

Address given by Jack Straw on the European Constitution (London, 7 December 2004)

Caption: On 7 December 2004, in London, Jack Straw, British Foreign Minister, delivers to the Centre for European Reform an address in which he emphasises the importance of the Treaty establishing a Constitution for Europe for the United Kingdom and for the European Union.

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Jack Straw, *A Constitution for our kind of Europe* (7 December 2004)

Thank you, Charles [Grant], and the Centre for European Reform for organising today's conference. I also want to thank Clifford Chance for offering this impressive venue – a symbol of modern, global London and a sign of the firm's commitment to this city, which is now I believe your biggest centre anywhere in the world.

I want to set out today the case for the new EU Constitution; and the importance for all of us who want Britain to be strong in Europe of making the case for it.

Let me begin with a paradox – perhaps one of many – in the position of the Constitution's opponents.

That is the contention that Europe has pulled the wool over British eyes. We thought we were joining a free trade area, the argument goes, but we were in fact joining a far more supra national and integrated organisation than we wanted. The advocates of that view hanker after a return to the state of nature – to the European Community as we joined it in the early 1970s.

But even supposing it were possible to get our 24 partners to agree to that kind of Europe, I doubt very much – once we look at it again – that we would find it better than today.

First, it would in fact still have most of the features to which the anti Europeans most object: the primacy of EU law, the European Court of Justice, and so on. And it is misleading to claim that the British people didn't know what we were going into, for those issues featured strongly in the debate on Europe at the time of our referendum in 1975.

But just as importantly, the shape of the Europe of the 1970s would today suit us much less well than what we have now.

Europe circa 1973 means an EU without the Single Market;

barriers everywhere to British businesses;

energy, transport and telecoms run by isolated national monopolies;

the Common Agricultural Policy entirely untouched by the reforms to it which we have since secured, and secured I might add through majority voting.

There would be no mechanisms for working together against illegal immigration, drug trafficking and international organised crime; and only the most rudimentary ones for using our collective influence on the world stage.

I can't see how returning to that Europe of the 1970s would be remotely in Britain's interests at the beginning of the 21st century. But why does today's Europe suit us better? One reason is that it has evolved with the times. But it also suits us better because since we joined in 1973, we have played an important part in shaping it.

The Single Market is the most important example. In pushing it through, Mrs Thatcher's Government secured huge advantages for British firms, and access to markets on equal terms across the whole of Europe. To achieve that, quite consciously, they supported the largest substantive extension of majority voting and of European regulation in history, before or since.

Britain led too on liberalising energy, telecoms and transport markets. Now we are creating a true Single Market in services, where the UK is particularly strong. We were a leading advocate of EU enlargement, with Tony Blair the first EU leader to call for a 'big bang' enlargement – an historic objective realised on 1 May this year.

History shows that we have shaped Europe in our interests, when Britain has been strong, engaged and influential. Conversely, when we have resorted to a policy of blocking and wrecking, we have lost out – as John Major’s humiliation on the beef ban showed all too starkly. And that understanding – that Britain was influential when strong and engaged, but lost out when weak – was the basis of this Labour Government’s approach to Europe. We were determined that Britain be strong, influential and engaged, a leading power in an organisation which is so important to our interests.

And we took that approach to the start of negotiations on a new EU Constitution.

The need for those discussions was clear. With 25 members and more on the way, EU institutions designed almost fifty years ago, for just 6 members, needed to be brought up to date.

But equally, such reform had to enshrine the EU as an organisation of freely-cooperating, sovereign nations – the kind of organisation in which Britain could feel comfortable, and could continue to be strong.

Of course not everyone around Europe took that view. Some felt that the only way an organisation of 25 could work was by transferring more power to the centre.

But they were not in the majority. And we worked throughout the negotiations to use our influence and build our alliances, so as to ensure that the result was a Constitution that delivered our kind of Europe.

That is what we now have. The new Treaty will make the EU more efficient and more effective, with a greater involvement by its nation states.

It is clear from every word of the new Constitution that the EU is an organisation of sovereign nations, which can act only where its members have decided to do so in common. It has only those powers which the nations confer on it.

And the Treaty limits the powers of the EU. We have majority voting where our national interest dictates that we need it: on the Single Market, for example, and for questions such as reforming the Common Agricultural Policy, to stop one country blocking progress. But the Treaty guarantees that crucial areas such as tax, foreign policy and defence remain under full national control and subject to the national veto.

