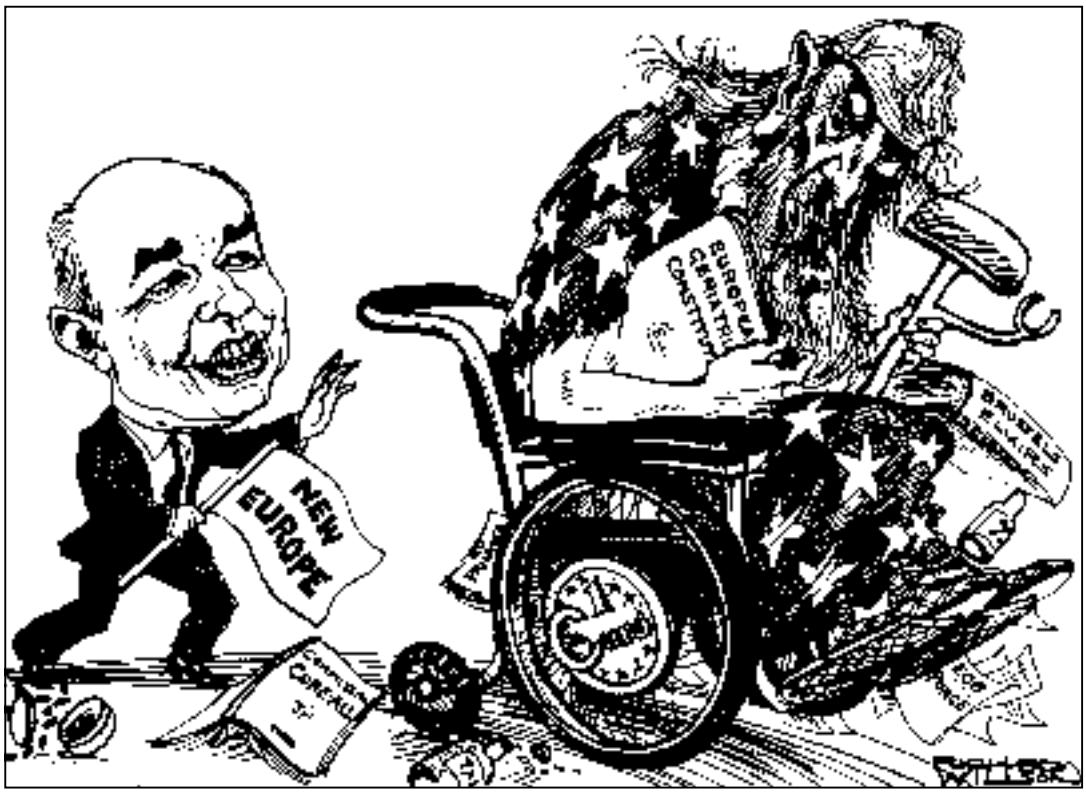
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THE EUROPEAN JOURNAL

The Journal of the European Foundation



Rt Hon. Iain Duncan Smith, MP
A New Europe of Democracies
&
Lord Blake • Sir Oliver Wright, GCMG, GCVO, DSC
John Mills • Dirk van Heck • Lindsay Grinols
Jacob Rees-Mogg • Richard Sanders
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Sara Rainwater • Freddie Gjertsen
Rupen Raithatha • Alex Wieland • Dr Lee Rotherham

The European Foundation
www.europeanfoundation.org

62 Brompton Road, London SW3 1BW
Chairman: William Cash, MP

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Editor: Annunziata Rees-Mogg
Deputy Editor: Rupen Raithatha

Publisher: The European Foundation

5th Floor, Silver City House, 62 Brompton Rd, London SW3 1BW
Telephone: 020 7590 9901 Facsimile: 020 7590 9975
E-mail: euro.foundation@e-f.org.uk

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SOLON

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

People Power

In Germany, constitutional matters are referred to the Constitutional Court. Referendums are not constitutional practice. Yet one of the most senior judges in the Constitutional Court, Herr Bross, has urged his Government to call one. He believes that there has not been enough debate and that the citizens are unaware of what the constitution will mean. He argued that a *"conflict of competence court"* ought to be included in the constitution in order to rule on cases where national law conflicts with EU law.

The German Constitutional Court is the most senior court in the largest country in the EU. He is not some minor magistrate who has been hauled out by the referendum campaigners to promote their cause. This is an important statement from an important man. No longer are the usual suspects the only countries whose officials want a referendum. A heavyweight has entered the ring.

Ireland and Denmark are both bound to have referendums. Whilst Denmark does use 'mini-referendums' as a consultative process, Ireland only has referendums on proposed legislation that directly effects its constitution. Ireland has a written constitution – making it simpler to work out what would affect the electorate's rights than in the UK. What makes the British Government think that something that is going to directly impact the Irish constitution is not going to affect that of the UK? Even Germany's constitutional experts are saying it will impact on their constitution – why is Blair not admitting the same?

Giscard d'Estaing, the guiding spirit of this mammoth Draft Constitution, suggests that a referendum here would be a good idea. In July he said: *"We are not demanding that there will be a referendum [in Britain], but we will be very pleased."* Along with a large number of others who support this constitution, M. d'Estaing is aware that in order for the Treaty to have any lasting success it must have proven popular support. The majority of the British electorate do not know about it. They are not able to support something they have never heard of.

Consent must be informed consent. In order for the British electorate to give their consent they need the information, the time and the power to decide. This is not something that should be rushed through Parliament. Nor should it be a hasty referendum. It should be a detailed and informed debate, with the decision being left to all of those who will have to live with it. The people.

So far other countries are taking a stronger stand on this than the UK. The British are not the only sceptical country holding others back. The Italians, Germans and Danish have, in so-called defiance, said in the past that they have the right to determine the consistency of community law with the fundamental principles of their own constitutions. According to each of those countries their own constitutional obligation is to protect their own constitutional system. Now we shall see what they do about this definitive European constitution. The British Government should stand up for a similar principle enshrined in our own constitution, that no Parliament can bind its successor and that no government can use the prerogative to alienate the Prerogative. This principle was reconfirmed in the legal case brought against the Government over Maastricht.

Democracy is a fundamental issue for all European countries; it is a fundamental principle of the UK. The democratic deficit has not been eliminated by the draft of the constitution and the democratic clause is very weak. It is doubtful if such an undemocratic constitution is compatible with the German constitution, or whether it could be with the British one.

A number of proponents of a referendum on the constitution, when it is finalised, suggest that it ought to be Europe-wide, not only in the reasonable sense of being held simultaneously in all European countries but in the sense of having a single count with a European, not a national, majority. This would be a totally undemocratic vote. How could the voices of the people in Ireland, with a population of under 4 million, be heard amongst the 379 million total of the EU? It would not satisfy the democratic requirements of the Irish constitution. Indeed, if Germany, the UK and France all voted 100% in favour, admittedly not a likely scenario, it would make no difference that *every* other elector in the EU voted against; it would still go through.

The only way referendums can be representative is if they are limited to one demos. Each of the member states has their own identity and must be asked whether they think it is in their own interest. A Europe-wide referendum could not be justified unless, and until (heaven forbid) the EU is one state. Whether that happens is what is to be decided and it is the people of sovereign nations who should choose.

We are sorry to announce that Matthew Elliott will no longer be writing 'Brusselsbourger' for the *European Journal* but we look forward to reading occasional articles from him in future. We would like to thank him for his work both as an employee of the Foundation and latterly as a columnist for the *Journal* and to wish him well for the future.

Conservatives and the EU 'Constitution'

by Robert Blake

The Economist recently had as its front cover a picture of a waste paper basket full of screwed up bits of paper. Above it was the heading *'Where to file Europe's new constitution'*. Most Conservatives will say "Amen" to that. The draft produced by the European Constitutional Convention is quite unacceptable to any Conservative. Admittedly it is a draft and subject to amendment by national parliaments. But drafts, especially of any document to do with Europe, have a habit of settling everything that matters, leaving freedom only to adjust minor issues. If this constitution is to be adopted in Britain, it will require amending to such an extent that it will not be the same document at all. It would be simpler and more sensible to dump it in the bin and start again. The notion promoted by Tony Blair that it is merely a tidying up operation to clarify the numerous overlapping treaties which compose the present rules of association between the fifteen EU nations, and therefore that there is no need for a referendum in Britain to ratify it, is absurd. The same argument was used by John Major over the Maastricht Treaty in 1992, and was equally absurd.

I was deeply involved in the debate on this and I led the advocates in the House of Lords of a referendum on Maastricht. I had the support of both Margaret Thatcher and Norman Tebbit who preferred to speak late and leave the opening to me. In spite of that support – or in some cases no doubt because of it – I was heavily defeated. There was an unholy alliance between all three front benches to throw out the amendment which required a referendum before the treaty was ratified. One can only hope that the Conservative shadow cabinet will not repeat the folly of their predecessors eleven years ago. There is a good chance that they may be more sensible. Mr Duncan Smith was one of the Maastricht rebels in the Commons.

The Conservative Party is a National Party or it is nothing, Disraeli said – or words to that effect. Many Conservatives, though not all, believe that Britain should remain a sovereign state and that, step by step, that sovereignty has been eroded over the last two decades. The Single European Act was the first major surrender. Margaret Thatcher signed but bitterly regretted it later. She felt she had been conned into doing so by the Foreign Office. That may be unfair. The Foreign Office certainly has an institutional bias in favour of closer European union and life for diplomats is more pleasant when you can agree with your opposite numbers at conference than when you are constantly making objections. But there is no need to doubt the honesty of officials. Margaret Thatcher could have refused to sign.

That, however, is water under the bridge now. Conservatives are free to look at the new constitution with as much scepticism as it warrants,unencumbered by their past errors. If Tony Blair says, *"You agreed to Maastricht; this is only a small step on,"* the answer is, *"So what?"* First, it is not a small step at all but a very big one. Second, even if it is a small step, why regard Maastricht as the base line for comparison? Ken Clarke and Chris Patten may feel obliged to do so. Duncan Smith, of all people, need feel no such obligation.

Conservatives are free to look at the new constitution with as much scepticism as it warrants,unencumbered by their past errors

The new constitution, whatever its British defenders may say, is a major move towards a federal 'United States of Europe' which, one may argue, is the real objective of the europhiles. They have always regarded this as the logical and proper implementation of the 'ever closer union' which figured as one of the purposes of the original Treaty of Rome. The founding fathers of the European Union – Monnet, Schuman, Spaak, Hallstein, etc. – had no doubt that, although economic integration came first, it was to be followed by political integration. This was little appreciated in Britain and the idea received a notable setback from de Gaulle who, before his retirement in 1969, declared in favour of a 'Europe des Patries'. This or something like it was what the British public believed it was voting for in the referendum of 1975. They – or most of them – never dreamed that they were voting for an organisation which would turn into the present EU – let alone the revised EU envisaged by the draft constitution. The removal of obstacles to free trade seemed to most people a laudable purpose. We ought, of course, to have looked at the small print. But how many voters ever do this unless alerted?

The new constitution does not quite create a United States of Europe. The word 'federal' originally in it was cut out as a sop to British sensitivities. But there is no doubt about the direction in which it is moving. The EU already has some of the features of a state; a central bank, a parliament, a supreme court of justice, a president (of the Commission), a national anthem, a flag and considerable law-making powers over which in some cases, but not all, the component nations have a veto, qualified in some cases but absolute in others. To these would be added a formal legal personality, a bill of rights, a large extension of the power to legislate by majority vote, a foreign minister and new powers over criminal law and immigration. There were those who hoped that the Convention would recommend the return of some powers to the nation states. There is no sign of this.

Two key features of a nation state have not been accepted by the Convention and remain outside the clutches of Brussels. One is the power to raise taxes and thus to 'harmonise' the different national systems – a much cherished ideal of the federalists. The other is foreign policy. The newly invented foreign minister will have no power to take decisions over the heads of the national governments, who will retain their control over their armed forces and their absolute veto on going to war.

The new constitution is not a complete sell-out to the federalists. Nevertheless, it does involve a considerable loss of sovereignty by the component national states. For this reason, the national party should look at it with a highly critical eye, and not accept for one moment bland governmental inanities about 'tidying up'. Conservatives should press for Parliament to examine it clause by clause, especially in the House of Lords, if the government exploits its subservient majority in the Commons. They should also press as hard as they can for a referendum. Here they are

on sound popular ground and have the good example of most of the other European countries, including some of the new applicants for membership of the EU. If new Labour can have referendums on Scottish and Welsh devolution, it surely ought to concede one on a constitution which affects the whole UK drastically and irrevocably. Mr Duncan Smith, in his very important Prague speech, leaves no doubt where he stands. Ken Clarke's prompt denunciation indicates likewise. On this issue his views are about as out of touch with the Conservative Party as they could be.

It is worth repeating the reasons why a federal United States of Europe, unlike America, will never work. The thirteen colonies whose representatives assembled in Philadelphia in 1787 spoke the same language and had been brought up in the same common law legal tradition derived from their English origins. They had the same moral values and a shared belief in liberty and equality. Their independence, as colonies that had freed themselves from English rule, was very recent. They could hardly hope to survive as separate sovereign states. A federal constitution was their best hope. Even so, it nearly crashed seventy years later on the issue of slavery. The Confederates of the South were only narrowly defeated in a civil war of notable savagery.

The European states, especially if we include the ten new ones, have histories of sovereign independence of varying lengths and speak different languages. The new constitution gives equal status to all of them. As one commentator has dryly observed, this will give full employment to translators from Latvian into Greek but has little other merit. More important, the twenty-five states have different legal and constitutional systems. There are in Europe none of the common constitutional and legal features which made the Philadelphia convention a success in binding together the thirteen colonies. There is no European 'public', there is no sense of European citizenship.

If we are to accept the new constitution or some revamped version, surely the British people should decide, not a government which has no mandate and never raised the question at the last general election

It will no doubt be argued that the new constitution is not federal. This is quite true but it is a step in that direction and a European superstate is the avowed aim of many of its supporters. The changes proposed are nearly all in the direction of greater centralisation and extension of bureaucracy. The Laaken declaration which set up the Constitutional Convention left open the possibility of giving greater powers to the national governments. That hint has not been taken. Tony Blair has always paid lipservice to 'states' rights', but he has never used Britain's veto. And the veto will be even less effective under the new dispensation, as it can be overridden by two thirds of the states comprising 60 per cent of the European population.

For the moment there is little that the Conservatives can do, except to support with what power they have Mr Duncan Smith's Prague declaration which is in effect a plea for a Europe des Patries. The government spinners will do all they can to portray Mr Duncan Smith as secretly aiming at complete withdrawal from the EU. He has repeatedly affirmed his determination that Britain should remain a member, but that this does not mean an uncritical attitude towards the EU as it stands on the proposed new constitution. Above all, it does not mean acquiescing in the spineless attitude of New Labour. If we are to accept the new constitution or some revamped version, surely the British people should decide, not a government which has no mandate and never raised the question at the last general election. The Conservatives should press relentlessly for a referendum. Under Mr Duncan Smith's leadership I am sure they will.

Lord Blake is a Conservative peer and a respected historian whose publications include biographies of Disraeli and Churchill. He was formerly the Provost of Queens College, Oxford, and a Pro-Vice-Chancellor of Oxford University.

