

Broken promises: Lessons from 10 years of the Blair Government in Europe

The Government's apparent U-turn on the referendum on the EU Constitutional Treaty is the latest in a long tradition of broken promises from the Government on its EU policy. Over the last ten years the Government has broken promise after promise about the way that EU integration would develop - from insisting that the Charter of Fundamental Rights would never become legally binding, to promising that the UK would never give up its veto on immigration policy, nor give away its rebate.

The Government also sensationally failed in sticking to its objections to hundreds of elements in the draft EU Constitution. The Government proposed a total of 275 amendments to the text of the Constitution, but only 27 made it into the final text - less than 10 percent.

Two years on, the Government is now being dishonest about the implications of the new EU treaty. EU leaders are bringing back virtually everything contained in the EU Constitution in the disguised form of an 'amending treaty', but the Government claims it is different enough not to justify a referendum. Its arguments are deliberately misleading, and are increasingly difficult to stack up given the comments by other EU leaders who admit that the treaty is no different in substance to the original text. As Valéry Giscard d'Estaing, the chief author of the Constitution, said recently, "all the earlier proposals will be in the new text, but will be hidden and disguised in some way."

How the Government has fudged its Europe policy

Over the course of the last ten years the Government has rarely seemed to know what it wanted from negotiations in Europe - particularly over the EU Constitution. It has inched along instead of taking clear, firm lines and sticking to them. It develops new 'red lines', the old ones get dropped, and the hope is that no-one will notice as the Government pursues integration by stealth.

The Government has pursued an increasingly fudged position on Europe, in which Tony Blair and others have said one thing, and done another. As a result, Tony Blair's authority in Europe gradually declined.

The Charter of Fundamental Rights is a good example of how the UK Government gradually inched away from its original negotiating goals. The series of gradual concessions made by the UK did not encourage other member states to take its opposition to the incorporation of the Charter seriously. Even the Government has since acknowledged that this approach is not ideal. Peter Hain told the Lords EU Committee, "In an ideal world, we would not have gone down the route of incorporating the Charter. We would have preferred it as a statement of declaratory

rights... but that was not where the majority were and, as I say, we have succeeded in negotiating a position where we think we can live with it." (Lords EU Select Committee, 8 July 2003)

At the Nice summit in 2000 it was agreed that there would be a further round of changes to the EU treaties in 2004. But Britain has failed to set the agenda ever since. While Germany proposed the Charter of Fundamental Rights (against Tony Blair's wishes), which paved the way for the Constitutional Treaty and now forms part of it, and the French government gained significant influence by installing Giscard d'Estaing as President of the European Convention, the UK's negotiators made little impact. Now, four years down the line, it is the French and the German governments that are once again claiming victory in the negotiations on the new EU treaty. As Nicolas Sarkozy said recently, "This was France's idea from the start". (Liberation, 25 June 2007)

As a new intergovernmental conference prepares to open to draft the details of the new Constitutional Treaty, it is worth remembering that throughout the negotiations on the original text, Tony Blair's Government got a bad deal.

While other countries jockeyed for position during the run up to the 2004 Convention, the UK Government seemed to lag behind the fast-developing agenda. Those proposals it submitted between 2000 and 2004 were either shallow (e.g. the "subsidiarity watchdog") or failed to make any headway (e.g. the re-nationalisation of control over regional spending). Even after the start of the European Convention the UK Government still maintained an ambiguous position over whether or not it actually supported the very idea of an EU Constitution.

More recently, instead of going to the table with firm ideas about what it wants, the Government has hidden behind meaningless 'red lines' to distract from what it is really at stake - including an EU President, an EU Foreign Minister, the removal of the veto in more than 60 areas, and a reduction in Britain's ability to block damaging regulation by 30%.

Open Europe has drawn up a table of 39 of the Government's key broken promises and missed opportunities in Europe - as well as an additional one comparing the Government's line with the reality.

The polls show that people are disappointed by this failure to live up to expectations. The point of drawing up the Constitution in the first place was to "reconnect with voters", and end the perception that EU integration was taking place in an undemocratic way. In the December 2001 "Laeken Declaration" which launched the constitutional process, EU leaders admitted that citizens "feel that deals are all too often cut out of their sight and they want better democratic scrutiny" and agreed that a way needed to be found to stop the "creeping expansion of the competence of the Union".

But if anything, public trust and confidence in the direction of the EU appears to have fallen even further since then. A TNS poll of voters in all 27 member states in March 2007 found that across the EU as a whole, 56% of people feel that the EU does not represent them or their community. The figure was 68% in the UK.

If Gordon Brown is serious about "listening and learning", he must do better in Europe. We need a fresh start from the new Government - which, as a start, means not renegeing on the promise to hold a referendum. A recent ICM poll for Open Europe found that 86% of people in the UK want a referendum on the new EU treaty.

"The manifesto is what we put to the public. We've got to honour that manifesto. That is an issue of trust for me with the electorate. And people who have additional views to put forward by all means put them forward for the next manifesto, but we're not going to go beyond implementing the principles and policies of this manifesto and somehow change it overnight."

- Gordon Brown, interview - BBC Politics Show, 24 June 2007

1) Broken promises

What the UK Government said	What actually happened
There will be no EU Constitution	
<p>"For the record, we are not proposing a constitution of Europe." - Robin Cook, 25 May 1999</p> <p>"The hon. Member for Ludlow said that the charter represented the beginning of a European constitution. If a telephone directory were published in Brussels, the hon. Gentleman would believe that it was the forerunner of a European constitution. We are not going to have such a constitution, so I am happy to deny categorically his statement." - Keith Vaz, 22 November 2000, Hansard</p> <p>"What is the last euro-myth? It surrounds whether the charter will amount to anything more than a showcase. Is it a launch pad for something new, if not an EU constitution then something else? Of course it is not." - Keith Vaz, 22 November 2000, Hansard</p> <p>"There is an important debate about a Constitution for Europe. In practice I suspect that, given the sheer diversity and complexity of the EU, its constitution, like the British constitution, will continue to be found in a number of different treaties, laws and precedents. It is perhaps easier for the British than for others to recognise that a constitutional debate must not necessarily end with a single, legally binding document called a Constitution for an entity as dynamic as the EU." - Tony Blair, Warsaw speech, 6</p>	<p>The Treaty establishing a Constitution for Europe was drawn up by an intergovernmental conference (IGC) and signed by Tony Blair in Rome in October 2004.</p>

<p>October 2000</p>	
<p>We need a simple 'Statement of Principles' to clarify EU powers, not a Constitution; no concept of 'shared competences'</p>	
<p>"What I think is both desirable and realistic is to draw up a statement of the principles according to which we should decide what is best done at the European level and what should be done at the national level, a kind of charter of competences. This would allow countries too, to define clearly what is then done at a regional level. This Statement of Principles would be a political, not a legal document. It could therefore be much simpler and more accessible to Europe's citizens."</p> <ul style="list-style-type: none"> - Tony Blair, Warsaw speech, 6 October 2000 <p>"We have to establish a better comprehension of what should be done at European level, and what should be left to the member states at national, regional or local level. The current lack of clarity here creates the impression that power is draining away from national governments to the centre, in Brussels. There is a case for a simpler statement of principles, which sets out in plain language what the EU is for and how it can add value, and establishes clear lines between what the EU does and where the member states' responsibilities should lie."</p> <ul style="list-style-type: none"> - Jack Straw, speech to the Dutch Parliament, 21 February 2002 <p>"Our approach should be to set out principles deciding who is responsible for what. In particular, we should make more explicit the understanding that powers not delegated to the EU remain the preserve of the member states."</p> <ul style="list-style-type: none"> - Peter Hain, European Convention, April 2002 <p>"Shared competences should be a residual category. They should therefore not be listed explicitly. To have an 'indicative list' of some shared competences is the worst of both worlds."</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the 	<p>The list of competences which was finally adopted in the Constitutional Treaty would do the exact opposite of what the UK wanted, setting up a means to transfer more and more powers to the centre. It defines most powers as "shared" and defines "shared" as meaning that member states may only act <i>if the EU has chosen not to</i>. The Constitution states that, "The Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence."</p> <p>The ICG draft mandate suggests repeating the same articles with a few tweaks: In the Article on categories of competences, placed at the beginning of the TEC, it will be clearly specified that the Member States will exercise again their competence "to the extent that the Union has decided to cease exercising its competence."</p>

