentative Brussels lobby-groups which already have far too much power and influence. Its commitment in Article 35 to a uniform procedure for the election of members of the European Parliament would be used, via national lists and EU and state funding of elections, further to insulate that body from any real accountability to the voters.

The European élite will seek to force it through with the minimum of real democratic scrutiny

The pace of European integration has quickened again. There were nearly 30 years between the original Treaty of Rome and its first major revision under the Single European Act. Maastricht followed 7 years later. Amsterdam and Nice then followed in short succession. Nice has expanded the areas covered by QMV and expanded the powers of the institutions. Enlargement of the EU will in practice make it easier for measures to be passed under QMV because it will be harder to gather together the increased numbers of states needed for a blocking minority; and the new entrants will be client states whose votes will be readily biddable in return for favours in other areas.

It was argued that the changes made by Nice were necessary in order to allow an enlarged EU to work. One might have thought that the need for any further constitutional step should be assessed once it was seen how the changes by made the Nice Treaty worked out in an enlarged EU. Yet this new Constitution was drafted before Nice even came into force following the Irish referendum re-vote. This demonstrates that the process of European centralisation of power has developed a momentum of its own which has virtually disconnected the process from external events or objective justifications. Issues such as enlargement are merely used as a pretext to justify an agenda which is pursued with quasi-religious enthusiasm for its own sake.

Issues such as enlargement are merely used as a pretext to justify an agenda which is pursued with quasi-religious enthusiasm for its own sake.

This development needs to be met with a simple and consistent political response, built up over time as the Convention progresses. If there is to be a European constitution which will embrace Britain, then the British people must first be consulted in a referendum. The British people have through the processes of their history delegated legislative powers to their Parliament. Those powers are for Parliament itself to use and exercise, not to transfer to other bodies. As John Locke argued, the transfer of legislative power to another body, as distinct from the mere exercise of legislative power, requires the consent of the people from whom Parliament originally derived its power to legislate.

1 Available at <http://european-convention.eu.int/docs/sessplen/00369.en2.pdf>

2 See for a list of working group reports on Subsidiarity, Charter/ECHR, Legal Personality of the EU, and Rôle of National Parliaments.

3 This reads: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

4 *Re Draft Treaty on a European Economic Area: Opinion 1/91* [1992] 1 CMLR 245.

5 Exactly such a process took place in the USA. The Bill of Rights as originally framed was thought to apply only to the Federal Congress and Federal authorities, it being for the individual States to decide whether to have their own Bills of Rights or similar measures to regulate their own powers. But following the Civil War in a series of decisions which owe more to political expediency than any legal logic or rationality, the US Supreme Court decided that the Federal Bill of Rights bound the States as well. This greatly expanded the powers of the Federal Courts to intervene in State matters with no Federal dimension.

Martin Howe, QC, is a barrister specialising in all aspects of intellectual property. His main areas of work include the EU, and he regularly appears before the European Patent Office in Munich.

The Explosive Geometry of Europe's New Constitution

by Bill Jamieson

TO DATE, media coverage of the Convention on the Future of Europe has concentrated on the more controversial proposals for a 'President of Europe' and for a European 'Foreign Secretary' advanced by Romano Prodi and others. But the graver dangers to the sovereignty of the UK parliament and to the territorial integrity of the UK lie much closer to home.

No political entity in history has sought to create jurisdictional competence over so many nations and so many millions and to claim in doing so a democratic legitimacy

Central to the work of the Convention on the Future of Europe is the creation of greater political legitimacy for the machinery of EU decision making. That legitimacy is in turn a prerequisite for the widening and deepening of the legislative competence of the European Union as it seeks to expand to include 25 nations and embrace more than 500 million people. No political entity in history has sought to create jurisdictional competence over so many nations and so many millions and to claim in doing so a democratic legitimacy. For a striking feature of this deepening of the EU is that at no time have the peoples of Europe spontaneously demanded it. Rather, the pressure for its creation has come from a small group of European Commission officials and former heads of state of EU countries. Despite the enormity of this ambition (or perhaps because of it) the British Prime Minister has indicated his wish that the UK be fully involved in the process. Indeed, Mr Blair believes that the fullest engagement and participation in EU decision making is, as membership of the European single currency also is, Britain's "destiny".

However, there is little evidence of concern or cautionary principle evident at the highest level of the UK government over limits to the EU's legislative competence. It is effectively *carte blanche* for the Union. And there appears to be no recognition of the argument that before deepening its competence the EU should concentrate on completing what it was initially set up to do – to create a functioning single market in trade, goods, capital, ideas and people, and an institutional framework capable of effecting this without serious allegations of corruption. It would also give some confidence if the European Commission were capable of producing an unqualified set of accounts – a basic requirement that has eluded it for more than a decade. It would surely be more reassuring as to competence that basic compliance with existing laws and regulations is achieved before undertaking a quantum leap in creating the largest single economic, political and legislative institution ever envisaged in the history of the world.

But there is another dimension to the Future of Europe debate that has profound implications for the UK. This is the opportunity that the new EU constitution will afford for the advancement of the EU's regional policy through enhanced powers for the EU Committee of the Regions.

This paper will examine how the debate on a new EU constitution is proceeding in Scotland. It will look at the implications for the UK in separate Scottish (and possibly other) UK regional representation in Brussels. It will show how these would diminish the authority of the UK government as the exclusive representative of the UK in the institutions of the EU. And it will warn that the creation of a new constitution for Europe is likely to have profound consequences for the UK, undermining not only its parliamentary institutions, but also triggering a constitutional conflict of competencies with every potential to undermine the UK as a unitary state.

The Scottish Parliament has wasted no time in seizing the opportunity offered by the debate on the Future of Europe to call for separate representation for Scotland in the institutions of the European Union. It

The Scottish Parliament has wasted no time in seizing the opportunity offered by the debate on the Future of Europe to call for separate representation for Scotland in the institutions of the European Union

has done so with a briskness and enthusiasm that the UK Prime Minister would surely admire until, that is, the implications are fully understood.

The Parliament's cross party European Committee has been given an astonishingly wide remit that goes well beyond the devolved competencies on EU matters as laid down in the Scotland Act. It is to consider and report on the proposals for European Communities legislation, the implementation of that legislation and any European Communities or European Union issue: a sweeping brief indeed. The Committee issued its report¹ on 4 December 2002. Among its principal recommendations are that "*the new Treaty should recognise the importance of regional and sub-member state governments to the decision making process of the EU.*"²

On superficial reading there is little in this 20 page report with which a reasonable person would disagree. A key concern is to strengthen the accountability and transparency of the European Union. But nowhere is any concern expressed that the expansion implicit in the proposed new constitution for the EU rests on any voluntary or spontaneous European *demos*, or indeed that the absence of such a *demos* can be made good by institutional hectoring and exhortation. There are recurring calls to enhance the legitimacy and powers of the European Parliament. But there is little recognition that the proposals would lead to the transfer of power from legislative bodies with high levels of voter

participation to one with the lowest of voter turn-out in the OECD. There is little sign of any regard for the constitutional sovereignty and the stronger democratic legitimacy of the Scottish and Westminster parliaments as measured by voter participation. For the record voter turnout across the EU for the European parliament has never exceeded 36.4 per cent. Voter participation in elections to the European parliament in the UK is even lower. In June 1999 just 24 per cent of those registered to vote turned out. It is, in democratic terms, absurd, that more power be given to this institution when compared, for example to the Scottish parliament where the turn-out in the 1999 election was 59 per cent, and to the UK parliament, where the turn-out in 2001 was 59.4 per cent. (This was despite the sense of a 'foregone conclusion' result that may have deterred many voters. A fairer comparison may be with 1997 when the turn-out was 71.5 per cent.)

There is another striking lacuna. The Committee does not raise the issue of the decline in personal liberty and civic rights within the EU. An EU-wide arrest warrant is being introduced which will allow extradition from one country to another for offences as vague as "xenophobia" and "swindling". A definition of terrorism has been introduced that is so broad that virtually anyone engaging in civil disobedience can be charged with a serious offence. The so-called "*Corpus Juris*" proposals are designed to produce a "*unified legal space*" covering the whole of the EU, based on the continental Napoleonic code rather than the British Common Law tradition. Furthermore, a legal system is being introduced which ends rights such as Habeas Corpus. No longer will anyone arrested have to be either charged or released. Particularly worrisome are proposals that would make life difficult for organisations that do not share the centralising goals and increasing legislative powers of the European Union.

It is particularly strange that the Scottish Parliament's European Committee has not taken the opportunity of the debate on the future of the Union to press for tighter anti-corruption procedures in the European Commission. It is a Scot, Dougal Watt, who has become the latest EU official to go public with allegations of corruption in Brussels. Mr Watt is back in Scotland on sick leave after claiming to have uncovered a web of corruption involving officials from the EU's Court of Auditors, the very organis-

ation that is responsible for monitoring its spending. But Mr Watt is only the latest in a lengthening line of officials, such as Marta Andreasen and Paul van Buitenen, who have brought allegations of corruption to public attention only to suffer for their pains.

In addition, the Committee appears to embrace the view of an all-encompassing and unrestricted European Union and is dismissive of the powers and responsibilities not only of Westminster but also the Scottish legislatures. For example, paragraph 32 of the report states that "*the people of Scotland have specific expectations of the European Union. These include safeguarding peace and security, cutting unemployment, countering crime in general and organised crime in particular, heading off poverty, guaranteeing equal opportunities, protecting the environment, the quality and safety of products, etc.*" (My emphasis).

All of these are noble and laudable objectives. But at what point, precisely, and in what way did "*the people of Scotland*" come to harbour such high expectations about the competence of the EU, and endorse them as the EU's legitimate business? Sweeping responsibility for external security, defence, policing, unemployment, the economy, the environment and the ideal of "*heading off poverty*" (whatever that may mean) is attributed to the EU even though responsibility for these issues resides with the UK government and the Scottish parliament in Edinburgh. Nowhere is there any discussion as to how these objectives are to be met by the institutions of the EU, still less in what manner, and why co-operation over such responsibility should necessarily be transferred from *intergovernmental* to *supranational* institutions at all.

The Committee explicitly declines any discussion of what the aims and objectives of a new European Union treaty should be (paragraph 38) or where its remit might begin and end. But it is content to accept that the skeleton structure provided by Convention Chairman Valéry Giscard d'Estaing "*is a good working model*". No reason is given for this view, or any detail of the discussion that led up to it.

The Committee's report calls repeatedly for more involvement of the regions, and regional consultation in EU decision-making. Curiously, the reason given for this is not because it might advance the interests of the regions. It is because, in the words of the Committee, "*the European Union can only achieve its goals in terms of democracy,*

transparency, efficiency, flexibility, proximity (sic), effectiveness and accountability if it provides more opportunities for the regions and localities with legislative power and recognises them accordingly in its new constitutional treaty." (paragraph 42).

Quite why and in what specific respects it feels that separate representation of a smaller region would be more influential, or more successful in obtaining desired results than representation through a much larger group such as the UK, is never made clear

The report goes on to assert that, "*Regions' with legislative power must be an integral part of the EU's structure and recognised as such in the Treaties and working procedures*" (paragraph 53). Quite why and in what specific respects it feels that separate representation of a smaller region would be more influential, or more successful in obtaining desired results than representation through a much larger group such as the UK, is never made clear. But the Committee does not stop at the mere assertion that such an outcome would be desirable. It goes on to pinpoint the exact clauses in EU treaties that should be rewritten to give this effect. Specifically it suggests a "*redefinition*" of Articles 5, 10 and 211 of the EC Treaty (paragraph 62) and that the regions should be given "*Partners of the Union*" status through a "*redefined*" Article 6, paragraph 3 of the Treaty.

Now this is a remarkable declaration for a Scottish parliamentary committee, given that the UK's relations with EU countries and non-UK institutions are matters reserved for the Westminster parliament under the devolution settlement and this is expressly laid down in the Scotland Act. The Act recognises that the Scottish Parliament and Scottish Executive has a role in those aspects of EU business that affect devolved areas. But the White Paper on devolution stressed that the UK parliament "*necessarily*

have the lead role in EU matters”, that the role of Scottish ministers and officials would be to support and advance the single UK negotiating line. The SNP has lost no opportunity to embarrass the Scottish Executive for not “standing up for Scotland” in dealings with the EU. Nationalists say the current arrangement means that Scotland would always be subservient to Westminster and that it has been so throughout the fishing industry crisis.

Indeed, it is this aspect of the devolution settlement that has set up the equivalent of a ticking time bomb within the British constitution. There has been considerable political friction in the Scottish parliament as to whether Scotland’s concerns are being pressed with sufficient vigour in Brussels. This has been a particularly thorny issue in the current fishing crisis, with the nationalists demanding that the Scottish fishing minister lead the UK delegation.

The Committee’s recommendations pose a direct challenge to the provisions of the Scotland Act. But its claim to legitimacy in involvement in the issue of constitutional reform is threefold.

First, failure in Scotland to meet EU obligations in devolved matters could result in fines and penalties that must be paid out of the budget controlled by the Scottish Parliament. Second, with Scotland’s distinct legal system and greater interest in areas such as fisheries and forestry Scotland needs to have a good working relationship with the EU and how it works. And third, there is a need to create, and recognise legally in the treaties that form the

cornerstones of the Union, a role for such regions or nations such as “Partners of the Union”.