… news in brief

Schreyer wants to change budget contributions

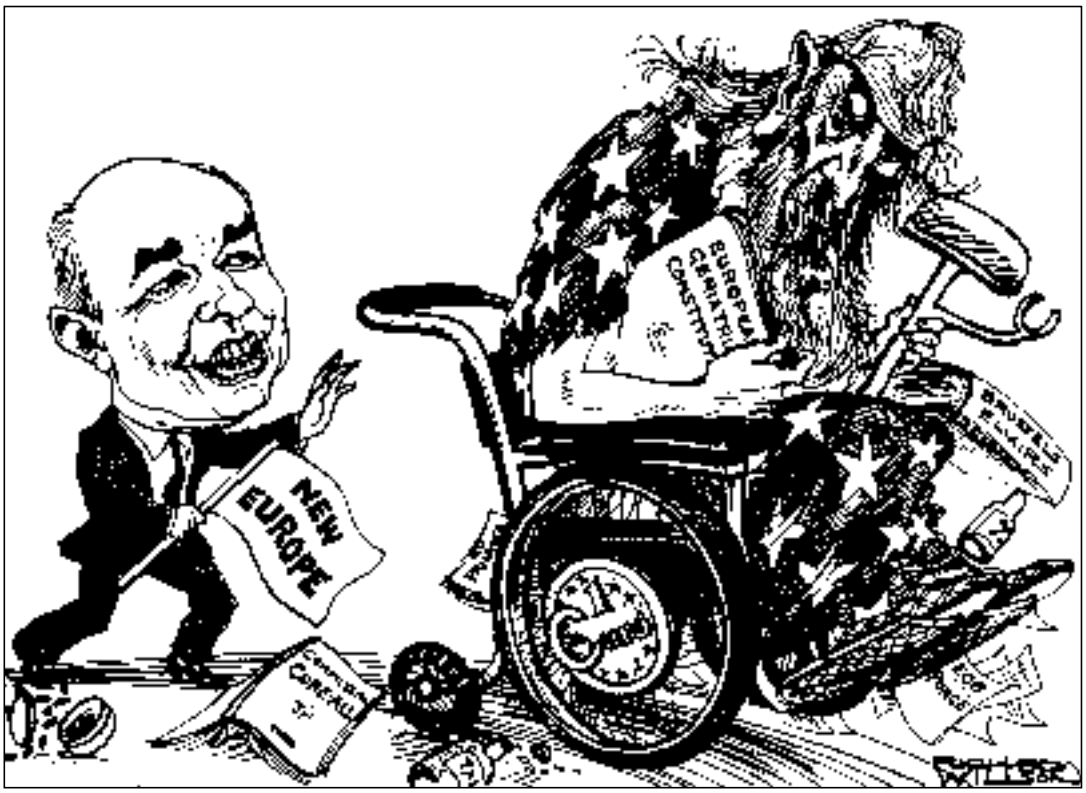
The commissar with responsibility for the budget, Michele Schreyer, says she is keen to readjust the way the budget contributions are calculated so that Germany pays less and Britain more. She says she is going to put forward a new correction mechanism. *"We need a solution which distributes the burden more equitably,"* she said. The new mechanism would limit payments by net contributing countries to a certain percentage of GDP. She said that there was no way that the EU could continue with the British rebate, but that it would also be impossible to abolish it completely either. She indicated that Britain would continue to get a reduced rebate. She also said that she was in favour of strengthening some aspects of EU policy at the expense of the CAP. She also criticised the proposal made in the European convention that financial questions should continue to be subject to unanimous vote. *"Then there will be 25 governments around the table and anyone who has a particular wish will be able to block everything until he is satisfied. This is the most expensive solution imaginable."* The budget for 2004 will rise by 2.7% to some €100 million, of which Germany will provide 22%. [*Handelsblatt*, 16th July 2003]

Aux armes, Européens!

On the occasion of a ceremony in Berlin to mark the 59th anniversary of the failed attempt on Adolf Hitler's life, the French defence minister, Michèle Alliot-Marie, has said, *"French and German soldiers are now brothers in arms, and have been for many years."* She listed the various *"peace-keeping missions"* in which the two countries have participated. Some people protested against celebrating this anniversary with a military parade, but the French minister said that it was *"one of the founding dates of the new German army,"* the attack on 20th July 1944 having been carried out by senior army officers. *"The rapprochement between our two peoples was first brought about by soldiers,"* she said. *"Fifteen years ago was the first Franco-German defence council. Ten years ago the Franco-German brigade was born, the matrix of the Eurocorps, which is progressively uniting all the nations of the European continent. This year, to celebrate that event, it was the head of the Eurocorps, a German general, General Karnerhoff, who opened the parade on 14th July on the Champs-Elysées in Paris."* The German defence minister, Peter Struck, agreed saying that the Franco–German co-operation was the motor of rapprochement in Europe and the guarantor of an important European pillar within Nato. [*Le Monde*, 20th July 2003]

A New Europe of Democracies

*A speech given by **Rt Hon. Iain Duncan Smith, MP**, on the 10th July 2003 on his visit to Prague, during which he signed the Prague Declaration – a commitment to defend the individual sovereignty of the EU member states by creating a 'New Europe'.*



Two seismic world events have defined our times. They've framed a generation's hopes and its fears.

On 9th November 1989 the Berlin Wall came down. The Cold War was over. The shockwaves from that event swept through the streets and squares of this historic city. Those of us old enough to remember 1968 were overjoyed when an old regime was soon overthrown and the true and indomitable spirit of the Czech people emerged again.

The second historic event produced a very different kind of shockwave. Evil and destructive in nature. On 11th September 2001 America was violated by terrorism without limits. Evil men – using unimaginable weapons – declared war. A war against democracy and the rule of law. Against religious and economic freedom.

The fall of the Berlin Wall and the fall of the twin towers were world-changing events. The hope and freedom that flourished because of the first are endangered by the terrorists who spawned the second.

The European nations must respond to today's challenges with vision and resolution. With the same kind of clarity shown by the EU's founders. Living in the devastating aftermath of World War II, they were deeply scarred by the experiences of defeat and occupation on continental Europe. They strove to prevent such a tragedy from ever happening again. They succeeded. For under the umbrella of NATO, great prosperity was created from the rubble of the second world war. Nations once locked in conflict became friends. And – crowning everything that has gone before – great nations like the Czech Republic – once trapped on the wrong side of the iron curtain – are now about to join the European Union.

This historic enlargement is the European Union's greatest achievement and the culmination of its post-war purpose. An enlarged European Union of which Britain is a committed member.

The Union's founders built a solid foundation. They built structures that served their times well. But some of those structures are no longer right for today's Europe or today's world. The children and grandchildren of those who shaped post-war Europe now want to stand on the shoulders of their forefathers to advance a vision of their own.

In fifty years' time, historians will ask if Europe's peoples faced up to today's challenges. Or did they sink their energies into devising a constitution that looked back to all the old problems and addressed none of the new? Did the leaders of Europe's nations reform the eurozone or turn their back on thirteen million unemployed people? Did they face up to the threat of terror in the post-9/11 world or ignore the world's rogue nations? Did Europe turn its attention to the problems of Africa or did it turn away?

As new members of the EU, the peoples of the Czech Republic and Central Europe, will play a decisive role in building a Europe able to answer this century's questions. Which is why I'm so pleased to join representatives of the ODS and Poland's Law and Justice Party in signing the Prague Declaration. A Declaration that recognises that Europe's free nations are at a historic crossroads. If we choose one way we head

towards a centralised and federalist Europe. But if we choose the other road we will create a partnership of sovereign states. Trading freely with each other and co-operating on matters of common interest. Which future shall we choose?

Do we want Old Europe? Not so much a group of countries as a state of mind. A state of mind obsessed with building a United States of Europe. A United States of Europe ruled by unaccountable and supranational institutions. An Old Europe, complacent in the face of intensifying economic competition, and trying to hide from the new global economy. An Old Europe that is hesitant in the face of the growing terrorist threat.

But there is nothing inevitable about the journey plotted by Old Europe. The British, Czech and Polish peoples – and all people who cherish democratic freedoms – want a different path. A different destination. They want a New Europe. A New Europe of democracies ready to meet the challenges of today's world. Each ready to serve a new generation's ideals. A New Europe where sovereign democracies work together in a spirit of enterprise. But never at the cost of their own independence. And never at the expense of the world beyond Europe's borders.

Let me be clear: The Conservative Party does not want Britain to leave the European Union. We want to make it work. Anyone who says differently is telling a lie. The truth is that we are as committed to building a New Europe of sovereign democracies as we are opposed to a United States of Europe. That's the real choice. That's the real debate. A vote against the Constitution is not a vote to leave the European Union. The Conservative Party's commitment to the European Union is rooted in our commitment to the permanent interests and values of the British people. Permanent interests and values that have also been formed by our special relationships with the countries of the English-speaking world and the whole Commonwealth.

Our vision of New Europe is about more than just a reaction to the faults of the EU's existing arrangements. It is a positive vision. A practical vision. A Europe of free nations. Sovereign and freedom-loving. A Europe of democracies. Strong national parliaments and vigorous local politics.

The existing institutions of the EU are not meeting today's challenges. Its centralised structures represent a costly and ineffective compromise between the supranational and the intergovernmental. New Europe must be politically honest. More transparent and more accountable to the people who pay for it. Founded on co-operation between nations – not soulless supranational institutions. The Commission must be the servant of the European Council and not the core of a European government. The Council – not the Commission – should take the lead in trans-European policies and initiatives. The national veto should be protected on issues of fundamental importance. The Council should have the same priorities as Britain's outstanding Conservative MEPs. Who, in their battle against fraud, their support for businesses and farmers, and their commitment to effective aid policies, have shown the way forward.

This is our vision. A Europe of national democracies. Trading freely with each other and committed to freedom and democracy around the world.

There are those who wilfully misrepresent the choices facing Europe's democracies. They are trying to bully the British and Europe's other peoples into believing that it's Old Europe or no Europe. Old Europe has closed its mind to the possibilities of New Europe. It says all Europe's nations must accept the euro … accept the constitution … accept the aid budget riddled with corruption … accept the common foreign policy … accept the common defence policy… Accept all these things or they must get out. This is a false choice. The British, Czech and Polish peoples have every right to be in the European Union and reject the euro and the constitution.

Some claim the British people will lose influence if they reject Old Europe's agenda. But influence must never be bought at the price of our permanent interest. Influence is a means. Britain's permanent national interest is an end.

Recently, in Munich, President Klaus issued a prophetic warning. He declared that democracy cannot exist in an entity larger than an independent and sovereign state. He spoke of the *"fragility and vulnerability"* of Europe's prosperity. And he warned about the dangers of stoking anti-Americanism. Those were timely warnings. Warnings we must heed. And they are why the British Conservative Party – and many other peoples across this continent – are ready to campaign for a New Europe. A New Europe of democracies. A New Europe of enterprise. A New Europe of nations dedicating their will and wealth to the twin objectives of global justice and global security.

Building a New Europe is the task before us. And it is an urgent task.

A New Europe of democracies

New Europe must be built on a redefined relationship between power and people. Political power should be rooted in the national democratic institutions that bind people together in common purpose and so inspire loyalty. The draft European constitution invokes the words of Thucydides. And I quote: *"Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people."* This is a reminder of our shared democratic heritage. But also a warning of what's at risk.

This continent has generated the greatest concentration of democracies in history. Every country in Europe has taken a different path but all have arrived at a point where people have won the right to change their government at the ballot box. The Czech people - and the other peoples of Central Europe – know that right needs defending. It was Vaclav Klaus who said: *"We know what it means to lose sovereignty, to wait for directives coming from a remote city, to follow rules formulated not at home and not democratically. Because of that we are against unnecessary centralisation and unification of Europe…"* And he went on to say: *"The current European unification process is not about opening up. It is about centralism, about regulation and control, about redistribution and social transfers, about the ever-increasing role of an unelected and uncontrolled bureaucracy, about the retreat from classical parliamentarism."*

The British Government says that the Constitution is simply a tidying up exercise. The consolidation, they say, of existing treaties. But every last one of those treaties was presented to the British people as an exercise in the cooperation of sovereign nations. And it was on that basis that the British people gave Parliament the authority to negotiate and ratify successive treaties. Now something altogether different is proposed. A constitution for the EU which would mean that no individual nation would be able to alter the highest laws by which it is governed. It would put the making of these laws beyond nations. Surrendering them to supranational and

unaccountable institutions and remote European judges. This constitution will change the European Union from being the biggest partnership of democracies in the world, to the biggest bureaucracy in the world. To an increasingly centralised and unaccountable political union. From a special kind of body created by the treaty commitments of signatory democracies to a state, with its own legal personality. In short: a unique power, with its own constitution and supremacy over our national laws.

For too long the supranationalist agenda of the Old European mindset has been masked. That time is past. What was once concealed is now revealed. There is no hiding what stares us in the face. A constitution that would lead inescapably to ever more power being transferred to Brussels. A blueprint for a United States of Europe in all but name. One president. One currency. And now one constitution.

Presidents and Prime Ministers from across Europe recognise the significance of the proposed constitution. It would establish the primacy of the Union over the member states. Some politicians honestly welcome it. Others – equally honestly – oppose it. But all recognise its fundamental importance. That's why many European leaders will give their people the final say in a referendum. But the British people are not being given the referendum they want and deserve. The argument that ordinary people don't understand the issues well enough to make the right decision is as pathetic as it is patronising. The British people already know they don't need the constitution. They don't want it. Given the chance, I believe, they'll vote against it. And in campaigning for a referendum we won't let them down.

It is even claimed that Parliament can decide – because Parliament is sovereign. But Parliament has no more right to lay Britain's sovereignty at the feet of a foreign constitution than it has to ban elections. No British government has the authority to give away that which it does not own. Because the Westminster Parliament's authority is founded in the will of the British people. An EU constitution would thwart the will of the peoples of Europe and over-rule their national parliaments. That's why the Conservative Party's opposition to the adoption of a European constitution is a matter of principle. It's a basic principle that sovereignty belongs to individual nations and their peoples.

What Europe needs now is a democratic revolution. The return of power to nation states. To the parliaments and assemblies with which the peoples of Europe identify. To be in favour of the best of Europe means to be in favour of the democratic liberties of its nation states. Democracy is not just an abstraction or a system for counting votes. Democracy only thrives when it is embodied in a living culture and society. Where voters can change the way they are governed. The sense of loyalty and identification people feel towards their country's democratic institutions is a condition of real democracy and a consequence of it. Real democracies are living political communities formed by human history. Governments elected by members of those communities are expected to represent vital national interests. They are accessible through popular media and accountable through the ballot box. The institutions of the EU can never command the deep loyalty and affection that are the lifeblood of true democracy. Real, living democracies are worth defending and, ultimately, worth dying for. National parliaments – cherished and strengthened – must once again be the foundation of the European Union.

A New, enterprising Europe

Our second challenge is to build on the rock of Europe's post-war economic achievements. From the European Coal and Steel Community of 1951 to the European Economic Community that Britain joined in the 1970s – the evolving European Union has underpinned an economic miracle. And I pay tribute to such a significant achievement and the many benefits it has brought Europe's peoples. We should also acknowledge the enormous contribution of America. First through its Marshall Plan. Then – through NATO – to Europe's defence.

But the European Union cannot afford to rest on its laurels. Old European thinking isn't working anymore. In recent times the US labour force has grown twice as fast as Europe's. If the EU had matched America's performance there would be 28 million extra jobs and the annual output per worker would be £5,000 or 230,000 Koruna higher. The constitution does nothing to simplify the 97,000 pages that form the EU's burdensome legal code. In today's intensely competitive global environment the European Union needs to relearn some economic truths and relearn them fast. High tax economies that over-regulate businesses and fail to reward enterprise do not create wealth. They create budget deficits, unemployment and social injustice. The more that businesses and entrepreneurs are held back the more vulnerable communities are left behind. And the less Europe is able to meet the implications of its ageing populations and the looming pension crises.

Despite endless talk about economic reform, most of Europe's economies still suffer from rigid labour markets and high external trade barriers. They have not been helped by the euro. Many of the eurozone's economies have been crippled by a combination of supply-side rigidity and monetary inflexibility. Does anyone seriously believe that an interest rate manufactured in Frankfurt will ever be right for Copenhagen, London, Madrid and Warsaw at the same time? Within the European Union there should be freedom for different member countries to choose whether or not to participate in particular initiatives. If others are happy with the euro experiment, we cannot and should not stand in their way. And we certainly wish them no ill. But Britain won't be joining them. It's not a matter of believing the euro is against Britain's interests. But of knowing that it's against Britain's interests. Businesses need to plan ahead. Voters want honesty. Both can be sure that, with a Conservative government, Britain will not join the euro.

Conservatives also want to halt Britain's current march towards Old European levels of tax and regulation. This self-destructive path to economic convergence is a huge threat to the British economy. We must deliver European economies that work. Conservatives will work with our European friends to complete the single market. A project proudly and successfully championed by British Conservatives in the 1980s. And we won't stop there. Global free trade must be the European Union's long-term economic ambition. In the meantime we want Europe to trade freely with countries to our east – not least with Russia and Turkey. These great nations are important neighbours and I would welcome the negotiation of deeper special relationships with them. We also want the EU to begin talks with NAFTA about an Atlantic Free Trade Area. And at exactly the same time, we must lift the trade barriers that so unfairly punish the world's poorest farmers and producers.

Europe's prosperity and any hope for the continent's thirteen million unemployed people depend upon urgently-needed economic liberalisation. The talk must stop. Ambitious reform must be delivered.

A New, globally responsible Europe

In our increasingly interconnected world Europe's peoples have a moral duty to the world's poorest nations. But it is no longer only a moral duty. Conscience and self-interest lead us to the same conclusions. Extremes of poverty and disease produce the failed states of tomorrow. Failed states breed terrorism and the drugs trade. Failed states force mismanagement of the environment and perilous flights of refugees. Global injustices feed global insecurity. With compassion and courage Europe's democracies must tackle both together. We must defeat terrorism. Rid the EU aid budget of corruption and waste. And reform agricultural and trade policies that are damaging third world producers and the natural environment.