European Convention	
The Constitution cannot be brought back if rejected	
<p>"What you cannot do is have a situation where you get a rejection of the treaty and bring it back with a few amendments and say, 'Have another go'. You cannot do that".</p> <ul style="list-style-type: none"> - Tony Blair, Independent, 23 April 2004 	<p>Two years after French and Dutch voters rejected the EU Constitution in referendums, EU leaders are now bringing it back in the form of an 'amending treaty' - having made one or two "presentational changes" - as admitted by German Chancellor Angela Merkel.</p> <p>"The rejection of the Constitution was a mistake which will have to be corrected. The Constitution will have to be given its second chance... Everyone makes mistakes... In the end, the text will be adopted."</p> <ul style="list-style-type: none"> - Valery Giscard d'Estaing, London School of Economics, 28 February 2006 <p>"Although the British, Dutch and French have insisted we eliminate all reference to the word 'constitution, [the new treaty] still contains all the key elements of the text... All the earlier proposals will be in the new text, but will be hidden and disguised in some way".</p> <ul style="list-style-type: none"> - Valery Giscard d'Estaing, Sunday Telegraph, 1 July 2007
The Charter of Fundamental Rights will not be legally binding	
<p>"This is not a litigators' charter. Nobody can sue on it. Nobody will be able to litigate on it. People will be able to bring it up in the European Court as if it was the Beano or The Sun."</p> <ul style="list-style-type: none"> - Former Europe Minister Keith Vaz, 14 October 2000, Times <p>"Our case is that it should not have legal status and we do not intend it to."</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 11 December 2000 <p>"It will not be legally enforceable."</p> <ul style="list-style-type: none"> - Keith Vaz, Hansard, 22 November 2000 <p>"It is certainly not the intention of this Government to see it as anything other</p>	<p>The Charter will be made legally binding through the new EU treaty. The mandate for the forthcoming IGC circulated by Angel Merkel on 19 June states that "the article on fundamental rights will contain a cross reference to the Charter on Fundamental Rights, giving it legally binding value."</p> <p>The Government negotiated a so-called 'opt-out' from the Charter, but it is very difficult to see how this would work in practice, and many experts - including EU judges who would be in charge of interpreting the Charter - have questioned the value of the opt-out.</p> <p>The Government has potentially created a lawyers' paradise with this messy fudge.</p>

<p>than a political declaration.”</p> <ul style="list-style-type: none"> - Baroness Jay, Leader of the House of Lords, Hansard, 11 December 2000 <p>“We cannot support a form of treaty incorporation [of the Charter] that would enlarge EU competence over national legislation. New legal rights cannot be given by such means, especially in areas such as industrial law, which are matters for domestic, not European, law.”</p> <ul style="list-style-type: none"> - Peter Hain, Hansard, 2 December 2002 <p>“It should take the form of a political statement, rather than a legal text to be incorporated into the Treaties.”</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 30 November 1999 <p>“The Commission advocates that the Charter should be incorporated in the Treaties of the European Union. The Government rejects this view.”</p> <ul style="list-style-type: none"> - Keith Vaz, Hansard, 13 November 2000 	<p>It has clearly broken its repeated promise that the Charter would not become legally binding, whilst it is becoming clear that the much-vaunted safeguards simply will not work.</p>
<p>We need to bring back powers from the EU</p>	
<p>“It is also important to ensure that when Europe needs to co-operate more effectively, it can do so, and to identify areas in which Europe may decide to do less... There are, however, other areas – notably those relating to the regulation of the European Union – in which it is important that we take powers back from Brussels to the nation states.”</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 26 November 2001 	<p>Despite this and the good intentions set out in the 2001 Laeken declaration, which said there was a need to “clarify, simplify and adjust the division of competence between the Union and the Member States... This can lead both to restoring tasks to the Member States and to assigning new missions to the Union”, the Constitutional Treaty would not return a single new power to national or local Governments. Nor would it make the EU more transparent, or more accountable.</p>
<p>The Constitution will bring back powers</p>	
<p>“What [the Constitution] won't do is shift the balance of power between member states and the union, except to a degree, back towards member states.”</p> <ul style="list-style-type: none"> - Jack Straw, BBC Today Programme, 9 September, 2003 <p>“What this does is say ‘thus far and no further’, and actually brings back in practice influence to the nation states.”</p>	<p>Instead of ending the drift of powers to the centre in Brussels, it would actually set up new mechanisms which would accelerate the transfer of powers - the “continued competence creep” that Peter Hain criticised during the early stages of the European Convention. It also represents a huge transfer of power to Brussels in itself.</p>

<ul style="list-style-type: none"> - Jack Straw, Today Programme, 9 February 2005 	
The CAP should be scrapped	
<p>"The CAP is the wrong policy. It's anti-free trade, it's a waste of money, and it isn't fair to the developing world."</p> <ul style="list-style-type: none"> - Tony Blair, Times, 21 May 2002 <p>"[We need] to urgently tackle the scandal and waste of the Common Agricultural Policy -- showing we believe in free and fair trade."</p> <ul style="list-style-type: none"> - Gordon Brown, United Press International, 7 January 2005 <p>"You want criticism of Europe? Where do you want me to start? Common Agricultural Policy? I'd like to get rid of it."</p> <ul style="list-style-type: none"> - Denis MacShane, The Scotsman, 4 December 2004 	<p>Despite Tony Blair's insistence to a UN conference on sustainable development that he would spearhead a drive for reform, he has failed to achieve this in any significant way. Instead, Blair signed up to a deal brokered by the French and German governments in the autumn of 2002, and an EU budget deal in December 2005, which will ensure that CAP spending will continue to rise until 2013.</p>
No single EU President	
<p>"The institutional balance between the Council and the Commission is absolutely fundamental to the proper operation of the EU, and for a variety of reasons member states would not accept that they should merge into one position. Although it is not a red line, it is something that we must consider, and I promise to do so."</p> <ul style="list-style-type: none"> - Jack Straw, Hansard, 10 November 2003 	<p>The EU Constitution and its replacement treaty will create a powerful EU President. Control of the 3,500 civil servants in the Council Secretariat would give the President a substantial power base - and the Presidency would have an incentive to expand its own powers.</p> <p>During the negotiations on the EU Constitution the stipulation that the EU President "may not be a member of another European Institution" was deleted, against the wishes of the UK Government, paving the way for a merging of the President of the Council with the President of the Commission - creating a powerful institutional office.</p> <p>It has already been suggested that the new President of the European Council will be merged with the President of the Commission to create a US-style President for Europe. Nicolas Sarkozy has called for the President to eventually be directly elected, as in the US.</p> <p>The new President would fundamentally change the nature of the legislative process in Brussels. Instead of negotiations between the supranational</p>

