

What sort of Europe does Cameron want?

The Continent is stuck on a course of 'ever closer union'. British voters need to know what the Prime Minister thinks of such a vision

BY TIM CONGDON

What kind of Europe do the British people want to have as their neighbour? And what kind of Europe would their Prime Minister, David Cameron, favour if the Conservatives were to win the next general election?

In widely-quoted remarks at the European Union summit on May 27, Cameron called Brussels "too big, too bossy, too interfering". He put forward a principle: that the EU should work on the basis of "nation states wherever possible, Europe only where necessary". But the new Cameron principle is not his first or most serious challenge to the EU's ambitions for greater integration. In his January 2013 Bloomberg speech, in which he promised a 2017 in/out referendum on EU membership, he repudiated the phrase "ever closer union" from the 1957 Treaty of Rome. Perhaps even more fundamentally, he did not slap down his newly-appointed Foreign Secretary, Philip Hammond, when Hammond said on July 20 that he would want the UK to quit the EU if renegotiation left the status quo little changed.

The direction of travel is clear. Nevertheless, the discussion of EU issues in the Conservative Party remains strangely spasmodic and incoherent. A tighter focus might come from recalling two alternative views on European unification in the French debate of the 1950s and 1960s, one held by Jean Monnet and the other by the Gaullists. The Conservatives, and particularly Cameron himself, must decide which of the two they want.

To the architects of the European Economic Community (which became the EU in the 1993 Maastricht Treaty), the notion of "ever closer union" defined the EEC/EU. In the closing phase of the Second World War, Jean Monnet pronounced that, "The countries of Europe are too small to guarantee their peoples the necessary prosperity and social development. The European states must constitute themselves into a federation." To such men as Monnet, Robert Schuman and Paul-Henri Spaak, sometimes revered as among the "founding fathers" of the EU, nations that participated in the European project had made an irrevocable commitment: they would deepen and broaden their togetherness until they became one nation, a fully-fledged United States of Europe.

In a United States of Europe extensive powers (to be precise, the "competences" mentioned in EU treaties) would be transferred to federal institutions and assumed by a supra-national bureaucracy in the shape of the European Commission. This bureaucracy would ultimately have more real power than national parliaments and governments, and national sovereignty would be pooled and so diluted that it would no longer be meaningful. In the so-called "Monnet method" of European integration, the bureaucrats would expand their role by subterfuge. The integration of one sector of the European economy would "spill over" into others, and economic integration would then "spill over" into political integration, and Europe would be one. Democratically-elected politicians might hardly notice what was going on.

Politicians would be outmanoeuvred

partly by bewildering them with complexity. An early battle was over the application of "qualified majority voting (QMV)". Two well-recognised ways of reaching a decision are majority voting and unanimity, both of which are simple arrangements that appeal to common sense—QMV is neither. Right from the start in 1958, the QMV system was used in the EU's highest decision-taking body, the Council of Ministers. Each nation had a certain number of votes, and decisions would be reached if a sufficient number of votes had been cast in favour. QMV formulas changed over the years with successive treaties of European integration. The extension of QMV voting (to more interesting subjects than the price of butter and fishing quotas) was to occur slowly and unobtrusively, as the EU acquired more competences.

Nevertheless, in the 1960s several French politicians were suspicious. The tensions came to the surface in 1965 and 1966, in the celebrated Empty Chair Crisis. The German Walter Hallstein, the Commission's first president, insisted that the Treaty of Rome meant what it said. Decisions about the common agricultural policy could be taken by QMV even if a powerful member state was opposed. France could therefore be outvoted; it did not have a veto. De Gaulle was angry and hostile. Whatever the wording of the Treaty, he believed that France ought to retain a veto. In July 1965 France boycotted the EEC institutions and left empty its chair in the Council of Ministers. Life returned to normal only in January 1966, when the Luxembourg Compromise recognised a member state's ability to exercise the veto where a fundamental national interest was at stake. This ended the squabble, while leaving key issues unresolved.

De Gaulle's defence of unanimity reflected a very different view of European integration from Monnet's supra-nationalism. Although de Gaulle himself never used the phrase, several of his associates proposed the idea of "*l'Europe des patries*". In this conception nation states agreed matters of common interest at an inter-governmental level, but with national sovereignty preserved. The main attribute of sovereignty was the ability to veto EU decisions. The Council of Ministers could still reach decisions that bound every member state, but it could do so only by unanimity. Where the legislature and government of one of the nations was against a Directive or Regulation, they could say "no" and stop it.

The Monnet and Gaullist conceptions of European integration are not just distinct, but in conflict. In the Monnet version the European Commission is in the driving seat, because in practice it puts up proposals to the Council only after checking that most governments—the governments that constitute a QMV—can agree to them. So the Commission gets its way. By contrast, in a Gaullist structure national parliaments remain in ultimate control.

Deep constitutional issues are raised by the contrast between an inter-governmental union and a federal union on the US model. It is worth emphasising that, in one key respect, the United States of America is far more unified than our own nation. The American Civil War, and decisions

'Boris Johnson is kidding himself that it will be "easy" to outsmart the Commission and the Council of Ministers'



Charles de Gaulle: He envisioned a European Union in which national parliaments remained in ultimate control

reached in court cases afterwards, established the principle that no state could leave the Union. As a result the US is more cemented together than the UK, even though the UK is usually characterised as one of the world's most "unitary" states and the US as a federation. (With Scotland debating its own independence, it is obvious that the UK—a nation without a written constitution—is more flexible and pragmatic about this subject. Could the Shetlands withdraw from an independent Scotland? Could a county leave England?)