In the post 9/11 world America and the individual European democracies must act together. Act together against the terrorists – and terrorist-sponsoring states – who hate our way of life and want to destroy it. When the world's only remaining superpower does the right thing in the defence of our security and freedom – as much as its own – it deserves the support of proud European democracies like Britain, the Czech Republic and Poland. Of course, America is not perfect. British Conservatives oppose the tariffs Washington uses to protect West Virginian steel makers or the subsidies given to Texan cotton farmers. But Europe's nations could not have a better ally than America.

We must continue to strengthen NATO as the foundation of European collective defence and security. Europe's nations must develop a greater capability for their own defence and security. But this capability must be exercised within NATO. The European Security and Defence Policy is generating friction between Europe and the United States. When the ESDP was first created, former US Secretary of State Madeleine Albright warned against, what she called, the three 'D's. Duplication of NATO structures. Discrimination against non-EU members of NATO. And Decoupling of US and European security policy. Now, sadly, we are witnessing the beginning of all three. The European nations and the US cannot tackle global insecurity if we become rivals rather than partners. If Europe does not want the US to go it alone, then why is the EU preparing to act unilaterally? Collective defence and security is perhaps the most fundamental reason for rejecting a European Constitution. The difference between the EU and NATO is simple. NATO guarantees national sovereignty. The EU constitution will subjugate it.

The USA is not our enemy. Humanity's enemy is hunger, disease, dictatorship and genocide. What will the European nations do about all these? What will we do in Ethiopia? Where hunger has come to regions that have never known it before. What will we do for Africa; a continent ravaged by war and disease? Where 8,000 people die every day from HIV/AIDS. What will we do about Zimbabwe? Where millions of its citizens are threatened with violence and terror because they dare to criticise Robert Mugabe's reign of terror.

A few weeks ago, Bob Geldof described the EU's response to global poverty as *"pathetic and appalling"*. The mismanagement of the EU aid budget is a scandal. It's not just another story of bureaucracy gone mad. But of lives that could have been saved, but weren't. Why does so much of the EU aid budget end up in the hands of corrupt officials? Why is so much of the current EU aid budget having to pick up the pieces from the Union's protectionist trade policies? Could charities like Oxfam, CAFOD and a hundred smaller development bodies spend Britain's near one billion pounds contribution more effectively? The same institutions and values that produce sustainable development at home should be promoted overseas. Open government, an independent judiciary, religious freedom and free trade must underpin development policy.

But the EU shuts out the poorest nations of the world through punitive trade barriers. Many of them central to the Common Agricultural Policy. The world is hungrier because of what EU agriculture and fishing policies have done to the world's poorest farmers and producers. Recent reforms to the CAP are welcome but are still insufficient to make it work.

A Europe that works

The first duty of Europe's peoples is to ensure that national democratic and economic freedoms are protected for the next generation. That duty requires critical choices in coming years. But history places even greater demands on us. Future generations probably won't remember what political or economic reforms we pursue in the next ten years – unless we get them badly wrong. But history will ask how we used our freedoms and or prosperity. Did we have the foresight to eliminate networks of terror or did we sleep while the menace grew? Did we open our hearts and minds to the poorest nations of the earth or close our markets to third world farmers and producers? Did we rise to the challenges of our time or drown in them? Did we make bold promises or did we make a difference?

Throughout this speech I've focused on the major challenges facing Europe. They are urgent challenges that require strong and resolute responses. Instead we have been presented with the proposed EU Constitution. But if this Constitution is the answer – what on earth was the question? It's an old treaty proposing old solutions for old times. Contrary to the intentions of the Laeken Declaration it takes the Union further away from the interests of Europe's peoples. The Old European mind isn't even asking twenty-first century questions. Let alone providing twenty-first century answers. Old Europe has become as detached from the spirit which first inspired co-operation as it is from the will of today's European peoples. Now we must rekindle that spirit and so reunite Europe's direction with the will of its national democracies.

Conservatives want Britain's membership of the European Union to succeed. And that is why – with others – we are committed to campaign for the New European vision I have set out today. The positive vision of Europe set out in the Prague Declaration. A Europe that focuses on the practical problems facing its peoples. A New Europe of democracies. Intergovernmental – not supranational. Equipped to compete in world markets. Ready to overcome this century's challenges. The global challenges of poverty, disease and terror.

Great causes are championed by strong democratic nations. The European Union can only prosper as an alliance of sovereign democracies. A Europe of nations in a world of nations. Willing to fight for its own peoples and for a fairer, safer world. A stronger Britain in a stronger Europe. A Europe that works. A New Europe.

Cry God for Iain, England and St George

by Sir Oliver Wright, GCMG, GCVO, DSC

As they left Westminster for their summer holidays, Tony Blair and his reputation on the down escalator passed Iain Duncan Smith and his reputation on the up escalator. It symbolised a remarkable reversal of fortunes: deserved, a long time coming and well worth waiting for. And, although a week may be a ling time in politics, this transformation looks like being durable. When he returns, Tony Blair will have cause to fear his party conference; IDS will have reason to look forward to his.

Blair has no one to blame but himself for this fall from grace, unless it be his alter ego, Alistair Campbell. His sins are finding him out. Quite apart from his failed domestic agenda – all talk and no delivery, all spin and no substance – he has dismembered the realm by devolution, disenfranchised the electorate by proportional representation and is in the process of reducing our country to little more than a province of Brussels. By lifting the 'opt out' of the Social Chapter of the Maastricht Treaty, he has relegated our nation from 4th to 12th place in the league of competitiveness as calculated by the independent World Economic Forum. He now wishes to nullify his one undoubted success in setting the Bank of England free by signing up to the euro and the European Central Bank and complete the process of provincialisation by ratifying the proposed European Constitution. His posturing on the world's stage, including the Congress of the United States, invites hubris: nemesis will assuredly follow. The task before us is to accelerate his departure so that he does not take our country down to Hades with him.

In contrast, the quiet virtues of that underestimated man, Iain Duncan Smith, have earned slow but steady appreciation in the public consciousness. The tide clearly turned with remarkable success in the local elections, which the BBC under the leadership of two Blair supporters, Gavin Davis and Greg Dyke, refused to acknowledge. He has been setting in place attractive alternative policies for the domestic agenda, capitalising on the Tory principles of choice and freedom. As trust in Blair has receded as inexorably as the ebb tide, so trust has flowed to IDS for his undemonstrative honesty. He has come good on his exhortation to the Tory faithful last year not to underestimate the determination of a quiet man. Those who scoffed can now cheer.

Important as are home affairs for the average voter – and as a former diplomat I am very conscious of the primacy in democracies of the domestic over the foreign – the future of our country as an independent nation is in fact immeasurably more important. For that is what now is at stake and will dominate our affairs until our relationship with continental Europe is resolved. Up to now, the official Tory reaction to the ongoing disasters in Brussels has been muted, hagridden as they have been by the false conclusion that they lost the last election by overemphasis on Europe. The plain fact is that no one was listening to anything they said in 2001. The hash they had made of the economy, negative equity, high inflation and high unemployment, were still too fresh in people's memories for the electorate to listen to them. It was not yet time for a change.

But life has moved on. The continuing Brusselisation of Britain and the Campbellisation of public life have left people disgusted with the stench of corruption in high places. The integrating eurozone stands revealed and condemned as a disaster area, with stagnant growth and apparently entrenched high unemployment. The democratic deficit represents a Europe designed by and for politicians and bureaucrats. The Giscard constitution embeds the notion of government of the people by the political elites and for the political elites. As Robert Conquest warned, Europe is being transformed into a novel form of rogue state, undemocratic, corrupt, and anti-American. We should not touch that Europe with a bargepole.

Fortunately we don't have to. With admirable timing, IDS proclaimed in his Prague speech the alternative Tory vision for our continent: a Europe of co-operating nation states. That pronouncement has been well prepared, not least by Bill Cash's seminal pamphlet: *"Associated, Not Absorbed"*. It has been reinforced over the past 15 months by David Heathcoat-Amory's sterling work in producing, with a few – too few – admirable European colleagues the minority report on the convention. He has manfully endured a painful 15 months commuting to Brussels, but he has certainly rendered the state some service. He has kept us up to date and given us advance warning of what to expect. Unlike the majority report, which is long and tedious, the minority report is brief and points the way forward for Britain, for Europe when it comes to its senses and indeed for Europe's place in the world. So with IDS's Prague speech the Tories now have a full house of policies, domestic and foreign.

But vision is one thing. Translating it into political action is another. The eurorealist community, from left of centre to right of centre, can concentrate on spreading the word, knowing that it will resonate among our fellow countrymen and women. The steady and perhaps impregnable opposition to the euro must be replicated by a no less steady and impregnable opposition to the Giscard constitution. Pressure must be exerted on Blair, from the grass roots to both Houses of Parliament, to concede a referendum on the constitution. He should be mindful of why his predecessor, Harold Wilson, held a referendum on Labour's renegotiation of the original terms of accession to the then Common Market: to keep his party together, certainly but also, as he repeatedly stated, to get *"the full-hearted consent of the British people"*. That is a matter of record. If, frightened of the British people, Blair tries to use his swollen but fractured majority in the House of Commons to ram through ratification of the new constitution he will not only usurp the authority of the British people but will be to the ensuing age abhorred.

So, in addition to giving aid and support to the eurorealist constituency of all parties and none in the country, the Tory party must develop a strategy in Parliament to frustrate Blair's knavish tricks if he adopts railroading tactics in the Commons. We of the eurorealist persuasion do not need a public declaration of that strategy, since in politics as in war surprise is of the essence. We can be innocent of the thought until we applaud the deed. Then we can all rally to the cry: *"God for Iain, England and St George."*

Sir Oliver Wright was Ambassador to the Federal Republic of Germany (1977-82) and to the United States (1982-86) and is a member of the Advisory Board of the European Foundation.

The Labour Party and the EU

by John Mills

In 1975, at the time of the referendum on Britain staying in what was then the Common Market, the Conservative Party was solidly in favour of continuing membership. The majority of sceptics were in the Labour Party. Now the situation has reversed itself. What has happened? Why has the disillusionment which is so clearly prevalent in most Conservative ranks not spread to Labour?

Opinion polls show substantial majorities among Labour voters against joining the euro and in favour of having a referendum on the proposed new EU Constitution

The answer is that much of it has. Opinion polls show substantial majorities among Labour voters against joining the euro and in favour of having a referendum on the proposed new EU Constitution, which most of them would probably vote against, given an opportunity to do so. It is not the Labour voter, therefore, who has become less sceptical. It is the Labour Party and, in particular, its leadership.

Part of the reason for this turns on personalities. It just happens that some of the people who are now in key positions in the Labour Party have long traditions of being pro-EU though a surprising number have only converted to this way of thinking comparatively recently. More telling was the sea change which the Labour Party went through during the Kinnock leadership era when almost any policy thought likely to upset influential sections of the electorate was abandoned.

The result of this policy shift, however, has been that both those who are career minded and those who are Labour loyalists have tended to adopt a markedly more pro-EU stance than the electorate at large. At present, this may not have a very strongly negative impact on Labour's overall poll standings because EU issues do not appear very high up on most Labour supporters' list of concerns. Education, the Health Service, and Transport, for example, rank much higher.

This situation may well change, however, if referenda on the euro or the Constitution or both hove into sight. Then the latent opposition may well start to surface. If it does, there is a strong bedrock of euro-scepticism within the Labour movement on which to build. Only a few Labour MPs have been brave enough consistently to put their heads above the parapet in recent years, and to declare themselves opposed to the steady drift towards centralisation in the EU. There are now increasing signs that patience is snapping, however, and opposition hardening.

A particularly important development has been the establishment and subsequent campaigning stance of LATE – Labour Against The Euro. This is a parliamentary group made up of MPs with a wide spread of views about whether or not EU membership itself is good for Britain, but whose membership is linked together by opposition to the UK becoming part of the eurozone. Its active membership has shifted the ground significantly in debates on EU issues in the House of Commons as a result of its willingness to speak out strongly against Britain joining the euro, making a powerful and distinctively Labour contribution to the speeches on the euro issue in the Chamber.

A different but overlapping group of Labour MPs has come together over the question of whether there should be a referendum on the Constitution. Not all those involved are eurosceptics. Some are even content for further integration of Britain into the EU to take place. All adherents to this group, however, are united in opposition to the current proposal for the new Constitution to be railroaded through Parliament and thus to be put into effect in the UK without a referendum being held to establish whether this is what the people really want.

Overall, therefore, the Labour position on EU matters is a great deal less united than it is often portrayed to be, especially by papers like the *Guardian* which hope for much more solid support from Labour ranks for both the euro and the Constitution than is likely to be forthcoming. There is, by all accounts from the polls, a significant gulf between the Labour leadership and its electoral support on these issues. This is a dangerous position for any government to find itself in and one which could easily unravel once the pressures mount.

John Mills is Secretary of the Labour Euro-Safeguards Campaign and a local Councillor.

A Sticky Business

by Dirk van Heck

The government has repeated time and again that euro entry will be decided by the people in a referendum. It (or at least the Prime Minister) wants to enter the euro but would hold such a referendum only if it was confident of winning it. This would make the referendum more of a power of public veto than a decision and suggests that the government would prefer the people to be reluctant to exercise this veto. At present, the consequences of a 'No' vote in a referendum would merely be damage to the government. The European Constitution may change this.

Draft article III-91; *"transitional provisions"* for euro membership, adds to the existing treaties by instituting a progress report at least every two years, in which the European Council will decide whether each member state outside the eurozone has fulfilled the necessary conditions for the adoption of the euro. The conditions are laid down in the Constitutional Treaty, and are a good deal narrower than the Chancellor's *"five tests"*. The decision is made by qualified majority voting, and results in the abrogation of the member state's derogation from entering the final stage of Economic and Monetary Union. (Under the draft constitution non-eurozone member states have a derogation permitted by the Council). Measures "*shall*" then be taken to facilitate the implementation of the final

stage, "*with the unanimity of the members of the Council representing member states without a derogation and the member state concerned*"; in other words, these states are to fall into line with the Council's decision.

At present, the UK has an opt-out from the final stage of EMU under Protocol 25 of the consolidated treaties, but the government has not made this opt-out a *"red line"*, so it is, in principle, negotiable at the Intergovernmental Conference, starting in October. The opt-out is already less strongly worded than that of Denmark, so it would take only a little redrafting to change its effect. The Convention Praesidium remarked on 2 April 2003 that *"The Convention may wish to draw the IGC's attention to the fact that it needs to consider what is to happen to the protocols."* It would be useful from the point of view of achieving monetary union if the British opt-out were quietly to disappear.

These thoughts in mind, Bill Cash recently tabled a question asking the Chancellor to make a statement on the membership of the euro under the draft Constitutional treaty. The reply he received (a week late and following a trail of ministerial buck-passing) from Paul Boateng, Chief Secretary to the Treasury, stated blithely that *"the constitutional treaty does not alter the terms of the UK's EMU protocol. The UK's EMU protocol will be re-adopted on the conclusion of the IGC."* But unless it is a *"red line"* so important that the success of the IGC depends on it, he cannot be confident that it will be.

Without the opt-out, the UK would be subject to the procedure in Article III-91 of the draft Constitution, under which we would be expected to fall into line with the European Council's decision (by QMV) on the UK's readiness for euro entry. A failure to do so based on a 'No' vote in a referendum would entail abrogating the Constitution, the consequences of which are unknown, but would surely be used by the government to frighten the electorate into voting 'Yes'. The euro-carrot is not working. The end of the opt-out would give the government a stick.

Dirk van Heck is Head of Research at the European Foundation.

Human Rights Protection under the Proposed CFR

by Lindsay Grinols

Human rights protection policy is much more delicate than the proposed European Constitution recognises. When Britain's Bill of Rights emerged in 1689, it followed bloody battles. America's Bill of Rights was not even included in the original US Constitution but was added as amendments – to the consternation of many founding fathers. Britain's newest rights-protection invention, the Human Rights Act 1998, followed years of debate on the merits of codified rights and displays impressive, innovative craftsmanship. The draft constitution would wreak havoc with the careful balance that is still being painstakingly perfected.

'Balance' refers to the necessary trade-offs between human rights and democracy.

'Balance' refers to the necessary trade-offs between human rights and democracy. While the two obviously go hand-in-hand, and many scholars argue that there can be no democracy without certain rights necessary for a democratic society to flourish, they do sometimes clash. Free speech is a great example of such a right. Citizens must be allowed to express their views for a truly informed public to vote, but that same public may also then democratically choose to restrict certain speech, perhaps for time and place concerns, protection of a celebrity's private life, or for national security. While societies often want to guarantee rights, they often simultaneously promote policies that restrict them, so various institutions (usually the court) are charged with the duty of guarding rights against statutory or administrative infringement.