Given that the SNP enjoys between 30 and 35 per cent of the popular vote, it is not inconceivable that these clauses will come to form the crowbar by which it could prise out for Scotland a separate, legally recognised presence in the EU. The UK parliament would lose its position as the entity responsible for any EU legislative competence in Scotland. Little wonder that more impatient nationalists have a most proactive view towards the EU. To the extent that the sovereignty and territorial integrity of the UK is weakened, it is doubtful that such treaty amendment would meet with much opposition within the EU. And to the extent that the authority of the UK government is weakened in Scotland, and that Scotland would be able to advance its own case for EU grants and subventions without the UK, nationalists would regard it as a wholly desirable development.

Before the Scots rush to congratulate themselves on a blessing, they must be tolerably sure that they have really received one

But such a change is likely to be preceded by an intensifying feuding of competencies until one side or the other gives way. That,

on present trends, is likely to be the UK parliament. But before the Scots rush to congratulate themselves on a blessing, they must be tolerably sure that they have really received one. For the prime mover in this development is the EU and its relentless ambition to expand its competencies. Nor is this likely to be a supranational legislature of light and unintrusive touch, given the expectation of overarching competencies in external defence, internal security and policing, the economy, unemployment, the environment and, as the Scottish Parliament’s European Committee so helpfully adds, “etcetera”. This is surely a recipe for a constitutional dog’s dinner. And it is a dish hardly likely to appeal either to the Westminster parliament or to more thoughtful nationalists. For separatism in this context could not possibly be confused with independence, still less a sovereign Scotland. By far the greatest beneficiary in the constitutional model being advanced are the EU institutions at the centre and the losers will be the nations and regions who find their legislative sovereignty reduced and their integrity compromised.

1 Scottish Parliament European Committee, 6th report 2002. Report on the Future of Europe. SP paper 705. 4 December 2002.

2 Ibid, page 1

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... news in brief

Germany reduces European arms sales

Peter Struck, the German defence minister, has said that Germany will now be ordering only 60 military Airbuses instead of the 73 initially planned, and that it will be purchasing only 600 Meteor missiles instead of 1,490. These measures were announced as part of a savings package which the minister said the government was obliged to introduce in order to keep control of the budget deficit. The planes and the missiles were supposed to be for the planned European Union Rapid Reaction Force of between 60,000 – 90,000 men in which, for the time being, Germany, France, Spain, Belgium and Luxembourg participate. Struck said that €6 billion less would be spent on procurement than initially planned for the period 2003–2006; this is out of a total defence budget of €24 billion per year. He said that other cuts in defence spending were also likely to be announced in due course. European industrialists are afraid now that the Typhoon Eurofighter and the Tiger attack helicopter may suffer from these cuts. The former is a competitor to the French Rafale and the latter to the US-made Apache AH-64. Discussions are currently being held with Britain as to whether the UK might take some of the Typhoons which Germany is no longer going to order. Germany

will now take only 80 helicopters, instead of 212. The cuts in the Airbus orders mean that EADS, which makes them, now has only 180 aircraft orders on its books in eight countries. Portugal may also be cutting its orders, because its budget deficit must be cut if it is to conform the Maastricht rules. The French defence minister says that the aircraft building programme for the A-400M might be able to go ahead anyway, but that it would not be deliverable until 2009. In the meantime, the Europeans could rent American C-17s or Ukrainian Antonovs. Germany’s decision to pull out of the purchase of Meteor missiles means that that project (in which Germany has a 21% stake) might fail in the face of competition from the American missile, Eraam. [Jacques Isnard, *Le Monde*, 5 December 2002]

France to send more troops to the Ivory Coast

Following the despatch of British troops to its former West African colony, Sierra Leone, the French have announced that several hundred men will be sent within 72 hours as reinforcements for ‘Operation Unicorn’ which has been in place in the Ivory Coast since the end of September. The men will have the right to open fire on anyone who attacks them, said the chief of the French armed forces. [*Le Monde*, 12 December 2002]

Marching Towards a Superstate

by Lord Chalfont

THE grandiloquently styled Convention on the Future of Europe is confronting the United Kingdom, as it used to be called, with a moment of truth in its relations with the European Union. Lord Jenkins of Hillhead, former President of the European Commission, saw it coming more than two years ago and expressed it in characteristically forthright style.

“My central belief is that there are only two coherent British attitudes to Europe. One is to participate fully... and to endeavour to exercise as much influence and gain as much benefit as possible from the inside. The other is to recognise that Britain’s history, national psychology and political culture may be such that we can never be other than a foot-dragging and constantly complaining member; and that it would be better, and certainly would produce less friction, to accept this and move towards an orderly and, if possible, reasonably amicable withdrawal.”

However, as Dr Johnson once said, in lapidary inscription a man is not on oath, and it may well be possible to escape both these two extremes. It may yet be conceivable, although it is unlikely, that the Convention could be persuaded to modify its current obsession with ‘ever-closer union’ and contemplate a more flexible future for a Europe of nation states; but the march to a Superstate is gaining momentum.

With the possible exception of the single currency and the question of Corpus Juris, the most significant issue in the development of the European federal concept has been the European Strategic and Defence Initiative. The insidious way in which this was developed is typical of the campaign to turn the Common Market into a single European state. It began at Maastricht in 1992 where the treaty made references to ‘serious consideration of joint policies regarding defence, joint foreign and monetary policies and the eventual creation of a single currency’.

The next major step in the development of the European Strategic and Defence Policy came in 1998 at the British-French Summit at St. Malo when the French and British governments agreed, amongst other things, that the European Union ‘must have the capability for autonomous action, backed up by credible military forces, the means to decide to use them and the readiness to do so in order to respond to international crises’.

The shape of the European policy on Security and Defence emerged even more clearly at the meeting in Helsinki in December 1999. Here, the aim of the European Council left no room for doubt. It was to develop an autonomous capacity to take decisions and, where NATO as a whole was not engaged, to launch and conduct EU-led military operations in response to international crises. It was agreed to set up by the year 2003, a force of 50-60 thousand able to be deployed within 60 days and to sustain military operations for at least a year.

“When I was talking about the European Army, I was not joking. If you don’t want to call it a European Army, don’t call it a European Army. You can call it ‘Margaret’, you can call it ‘Mary-Ann’, you can find any name, but it is a joint effort for peace-keeping missions.” – Prodi

Although, in the conclusions of the Helsinki conference, it was protested that this did not imply the creation of a European Army, Romano Prodi, the President of the European Commission, obviously had other ideas, as was clear when he made the heavily jocular remark which has passed into the currency of the European debate. *“When I was talking about the European Army, I was not joking. If you don’t want to call it a European Army, don’t call it a European Army. You can call it ‘Margaret’, you can call it ‘Mary-Ann’, you can find any name, but it is a joint effort for peacekeeping missions – the first time you have a joint, not bilateral, effort at European level.”* In one sense Mr Prodi was right – Defence of the Realm is no joke.

In spite of all the routine protests about NATO remaining at the heart of European Defence Policy, it was obvious that the existence of two military alliances within Europe would inevitably have areas of

duplication and overlap. More importantly, it was clear that the European Defence and Security Initiative was no longer a purely inter-governmental matter, as one might naively have supposed after Maastricht and the St. Malo meeting. What was unfolding was a deliberate strategy to create not just a Common Foreign and Security Policy in Europe, but a single Foreign and Security Policy, which is a very different thing. The Presidency Report on European Security and Defence Policy at Nice in 2000 called for speed in the implementation of this policy.

Anyone who believes that this development was not part of the progress towards some kind of European Federation is not living in the real world. In a speech in Berlin in the summer of 2000, Joschka Fischer, the German Foreign Minister, spelled it out in unmistakable terms. Speaking in the context of Franco-German co-operation, he referred to *“the development of a European Federation which would develop its own institutions, especially a government which within the European Union should speak with one voice on behalf of the members of the Group on as many issues as possible with a strong parliament and a directly elected President. The last step will then be the completion of integration in a European Federation.”*

The alarm bells about the Convention should have begun to ring when the Council appointed Valéry Giscard d’Estaing as the Chairman

The debate about the European Security and Defence Initiative has, of course, been largely obscured by recent events, but the concept of a Federal Europe is alive and well and living in the Convention on the Future of Europe. This was set up by the European Council at Laeken in December 2001, and designed to provide a starting point for the inter-governmental conference in 2004. The alarm bells about the Convention should have begun to ring when the Council appointed Valéry Giscard d’Estaing as the Chairman of the Convention, and the

reports of its meetings have so far done nothing to allay the concern felt in many quarters at the intentions behind the establishment of the Convention. The Fifth Progress Report from the United Kingdom National Parliament Representatives on the Convention, published in November, contained a preliminary draft constitutional treaty which was a structural outline of a proposed treaty designed to establish a European Constitution.

This draft begins by advancing the possibility that the name of the European Union might be changed to 'The United States of Europe' – a fairly significant change, some might think, – and Article 4 of the draft refers to the explicit recognition of the legal personality of this grand new organisation. Although the draft makes occasional genuflections to the retaining of national identities and 'the principles of subsidiarity', it is intended that the new organisation should have a single institutional structure and that it should develop, among other things, a common foreign and security policy and a common defence policy. (Articles 29 and 30 of the draft constitutional treaty). In renewed pursuit of this aim, the Convention has set up 'working groups' on external relations and defence. The working group on defence, according to one of its members (a British Labour MP) will address such matters as co-ordination of military capacities, collective defence, a European armaments agency and improvements in planning and decision procedures – all the familiar ingredients of the 'European Army'.

All this is clearly a blueprint for the further transfer of our sovereignty and democracy to the rapidly emerging European Superstate. We have, indeed, finally reached the ultimate parting of the ways, and Britain has to choose which to take. As Lord Jenkins has suggested, there may be no room for compromise or tinkering at the edges; on the other hand, it may be possible to persuade the Convention to accept the proposition, advanced by David Heathcoat-Amory, one of its British members, that 'power should flow up from the Community's member states, not down from it bureaucracy'. The first priority is to abolish the practice by which European law has primacy over that of nation states. Among other imperatives, the Common Agricultural Policy obviously needs to be abandoned or comprehensively reformed; the powers of the European Commission drastically reduced and the justification for the existence of a European Parliament rigorously re-examined.

The praesidium of the Convention on the Future of Europe should read again the Laeken declaration from which they derive their existence. Amongst all its ambitious aspirations about Europe's new role in a global world, the declaration made clear that the citizens of Europe were worried about the bureaucracy of a European Union, and it went on to say "What they expect is more results, better responses to practical issues and not a European Superstate or European Institutions inveigling their way into every nook and cranny of life." Yet, leaving aside the somewhat dubious syntax

of this statement, it describes quite clearly what is actually *happening* in the European Union at the moment. Europe now has its own parliament and its own supreme court. In 1984 it raised its own flag; in 1986 it adopted its own anthem and it now has its own citizenship, passport and driving licence. The European Union is taking on all the attributes of a sovereign state with its power to control every aspect of the lives of its citizens, including taxation.

The levying of taxes, like Defence of the Realm, is one of the distinguishing primary responsibilities of the nation state. Yet this is gradually being shifted to Brussels, concealed by the rhetoric of 'harmonisation'. The EU already has powers over several areas of taxation and has designs on many more. The British Government has obviously accepted the principle of further involvement of the European Union in tax-raising policy. As Mr Heathcoat-Amory has said, the European Union is "*fatally erecting a class of governance which deems it has a divine right to establish a single European order.*" The Constitutional Treaty envisaged by the Convention on the Future of Europe may signal the end of our last chance to abandon this disastrous fallacy. Lord Jenkins's second option may then become an inescapable imperative.

Lord Chalfont was Defence Correspondent for The Times and later Labour Minister for Foreign Affairs, 1964–70. He is also a military historian and biographer of some distinction.

... news in brief

Danger: left-wing extremism

For years now, various parts of the German establishment have waged a battle against "*right-wing extremism*". Newspapers, for instance, have joined a "*Network*" against it – although they have abbreviated its name to "*Network against the Right*". The same is true of the police, which has posters up, e.g. at Hamburg airport, encouraging people to ring a special police number if they notice any dangerous "*right-wing*" activity. The view that "*the right*" is a danger was nourished by the strong showing by the French National Front in the first round of the French presidential elections. The ephemeral electoral success of the List Pim Fortuyn in The Netherlands was also cited as evidence of the rise of the Right. People never spoke, however, of the danger of the extreme left when Fortuyn was murdered by a left-wing extremist in May; when a member of the Green party shot dead eight people in the *mairie* of Nanterre in March; or when an adviser to the Berlusconi government, Marco Biagi, was shot dead in the streets of Rome by the Red Brigades, also in March. Now a book has been published in Germany which might redress the imbalance. Hans-Helmut Knütter and Stefan Winckler have issued a "*Handbook of Left-wing extremism*". But, in a rather sinister aside, a book reviewer in *Die*

Welt concluded that the book "*lacked any treatment of the presence of extreme left-wingers among the opponents of globalisation*". [Guido Heinen, *Die Welt*, 26 November 2002]

Macedonia "mandate" extended

The intervention in Macedonia was to last 30 days: NATO troops have now been there since the summer of 2001. Moreover, they have just decided to stay for another six months. [*Handelsblatt*, 27th November 2002] The force, originally led by the United Kingdom, is currently led by the Netherlands, which took over from Germany in June. The decision to extend the "*mandate*" is explained, *inter alia*, by the fact that the EU wants to take over the control of the force from NATO, so that it too can have its own little colony run by the euro army.