	Commission and a national head of Government with a vested interest in protecting the rights of member states, negotiations would in future take place between one unelected, independent Brussels institution and another.
No extension of ECJ jurisdiction over crime and policing	
<p>"The Government does not accept that we should agree to extend full ECJ jurisdiction over the very sensitive areas covered by the Third Pillar. These raise sensitive issues relating to national sovereignty – law and order and the criminal justice process. An acceptance of extended jurisdiction would have to be on a "once and for all" basis. This would be a significant extension of the ECJ's legal responsibilities."</p> <ul style="list-style-type: none"> - Government amendment to the European Convention 	<p>Under the revised Constitutional Treaty the European Court of Justice would have near-complete jurisdiction over this area, making it the highest criminal court in the land. European judges would therefore begin setting the UK's substantive criminal law.</p>
No QMV in criminal justice	
<p>"In the justice and home affairs area, we have agreed better arrangements for co-operation on police matters, crime and drugs. However, such co-operation will remain intergovernmental and subject to unanimity. Thanks to amendments that we also secured, the European Court will have no authority to decide cases brought in United Kingdom courts on those issues."</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 18 June 1997 <p>"As far as Britain is concerned, we want to maintain unanimity in these areas [criminal justice]. Other countries also told the presidency that with other leading partners who have a different perspective, we would spell out quite clearly that unanimity was vital for us. No unanimity, no treaty."</p> <ul style="list-style-type: none"> - Denis MacShane, European Scrutiny Committee, 17 December 2003 <p>"It is essential that this article is restricted in scope and is made subject to unanimity."</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention 	<p>The Constitutional Treaty allows for criminal justice to be decided by majority voting.</p> <p>The UK has an "opt in" arrangement over this area. However, the way the opt in arrangement works means that the UK makes an <i>on principle</i> decision to opt in, before legislation is actually drawn up. The end of the veto would mean that if the UK opts into an area, but does not subsequently agree with the way legislation is drawn up, it will not be able to opt out again - something which the Government has admitted to.</p>

No QMV on immigration policy	
<p>"We have made it clear that we shall retain our veto on immigration issues. We have always said that."</p> <ul style="list-style-type: none"> - Tony Blair, 15 November 1995, Hansard <p>"In relation to QMV, we secured unanimity in all the areas where we wanted it, such as immigration."</p> <ul style="list-style-type: none"> - Tony Blair, 18 June 1997, Hansard <p>"We have ensured that we, and only we, decide border policy, and that policies on immigration, asylum and visas are made in Britain, not in Brussels. Others may choose to have different arrangements, to suit their traditions and geographical position. I see no reason for preventing them from doing so, although such arrangements will continue to be governed by unanimity."</p> <ul style="list-style-type: none"> - Tony Blair, Hansard 18 June 1997 <p>"No, we are not giving anything up ... we are not going to participate on anything - let me make this clear to you - that takes away our right to decide our own asylum and immigration policies in the way we think is right for this country ... we insisted that we would retain complete control."</p> <ul style="list-style-type: none"> - Tony Blair, Press Conference, 25 October 2004 	<p>Despite Blair's numerous pledges, the Government agreed to give up the veto on asylum and illegal immigration issues in November 2004. By signing up to the Constitutional Treaty, it also then agreed to give up the veto on asylum and all aspects of immigration.</p> <p>Again, the UK has an "opt in" arrangement over asylum and immigration decisions.</p>
No ECJ jurisdiction over asylum and immigration	
<p>The Government has consistently opposed giving the ECJ jurisdiction over immigration and asylum policy.</p> <p>"There is clearly a risk that adding what is in effect an avenue of appeal at a very early stage in the process might be an opportunity of further complicating our existing asylum and immigration processes"</p> <ul style="list-style-type: none"> - Geoff Hoon, Select Committee on European Union, 1 November 2006 	<p>The new Constitutional treaty would sweep away the restrictions to asylum appeals being heard by the ECJ. The inclusion of the Charter of Fundamental Rights would complicate this further through its clauses on deportation, extradition, and right to family life.</p>
No approximation of civil law	
"The principle of mutual recognition is	The Constitutional Treaty sets up mutual

<p>welcome. However there is no need for... approximation of the civil law. It is neither necessary nor appropriate... the current draft suggests that approximation of law should be an end in itself."</p> <ul style="list-style-type: none"> - Peter Hain, Select Committee on European Scrutiny, 7 November 2004 <p>Peter Hain told the cross-party European Scrutiny Committee that his principle was "cooperation yes, harmonisation no". (25 March 2005)</p>	<p>recognition of civil legal judgments and allows harmonisation of member states' laws to achieve this, including harmonisation of civil laws.</p> <p>The link between mutual recognition and harmonisation is quite explicit. Article III-270 of the original text explicitly stated that mutual recognition "shall include the approximation of the laws and regulations of the member states".</p>
<p>No EU powers to define criminal offences and set minimum sentences</p>	
<p>"Framework laws on substantive criminal law must not require the imposition of mandatory minimum penalties. We hope that the Treaty would exclude the possibility of measures requiring all Member States to impose a minimum penalty of at least x years on anyone convicted of a crime... irrespective of the circumstances or any mitigating factors."</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention 	<p>The Constitutional Treaty allows the EU to set "rules concerning the definition of criminal offences and sanctions" and lists the types of crimes over which the EU can harmonise sentences. These include drug trafficking, people smuggling and money laundering.</p>
<p>No power for Eurojust to initiate investigations of EU citizens</p>	
<p>"Eurojust should have the power only to ask that an investigation or prosecution is initiated."</p> <ul style="list-style-type: none"> - Peter Hain, Select Committee on European Scrutiny, 7 November 2004 	<p>The revised Constitutional treaty would give Eurojust sweeping new powers. The tasks of Eurojust "may include the initiation of criminal investigations". Eurojust also gains the power to "coordinate" the subsequent investigation. Laws defining Eurojust's powers and responsibilities would be made by majority vote.</p>
<p>No European Public Prosecutor</p>	
<p>"We are firmly opposed to establishing a European Public Prosecutor. Unanimity does not mean that this article can be accepted... There is clearly no need for a separate prosecution body at EU level."</p> <ul style="list-style-type: none"> - Peter Hain, suggested amendment to the draft Constitutional treaty <p>"The draft proposals recommend the creation of a European Public prosecutor. The UK opposes this. Prosecution should remain the responsibility of the Member</p>	<p>The Government allowed the Public Prosecutor to go ahead as part of the overall deal on the EU Constitution. Including the article means that other member states may try to put pressure on the UK by setting up the Prosecutor under enhanced cooperation. Given the UK's vehement opposition, it is difficult to see why the UK Government allowed this article to be included in the text.</p> <p>The Public Prosecutor would be set up by</p>

<p>State. The UK will not sign up to anything which is not in its interest.”</p> <ul style="list-style-type: none"> - Harriet Harman, former Solicitor-General, Hansard, 3 June 2003 	<p>unanimous vote.</p>
No 'structured cooperation' in defence	
<p>“The UK has made clear that it cannot accept the proposed ESDP reinforced cooperation provisions. While we support Member States making higher capability commitments and co-operating with partners to this end, the approach described here - a self-selecting inner group - undermine the inclusive, flexible, model of ESDP that the EU has agreed.”</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention 	<p>The EU Constitution provided for the establishment of a special sub-group of member states “whose military capabilities fulfill higher criteria and which have more binding commitments to one another in this area with a view to the most demanding missions”. This provision for so-called “permanent structured cooperation” within the EU framework would allow neutral countries to opt out, and create an “inner core” of EU members interested in taking forward military integration.</p> <p>The group would be set up by QMV.</p>
No extension of enhanced cooperation	
<p>The UK Government has long been cautious about enhanced cooperation.</p> <p>The idea of “enhanced co-operation” is different from the “structured cooperation” group because the structured group has its initial objectives spelled out in advance, while there is no restriction on what can be done under enhanced cooperation.</p> <p>“We secured a veto over flexibility arrangements which could otherwise have allowed the development of a hard core, excluding us against our will.”</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 18 June 1997 (following the Amsterdam Treaty negotiations) <p>“We have no idea what enhanced co-operation might lead to.”</p> <ul style="list-style-type: none"> - Robin Cook, Hansard, 5 December 2000 <p>“We cannot accept the extension of enhanced co-operation to all aspects of CFSP.”</p> <ul style="list-style-type: none"> - Amendment to the European Convention 	<p>Under the Constitutional Treaty many of the safeguards which currently apply to enhanced cooperation would be removed. For the first time enhanced cooperation groups could decide to move to majority voting within their group, with no veto for non-members of the group (article III-422 of the original text). So, for example, the veto could be abolished for a group working on tax issues, which could then be used to put pressure on the UK.</p> <p>Enhanced cooperation would apply to the whole of foreign policy. An “emergency brake” mechanism which applies in foreign affairs to enhanced cooperation under the existing treaties is deleted by the new treaty.</p>
The rebate is not negotiable	