The Human Rights Act 1998 (HRA), which came into effect three years ago this October, is a rather ingenious approach to rights protection in Britain. Briefly explained, the HRA incorporates rights from the European Convention for the Protection of Human Rights into British domestic law, which means applications can be made to courts in the UK rather than only in Strasbourg, where the European Court of Human Rights resides. The Act directs British judges to refer to these rights by first giving any statute or administrative act an interpretation compatible with Convention rights. If this is impossible, then the court may issue a declaration of incompatibility at which point Parliament and the government will decide how to respond.

The HRA is aptly fitted to Britain's needs because it fosters rights protection without conflicting with the doctrine of parliamentary sovereignty. With correct judicial discretion, acts that unjustifiably limit rights will be brought to the attention of politicians and the public, exerting political pressure for redress. Still, no legal authority can overturn a parliamentary statute.

The new European Constitution, in applying the Charter of Fundamental Rights (CFR), would bulldoze through the carefully crafted compromise of the HRA. In cooperating with the Convention, the European Court of Justice would in effect make Strasbourg decisions legally binding in the UK. The authority to balance the important values of human rights and democracy would no longer belong to Britain to carefully divide between the court and Parliament with a system of checks and balances.

Here some background information is warranted to distinguish between the proposed Charter and the Convention. In 1950 many EU countries signed onto a list of codified rights known as the European Convention. These are the rights Britain integrated into domestic law with the HRA, and they include derogations (i.e. exceptions.) For example, *"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by public authority with the exercises of this right* except *such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."* [1] (Emphasis mine.) The questions arise: What, exactly, should be allowed under those exceptions? And who should decide? When cases went to Strasbourg, the ECHR decided what was a justified derogation. Under the HRA, British courts make those decisions and the

rulings from Strasbourg are not legally binding.

The Charter rights are not the same as the Convention rights. First, there are more of them (such as EU citizenship rights), and second, they do not include derogations. For the sake of harmony, the Charter provides in Article II-52 that *"the meaning and scope of those [Charter] rights shall be the same as those laid down by the said Convention."*[2] This claims that on issues concerning Charter rights resembling those in the Convention, the ECJ will make its rulings compatible with the Strasbourg court. The legal effect of this 'harmony' is that a Strasbourg recommendation applied by the ECJ would become legally binding on member states, where before Convention rulings could not be enforced. British judges could no longer make their own decisions on what constitutes a justified derogation.

Basically, the Charter takes the same European Convention rights, adds some more, makes their enforcement a legal rather than political issue, and gives discretion to the ECJ, which is neither British nor accountable to member states. The situation begs the question: *"Britain does not even give its own judges legal power over legislation, so why would she give it to judges in Brussels?"*

Human rights protection under the Constitution is a sovereignty issue, but it is more than that. It is a logical question because it makes no sense to worry so much about democratic accountability within one's own country but throw it to the wind when it comes to the Union. It is a philosophical question that requires striking a balance between human rights and democracy. It is a political question proposing abruptly to reassign the repository of power considered authoritative to make those balancing decisions.

To illustrate the gravity of the rights protection situation, imagine it as a seesaw with rights on one side and democratic government efficiency on the other. The two are meant to find a level balance. Since Parliament must be legally heavier than rights, Britain has had difficulty with the balance in the past and invited an objective judiciary to add just a tiny bit of pressure to help level it out. As the full effect of the HRA has yet to be realised, the black-robed judge is barely touching the middle of the seesaw, and carefully considering the application of more pressure. Into this scene of intense concentration enters the heavyweight ECJ judge, barrelling onto the playground with the adoption of the CFR. He unceremoniously plucks the British judge from his post, jumps onto the middle of the seesaw, and hops from one side to another. In his strength he unseats both democracy and rights. Balance is nowhere in sight, and chaos reigns as both values weaken.

1 Article 8, Human Rights Act 1998.
2 Draft Treaty Establishing a Constitution for Europe, Part II: Charter of Fundamental Rights, Article II-52(3).

Lindsay Grinols is an intern at the European Foundation and a law student at Princeton University.

Trust the People

by Jacob Rees-Mogg

While Louis XIV was still issuing *lettres de cachet* and a hundred years before the United States of America was born Britain had habeas corpus. We can easily claim to be the oldest free society in the world. From Magna Carta, in 1215, setting out the limitations of arbitrary power through to the growth of Parliament from later in the 13th century and the ultimate supremacy of the House of Commons we have for a very long time seen an increasing number of liberties for our people. It is fascinating how even powerful kings felt that it was necessary to push their will through Parliament rather than using their own prerogative power. Henry VIII dissolved the monasteries through Parliament and declared himself head of the Church of England by statute. Even a dictator of his kind thought it necessary to make sure that he had the consent and support of the representatives of the people. Inevitably there have been ups and downs. There have been times when monarchs have tried to wrest power from the people and times when the people have reasserted their rights. The Bill of Rights in 1689 established even more clearly the freedoms that the British expect to enjoy. From the beginning of parliamentary reform in 1832 it has been a one way street with a steady accumulation of power in the elected and away from the hereditary or appointed elements of the constitution.

However, Britain has never been a nation used to referendums. We have relied on representative democracy to provide us with the legislative changes that we need. The referendums which have occurred here have been because of political necessity, as in 1975, or have acted as a means of avoiding proper scrutiny of legislation, as with the devolution question. This meant that a higher authority (the people) decided, rather than troubling with, the tedious business of sorting out a solution to the West Lothian question. They have also been used on trivial issues such as whether or not Hartlepool should have a mayor or a monkey or both. Why now should people concerned about the European Constitution feel that a referendum is essential? By people I mean both those who believe that a federal constitution is a good thing and would like to see Britain as one among 25 member states and those who feel that a European federal superstate is unworkable and damaging to their interests and hopes.

The referendums which have occurred here have been because of political necessity

Each side need convincing of the arguments needed for a referendum. Those who are pro-EU need to be persuaded because they think it is a eurosceptic trick to prevent the constitution being adopted. On the other hand a eurosceptic must be persuaded because it is not a traditional part of the British constitution. If the basis of this argument is that the constitution should be preserved and saved from European adventurism it is, perhaps, peculiar to do so with an alien instrument such as a referendum.

It is, therefore, worth looking at the classic statement of representative democracy and why we have that system. The great exponent of it is, of course, Edmund Burke. In his famous address to the electors of Bristol he said *"Certainly, Gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his*

constituents. Their wishes ought to have great weight with him; their opinions I respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs – and above all, ever, and in all cases, to prefer their interests to his own.

"But his unbiased opinion, his mature judgement, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure - nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion.

"My worthy colleague says, his will to be subservient to yours. If that be all, the thing is innocent. If government was a matter of will upon any side, yours without question, ought to be superior. But government and legislation are matters of reason and judgement, and not of inclination."

This sets out the great clarity of the advantages of our current system. Representative democracy is more efficient in as large a country as the United Kingdom than government by incessant referendums. People do not have the full information and may want contradictory results. The example of California, which is becoming virtually ungovernable, is worth baring in mind. The system of allowing a small number of electors to put forward a proposition has meant that the governing authorities have been set objectives which are mutually exclusive. These include minimum spending levels on education but maximum ones on taxation.

Nevertheless, there has always been one thing that Parliaments are not allowed to do and one thing that the Royal prerogative cannot do. Parliament is not in a position to bind its successors and the Royal prerogative may not be used to give away the prerogative. Both retain inviolet their sovereign power subject only to the legislation that parliament itself has passed but which it may reverse. The electors, whom Edmund Burke was willing to lead gave him his representative power for a set period. It is interesting that in debates in shortening the length of a parliament Edmund Burke argued that too frequent elections where damaging. He was absolutely clear about where his power came from. In a speech in 1780 he said *"I reverentially look upon the people, and with an awe that is almost superstitious … of all things they are perfect sovereign judges without appeal; but as to the detail of particular measures, or to any general scheme of the policy, they have neither enough of speculation in the closet nor of experience in business to decide upon it."*

Burke in that short quotation sets forth the clear distinction between the holder of the sovereign power and the temporary exerciser of it. The people are sovereign. As Alcuin rather disparaging quoted to Charlemagne, *"vox populi, vox dei"*. The voice of the people is the voice of God. However, as God does not intervene in the day to day running of the state nor should the people. It is right for representatives to use their good judgement in intervening periods but it is not right for them to disenfranchise the sovereign power that has delegated authority to them.

Indeed not only is it not right but it is dangerous for again as Edmund Burke so clearly enunciated, when discussing the question of America, a free people will not be made slaves. During his speech on American taxation in 1774 he said *"Ask yourselves this question; will we be content in such a state of slavery? If not, look to the consequences. Reflect how you are to govern the people who think they ought to be free, and find they are not… It yields nothing but discontent, disorder, disobedience; and such is the state of America, that, after wading up to your eyes in blood, you can only end just where you began, – that is to tax where no revenue is to be found, to – my voice fails me; my inclination indeed carries me no further, all is confusion beyond it."*

The removal of liberties, liberties that the British people have been accustomed to for the best part of a thousand years, cannot legitimately be done without their whole hearted consent.

Most people accept that the constitution is not a tidying up exercise but is the creation of a new state. Some believe that this state will be a force for good, others disagree. However, whichever side of the argument people fall on as to the benefits of the constitution, for the arguments about a referendum they ought to be at one. Parliament, in reality the House of Commons, does not have the power or authority to give away its own delegated authority that the people expect to pick up every four to five years at a General Election before returning it to their representatives. The classic understanding of our constitution as developed by Edmund Burke is not in any way undermined by this because it is going to the core of the freedoms of British people which they may wish, in their wisdom, to pool with the freedoms, in my view the lesser freedoms, of the continental countries. If it is done by a trick without the necessary consent then it will be undone. It is impossible to know at what particular date a people will demand a return of their freedoms. It was impossible to predict when the American colonists would demand their freedoms but eventually they did and eventually the English will.

The practical effect of this is that the campaigns established to promote a referendum need to be broadly based. Conservative, Liberal Democrat and Labour supporters alike ought all to be in favour of a referendum so that the result is sustainable. Indeed, those who are in favour of further European integration should be more supportive of a referendum than those who are against it because if there were no referendum there would be a house built on sand which would be washed away. Naturally some organisations campaigning for a referendum will be closer to particular segments of the argument and sections of the community than others. Nonetheless, it will need umbrella groups to bring everybody together to make sure that the power and money of the government are not used to steam roller the new constitution through with the potentially disastrous consequences that would follow. One of these campaigns, particularly aimed at those who where not old enough to vote in 1975, has been set up by the wise and good editor of the *European Journal.* It has the support of honest democrats of differing political opinions. Its key argument is that people under forty-six have never been consulted on the European Arrangements. Europhiles and eurosceptics have combined to argue for the right to be heard. The organisation is called 'Trust the People'. This was in fact the theme of the speech by Lord Randolph Churchill in 1884. In many ways it was the motto of his greater son. It is always the right thing to do in a democracy. Ultimately it is not the man in Whitehall who knows best but it is the people. They should be trusted to make this decision about their own power and destiny for themselves and nobody should obstruct them from doing it.

Jacob Rees-Mogg is a director of Lloyd George Management, an international investment management company.

FACTS

by Richard Sanders

1 The government is currently considering adopting the European Convention for the Protection of Pet Animals as a part of its Animal Welfare Bill. The convention, passed by the Council of Europe and adopted by several member states including Finland and Sweden, seeks to eliminate inbreeding of certain types of animals; a practice that supporters argue causes long-term health problems. If adopted, opponents argue, the convention would mean the elimination of certain characteristics bred into dogs such as folded skin, oversized ears and pop eyes and could mean the disappearance of up to 100 different dog breeds including the bulldog, the basset hound, and King Charles spaniel.

The Sunday Times, 3 August 2003

2 International football's governing body, Fifa, has recently engaged in talks with the European Union regarding the number of non-nationals allowed to play on European clubs. Prohibited under EU law from limiting the employment opportunities of players from member states, Austria, Greece and Italy have therefore proposed the strict limitation of the number of non-EU players allowed on their league rosters. In response, Fifa has proposed a 'six-plus-five' system whereby each team's starting XI must include six players eligible for that country's national team, with the remaining five players drawn from all other nations both inside and outside the EU, a move endorsed by Uefa. Brussels, however, has disagreed with this formula and, although Fifa spokesmen remain optimistic, for the moment any further move to implement such a policy appears unlikely.

The Observer, 27 July 2003

3 The Growth and Stability Pact has caused a row to break out amongst the 12 members 'eurogroup' of finance ministers. The secrecy that usually surrounds the group's meetings was broken by the Austrian representative, Karl-Heinz Grasser, who revealed that France had admitted that it was expecting to break the rules on budget deficit in 2004. The small member states are angry that the larger countries are getting away with repeatedly flouting the rules. It will be the third successive year that France fails to comply with the 3% ceiling. Mr Grasser called for sanctions to be imposed on the French if they do not manage to reduce their borrowing.

www.ft.com, 17 July 2003

4 Eurozone inflation rose in June to the 2% limit set by the Growth and Stability Pact. The figures released by Eurostat, the EU's statistic office said inflation increased by 0.1% in June from 1.9% in May. However, there is huge variance in the figures across the eurozone. Whilst Ireland is the highest at 3.8%, Germany is languishing at just 0.9%. Economists still believe that an interest rate cut by the ECB is feasible before the end of the year as growth is weak and inflation is set to fall below the ceiling again for July.

Financial Times, 16 July 2003

5 The European Commission has threatened the future of the UK's annual rebate. The UK currently receives £2bn each year to compensate for the fact that the UK is one of the biggest contributors to the EU coffers yet receives relatively little back via the Common Agricultural Policy. The European Budget Commissioner, Michaele Schreyer, called for the British refund to be shared with other EU nations. However, British officials have insisted that the rebate is not negotiable.

Independent, 18 July 2003

6 Neil Kinnock has ordered the Commission's most senior officials to answer a fraud questionnaire to assess the extent of the problem. MEPs have accused Mr. Kinnock and Pedro Solbes, the commissioner in charge of Eurostat, of failing to head earlier warnings about alleged wrongdoing. It is claimed that until 1999 Eurostat had a *"relatively extensive practice"* of setting up secret and illegal accounts into which millions of euros are thought to have disappeared. Having promised to tackle fraud whilst Vice-President of the Commission, Mr. Kinnock has asked the most senior civil servant in each department to give assurances that all contracts are awarded according to EU law. If the enquiry reveals that the practice still exists, it would mean that European taxpayers have been defrauded on a large scale.

Financial Times, 16 July 2003

7 French leaders call for the UK to adhere to the strict Working Time Directive. Tony Blair is now locked in battle to keep Britain's opt-out. The French claim that whilst the UK does not have to follow the Directive we have an unfair economic advantage. By giving up our opt-out British workers would no longer be able to work more than 48 hours per week even if they wanted to.

The Sun, 8 August 2003

8 The population of the EU increased 0.3% in 2002 to 379 million. The majority of this increase, over three-quarters of the total, was due to net migration. The figures also revealed that whilst the number of marriages in the EU has fallen 19% between 1998 and 2002 the number of divorces has increased 42% over the same period.

www.europa.eu.int, 8 August 2003

9 The European Commission's chief internal auditor has handed in his resignation. Jules Muis has said that he plans to leave in April, after three years in the job. Mr Muis added some comments to his resignation, including calling the Commission's financial report that he read on taking office *"shockingly primitive"* and that he has achieved only *"40% of what I wanted to do, and all of it has been uphill"*. He claims that he has only made *"gradual"* progress in the last three years and that "the Commission could send in 500 auditors and it would still struggle to defeat the system underneath."

The Economist, 9 August 2003

Two Constitutions

by Catherine Arnold

Five thousand miles apart, two very different constitutions are being drafted. One aims to unite 25 established, but culturally heterogeneous, democracies under supranational government; the other, to inject democracy into the vacuum created by a dictator's downfall. But while the razor-wire, rolling tanks and political maelstrom of post-conflict Baghdad seem worlds away from the cool bureaucracy of Brussels, the failure of policy-makers to inspire confidence is depressingly similar.

Baghdad seems worlds away from the cool bureaucracy of Brussels

Loosely, both constitutions ultimately aim to unite disparate, but geographically proximate, peoples on a federal basis, under a centrally administered, umbrella parliament. True, Iraq is one country, but a cursory glance at the members of the council charged with drawing up the constitution is sufficient to highlight the divisions. Meticulous attention to the religious and ethnic composition of the council has still led to several disgruntled factions remaining out in the cold, and those on board continue to fight over their share of the representation.

The already Herculean task of the new Iraqi council is made even more difficult by the belief, endemic among the people, that democracy is not a viable system of government. Iraq is best described as a loose conglomerate of tribes and religious factions each determined to retain their identity. Democracy relies on the suppression of the minority to the will of the majority, and is only sustainable when the minority is so fractured or pliant that they present no threat to the status quo. The coalition, in their attempt to squeeze this volatile, diverse and often tribalistic people into an 'enlightened' mould, has failed fully to appreciate this. The minorities in Iraq are vocal, cohesive and incendiary and most Iraqis believe the only way maintain a united country is under the whip of a strong dictator. It is for this reason that Saddam, while hated and feared, is also respected.

