

Europe's Constitution: Blair should call a referendum

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In a great blast of new jingoism, the eurosceptic part of the British press has just woken up to the fact that a draft constitution is being prepared for the European Union. With hands held high in horror, Europe is proclaimed to be a threat of historical proportions to be robustly defeated. Not waiting to examine the likely contents of such a constitution, they have rushed to demand a referendum, or even in the case of the Daily Mail to organise their own, - so that the British people can reject it. In a defensive, knee-jerk reaction, cabinet minister Peter Hain claimed unconvincingly that the constitution is merely a 'tidying up' process and no way would there be a referendum. With such a response, the pro-Europeans risk looking as if they are running scared of a debate, which only adds to the potential power and impact of the sceptics claims. Instead they should take up the challenge.

Peter Hain, in particular, should know better than to downplay the issue. He is, after all, the UK government's representative on the future of Europe convention drawing up the draft constitution. In an unprecedented exercise, this convention has been meeting for 15 months, in open, publicly accessible sessions, debating what the EU should be for and how it should be run in the coming decades.

And its mandate was set by Tony Blair and the other 14 EU leaders in an extraordinarily ambitious declaration at the end of 2001. "The Union", declared the leaders "stands at the crossroads, a defining moment in its existence". It must, they went on, be brought closer to its citizens, giving them a clear, open, effective, democratically controlled Europe. Political structures must be changed to cope with the enlargement of the EU to 10 and later more new member states. And last but not least, said Blair and the others, with the Iraq crisis lurking some way off in the future, Europe must become an international leader - "a power wanting to change the course of world affairs in such a way as to benefit not just the rich countries but also the poorest".

These are bold goals but they are the right ones. The EU is not sufficiently democratic or open or accessible. To operate efficiently with 25 or more member states it needs to change. And despite, or indeed because of, the Iraq crisis, it needs to find better ways to match its economic weight in the world with a clearer political voice.

The future of Europe convention is due to give its answers on these issues - the draft constitution - to European leaders at their Thessaloniki summit on 20 June. Then, from September, governments will meet in a so-called intergovernmental conference to hammer out a final text by early 2004. So it is too early to give a final judgment on the proposed constitution.

But it is not too early to demand that the people be given a say in a referendum. If the new draft constitutional treaty is going to provide the fundamental base for

development of the EU in the coming decades, then the public should have the chance to say whether the Union is now open and democratic and efficient enough, with the right goals and aims and policies. And if it is not, and if all that has been done in the face of these big challenges is to 'tidy up', then it should be rejected.

But not only can the case for a referendum be made now. It is also vital to have a debate now on the real issues before they are set in stone. Not only to stop the eurosceptics defining and framing the debate but also to impact on the government. After the unprecedented openness of the convention, governments will retreat behind closed doors in the autumn to change the draft constitution. A lively, serious public debate could and should impact on the changes the British government negotiates - and could also put pressure on them to be open about the process.

Such a genuine European debate in the UK would be unprecedented. It would involve a recognition that transfer of sovereignty, important though that is, is not the only central issue for the future of the EU. Issues such as openness, accountability, legitimacy and effectiveness could come to the fore, together with a genuine debate on overarching goals, values and interests.

On some of these issues, the convention's proposals are already fairly clear; on others, major debates are continuing into the convention's last few weeks. In one vital democratic step, the convention is demanding that government ministers should no longer agree EU legislation in private, behind closed doors, as happens for all new laws at the moment. It will ask for the legislative process to be opened up in its entirety - not only a basic element of democracy, but a step that will mean ministers can no longer blame new EU laws on 'Brussels', denying their own responsibilities.

Still under debate is whether to increase the political legitimacy and accountability of the European Commission through the election of the Commission President. A desirable change not least since it is the Commission who has the sole right to put forward new draft laws for consideration by governments and the European Parliament. The proposal currently on the table would let the EU leaders propose one name as Commission President to the European Parliament which it could accept or reject. Some convention wits have named this the 'Baghdad proposal', given the lack of choice for this so-called 'election'.

Also causing controversy between larger and smaller countries is the proposal strongly backed by Britain for a new President of the European Council (where the leaders meet) – who will inevitably come to be seen as EU President. Britain sees this as a way of entrenching an intergovernmental approach. But the smaller countries see it as a power grab by the bigs. Others argue it is a recipe for chaos and confusion at the top. Nor will it promote democracy. An EU President chosen behind closed doors by Europe's current leaders choosing from the ranks of former leaders. No big steps forward in accountability, legitimacy or efficiency here. And the enlarged EU will have to come to a fair deal between larger and smaller countries if it is to be cohesive and effective politically in the future.

Many other proposals are on the table that move considerably beyond 'tidying up'. There is much support for the idea of having an EU Foreign Minister - the UK supports the idea but does not like the name. And despite splits and failures over

Iraq, there are stronger clauses of the draft constitution on advance co-operation and coordination in foreign policy - though not legally enforceable. It is even proposed that when countries do manage to come to a common foreign policy position, that such positions could be presented to the UN Security Council by the new EU Foreign Minister rather than by the European countries on the Security Council. Whether the French and British will swallow this is open to doubt. A new solidarity clause on terrorism has strong support, and more contentious but likely to go through is the idea of allowing smaller groups of countries, an *avant-garde*, to move ahead on defence cooperation.

And in justice and home affairs, substantial important changes are proposed that do impact on sovereignty. Most important here is the aim of moving to majority voting on asylum and immigration issues - something the UK backs precisely because it hopes it will enable the EU to agree a harder line on controlling asylum, than if all countries have a veto.

There is indeed much to debate. A successful constitution should make clear what the EU does - its goals, how it is run, where its powers lie and who holds those powers to account. And the public should have a chance to say whether it agrees with those goals and those powers, and whether enough has been done on democracy and openness. A serious debate and a referendum could transform the European debate, taking it out of the hands of the politicians and the media, and giving it back to the public.

If the eurosceptics main purpose is to take the UK out of the EU, then the time has come to confront that – and to decide if Britain is going to be a serious, positive and major player in Europe or not. Because if Britain cannot tear itself away from its circular debate, driven principally by the Murdoch/Black media together with the remnants of the Conservative party, then it will be condemned to fighting imaginary European dragons conjured up by the sceptics, while the rest of Europe embarks on more serious political projects without us.