Switzerland rejects change in asylum laws

Switzerland, which per capita accepts the highest number of asylum seekers in Europe, has rejected by the tiniest of majorities (3,422 votes) a tightening of the asylum laws which had been proposed by Christoph Blocher's Swiss People's Party. As often happens, the Swiss voted according to linguistic divisions: German speakers voted for the proposal (with the exception of the cantons of Bern, Zug, Lucerne and Basel) and French speakers against it. [*Neue Zürcher Zeitung*, 25 November 2002]

Who Hears the Warnings?

by William Rees-Mogg

WHEN I was learning about journalism as a trainee graduate on the *Financial Times* in the 1950s, Andrew Shonfield was one of my mentors. He was then the Foreign Editor, and was about ten years older than the rest of us. The younger generation, who would all still remember him, included Nigel Lawson, Shirley Williams and Sam Brittan, who still writes a column for the *FT.*, nearly fifty years later.

Andrew had one maxim which I have always remembered. He used to say that most journalists never read the documents. They read the bullet points in the press handout, and put them into their papers. Any journalist who does read the documents will often find that the crucial sentence comes somewhere in the middle of page twenty-eight, and has never been put in the press summary at all. Andrew himself was a living proof of this rule. He came up with scoops for the *Financial Times* by digging out the stories hidden in the most obscure official documents. He proved that there are more scoops to be found in published documents than in private leaks, and certainly more reliable ones.

Andrew Shonfield proved that there are more scoops to be found in published documents than in private leaks, and certainly more reliable ones.

On 9 December, I wrote an article for *The Times* which followed Andrew's rule. I had realised that the Prime Minister's speech in Cardiff had been no ordinary ministerial speech on Europe, which, heaven knows, are usually repetitive and uninformative. The speech had been reported, but in most of the broadsheets it had been put on page two and in the tabloids it hardly featured at all. I noticed that Tony Blair seemed to be going rather further than he had before.

So I did what Andrew would have done; I rang up the Downing Street Press Office and asked for a copy of the speech. This is a service any journalist is entitled to use, though it is not on call for the general public.

There are two functions which government press offices in the United Kingdom are expected to perform. The first is to answer factual queries. What did the Minister say in reply to a particular question in Parliament? The press office will look it up, if it is not already on the website, and, in my experience, will invariably provide accurate information. The second function is to promote government policy, to explain why the government is doing the right thing. The first is reliable; the second, inevitably, is spin. I use press offices for the first purpose, but not for the second. If Ministers want to explain themselves, I read what they say. I do not wish to have my ear bent by members of their press staff.

I was duly faxed a copy of the speech. The front sheet reads:

"CHECK AGAINST DELIVERY.

Speech by the Prime Minister the Right Honourable Tony Blair, MP

The future of Europe: strong, effective, democratic.

At the Old Library, Cardiff, 28 November 2002.

CHECK AGAINST DELIVERY."

Despite the double warning, I was unable to check the speech against delivery, as by the time it reached me, it had already been delivered a couple of days before.

To borrow a phrase from Chris Patten, "*I was gobsmacked.*" Although it had been correctly reported, I had not realised the extent to which the Cardiff speech stood British policy on its head. Before this, British Governments had always advocated a 'Europe of the nations'. This speech paid only the lightest respect to this concept. Tony Blair plumped for "*power to the European centre*". He advocated a transfer of powers to the Commission, to the Council, to the Parliament, and to the Court, away from the corresponding British or other national institutions. Specifically he wants to have a substantial further extension of qualified majority voting, except on tax issues, and he wants to transfer the Home Office issues of crime, asylum and immigration. He wants to extend the powers of the Court, and to transfer foreign policy and defence. In addition he wants to have a fixed Chairman of the Council. All of this, he hopes will be achieved by the new Con-

stitution which will emerge from Giscard d'Estaing's Convention.

This would create a United States of Europe. It would bring to an end the traditional independence of Britain and of all the other European nations. Tony Blair is also in favour of an enlargement of this new Europe, not only to include the ten candidate nations who have come forward at the Copenhagen Summit, but at least Bulgaria, Romania and Turkey as well. His new Europe will be a state with 500 million citizens, larger than the United States and Japan combined.

Yet the speech did not address the 'democratic deficit'. If the present day Europe is not democratic, the new Europe will be even less democratic, because the existing national Parliaments, which are elected by popular vote will have lost most of their remaining powers. The title of his speech might better have been "*The future of Europe: strong, imperial, bureaucratic.*" He himself summed up his policy in the words: "*We need more Europe, not less.*"

When I wrote my account of the Cardiff speech for *The Times*, I found that hardly anyone had appreciated the new Blair doctrine. To be sure the French know it, Bill Cash knows it, the Foreign Office knows it. But Parliament does not know it, because the speech was not made to Parliament. The public still has no idea. I hope that the press, which has so far under-reported the speech, will wake up to it, and wake up its readers. I can see that I may have to do a good deal of repetition.

When I started to dig, I found that the Government has already decided not to have a referendum. Britain will transfer these powers to Europe without a vote

Many people have a vague impression that the new Constitution for Europe will have to be ratified by a referendum, in the same way that the euro would need a referendum. This gives them a false sense of security. When I started to dig, I found that the Government has already decided not to

have a referendum. Britain will transfer these powers to Europe without a vote.

It took the Foreign Office Press Office four hours on a Friday afternoon to track down the parliamentary reply. For the avoidance of doubt, I had better write it down in full. On 21 November, 2001, Andrew Rosindell, the Conservative Member for Romford, asked whether there would be a referendum. Peter Hain, the Minister for Europe, replied: *“Treaty change is a matter for member states to decide by unanimity in accordance with their own constitutional arrangements. In the UK this involves a ratification process requiring legislation. It is right that Parliament should decide on the results the Government achieve at Inter-Governmental Conferences.”* There will be no referendum on a Constitution which will create a United States of Europe at the cost of British sovereignty.

This is, of course, by far the most important political issue which will confront Britain in this decade, if only because it brings all the rest of political debate in Britain to an end. Our political debates will become a European debate. Only residual

domestic issues, perhaps including a bit of education and a bit of health, will remain at Westminster. Almost everything else, almost everything that matters, will go to Brussels. The powers left to Westminster will in many respects be inferior to those of an individual American State.

There is even a threat that England will be subdivided, and that the individual regions, with their very limited influence, will be left to deal directly with the European centre.

It is certain that the British electorate will lose its ability to remove an unpopular government. No British vote, even if it were an overwhelming one, would be able to remove the Commission, the Council or the Court. If we did not like the way we were being governed, we could indeed vote for a different set of MEPs. The British contingent would number a little over 10 per cent of the eventual number of members of Parliament for the new Europe. The European Parliament itself has only limited powers. In 1945, 1979, and 1997, the British electorate swept an unpopular government out of power. They will not be allowed to do that again.

The new Europe will have a government which will, in effect, be an oligarchy. The core group will be the bureaucrats and politicians of the Commission and the Council. The new President of the Council will seek to establish himself as the President of Europe.

There are two things wrong with this. Britain will lose the democracy under our own law which it took three centuries of our history to establish. That is a terrible loss. The second problem is that this Europe will not work. It will rapidly prove to be both intolerable and incompetent. I have believed for some time that the real threat to the future of Europe comes not from eurosceptics but from eurofanatics. They are trying to build a non-democratic single European state which will not stand the buffets of history. This is a top heavy Europe destined to capsize. Tony Blair is foolish enough to want to be its captain.

William Rees-Mogg is a columnist for The Times.

... news in brief

Christmas Turkey

The question of Turkish accession to the EU will also be at the heart of the Copenhagen summit. The Americans have made it clear that they want Turkey to join the EU, or, to put it another way, that the borders of the European Union should be extended to Iraq. There has consequently been what the BBC described euphemistically as *“a change of mood”* in the EU on the Turkish question – i.e. the Europeans have jumped to. George Bush received the new de facto leader of Turkey, Recep Tayyip Erdogan, at the White House on 10 December. Mr Erdogan is supposed to be an Islamist, but he seems to be welcome in every single Western capital, from Athens to the new Rome on the other side of the Atlantic. He met not only the president, but also the National Security Adviser, Condoleezza Rice and the Secretary of State, Colin Powell. Mr Bush also invited the new Turkish prime minister, Abdullah Gül, to come and see him in Washington: although the head of the party, Mr Erdogan, the former mayor of Istanbul, was barred from standing for election because he once recited a late 19th century poem about minarets being bayonets. Mr Bush also rang up the Danish prime minister, Anders Fogh Rasmussen, who of course is the current president of the European Council, and asked him to *“accelerate the procedure for Turkish admission”*. The opposition to Turkish membership expressed in some European quarters, most notably by Valéry Giscard d’Estaing, was sharply criticised in the American press, while the spokesman for the State Department said he hoped that the Franco–German position on Turkey would be respected, which is that a date for negotiations will be set by 2004.

Paul Wolfowitz, the Deputy Defence Secretary, went to Turkey again in early December with one of Colin Powell’s deputies to have a series of discussions with their opposite numbers in Ankara about the prospect of a war on Iraq. Although 85% of Turks are hostile to such a war, it seems

that the government has asked for \$25 billion in aid and for concerted US support for EU membership. This seems to have done the trick: speaking in Washington, the newly victorious Mr Erdogan repeated the standard line that Iraq would have to be disarmed, if necessary by force. During the last Gulf War, the Turks allowed the use of its air bases for US attacks on Iraq, as it has continued to do ever since. Now, though, the Americans want to use the Turkish–Iraqi border for a land invasion. They also want to prevent the Turks from moving into Kurdistan on their own. Sources close to Mr Erdogan made it quite clear that Ankara’s position on these matters would depend largely on the support given by Washington to Turkish membership of the EU. [Patrick Jarreau, *Le Monde*, 11 December 2002]

As Giscard’s blunt statement showed, however, some Europeans are unhappy with this American pressure in favour of Turkey. In particular, the losing Chancellor candidate for the German Christian Democrats, Edmund Stoiber, has said that the CDU-CSU should oppose Turkish entry. In a very clear statement, Stoiber said that any announcement of a start date for negotiations would be interpreted as having set an automatic procedure in motion. *“We will use the coming year to interrupt this automatic process with a well-based discussion about the future structure of Europe,”* said the Bavarian prime minister. He added that the CDU-CSU government would reverse any decisions taken by the present red-green coalition in favour of Turkish membership. *“We will stop any automatic procedures that may have started and offer Turkey instead other ways of coming closer to Europe instead of EU membership.”* Stoiber said that Turkish membership would overstretch Europe’s capacities and that it was opposed by a majority of the population. Stoiber said that the admission of Turkey would spell the end of political union in Europe and that it would overburden the EU economically. He added that he would make this a campaign theme in the forthcoming elections in Lower Saxony and Hessen. [Nikolaus Blome, *Die Welt*, 12 December 2002]

The Future of Europe?

by Rt Hon. David Heathcoat-Amory

THE CONVENTION on the Future of Europe was set up to make the EU more democratic. That aim is now being discarded in favour of state-building. The loss of public support which was rightly identified as a malaise at the heart of Europe has now been forgotten.

Instead the Convention is the scene of a competition for power by all the existing EU institutions and vested interests. In December the Commission launched its bid to be the European government. National vetoes would disappear, even over taxation and treaty changes. The Commission would take control of economic decision-making and would have sole right of initiative over matters of foreign and security policy.

I asked Mr Prodi how democracy could be enhanced by giving more power to the least democratic institution. His reply was revealing: “The Commission has just as much democratic legitimacy as any member state government.”

I attended a breakfast meeting with the President of the Commission, on the day after these proposals were published. I asked Mr Prodi how democracy could be enhanced by giving more power to the least democratic institution. His reply was revealing: “The Commission has just as much democratic legitimacy as any member state government.”

The European Parliament (EP) is also determined to add to its powers, claiming to be the only truly democratic institution. In fact, voter turnout in EP elections has been falling steadily despite more powers being given to the EP in successive treaty changes. Voters simply do not see themselves as being represented in the EP. This should be no surprise; there is no European electorate or ‘demos’ on which to found a supranational democracy. Giving more powers to the EP will intensify the problem, not solve it.

THE CONVENTION is supposed to be finding ways of giving national parliaments more influence over EU decision-making. This recognises that most people exercise their democratic choices at national level. This is where people feel a sense of ownership of the political system, where issues are debated, press scrutiny exists, and visible changes are made.

Naturally, any suggestion of more power for national institutions is fiercely resisted by the EU. So we have been fobbed off with a role in checking that the subsidiarity principle is observed. It is proposed that if a sufficient number of national parliaments request it, the Commission will look again at the offending piece of draft legislation. Nothing compulsory of course, just a request.

The all-party European Scrutiny Committee commented that this proposal is completely inadequate and “*there is no requirement for any of the EU institutions to take the slightest notice*”. Quite right. In the power play of EU politics, national parliaments have been reduced to the role of poodles, occasionally yapping at the grosser abuses of EU regulation but quite unable to do anything about it. And the EU is determined to keep it that way.

