

Edward Mortimer



There was one memorable phrase in Mr Jacques Delors' speech to the European Parliament last week. Unfortunately, it was embedded in a

passage of classic Euro-speak. After proclaiming that "democracy, subsidiarity and transparency were the European Commission's watchwords", Mr Delors went on to say: "With an eye to the next institutional reform, scheduled for January 1996, I feel obliged to point out that, had the 1991 intergovernmental conference accepted the Commission's idea of a hierarchy of norms, the subsidiarity principle could have been applied more rationally." If that sentence is transparent, my name's Norman Tebbit.

But in the next sentence came the memorable phrase. The Commission, said Mr Delors, "intends to conduct this crusade for democracy". Although the word "crusade" was perhaps ill-chosen, given the unfavourable connotations it has for Europe's Moslem inhabitants, something like a "crusade for democracy" is desperately needed.

Yet the Commission is ill-placed, and Mr Delors himself ill-qualified, to lead such a crusade. I do not question his democratic convictions, but his language, his public image and his past career are essentially those of a technocrat. He rose to political office in France via the civil service and a series of "technical adviser" roles. Not coincidentally, this was also the preferred role of the EC's founding father, Jean Monnet. Throughout its history the EC has been a brilliant conspiracy of Europe's governing elites. Each step forward in its history has been the work of an intergovernmental conference (IGC), at which national governments negotiated a treaty. Each successive treaty has amended or enlarged the preceding one.

The result is a text of ever-growing complexity, largely incomprehensible to ordinary people. That in itself should not matter. Most acts of national parliaments are no easier for the layman to follow without expert guidance. But we accept them as the work of people we have elected to legislate for us, and who do at least debate the acts in public.

A cause without Delors

Europe must launch a 'crusade for democracy'

In IGCs, by contrast, the work is done at best by ministers, more often by officials, following the conventions of diplomatic negotiation, not parliamentary debate. They meet behind closed doors. Yet the texts emanating from these bodies are much more important than most acts of national parliaments; indeed, they define ground rules within which national parliaments are obliged to operate ever after, unless they take the extreme step of withdrawing from the EC altogether.

These texts do, of course, require national ratification. But the fact that national ratification of the latest one - the

What is required is a constitution: a rule book for the European union

Maastricht treaty - is proving so difficult shows that the limit of public tolerance has now been reached. It is pure self-delusion to imagine that things would be better if only the last IGC had accepted "a hierarchy of norms". From here on a different approach is needed.

Mr Delors mentioned "the next institutional reform, scheduled for January 1996". Actually the Maastricht treaty (article N2) says nothing about January. But it does say that "a conference of representatives of the governments of the member states shall be convened in 1996 to examine those provisions of this treaty for which revision is provided". In other words, yet another IGC.

Revision of the Maastricht treaty will certainly be needed, in 1996 if not before, because whole chunks of it will be

unworkable even with 12 member states, let alone the 16 the Community will probably have by 1996. What is actually required is a constitution: that is, a rule book for the European union - something all Europeans could understand, and to which they could appeal when any of the union's governing bodies appeared to exceed its lawful powers.

Many states, including most of the EC's member states, have such a document to regulate their internal affairs. How did they get it? By electing a special assembly, called a constituent assembly, to draft it for them, and in most cases by ratifying the result in a referendum.

So that's what we need in 1996, not another IGC but a European constituent assembly, empowered to revise the treaty and present the results to member states for ratification. One way to get it would be to agree in advance that the next European Parliament will have such powers - but that may not be possible, because it would mean getting agreement before the next European elections, which are little more than a year away.

Either way, we shall not get such an assembly without the agreement of national governments, since only the member states could endow it with the necessary powers. This means we shall not get it unless there is a widespread and intensive public campaign for it throughout Europe, one so big that national governments dare not ignore it. A crusade, if you insist.

National governments will fight hard and dirty to avoid this surrender of power equating - as always - their own power with national sovereignty, and depicting the proposed assembly as a federalist monster. But the answer to that is simple. The decisions of the assembly would not be binding on any member state until it had ratified them. I suggest this should be done by holding a national referendum in every member state on the same day, but if some states insist on using a parliamentary procedure, so be it. The important point is that democracy and transparency would have been part of the process from the start, instead of being dragged in as a half-hearted afterthought, which is what has happened with Maastricht.

There is no time to lose. The crusade should start now.