<p>"The UK rebate will remain and we will not negotiate it away. Period." - Tony Blair, Prime Minister's Questions, 8 June 2005</p> <p>"A red line has been drawn under our rebate. That is just not negotiable." - Downing Street spokesman, Daily Mail, 19 March 1998</p> <p>"It will stay because it is right and it will stay because even after we take account of all the changes in Europe in the past few years we are a net contributor above countries with a higher income than ours so that is why it is right to do." - Tony Blair, PA, 9 December 1998</p>	<p>In December 2005 the Government agreed to give up a large part of the rebate during negotiations on a new EU budget deal.</p> <p>The UK will contribute an additional £7billion to the EU over the next seven years as a result of reductions in the country's rebate.</p>
<p>No formalisation of the eurogroup</p>	
<p>"What was vitally important about the discussion on Euro X [the old name for the eurogroup] is that that informal body is no longer in danger of becoming an economic government body for Europe, taking decisions on matters such as tax reform and the labour market, and Britain being excluded from it." - Tony Blair, Hansard, 15 December 1997</p> <p>"Formalisation of the Eurogroup and strengthening the powers of the "ins" is inappropriate ... We have always recognised that the "ins" will want to meet to discuss issues to do with sharing a currency, but greater powers for the Eurogroup to decide on the BEPGs or excessive deficits of Euro-ins will create an asymmetry, whereby the outs will vote only on outs' issues, while ins will vote on ins and outs." - Peter Hain, amendment to the European Convention</p>	<p>Article III-194 of the original Constitutional Treaty makes the eurogroup - the informal meetings of finance ministers from eurozone countries - into a formal body with its own President, elected for two and a half years. It also gives the group of euro members the power to pass laws to "strengthen cooperation" by voting amongst themselves (III-194).</p> <p>Luxembourg Prime Minister Jean-Claude Juncker has already been appointed as President ahead of ratification of the Constitutional Treaty.</p> <p>Article 196 also states that the council will pass laws on the representation of euro members in international financial bodies (IMF, OECD, World Bank etc). This is likely to mean a move towards a single external representation for euro members in these bodies.</p>
<p>No EU Foreign Minister</p>	
<p>During negotiations on the EU Constitution the Government said an EU foreign minister was "unacceptable." - Peter Hain, amendment to the European Convention</p>	<p>The Government dropped its objections and the Constitutional Treaty allowed for the creation of an EU Foreign Minister.</p>
<p>No merging of the Commissioner for</p>	

External Relations and the Council High Representative	
<p>“There is an overlap between the work of the High Representative and the External Relations Commissioner. Some have proposed that in future this role should be occupied by a single person wearing a double hat. As Javier Solana has said, this would raise practical problems that we need to debate. My point is simply this. Double hatting cannot be a way, through the back door, of communitising the CFSP. The High Representative's accountability to the Member States, and their responsibility for foreign policy, must remain clear cut.”</p> <ul style="list-style-type: none"> - Tony Blair, Speech 28 November 2002 	<p>The new EU foreign minister will chair meetings of the EU foreign ministers and will also be a member of the Commission, which means he/she will be able to propose legislation in this area. He/she will also have the power to appoint EU “envoys”.</p> <p>The name ‘Foreign Minister’ will be scrapped in the new EU treaty and replaced with High Representative of the Union for Foreign Affairs and Security Policy. But the role will remain the same, as many EU leaders outside Britain have admitted.</p> <p>"It's the original job as proposed but they just put on this long title - High Representative for Foreign Affairs and Security Policy and also vice President of the Commission. It's the same job - it's to avoid the rest of the world not having an easy contact point [for the EU] - it's still going to be the same position."</p> <ul style="list-style-type: none"> - Bertie Ahern, Irish Independent, 24 June 2007 <p>"If your name is Maria, you can call yourself Jane, but you will still do Maria's job... We have exactly what we wanted. The foreign minister will have the political clout necessary to do his job and will control the administrative services too. Blair was worried about this, but over lunch he calmed down."</p> <ul style="list-style-type: none"> - Unnamed Spanish diplomat, Sunday Telegraph, 24 June 2007 <p>“We were prepared to find a title other than foreign minister, but we are not prepared to change the substance of his role”</p> <ul style="list-style-type: none"> - Spanish Europe Minister Alberto Navarro, FT, 19 June 2007 <p>“As long as we have more or less a European Prime Minister and a European Foreign Minister then we can give them any title.”</p> <ul style="list-style-type: none"> - Italian Prime Minister Romano Prodi Speech in Lisbon, 2 May 2007
No right for the Foreign Minister to	

<p>speak at the UN</p> <p>"The UK cannot accept any language which implies that it would not retain the right to speak in a national capacity on the UN Security Council."</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention 	<p>Article III-305 (2) of the EU Constitution proposed that, "When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Union Minister for Foreign Affairs be asked to present the Union's position." The new text may carry this over.</p>
<p>No EU diplomatic service</p>	
<p>"We believe that it remains for EU Member States to organise their respective bilateral diplomatic services at the national level."</p> <ul style="list-style-type: none"> - Denis MacShane, Hansard, 17 June 2002 <p>"Already, there is a sensible co-operation amongst European Member States: we represent some Member States in African countries, for example, and they do the same for us in areas where they have a traditional, historical relationship, and we do not have the resources to put in a proper mission. So I think that kind of co-operation will go. But [will we see the] arrival of a diplomatic service? No".</p> <ul style="list-style-type: none"> - Peter Hain, Hansard, 16 July 2003 	<p>The EU Constitution proposed a single "European External Action Service", which would bring together national officials with the 745 civil servants in DG external relations and the 4,751 members of staff in the Commission's existing "delegations" around the world. The IGC mandate for the new EU treaty tacks on some reassuring language, but does not alter this provision from the Constitution.</p> <p>The Constitution's Article III-296 (3) states that decisions relating to the creation of diplomatic service will be taken by qualified majority vote on a proposal from the EU Foreign Minister. A paper published by Javier Solana in March 2005 suggested that only a third of the staff of the service will come from member states' diplomatic services. Estimates of the size of the service vary widely. One EU official briefed that the number of diplomats alone would be 7,000, but that it could rise to 20,000. (European Voice, 9 November 2004)</p> <p>"We will undoubtedly see European embassies in the world, not ones from each country, with European diplomats and a European foreign service. We will see Europe with a single voice in security matters. We will have a single European voice within NATO. We want more European unity."</p> <ul style="list-style-type: none"> - Jose Luis Rodriguez Zapatero, Spanish Prime Minister, AP, 17 February 2005
<p>No election of the Commission President by the European Parliament</p>	