The Chairman of the Convention, Valéry Giscard d’Estaing, has pulled these bids together into a draft European constitution. Even in its skeleton form it is a highly significant document: it means that Britain will get a written constitution. We haven’t asked for one. We don’t want one. We have done without one for a thousand years. But we are now going to get one, and it will be drafted by others.

The British government welcomed the draft, reversing its previous opposition to any EU constitution. Winston Churchill said that eating one’s words could be a very nutritious diet, but the Government has been overeating. Giscard’s constitution provides for a ‘single institutional structure’ and the existing intergovernmental pillars of the treaty will disappear. The EU will also be given a single legal personality, enabling it to sign treaties, belong to international bodies and generally replace member states in the business of international relations. All citizens will ‘enjoy dual citizenship’ of this new body.

Until recently the government opposed

all these developments but has evidently decided to get all its retreats in early. One of its most spectacular u-turns concerns the EU Charter of Fundamental Rights.

Britain is of course already a signatory to the separate European Convention on Human Rights. Two years ago the EU, wishing to endow itself with its own legal order, adopted the EU Charter. The list of rights is much more extensive and general than those in the European Convention.

If judiciable, the EU Charter rights would enmesh member states in endless litigation and hand to the courts political judgements about rights to education, to strike, to work, to receive health care, and so on. Moreover, many of these policy areas already involve the EU, which would become party to any legal action. The ECJ would act as supreme court. The outcome would therefore be further action by the EU and a continuing transfer of powers upwards.

For these reasons, the British government only agreed to the EU Charter of Fundamental Rights on the understanding that it was a political declaration only. The Prime Minister asserted repeatedly and emphatically that it would not be made legally binding. The Europe Minister at that time, the hapless Keith Vaz, famously claimed that it was of no more legal significance than a copy of the *Beano*.

These assurances have all been abandoned. The government has now agreed that the EU Charter will be part of the EU constitution and legally binding. I was sitting two places away from the government representative on the Convention, Peter Hain, when he made this concession in a plenary session of the Convention. Yet in the House of Commons the same minister has great difficulty in explaining, or even admitting, this change of policy. Given this lack of candour it is not surprising that the public are confused and suspicious about government intentions and the EU.

The truth is that the EU is being endowed with all the attributes of statehood. The pretence that the EU will be an association of sovereign states is being exposed daily in the Convention. I disagree with, but respect, those who argue openly for a centralised EU organised along federal lines, with limited autonomy for participating states. I do not respect those who drift with the tide of European integration and then pretend that

The truth is that the EU is being endowed with all the attributes of statehood. The pretence that the EU will be an association of sovereign states is being exposed daily in the Convention.

we can salvage our powers of self-government.

The architects of this new European order are, of course, running a big risk with the electors. The Laeken Declaration of December 2001, which led to the Convention, acknowledged the wide and growing gap between the EU and the people. The EU institutions are seen as remote, technocratic and undemocratic.

An EU constitution will not cure this. Indeed the transfer of more powers upwards to EU level will widen the gap, and the democratic deficit. Take Justice and Home Affairs. I was a member of this Convention working group, which received a constant stream of demands from the Commission to centralise immigration policy and criminal justice matters, all in the name of 'efficiency'. They argued that because crime and immigration are international, so the solutions must be supranational.

Vainly I pointed out that those policies which had been centralised, such as the CAP or the EU budget, were hardly models of efficiency. More important, these issues of crime and punishment go to the heart of what a nation state does. They raise sensitive questions of accountability and control. If such laws are 'harmonised' and decided by majority voting at EU level, national electorates and parliaments will feel less involved and less inclined to accept the outcome. Frustrations will build up which play straight into the hands of the extreme right.

Along with a few allies, I have deployed these arguments, but to no avail. Again the British government representative tried to ride two horses at once, expressing doubts but keen to join the project. As a result, small tactical successes were overwhelmed by huge strategic losses. There is no doubt that the outcome of the Convention will include a massive extension of EU powers over immigration and criminal justice.

The decision on whether to adopt the eventual EU constitution will be a decision as important as the euro. The conclusions of the Convention will go forward to an Intergovernmental Conference in 2003 or 2004. Some member states will certainly hold referendums on the result. It is important that Britain is one of them. After all, constitutions are supposed to be in the name of the people, so the people should decide.

The British government has so far rejected requests for a referendum on two grounds; that the Convention will not alter

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the distribution of powers between the EU and member states; and that referendums are not part of our constitutional practice. The first excuse is flatly untrue. As to the second, a government which has held referendums in Northern Ireland, Wales and Scotland, and on whether London should have a mayor, can surely hold one on whether the United Kingdom wishes to retain its powers of self government and its status as a free and independent country.

The Rt Hon. David Heathcoat-Amory is Conservative Member of Parliament for Wells. He was Shadow Secretary of State for Trade and Industry 2000–01 and is a former Government Minister at the Foreign Office (1993–94) and the Treasury (1994–96). He is a member of the European Foundation's UK Advisory Board.

... news in brief

Mr Prodi's little secret

The president of the Commission, Romano Prodi, has secretly drawn up his own version of a European constitution. This extraordinary undertaking is a clear example of how the Commission oversteps its powers, because the role of drawing up the document is obviously the responsibility of the Convention. Apparently the Commission is frustrated that it has only two representatives on the Convention, while it is used to running the show. When the existence of this secret constitution was leaked, there was a furious reaction from the members of the Convention. Mr Prodi also angered his colleagues on the Commission, because they knew nothing about this secret document either. Perhaps Mr Prodi thinks that drawing up documents in secret is a good way of bringing Europe close to its citizens. Several commissars attacked Prodi for behaving in this way, including Mario Monti, Loyola de Palacio and Neil Kinnock. The fact that the first anyone heard about the secret constitution was through the press on 5 December only heightened the anger. Mr Prodi had to do battle to get the text put on the Commission's web site. Valéry Giscard d'Estaing was particularly furious. Mr Prodi showed him a copy of the document at the Gare du

Nord in Paris on the evening of Tuesday, 3rd December, where Giscard was back from a presentation of the work of the Convention to the French National Assembly. He read it in the train on the way back to Brussels. When he got to Brussels, he fired off a rude letter to Prodi and cancelled their planned meeting for the following day. Mr Prodi had to face the music on Thursday, 5th December, when he had to admit that he had cooked the whole thing up in secret and that it had not been approved by the College of Commissars. But Mr Prodi's document has of course undermined the official positions taken by the Commission's representatives on the Convention. [*Le Monde*, 7 December 2002]

Single sky project approved

The EU states have approved the Commission's proposal to create a 'single European sky'. This will harmonise air traffic control throughout the EU from 2005. Various European unions, especially in France, have opposed the idea and organised strikes to protest against it, but now their leaders say they have obtained sufficient guarantees from the French minister of transport. The EU also approved the amounts of money payable by airlines to passengers who have been overbooked. The reimbursement will now be €250 for flights below 1,500 km; €400 for flights between 1,500km and 3,500 km; and €600 for longer flights.

“Ever Closer Union” – Friendliness or Federalism?

by Andrew Alexander

THOSE who remember the debates on the Treaty of Rome will recall the key phrase ‘ever closer union’. For the most part, it was regarded as little more than a genial aspiration towards friendliness – perhaps like something out of the marriage service. Wiser minds, notably among lawyers, warned of its important legal significance which would mean ineluctable progress towards federalism. But they were largely ignored. Thirty years on there is no excuse for apparently ignoring the bland or beguiling phrases in the European Convention’s draft plan for an EU constitution, drawn up under the guidance of Giscard Valery d’Estaing. The press has recently uncovered Commission President Romano Prodi’s own private plan and agenda which is so blatantly federalist as to need little comment. But in the end, the two plans could come to much the same thing.

The press has recently uncovered Commission President Romano Prodi’s own private plan and agenda which is so blatantly federalist as to need little comment

There should be no mistake about the epoch-making significance of the Giscard proposals not least since they provide the EU with the vital attribute of statehood. It would also be Britain’s first written constitution. It would, oddly, also be one which the British government had not itself written – very curious in any country’s history. Hitherto our cheerfully informal and historically successful constitution has, as someone once put it, amounted to the following: there shall be a House of Commons and it shall do as it likes. True, it has seemed as though we acquired a rigid and frustrating constitution in 1972. But all its rules resulted from treaty obligations. The new plan would saddle us with obligations of a whole new order. Alteration of that constitution, a topic dodged by the convention, would logically require a unanimous vote which, in a union of 25 members, might be impossible to achieve – unless difficult partners were in the EU’s

time-honoured way, ‘paid off’ with some unconnected benefit.

In general, the Convention’s new plan is a curious mixture of vagueness, blank spaces and calls for federalism. Since the main figures producing the draft are committed federalists, the direction of the proposals is no surprise. At so many other points the committee says little more than that certain principals – like ‘categories of union competence’ – will have to be considered, followed by a blank space.

The suggestions which hit the headlines in the British press were, understandably, those for renaming the EU and for creating the new post of President of the EU Council (alongside the existing President of the Commission). Names and titles matter. A United States of Europe would imply a body with clear similarities to the United States of America with a central government of great power and, of course, needing a great budget, later if not now. The proposal alongside this for a President, which is favoured by Britain, France and Germany – does Blair have any name in mind? – would set the seal on the federalist agenda.

The proposal alongside this for a President, which is favoured by Britain, France and Germany – does Blair have any name in mind? – would set the seal on the federalist agenda.

The new president would be seen as elected by the EU governments from among their number. He would be no figurehead. The French, among others, support the idea of a European president who could talk on an equal footing with the US president. Such a person would obviously have to be endowed with immense power. The proposed constitution skirts round the next obvious question: would the president also have a cabinet? It would be extremely cumbersome for such a president to be only able to act in high level discussions after consultation with 25 heads of national governments, drawn from differing and

often opposed political parties. The way would be open for him to have ‘advisers’ who would form a sort of cabinet and enjoy considerable power.

Article 42 of the draft convention calls for the recognition of an individual “*who represents the Union in international relations*”. And it would also need the definition of “*the role and future rank of a High Representative for Common Foreign and Security Policy*”. It sounds ominously like the creation of Community Ministers for Foreign Affairs and for Defence. (It is an intriguing thought that an elected president, serving for five years, might find himself thrown out of office at home after an election, but still the powerful head of the EU).

It would of course be hard to think of a greater cession of power by individual states than in the areas of defence and foreign affairs. A nation which could not make its own decisions on its own defence or on its relations with other states would not be a nation in the proper sense of the word. And if such power was yielded to the centre, the means would have to go along with it – control of the armed forces themselves, their budgets and the necessary taxation powers. A European president who negotiated with the US president but who had constantly to say he would go back to ask his numerous member states to ask if they supported this or that proposal would be a diplomatic joke.

A common foreign policy would be meaningless without a common diplomatic service and thus a common foreign affairs office

However, we do not need to read the minds of individuals backing the Presidential proposal to understand the implications. Article 3 establishes the objectives of the Union. These include “*a common foreign and security policy, and a common defence policy, to defend and promote the Union’s values in the wider world*”. A common defence policy without common defence forces would be meaningless. A common foreign policy would be meaningless without a common diplomatic service and

thus a common foreign affairs office. At the moment the Union merely aspires to commonality of purpose in these fields. The new constitution would provide the means.

Other objectives in this section include *“the promotion of economic and social cohesion”*. The words of the Treaty of Rome echo here. The obvious way to promote cohesion is through the commonality of regimes. In economic policy that would cover taxation and the laws under which business operates. Much the same would apply on *“social matters”*. Thus it would promote cohesion if the law on employment, trade union affairs, minimum pay, redundancy and much else besides was the same in Britain as in Greece, in France as (assuming enlargement) in the Czech Republic. The coordination of laws through negotiation among the member states, perhaps 25 in number after enlargement, would be hopelessly cumbersome and ineffective. Only centralised power in all these matters would be workable.

The message was plain in the recent Commons comment of Peter Hain, formerly a Foreign Office Minister of State and now Welsh Secretary. *“How could a council of 25 or more governments drive the EU’s strategic agenda?”* It could not. But a powerful president could. Yet there is no plan to reduce the role of the Commission or its president. The British government wants the commission to retain the power of initiating legislation – apparently satisfied, unlike ordinary citizens, with the outpouring of rules and regulations which comes from Brussels. So the Commission would retain all its powers and the new President would enjoy further powers. The centralisation message is unmistakable and it makes nonsense of the lip service paid to the role of national governments or their parliaments. Indeed, the only reference in the draft to the elected parliaments is fleeting and dismissive. Article 8 refers to needing rules for monitoring subsidiarity. *“The role of national parliaments in this respect would be mentioned”!*

Article 3 calls for the *“strengthening of the internal market and of economic and monetary union”*. The obvious next step in EMU is taxation. The weakness of EMU so far – a weakness that threatens the survival of the system – is that there is no substantial, centralised budget as in the USA where states in trouble can benefit from the federal budget while trouble lasts. France and Germany have already indicated, since this first draft of Giscard’s, what they want in the

next draft. They desire a major move to harmonise corporation tax and VAT. They want to abolish the national veto which Britain values so strongly, since London believes in ‘tax competition’. The Franco-German draft says that harmonisation should not extend to personal or property taxes. But it is not clear why it should not, once other areas had been covered. In any case a final constitution would refer to taxation, not to fleeting matters like VAT rates. It can certainly be argued that differential rates of personal tax are distorting in that they encourage payers, especially at high rates, to live or operate in one part of the Union as opposed to another.

