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The Dog that Should Have Barked

The Europe issue has been called "the dog that didn't bark" in the general election of 2005. The issue may have been low profile, but it certainly affected the results. Taken in combination, votes cast for Veritas and the UK Independence Party prevented Conservative victory in 27 constituencies across the country (see Figure 1 opposite). Had all these votes been cast for the Conservatives, then the Liberal Democrats would have gained just 2 seats, instead of 11. Michael Howard has remarked with regret that, had he only brought Labour's majority down to 50, he would have "finished" Tony Blair. Had the votes for Veritas and UKIP been cast for the Conservatives instead, Labour's majority would now be 49.

The share of the vote gained by UKIP advanced in this election, despite Europe being a "non-issue". UKIP polled 1.47 per cent of the vote in 2001, when Europe was a major issue for the Conservative Party. They polled 2.38 per cent of the vote in 2005, when it wasn't. And this despite the recent and damaging split with Robert Kilroy-Silk and polling predictions of a fall to around a 1 per cent in their share of the vote. This particular single-issue group of voters is not for turning.

Meanwhile, the Conservative share of the vote advanced to 32.3 per cent, compared to Labour's 35.2 per cent. It is well known that the boundaries system currently favours Labour to a degree that rewards the Party far in excess of its just desserts in terms of share of the popular vote, but the Conservative Party could still have won an overall majority had it been willing to make the Europe issue not only bark, but bite. The Economist, in an article of 15 June 2003, concluded from the findings of a poll that, "If that policy [associated EU membership] became explicit Tory policy, they might attract 8% more votes [in a general election]." This poll was taken before the European Constitution came to prominence and before the UKIP surge in the European Parliamentary elections of 2004. A proper explanation of what a policy of associate status would entail – the sort of explanation that a general election campaign facilitates – could have raised the significance and popularity of such a policy even further.

A poll conducted for the European Foundation by ICM just after the general election (see p 4) shows that 54 per cent of respondents, including 62 per cent of those in social class C2, thought that Britain's relationship with Europe and the EU Constitution should have been a central issue in the general election campaign. This follows our poll of 22-24 February 2005, which showed that 53 per cent of respondents would vote 'No' to the European Constitution, having been reminded of the (indisputable) fact that it would override UK laws, and our poll of 19-21 November 2004, in which 58 per cent of respondents said they agreed that Britain should re-negotiate the existing EU Treaties so that they are reduced to trade and association agreements. The two polls conducted before the election show that people are already clearly against the Constitution and in favour of renegotiation if reminded of the Constitution's primacy over national laws and if it is assumed in the latter question that renegotiation is possible. The poll conducted after the election suggests that the public want more to be made of the issue – potentially facilitating further openness and the growth of public understanding.

In France, the prominence given to the Europe issue during the referendum campaign on the European Constitution has moved the centre of gravity massively, from a majority of up to 64 per cent in favour of the Constitution at the start of the campaign, to a high watermark of 56 per cent against. The 'Yes' campaign has succeeded in clawing back some of its lost ground during what 'No' campaign leader Philippe de Villiers called the "incredible bludgeoning" by the political and media elite in the final month of the campaign, but the result remains too close to call: Bill Cash will be in France helping M de Villiers during the final leg of the campaign.

Assuming the centre of gravity shifts the same way in a UK referendum campaign as it has in France, there would be a huge defeat for the 'Yes' side. Of course, if the French or the Dutch say 'No', there may not be a UK referendum at all. In any of these situations, the Government needs to decide what its position would be. The manner and direction of the EU's development would then be called into question and renegotiation would be an option not only for the UK but for all the other Member States as well. Britain would be in a good position to take the lead. What would the Government's policy be? We have been told nothing, although the answer to this question is fundamental to the long-term national interest. The Tories could have made a great deal of this central lacuna in Labour's general election platform. New Labour likes to talk the talk of tough choices – in this Parliament, if not in the election campaign, it will have to learn to walk the walk on Europe.

The Conservative Party, meanwhile, faces a leadership election, the result of which will probably determine the Party's policy on Europe for this Parliament, which is to be crunch time for the issue. There were some Tory seats lost at the general election, yet Bill Cash, Andrew Rosindell and every one of the 11 Conservative MPs on the Advisory Board of the European Foundation enjoyed a swing in their favour (see Figure 2 opposite). This tells its own story. The more important story, however, will be told in the coming months and years and for a very long time afterwards.
Figure 1 shows the distribution of votes in constituencies where the votes polled by the UK Independence Party or the votes polled by UKIP and Veritas taken together were greater than the winning candidate's margin over the Conservative Party candidate.

The hypothesis that this table illustrates is not that those who voted for UKIP or Veritas are all former Conservative voters whom the Party should be trying to win back, but that those who voted for UKIP or Veritas could all have been persuaded to vote Conservative had the Party stood on a sufficiently Eurosceptic platform and made more of the Europe issue in the course of the campaign (see also the results of the European Foundation's ICM poll on p. 4).

Figure 2 shows that the Chairman, the International Director and every Advisory Board member of the European Foundation who is a Conservative MP enjoyed a swing in their favour. Given that there was a swing away from the Conservative candidate in many constituencies, it would not be unreasonable to assume that Euroscepticism played a favourable part in the results attained by the 13 Conservative MPs who are publicly associated with the Foundation.

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Conservative</th>
<th>Labour</th>
<th>Liberal Democrat</th>
<th>UKIP</th>
<th>Veritas</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battersea</td>
<td>16,406</td>
<td>16,569</td>
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<td>5,036</td>
<td>1,407</td>
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</tr>
<tr>
<td>Eastleigh</td>
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<td>held</td>
<td>19,216</td>
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<td></td>
</tr>
<tr>
<td>Gillingham</td>
<td>18,367</td>
<td>18,621</td>
<td>held</td>
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<td>1,191</td>
<td>254</td>
</tr>
<tr>
<td>Harlow</td>
<td>16,356</td>
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</tr>
<tr>
<td>Hereford</td>
<td>19,323</td>
<td>4,800</td>
<td>held</td>
<td>20,285</td>
<td>1,030</td>
<td>1,456</td>
</tr>
<tr>
<td>High Peak</td>
<td>19,074</td>
<td>19,809</td>
<td>held</td>
<td>10,000</td>
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<td>1,106</td>
</tr>
<tr>
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<td>16,786</td>
<td>held</td>
<td>8,002</td>
<td>575</td>
<td>3,067</td>
</tr>
<tr>
<td>Medway</td>
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<td>17,333</td>
<td>held</td>
<td>5,152</td>
<td>1,488</td>
<td></td>
</tr>
<tr>
<td>Portsmouth</td>
<td>14,273</td>
<td>14,412</td>
<td>held</td>
<td>6,884</td>
<td>1,348</td>
<td></td>
</tr>
<tr>
<td>Romsey</td>
<td>22,340</td>
<td>4,430</td>
<td>held</td>
<td>22,465</td>
<td>1,076</td>
<td></td>
</tr>
<tr>
<td>Sittingbourne &amp; Shippey</td>
<td>16,972</td>
<td>17,051</td>
<td>held</td>
<td>5,183</td>
<td>926</td>
<td>479</td>
</tr>
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Figure 2: Constituencies in which the UKIP/Veritas share of the vote exceeded the winning margin