There is a lesson here that the writers of the EU constitution would do well to heed. For the European Union to function ultimately as a united and democratic superstate there must be a fundamental belief in union before country. In Iraq there is such a desire. There are two primary reasons for this. The first is economic; the northern Kurdish regions, the chief candidate for independence, do not possess any oil fields. The second is religious; powerful religious authority serves to bind otherwise autonomous tribes and geographic sectors. The glue is strong enough for union, but perhaps not for democracy.

The European Union has failed to convince the people of the United Kingdom because the direct benefits remain amorphous. An economic union has already been seen to function without concomitant political unification and the exact defensive and political gains from such remain unclear. Much of the rhetoric in favour of the EU speaks of a future pan-European panacea from which the UK cannot afford to remain isolated. But while this might prove true, it requires a leap of faith, faith requires a belief in the future, and democratic politics deals with the quotidian and is bounded by the horizon of a term in office.

The sacrifice of national rights should not be dictated – or denied – by a temporary government, and democratically elected governments are by definition transitory

The sacrifice of national rights should not be dictated – or denied – by a temporary government, and democratically elected governments are by definition transitory. Without the backing of a referendum a government cannot relinquish these rights without facing a potentially violent and counter-productive backlash.

This is a genuine and immediate problem for the temporary council in Iraq. Elected by Coalition Provisional Authority Head, Paul Bremmer, and predominantly drawn from politicians who have been in and out of Iraq for many years, the people they purport to represent have neither chosen them, nor their mode of government. The constitution of Iraq is seen as being drawn up by an occupying force and a puppet council and as such has little validity in the eyes of the people.

In Europe even were a referendum to indicate a basic desire to relinquish rights of autonomy in return for the rewards of union, the barriers between European countries, historical, cultural and linguistic, remain – they are greater than those found in Iraq – and the supra-geographic glue found in Iraq is not present. If democracy will have a rough ride in Iraq it may prove impossible in Europe.

If democracy will have a rough ride in Iraq it may prove impossible in Europe

In Iraq the Hashemite Movement under the aegis of Sherif Ali – heir to the throne of Iraq – is campaigning to offer the people a referendum on whether they wish to become a constitutional monarchy or a republic. They seek to play on their universal appeal and the general mistrust in the ability of democracy to unite the many factions. True they would establish a democratic parliament, but would retain the power to dissolve it and arbitrate in its decisions. This may appeal to the Iraqi desire for unity and the direct benefits thereof, but there would be few in the UK for whom an indefinable future would be worth such sacrifice in the present.

Catherine Arnold is a journalist for the Baghdad Bulletin *and a board member of Trust the People, a campaign calling for a referendum on the European Constitution (www.baghdadbulletin.com and www.trustthepeople.org)*

A Tipped Balance of Equality?

by Annunziata Rees-Mogg

The smaller countries of the European Union have often complained that the balance of power is tipped away from them. Fair representation is a prerequisite of a liberal democracy. Europe has never achieved this and has therefore been accused of being undemocratic. Small countries have a higher level of representation per elector, but less power to influence decisions. Big countries have more influential votes, at least at the European Parliament level, but fewer representatives in proportion to their electorate. It has always been a balancing act; one with many losers.

The new constitution will change that. There is a new version of Qualified Majority Voting (QMV). We should all now be able to rest easy. The problem is that the divide has increased. The benefit is to France and Germany, should they agree on a policy and it is against both the medium-sized and small states.

The most recent (one is fearful to say final as it is updated so often) draft of the proposed constitution says that: "*When the European Council or the Council of Ministers takes decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.*" That may be easier for some countries than for others. If you look at these requirements in the reverse, i.e. what it takes to block a decision, then it is clear that the larger the state, the greater the ability to block any decision.

The smaller countries will find it much harder to block the laws they do not want

As a combined voting bloc, France and Germany represent 143 million people, just 8.8 million shy of two fifths of the population of the current EU15. In order to be comfortably over the QMV limits, they would only need the support of Belgium. On the other hand, if neither France nor Germany wanted something to be blocked, it would take the UK, Italy and Spain to vote together in order to prevent legislation being passed. Not frequent bedfellows.

Naturally, the smaller countries will find it much harder to block the laws they do not want. It would take the twelve smallest countries to vote together in order to garner the required two fifths. This is of course where the simple majority of the states comes in. However, it is not much of a concession. The voting bloc of France, Germany and Belgium is perfectly feasible. The chances of Luxembourg, Ireland, Finland, Denmark, Austria, Sweden, Portugal and Belgium voting together are much lower. This is what would be needed in order for the eight smallest countries to reach the blocking fifty percent.

Then of course there is expansion. Instead of needing eight countries to oppose a decision in order to bin it, following the accession of ten states, it goes up to 13. This creates even less likely couplings. Malta, Luxembourg, Cyprus, Estonia, Slovenia, Latvia, Lithuania, Ireland, Finland, Denmark, Slovakia, Austria and Sweden would all have to act together to be able to stop new legislation.

It does not appear that the new system is at all suited to an expanded European Union. Not forgetting the effect of a majority of countries, there is still the power of having two fifths of the population. Germany, France and Belgium would no longer be enough. They would have to bring in another country. Even without Belgium, France and Germany still have a combined population of just under a third of the larger Europe. All they need to reach two fifths is to vote with one of the medium sized countries. The UK, Italy or Spain would take them over the threshold. Poland would only leave them less than 150,000 short of the magic number. To put this in perspective, the UK's population increased by more than this through immigration in 2000 alone. The combination of France, Germany and Poland seems highly likely, especially on an issue such as the Common Agricultural Policy. This partnership would be able to block all attempts to reform this unwieldy beast.

There are of course two sides to this. You could not have three of the largest countries being held to ransom by a country, like Luxembourg, with a population less than one hundredth of their size. Equally, size isn't everything. This voting system is hugely biased in favour of countries with large populations. Though the UK is the second largest country, it does not have an alliance with any of the other large countries in the way that France and Germany have with one another. If the second largest country is at a disadvantage, imagine what it must be like to be Ireland, Estonia or Malta.

This voting system is hugely biased in favour of countries with large populations

Is it possible to overcome these imbalances? Is democracy a realistic aim? It could be. Repatriating powers to the individual states would ensure that the populations' voices were heard. Trying to make democratic, Europe-wide decisions is not realistic until there is a European demos. Why should the people of Cyprus have to put up with unpopular, unbeneficial, and at a national level illogical decisions? For "*Europe*" to make any sense most decisions ought to be repatriated to the nations. In this way both answerability and representation are restored.

Repatriating powers to the individual states would ensure that the populations' voices were heard

There may be some issues that are better dealt with at the EU level. Others are better looked after by the national parliaments. That is the only place where equal representation can exist. It cannot exist across a disparate collection of peoples. Everyone is happier when the people of each county can speak for themselves – unless some are basing their happiness on pushing other countries around. The new rules on QMV, as proposed in this constitution, increase the disparity of power between the states. The losers are the people, the only winner is the Franco–German alliance.

Annunziata Rees-Mogg is Editor of the European Journal.

Tattoo Harmonisation? Is that like tax harmonisation? If so, I don't want any.

by Sara Rainwater

With tattooing, permanent make-up and body piercing on the rise in recent years, the EU has decided that this is a serious area of concern for its citizens due to the potential health risks involved. The *Regulatory Review on the safety of tattoos, body piercing and related practices* put out by the Commission makes it clear that the *"end of the day goal is to assess the need of, and if appropriate, come up with regulatory proposals to harmonise these activities across the EU.*" And the Council of Europe has gone on to produce a draft resolution on *"tattoos and permanent make-up"* [Res AP (2003)39], which incorporates several areas, including sterility and special safety and pre-marketing requirements.

The investigative work of the Joint Research Centre and DG SANCO on the perils of body art must be commended for highlighting the risks associated with tattooing, permanent make-up and body piercing and for attempting to establish a *"common knowledge basis for the conception of a future legislation at EU level"*. The report released in May of this year emphasises apparent health risks that can result from such acts, including both infectious and non-infectious diseases such as hepatitis, HIV, leprosy, melanoma, and sarcoidosis. The report continues, delving further into the risks, warning of the significant dangers of the materials used in tattooing and piercing procedures. It notes that the *"origin and chemical structure of these colouring agents are hardly known, even the tattoo manufacturers do not know which substances are punctured into the skin.*" Many of the dyes used in tattooing originate from pigments intentionally designed for various industrial purposes, including automobile paint. Indeed, it does sound scary.

After reading *Risks and Health Effects from Tattoos, Body Piercing and Related Practices,* another suggestive report put out by the Commission, it seems the EU is hoping you will think twice before having your girlfriend's name tattooed in unsuspected places. But for this reader, a woman with two tattoos herself (not to mention a couple of piercings since removed), all the report did was make me think, "*Why didn't they tell me this earlier?*" But fortunately that thought lasted about ten seconds, and then I lovingly glanced at the small black permanent ink on my ankle and smiled.

The more pertinent question seems to be why are the Council of Europe and the Commission concerning themselves with tattoos? Some reasons are obviously clear: first and foremost, the health and safety of EU citizens; second, the more dubious and ever-present desire to regulate; and lastly the average age of EU bureaucrats (which does not coincide with the demographics of most tattoo/piercing-getters). But what other reasons would the EU want to regulate tattooing, permanent make-up and piercing? It seems body art may fall victim to the, yet again, failure to properly implement the principle of subsidiarty. European Research Commissioner Phillippe Busquin commented, *"If people want to tattoo or pierce their bodies, we would want them to do so with proper health and safety guarantees"*, which helps show that the EU's heart may indeed be in the right place, but a Mother Hen it is turning out to be indeed. Informing national governments of the health risks involved in such activities is important, and if the EU has the persons at its disposal to provide such details to citizens and policymakers, then I say do continue. But when it comes to passing EU legislation, and taking away yet another responsibility from the national governments, I say no.

It seems the EU is hoping you will think twice before having your girlfriend's name tattooed in unsuspected places

In the United States, tattooing and body piercing has not been an issue taken up by the national government. US states are given control over body art regulation, which often impose their own individual, often heavily stringent, rules and procedures for the industry within their borders. This may be construed as a lack of harmonisation by some eurocrats, but the US government sees it as a *state* issue and has allowed each of the fifty states to devise its own plans that work best in their respective environments. An alternative to actual EU legislation on the matter may be something similar to America's Alliance of Professional Tattooists, established in 1992 to address the health and safety issues facing the tattoo industry. This group works through education and awareness and is recognised as a professional, ethical and authoritative voice in the industry. Such an EU-wide organisation may allow tattooists and piercers to escape EU regulation while at the same time harmonising their own industry – what the Commission and Council's main aim is anyway. It may also be beneficial if such an organisation were to begin funding its own research on the risks associated with their trade, similar to what occurs in the tobacco industry. This would eliminate the cost burden from the shoulders of EU taxpayers, thus placing it on those who frequent tattoo and piercing parlours.

In the end, the main concern here is not whether tattooing and piercing are given more stringent health and safety regulations – this may be a good thing actually – but instead, the level at which such activity is harmonised. Brussels should be focusing less on the mundane, instead focusing energies on far more important issues such as, say, the eurozone countries rejuvenating their economies.

Sara Rainwater is a European Studies MSc student at the London School of Economics and works at the European Foundation.

EUROFILES

Aimless musings on European deceit, incompetence, etc..
A recipe with such satirical ingredients can have only one name, the EuroFiles.

From: Freddie Gjertsen <freddiegjertsen@hotmail.com>
To: Mr Romano <romano_p@eu.int>
cc: European Journal Readers
Subject: Commission Fraud

Dear Mr Romano,

I am writing to you because my conscience forces me to reveal the part I played in investigating the recent Commission fraud scandal. I write to you in particular because I believe that you have sufficient authority to act appropriately once furnished with the facts my account reveals. I hope you will forgive my flamboyant style of prose, I know no other method.

As men of few words are the best men, and small things make base men proud, let me be brief. This is my story:

The rain beat down steadily, dancing in the puddles, glinting in the soft light that emanated from the street lamps and filtered forth from yet uncurtained windows. Another day was over, another case was remained unsolved. I trudged back to my office, weary, dispirited, and desperate for a drink. Reaching my door I suddenly noticed a close-wrapped form standing in the shadows. *"Looking for someone?"* I called. *"For you"*, he replied.

Inside the welcome warm of my rooms I recognised my visitor instantly, but couldn't think why. Then he introduced himself, *"I'm Mr Neil"* … and I remembered.

As you know, sir, there's only one business in this town, and that's the Commission. No-one on the outside really knows what you do, only that you seem to be well funded and influential. It isn't easy to get on the inside, but those who do are made. Most of your top guys seem to get jobs as favours from old friends, using an easy role at the Commission as a pre-retirement retirement. Mr Neil is, of course, one of your gilded oldies, responsible for corruption-busting, I believe. Consequently, he is a man with influence and it would therefore seem unlikely to find him in the office of a humble and serially unsuccessful Private Detective: i.e. mine.

As I poured a drink to warm myself up, Mr Neil, without prompting, began his tale. It was a both long and complex, so I'll spare you the details (in truth I struggled to follow them myself), and cut to the executive summary. Mr Neil had, in his capacity as fraud-buster, learned that serious embezzlement was taking place somewhere within the Commission … and that, he claimed, was all he knew. Internal investigations had uncovered nothing, forcing him to look outside (to me) for help. He trusted that I would succeed where others had failed, but did not wish that I should force results. He would therefore pay me an investigation fee entirely in advance, *"in cash, of course"*, and also an upkeep allowance - this would allow me to take as long as necessary over the investigation. I was to answer and disclose all that I found solely to him. But that wasn't all: *"I know you're a busy man, and this may prove to be a long and draining investigation, so to sweeten the deal we have come to an arrangement whereby on completion of the investigation you will be whisked to a mystery location for two months holiday… Oh, and I forgot to mention, you'll also have a secretary and a researcher as well, that will be your 'team'."*

Obviously, I accepted the case. At which point Mr Neil left me to pour myself a night-cap and ponder my good fortune…

I began my new investigation the very next morning. The obvious place to start was accounts, so after a quick eye-opener in the canteen (Mr Neil had thoughtfully furnished me with an unlimited tab) I headed there to try my luck.

There was none to be had. To track fraud you need a paper trail, so when accounts exist only as computerised spreadsheets, allowing figures to be 'retroactively adjusted and re-aligned' (or, changed without trace), tracking fraud is an impossibility. As this is how the Commission persists in keeping its accounts, my task was impossible.

I was forced to turn to my other leads. A lady named Marta and a guy named Dougal, both of whom had been sacked by the Commission for shouting-off about fraud and mismanagement. I hoped that they might provide an insight into who the bad guys were. But they were bitter people, and they were clearly vengeful. Both claimed Mr Neil and others at the top knew all about the fraud that was going on, but chose to ignore it for political reasons. Both claimed to have been sacked for attempting to reveal the truth, and not, as Mr Neil had explained to me, for administrative reasons. Their testimony was useless, it was so far removed from the background that Mr Neil had given me on them that I couldn't give them any credence.

So, I was stumped, but I had to think of ways to justify my upkeep allowance. I spent my days plodding between Commission departments asking questions, and finding nothing. During this time Mr Neil would call periodically to make sure I hadn't found anything.

Months ambled by in this fashion, and I began to get bored. I had uncovered nothing and was tiring of my, no longer new, drinking partners at the canteen. Then suddenly, late one afternoon, Mr Neil called to tell me the investigation was over and that he needed a full report within hours.

It was cold, raining, and nearly dusk when I reached his office. He was waiting for me, looking pale and worried, sitting silently in a room lit only by a desk lamp. He snatched my report from me at once on my arrival. He read it anxiously at first, relaxing visibly the further he got. Once finished, he looked up, fixing his listless pale eyes upon me, and then suddenly smiled. Rising silently he paced to the window of his office, pensively gazing out onto the city nightscape. *"I put my faith in you, Mr P, and perhaps you fear that you have failed me by your failure to unearth evidence of fraud. This is not the case. I must confess that, in a way, I have used you. I had no evidence of that fraud existed, but I wanted to use your services to establish that the lack of evidence reflected the true state of affairs. Your 'failure', is, therefore, exactly what I had hoped for. It demonstrates that everything is in order. I must thank you for your diligence… Can I get you some … er … refreshment?"*

As he went into a side-room to fetch my scotch, through force of habit I sidled up to his desk to have a quick rifle through his papers. Beneath his reading lamp were a proof of the next day's newspaper and an internal memo. The memo was about two years old. It detailed concerns of embezzlement within Eurocheque, the Commission's statistics office. The main article visible in the open newspaper concerned the discovery the very same fraud at Eurocheque. I was astonished. Mr Neil had mentioned nothing about Eurocheque to me.