<p>"Another suggestion is for the European Parliament to elect the Commission President. However, I am sceptical of that idea. My concern is that such an independent figure, who must be acceptable to the member states through the Council, will get caught up in the politics of the European Parliament."</p> <ul style="list-style-type: none"> - Peter Hain, European Affairs Committee, 25 March 2004 <p>Peter Hain also said that electing the Commission President "is not something we sought and we remain deeply sceptical about it", but conceded that, in order to get an elected President of the Council, it "is something that we might have to adjust to" (25 March 2004).</p>	<p>The draft IGC mandate talks about the "strengthening" of the Commission President. This is a presumably a reference to the original constitutional treaty's proposal that the President should be elected by the European Parliament.</p> <p>Currently, the President of the Commission is elected by member states after approval from the European Parliament. Under the Constitution, the European Parliament would elect the European Commission President by a majority of its members, after the recommendation of a candidate by the European Council, deciding by QMV. The UK was against an elected president for the Commission fearing it was a further step towards a European Government.</p>
No QMV in foreign policy	
<p>"QMV is a no-go area in CFSP."</p> <ul style="list-style-type: none"> - Peter Hain, Hansard, 25 March 2003 <p>"I made it clear that article III-201, which proposes QMV on proposals made by the Union's Minister for Foreign Affairs, is simply unacceptable. I do not remember exactly how much support there was for that view in the room, but there was a great deal. Again, we made it clear that common foreign and security policy is an intergovernmental matter, and must be established unanimously."</p> <ul style="list-style-type: none"> - Jack Straw, Hansard, 1 December 2003 	<p>If the new EU treaty came into force QMV would apply in several important areas of foreign policy, including: proposals from the EU foreign minister; urgent humanitarian aid; the diplomatic service; setting up an inner core in defence, within this inner core; on terrorism and mutual defence; and the new foreign policy fund.</p> <p>Despite this, Tony Blair misleadingly insists that "The essential features of the CFSP remain as they were. Unanimity voting is the rule." (Hansard, 25 June 2007)</p>
Defence: 'EU battlegroups' will carry out peacekeeping missions only	
<p>"[The force] is in respect of peacekeeping and humanitarian missions."</p> <ul style="list-style-type: none"> - BBC, 22 November 2000 	<p>The original idea for the Rapid Reaction Force project turned into the EU "Battlegroups".</p> <p>When asked to respond to a claim by Javier Solana that the EU's battlegroups would never go to war, NATO's General Secretary Jaap de Hoop Scheffer, said, "I don't believe that to be true. Why do you think the EU is creating battlegroups? It's not just so that they can reconstruct a country. The battlegroups are not going to rebuild schools." (El País, 10 March</p>

	2005)
Defence: No independent EU planning HQ	
<p>"Operational planning is a matter that will be the responsibility of NATO." - Geoff Hoon, The Sun, 29 March 2001</p> <p>"The EU military staff will not do operational level planning, nor will it provide command and control structures." - Keith Vaz, Hansard, 19 March 2001</p> <p>"The issue for us is that there is no case for having operational planning and the running of operations per se in an EU headquarters, separate either from supreme headquarters allied powers Europe, SHAPE, or from national headquarters." - Jack Straw, Official Report, 20 October 2003</p> <p>"We believe that there is scope to improve the EU's strategic planning capacity—its ability to look ahead and identify areas of potential concern worldwide and to frame strategic military options. Our opposition to the proposal to develop an EU multinational operational and planning headquarters remains unchanged. Whether or not it is at Tervuren, it is not the way ahead. From a military perspective, we are convinced that the operational planning and conduct of an EU operation needs to be undertaken from a working headquarters—a headquarters formed at SHAPE or by a national headquarters. Only with that approach can we ensure the currency, expertise, and access to in-depth military advice and co-ordinated resources that is needed. We must concentrate European efforts on developing effective military capabilities, not on the unnecessary duplication of NATO facilities." - Geoff Hoon, Hansard, 27 October 2003</p>	<p>The EU now has its own operational planning cell, explicitly independent of NATO, from where it can run EU missions separately from national headquarters.</p> <p>"I compare this cell for the planning and conduct of common military operations to the European Central Bank. Twenty years ago, we started off with a Monetary Institute, with a degree of ambition which was lower even than that of the military cell. It has grown into the ECB we all know" - Belgian Prime Minister Guy Verhofstadt, Agence Europe, 17 December 2003</p>
Defence: No EU merger with the WEU	
<p>"Getting Europe's voice heard more clearly in the world will not be achieved through merging the European Union</p>	<p>The Western European Union has been fully merged into the EU.</p>

<p>and the Western European Union or developing an unrealistic common defence policy”</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 18 June 1997 <p>“We stopped the merger of the Western European Union with the European Union and prevented the European Union from becoming a defence organisation”</p> <ul style="list-style-type: none"> - Robin Cook, Hansard, 4 December 1997 	<p>The Satellite Centre in Spain and the Institute for Security Studies have been transferred to EU control.</p>
<p>Defence: NATO will have right of first refusal</p>	
<p>“It is only [for] when NATO decides as a whole that it does not wish to be engaged”</p> <ul style="list-style-type: none"> - Tony Blair, Telegraph, 22 November 2000 	<p>“There is no question of a right of first refusal. If the EU works properly, it will start working on crises at a very early stage, well before the situation escalates. NATO has nothing to do with this”</p> <ul style="list-style-type: none"> - General Jean-Pierre Kelche, France's Chief of Defence Staff, Telegraph, 28 March 2001 <p>In 2003 an unnamed UK Government official admitted, “The French won't concede that NATO has the right of first refusal” (Times, 3 December 2003).</p>
<p>Defence: No EU symbols</p>	
<p>“No European cap badges, no European flags”</p> <ul style="list-style-type: none"> - Geoff Hoon, BBC, 22 November 2000 	<p>“The EU's blue flag and 12 golden stars will for the first time decorate the lapels of the troops”</p> <ul style="list-style-type: none"> - FT report, 31 March 2003
<p>No European army</p>	
<p>“[There is] no such concept called a European army”</p> <ul style="list-style-type: none"> - Tony Blair, Times, 13 October 2003 <p>“There is a specific undertaking not to create a European army”</p> <ul style="list-style-type: none"> - Geoff Hoon, PA, 19 December 1999 	<p>“If you don't want to call it a European army, fine. You can call it Margaret, you can call it Mary-Ann.”</p> <ul style="list-style-type: none"> - Romano Prodi, Independent, 3 February 2000 <p>“The EU should have its own army from countries which accept a common defence.”</p> <ul style="list-style-type: none"> - Romano Prodi, Speech, 9 May 1999 <p>“A European army legitimised and financed through the European Parliament is the visionary goal... The European army should have joint structures that go beyond the ones already in place. Therefore there is a need for a joint</p>

	<p>defence system, common legislation and standardization.”</p> <ul style="list-style-type: none"> - German Defence Ministry planning document, NATO website, 30 April 2003 <p>“We need to begin with the European defence policy - which has to finally lead, in reality, to a common defence. That will take place through the plans specified in the European Constitution: The developing European arms agency, the solidarity and mutual defense clauses, the armed force for the protection of Europe, and the European general staff.”</p> <ul style="list-style-type: none"> - Michel Barnier , Former French Foreign Minister, Welt am Sonntag, 13 March 2005
No commitment to common defence	
<p>"Common defence, including as a form of enhanced cooperation, is divisive and a duplication of the guarantees that 19 of the 25 Member States will enjoy through NATO."</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention 	<p>The original Constitutional Treaty contained a commitment to a common defence policy, and the new IGC mandate states that, "The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence."</p>
No mutual defence commitment clause	
<p>“The UK has made clear that it cannot accept a provision importing a mutual defence commitment in the European Union. We support what the European Council at Nice stated: “NATO remains the basis for the collective defence of its members.” Therefore the EU, most of whose members are NATO allies, cannot duplicate this role, either as a whole or through reinforced cooperation.”</p> <ul style="list-style-type: none"> - amendment to the European Convention 	<p>Article I-41 (7) of the old Constitutional Treaty states that, “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.” This is essentially a mutual defence commitment.</p> <p>“The European Constitution provides for a mutual defence commitment. This establishes an obligation to assist another Member State that is the victim of armed aggression on its territory.”</p> <ul style="list-style-type: none"> - Dermot Ahern, Irish Foreign Minister, address to the National Forum on Europe, 21 April 2005