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<td>479</td>
</tr>
</tbody>
</table>

Figure 2: Elected Conservative MPs associated with the European Foundation

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Constituency</th>
<th>Votes</th>
<th>Majority</th>
<th>% of Vote</th>
<th>% Swing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Cash, Chairman</td>
<td>Stone</td>
<td>22732</td>
<td>9089</td>
<td>9.3%</td>
<td>48.33%</td>
</tr>
<tr>
<td>Andrew Rosindell, International Director</td>
<td>Romford</td>
<td>21560</td>
<td>11589</td>
<td>31.8%</td>
<td>59.10%</td>
</tr>
<tr>
<td>Members of the UK Advisory Board</td>
<td>Buckingham</td>
<td>27748</td>
<td>18129</td>
<td>37.5%</td>
<td>57.44%</td>
</tr>
<tr>
<td>John Bercow</td>
<td>Tiverton &amp; Honiton</td>
<td>27838</td>
<td>11051</td>
<td>19%</td>
<td>47.86%</td>
</tr>
<tr>
<td>Angela Browning</td>
<td>Haltemprere &amp; Howden</td>
<td>27838</td>
<td>5116</td>
<td>0.7%</td>
<td>47.45%</td>
</tr>
<tr>
<td>The Rt Hon. David Davis</td>
<td>Chingford &amp; Woodford Green</td>
<td>20555</td>
<td>10641</td>
<td>27.5%</td>
<td>53.19%</td>
</tr>
<tr>
<td>The Rt Hon. David Heathcoat-Amory</td>
<td>Wells</td>
<td>23071</td>
<td>3040</td>
<td>5.7%</td>
<td>43.56%</td>
</tr>
<tr>
<td>The Hon Bernard Jenkin</td>
<td>Essex North</td>
<td>22811</td>
<td>10903</td>
<td>22.7%</td>
<td>47.56%</td>
</tr>
<tr>
<td>The Rt Hon. Oliver Letwin</td>
<td>Dorset West</td>
<td>24763</td>
<td>2461</td>
<td>4.6%</td>
<td>46.53%</td>
</tr>
<tr>
<td>Owen Paterson</td>
<td>Shropshire North</td>
<td>23061</td>
<td>11020</td>
<td>23.7%</td>
<td>49.58%</td>
</tr>
<tr>
<td>Richard Shepherd</td>
<td>Aldridge-Brownhills</td>
<td>18744</td>
<td>5507</td>
<td>3.9%</td>
<td>47.39%</td>
</tr>
<tr>
<td>Sir Peter Tapsell</td>
<td>Louth &amp; Horncastle</td>
<td>21744</td>
<td>9896</td>
<td>21.2%</td>
<td>46.58%</td>
</tr>
<tr>
<td>John Whittingdale</td>
<td>Maldon &amp; Chelmsford East</td>
<td>23732</td>
<td>12573</td>
<td>27.3%</td>
<td>51.49%</td>
</tr>
</tbody>
</table>
EU Constitution Survey
Fieldwork: May 6th-8th 2004
Prepared for the European Foundation by ECM Research Ltd

Q1: Do you think Britain’s relationship with Europe and the issue of the EU Constitution should have been a central issue in the general election campaign?

| Answers by Age, Sex, Social Class and Region |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Sex | Age | Social Class | Region |
| Male | Female | 16-24 | 25-34 | 35-44 | 45-54 | 55-64 | 65+ | AB | C1 | C2 | DE | East | South | lands | Mid | land | North | England | Wales | South | West | Scot | land |
| Unweighted base | 1005 | 476 | 529 | 91 | 165 | 204 | 188 | 166 | 191 | 282 | 265 | 169 | 289 | 268 | 261 | 247 | 139 | 90 |
| Weighted base | 1005 | 482 | 523 | 111 | 171 | 201 | 171 | 151 | 201 | 251 | 291 | 211 | 252 | 268 | 262 | 247 | 140 | 88 |
| Yes | 546 | 265 | 281 | 62 | 94 | 101 | 86 | 91 | 112 | 124 | 153 | 131 | 138 | 144 | 137 | 131 | 87 | 46 |
| No | 423 | 209 | 214 | 43 | 72 | 95 | 78 | 56 | 79 | 124 | 136 | 72 | 90 | 108 | 115 | 111 | 51 | 38 |
| Don’t Know | 36 | 8 | 28 | 5 | 5 | 5 | 7 | 4 | 10 | 3 | 2 | 7 | 24 | 15 | 10 | 4 | 2 | 5 |

ICM interviewed a random sample of 1,005 adults aged 18+ by telephone between 6th and 8th May 2005. Interviews were conducted across the country and the results have been weighted to the profile of all adults. ICM is a member of the British Polling Council and abides by its rules. Further information at www.icmresearch.co.uk
Lessons of the 2005 General Election  
*by Roger Helmer, MEP*

… but don't worry, they'll be back in four years, if not sooner. This year's general election is over. The Conservative Party has made some progress, but not enough. Blair's wings are clipped, but he is back in Downing Street with a working majority. Perhaps, with splendid poetic justice, we shall see Gordon Brown take over as Prime Minister just as the economic consequences of his tax and spend binge come back to haunt him.

Two of my former colleagues from the European Parliament, Robert Goodwill (Scarborough) and Theresa Villiers (Chipping Barnet), were returned as MPs to Westminster. In my own East Midlands region there was fierce joy as we re-took Northampton South, Kettering and Wellingborough – seats we should have won in 2001 – but heartbreak in Corby, in the High Peak and in other seats where excellent candidates had fought relentless campaigns, but found that the national tide did not rise far enough to sweep them to victory.

Sharp images remain. The splendid work of local hunts in one constituency after another, as they leafleted and canvassed in all weathers, and were rewarded, nationally, with the dismissal of twenty-nine anti-hunting MPs. The extensive signage in rural areas, so that you could identify constituency boundaries by the names of Tory candidates on the posters. The widespread theft and vandalising of Conservative signs by the opposition. A chance encounter with Labour ex-minister Frank Dobson in Scarborough, where we hijacked his photo opportunity and ensured that our man, Robert Goodwill, appeared in the picture in the local press.

Now, as the dust settles, it is time to ask what lessons we need to learn from the election.

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Pragmatism must be informed by principle

Many commentators agreed that this was one of the most effective and professional campaigns we have run for years. Yet too often our policies seemed to be *ad hoc*, reactive, pragmatic responses to circumstance, lacking a coherent vision. Two frequent comments from voters on the doorstep illustrate the problem: "I don't know what the Conservative Party stands for." And "There's no difference between the main parties these days."