The problems of defining "a nation", of understanding the bases for national identity and patriotism, and of identifying the roots of nationalism, are not new. They give rise to some of the most vexed issues in both the theory of the state and actual political practice. But verbal exchanges can degenerate into something altogether more horrid, as demonstrated by the break-up of Yugoslavia, the current tensions in Ukraine and the 20th century's world wars. At any rate, the Gaullist concept of a Europe of sovereign nation states and the Monnet ideal of a United States of Europe must be distinguished. They cannot be reconciled, mixed up, spliced together or blurred.

So what do Cameron and the Conservatives want? The Prime Minister seems to be unenthusiastic about, perhaps even antagonistic towards, the Monnet approach. But he might dispute that the purpose of "the European project" is to forge a United States of Europe. He must open his eyes and ears.

In November 2012 the German Chancellor, Angela Merkel, told the European Parliament, "Of course the European Commission will one day become a government, the European Council a second chamber and the European Parliament will have more powers—but for now we have to focus on the euro and give people a little more time to come along." What role is left in Merkel's view for national parliaments or for nations like the UK in which "the Queen in Parliament" is meant to be the ultimate source of constitutional authority?

Last December, the former Lord Chief Justice, Lord Judge, cautioned that the European Court of Human Rights had indulged in too much "activism", which was creating "a very serious problem", and recalled that the Westminster Parliament must have "ultimate sovereignty". The next month Dean Spielmann, president of the ECHR, dismissed Lord Judge's observations and said that the UK had not had ultimate sovereignty, on the judicial front, since the European Communities Act was passed in 1972. The European Court

of Justice in Luxembourg was higher than the UK's Supreme Court in Whitehall, and that was that.

A few weeks later, Viviane Reding, vice-president of the European Commission, said that Cameron's bid to curb immigration from the EU was incompatible with EU membership. For good measure, she said that the majority of new laws now came from Brussels and Strasbourg, not Westminster. Further, to quote from her website, "Strengthening Europe and strengthening Europe's legitimacy can be best done by turning our Union into a United States of Europe. As in the US, we will need a two-chamber system for the United States of Europe. A durable political Union with a strong government (the Commission) and two Chambers: the European Parliament and a 'Senate' of Member States. This European government must be accountable to the directly elected European Parliament."

Cameron said in the closing sections of his Bloomberg speech that, if re-elected, he would campaign "heart and soul" for the UK to stay in the EU. We must ask: in which of the two alternative versions of the EU does Cameron believe so deeply that he could campaign for it heart and soul? For the Gaullist conception? Or for the very different federalist understanding of Europe, the understanding shared by Monnet, Spaak, Hallstein, Reding and many others, in which the UK would be like a state in the American union? The danger would arise of a replication of the American situation, so that the UK could not leave the new nation, the United States of Europe. Whether the Queen was in Parliament or not would cease to matter.

To give Cameron his due, the Bloomberg speech did applaud parliamentary sovereignty. He said that in his view, "There is not a single European demos. It is national parliaments, which are, and will remain, the true source of real democratic legitimacy and accountability in the EU." Fine, but Cameron must not delude himself: his assertion of national parliamentary sovereignty is the antithesis of the notion of a United States of Europe. The same warning applies to Boris Johnson who on August 8 gave an interview to the *Evening Standard* to spell out his brand of Euro-scepticism. He claimed that it would be "easy" for Cameron to negotiate the return of powers from Brussels to Westminster. In his words: "There is no reason why an IGC (Intergovernmental Conference) to settle all the points shouldn't be done" by 2017. That sounded robust, but was in fact naïve. The lesson of history is clear: the EU bureaucrats think harder and more deeply, and over a longer time horizon, than national politicians. The supranational Monnet vision has come to overshadow, even to suppress, Gaullist intergovernmentalism. Johnson is kidding himself if he thinks it will "easy" for a Conservative government to outsmart the Commission and the Council of Ministers.

Who can overlook that the Lisbon Treaty has a long list of competences to be transferred to EU institutions this November? Indeed, cannot Cameron see the incompatibility of the Lisbon Treaty with core features of the British constitution? That explains why so many thoughtful and serious conservative-minded British people were appalled when, in November 2009, Cameron cancelled his cast-iron guarantee to hold a referendum on the Lisbon Treaty. Can't he understand the anger and resentment?

Until the 1986 Single European Act the UK retained the veto in all its areas of engagement with the EEC, apart from external trade, agriculture and fisheries. In November, when the 2009 Lisbon Treaty's transfer of competences comes fully into effect, the veto will have gone in more than 40 such areas of engagement. The bureaucrats have won. Once a competence has been handed over to the Commission, the Cameron formula of "nation states wherever possible, Europe only where necessary" is overridden and useless.

Voters want to believe that our Prime Minister has a settled, intellectually consistent position on the optimal relationship between the UK and the EU. All the evidence is that he has no such position. Instead, he makes things up as he goes along. Is he opposed to the UK belonging to a United States of Europe? Yes or no, please.

The Monnet vision of Europe is now the one on offer; the Gaullist conception is dying, perhaps already dead, an outcome for which Monnet and Hallstein schemed more than 60 years ago. David Cameron, Boris Johnson and Philip Hammond, and the Conservative Party more generally, are right to be rethinking the UK's position in the EU. But they are fantasising if they believe that the restoration of intergovernmentalism and the supremacy of national parliaments will be "easy" while Britain remains an EU member state. **S**