Galileo will remain civilian	
<p>"The UK will continue to maintain that Galileo is a civil programme under civil control."</p> <ul style="list-style-type: none"> - Geoff Hoon, Hansard, 18 May 2007 <p>"We have made it clear that, as far as the UK is concerned, Galileo will be a civil system under civil control."</p> <ul style="list-style-type: none"> - Adam Ingram, then-Minister of State for Defence, Hansard, 29 November 2004 	<p>The Commission has announced that Galileo will have military users, and that it should be explicitly linked to the European Security and Defence Policy (ESDP)</p> <p>"It will be civilian controlled... but there will be military users".</p> <ul style="list-style-type: none"> - Jacques Barrot, EU Transport Commissioner, press conference, 16 May 2007 <p>"I myself believe that the idea of only using Galileo for civilian purposes will not persist into the future because I think that our military cannot do without some sort of [navigation] system."</p> <ul style="list-style-type: none"> - Jacques Barrot, Independent, 14 October 2006
No legal personality for the EU	
<p>"We can only accept a single legal personality for the Union if the special arrangements for CFSP and some aspects of JHA are protected."</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention <p>"We could support a single legal personality for the EU but not if it jeopardises the national representations of member states in international bodies; not if it means a Euro-army; not if it means giving up our seat on the United Nations Security Council; and not if it means a Euro-FBI or a Euro police force. "</p> <ul style="list-style-type: none"> - Peter Hain, Hansard, 2 December 2002 	<p>The IGC mandate proposes that the Union should have "a single legal personality", as in the original constitution. The protection that the UK wanted for CFSP and JHA was not included. This would mean that for the first time the EU, not the member states, could sign up to international agreements on foreign policy, defence, crime and judicial issues. That would be a huge transfer of power and make the EU look more like a country than an international agreement.</p> <p>"[This is] a gigantic leap forward. Europe can now play its role on the world stage thanks to its legal personality".</p> <ul style="list-style-type: none"> - Italian PM Romano Prodi, Telegraph, 21 June 2003 <p>"The European Union naturally has a vocation to be a permanent member of the Security Council, and the Constitution will allow it to be, by giving it legal personality."</p> <ul style="list-style-type: none"> - French Government's referendum website
No operational powers for Europol	
<p>"Europol has no operational or coercive powers. That is the reality and we have no plans for that to change."</p>	<p>Articles III-275, 276, and 277 strengthen the role and powers of Europol. Previous treaties have gradually expanded the role</p>

<ul style="list-style-type: none"> - Baroness Scotland of Asthal, Minister of State for the Criminal Justice System and Law Reform, Hansard, 27 October 2003 <p>“Europol does not have executive police powers in the member states. The Government would not support giving Europol such powers. Europol's role is to support member states own law enforcement operations by, for example facilitating the exchange of information between the member states and analysing information and intelligence.</p> <ul style="list-style-type: none"> - Bob Ainsworth, former Home Office Minister, Hansard, 16 July 2002 <p>“The word ‘operational’ should be deleted. ‘Investigative’ is sufficient and avoids the suggestion of Europol having operational powers on the territory of Member States... It is essential that Europol is not able to carry out independent operational activities or to direct Member States' operational activities.”</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention 	<p>of Europol but its scope has remained limited to coordination. The Constitution’s Article III-276 would widen its role to include “organisation and implementation of investigative and operational action, carried out jointly with the member states’ competent authorities.”</p> <p>The new power directly to implement operational action could mean that Europol would be able to take part in police raids alongside national police, giving it a similar sort of role to America's FBI.</p> <p>Europol has already acquired major new powers and a much enlarged budget since the Amsterdam Treaty. It now has a staff of over 350, projected to rise to 480.</p>
No further EU power over social security	
<p>“We have set out very clearly where there are particular positions, for example in relation to...the social security system, where we think this is the province of national governments and national parliaments...we have got absolute red lines we have laid down.”</p> <ul style="list-style-type: none"> - Tony Blair, Times, December 9 2000 <p>“Article 2(b) allows for decisions on all aspects of the rights of third country nationals including access to the labour market and social security - this is a considerable extension of the Union's competence from that in the current treaty. The UK accepts that this legal base could be used for measures relating to the rights of third country nationals legally resident in one Member State who move to another Member State, provided that social security provision for third country nationals is still on the basis of unanimity. Our amendment is</p>	<p>Article II-94.2 of the old constitution, (which is likely to be attached to Article 137 or 140 of the new Treaty on the Functioning of the Union) states that “Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages”.</p> <p>This is a major step away from the current treaties, which stress free movement for workers, and limit access to other countries’ social security and welfare systems to those who are in work.</p> <p>Changes to Article 42 of TEC (Article III 136 of the old version of the constitution) ends the veto on social security for EU migrant workers. The UK opposed this and wanted to insert a clause that said, “the Council shall act unanimously for the purposes of this article”. The end of the veto over the social security rights of migrant workers is likely to spill over and</p>

<p>intended to make this clear.”</p> <ul style="list-style-type: none"> - Peter Hain, amendment to the European Convention <p>“Social security is something where we think, and not just from a British point of view but for the sake of all Europe, because the social security systems vary so enormously country to country any change there has to be done by unanimity so it stays within the remit of national government. We do need to have clarity, certainly on social security, that is Part III, paragraph 21. That language there is unacceptable, we have to change it.”</p> <ul style="list-style-type: none"> - Denis MacShane, EU Scrutiny Committee, 31 March 2004 	<p>affect other aspects of member states’ social security systems.</p> <p>On this point, despite having failed to keep the veto the Government now claims “victory” because there is - as in the original Constitution - an “emergency brake” on Article 42 on the social security rights of EU citizens working in other EU countries. This itself is a questionable strategy - the “emergency brake” is clearly not “as good as a veto” or there would be no point making the change. The brake would probably end up being the subject of legal dispute and it would certainly make it more difficult for reluctant member states to steer legislation in their own direction.</p>
<p>The treaties must not become self-amending</p>	
<p>“An important proposal is for greater use of Qualified Majority Voting (QMV) for decision-making in the Council of Ministers. There is also a proposal for a clause which would allow the European Council to vote by unanimity to move any Treaty article to QMV. We oppose anything which would undermine the role of national parliaments in Treaty change.”</p> <ul style="list-style-type: none"> - Government White Paper on the UK’s position, 2003 	<p>The draft IGC mandate suggests that the new version of the Constitutional Treaty should re-introduce the proposals from the Constitution - particularly IV-444 and IV-445, which would make the treaty self-amending for the first time.</p> <p>At present, the treaties on which the EU is based can be amended only by the convening of an Intergovernmental Conference (IGC) such as the one that agreed the EU Constitution. Any amendments must be agreed unanimously by all governments and then ratified in the member states according to their constitutional traditions, i.e. by referendum or by parliamentary vote. (Article 48 TEU)</p> <p>Article IV-444 would also allow decision-making that is subject to unanimity in the new treaty to be changed to QMV (including foreign policy but excluding defence).</p> <p>Article IV-445 allows any of the text of the new <i>Treaty on the Functioning of the Union</i> to be rewritten. Under this article changes to the Constitutional Treaty can for the first time be proposed by the Commission and the European Parliament,</p>

	<p>as well as the member states. This would mean a shift of power towards the EU's leaders and away from national parliaments.</p> <p>These mechanisms would mean that the new Constitutional Treaty could be incrementally changed. In comparison the process under the current treaties has meant that changes in the Single European Act, and the Maastricht, Amsterdam and Nice treaties have been 'package deals', introducing many changes at once, which attracted public interest and sparked debate. The mechanisms set out in the Constitution which would allow it to be gradually altered would be likely to reduce the level of scrutiny of future changes - <i>in theory its adoption could be the last opportunity to call for a referendum.</i></p>
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2) Misleading lines

As well as a disappointing record on sticking to its promises about the direction of EU policy, the Government has also been misleading about the things it has signed up to - particularly where the Constitutional Treaty is concerned.