It is not enough to approach each issue with a clean sheet of paper, with one eye on public opinion, and hope to come up with a coherent Conservative view. We must start from clear Conservative principles. Of course our principles must be *applied* in a modern, pragmatic way that suits the circumstances of the 21st century. We must be as relevant and voter-friendly as we can.
But unless the principles inform the policies, we shall end up with a rag-bag, not a vision.

Since we seem to be in danger of losing sight of Conservative principles, let’s just recall what they are.

Since we seem to be in danger of losing sight of Conservative principles, let’s just recall what they are. Liberty. Small government. Low taxes. Enterprise and free markets. Personal responsibility. Family and nation. American Republicans will immediately recognise these as ‘Jeffersonian principles’, but they are the basis of Conservative thinking the world over. These are the touchstone against which every policy prescription must be tested.

Let’s take a practical example: ID cards. Labour was in favour, to help fight terrorism, control immigration and prevent social security fraud. The Lib Dems were against, on civil liberties grounds. The Conservative position (as far as I could see) was that it was a difficult question which we should like to think about after the election. We seemed to be weak and indecisive, allowing the Lib Dems, on this issue, to be ‘the real opposition’.

If we had gone back to our principles of individual liberty and limited government, we should have seen straight away that we should oppose ID cards. They are about big government controlling the individual, a deeply un-Conservative position. Of course we should back up our principled position with pragmatic arguments – ID cards did not prevent the Madrid bombings, new arrivals would not have ID cards for months, the government record on implementation of vast computer databases is appalling (think Child Support Agency), and the proposed budget would be much better spent on more effective control of ports and airports.

But a principled approach would have avoided indecision, and given us the right answer immediately.

A second area where we lost sight of principle was in our approach to health and education. Our policies were fine, but because we failed to explain the principles behind them, they were poorly understood. How else is it possible that journalists could write that, “For both major parties the buzzword is choice – so there is little to choose between them”? Labour uses the language of choice, but fails to understand it. The difference between Labour and Conservative on the NHS is (or should be) that we both agree that the government should pay for healthcare, for those who want it to. But Labour believes that the government should also manage and deliver healthcare, whereas Conservatives know that the market can do it better. Would you rather buy healthcare at Tesco, or at the Co-op?

Our failure to communicate this concept was dramatically illustrated to me by an interview with a voter, who lived in a remote location where only one hospital was within a reasonable distance. “Choice is no good to me,” he said, “It’s the local hospital or nothing.” But the purpose of choice is not merely to pander to the personal preferences of the individual patient. The plain fact is that choice drives quality. Even if only a proportion of patients can exercise that choice, for geographical or other reasons, the fact that some can do so will still drive quality. The patient unable to exercise choice still benefits from the general rise in standards.

The Lib Dems argue that rather than offering choice, we should ensure that every hospital offers uniformly high standards. They fail to see that choice is the mechanism that will deliver those standards.

The vexed issue of taxation again illustrates the failure of principle. Oliver Letwin was determined, quite rightly, that we should only promise what we could deliver, with elaborately detailed costings to show where the money would come from. But so determined were we not to be depicted as ‘slash and burn’ tax cutters, that we were reluctant to admit the obvious truth – that we should be alert to additional savings that could be made, we should look for additional supply-side growth generated by our modest early tax-cuts, and that as opportunity offered we should deliver further tax cuts, because we believe in low taxes and small government.

The ill-judged dismissal of Howard Flight resulted from this reluctance. All he did was to state the obvious at a private meeting. Yet an excellent MP was lost to the Parliamentary party – and with bitter irony, his constituency association in Arundel replaced him with an equally enthusiastic tax cutter, Nick Herbert.

Which brings me to my second lesson.

Come the election, it’s too late to sell a difficult concept to the electorate.

Norman Tebbit, ever perceptive, made this point during the last week of the campaign. And sources close to Oliver Letwin’s office said the same to me privately. We all know about the Laffer curve. We know that lower tax rates do not necessarily reduce total revenue, and that raising tax rates does not deliver proportionate increases. But this is a deeply counter-intuitive idea. And it would be deeply counter-productive to try to make such a difficult point, however important, however valid, in the middle of a general election. It would be a gift to Labour’s spin machine and to the gutter journalists at The Mirror (whose election-day coverage was beneath contempt). However unjustly, they would caricature this key economic insight, and the caricature, not the message, would stick in the public mind.

But when the Lib Dems said that they would finance their additional expenditure plans by raising income tax by ten points, to 50 per cent, on salaries over £100,000, no one actually pointed out that this would simply not raise the amount that the raw arithmetic suggested – if it raised any additional revenue at all.

There was a time when we could debate this issue in a relaxed way, and sleep easy in our beds as it was postponed for a few more years. We no longer have that luxury. All over Eastern Europe countries are now implementing flat-tax/low-tax régimes, and proving yet again that low-tax régimes deliver equal or higher revenue, linked to higher growth. The first impact is on adjacent countries like Austria and Germany, but we in the UK are not immune. If we insist on keeping high and progressive taxes, we will deny ourselves the growth and prosperity we deserve.

So is it impossible to sell difficult and counter-intuitive ideas to the electorate? No. But we need to start now, not four weeks before the next general election. And it is too big a task for the Conservative Party alone. We need a coalition of business groups, the CBI, the IoD, the Federation of Small Business, and the British Chambers of Commerce. Perhaps the TaxPayers’ Alliance could have a co-ordinating function.1

I am concerned about the demand of Sir Digby Jones, Director General of the CBI,
for lower business taxes. To the general public, and to Labour MPs, this will smack of fat cats asking to shift the tax burden on to the shoulders of the masses. Sir Digby should demand lower taxes, period. After all, companies’ employees, pensioners and shareholders pay taxes too.

**Europe: our biggest failure of principle.**

The European issue scarcely surfaced during the election, yet as I argued in these pages (European Journal, April 2005), EU Treaty obligations could affect all five of our key domestic policy commitments.

Tested against Conservative principles, the EU fails dismally. Its bloated, intrusive, prescriptive regulatory regime and its unaffordable social model run directly counter to the principles of liberty, responsibility, low taxes and limited government.

Yet our EU policy is a two-headed monster. On the one hand, we are rightly committed to repatriating powers on fisheries, foreign aid, and social policy, and to amending or abrogating parts of the European Convention on Human Rights insofar as they obstruct our other policies. We have hinted that our shopping-list for repatriation will get longer. Yet on the other hand, we insist that Britain will remain “a full and committed member of the EU”.

These two propositions are clearly incompatible, indeed mutually exclusive. And because they are incompatible, they are simply not credible. This ambiguity was Michael Howard’s way of buying Ken Clarke’s silence during the election, and it worked. But post-election, it is unsustainable.

It is time to recognise that the EU is a political union, and is fast becoming a quasi-state in which former Member States will be quasi-provinces. Most of our laws are made in unaccountable foreign institutions, where we have no control and little influence. What little influence we have is progressively diluted by successive waves of EU enlargement.