Also on the desk was a press release, it read as follows:

"Mr Neil would like to take this opportunity to exonerate himself from all blame in connection with today's discovery of possible

malpractice within Eurocheque. There are three reasons why Mr Neil cannot be held in anyway responsible:

Firstly, Mr Neil was not informed at any stage that Eurocheque was under investigation, and consequently knew nothing about the fraud.

Secondly, it might not even be fraud – we will not say that it is until there is legally binding evidence to this effect.

Thirdly, and most importantly, over recent months a team of top independent investigators has, at Mr Neil's request, been hunting for fraud within the Commission. By chance their investigation was completed yesterday and the team reported that they could find no evidence of either fraud or malpractice within the Commission. Mr Neil, by instigating this investigation, carried out his duties to the full, and cannot be held responsible for the deviousness of other's criminality. He still maintains his policy of zero-tolerance of fraud, whensoever fraud is unearthed and legally identified as such.

However, the issue of fraud will soon become purely theoretical. Over coming days Mr Neil intends conclusively establish that no further fraud remains within the Commission. He will do this by sending out a questionnaire requiring that departments reveal any fraud that they are perpetrating.

Mr Neil now regards the matter as closed."

I jumped quickly away from the desk as Neil returned with my Scotch. I gulped it down and then left. The next day I jetted off to Hawaii for my two months of free vacation … where my conscience forced me to write this letter.

Yours, AP.

LETTERS TO THE EDITOR

Dear Sir,

I would like to comment on last month's Solon which reprinted a letter from the then Lord Chancellor Kilmuir to the then Lord Privy Seal Ted Heath, dated December 1960.

First I would like to thank you for your endeavours in uncovering what can only be referred to as the most important precedent to a one-off transfer of sovereignty to the European Union. It is enlightening to know that in doing so somebody is attempting to expose the implications of the proposed constitution.

It seems clear that in claiming *"there is no question of [joining the Common Market] eroding any national sovereignty"* Ted Heath was blatantly ignoring the advice of Lord Kilmuir to the contrary.

Having read this letter I can't help but feel a sense of *déjà vu* today. The present government not only claims that the constitution will not subsume British sovereignty further, but Labour are also refusing a referendum to allow the people to make their own decision.

The actions of thirty years ago have lead us down the path that we are on today. A similar decision by Tony Blair's government today will take us further down that path and just as the disregard for issues of national sovereignty were ignored in the past form a blot on our history, ratifying the constitution will form a similar blot for historians to ponder over when it is too late.

I am suspicious that the current executive are fully aware of the issues at stake and the constitutional ramifications for our preservation as an independent state. I fear though that they are ignoring what they know to be the truth in favour of what they believe is best. We cannot let them make the same mistake in our name. We must push for a referendum on the issue, which will not only let us decide on whether to accept the constitution but also educate the electorate on the seriousness of what is at stake.

I commend you and your staff on your efforts to raise awareness and resourcefulness in exposing parallels with our history. I lend my full support to your cause. I hope that in years to come I do not read similar but unheeded advice from Lord Falconer.

Yours faithfully,

Miss Dimpey Bakhai, London

Dear Madam,

I wish to express my dismayed incredulity at the full page, emphatically bordered, article headed FACTS (*the European Journal*, July 2003, page 13). This appeared from an intern apparently under the imprimatur of the European Foundation, whose policy till now has been so effective in presenting FACTS about the EU which have had to be mined from the obfuscations and lies perpetrated by the Commission *et al*.

But the article was a litany of EU propaganda. Indeed, amazingly, an end note in small print admitted it was taken directly from the EU website!!

Please do not suggest it was a piece of irony. The cost has been too great. What a coup for the eurozealots! They can quote this page with the introduction: *"Even the European Foundation admits…"* To take but one of these items at random: [So-called] FACT No 7 states: *"the EU was among the first to sign the Framework Convention on Tobacco Control"* without adding that the same EU subsidises, with our tax payers' money, perhaps the most harmful tobacco in the world, that exported from Greece.

IF we wish to hear the EU's propaganda we need no help; it is all around us, emanating from the government and the BBC.

Space in any journal is always at a premium. May it be suggested that any which is available should be given to readers' considered letters, which further the policy of the Foundation to counter the greatest danger ever to confront this country in peace time.

Yours faithfully,

C. Francis Warren, Lancaster

Editor's comment

The specific complaint is not that the fact was untrue but that other facts should have been added to it, a complaint that can always be made. There are many facts about the EU which are only available from EU sources, the Facts page is designed to provide information not propaganda.

Dear Sir,

Frederick Forsyth refers to Peter Hain suddenly being trustful, or was it a slip of the tongue? How can we trust Peter Hain, who has stated he believes in a democracy in which decision-making and ownership is decentralised and in which each individual citizen is empowered, when he opposes a referendum on the EU Constitution and supports the euro.

This is the man who has effortlessly changed political parties, changed countries and changed views on the European Union more times than John Prescott has had hot dinners. He voted against the Maastricht Treaty, because it introduced the single currency, broke up the UK into EU regions, which Prescott aims to introduce, and surrendered control of our borders, so that anyone gaining entry into Europe could proceed to what a French Minister has described as *"soft touch Britain"*. Hain 'U' turned when he became a minister on higher pay. Who would buy a second-hand car from Hain, or indeed, from any Labour politician?

Yours faithfully,

Walter J. Ablett, C. Eng, Chelmsford

Europe and the Constitution: letting the people have their say

*A speech given by **Romano Prodi**, President of the European Commission, in Bologna on 5 July 2003*

Ladies and gentlemen,

I am delighted to be here today for a number of reasons, but above all because this conference is an excellent opportunity to try to understand and interpret the processes that are currently under way in Europe at what is a turning point for the European Union.

Europe is in the midst of a new phase of constitutional development, a fundamentally important step towards the creation of a political union. But is this a crucial step or just one stage in a timetable that is being squeezed ever tighter by external events?

It is hard to say at this point, but I believe that the best way to interpret the state of Europe today is to analyse the current political and institutional context and look ahead to the next stages. This is the only way to understand whether we have really embarked on the road to a political Europe, the political union of states and peoples reflecting popular will, as referred to in the first article of the draft European constitution.

So let us consider the issues that have to be tackled in this new phase. I think we can identify three:

• the completion of the process of constitutional reform and the creation of a system of European government;

• the position and role of the European Union in the world in the post-Iraq era;

• the creation of a real political pact – and one that is recognised as such – between the European Union and its citizens.

These three important issues are linked to two subsidiary questions: the timing and stages and the relationship between the 'methods' of achieving these aims and the political and economic implications.

In order to assess Europe's successes and failures we must distinguish between the long term and the short term. Although there are times of rapid acceleration, when progress is particularly visible, the full political, economic and legal impact of European decisions is often only apparent with the passage of time.

What has clearly emerged in the end from the debate that preceded and accompanied the work of the Convention, and what we had long hoped for, is that European integration is not, and is no longer perceived as, a technical issue, or as a matter of foreign policy only, but as a highly political issue and a constitutional one.

Today's Europe is setting itself explicitly political objectives and presenting itself as the answer to the need to act in foreign policy, security policy, immigration policy and so on, in other words in all those sectors where there is an increasing public perception of the need for stronger and more effective action than individual states can manage on their own.

This demand comes just at the time when our historic decision to unify the continent and simultaneously intensify integration requires us to make bold and difficult choices.

The new phase of European history: from 1989 to Laeken

The roots of the new political construction of Europe can be traced to 1989 and the succeeding period. This period was marked by major upheavals and a much faster pace. Let us briefly run over the key events: the collapse of the Berlin Wall, German unification, the crisis in the USSR and the break-up of Yugoslavia. Globalisation began to display its full force. The United States emerged as the sole superpower, opting to increase its technological and military pre-eminence.

German unification provided the final political impetus for monetary union. However, this was not accompanied by political union.

Some years later, in 1993, the prospect of the accession of the new European democracies emerged at Copenhagen. This was conceived as a form of historical and political solidarity linked to the drive to modernise those countries and perceived as an unprecedented opportunity to construct a broad area of democracy and prosperity. However, the institutional reforms that followed the Copenhagen Declaration failed to match up to the ambitions and challenges of Europe. The Treaties of Amsterdam and Nice are above all examples of procrastination and lost opportunities.

It is thus easier for us to understand the importance of the Laeken Declaration, which marks the beginning of a new period.

The Declaration sets out four fundamental historical and political points:

• Europe was founded from the outset on the express rejection of any intention of dominating the continent by force;

• Europe was built brick by brick, from the ECSC to the euro, by a new process, the Community method;

• Europe must now weigh up the new political challenges that have confronted it from the beginning of the present millennium;

• Europe must renew its processes and procedures if it is to rise to the challenges it faces.

The Declaration in fact indicates certain basic tenets to be followed in meeting those challenges:

• to bring the European institutions closer to the citizens; and

• to develop a forceful international role in order to contribute to peace and stability and to form a point of reference on the world scene.

The Convention: between independence and dependency

That night in Nice everyone finally realised the limits of the intergovernmental method, a method where bureaucrats negotiate behind closed doors and the Heads of State or Government face each other brandishing personal lists of 'vital interests' that must be protected by means of the veto.

This is a method that most definitely cannot be applied to deal with the new political and institutional questions facing Europe.

From this point of view, by representing all the European and national sources of legitimacy the Convention has satisfied expectations. It has succeeded in agreeing a text, not just a set of options.

It has made it possible to generate a movement for reform, the like of which we had never seen in Europe.

It has shown both imagination and realism in reaching agreement on important issues, some of which derailed the Amsterdam and Nice negotiations:

The Charter of Fundamental Rights will be part of the Constitutional Treaty.

The Union will have a single legal personality.

The definition of the powers of the Union will help its citizens understand the separation of tasks between the Member States and the Union and understand what each is there for.

Although it would certainly have been possible to go further, the Treaties have been greatly simplified: the draft proposes reducing the current 700 articles (spread over four Treaties) to 460.

The co-decision procedure has become the norm.

It is planned to create a European Minister of Foreign Affairs, a Vice-President of the Commission who, to ensure consistency in foreign policy, will, however, have to use the existing Community administration rather than create a new parallel bureaucracy.

While the Convention has been deliberating, however, it has had a sort of preliminary Intergovernmental Conference superimposed on it, which slowed it down and possibly prevented it from achieving an entirely satisfactory outcome.

The Convention ceased to be independent of government and lost its sense of vision when the time came to discuss the reform of the Institutions.

This problem also destroyed the harmony between the 'big' and 'little' states, with the former adopting the short-term approach of pushing for a return to the intergovernmental method while the latter reacted by entrenching themselves behind positions that were sometimes too defensive and too conservative.

The outcome is not entirely satisfactory. It is a step in the right direction but not the necessary leap forward, and this is primarily due to the fact that the unanimity requirement has been retained in areas such as foreign policy, defence and taxation (the areas that hamper the smooth functioning of the single market and give rise to unfair competition).

If another crisis were to arise like the Iraq crisis, the Union would once again present a divided front.

The solutions proposed by the Convention are necessary but not enough in themselves to allow the Union to become a real player on the international stage.

Another reason why the outcome is unsatisfactory is that there are risks inherent in a solution where a permanent President of the Council is not subject to any democratic control – national or European – that could give rise to a new executive centre, which would exacerbate existing fragmentary trends and raise problems of coordination in relation to the Minister of Foreign Affairs and the President of the Commission.

And it is not satisfactory as regards the Commission. I will say it again here today.

The main argument in favour of a reduced number of Commissioners is that there is a risk that Commissioners from the larger Member States – which account for 65% of the European population – would find themselves in a minority in relation to the smaller Member States, which represent 10% of the population.

This would create problems of legitimacy for the Commission, compounding the problems arising from the need to function effectively with 25 or more Commissioners.

But what would be the legitimacy of, for example, a proposal presented by a smaller Commission, where 2 or 3 large Member States were not represented, that could subsequently be adopted by a Council in which these States were in the minority?

It is therefore preferable to retain the principle of one Commissioner per Member State, especially during the initial stage of the enlarged Union. This will obviously necessitate an independent and strong internal organisation, with 'nuclei' and a number of groups of Commissioners chaired by Vice-Presidents.

These are the points we will emphasise in our opinion on the opening of the Intergovernmental Conference, which is planned for September.

We will also propose updating the articles on policies not discussed by the Convention. It would be difficult and hazardous to leave in the Constitution provisions that were written in 1957 and have never been updated, such as the provisions on agriculture or the freedom of movement of goods and services. We will play our part and contribute our ideas to ensure that the European Parliament has a suitable part to play.

In any case, it will be essential that the discussions at the Intergovernmental Conference remain discussions at political level, between Heads of State or Government and their Foreign Ministers. Any technical groups will need to have a clear and well-defined remit.

We still have no answer to the question about the mechanism for revising the Constitution. Hopefully it will be possible to introduce a simpler system for amending certain parts of the Constitution.

And it is essential that the Constitution itself contain the procedure to be adopted if one State fails to ratify the new Treaty. What could be done in that case? Would we return, as if nothing had happened, to the solutions produced in Nice, which was perhaps one of the darkest moments in the recent history of the Union?

The next steps forward: towards a citizens' Europe?

Europe is already an area of peace, security and stability.

That area is gradually spreading to cover the whole continent, and moving outward towards what we call our 'ring of friends', from Russia to Morocco.

Europe is an example to the world of an area of sustainable development, guaranteeing practical benefits well beyond just the single market.

And Europe is the best expression of a balance between unity and diversity, which is fast becoming the key to unlock the full benefit of globalisation while avoiding the possible negative consequences.

These are major victories, inconceivable fifty years ago, which provide a model for the world.

Lastly, Europe is making ready to give itself a constitutional treaty. But this is not enough to ensure the building of a political Europe. It has to be accompanied by a new institutional structure and a real movement of European societies.

The ICG will have to finish the work in such a way that the citizens of Europe can see the text of the constitutional treaty before the elections to the European Parliament in June 2004.

As far as ratification is concerned, there will certainly be a referendum in Ireland; Spain has announced that it intends to hold one; and referendums may be held in Denmark, the Netherlands, Portugal, France and the United Kingdom.

It will be the citizens' turn to speak, and it is vital that all the effects and political implications of the process be [*sic*] properly explained – the 'greater Europe', the new system of European government, and the role of the Union in the world.

That process of discussion will have to widen the breach the made by the Convention, which has already broadened a debate that must now be thrown open to all the citizens and which must create a basis for a genuine European political area.

Thank you.

EU Defence and Security Realities

by Rupen Raithatha

Several recent developments have pushed the issue of a common defence and security policy back to the top of the political agenda. The recent war in Iraq has highlighted the practical difficulties of turning the Common Foreign and Security Policy (CFSP) into political reality and, more importantly, has illustrated the lack of political will among some member states to do so. The recently proposed Constitution also covers common defence, security and foreign policy, and provides for controversial reading.

With diametrically opposed forces pulling and pushing the UK in different directions over the issue of pan-European defence and security policy, we have reached a monumental point at which tough decisions will have to be made. It is my assertion that the UK's position in defining the future of European security is rather unique, and the pivotal role the UK *can* play means that we must make the right choices to lead us down the correct path.

Why is 'now' such an important point in UK and European security interests?

Well, on the one hand we are beginning to see the culmination of the Union's plans for defence and security. It was the Maastricht Treaty of 1992 that gave birth to the CFSP, defined as including "*all questions relating to the security of the Union, including the progressive framing of a common defence policy … which might in time lead to a common defence.*"

Since 1992, European foreign, security and defence policy has been given teeth by a combination of treaties and summits. The Amsterdam Treaty (1997) set the "*Petersberg Tasks*" – that the EU should be able to carry out humanitarian and rescue work, crisis management, peacekeeping and peacemaking tasks. The Helsinki Summit (December 1999) set a 'headline goal' for the EU to have the ability to deploy 50,000–60,000 troops for up to one year, to carry out any or all of the "*Petersberg Tasks*". And the Nice Summit (December 2000) saw the formation of permanent political and military structures – in effect, the European Security and Defence Policy (ESDP).

On the other hand we have the reaffirmed importance of NATO, the traditional and long-standing guarantor of European security in the post-war era, following the involvement of the US in the Balkans conflict. This, after a period where many questioned the relevance of the Cold War 'relic' following the fall of the Soviet Union.

But just as US involvement in the Balkans has restated NATO's importance to European security, so the same events have provided added impetus for the EU to develop its own capacity to deal with such 'local' security issues, and to share a greater burden for its own defence. Here is where we are today – at a point where the 'new' NATO–EU relationship is being defined and where the potential for tensions to arise between the two institutions is great.