In the negotiations on the new EU treaty the UK Government has refused to answer the most basic questions about its position, or make its so-called "red lines" meaningful by tying them to specific points (it has instead run implausible scare stories about having to "defend the veto on tax" - which has never been under discussion).

Only a week before the European Council, for example, Margaret Beckett told the European Scrutiny Committee and the Foreign Affairs Committee that "no negotiations have taken place", which was clearly not the case, given the substantial outcome of the Council. The high level of detail in the IGC mandate (complete with alterations to the Constitution's article numbers and technical treaty drafting points) did not come out of nowhere overnight.

What the UK Government said	The truth
The Constitution is a 'tidying up' exercise	
<p>"Three quarters of it is tidying up." - Peter Hain, BBC Jeremy Vine Show, 18 May 2003</p> <p>"Those [Maastricht and the Single</p>	<p>"Those who are afraid do not appear to have grasped what is happening at the moment. We are creating a political union." - Guy Verhofstadt, Belgian Prime</p>

<p>European Act] were big constitutional treaties. This is more of a tidying up exercise."</p> <p>- Peter Hain, FT, 13 May 2003</p>	<p>Minister, Suddeutsche Zeitung, 25 November 2003</p> <p>"The Constitution is not simply another treaty. It is the key which will allow us to build... a more political Europe."</p> <p>- Michel Barnier, former French Foreign Minister, La Nouvelle République, 3 December 2004</p>
<p>The EU will grind to a halt without the Constitution</p>	
<p>"We must update the way Europe's institutions work. That is why I support a new European Constitution. We need to modernise the way we do business in Europe. Otherwise, far from speeding the pace of change, enlargement would make the system grind to a halt."</p> <p>- Tony Blair, CBI, 17 November 2003</p> <p>"The new constitutional treaty is designed... to answer the challenge of enlargement".</p> <p>- Tony Blair, Hansard, 20 April 2004</p> <p>"We negotiated the Nice Treaty three years ago to make enlargement possible. It is why we have been negotiating in the Convention, and now the Intergovernmental Conference, on a draft Constitutional Treaty... an agreement will be necessary to allow enlargement to work effectively."</p> <p>- Tony Blair, Hansard, 15 December 2003</p> <p>"It is important we go back to the idea of a conventional treaty where the idea is to make Europe more effective, work more effectively because we now have a Europe of 27, and then 28 and so on countries rather than 15."</p> <p>- Tony Blair, Hansard, 16 April, 2007</p>	<p>It has become very popular to argue that the EU can no longer function or grow without an EU Constitution. However, the evidence shows that this is not true. Since the 'no' votes in France and the Netherlands the EU has not just stopped working. There have been much-celebrated deals on the EU budget, and on environment policy, for example, and the flow of EU legislation shows no signs of letting up. In fact, according to a study of legislation by Paris-based university Sciences-Po, the EU has been adopting new rules and regulations some 25% <i>faster</i> since enlargement. It also found that "old" member states are twice as likely to block measures as "new" countries.</p> <p>Jack Straw has admitted this:</p> <p>"If there were no agreement it would complicate all sorts of things. But plainly life will go on under existing treaties."</p> <p>- PA, 25 November 2003</p>
<p>No more 'ever closer Union'</p>	
<p>"It is very striking that the concept of an ever closer Union has been dropped from this text... That is true. We got it dropped, and we also got federalism dropped. It has gone."</p> <p>- Jack Straw, Hansard, 20 Oct 2003</p>	<p>The opening line of the Charter of the Fundamental Rights, which will be legally binding for the first time, reads, "The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values."</p>

	<p>The preamble of the Constitution itself stated, "The peoples of Europe are determined to transcend their former divisions and, united ever more closely, to forge a common destiny." It remains to be seen whether this part will be included in the new treaty or not.</p>
<p>The new EU treaty no longer has the "characteristics of a constitution"</p>	
<p>"We have made it clear that there should not be anything that has the characteristics of a constitution." - Margaret Beckett, Hansard, 1 May 2007</p> <p>"What the Dutch and the British are saying is that it is important we go back to the idea of a conventional treaty... rather than a treaty with the characteristics of a constitution." - Tony Blair, IHT, 16 April 2007</p>	<p>Other than not having the name "constitution" the Government have been strangely unforthcoming about what exactly the "characteristics of a constitution" are. But what sort of document is it that sets up institutions like a President, a Foreign Minister and defines how decisions are made - other than a constitutional document?</p> <p>In fact all the "core" institutional features of the Constitution reappear in the new version. As Jack Straw pointed out in Parliament just after the no votes - such proposals would only be included in a <i>constitutional</i> treaty:</p> <p><i>Kate Hoey:</i> I am sure the Foreign Secretary would agree that among the things that are synonymous with the European Union are back-door and back-room deals. Will he assure me that one matter that he would certainly submit to a referendum is the creation of a Foreign Minister and a European President?</p> <p><i>Jack Straw:</i> Those points are central to the European constitutional treaty, and of course I see no prospect of their being brought into force, save through the vehicle of a <i>constitutional</i> treaty. (Hansard 6 June 2005)</p>
<p>The new EU treaty no longer changes the relationship between the UK and EU</p>	
<p>"If it is not a constitutional treaty so that it alters the basic relationship between Europe and the member states, then there isn't the same case for a referendum." - Tony Blair, European Voice, 20 April 2007</p>	<p>At the time Tony Blair said exactly the opposite about the original version of the EU Constitution - in the very speech in which he announced the referendum.</p> <p>"The treaty does not and will not alter the fundamental nature of the relationship between member states and the European</p>

<p>"The Prime Minister... came to the view that there should perhaps be a referendum on the original constitutional treaty, if I can call it that, because he came to the view that perhaps, yes, there were changes in it that could be considered as somewhat fundamental in the relationship between the UK and the EU."</p> <ul style="list-style-type: none"> - Margaret Becket, Hansard, 7 June 2007 	<p>Union... Parliament should debate it in detail and decide upon it. Then, let the people have the final say."</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 20 April 2004
<p>This time it's a "conventional amending treaty, rather than a constitution"</p>	
<p>"Asked what it was in 2005 that required a referendum, and what were the elements of the constitution, the Prime Minister's Official Spokesman replied they were elements such as flags, national anthems, etc."</p> <ul style="list-style-type: none"> - Downing Street website <p>"It is important we go back to the idea of... a conventional amending treaty, rather than a treaty with the characteristics of a constitution... a treaty in the tradition of the treaty that we negotiated in Amsterdam some 10 years ago."</p> <ul style="list-style-type: none"> - Tony Blair, Embassy of the Netherlands, 16 April 2007 <p>"There is broad agreement, in that they both think any treaty must be an amending one rather than a constitutional treaty. The Prime Minister has said before that if we have an amending treaty, as in Nice and Amsterdam, a referendum would be unnecessary."</p> <ul style="list-style-type: none"> - Downing Street spokesperson, Express, 11 June 2007 <p>"What we would look for is a treaty which is very different from that proposed as the constitutional treaty - for something that was, in a perfectly understandable and straightforward historical lineage, an amending treaty."</p> <ul style="list-style-type: none"> - Margaret Beckett, Hansard, 7 June 2007 	<p>But this is exactly what they said last time:</p> <p>"This is a treaty, not a constitution absent from a treaty. It is the treaty establishing a constitution for Europe. In other words, it is a treaty agreed in the same way as Maastricht or any other treaty between the European Union members...This is extremely important."</p> <ul style="list-style-type: none"> - Tony Blair, Hansard, 21 April 2004 <p>EU leaders are being far more honest about the fact that the substance of the Constitution has been maintained in the new treaty.</p> <p>"The fundamentals of the Constitution have been maintained in large part... We have renounced everything that makes people think of a state, like the flag and the national anthem."</p> <ul style="list-style-type: none"> - German Chancellor Angela Merkel, El Pais, 25 June 2007 <p>"[the mandate approved by the EU will] preserve the substance of the constitutional treaty".</p> <ul style="list-style-type: none"> - German Foreign Minister Frank-Walter Steinmeier, Agence Europe, 25 June 2007 <p>"A great part of the content of the European Constitution is captured in the new treaties. Everyone has conceded a little so that we all gain a lot".</p> <ul style="list-style-type: none"> - Spanish Prime Minister Jose Zapatero, El Pais, 25 June 2007 <p>"Given the fact that there was strong</p>