Neither the Conservative Party nor the British people want to be part of such a political union. It is time to say so. Equally, we cannot credibly re-negotiate our terms of membership if we have given up our trump card – the threat of withdrawal – before we start. Our policy of “Renegotiate as full and committed members” is a nonsense. We need a new policy of “Renegotiate or quit”.

**We need a new policy of “Renegotiate or quit”**

Most Conservatives I meet – indeed most people I meet – want a relationship with the EU based solely on free trade and voluntary intergovernmental cooperation. In principle, I am indifferent whether we call this ‘associate membership’ or ‘withdrawal’, although I concede that ‘associate membership’ might work better in presentational terms.

I believe it is the historic task of the Conservative Party to lead our country out of the morass of the EU’s political union, and I believe that the British people will give that task their overwhelming support.

† I am indebted to my researcher Emma McClarkin for the coalition idea.

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**Correction**

In the April issue, the chart that accompanied Ivo Strejcek’s article, “Tax Competitiveness: a way out of the vicious circle” was printed incorrectly. The information for flat tax and non-flat tax countries was transposed. The correct chart is as below.

We apologise for any confusion this may have caused.
Friend or Foe?  
The Role of the Advocate General in the European Court of Justice  
by John Massey

“shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice, require his involvement.”

This function emulates the role of the Government Commissioner in the French Conseil d’Etat and is further evidence of the extent to which the ECJ’s procedure derives from that of the French Superior Court. Under the Protocol on the Statute of the Court of Justice, Advocates General are subject to the same obligations, and benefit from the same privileges, as their judicial counterparts. Despite their ‘ostensibly junior’ function, they effectively have equal status with ECJ judges and may go on to serve in that office, as did the recently retired Lord Slynn of Hadley.

The AG has a valuable role to play both in summarising (perhaps even crystallizing) the pleadings of the parties (ECJ procedure is largely paper-based rather than oral) and in locating the issues in dispute within the often unfathomable corpus of EC legislation and case law. Unlike in English procedure, a party is under no obligation to bring to the Court’s attention any legal authority which conflicts with his stated position. It is, moreover, possible that a party’s case may turn or fall on an issue of which it is unaware. The AG is free to base his Opinion on sources of law beyond the stated pleadings, even to the extent of providing advisory answers to questions that the parties do not ask. This often imbues the Opinion with a welcome and informative coherence, enabling the reader to see how an obscure and technical tax point reaches the very heart of the triangular relationship between citizen, Member State and Community, as in the Opinion of Geelhoed AG in Marks & Spencer v Commissioners of Customs and Excise.

Having amalgamated fact and law, the AG’s Opinion will make a recommendation to the Court as to judgment. The Opinion is published on its own and the judgment itself may not follow for several months. As a result, a party may not feel that the AG’s summary of his case is accurate. As the Opinion is delivered after the conclusion of submissions to the Court, a disgruntled party will have no opportunity to seek redress. Does the fact of an Opinion, i.e. an ‘executive summary’ likely (but not certain) to form the basis for judgment, to which a party may not object, prejudice a right to a fair trial? The European Court of Human Rights has held that it may do so, especially if the compiler of the summary then proceeds to sit in judgment (the Vermeulen case). As the AG has no such judicial role, the Court is (in theory, at least) free to substitute its own appreciation of the pleadings for that of the Opinion and fairness is thus presumed.

The influence of the Opinion should not be underestimated; it is followed by the Court in over three-quarters of cases. Naturally it is the cases in which the Court discards the Opinion which attract the most attention. Perhaps the most celebrated example is in Faccini Dori in which the ECJ, in plenary session, rejected Lenz AG’s powerful call for the direct effect of directives to be extended so as to apply between private parties (‘horizontally’) as opposed to solely against the state (‘vertically’). It seems that the judges were conscious of political fears of EC over-enroachment and Eurosceptics should therefore welcome this judgment as a rare example of judicial restraint.

The scope of an Opinion may be broad, synthetic and exploratory. This is the chief benefit to a reader of resorting to Opinions in attempting to plumb the apparent abyss of EC law. Indeed, it is sometimes only within the context of an Opinion that a skeletal regulation or directive is endowed with sufficient flesh and bones to render it comprehensible; the lucid and engaging Opinions of Britain’s Jacobs AG are invaluable in this regard. The Stygian ratiocinations of the ECJ may all too often defeat our attempts at scrutiny; the AG’s Opinion goes some way to providing a lantern.

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What we often hear from the advocates of the Treaty Establishing a Constitution for Europe is that it must be ratified, otherwise the European Union will be in paralysis. Jo Leinen and others argue that the Member States that reject the EU Constitution will be marginalised; that we should accept the Constitution because it took 16 months for the Convention to reach this compromise; and, moreover, one Member State simply should not block the others. The Constitution is said to be making the European Union more democratic (enhancing the role of national Parliaments) and more transparent (dividing the competences between the Union and the Members States), but it allegedly does not change much – it 'only' consolidates all the existing Treaties, streamlines them into one document and, at the same time, prepares the Union for further enlargement.

The current European Union is based on a number of Treaties and its institutional setting stems primarily from the Maastricht three-pillar structure and the Treaty of Nice. We are aware, and should be critical, of the drawbacks of the EU's functioning according to the existing Treaties (its democratic deficit, lack of transparency, inability to speak with one voice on the international stage, etc.), but the Treaty Establishing a Constitution for Europe is such a bad response to these drawbacks that it must be refused. Compared to that, the Treaty of Nice is a good, viable status quo.

The EU Constitutional Treaty is not a result of evolutionary integration; it is a crucial breakthrough, changing the conception of the European Union

The EU Constitutional Treaty is not a result of evolutionary integration; it is a crucial breakthrough, changing the conception of the European Union. Based on its Constitution, the European Union would become an entity with its own legal personality [Article I-7], separate from the Member States. It would not be a Union that makes it easier for the Member States to fulfill their tasks and functions. It would be a Union that requires Member States "to facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objective" [Article I-5].

On the neofunctionalist scenario, the EU would become more independent from the Member States, with its institutions increasingly developing their own preferences and formulating their own agendas. On the federalist scenario, the EU would no longer lack the constitutional clarification of powers which are to be divided and shared among the central authority (EU) and the constituent units (Member States).

The Constitution defines the exclusive competences of the Union and those competences that are shared between the Union and the Member States. All other residual competences "which are not conferred upon the Union in the Constitution remain with the member states" [Article I-11(2)]. In fact, the member states can share the competences with the EU only "to the extent that the Union has not exercised … its competence" [Article I-12(2)] and as for the competences which are left "exclusively" to the Member States, they can be derived from the list of the Union's exclusive and shared competences. Two or three ministerial portfolios remain (culture, education and industry) and even here the Union has the right to carry out "supporting, coordinating or complementary action" [Article I-17, Part III, Title III, Chapter V].