Let me pause there to deal with one particular *bête noire* of the Europhobes: the European Foreign Minister.

We’re told that this new Foreign Minister would give people like me orders to follow a common EU foreign policy. The title of ‘EU Foreign Minister’ is not the one which ideally we wanted – because it doesn’t really describe the nature of his job. But the reality of that job is exactly the opposite of what the sceptics claim.

Foreign policy will remain subject to unanimity. So we will only have a common EU foreign policy if all 25 members of the EU – including of course Britain – agree. When we do so, we will task the EU Foreign Minister with implementing our common action. What clout he has will come from representing the common will of 25 freely-cooperating nations, when they want him to do so. The work that Javier Solana is doing now on Ukraine, for example, shows the advantage of that, because by working together in respect of Ukraine we have been very influential in moving that country back to fair democracy – far more influential than the UK would have been alone.

But if we do not choose to act together on foreign policy, we have every liberty to act on our own.

That is just one example of the nature of this Constitution, setting a framework of a Europe of nations.

The text also establishes, for the first time, a full-time President of the European Council – the body where the EU’s nations take decisions. He, or she, will ensure that it is the nations who are in the driving seat, setting Europe’s agenda and pushing it through. There is even, again for the first time, an explicit procedure

for any country wishing to leave the EU to do so. If further proof were needed that this is a Europe of sovereign nations who decide themselves on the extent to which they work together, then that provision is it.

The number of European Commissioners will also be reduced under the new arrangements, making the Commission more effective and efficient. It is clearly in our interests to have an effective Commission enforcing the rules – it was such action that got the ban on British beef lifted, for example, and that obliges every country to implement its Single Market obligations. Under President Barroso, the Commission will, I believe, be a force for pushing through much needed economic reform in Europe.

And the Constitution gives national parliaments, for the first time, the power to send draft EU legislation back for review. Those measures – a stronger Council, a slimmer and more effective Commission and a role for national parliaments – show how this new Constitution will make the EU work more effectively and more efficiently. And the text also introduces better and fairer mechanisms for flexibility in Europe, allowing those nations who wish to work together more closely in certain areas to do so, without harming the interests of the others or undermining the Single Market.

But of course the anti-Europeans aren't applauding this Treaty. Instead they are denouncing it as the end of a thousand years of British history, and the template for a 'Franken-state' that will grab our oil, destroy our jobs, and end 'English law and liberty'. What that kind of rhetoric reveals is all too often not a reasoned case for opposing this new Constitution, but a visceral rejection of the idea that we should be in Europe at all.

But there are two kinds of anti-Europeans.

The first kind are entirely open about their view that we should pull out of Europe altogether. I profoundly disagree with them; but at least theirs is a logical and clear position.

But the second know that the great majority of people in Britain don't actually want us to pull out of the EU. So this kind of anti-European claims to support our continuing membership. But in fact their policies lead either to outright withdrawal or to some kind of unsatisfactory semi-detached relationship for Britain with Europe.

The contradictions in that approach make it difficult for these people to use the kind of open arguments of the first, simpler kind of anti-Europeans who openly advocate withdrawal. So this kind of equivocal, queasy anti-European prefers to deal in myths, exaggerations and distortions about Europe and especially about the new Constitution, rather than engage in the arguments.

But more fundamentally, they suggest that Britain can not just choose Europe à la carte, but that we should barge into the kitchen and tell the chef what to cook. As Lord Willoughby – a former Conservative peer – has said, their policy is 'like going to McDonalds and ordering a lobster thermidor' – 'it would be nice to have it, but it is not on the menu' [speech on 1 June 2004].

The policy of renegotiation – so-called – was once that of a small minority of anti-European zealots who opposed the Maastricht Treaty.

But the call for the renegotiation of a wide range of Britain's existing Treaty obligations is dishonest, dysfunctional and would be a disaster for Britain's interests.

In any club or organisation, you accept the rules when you join. If you want to change them, you make your case and persuade others of your view. In Europe, under the rules which the UK accepted and does not want to change, if you want to modify the treaties you need to persuade everyone – because every member, quite rightly, has a veto on treaty changes.

But the anti Europeans have yet to identify even one of the 24 other countries in the EU who would accept a renegotiation. So the anti-Europeans now say, when presented with that hurdle, that if this attempt at renegotiation failed, they would just pass national legislation in contravention of our international treaty

obligations. But it is hard to see how we or indeed any country could stay in the EU while deliberately flouting not only its fundamental rules, but the fundamental rules of international law on treaties.