France and Germany certainly intend that the next Giscard draft should be strongly influenced by the common front that the two nations are establishing. They have now produced joint papers on agriculture, justice, home affairs and defence. The reality is that the two countries appreciate the power of acting as one in the development of the Union. Other nations dependent for various favours on either or both of these nations, may be swept along as the pair accumulate sufficient weight to see the proposals through to the final draft. And since both Paris and Bonn favour a federal Europe, we know what to expect.

The Giscard draft does not spell out the *“single institutional structure”* it wants for the Union. But its implication is clearly a diminution of the role of national governments. The principle of subsidiarity would be undermined by the proposed obligation of individual governments to act in accordance with objectives laid down by the Union authorities. Where the competence of the Union is shared with nation states, the latter would be required to act ‘only’ within the limits of the EU framework. There would be an obligation ‘of loyal cooperation’ of member states *vis-à-vis* the Union.

In a sweeping call for an EU *“area of liberty, security and justice”* the convention is effectively calling for common rules on such basic matters as criminal justice and immigration. No good then for the public or the press to complain about the courts or immigration policy. They will have become EU issues and we would have to abide by EU rules. Parliament would be neutered when it came to strong public feelings on such matters, though no doubt we would retain the right to decide whether speed cameras were brightly painted.

Parliament would be neutered when it came to strong public feelings on such matters as immigration

The issue of finance for the Union’s activities is dealt with – or at any rate touched on – in article 38. The finances should come from member states’ ‘own resources’, is the bald statement. In other words it should not be left to the whims of the Council of Ministers to come up with a sufficient sum to keep Brussels going, it would be on some sort of leash. The obvious route for ‘own resources’ would be a significant proportion of the tax revenues of the member states – set by the Commission and subject to regular revisions, according to needs. The revisions would be, needless to say, in only one direction.

The power of taxation is crucial. It is the first mark of a government that it has this power. Anyone who studies history know this. In our own case it was the background to the Civil War and the disputes between Parliament and the King about who taxed and thus who ruled.

The proposal that everyone should have dual citizenship, of their own country and of the Union may sound harmless enough. But this would give the Union the attributes of a state. And the Union would for the first time have a legal personality. Article 5 declares that individuals would have the right use either citizenship *“with the rights and duties attaching to each”* as they chose. But what would happen if those rights and duties clashed? It is no good saying this is no problem since, if the two citizenships differ, they would at some point clash. One way round this would be to say that the rights of Union citizenship must always prevail. It would be unlikely to be put the other way round. Indeed it would defy the whole guiding principal that Community law takes precedence over national law, a motion which has prevailed since 1972. In short, dual citizenship would mean that national citizenship would be on the way out – and with it the meaning of nationhood itself.

Andrew Alexander was Political Editor and then City Editor of the Daily Mail. He is now a regular contributor.

An Analysis of the Preliminary Draft Constitutional Treaty

by Lucia Gomez

THE EUROPEAN COUNCIL established the Convention on the Future of Europe aimed at reforming the European Union. Ideas of reform have led to the possible creation of a federal Europe under a federal constitution. The preliminary draft of the Treaty Establishing a Constitution for Europe, presented to the Convention by former French President Valéry Giscard d'Estaing, serves as a basis for discussions in the Convention on this issue. The proposed constitution, if adopted, would have severe repercussions for the European Union and its citizens.

One result is the formation of one supreme European state, which would rule superior to the individual member states. Article 1 of the preliminary draft expresses the idea of a "European Community, European Union, a United States of Europe or United Europe". This article would cause significant change in the political face of the continent. Once the European Union has a federal constitution, the union would no longer be a collective entity. Such a federal structure holds the potential to seriously increase the democratic deficit within the EU. Democracy would be further curtailed by the continued absence of consultation with citizens about their future. The campaign to adopt a Union constitution is organized by a Europe-wide pressure group called the Union of European Federalists (UEF), which is affiliated with the International European Movement and has links with European parliamentarians and members of the Committee of the Regions. With a federal constitution, national constitutions would be placed in an inferior position potentially creating internal problems. Article 8 of the proposed draft treaty, explicitly establishes "the primacy of Union law in the exercise of the competences conferred on the Union".

Another major implication of a supranational constitution is due to the basic premise of the model itself: states would be required to relinquish a more of their sovereignty. States would be obliged to adhere to the supremacy of EU law above their own national laws in all areas. This presents a problem because of the level of diversity among the member states. Each member state has its own unique values and

beliefs, which are directly reflected in their national constitutions. Enmeshing different cultures with different value systems under one constitution would inevitably bring new problems to the surface. Article 8 also obligates member states to recognise the Union's interests over national interests and goes on to state that the "obligation of loyal co-operation of Member states vis-à-vis the Union, and the principle that the acts of the Institutions are implemented by the Member States" thus illustrating how the constitutions of the member states become inferior to the EU's constitution. For example, what if Union interests collide with national interests such areas as foreign and security policy? It is obvious that not all member states have the same foreign policy goals; which means that Article 29, that "would set out implementing procedures in the sphere of Common Foreign and Security Policy" (CSFP), could cause serious disagreement among member states and would ensure priority for EU interests over national ones. For example, in previous instances where EU interests differed from national interests, the European Court has overruled member states and forced through measures of European harmonisation that tend to favour the EU. This type of overruling would become more frequent if the European Constitution were adopted, and would most certainly give rise to numerous internal quarrels.

To continue further in this debate, Article 4 provides another example of the impact of the constitution on EU citizens. This article would allow the EU to have a "legal personality" of its own, meaning that the EU would be recognized in international agreements rather than the individual member states. A legal personality would enable the EU to be the dominant international actor and legally superior to the member states. Article 14 confirms this power by stating that, "this structure shall ensure the consistency and continuity of the policies and activities carried out in order to attain the Union's objectives," meaning that it would be impossible to approve of actions that are against Union goals. If this were so, member states would subsequently lose the ability to negotiate their own bilateral agreements or treaties with external actors.

This poses a problem because the EU has the ability to commit the member states to international pacts even if the citizens of the member states oppose these international engagements.

Bureaucracy within the Union is a cause of great concern. The Union is already difficult to manage. A federal structure would augment the number of bureaucratic meddlers. Examples of this abound in the draft treaty. For instance, Article 15 bis calls for a Presidency of the European Council. This would create yet another layer of administration. The draft constitution continues by raising "the possibility of establishing a Congress of the Peoples of Europe". The following Article creates a Court of the First Instance to work alongside the European Court of Justice. Thus, Articles 19 and 20 establish a Congress and a Supreme Court similar to those in the United States of America.

Another problem arises in Article 6, the Charter of Fundamental Rights. This establishes, "dual citizenship, national citizenship and European citizenship ... the right to vote, the right to petition..." and so on. However, many of these rights are already provided for under national laws and enforced by national courts. By adopting this new set of fundamental rights, member states will only be giving in to the Union's craving for more power. It is idealistic to think that national laws can be meshed together harmoniously without problem. For example, abortions are illegal in Ireland, yet in other member states being able to abort an unwanted child is seen as a 'right'. How is it, then, that varying national constitutions are expected to conjoin when there are serious differences in their national laws? How is it possible that, with such grave differences, the EU Court of Justice is supposed to judge a citizen's actions when in one country these actions may be acceptable but at the same time may be objectionable in another? These new 'rights' would, in some instances, debilitate existing rights currently protected under national law.

The proponents of the European Union now claim that its original purpose was to enhance European political and economic integration along with economic growth

and peace. Time has shown it to be otherwise. It now seems as though the Union's objectives are to accumulate as much power as possible by taking the decision making process out of local, regional or national hands and putting it under Union control. Europhile leaders seem to want the creation

of a 'super-state' with complete political integration. Thus, high level politicians are disregarding what the people really want and need. What the citizens do not want or need is a second constitution that over-rides their national constitutions. This proposed constitution would only create more

paperwork and generate a larger financial burden on EU citizens while at the same time increasing the democratic deficit.

Lucia Gomez is a student of European Studies and a research assistant at the European Foundation

Globalisation

Dennis Healey was Chancellor of the Exchequer in both the Wilson and Callaghan governments. During this time he had to cope with the very poor state of the British economy in the late 1970s. This has set him in good stead to continue to be one of the best analysts of both the British and European economies. Lord Healey's view of the future is not entirely rosy, predicting that if the US economy does not correct itself from its over-reliance on trade then no country could avoid the resulting downturn. This, he believes, includes the UK, as well as mainland Europe. Here he discusses with Annunziata Rees-Mogg his view of the direction the world is heading.

Q. Do you think that the world is lurching down into another recession or do you think that we can prevent it?

A. I think that there are very obvious risks at the moment; the most important one is the deflation in Japan and the consequences of that in other parts of the world, most particularly the Far East and China but also the rest of the world. However, also there could be some impact in Europe. Germany is already in serious trouble and the Franco-German relationship is in serious difficulty. There are problems in the US as well. I don't think that it is certain that a downturn is possible to avoid. One consequence of a recession is, in my opinion, the collapse of the euro because I think that in a recession the members of the euro couldn't continue with the same exchange rate and interest rates, which they can do as long as the world economy is doing well.

Q. Do you think the euro is working well anyway? There has been the breakdown of the stability pact...

A. I have never been enthusiastic for the euro but I've never been ideologically hostile to the idea. I regard it as a question of pragmatic judgement. My judgement has always been that it won't work in a recession and it is not certain that it would work if the world were doing well. Particularly, some countries inside the euro are having different economic development to others; that is certainly the case at the moment as far as Germany is concerned.

Q. It is very difficult to see how they are going to get out of this very low growth, high unemployment, high costs situation.

A. No, one of the odd things is that economics is not a science at all, it is an art form which is invented by people called economists who claim to see patterns where there may be a pattern from the artistic point of view but whether it has any causal importance is very difficult to say. What is so striking to me at the moment is that the two countries which were supposed to be models for the rest of the world, Japan above all and in Europe, Germany, are now the countries that seem to be facing the greatest difficulties. And in Britain we are doing very much better than other European countries.

Q. What do you feel about this agreement between Germany and France not to have reform of the CAP but to go ahead with enlargement?

A. I think it is not possible, frankly, to bring the East European countries into the European Union without drastic reform of the CAP because agriculture plays a much larger part in most of their economies than it does in most of the West European economies. Also the CAP, once the other countries join, if the cost is distributed as at present it would be totally intolerable, particularly to Germany which I would have thought pays an unfairly high proportion of the cost already.

I couldn't understand what would make chancellor Schroder reach the bilateral agreement that he did with the French who seem to have got exactly what they want without paying the price for it.

Yes, well, I think trouble is that the Germans especially in the post war years had an enormous amount of guilt towards France because of Nazi Germany's role in the Second World War. I think that sense of guilt has practically gone but the consequences of it on German policy are still being felt and that was one reason I think why Joschka Fischer reached this very unwise agreement with France. Also, of course the French have always fought for their own national cause, not a European cause and Germany I think has always felt a general obligation to further the interests of Europe as a whole rather than Germany alone.

Q. The British Government has got into a difficult situation with France hasn't it, by disagreeing with France about everything and the French not really giving anything?

A. Well, that has always been the French position, they have, ever since de Gaulle, followed a strictly nationalistic line and paid very little attention to the interests of other countries. As I say, as far as Germany is concerned, the post war sense of guilt enabled the French to do this without too much difficulty but that time has practically come to an end.

Q. Do you think that the Iraq situation is going to damage the world economy?

A. Oh certainly. I think that if the Americans invade Iraq, first of all it would upset the oil supply and lead to a big increase in the price of oil. Second, it would threaten the survival of all pro-Western governments in the Islamic world, not only in the Arab world and Egypt but also as far away as in the Philippines and Indonesia. And it could lead very easily to the collapse of pro-Western governments

in Egypt, Jordan, Saudi Arabia; very, very important for oil supplies to the west.

Q. What about the outlook for the economy in the United States? There they have been reliant on consumers but there seem to be signs that consumer confidence is beginning to fall.

A. At the moment the American economy depends excessively on other countries still wanting American capital and on trade with other countries. That situation won't go on forever. Unless the Americans do something about their own economy internally I think you could get a recession in the United States which would of course lead to a worldwide recession which would be extremely damaging for everybody in the West.

Q. And at that point we in Britain would not be able to avoid the consequences, would we?

A. No, I mean again I think that we have a very good Chancellor indeed. I can't remember a better one since the war, including myself, I think he is the best we have had since 1945. He also has the great advantage, as Blair has (which no previous labour leadership has had) of not having any trade union problem to speak of compared with the old days nothing, and no serious challenge from the Left, either in terms of policy or personality; there is no Nye Bevan or Tony Benn now. So that we are very, very well placed now to do better than most countries but of course we couldn't avoid the consequences of a world recession.

Q. Hasn't he agreed to increase spending on social services at a moment when his revenue is about to go down; may he not run into difficulties there?

A. Well there are obvious problems there, which he certainly recognises. I think he is a very good Chancellor indeed. In particular his approach towards the euro, which is first to see whether the tests he set, which are all sensible tests, are met and then have a referendum, is very, very sensible. I think perhaps Blair has gone a little too far towards unconditional support for entry, although to be honest Blair has also said that he agrees with Brown on the economic tests.