According to the principle of subsidiarity, the Union can act in the areas which do not fall within its exclusive competence "only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States … but can rather, by reason of the scale or effect of the proposed action, be better achieved at Union level" [Article I-11(3)]. Experience shows that subsidiarity hardly ever preserves the powers of the states. It has indeed implied precisely the opposite, i.e. a transfer of more powers to the supranational level and an excuse for harmonised 'solutions'. The Constitution not only confirms this political concept as a legal imperative, it enables the initiator of European legal acts, i.e. the Commission, to decide if and when this principle is applied.

National Parliaments have the right to ensure compliance with that principle and issue their "reasoned opinion" on the legal acts, but it is the Commission again which "may decide to maintain, amend or withdraw the draft" [Protocol 2, Article 7(4)] and in "cases of exceptional urgency" the Commission "shall not conduct such consultation" at all [Protocol 2, Article 2].

Where the Constitution gives some say to the national Parliaments, it is through consultations and reasoned opinions which are not binding. It further changes unanimous decision-making in some areas into qualified majority and provides for a "simplified revision procedure" [Article IV-444], whereas the European Council can authorise the Council to act by qualified majority even where the Member States have the right of veto. A national Parliament may reject such a decision within six months, but there is no need for an amendment to the Constitution, let alone the approval of all the Member States’ Parliaments. This is neither required for Article I-18, in which the Union gains an unprecedented power to change, and thus enlarge, its area of competence. In case the Constitution has not provided the necessary powers to the Union, in order to attain one of the all-encompassing objectives set out in the Constitution, "appropriate measures shall be adopted".

The Constitution dismantles, once and for all, the three-pillar structure of the Maastricht Treaty, which delineated the European Community competence (Pillar 1) and the areas of Common Foreign and Security Policy and Justice & Home Affairs (Pillars 2 and 3), in which the Union’s competence was limited and the Member States co-operated on intergovernmental basis.

The constitutional Common Foreign and Security Policy (CFSP) covers all areas of foreign policy. It requires Member States’ active, unreserved support and compliance with the Union’s action in this area. Article I-40(5) makes it clear that “before undertaking any action on the international scene or any commitment which could affect the Union’s interests, each Member State shall consult the others within the European Council or the Council.” The introduction of the EU Foreign Minister is probably the smallest alteration in CFSP.

The Nice Status Quo

by Jirí Brodský

The introduction of the EU Foreign Minister is probably the smallest alteration in CFSP. What is
radically altered is a Member State’s capacity to define its own foreign policy, because this would no longer be the national governments’ primary role. Their primary role would be to gain a posteriori support for the Union’s action from their respective citizens. The national Parliaments would have no function in such CFSP besides ratifying the international agreements concluded by the Union.

What is radically altered is a Member State’s capacity to define its own foreign policy

The Constitution establishes a European Union based on social-market economy [Article I-3]; a Union, whose currency is the euro [I-8] and whose common security and defence policy “will lead to a common defence” [Article I-41(2)]. In other words, it prescribes the single currency to thirteen states that are not members of the eurozone and may not wish to be. It signals to post-neutral/non-aligned Finland, Austria, Sweden and Ireland (not to mention some future members) that the Common Security and Defence Policy shall be an integral part of the CFSP and shall provide the Union with an operational capacity drawing on civil and military assets. And at the same time, it argues that the Union’s policy “shall not prejudice the specific character of the security and defence policy of certain Member States, it shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation.”

The European Union certainly doesn’t need any treaty establishing a constitution for this. There is neither a need, nor a public demand for, constitutionalising the EU’s territory, currency, citizens, President, Minister of Foreign Affairs, flag, anthem, or public holidays. And as far as the Charter of Fundamental Rights (Part II of the Constitution) is concerned, the citizens of the EU’s founding Member States have certainly not been deprived of their fundamental rights, whilst waiting for the EU Constitution for half a century. Their fundamental human rights are firmly enshrined in their national constitutions and adherence to these rights is overseen by the European Court of Human Rights in Strasbourg, which was set up in 1959.

Once ratified, the EU Constitution will be irreversible. It is not a re-write of the existing Treaties; it implies a radical intervention, which cannot be improved by any changes in particular Articles. If the Constitution is not ratified, nothing is going to happen. According to Article IV-447, the Constitution can only enter into force on 1 November 2006, once it is ratified in all Member States. If one or more Member States “have encountered difficulties in proceeding with ratification, the matter will be referred to the European Council” (Declaration No. 30). In fact, that would be a victory for the EU because the model from Nice is stable. Today, without the Constitutional Treaty, the European Union is not in paralysis. Its enlargement capacity can be adjusted, just as it was in the past, by appropriate measures in the accession treaties (see the Accession Treaty of Bulgaria and Romania) and amendments to the Treaty of Nice. Likewise, an increase in the role of national Parliaments and the European Parliament in the EU decision-making can be treaty-ised without the need to constitutionalise the EU.

The Treaty Establishing a Constitution is not for the EU. It is an attempt to unify the European Union to an extent into which it has not grown. We should therefore feel free to reject this Constitution.

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The President of the European Commission, Jose Manuel Barroso, has been forced into an embarrassing volte-face in a row concerning free hospitality which threatens to undermine yet further the paper-thin credibility of the pampered European elites.

The central issue is shipping: as a consequence of unique political, geographical and economic considerations, certain merchant shipping consortia (known as ‘conferences’) have enjoyed a degree of immunity from the requirements of European competition law. This exemption is governed by an EC Regulation, which requires amendment from time to time, and one such revision is currently in progress. Such legislative change would naturally fall within the purview of the Competition Commissioner, Neelie Kroes. Ms Kroes, however, has recused herself from adjudicating on this particular issue, as she previously served on the board of shipping giant P&O Nedlloyd. The file was therefore passed to Mr Barroso.

Concerns that Mr Barroso himself might be subject to a conflict of interest were first raised by Nigel Farage, MEP, who on 3 February asked the entire Commission to make public declarations about their holiday arrangements. The Commissioners seemed reluctant to expose themselves to such scrutiny and it was only on 18 April, prompted by the threat of imminent exposure in Die Welt, that a formal response was issued. It stated that in August 2004 Barroso had enjoyed five days of lavish hospitality aboard the yacht of Spiro Latsis, the shipping and banking tycoon.

Barroso and Latsis have been friends since university days. Barroso trenchantly maintained that this was a private holiday, which could under no circumstances have given rise to a conflict of interest, as Latsis has no involvement in the shipping conferences under review. There was, argued Barroso, no basis whatsoever for his surrendering the file on the maritime competition law exemptions.

Relying heavily upon his claim to the right of privacy and upon the curious concept that potential conflicts of interest need only be voluntarily disclosed by the party concerned, the President of the Commission’s spokesman, Françoise le Bail, ardently and repeatedly asserted Barroso’s fitness to continue with the shipping matter. There was, Ms le Bail proposed, no need even to examine the possibility of conflicts of interest generated by “friendship” as “the Commissioners’ friends do not influence the Commission’s legal decisions… It wouldn’t enter the mind.”