	<p>legal advice that the draft constitution in 2004 would require a referendum in Ireland, and given the fact that these changes haven't made any dramatic change to the substance of what was agreed back in 2004, I think it is likely that a referendum will be held... thankfully they haven't changed the substance - 90 per cent of it is still there."</p> <ul style="list-style-type: none"> - Irish Taoiseach Bertie Ahern, Irish Independent, 24 June <p>"The good thing is...that all the symbolic elements are gone, and that which really matters - the core - is left."</p> <ul style="list-style-type: none"> - Danish PM Anders Fogh Rasmussen, Jyllands-Posten, 25 June 2007 <p>"There's nothing from the original institutional package that has been changed"</p> <ul style="list-style-type: none"> - Astrid Thors , Finnish Europe Minister, TV-Nytt, 23 June 2007 <p>"It's essentially the same proposal as the old Constitution".</p> <ul style="list-style-type: none"> - EU Commissioner Margot Wallstrom, Svenska Dagbladet, 26 June 2007 <p>"The text consists, in effect, of a revival of a large part of the substance of the Constitutional Treaty."</p> <ul style="list-style-type: none"> - Former French President Valery Giscard d'Estaing, Gisard's blog, 26 June 2007
<p>We secured our red lines at the June 07 EU summit</p>	
<p>"The four essential things that we in the UK required in order to protect our position have all been obtained."</p> <ul style="list-style-type: none"> - Tony Blair, PA, 23 June <p>"No red lines were crossed. We said we wanted an amending treaty without constitutional characteristics. We got that. We said we wanted to be able to protect our labour and social legislation. We got that. We said we'd protect our common law system and our police and judicial processes. We got that and we said we'd maintain an independent foreign and defence policy and protect our tax and social security system and we got both of those. So actually the Prime</p>	<p>Technically speaking, this is true. However the 'red lines' drawn up by the Government were so misleading and vague as to be worthless - they were there as a smokescreen. The Government aimed to focus attention on areas where it thought it was likely to get a result in order to distract attention from everything else it was agreeing to - such as an EU President, an EU Foreign Minister, a sweeping extension of majority voting in more than 60 new areas, a legal personality for the EU, and a new voting system which will reduce Britain's voting strength by over 30%.</p>

<p>Minister got everything he came for.” - Margaret Beckett, Today Programme, 23 June, 2007</p>	
<p>Referendums are not in the British tradition</p>	
<p>“There are some who have always used the referendum as a political tool and in consequence have very, very different parliamentary and legislative arrangements from those that pertain in this country. I prefer our model.” - Margaret Beckett, EU Scrutiny Committee, 7 June 2007</p>	<p>The Government has held around 40 referendums since coming to power.</p> <p>It held referendums on Scottish and Welsh devolution, and the Good Friday Agreement in Northern Ireland. They have held referendums on the London Mayor, the North East Assembly and on thirty-five other city mayors. The Government has promised a referendum if it ever tries to introduce Proportional Representation or the single currency. It is simply not plausible for the Government to start arguing that referendums are some kind of foreign invention, “alien to the British system”, which threaten to undermine representative democracy.</p> <p>The Government was happy to put a commitment to a referendum on the EU Constitution in their manifesto. Clearly no-one wants to have referendums on all kinds of small issues. But the Government has accepted that when there are constitutional changes - changes to the rules of the game - then people should be consulted in referendums.</p>
<p>The referendum pledge was because of the symbols of the EU</p>	
<p>According to the Downing Street website: "Asked what it was in 2005 that required a referendum, and what were the elements of the constitution, the Prime Minister's Official Spokesman replied they were elements such as flags, national anthems, etc."</p> <p>Again, asked what exactly it was in the original treaty that made the Government promise a referendum in the first place, Margaret Beckett said it was, "...symbolic gestures - the flag, the anthem." (Foreign Affairs Committee, 19 June)</p>	<p>This is simply ludicrous. The Government cannot expect anyone to believe it is backing out of the promise of a referendum because the (already existing) symbols of the EU no longer feature in the new version of the text.</p> <p>As a spokesman for the Commission pointed out recently: "It's no great loss! The European flag already exists anyway..." (Le Figaro, 18 June)</p> <p>In reality Tony Blair only promised a referendum because he had no alternative - as he admitted in a recent interview:</p> <p><i>Q: You didn't have to call a referendum, you did it and that put other leaders under pressure</i></p>

	<p><i>to organise a referenda with the results that we know. Do you regret that?</i></p> <p><i>Blair: No, because there wasn't really an alternative. Because you have to deal in politics with what people perceive and if you say we are getting rid of all the previous treaties, we are now having a treaty that is a constitution, people will look at it differently, and they did.</i></p> <p><i>Q: Although it is not that different from other treaties?</i></p> <p><i>Blair: Well you know I could argue that... but in practical politics you have got to pay some attention to where public perception is as well. (European Voice, 20 April 2007)</i></p> <p>In reality the decision to promise a referendum was based on the simple political calculation that the Government could not avoid promising a vote ahead of the 2004 European elections, and the 2005 General Election. The Government clearly gained an advantage in those elections by promising a referendum. But now it plans to go back on its word.</p>
<p>We might hold a referendum, but only if we are defeated in the negotiations</p>	
<p>Having comprehensively ruled out a referendum ahead of the EU summit, Government ministers then went out of their way to stress that they have an open mind on a referendum.</p> <p>On GMTV Gordon Brown was asked, "You wouldn't hesitate to hold a referendum, would you?", Mr Brown responded: "Well, if it were necessary to hold a referendum, of course. But the question is 'Can we get the best deal for Britain?' and I suspect that the best deal for Britain will be won, where we will get what we want at this summit." (19 June)</p>	<p>The Government are only suggesting they might hold a referendum if they are utterly defeated in the negotiations. But it is unlikely, to say the least, that Gordon Brown will return from Brussels admitting utter defeat. Even people in Downing Street admit that this is "cobblers."</p> <p>One senior source said talk of having to call a referendum was a "load of old cobblers". A spokesman said, "The question of a referendum will not arise because we will not sign up to anything that breaches our red lines". (Telegraph, 19 June)</p> <p>In reality the Prime Minister's Official Spokesman made it clear that the Government has already ruled out a</p>

referendum, before the negotiations had even happened:

“Asked what the Prime Minister's reaction was to Gordon Brown's comments on television this morning that he would have a referendum if needs be, the PMOS said that that was a slight misquotation of what the Chancellor had said. What he said was that he did not envisage a situation arising where we would be in that kind of territory. Put that the Chancellor actually said the words, the PMOS said that what he had said beforehand, and what the journalist had left out was that he did not envisage us being in that situation. As we had made clear yesterday, we would not agree to a deal that crossed the red lines, therefore, we did not believe a referendum would be necessary.” (Downing Street website, 19 June)