Q. Do you think the economic tests are being met at the moment?

A. They are not being met. I wouldn't say that they could not ever be met but there has always been a problem with the economy of the euro countries, what I call the olive line, the enormous gap in behaviour and attitudes between the countries south of the line where olives cease to grow, like Southern France, Spain, Italy and Greece and the countries north of the line, the Northern France, the Low Countries, Germany, Scandinavia and Britain, and I think that making a success of a single economy is not impossible, the Americans have done it where the difference between the Southern States and the Northern States is almost as equally large except that there is no language difference which is a very important fact. I think there are real concerns for anyone who is honest about the economic situation.

Q. It is very difficult to see that a stability pact could ever be made to work when any major country felt itself under pressure isn't it?

A. I think so yes. Again I think the German sense of guilt which made them the most honestly European minded government in

Europe for such a long time is now practically gone and I think it will be very difficult to make it work, certainly.

Q. What you were saying about the comparisons between the Olive Line and the US; isn't the difference that in the US the Northern States are willing, through tax, to subsidise the much poorer Southern States and we don't have the same relationship between say Germany and Italy or the UK and Greece?

A. Well this is obviously the case; they have a federal constitution under which the states have a single fiscal policy.

Q. That is one thing that the convention is suggesting?

A. Yes, but nobody thinks that Europe is ready for a federal state. Even the Germans are not ready for it – all of the opinion polls show that. The French basically are very hostile to it. It is only one or two of the much smaller countries, particularly Belgium and Holland that are in favour as they think it would give them a little bit more influence over the big countries than they have without a federal state; and they are right on that.

Q. If there was a European wide tax, as suggested in Giscard d'Estaing's latest draft, would the Northern States be willing to subsidise the Southern ones?

A. I doubt it at the moment and certainly not in a world threatened by recession. The readiness to make sacrifices depends on being fairly comfortably well off.

Q. What do you make of the Giscard convention?

A. I am not terribly impressed with it. Throughout my political life, starting with Jean Monnet there have been some French political leaders who have wanted some sort of federal arrangement but they have never had the support of their own people, nor the support of the Germans. The countries from which they get support are mainly countries that are economically weak, like Italy, the countries below the olive line in fact.

Q. Do you think that if we have a new constitution for Europe arising out of the convention that we should have another referendum on that?

A. In Britain, the first thing is to have the first referendum which is on the Euro not on a federal state. Certainly we couldn't join a federal state without a referendum but I do not think that a federal state is within the realms of practical possibility and it never has been, although you sometimes have very important political leaders, in Germany as well as France who have said they are in favour of it.

Q. What if it were just framed as a constitution and not as a federation but took certain powers away from the nation state?

A. Then you would have to make a judgement on what those powers were. I am certainly not opposed to countries agreeing on having uniform policies on certain things, including taxation. There are a lot of advantages as far as indirect taxes are concerned in having them the same throughout the area that is co-operating. The real problem is that a common fiscal policy goes very much further than that and you couldn't really have that without being a federation and in fact almost by definition it would produce a federation if not a single state. That is not on and none of the big countries in Europe really wants it.

BRUSSELSBOURGER

Media Socialism

IN THEIR NOVEMBER PLENARY SESSION in Strasbourg, Members of the European Parliament debated media pluralism and the danger of growing media concentration. Opening the debate, British MEP Graham Watson, leader of the European Liberal Democrat and Reform (ELDR) group, argued that democracy was threatened by restricting control of the media to a small number of people. *“The media needs to be sufficiently diverse for all important points of view in society to be effectively presented. Otherwise there is a danger that dominant media players can restrict access to information and thereby move public opinion.”* Watson didn't mention any media moguls by name, but Spanish MEP Enrique Barón Crespo of the Party of European Socialists clarified the ideological impetus behind the debate when he spoke of *“Murdoch y Berlusconi”*.

If the European Union does consider a directive limiting media concentration, before turning their attention to NewsCorp and Mediaset, they might like to examine the British Broadcasting Corporation. Not only does the BBC run countless television and radio stations, numerous internet sites and a plethora of magazines, they also have the power to lock people up who don't pay for their services.

One of the most high profile Soviet dissidents, Vladimir Bukovsky, who has lived in Britain for the last 25 years, has accused the BBC of being *“politically biased”* and acting as the *“ministry of propaganda for Mr Blair's Government.”* He has launched an ESAMIZDAT campaign, modelled on his struggle to promote human rights in the Soviet Union, to end the stranglehold of the BBC on the British media sector. Bukovsky, who spent twelve years in labour camps and psychiatric hospitals for anti-soviet propaganda, was released in a prisoner exchange in 1976 (for Chilean communist Louis Karvallan). Now Bukovsky is encouraging people to boycott the £112 BBC Tax that 58 per cent of the British public oppose (see www.bbcbias.org).

Four Wheels Good

FOR MANY PEOPLE, the car is a symbol of freedom. Arthur Seldon recalls in *Capitalism* (Basil Blackwell, 1990) how, aged 11, he made a silent promise that when he

grew up and had acquired a car, he would return to the East End of London to take his friends on free rides round the block. Capitalism, however, made his promise unnecessary by creating the prosperity to enable his friends to buy their own cars. Now the same process is extending car ownership in former Communist countries but the European Investment Bank (EIB) is being lobbied to divert resources from road projects to railway systems instead.

At a Countdown to Enlargement forum organised by the EIB, Austrian Friends of the Earth activist Heinz Hoegelsberger protested: *“The construction of motorways that the EIB plans to finance will damage the environment as well as people's quality of life.”* This begs the question: do the 'environmental benefits' of public transport justify the loss of our freedom to travel when and where we please?

Whilst a busy commuter train causes less pollution than the same number of people driving to work, a late night train with very few passengers causes more pollution than a few taxi rides home. Moreover, just as there are energy efficient trains and heavily polluting trains, there are also green cars and old bangers. For example, research done by the RAC in London shows that most of the pollution comes from a small number of vehicles: 10 per cent of vehicles cause 44 per cent of London's traffic pollution, while the cleanest 70 per cent of vehicles were responsible for just 18 per cent of the pollution.

If environmental activists want to promote clean air, they should lobby for vehicle emissions tests, but they should not oppose hard-won freedoms. Four wheels good: two wheels bad.

Britain and Germany Fume

A NEW EU DIRECTIVE to ban tobacco advertising in the print media, on the radio and over the internet will come into force early next year after successfully completing its final legislative stages. Only two countries opposed the measures at the Council of Ministers meeting on Monday 2 December and their combined voting power was not enough to block the directive. The German government objected to the ban following months of intense lobbying from their media sector. Germany has the highest number of smokers in the EU – 37 per cent of adults smoke compared to an EU average of 33 per cent – and German magazines and newspapers earn €40 to €50 million a year from tobacco advertising.

With their current opposition and their success at overturning the previous ban in the European Court, Germany has certainly come along way since 1939 when the Nazis banned smoking in public places and amongst members of the Luftwaffe.

The British government, who voted against the proposals for very different reasons, would be wise to study the great cigar smoker Winston Churchill, who was recently voted Greatest Briton of all time. British health ministers publicly suggested the legislation didn't go far enough, and urged the European Union to force tobacco manufacturers to put stronger and larger warnings on packets. To the delight of the anti-smoking lobby, they proposed strong messages about the dangers of impotence and clogged arteries, with the long-term aim of having pictures of diseased hearts, lungs and brains.

Whatever next – a ban on advertising burgers? The International Obesity Taskforce (www.ietf.org) recently suggested that the costs of obesity may account for up to 8 per cent of overall health budgets and called on the EU to restrict advertising of junk food and sweets. McDonalds and Cadburys beware.

He Who Pays the Piper

ONE EUROPEAN PARLIAMENT amendment to the tobacco advertising directive, accepted by the Council, provides another reason why the British government may have opposed the directive. Following studies showing a strong correlation between the acceptance of political donations from tobacco companies and opposition to tobacco control legislation, the amendment called for a system to be implemented to record, monitor and review the donations made by tobacco companies to European political groups, MEPs and Commissioners. One diplomat said: *“The exemption for Formula One racing was all the British talked about in the working group discussing the legislation.”* Out of the media spotlight, British ministers lobbied on behalf of the Labour Party's million pound donor and racing enthusiast Bernie Ecclestone. As the Belgian Socialist MEP Jean-Maurice Dehousse said, the whole thing is *“schizophrenic, hypocritical and ridiculous.”*

Matthew Elliott, a researcher in both the British and European Parliaments, can be contacted at elliottm@parliament.uk.

BOOK REVIEWS

Europe and Globalisation,

Edited by **Henryk Kierzkowski**, Palgrave, London, 2002, pp 352, £60, ISBN 0333998391

Reviewed by Hugh Norton-Smith

GLOBALISATION. Barely has a term been more discussed or written about. Traditionally, the removal of national barriers, the liberalisation of trade and growing interdependencies were hailed as a path to near-universal prosperity. However, recent years have witnessed a worldwide backlash against the effects of globalisation, including violent protests, the boycott of multinationals and the disruption of international commerce. While governments and multinationals continue to promote globalisation as socially and economically essential, it has become a call-to-arms. As a result, globalisation has now picked up a rather unsavoury reputation - for much of the public, globalisation is a phenomena synonymous with a decrease in income equality, rising unemployment, the demolition of the welfare state and asylum seeker paranoia.

As the title suggests, *Europe and Globalization* tackles the debate surrounding two of the most ill-defined and contentious terms of recent history. Readers expecting either condemnation or celebration of Europe's role in globalisation, or merely Europe itself, would be wise to look elsewhere. This book is an academic study of the phenomena, which attempts to give balance to the entire globalisation debate, avoiding the pitfalls of both 'No Logo'-inspired hysteria and austere economic rationalism. Edited by Henryk Kierzkowski, Professor of Economics at Geneva University, *Europe and Globalization* questions Europe's role in globalisation and, in turn, globalisations impact upon modern Europe.

The editor has brought together a diverse and impressive array of contributors, including experts on International Law, history, political science and economics.

THE SUBJECTS COVERED range from the profoundly scholarly to the more immediately approachable. Particularly interesting was the first essay, which covers 'The Myth of Exploding Income Inequality in Europe and the World'. Don't tell Naomi Klein, for this chapter contends that free-market capitalism might be good for poor people as well, and that Western Europe, in particular, is subject to far less inequality now.

In Chapter 2, Professor Ronald Finlay discusses the historical origins of Europe, acknowledging the role of Charlemagne, Mohammed and the Mongols in shaping contemporary Europe. It's a fascinating reminder of Europe's heritage, and a reminder that Europe is much more than an artificial construct of continental bureaucrats.

Later on, a rigorously argued chapter contends that Europe, and especially London, is the cornerstone of the world's financial services industry:

"Whilst the economic and political importance of the United Kingdom has all but disappeared, London has retained a remarkable share of the global financial market and a leadership role that bears no relationship to the United Kingdom's declining share of world GNP... Part of the explanation lies in London's historic concentration of financial savoir-faire. The rest is luck and the capacity of policy makers to listen to the market and seize the opportunities offered."

It's controversial reading, but bound to interest anyone even remotely involved or interested in the London business world.

However, some of the topics are unlikely to appeal to such a broad audience. Chapter 4, for instance, covers Europe's role in the standardisation of International Law. The essay begins inauspiciously, featuring a formidable quote from the notoriously baffling philosopher and polymath Jacques Derrida. In French. While the conclusion reached is fascinating, the pages of uncompromising legal text make this a difficult read, and unlikely to interest the lay-person.

Despite the oft-covered subject matter and the rather arcane nature of some chapters, this is a strikingly original and enjoyable collection of work. It is closely and cleverly argued, skilfully organized, and scholarly in the extreme. The book doesn't attempt to know all the answers, instead adopting a pragmatic outlook: we must accept the economic importance and inevitability of globalisation, whilst channelling it for society's benefit. *Europe and Globalization* is certain to provoke a great deal of thought among readers, no matter where they fit on the ideological spectrum of this hugely relevant subject. A word of warning to the casual, holiday reader: the book occasionally turns technical, so a basic understanding of economics and statistics may prove helpful.

Hugh Norton-Smith is a freelance journalist with an interest in European Affairs.

... news in brief

Prodi says Stability Pact must be respected

Romano Prodi, the President of the European Commission and the man who said in October that a strict application of the Stability Pact rules would be "stupid", has now said that the Pact must be respected. "All rigidity is stupid by definition," said Prodi. "The Stability Pact must be respected in all its aspects but in such a way that economic recovery is promoted. We can consolidate the pact by interpreting and implementing its rules in an intelligent way." He said that the Pact had to apply to big

countries as much as small ones - a reference to the fact that Germany is about to break it, as much as Portugal - and that the Commission would shortly be putting forward proposals for "better co-ordination of economic policy and greater transparency and discipline in the implementation of the Pact." He said that the Pact needed to be amended in one or two respects. Asked whether the euro would suffer if the Finance Ministers rejected the "early warning" letter which the Commission wants to send to France, Prodi replied, "The Commission will do its duty." [*Handelsblatt*, 22 November 2002]

Euroscepticism in Contemporary British Politics: Opposition to Europe in the British Conservative and Labour Parties Since 1945,

by Anthony Forster, Routledge, London, 2002, ISBN 0-415-28732-4, pp. 157, £18.99

Reviewed by Alex Wieland

WHERE did this political phenomenon called 'euroscepticism' originate? Who can be classified as a 'eurosceptic'? In the popular consciousness, euroscepticism arose in the early 1990s as a result of the Maastricht Treaty and is a cause deeply and, more significantly, solely grounded in the membership of the Conservative Party. Yet, this is an interpretation which, like many popular conceptions, suffers enormously from historical simplification. While there can be no doubt that the signing of Maastricht was a critical and enormously important event in the history of the United Kingdom's often uneasy relationship with the process of European integration, drawing polarized reactions from its proponents and opponents, and there can be no question that many individuals who classify themselves today as 'eurosceptic' or 'eurorealist' also are associated with the Conservatives, it would be a critical mistake to assume that this is or has always been the complete picture. Indeed, this is the argument made by Anthony Forster, Director of Research at the Defence Studies Department at King's College London, in this new work. Arguing in a dispassionate and balanced fashion, he maintains that current understanding of euroscepticism is marred by "*presentism*", that is the tendency among many in both the academic and political worlds to characterise the European issue based entirely upon recent events whilst ignoring the deeper historical context within which the issue developed.