So the reality is that they would force Britain into either retreat, or withdrawal. Either course would leave us isolated and marginalised, and would be a disaster for Britain's interests and standing in the world.

In contrast the Government's view, borne out by the history of our EU membership, is that Britain needs to be at the centre, not the margins, of European decision-making. We can best secure our kind of Europe by building alliances, persuading our partners, and being strong and influential.

Now, I know – we all know – that the EU is not a perfect organisation. I know that business, for example, occasionally feels frustrated by EU regulation. But that doesn't mean that we should give the ground to the anti Europeans. If we engage and work together, we can get it right. Look for example at the Investment Services Directive, in which many of you here had a keen interest. We listened to the concerns of business, went back to the table, and got changes to the legislation which saved business £300 million. And on EU regulation, our partners are now signed up to our ideas for reducing red tape: the Commission announced last month that it is withdrawing 100 pieces of pending legislation, and the EU has also agreed our proposals for 'competitiveness-testing' of new draft legislation.

Those kind of results come, as history shows, when Britain is strong and influential in Europe.

And that illustrates the importance of this new Constitution.

If Britain endorses this Constitution we are locking in what we have achieved, and agreeing the framework for our kind of Europe: a flexible, reforming Europe of freely cooperating nations; and a Europe in which Britain is strong and influential. That is a major prize.

But we also face the question: what happens if we reject it?

In the short term, we would be stepping into the unknown.

Europe's 24 other nations would have their own views on what should be done, and none of us can predict those with any certainty. We would have to meet with other European leaders try to find a way forward.

But surely, some might say, we could then ask for more changes in Britain's favour? It's a seductive argument: that if we say no to this Constitution, we can reopen the whole thing and get ourselves a better deal.

But let's be clear: if we reopen this negotiation having rejected the Constitution, it's hard to see how we would be doing so from anything but a position of weakness, not strength.

We got the Constitution in a negotiation where Britain was strong. Indeed we were behind almost half the changes made to the final text compared to the text presented by the Convention. Our partners know that this Constitution reflects the kind of Europe for which we have long worked, and secures every one of the objectives that we set out, publicly, before the negotiations. The press in many European countries called this Treaty a famous 'British victory' [Le Monde] and said 'the British won the day' [Corriere della Sera]. Valéry Giscard d'Estaing himself, head of the Convention which produced the original draft Treaty, has said that 'the text is largely due to [British] initiatives and [British] modifications'.

So our partners might legitimately ask why they should change a Constitution which already suited us so well. And more to the point, if we reopened the negotiations every one of Europe's 24 other nations would come back with their own requests. We would be likely to end up with a text which was much less in line with our own objectives than we have now, or, far more likely, with no new Treaty and no reform to Europe's institutions at all.

In time, our partners might then decide to go their own way and implement some of the measures in the Constitution, or other measures of their own, without us. What would happen then is in the realms of speculation. The important point is this: if we were to reject the Constitution, while all other 24 Member States approve it as we expect they will, then we will be in unknown territory – with serious consequences for our strength in Europe and for our vision of the EU. We will be weak, not strong, going cap in hand to Brussels to ask our partners where we go from here.

And let's suppose that the outcome is others going ahead and working on some of the areas in the Constitution leaving us outside, under the old arrangements.

Pulling out of Europe entirely would in my view be unthinkable for Britain, in terms of the damage to our trade, jobs and influence. Like Norway, if we wanted to trade with the Single Market we would anyway have to implement all EU decisions, but would have no say in making them – and I don't think that such a position would be attractive to the British people.

So the choice we face is not between in or out. It is a choice of what kind of Europe we want to be in.

If we approve this Constitution, we will be making it our kind of Europe, a Europe in which Britain is strong. If we reject it, we will end up with a weak and marginalised Britain in a worse kind of European Union.

Ladies and Gentlemen,

Europe has proved to be a good deal for the UK – it has helped us to become more prosperous and more secure. The Constitution, if the British people approve it in the referendum, will make it a better deal still.

So the Government will continue to make the case for this Constitution. It sets out a Europe of nations, reforming, more efficient and more flexible, with a greater say for national governments and national parliaments. That is a Europe in which Britain is strong.

I hope that all those – in business, the unions, and politics – who share that view will work with us to make the case for this Constitution.

For we all have a vital interest in promoting a strong and influential Britain at the heart of decision-making in a reforming European Union.