I’m sorry Ms le Bail but that is simply not good enough. Are you seriously suggesting that the EU’s much trumpeted (but barely realised) ideals of transparency and accountability do not apply to the Commissioners on the basis that they are infallible?

Despite, or perhaps because of, this wholly inadequate defence, Barroso was immediately hauled before the European Parliament’s Conference of Presidents (consisting of the Parliament’s President, Josep Borrell and the leaders of the seven political groups) to explain his relationship with Latsis.

The row continued to simmer until the announcement on 5 May that Mr Barroso would withdraw forthwith from supervising the file passed to him by Ms Kroes. It is likely that this matter will now be dealt with by Transport Commissioner, Jacques Barrot. Despite his own previous vehement protestations to the contrary, Barroso claimed unconvincingly that, “My orientation was not to personally retain such files on a permanent basis, but to reassign such files to another Commissioner as soon as my Commission has settled its working ways.”

This obfuscation of the issue was compounded by a spokesman’s assertion that, “There was no conflict of interest – there is no connection with his holiday. He has a very heavy workload.”

There is of course no suggestion that Barroso’s relationship with Mr Latsis would have had any influence on Barroso’s conduct of the review of the shipping legislation. But that is not the point. The point is that the President of the Commission had to be cajoled into declaring having been afforded a free holiday. Anyone but a Commissioner would view this hospitality as a gift and those in public office in the United Kingdom would be obliged to declare it as such. The sandal is in the method, not the substance. The painful process of extracting this information – due solely to the tenacity of some Euroscptic MEPs – reminds us of the sheer width of the gap between the self-aggrandising rhetoric and the sleazy, occluded reality of the European gravy train.

One Commissioner with even more friends than Mr Barroso is the gregarious Trade Commissioner, Peter Mandelson. Mr Mandelson took advantage of a trade visit to Trinidad and Guyana to squeeze in a few days of local recreation prior to his official duties on the billionaires’ playground of St Barthelemy. Whilst he was there, he attended the New Year’s Eve party of Paul Allen, co-founder and second largest shareholder of Microsoft. Microsoft has, of course, been subject to intense scrutiny by the Commission over its trade practices and it was fined £355 million in March 2004 for breaching European competition law.

Again there is no question of impropriety: Mandelson was not a Commissioner at the time of the Microsoft verdict and Allen no longer holds a managerial position in the company. But in Mandelson’s continued refusal to identify his holiday host(s), he is evincing the same petulant contempt for the public as bedevilled his abortive UK political career. “The receipt of hospitality is a normal fact of private life,” chimed all twenty-five Commissioners in their collective response to questioning about free holidays. “It therefore falls in principle under the respect for privacy of each Commissioner.” Under this rubric, each Commissioner is to act as his own sole arbiter in assessing what constitutes private hospitality; and if he deems such largesse to be private, irrespective of its source or context, it need not be declared and cannot even be examined.

This presents a screamingly obvious loophole, ripe for exploitation by corrupt Commissioners. May I suggest an alternative regime? If you are in public life; if you are about to grow fat and rich on the backs of the taxpayers of Europe; and if you are part of a regime whose reputation for scandal, self-reward and waste is right up there with Neronian Rome and pre-Revolutionary Versailles, then the responsibility to declare devolves upon you and should be absolute. We are, on the evidence of the Santer period, wholly entitled to exercise a presumption that free holidays constitute payment in kind; only with the meticulous maintenance of a full and open register will our suspicions be allayed.

Greeks Bearing Gifts

by John Massey
Vichy Endures: The Fools of France and the Politics of Qualified Grandeur

by David Wilson

These are interesting times. It is a long time since I have heard a serious intellectual argument in favour of the European Idea. Instead, pro-European arguments tend to be a combination of three essentially anti-intellectual, if not anti-rational, sentiments: firstly, a geopolitical blood and soil Festung Europa or ‘Little Europeanism’; secondly, a fetishised Weberian worship of a pan-European bureaucratic statism or ‘Brusselsism’; and, thirdly, an atavistic cartographic mysticism or ‘Carolingianism’. It is to the last of these which we will turn. I have never heard a serious intellectual argument in favour of a Common European Foreign and Security Policy. All the alternatives on offer amount to little more than xenophobic anti-American initiatives to undermine Atlanticism and NATO; the latter, since its formation in 1949, has – in stark contrast to other Brussels based organisations – a proven and unparalleled track record (except when sabotaged by Gallic enfantillage and their playpen co-conspirators).

The German Question

German reunification was a disaster for France. Pre-reunification, it was just about credible for France to play Greece to Germany’s Rome; post-reunification, the unflattering mechanics of French dependency were laid bare. It was the German Question – in tandem with Le Défi améracinque – that remained, until recently, France’s idée fixe. This fear of a Greater Germany led successive Presidents – Pompidou, Giscard d’Estaing, Mitterand and Chirac – to gradually abandon de Gaulle’s concept of Europe des patries (a Europe of national homelands) and put their faith in an expedient, institutionalised, pan-European Paris–Bonnie-Berlin axis. Nevertheless, the enduring wariness in the Franco-German ‘special relationship’, can be found in subterranean echoes of Clemenceau’s declaration in his Last Will and Testament that, “I wish to be buried standing, facing Germany.”

The Elysée sought a high-price for ‘acquiescing’ to German reunification in 1990: the usual two-card trick – French blackmail, German guilt. After the fall of the Berlin Wall this orientation dictated two main policy initiatives. Firstly, German reunification having effectively redrawn the topography of Europe, the Elysée drafted a new road map. A renewed impetus was given to the drive towards a deeper European integration: to contain Germany, to marginalise Britain and to undermine the US as a European power – while still striving for French political ‘leadership’ as the titular head of the European project. Secondly, France was driven to regain influence within the ‘Western Alliance’ and NATO itself; to play an ‘appropriate’ part in the geostrategic opportunities presented by the chaos of the post-Cold War world; and to reverse the verdict of history in 1940.

The ‘Endless Nation’

Albert Sorel, in his epoch-defining L’Europe et la Révolution française, published in 1885, stated that:

“the policy of the French state was determined by geography. It was based on a fact – the Empire of Charlemagne. The starting point for the great law suit which is the history of France, is the insoluble dispute over the inheritance of the emperor.”

This means what is says on the bottle: French foreign policy has been nothing more than the special pleading of defence counsel before the international court of history; that the world recognises the legitimacy of their Carolingian claim; that they, and they alone, are the rightful heirs of the original pan-European political entity.

For centuries, French nationalists had been content with their Most Christian Kings and sure in their self-ascribed role as Eldest Daughter of the Church; they felt Notre Dame la France to be the deified nation. At the height of the secular French revolution, Abbé Siéyès could argue for the legal absolutism, if not the almost theological universalism, of French nationalism, “The nation exists before all, it is the origin of everything. Its will is always legal, it is the law itself.” The French Revolutionary Wars were a not entirely unsuccessful attempt, through military occupation and the Code Napoleon, to impose a continent-wide, Parisian-led ideological imperium. However, French nationalism, after Waterloo and the Congress of Vienna, fell into an embittered quiescence and, after the rise of a unified Germany in the second half of 19th Century, French hubris collapsed into nemesis.