Why are these developments so important to UK defence interests?

Put quite simply, the "*UK's national security and defence depend fundamentally on the security of Europe as a whole.*" The concept of security is *interdependent* – our interests in this area depend on the actions of other state and non-state actors i.e. it is an 'international' concept. The question of who plays a role, and how, in European security is of great importance. The development of the NATO–EU working relationship is at the heart of the UK's defence interests.

How is the UK in a unique position?

We come to this conclusion by using a simple method of deduction. There are eleven current members of both NATO and the EU – the EU-15 less Sweden, Ireland, Finland and Austria.

From these countries, two stand out as significantly greater international actors by virtue of nuclear capability and permanent membership of the UN Security Council – France and the UK.

From these two states, the UK has a patently closer military relationship with the US, the central component of NATO, while remaining an integral partner in the EU.

The UK must work towards bridging the EU–US divide. Although divisions over the Iraq War were played out in the United Nations, the tensions between France and Germany (the two most important *full* members of the EU) on the one hand, and the US, on the other, remain.

Why is it important for the UK to act as arbiter to reconcile differences?

Because NATO and the EU can and should *both* play an important role in Europe's security.

NATO

NATO's importance is underlined by two factors. Firstly, the US is, and will be for the foreseeable future, the biggest military spender by far. According to the Stockholm International Peace Research Institute (SIPRI), in military expenditure figures converted at market exchange rates, the US accounted for 43% of total global military expenditure in 2002. The fact that the next 14 highest military spenders put together still spent $32.7 billion *less* puts the US expenditure into context.

Although defence expenditure is not the only determinant of military capability, the immense gulf illustrates that there is only one military superpower. The terrorist attacks of 11 September have worked to widen the gulf – a trend that will probably continue despite EU aims to increase member states' defence expenditures.

Secondly, NATO *already* has the capability and experience for the defence and security of Europe, unlike the EU. As events in Bosnia and Kosovo illustrate, the US, and therefore NATO, has a greater capacity to project force when and where it is needed. Not only were European states unable to affect circumstances as they would have wished prior to US engagement, their role in the NATO campaign when it arrived was minimal. For example, in Kosovo European nations combined to fly only one-fifth of air sorties throughout the campaign.

It is a reality that the EU accession countries know only too well. In the run up to the recent war in Iraq, their initial reaction was to support the US-led conflict, at odds with, and to the consternation of, both France and Germany.

The EU

If we turn to the EU we can see that its importance to European defence and security is underpinned by three main factors. First, security is multidimensional and cannot be defined by military capability alone. The EU holds the advantage in non-

military security, where it can help to consolidate democracy and stability on its borders. In its history, NATO has included military regimes amongst its members – Greece, Turkey and Portugal. But the EU, which has made democracy, the rule of law and respect for minority rights the cornerstone of membership, can help to secure democracy and stability by offering European countries the prospect of EU membership. It is more likely that the wielding of 'soft security' to deal with the specific circumstances of south-eastern Europe will enable greater longer-term benefits of transition in these countries, as opposed to the short term fix of 'hard' security that may not be able to deal with the deep-rooted and complex issues at stake.

Indeed, the proposed Constitution makes explicit provision for a 'buffer zone' along the Union's immediate environment. Article 56 states that *"the Union shall develop a special relationship with neighbouring States, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on co-operation."*

Second, the post Cold War world has taken time to take shape. Following the end of hostilities with the Soviet Union, the US should, in theory, have retracted from a Europe that was no longer as strategically important. The fact they did not for more than a decade is largely due to the unprecedented economic boom that made US intervention financially viable and the continuity of Cold War veterans in successive administrations – policy makers that were brought up on the Cold War doctrine, and less on any lingering strategic purpose. These circumstances were never durable, and the consequences of the end of the Cold War continue to be felt.

The third factor underpinning the EU's role has been 'forced' upon it by the consequences of 11 September. Although the terrorist attacks on the World Trade Centre and the Pentagon have reversed a trend of US isolationism, post 11 September, the US international orientation is different. It is conditioned partly by the views of a conservative Republican administration in the post-Cold War era, but mainly by the prevalence of new threats that appeared on 11 September. This new outlook is more focused, taking an altogether different route to the internationalism that defined the Cold War period and the decade beyond.

In a paper entitled *Strengthening the Common European Foreign, Security and Defence Policy,* Gary Titley, MEP, explains that the 'Bush doctrine' following the terrorist attacks is focused on high intensity campaigns against terrorism whilst limiting peace-keeping and peace enforcement commitments. The US may therefore be reluctant in future to use NATO for operations of a Kosovo peace-enforcement intensity. He also points out that it is always possible that American assets assigned to NATO will be withdrawn if a higher priority crisis brews up elsewhere. Indeed, after five years in the Balkans, President George W. Bush signalled his desire to redeploy some or all US troops to Afghanistan prior to the campaign against the ruling Taliban.

Accepting this and coupling it with the possibility that the fragile stability achieved in south-eastern Europe could implode leads to the conclusion that the EU should develop *some* sort of capability.

Conclusions

The UK must work to ensure a constructive, complementary relationship between NATO and the EU. The 'Defence Policy 2001' report by the Ministry of Defence (MOD), paragraph 17, section B – 'Policy Priorities' – states that: *"Our two key strategic objectives … are to ensure that NATO and the defence dimension of the EU are mutually reinforcing and to improve European military capabilities available to both organisations."*

US scepticism towards European defence ambitions is more to do with the structure of any European capability and the degree of autonomy aspired to, and less to do with the objective of more equal burden sharing. The US has long called for the EU to assume a greater capacity to deal with its own problems.

The UK must allay any such fears by helping to compose a mutually beneficial and agreeable system that limits the EU's defence and security ambitions to its own borders and in dealing with any direct threats, still within a NATO framework where possible. Wider-ranging security concerns must be left to multilateral co-operation between sovereign nations, where NATO may be able to take a leading role.

The partial decoupling of NATO from European defence and security is a reflection upon the realities of international relations. A state's security interests are defined partly by geo-political perceptions. While the Cold War brought Western Europe and the US together in their wish to defeat a common enemy, the post Cold War period has provided no such unifying force. Despite a transatlantic commitment to combat terrorism following 11 September, the threat assessment of the US differs in degree from the threat assessment of European countries. Diverging threat assessments lead to differing foreign policy positions, and go a long way to explain the lack of transatlantic unity over the recent war against Iraq.

In this sense, reality dictates that the EU needs some kind of autonomous capability, but it should not go too far. Just as the differing security concerns of the US and Europe have prevented genuine and wholehearted support for US policy, European Union member states have *individual* security concerns, based partially on *"their relative strength, economic base, military capability, geography and history"*. So while shared beliefs in democracy and the rule of law, and close geographical proximity may allow for similar threat assessments on 'local' issues, events further afield are likely to provoke a divergence in such assessments.

EU capabilities should not unnecessarily duplicate those of NATO. When appropriate, EU military operations should be planned, managed and conducted through NATO in a single command structure and NATO should retain sole responsibility for collective defence under Article 5 of the Washington Treaty.

The UK should vehemently resist any moves to make defence a Qualified Majority Voting issue under EU treaty law. Defence should remain an intergovernmental issue for unanimity – as the present draft Constitution correctly allows.

The EU's defence capability should remain *reactive* and defined by direct and local security interests. It should not develop the ability to project force globally. This view is conditioned by the realities of US preoccupation with the 'war on terrorism' and the self-imposed restraints of the Bush administration, and driven by the need for the UK and Europe to have secure and stable countries along its border. If the UK realises its potential role as broker, the NATO-EU relationship could become very fruitful.

Rupen Raithatha is Research Associate at the European Foundation and Deputy Editor of the European Journal. *He has recently completed his Masters degree in International Relations at Warwick University and can be contacted at rupen_r@hotmail.com.*

BOOK REVIEW

Europe, America, Bush: Transatlantic relations in the twenty-first century

Edited by John Peterson and Mark A. Pollack, Routledge, 2003, ISBN 0-415-30942-5 (Hbk.), £60
ISBN 0-415-30943-3 (Pbk.), 158 pp., £16.99

Reveiwed by Alex Wieland

As the stormy endgame of the Iraq crisis continues to play itself out, the question which policymakers, journalists, academics, and pundits are attempting to come to grips with is: will the clash between the United States and Europe, Washington and Paris, and 'Old Europe' and 'New Europe' mean the end of the transatlantic alliance which has stood since the late 1940s? Some see the alliance as hopelessly shattered by the rightward lurch in American foreign policy and the neo-conservative philosophy of the Bush administration. Others see the relationship as damaged by the policy divergence between the US and UK on the one hand and the French and Germans on the other, but not irreparably harmed. At the heart of this often passionate debate is the role and impact of the American president, George W. Bush.

Yet, how much of a difference has the emergence of the 'Man from Midland' actually made on the nature of US–European relations? According to their new study, one of the first to incorporate the implications of the Iraqi war, John Peterson of the University of Glasgow and Mark A. Pollack of the University of Wisconsin, find that there is a multitude of opinions on the subject. Assessing the varied conclusions of the book's contributors dealing with a wide range of issues, including security policy, trade, the environment, and specific political hotspots including the Balkans, Russia and the Middle East, it is difficult to come to clean, clear, definite conclusions on how much direct influence Bush has had. Although it is evident that the Bush administration made a distinct splash, and a negative one in the eyes of many Europeans, by declaring itself opposed to the Kyoto Protocol, withdrawing from the Anti-Ballistic Missile treaty shortly after entering office, and shown itself willing to pursue a unilateralist foreign policy, reflecting the philosophy of many of its key advisors, Peterson and Pollack contend that there is also a significant degree of continuity between Bush's policies and those pursued by previous administrations, including the Clinton White House, under which US–EU relations are generally thought to have been good.

This continuity has made itself particularly evident in the case of the Balkans and Russia. In both places, Peterson and contributor Margot Light assert, the course of events over the past decade were determined largely by the fulfilment of US national interests and would have changed little even if the 2000 elections would have ended in a Gore victory. Gore, like Clinton, would likely have continued the US policy of encouraging greater European involvement in Balkan peacekeeping and reconstruction, a policy which has continued largely undisturbed under Bush. Likewise, US–EU controversies over how to deal with the continuing problems within Russia have also been little affected by the Bush team. Light argues that this is due largely to the broader conflict between the US reliance upon high politics and hard power and EU remedies based upon low politics and soft power. More significantly, the authors assert, there has also been a fair amount of consistency in the US attitude towards international institutions and multilateral solutions. Though there can be no doubt that the Clinton administration were far more willing to work within the multilateral context than their successors, its support of international institutions was far from consistent and multilateral solutions were sometimes eschewed if they conflicted with national interests. Indeed, contrary to his reputation in Europe as a steadfast internationalist, the administration declined to sign the 1996 treaty on anti-personnel landmines, hedged on US accession to the International Criminal Court and, according to former United Nations Secretary General Boutros Boutros Ghali, worked behind the scenes to undermine the UN's authority and provided the main impetus to the Secretary's ouster seven years ago.

At the same time, Peterson and Pollack argue, the Bush administration has had more diversity in foreign policy opinion than is often recognised, encompassing moderates like Secretary of State Colin Powell as well as the more vocal conservatives like Donald Rumsfeld and Paul Wolfowitz. As a result, the administration has not universally rejected multilateral arrangements in pursuit of policy goals, particularly in the immediate aftermath of the 9/11 attacks with the initial push for coalition building under the aegis of NATO by Secretary of State Colin Powell. Indeed, argues Jolyon Howorth of the University of Bath, this brief period of engagement following the momentous invocation of Article 5 of the NATO charter ushered in brief period of strong transatlantic co-operation, co-operation which manifested itself most visibly in Afghanistan.

The question which then must be asked is that, given this pattern of continuity in some phases of US policy-making, why have relations deteriorated so badly in the past 18 months. For this, the authors ascribe a variety of reasons both long and short-term. The first is the steady divergence of American and European policies toward the Middle East since 1967. Although an argument could be made that divergence began even earlier, Costanza Musu and William Wallace of the London School of Economics argue that since the Six Day War – which prompted a reversal of French policy to a more pro-Arab stance and the concurrent emergence of the US as Israel's main political, financial, and military supporter – differences of approach between the Allies over Middle Eastern affairs have been behind *"many of the most delicate transatlantic differences on the terms of the political and security*

partnership". As European influence waned, particularly after the UK's decision to quit the Arabian Peninsula and Persian Gulf in 1967–68, discussion of Middle East issues had no transatlantic forum as the US discouraged NATO from addressing 'out of area' security threats. As a result, Europe moved to develop its own approach to the Arab–Israeli conflict and inter-Arab disputes by utilizing its economic strength, while the United States focused more upon active diplomacy backed by its military might, a decades-long process which has now left a significant gap between the US and European outlooks on the region.

The other, more immediate, reason for the current problems, the authors attribute to the administration's penchant for uncompromising rhetoric, particularly since September 2001. Phrases like 'Axis of Evil' and calls by administration conservatives to 'punish' France and Germany for their resistance to Washington's Iraq policy has had a sharply polarising effect on America's European allies, separating them into sceptics and supporters. This, Peterson and Pollack contend, has laid the groundwork for a disturbing trend, that is, that Washington may now be inclined to play European capitals off one another to further its policy goals.

What is the solution then? Wither the transatlantic alliance? According to the authors: no. But it will take a fair amount of effort from each side to pull the relationship back together. Washington, the authors maintain, must clearly demonstrate in deed as well as word, a greater willingness to seek a broader consensus of support from its European allies. Simultaneously, Europe must also work to repair the damage and to make itself a more attractive partner by sorting out the institutional 'disarray' that, the authors maintain, has detached the EU and its member states from the strategic environment in which it currently resides. We shall see if either move is forthcoming, as this is an issue which continues to evolve on an almost daily basis. Moreover, it is also one which continues to hold the potential to get worse before it gets better.

Alex Wieland is a Research Assistant at the European Journal.

… news in brief

EU and US seek accord on agricultural subsidies

The two biggest trading blocs in the world are nearing agreement on agricultural subsidies in time for a mini-summit of the World Trade Organisation on 11th August. Both sides have said that they are looking at ways of reducing agricultural subsidies together. The WTO deals with internal subsidies, export subsidies and access to emerging markets. Pascal Lamy, the EU's foreign trade commissar, has said that the two sides will try to present a proposal on agricultural subsidies to the big Cancún summit on 10th–14th September. This summit will require daily meetings between the delegations of the 146 member states of the WTO, starting on 11th August, in order to prepare the terrain for the ministerial meeting in Mexico. The Cancún summit is part of the Doha round of trade negotiations, commenced in 2001, which is expected to finish in 2004. [*Agence France Presse, Le Monde*, 30th July 2003]

Trichet confirmed

Following a favourable vote by the European Central Bank council on 31st July, and a green light from the European Parliament which is expected in September, Jean-Claude Trichet, the present Governor of the Bank of France, is expected to become the next president of the ECB on 1st November. The details of the ECB vote will remain secret until 2033, when the archives will be opened to the public. Trichet's appointment became possible after he was acquitted on 18th June of all charges relating to the collapse of Crédit Lyonnais. As Director of the Treasury at the time, Trichet had been accused of contributing to the publication of false accounts which misrepresented the bank's position. This vote confirms the agreement reached in 1998 when France and Germany agreed to divvy up the presidency of the ECB between them (the Germans putting the Dutchman, Wim Duisenberg, in place). Once the European Parliament has approved the choice during its plenary session from 22nd to 25th September, it will remain only for the heads of state and government of the eurozone to confirm it. [*Le Monde,* 31st July 2003]

Record unemployment in Germany

The German economics minister, Wolfgang Clement, has been forced to insist that unemployment will not reach 5 million following the publication of statistics which show that seasonally adjusted unemployment in July rose by 95,000 to 4.35 million, the highest July figures since the reunification of Germany in 1990. Clement claimed that order books for German companies were up by 2.3%. [*Die Welt,* 7th August 2003]

Poland sends troops to Iraq

Poland is finally sending its first large contingent of soldiers to Iraq. But arguments are already breaking out among the states which compose it about how much they will be paid, how long they have to stay, and what the risks are. Poland's president admitted that there is considerable unease in his country when he commented that, *"People need more information."* According to polls, 55% of Poles are opposed to their troops being sent to Iraq, and only a third actually support the deployment. The internationally minded press has been doing its best to convince public opinion, with the liberal daily Gazeta Wyborcza stating somewhat didactically that *"Poland's role is to be an ally of Great Britain and the USA."* 1,700 Polish soldiers are expected to arrive in Iraq this week, and the US command has ascribed to them a district in the south of Baghdad which is supposedly quieter than the rest of the capital. But on Friday evening, the first attack took place on the Polish camp even before the soldiers had arrived. The Pentagon plans for Poland to assume the command of a 9,200 international force in September. In that force there will be a total of 29 countries represented, from Azerbaijan to Mongolia, and from the Philippines to Slovakia. Many suspect that these countries are sending their troops only because they will get paid by the Americans to do so, which has led to the international force being dubbed *"the coalition of the billing"*. The force will cost the US taxpayer some $240 million this year alone, according to Dov Zakheim, the chief accountant at the Pentagon. It is also not clear how useful these soldiers are going to be: Hungary has already said that it will withdraw its 300 troops if there is any sign of a *"warlike situation"* developing. Italy has said it will send new soldiers after four months, to maintain morale. El Salvador has postponed sending its elite troops because they say they are underpaid. But perhaps the biggest dividends to be reaped from sending troops are political. Nothing illustrates this better than the case of Ukraine, which seems to have made a spectacular political comeback in the eyes of the Americans. Last year, the American secret services accused the Ukrainian president, Leonid Kuchma, of personally approving the sale of radar equipment to Baghdad. At the Nato summit in Prague last November, the place-names were deliberately translated into French so that *"Ukraine"* was not next to *"United States"* and so George Bush did not have to sit next to the Ukrainian leader. Now, it is all sweetness and light between Kiev and Washington. Kuchma has agreed to send 2,300 soldiers to Iraq, an offer eagerly accepted by the Pentagon. [*Der Standard,* Vienna, 4th August 2003]

ATHENS

by Lindsay Grinols



The Parthenon, photo c/o the Greek Tourist Board

Athens was home to advanced arts, politics, and culture at a time when most other modern European cities did not yet have a place on civilization's map. Its history begins where ancient myth leaves off over five millennia ago, when the gods and goddesses on Mount Olympus descended to the earth.