Rather than being a movement which has sprung up in the last decade, or for that matter since the 1975 referendum on EC membership or the rise of Thatcherism, Forster maintains, euroscepticism and eurosceptics have been features of the debate on Europe throughout the postwar period. To counter the "*presentist*" perspective, he takes pains to point out the multiplicity of views held by Britain's critics of integration and, in particular, their broad political representation. This underlines his conviction that euroscepticism has never been merely a fringe movement, but, for good or ill, has been a central component of

British politics since 1945. Forster reminds the reader that, far from being a traditionally Conservative dominated position, euroscepticism, at least for much of the past fifty years was, in fact, largely the domain of the left wing of the Labour Party. Incorporating such notable MPs as Michael Foot, Peter Shore, Barbara Castle, and Tony Benn, Labour's critics opposed (and in the case of Benn, continue to oppose) integration for its danger to British democracy and, especially, the EC/EU's perceived role in promoting the ills of capitalist system and its negative affects on the British worker. At various points they were joined by their more moderate colleagues in Labour's hierarchy, such as Hugh Gaitskell and Denis Healey, who tended to couch their reservations in terms of the challenge European integration posed to Commonwealth ties, the Atlantic alliance, and to Britain's role as a global, as opposed to a regional, power.

HOWEVER, this focus on Labour's Opposition does not mean that Conservative eurosceptic movements are ignored in Forster's study. He clearly and cogently guides the reader through the history of Tory opposition from the earliest critics during the 1950s, through the rise of Enoch Powell and his supporters, the 1975 referendum, Margaret Thatcher's famous (or infamous) Bruges speech, and into the present. Forster is particularly strong on analysing the Conservative Party's shift beginning during the late 1970s and early 1980s from its longstanding support for the Common Market which had begun two decades before, to its more sceptical stance which many have come to associate with it today. As with the Labour sceptics, Forster brilliantly delineates the spectrum of motivations for Conservative euroscepticism from those who had been ardent anti-Marketees since the beginnings of integration and those who opposed the EC/EU for its threat to British sovereignty as well as the new wave of free-marketters ushered in by the rise of Thatcherism in the 1980s. Similarly, Forster does not shy away

from intra-party politics and the battles between pro- and anti-integrationists, emphasising the underlying tension between party loyalty and loyalty to one's individual ideals, tension that has manifested itself quite visibly in both parties, for Labour in the early 1980s culminating in the formation of the Social Democratic Party, and for the Conservatives following Maastricht.

For those who are new to the background and history of the European debate within UK politics, Forster's work is a helpful primer. However, as useful and informative as this discussion is, it does not necessarily say anything new to those with a detailed knowledge of British political history in the postwar era. For these individuals, the greater value of this work is its uniqueness as a study of euroscepticism as a subject in its own right, deserving of scholarly analysis. Forster points out that despite the persistence of the eurosceptic viewpoint as a stalwart component of the European debate in the UK, one which, very unusually, has effectively bridged the usual left/right political divide, (though admittedly not necessarily for the same reasons), it has been treated as a peripheral topic (or ignored altogether) in most works dealing with the history and politics of the EU. Forster attributes part of this asymmetry to the preponderance of pro-integrationists in the academic community and the resultant tendency to minimise conflicting viewpoints. Yet, whether you accept this rather controversial argument or not, it is nevertheless clear that a study of this issue as a distinct part of the European debate has been long overdue. As a result, this study goes a long way to revealing the complexity of the European debate and to furthering our understanding of its continued place in British political life.

Alex Wieland is a PhD student in the International History Department at the London School of Economics and works as a Research Assistant at the European Foundation.

LETTERS TO THE EDITOR

Ask The People

From Sara Rainwater

Dear Sir,

With the news that the European Union will soon make the leap to a twenty-five-member organisation, individual member states' respective populations, now more than ever, must be given the opportunity to accept or reject further integration ideas set forth in Brussels. This is vital to the organisation's success, or for those who wish, its failure. The idea of a European constitution should be no exception.

In Britain, Labour argues that a referendum on a European constitution is not necessary, while the Conservatives have come to the conclusion that, indeed, a referendum is essential. As an American, I use my own country's experience to analyse this debate. In the US, a federal constitution replaced the failing confederal system originally set up by the founding fathers. However, it is essential to note that the federally-structured United States was created in a different time and era and certainly under different circumstances. The European Union and her predecessors have developed in an entirely different era –

one that has witnessed the beginning and end to the Cold War, the impact of globalisation and the advancement of technology and 'the internet'. While a referendum was not held in regard to a constitutional structure in the formative years of the United States, it is my view that in today's international climate one would now most certainly be required.

The same, one thinks, would hold true for Britain, another of the world's oldest democracies. As the world has learned, democratic legitimacy is fundamental in establishing a strong, sound foundation, regardless of whether it is for a national or supranational government. Britain's inhabitants were allowed to vote in referendums on such vital issues as devolution, and even allowed to decide the fate of British participation in the European Community in 1975. Yet for some reason, the current government sees the issue of a European constitution as of little importance to the same people who were seen as vital to the success or failure of these abovementioned issues. Without a method of checking and balancing their own governments on issues of such significant national and regional

importance, the people of Britain will feel no relief from the virus that is the democratic deficit.

Yours faithfully,
Sara Rainwater, London

Dung Beetles

From Dr Bernard Juby

Dear Sir,

It is strange that so-called terms of abuse turn out to be the opposite of that intended.

Just as the word 'scab' failed to realise that it was a natural and healthy temporary covering while something (i.e. skin) was mended, so too with the dung beetle (Sept. 2002 E.J. 'Prototype of Europe: Belgium Today, Europe Tomorrow', in which the leader of the governing Liberal Party is quoted as describing Vlaams Blok as "dung beetles").

Perhaps the leader of Belgium's governing Liberal Party should be reminded that the dung beetle carries out the vital task of removing (and recycling) other people's messes.

Yours sincerely,
(Dr) Bernard Juby, Haut Anjou, France

... news in brief

Alain Juppé calls for referendum on constitution

The man who controls the French government from behind the scenes, the former prime minister, current mayor of Bordeaux, and president of the Union pour le Mouvement Populaire (the single right-wing party formed to support President Chirac), Alain Juppé, has said that any new European constitution will have to be approved by referendum. "Speaking personally," said Mr Juppé, "I cannot imagine that such a fundamental treaty cannot be submitted to the democratic approval of the European peoples, and in particular of the French people. The European idea is popular in France but it raises a lot of questions because Europe is often seen as the source of daily constraints." Mr Juppé said that the UMP would devote itself to a big effort towards making Europe popular and understandable to ordinary people, and to showing them that Europe is the source of many benefits.

President Chirac himself has often spoken of the need for a referendum in recent years, as the idea of a constitution gathered momentum: he referred to it, for instance, when he spoke to the Reichstag in June 2000. After the Convention opened earlier this year, Chirac said, speaking to the European Parliament in March 2002, "General de Gaulle showed us the way: everything is a matter of will. This will animates me and I nourish great hopes. The hope that the European Constitution, which should be adopted by referendum, rallies Europeans together." The idea of a referendum is supported by most members of the French political class, although there are some who say that there should also be a referendum on enlargement. Valéry Giscard d'Estaing seemed

himself to approve the idea of a referendum on enlargement when he declared recently that previous enlargements had not been approved as democratically as they should have been. He was probably putting down a marker against Turkey being allowed in. [Henri de Bresson, *Le Monde*, 9 December 2002]

Stoiber alleges "electoral fraud"

The losing candidate in last September's legislative elections in Germany, Edmund Stoiber, has delivered a fiery speech to his Christian Social Union party, the sister party of the Christian Democrats in Bavaria. With this speech, Stoiber wanted to consolidate and strengthen his leadership over the CSU in particular and the CDU in general. Immediately after the election campaign, Stoiber had predicted the rapid end of the red-green coalition; now the word is that, if the SPD loses elections in Lower Saxony, where Gerhard Schröder himself used to be minister-president, then Schröder might resign as Chancellor and make way for Wolfgang Clement, the so-called 'super-minister' who has the economics and employment portfolios. The CDU intends to pursue Schröder on the issue of tax hikes and false promises made during the election campaign. In his speech, Stoiber repeatedly accused Schröder and the Hans Eichel, his finance minister, of lying, both about the true state of the economy and about their intentions. The CDU is openly calling these false promises "electoral fraud". It is also alleged that the government lied about the state of the economy and about the unemployment prospects. Stoiber intends to create a parliamentary committee of enquiry into these lies, with the express aim of forcing Schröder to resign. [Hans-Jürgen Leersch, *Die Welt*, 25 November 2002]

Cultural Differences between Smoking and Drinking Practices in the UK and Europe

by Daisy Prince

The biggest difference between the UK and Continental Europe in terms of smoking and drinking is that people in the UK generally smoke less and consume less alcohol than many of their European counterparts but when they drink they are more likely to drink to excess. Now there are two new laws which hope to bring these vices under control.

The first is the Tobacco Advertising and Promotion Bill, which received Royal Assent on 7 November 2002. The act will ban completely press and billboard advertising of tobacco products in the UK, place limits on the promotion of tobacco products, and most dramatically, end the sponsorship of tobacco products through sporting or other events. The European Union has followed suit and approved a plan that restricts tobacco ads in print, radio and on the Internet. The law will also end sponsoring sporting events, such as Formula One, and it will come into full effect in July 2005. This is the most aggressive legislative attack on smoking that the UK has ever supported. The question that remains to be answered is whether or not such a firm policy will actually have the effect of getting the British population to stop smoking.

According to Department of Health's 1998 report on the tobacco and health, smoking in young people rose between 1988 and 1997 and the downward trend in adult smoking, which had begun in the UK in 1972, was reversed in 1996. Although the UK has a higher number of smokers than the US it should take heart that it doesn't have the same statistics as France, who have the highest number of recent smokers, 44% amongst its 15 and 16-year olds or Greece where over 45% of its adult male population smokes six or more cigarettes a day.¹

The United Kingdom will probably remain at the forefront of the anti-smoking trend because they are not as attached to their cigarettes as most of the other EU countries, especially France, Italy and Spain. One reason for this indifference may be historical.

Dr Rebecca Spang, an expert on French and English culinary conventions at University College London and author of *The Rise of the French Restaurant* (Harvard,

2002) states, *"It has to do with the 'Industrialization of Commercialisation' that has occurred in Britain in the last 150 years. Since then, the British have been continually importing and exporting goods and foods and not producing these luxury goods themselves."* She draws the conclusion that because tobacco was never produced

When the French government introduced the 1991 Evin laws – some of the world's strictest anti-tobacco regulations – the French just ignored the laws and puffed away as usual

locally, there isn't a national identity attached to the cigarette brands that people smoke. The French, on the other hand, who have had a love affair with tobacco ever since it was introduced to the French court in 1561 by Diplomat Jean Nicot (Nicotine is actually derived from his name), have traditionally had a great attachment to their home-grown brands like Gitanes and Gauloises. When the French government introduced the 1991 Evin laws – some of the world's strictest anti-tobacco regulations – the French just ignored the laws and puffed away as usual. It has been argued that part of the reason the French still smoke as much as they do is in a bizarre effort to challenge the anti-smoking, Big-Mac-chomping American culture which the French feel have taken over many aspects of French life and society. Ironically, the leading tobacco brand in France is the American tobacco brand Marlboro, despite the fact that the government has raised taxes so much that the price of a pack of Marlboro has more than doubled in the last decade.²

France is not the only country to ignore smoking legislation. In Italy, even though smoking has been banned in airports for 25 years, smokers, including airline employees, janitors, and even policemen, have kept lighting up. The Italian government

proposed a bill in 2000 that would mark its latest attempt to battle the habit. The bill would not only strengthen the ban on lighting up in public places but would make Italy the first country after the United States to sue tobacco producers for health-related damages caused by cigarettes. The only problem with this plan is that the government produces one-third of all cigarettes consumed in Italy, and earns some £5.3 billion in revenues each year from the sale of tobacco cigarettes and other tobacco products. Therefore, the only way for the law to be a success is if the Italian government sued itself for damages.

As the British pride themselves on being law-abiding citizens, it is probably safe to say that the new tobacco ban will be upheld, but will this legislation succeed in stopping young people from picking up the habit and encouraging habitual smokers to quit? Time will tell.