Although still nominally a ‘Great Power’ on liberation in 1944, possessing the world’s second largest empire and later a Permanent Seat on United Nations Security Council, France emerged from the Second World War politically insolvent. In reality, she was a courtesy great power only and sat on the Security Council on sufferance. A sense of ‘never again’, a national desperation to cleanse the stain of occupation and Pétainism, led France to embark on its latest pan-European project: this time to specifically contain Germany which, ironically, could end in the neo-Vichification of an entire continent.

The Fourth Republic’s (1946-1958) pretensions to imperial grandeur were reluctantly abandoned after a succession of catastrophic military débâcles. The unwinnable, eight-year war in Indochina ended in the siege of Dien Bien Phu in 1954. This was closely followed by the Suez Crisis of 1956 and then another disastrous eight-year war over Algérie française, which did not formally end until July 1962. In the wake of the collapse of the Fourth Republic in 1958, de Gaulle returned to power from his self-imposed exile at Colombey-les-Deux Eglises, declaring, “It is Europe, from the Atlantic to the Urals, it is Europe … that will decide the fate of the world.” In practical terms, this meant that the General and the class politique had come to accept, for raisons d’état, the dual strategy of a ‘European solution to national decline and, as a concurrent objective, the development of an independent nuclear capability. As Macmillan noted in his Diaries, “de Gaulle talks of Europe and means France.”

Ironically, it was France that scuttled the original plan for a pan-European defence force. In 1953 it vetoed the plans for the European Defence Community (EDC); the Gaulist RPF in the National Assembly refused to ratify the EDC, not so much because it necessitated German rearmament, but because it would ‘surrender’ the control of the French army to a supranational institution. The precipitous abandonment of the EDC led the French to build on the Schuman Plan as an alternative
political basis for containing Germany. Jean Monnet, in his *note de réflexion* – presented to the French cabinet along with the original plan – had alarmed the Government to its core with the prospect of France’s isolation in the face of a rearmed Federal Republic; a Germany economically preponderant and exploiting independent diplomatic links with London and London.

However, the *immobilisme* and party factionalism that characterised the Fourth Republic left de Gaulle’s Fifth Republic a reluctant convert to a limited European supra-nationalism. De Gaulle inherited a secret joint French, German and Italian backed plan to fund the development of both nuclear warheads and delivery systems; he promptly scrapped these agreements and pursued a purely national deterrent. Furthermore, in September 1958, he vaingloriously sought to promote France’s status by proposing a Franco–Anglo–American world power responsible, “for taking all political matters affecting world security, and … [for] drawing up, and if necessary putting into action, strategic plans, especially those involving the use of nuclear weapons.” This, the *Quai d’Orsay* confirmed, would imply a veto on the use of any US nuclear weapons, not just those based in France. This proposal’s inevitable rejection gave de Gaulle the pretext he needed to begin disengaging French forces from NATO command structures.

In 1960, President Eisenhower briefed the incoming President Kennedy on de Gaulle’s status-conscious obsession with the permanent victory parade of World War II, “a triumvirate of the United States, France and Great Britain … organised on a joint staff concept,” though Harold Macmillan thought that, “De Gaulle attaches more importance to the fact of the Tripartite talks that to the substance of them.” This view is consistent with the very limited French contributions to those official diplomatic discussions that were arranged, but the formal fact of the meetings was, of course, the point. The Tripartite meetings became increasingly acrimonious and were not continued into 1962.

In any case, by the end of 1961 de Gaulle was placing greater emphasis on the Fouche proposals for the co-ordination – inevitably under French leadership – of EEC defence and foreign policies. For good measure de Gaulle denounced the 1963 atmospheric Test Ban Treaty as the starting shot in France acquiring its *force de frappe*. Throughout the Sixties, de Gaulle adopted a public moral equivalence in denouncing US and Soviet ‘empires’ and further tried to distance himself from the *complot Anglo-Saxon* by a serial *folie des grandseurs* on 14 January 1963 exercising his veto on the very principle of Britain – he thought it a ‘Trojan Horse’ for greater US intervention in continental affairs – joining the Common Market; by recognising the People’s Republic of China in 1964; by undertaking a fraternal visit to Moscow in 1966; and by dissociating France from Israel during 1967-68.

In 1966, de Gaulle finally decided it was no longer in keeping with France’s dignity to remain a member of the NATO club. The General withdrew France from the integrated military command altogether: evicting NATO forces from bases in the Paris suburb of Saint-Germain-en-Laye; kicking its headquarters out of Fontainebleau and taking his nuclear *boules* home. From hereon in, France, with its *force de frappe*, has been the joker in the European pack. The French ‘independent’ nuclear deterrent was not primarily intended to improve its position vis-à-vis the Soviet Union, but to ensure France’s place à table vis-à-vis the Americans. In a final act of churlishness, de Gaulle justified French withdrawal from military participation in NATO by citing Washington’s alleged tardiness in coming to France’s aid in both World Wars; when the express purpose of NATO was to guarantee the immediate intervention of the US in case of aggression against a member state.

**APRÈS DE GAULLE LE DÉLUGE**

Frances Fukuyama has argued that, “The most extreme form of nationalism that any Western European state has mustered since 1945 has been Gaullism, whose self-assertion has been confined largely to the realm of raison dans politics and culture”. Unfortunately, this is only half-true; Gaullism, by its very success, has hardly confined itself to being a mere irritant.

Paradoxically, France has sought to maintain a degree of a self-assertive unilateralism through the integration of European foreign policy. This is simply to say that it has used the political clout of a greater ‘Europe’ as an *entrée* for the French national interest, effectively acquiring a warrant it would otherwise have lacked. During the Cold War, France was able to pursue a quasi-independent foreign policy – the ‘Third Force’ – along the margins of the two blocs, managing to provoke both superpowers; though never failing to shelter in the Western camp during real crises. The *Elysée* sought to deal with the Kremlin as an equal; unilaterally pursuing détente with the Eastern bloc while, simultaneously, presenting itself as the European power most sympathetic to the decolonising and developing world. The truth is that the bipolar Cold War world, though constantly denounced by France, was ideally suited to allow a medium sized power in decline – but strategically placed, not lacking in ambition and with a tradition of Byzantine statecraft – to conduct a independent foreign policy, effectively playing the two superpowers off against each other. Particularly as its neighbour and traditional rival, Germany, was physically divided, politically neutralized and diplomatically enfeebled.