Athena is the patron goddess of Athens, who has been worshipped for centuries on the acropolis. Inhabited since the Neolithic period, the acropolis has always been a site of spiritual significance. Athens was just one of many city-states in Greece, but by 1400 BC, it had become a powerful Mycenaean city. Draco's rigid law appeared around 621 BC and then Solon, known as the founder of Athenian democracy, arrived a quarter of a century later. Solon abolished the death penalty of the draconian law for everything except the murder, and enfranchised all classes of Athenian males except slaves into the process of government.

In 490 BC the Greek city-states faced the threat of Persia, and Athens banded together with others including Sparta to fight the Persian wars and win at the famous battle of Salamis. During the wars, Athens became a naval power and formed a confederation on the island of Delos, known as the Delian League. Afterwards it demanded tribute from its smaller allies in exchange for protection. With victory, independence, and money pouring in, Athens was set for a golden age.

In the 3rd and 4th centuries BC, Athens saw achievements that trumped all in the known world up to that time and for a long while after. Pericles ruled in the mid-400s, winning enthusiastic support with his superior orations, military strategy, and architectural accomplishments. It was Pericles who designed the Parthenon as well as the Propylaea and many other Athenian temples. Aeschylus, Euripides, and Sophocles wrote their plays during this time, and Socrates and Plato made their philosophical counterarguments to the Sophists. Sculptors Pheidias and Myron beautified the city, and Herodotus, Thucydides and Xenophon recorded histories that have lasted through the ages.

Underneath the glory, however, turmoil was brewing with Sparta. The Peloponnesian War broke out in 431 BC and lasted 27 years. Athens was defeated, and both city-states suffered terrible losses from the conflict. Thirty years later Philip of Macedon conquered both and brought them into his empire, which he then passed on to his son.

Alexander the Great did much to further the growth and spread of Athenian culture in his empire. His tutor had been Aristotle, the great Athenian philosopher in the tradition of Socrates and Plato who gave the world *Nicomachean Ethics*, *Politics*, and progressive works in mathematics and the natural sciences. Even after his death in 323 BC, Hellenism remained the dominant cultural influence throughout the Alexandrine empire until the emergence of Rome.

Athens was part of the Roman Empire for over 500 years, during which time it was rebuilt with Roman support and it was again recognized as a cultural capital. When the Roman Empire permanently split to east and west in 395 AD, Athens retained its intellectual reputation until its schools of philosophy closed in 529 AD. Between 1200 and 1450, Athens was continually conquered by outside groups including the Franks, Catalans, Florentines and Venetians. The Turks were the last of these invaders. They took over Athens in 1456 and occupied Greece for 400 years.

While Greece remained part of the Ottoman Empire the culture and dress came to mirror that of the Turks. It was during this time that the British ambassador Lord Elgin gained a letter from the sultan that allowed him to take away pieces of the Parthenon that now reside controversially in the British Museum. Revolutionaries banded together in the early 1800s, and the War for Independence (1821–1829) left Greece with a monarchy and a devastated economy.

Athens once again became the capital and the city was rebuilt. In 1923, Athens nearly doubled in size with a large influx of refugees from Asia Minor, overloading the city's infrastructure. This was followed by German occupation in the Second World War and five years of civil war, wreaking havoc in the capital and threatening its political stability. The transition during the 1950s and 1960s from agriculture to industry brought rapid expansion and further infrastructure complications, only recently tackled with the preparations for the 2004 Olympics. In the run up to the Games, Athens has recently completed a brand-new metro system. Passengers on the metro are able to enjoy the rich trove of classical antiquities unearthed during the system's excavation which are on display throughout. Athens is currently a thriving capital city of over 3 million inhabitants with a culture steeped in thousands of years of history and much to offer to visitors.

Lindsay Grinols is an intern at the European Foundation and a law student at Princeton University.

GETTING THERE

Air: Many carriers fly between London and Athens. Fares vary widely as the summer months are popular vacation times in Greece.
Easyjet: 0870 600 00 06, www.easy jet.co.uk. (£142)
Virgin Atlantic: 01293 747 74, www.virgin-atlantic.com (£170-400). Flies London to Athens Mon.–Sat.
Train: Athens connects to most European cities, with many international carriers. The Eurail pass is accepted. However, the train is not the most efficient way to arrive in Athens (a train from Vienna takes three days) so air or ferry may be better choices. For information on routes, find the OSE website: www.osenet.gr.
Ferry: A very popular option, especially in the summer months – ferries from Italy depart from Ancona and Brindisi, landing in Patras, where a short coach ride deposits you in Athens. Ferry schedules can be somewhat unreliable, but the journey quite enjoyable. Find a few of the many ferry companies at: www.superfast.com, www.bluestarferries.com or try www.ferries.gr.
One-way Fares €60–€380 depending on time of year, and on-board accommodations.

EATING

The best way to eat in Greece is at one of the many tavernas with tables spilling out onto the sidewalks. Ask for what is fresh and order the house wine.

Dionysos
43 Robertou Gali, Tel +30 210-923-3182
Highly recommended by tourist agencies and locals alike, it has great Greek and international food, with a stunning view of the Acropolis. Lunch and dinner.

Ideal
Panepistimiou 46, Omonia
Tel +30 330-3000.
The oldest restaurant in the city centre, Ideal serves traditional Greek cuisine in an attractive and comfy art deco environment. Try the Smyrnaika *tsoutsoukakia*.
Reservations necessary. Closed Sundays.

For an authentic and inexpensive Greek snack, be sure to stop by one of the many souvlaki stands, or alternatively try a gyro or cheese pie. Many establishments of this type can be found in the Monastiaki district.
Loxandra is a great example of a souvlaki chain: 2, Syntagma Square and other branches all over the city. Tel +30 331-2212.

SIGHTS

The Acropolis
Tel. +30 321-4172, 321-0219, 923-8724
Of course you cannot see Athens without seeing the Parthenon. From 650 B.C., the area was a place of worship to the goddess Athena, Athens' patron goddess, and the ruins of the architectural feats there are still very impressive. Make a day-trip or a short morning of it. Luckily it is in the middle of the city, surrounded by buildings and walking distance from the metro. Also on the Acropolis are the Erechtheion, the Temple of Athena Nike, and the Propylaea. Mars Hill and the Agora adjoin the hill. Open summer daily 8am-7:30pm, off-season 8am-2:30pm. Admission (which includes the sights below the Acropolis as well) is €12. Students €6.
Benaki Museum Koumbari 1
+30 367-1000.
This is a museum not to be missed. The oldest museum in Greece, it was begun with the collection (and home) of George Benaki. Recently renovated, its layout and presentation is superb. See the recreated Kozani living room and the dazzling jewelry collection including laurel wreaths made of gold leaf.
Admission €6, €3 for an exhibition. Free Thursday
Mon., Wed., Fri., Sat. 9am–5pm. Closed Tues. Thurs. 9am-midnight. Sun. 9am–3pm.

GOING OUT

Bee
Corner of Miaoli and Themidos, off Ermou.
+30 321-2624
Bee has great DJs and friendly staff. Best of all, it is located near the heart of Psiri, the most fashionable place to see and be seen in Athens.
Drinks €3–€7.50.
Open 9pm-late daily.
Bretto's
Kidatheneon 41.
+30 323-2110
Located in Plaka, Bretto's is a 100-year-old family-run instution. It exemplifies the Greek tradition of producing its own homemade ouzo, brandy, wine, and other liqueurs. Buy for later or stay and enjoy the atmosphere provided by the bottles on the wall used as decorative lights.
Drinks €4.50 per bottle or €1.50 per glass.

ACCOMODATION

Hotel Grande Bretagne, 5*
Vasileos Georgiou A' 1, Syntagma Square.
Tel. +30 333-0000, 331-5555, or 331-5559.
This hotel is an Athens landmark in an excellent location right on Syndagma Square. It has been the residence of the likes of Jacqueline Kennedy Onassis, Winston Churchill, and other royals, rock stars, and celebrities. 364 rooms, 23 suites.
Single room €390, Double €420-€500
Acropolis Select Hotel, 3*
37-39 Falirou Street, +30 921-1610
The Acropolis Select Hotel has just opened after an extensive renovation, transforming the old hotel into a top class 3 star hotel of character and quality. Situated in a quiet street but a few minutes walk from the characteristic old quarter of plaka.
Prices from: €91- €130
The Exarchion
Odos Themistokleous 55.
Tel. +33 380-0731 or 380-1256.
This is a good place for the budget traveller, situated in the popular Exarhia district and near the National Archaeological Museum. Of note is the distinctive stairway mural and the roof garden. Each room has a phone, TV, private bath, A/C, and a view of Exarhia.
Single room: €29.35, Triple: €44.

SHOPPING

Kolonaki
Full of expensive designer fare, this is a great place to people watch. If you have money to burn on designers you can find in Paris and London, shop away, or perhaps just grab a cup of coffee and watch the fashionable at work and play. Kolonaki is the area north of the national gardens, not far from Syndagma Square.
Ermou street
Ermou street has a variety of shops and price ranges to suit most shoppers, with local dress boutiques as well as international brands like LaCoste and Zara. It runs from Syntagma Square, opposite the metro stop, towards Monastiraki.
Plaka
The Plaka is the place to shop for souvenirs and jewelry. It is one of the oldest parts of modern Athens, with winding stone-paved narrow streets and alleyways. The central square was founded in 1813 and is crammed full of cafés, restaurants, bars and nightclubs. The area can be found at the foot of the Acropolis to the north.

CHUNNEL VISION

by Dr Lee Rotherham

"This project has been a success because it is a finished project, complete in its very details, without options." Mr Giscard d'Estaing was clearly at the cognac when he handed in the final product of the EU Convention. Quite apart from the small issue of a Minority Report in one annex, another contained a request for the Intergovernmental Conference to think blue sky thoughts about openness and transparency.

In reality, there were a number of areas which the Convention ducked and where the IGC now has the luxury of a few months to unleash the bright young things of Whitehall, the Quai d'Orsay, the Palazzo Chigi, and those people who hang around the Parthenon during their lunch break.

The Convention was supposed to be about bringing trust back into play, and making people feel as if they owned those big, expensive, asbestos-filled behemoths in Brussels. The Laeken mandate which sent everyone off to the Convention in the first place instructed the delegates to reconnect. It said that ordinary people had lost faith.

One would think an obvious question would be: '*Why do people think that all euro-politicians and faceless bureaucrats are conniving gravy trainers who spend their time dreaming up ways to make my life misery?*' Sadly, no. The plenary debate would have been just too much fun. And the applicant governments still had their referenda to win.

The answer to the question was therefore not to pose it. If an area was not in the EU domain, obviously it could be done more efficiently only if collectivised. If is *was* in the EU domain, well clearly it wasn't working because Brussels didn't have enough powers to run things yet.

Thus when the final part of the debate centred on Part III of the new Constitution – "*The Policies and Functioning of the Union*" – kintergarten politics came into play. If a toy got dropped and broke, most the kids started wailing and hoarding as many other choo-choo trains, teddies and hairy planes as possible. Very few actually sat back and wondered where the glue tub was.

Nobody talked about the real way the Union functioned, that critical flaw in the European vessel. Or if they did, it was in the realm of perverse logic land again. Sure, they said, there are financial regularities in some of the weaker member states, but that needed solving by more Europe again. So people talked about the need for a European Public Prosecutor. Those national governments which weren't so hot on that idea talked instead of boosting the role of Eurojust, which at least has a coordinating intergovernmental role – even if their proposals would shunt it towards initiating criminal proceedings. They wasted their remaining fraud chits on unsuccessfully trying to keep tax harmonisation off the agenda.

There were too many black holes in the institutions to let this opportunity drift by so casually. It therefore fell to the Nords to unspin this settled tapestry. As the Convention flowed into its final hours, Jens-Peter Bonde (a Conventioneer and member of the *European Journal's* advisory board) rose to inform the session that the Commission had – finally – raided Eurostat's offices. The word ran in the corridors that the trail led to the highest offices in the Commission. And the Commission office is high. It needs lifts.

Of course, this minor predicament affected not a jot the final draft Constitution text. Giscard was resolved to tweak the nose of destiny, to dump his limo in the Simon Schama parking lot of history. So the mess is today left to the IGC to settle – if it can focus straight.

Assuming the Italian Presidency doesn't spark off too many rows, governments could do worse than cast an eye at the one Convention submission which did look at fixing some of these problems. *Systems of Mismanagement* addressed the problem from a case study of six whistleblowers, some of whom have been in the papers, some of whom are lesser known. Two consented to be quoted.

Drafting the paper was a trauma. The files were shockingly similar, despite dealing with four totally separate EU institutions. It was an analysis of a system of suppression;

Phase one. Person appears, making complaint. He/she is rocking the boat. Ignore.

Phase two. Official complaint made. Haul individual in before senior people; intimidate; determine how much he knows.

Phase three. Deny all knowledge of any problem. Hope complainer gets fed up and problem goes away. Apply the maxim of Franco – *"I have two trays on my desk: one for problems that time will solve, and one for problems that time has solved."*

Phase four. Franco policy fails. The irritant has become a whistleblower by going to outside agencies, e.g. MEPs. Use old boys network to attempt to suppress in that institution too.

Phase five. Escalate and isolate. Suspend the whistleblower (WB) if possible; if no obvious breach of contract, transfer to tedious job grading pencils by size of eraser and how **B** or **H** they are.

Phase six. Break their spirit. Send to Coventry (a city in the West Midlands Euroregion). Deprive him of fundamental staff so he has to work long hours and come in over the weekend – not replacing a secretary is a prime option. Remove evidence, e.g. by theft of laptops.

Phase seven. Ridicule him to journalists. Destroy his credibility as a witness.

Phase eight. Intimidate him or his associates by means of physical threat, real or implied.

Phase nine. Threaten with the ultimate sanction – the sack. Dangle this sword of Damocles over the victim's pate for as long as possible.

Phase ten. By now, the individual has either left the institution or has been pushed. Enforce silence by the threat of the withdrawal of pension entitlements. Chances are, his reputation is in tatters, he's on tranquillisers, and will need the euros.

Thus we find a simple step-by-step approach to suppressing the truth and ruining an honest man's career. I don't know which I found more surprising: that there were so many whistleblowers out there, or that any were still coming forward with such offal being dumped on their noggins when they do.

We should treat our EU WBs better. Some Brits remain today out in grimsville – at least the Dutch Government knighted Paul van Buitenen (though it beats me where they put the spurs on clogs).

The IGC needs to do transparency a service: give the Constitution of Rome an EU Whistleblowers Clause, so everyone knows where they stand. And while the Union's chieftains are all together in the same room, they can defenestrate those thumb-twiddling Commissioners who have allowed this dungheap to be piled so high, and put some mafia busters in their place.

Systems of Mismanagement can be found on the Convention website, at http://register.consilium.eu.int/pdf/en/03/cv00/cv00844en03.pdf

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;
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- environmental issues;
- the Common Agricultural Policy;
- the reform of Community institutions;
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