Another law that is working its way through the British parliament, and is expected to go through sometime in 2003, is the Licensing Bill; a reform of alcohol licensing laws which have barely been updated since its enactment in 1915. Originally put in place to prevent munitions workers from turning up drunk and harming the war effort, the new reforms would call for a re-evaluation of closing times according to police advice as opposed to the national mandate that all pubs close at 11:00. A strong lobby has been pushing for the abolition of closing time, according to the White Paper response from the Institute of Alcohol Studies. In particular, *"those with a vested interest in selling alcohol, journalists and other self-appointed experts, have insisted that if only closing time were abolished, the English would become like the French and the Italians, the culture of drunken yobbishness that afflicts town and city centres at night and at weekends would disappear, and peace would reign on the streets."*

It is certainly a fact that although the British drink less per capita than many of their EU counterparts, (with the predictable exception of Italy and the abstemious Scandinavians) British young people in particular tend to get drunk more frequently than they do in the rest of Europe.³

There is marked distinction between the way in which the British and the Continental Europeans view public drunkenness

There is marked distinction between the way in which the British and the Continental Europeans view public drunkenness. It has become far more socially acceptable to be visibly intoxicated in Britain than anywhere else in Europe. One example of this new attitude is the increasingly popular pre-wedding ritual of hen nights, in which girls get the bride-to-be as drunk as any best man would get the bridegroom. Dr Sprang comments that, "While in a feminist sense, I like the fact that the UK allows women to get as drunk as men, the phenomena of hen night is too much of a crass and spectacular public display." Of course, alcohol also leads to impaired judgment and a girl might be more likely to make a choice with

potentially disastrous consequences than if she were sober.

Another marked difference between the British and Continental Europe is that although more alcohol is consumed in the

Binge drinking may have arisen as a reaction against the Victorian cult of domesticity

home, most heavy drinking is done in the pub. These public drinking performances have a greater likelihood of resulting in accidents of a violent nature because of the presence of other people than quieter drinking in the home. Although the rise in binge drinking is usually tied to the licensing laws, it may have been brewing in English society long before that. "Binge drinking may have arisen as a reaction against the Victorian cult of domesticity", says Dr Sprang. "It may be tied into the British idea of manliness."

Studies have shown that when you take drinking out of the family environment

where food is consumed at the same time, and put it into traditionally all-male drinking arenas such as bars, gentleman's clubs, or sporting events, that people are much more likely to get intoxicated.

As the British have a strong patriarchal cultural tradition where heavy drinking has moved out of the home and into the pubs, it is fair to say that intoxication has become part of the British cultural identity.

Although deregulating pub closing times might be a step in the right direction towards fighting alcohol abuse in the UK, if the Government really wants to change people's attitudes towards alcohol, they should follow the example set by our Mediterranean Counterparts and get drinking back in the home.

¹ Bureau NDM, Utrecht, the Netherlands, *National Drug Monitor: Alcohol* 2001.

² Lewis, Jay, *Changing Times*. Tobacco reporter.com: Sept. 2000.

³ Bureau NDM, Utrecht, the Netherlands, *National Drug Monitor: Alcohol* 2001.

Daisy Prince is a journalist specialising in research on European and political affairs.

... news in brief

Pope to the rescue

According to *Le Monde*, the Pope is planning to "break Catholic resistance" to EU membership. On 8th December, he called on European leaders to conclude negotiations on accession as quickly as possible; on 9th December, in Brussels, the Commission of Bishops' Conferences of the European Union published a declaration designed to – in *Le Monde's* words – "break the last resistance of Catholics in certain candidate countries like Poland, Slovakia, Hungary and Malta." The text says that enlargement is a "historic opportunity" and that bishops should confront the scepticism towards the EU which is common in rural, conservative and Catholic areas, although the text also contains the usual bromides about making sure that the process of integration respects "national identities and the diversity of cultural traditions". A press release about the Bishops' statement, entitled "Hope, Trust, Solidarity", can be viewed at http://www.conferenciaepiscopal.es/actividades/2002/diciembre_10.htm#3. Their Graces welcome the "Europeanisation" of the EU and they "commend hope, trust and solidarity in order to meet the challenges of accession." The text goes on: "The Bishops see these accessions as the realisation of 'a hope particularly cherished by the Church' in terms of the reconciliation between East and West, and a potential source of hope not only for other Europeans but also for other regions of the world." The Church further seems to take an indulgent view of the prospect of Turkish membership of the EU. The Pope said that "Europe can enrich itself from the cultural and religious traditions of nations which, throughout the centuries, have left us the precious common inheritance of civilisations". The Church is also very open towards the question of Turkish membership. The only thing it says about this Muslim country is that it should respect democracy and human rights, but not that there is any religious objection to Turkish membership. [Henry Tincq, *Le Monde*,

12 December 2002] When the Digest telephoned the spokesman for the Bishop's Commission, John Coughlan, he was at pains to stress that the Church's desire to see a reference to religion included in the European constitution should in no way be construed as being a covert way of opposing Turkish membership. He added that even when the Church speaks about referring to God as the source of values, it never means this to be understood as "an exclusively Christian God". Mr Coughlan insisted that the Church's approach was therefore not "sectarian". Although the Church spoke about values, he said, these values could come from religions other than Christianity.

In Poland, indeed, the state authorities have started to attack the main Catholic radio station, Radio Maryja. Polish state TV broadcast a highly defamatory documentary about the station's founder, Father Rydzyski, alleging that he was involved in financial fraud. Following this, the state broadcasting authority announced that it would be monitoring the station's broadcasts, while the Polish inland revenue has also announced that it will be conducting an audit. This investigation was announced by the deputy finance minister in person, an interesting way of observing the principle of the separation of powers. The minister, Wacław Ciesielski said, "Our job is to find out whether laws are being broken and by whom and to stop it" [*RFE Newsline*, 2 December 2002] – although one could be forgiven for thinking that this was not the job of a government minister but of the police and the judiciary. Radio Maryja is listened to by millions of Poles and it is known for its robust defence of traditional Catholic values and for its sceptical attitude towards the European Union. It is therefore of the first importance that it should be coming under state pressure at this critical time. We can be certain, however, that the human rights industry will not protest at these investigations: if such pressure were exerted against a politically correct media outlet, by contrast, there would be a hue and cry about threats to the freedom of the press.

CHUNNEL VISION

Flashes from the Crystal Ball

AS THE RUSSET AUTUMNAL LEAVES DRIFT onto frost-blasted heaths, and jolly Santas ply their trade in stores across the land, we cast our gaze beyond the time of cranberry sandwiches and turkey curry into the recesses of the new year.

Maastricht Mystic Enterprises™ is proud to present our political forecast for 2003.

JANUARY

THE NEW YEAR'S PARTY in DEFRA'S offices turns sour as seventeen modified Galician supertankers appear off Blackpool and Aberdeen and start Hoovering up cod. A Government spokesman announces that it will strenuously support the call for an extension of the lifespan of the (now defunct) 12 mile limit. "*We would have sorted it out earlier but we were still shredding documents on cows,*" explains one unnamed senior civil servant.

Surprise settlement to the Fireman's strike as John Prescott announces a 21% pay rise, in return for the establishment of a working structure based on the French *pompier*s model. Jubilant union leaders are dismayed on leaving No. 10 to be handed a rifle and flown out to Kuwait.

FEBRUARY

BRITAIN IN EUROPE launches its brand new campaign. Entitled *Vote for the euro or they'll eat your babies*, it is criticised for its hard debating edge. Later in the month, the organisation comes under further scrutiny as its new hidden backer is revealed to be a mysterious individual of Middle Eastern origin "*keen on fostering debate*", while sixty new moustachioed 'Special Advisers' are seen in their new offices in Kensington.

Romano Prodi reveals his seventh successor blueprint for a federal Europe. After the official submission and his secret alternative codenamed 'Penelope' that leaked on the self-same day last December, came 'Virgil', 'Alan', 'Tin-Tin' and 'Brains'. Today's text, entitled *Tracey Island*, has led to speculation that the President of the Commission has run out of characters from *Thunderbirds* and will henceforth resort to *Stingray*, *Space 1999* or (15-1 at Ladbrokes) *Muppet Treasure Island* for inspiration.

MARCH

GENERAL STRIKE IN GERMANY as unemployment hits 5 million and the Chancellor announces emergency measures to get people back to work. These include forgetting to pay EU bills for six months, and claiming that contributions are "*in the post*". Liza Minelli is spotted singing in a Berlin nightclub.

The Foreign Office attempts to downplay recent articles critical of its policy towards the EU by indicating that it is winning the arguments in the Convention.

APRIL

RUMOURS of a Government split on the Euro abound as Gordon Brown plants several Leylandii in the No. 11 Garden.

The Foreign Office, stung by recent reports that it is not winning the arguments in the Convention, denies that the Convention is taking place.

MAY

SCANDAL in the Commission as Romano Prodi's butler is caught appropriating nine truckloads of pencils from the office. On raiding his house some months later, Belgian police recover two tons of staples, a small olive grove, and a family of Albanian hairdressers.

The Foreign Office, stung by recent press reports that the Convention is, in fact, taking place and is shortly to report, announces that it has succeeded in blocking all items of any concern.

JUNE

THE CONVENTION on the Future of Europe releases its final report. Ever one to garner the maximum publicity, Convention President Valéry Giscard d'Estaing arrives by balloon at the Press Conference.

An attempt by the handful of euro-sceptics in the Convention to present an alternative (intergovernmentalist) text to the Plenary is thwarted at the last minute, by changing the venue to the ground floor toilets of the Breydel building.

The report receives widespread apoplexy in eurocritical quarters, not least for its advocating a Common European Traffic Warden System, Single EU Hamburger Chain, and its proposed changes to Eurocorps – not least the formation of an EU Kamikaze Unit.

The Foreign Office, stung by press reports that it has given in on the Convention, claims the credit for these proposals and indicates it was British foreign policy all along.

JULY

EIGHT DELEGATES and two dozen members of staff from the Convention arrive in Dover and claim political asylum.

AUGUST

THE EU goes on holiday. The world is briefly a better place.

SEPTEMBER

THE COMMISSION reveals plans (put together the previous month in a bar in the Bahamas) to establish a Super Euro Prosecutor, based on the model portrayed in the comic 2000 AD and immortalised on the silver screen by Sylvester Stallone.

French and Polish farmers organise their first 'European study day', funded by EU Objective 5 money. This culminates in a highly professional three day riot and open barbecue which spreads across several départements.

OCTOBER

AFTER MONTHS OF PREVARICATION, caused by Saddam Hussein releasing several million pages of files borrowed from civil services from neighbouring Arab countries, President Bush loses patience.

The EU despatches its Global Strike Force in support, though this encounters major difficulties as the Greek batallion is turned back as it attempts to drive through Turkey, and Dutch forces get lost on the Paris ringroad. Difficulties only increase in the desert as German elements fail to locate prepositioned towels.

NOVEMBER

SWEDEN has its third referendum this year on the euro. While the vote narrows to a 6% lead by the 'No' campaign, the Prime Minister remains defiant in failure and announces a package of measures designed to make next month's re-run a success, including an extensive television publicity campaign funded by a brain tax.

DECEMBER

HEADS OF GOVERNMENT gather to finalise the new Treaty of Rome.

Giscard d'Estaing once more succeeds in monopolising press attention by his news-grabbing activities, capitalising on his walk-on role in the latest James Bond film *Never Say Europe Again*. Paperazzi flock round the former French President as he arrives by jetpack to the sound of *Whitesnake*.

The new Europe is born!

Dr Lee Rotherham is secretary of Conservatives Against a Federal Europe and an adviser on European affairs.

THE EUROPEAN FOUNDATION

The *Great College Street Group* was formed in October 1992 in order to oppose the Maastricht Treaty. The group, consisting of academics, businessmen, lawyers and economists, provided comprehensive briefs in the campaign to win the arguments in Parliament and in the country. The European Foundation was created after the

Maastricht debates. Its task has been to mount a vigorous and constructive campaign in the United Kingdom and throughout Europe for the reform of the EC as a community of independent sovereign states. The Foundation continues to establish links with other like-minded institutes across Europe.

Objectives

The objectives of the Foundation, set out in its constitution, are as follows:

- to provide a forum for the development of ideas and policies for the furtherance of commerce and democracy in Europe;
- to increase co-operation between independent sovereign states in the European Community and the promotion of the widening and enlargement of that Community to include all applicant European nations;
- to resist by all lawful democratic means all and any moves tending towards the coming into being of a European federal or unitary state and for the furtherance and/or maintenance of such end;

Activities

The Foundation pursues its objectives by:

- organising meetings and conferences in the UK and in mainland Europe;
- publishing newsletters, periodicals and other material and participating in radio and television broadcasts;
- producing policy papers and briefs;
- monitoring EC developments and the evolution of public opinion and its impact on the political process in the main EC countries;
- liaison with like-minded organisations in other EC and EC applicant countries and elsewhere;
- liaison with trade associations and other professional bodies affected by EC action and policy.

The Foundation

The Foundation addresses itself to the general public and to politicians, journalists, academics, students, economists, lawyers, businessmen, trade associations and the City.

It concerns itself with the following main topics:

- industrial and commercial policy;
- economic and monetary matters;
- foreign policy;
- security and defence;
- environmental issues;
- the Common Agricultural Policy;
- the reform of Community institutions;
- the developing world.

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