Seen in this context, the French initiative to increase the Europeanisation of NATO was an attempt to emasculate it as a military alliance existing independently of the French national veto. Consequently, as a tactical manoeuvre, rather than a strategic commitment, France returned to NATO’s joint command structure and by late 1995 the French Foreign Minister, Hervé de Charette declared, “… for France the basic role (of the rapprochement) is to assert a European identity within the alliance that is operationally credible and politically visible.” In 1995, France resumed participation in NATO’s military committee. French military officers chaired the NATO International Military Staff study on ‘future forces’, but because French forces stayed out of NATO’s defence planning and command structures, they escaped NATO’s reporting, inspection and evaluation processes. France had ‘four star’ posts in NATO without committing significant forces to the integrated command.

As NATO becomes less Atlanticist – and, correspondingly, the US and the UK role is diminished – it will become decoupled; less of a fighting force designed to protect broader Western interests and increasingly little more than a retroactive paramilitary wing of an unfunded Common European Foreign and Security Policy; and it will wither on the vine. Though NATO was originally an ideological alliance *par excellence* – an organisation of like-minded nation states with a broadly harmonious liberal political economy and primarily defined by its opposition to a group of states
strategy reached its apothecosis in Tony Blair’s bizarre Anglo-French defence initiative which discussed Europe working extrinsically, “within or outside NATO”.

On 4 December 1998 at the French port of St Malo, the British and French Governments signed a surreal bilateral treaty, widely hailed as the dawn of a new era of defence co-operation. Under the St Malo agreement, both countries pledged to begin the planning of a combined tactical response to international crises, to share military transportation and intelligence and, even, to present a common front to the media. Above all, St Malo was, in utero, the initiation of a European strategic policy. The French were politely required to rescind their declaratory challenge to the unipolar hyper-puissance of the United States and to abandon their irredentist ambitions to establish a bipolar international order with a Gaullist Europe as a rival superpower. In turn, the British were to use their special relationship (no inverted commas in this case) with Washington to plead the French case in particular and that of the European Union in general. The initiative, lauded at the time, now appears laughable. This application of the European Idea proved both obsolete and premature.

All this nonsense was given the coup de grâce by 9/11 and Operation Iraqi Freedom: the ‘cheese-eating surrender monkeys’ phase of Franco-American relations. The sheer lunacy of the Dominique de Villepin years combined traditional anti-Americanism with latent anti-Semitism on the Left and the Far Right.1 In a closed session with members of the French Parliament, shortly before the fall of Baghdad, de Villepin reportedly claimed that the “hawks” in the Bush administration were in “the hands of Sharon”. The war in Iraq was being led by a “pro-Zionist” lobby that included Deputy Defence Secretary, Paul Wolfowitz; White House Middle East specialist, Elliott Abrams; and Pentagon advisor, Richard Perle, all Jews, for God’s sake. The grey lady of French journalism, Le Monde, went even further, arguing that leading neo-Conservatives were actually secret Israeli citizens, directing the US Government to do Zionism’s dirty work. At this rate, one would not be surprised to hear that de Villepin had read The Protocols of the Elders of Zion into the UN record.

In the build up to the conflict, the sheer mendacity of French behaviour at the United Nations during the countdown to war defied belief: Talleyrand would have been proud of de Villepin’s ambush of Colin Powell. The whole démarche ended with Condoleezza Rice famously declaring that the Bush administration, planned to, “pardon Russia, isolate Germany, and punish France.”

WHAT ENDSURE: LA GRANDE ILLUSION

The Énarques’ unparalleled ability to dress up France’s national interest in the florid diplomatic language of a disinterested internationalism remains unsurpassed; but to take the French mission universelle at face value requires a truly Herculean suspension of belief. Nevertheless, typical of liberal/left Europhile opinion over the last decade was a leading commentator in The Guardian who complained of American domination of international institutions like the UN, the IMF, the World Bank and GATT and argued, apparently in all seriousness, that “The French aim is to strengthen these institutions ‘by restoring and extending their international nature’. This seems to me a noble objective, and exactly what we should expect from a government of the Left.”

In reality, Indépendance, Puissance, Grandeur, no less than in de Gaulle’s day, remain the watchwords of the Fifth Republic. France’s loosely obsession with her international status continues unabated. Just as France always defended its prerogatives in the Western occupied sectors of Berlin, not out of Cartesian legalism, but as a symbol of its rank among the great powers, so that Gaullist manqué, François Mitterand, justified French intervention in the first Gulf War to his compatriots by insisting that it was necessary to maintain French ‘status’ in the region. This intervention was not universally welcomed; as Jed Babbitt, the then US Deputy Under-Secretary of Defence, remarked, “Going to war without France is like going deer hunting without an accordion. You just leave a lot of useless noisy baggage behind.”

France’s obsession with grandeur is famously expressed in the opening paragraph of de Gaulle’s Mémoires de guerre, ‘All my life I have had a certain idea of France. This is inspired by sentiment as much as by reason. The emotional side of me naturally imagines France … as dedicated to an exalted and exceptional destiny … the positive side of my mind also assures me that France is not really herself unless in the front rank. In short, to my mind France cannot be France without greatness.” Unfortunately, de Gaulle’s yearning for a return to national
greatness and nostalgia for imperial glory had purposes far beyond the rhetorical. The General used the politics of ersatz grandeur to qualify France’s second-rate status that has been its enduring legacy since those pitiful days of May-June 1940.

It has to be said that there is something in the French psyche that would prefer an accommodation – however humiliating – with the communautaire successors of von Moltke’s jünker class (the EU), than the ultimate embarrassment of a political Mers-el-Kebir (the catastrophe of le monde les Anglo-Saxons). If Germany has sought redemption through European integration, then France has sought resurrection. Of all the European powers, France has least resigned itself to its diminished place in the world; it retains an excessive and anachronistic concern for its rank, even though it has long since ceased to be a world power of any real consequence. However, as Abba Eban reminds us, “History teaches us that men and nations behave wisely once they have exhausted all other alternatives.” De Gaulle, in one of his more prosaic moments, mused that he may well have written the last pages of France’s grandeur. It would not be a disaster for Europe – or the rest of the world – if this proved to be true.


De Villepin is a French intellectual straight form central casting: frivolous, pretentious and ludicrously effete, but whose workaday pastime is épater les Anglo-Saxons. See his recent Le Requin et La Mouette (Paris: Plon, 2004) – no prizes for guessing who is the shark and who is the seagull. See also the review essay by Martin Walker, ‘French Without Tears,’ The National Interest No. 79 (Spring, 2005), pp. 130-138.

4 See Ian Aitken (a seasoned old hack who should have known better), ‘Washington’s Vassal,’ The Guardian, 5 February 1999 – my italics.

David Wilson is writing a history of Encounter and the cultural Cold War and is a neo-conservative member of the Labour Party.

The European Constitution is the greatest political issue of the new Parliament. The European Foundation has been at the forefront of the debate since the early drafts of the Convention on the Future of Europe. We have argued consistently for a referendum on the Constitution, which is now expected to be held in 2006. This is to be the first referendum on the Europe issue in the UK for 30 years. Its outcome is fundamental to the long-term national interest. The European Journal, along with our pamphlets and publications, have led the debate on Europe from the Eurorealist perspective for over 10 years and are disseminated to the media, influential policymakers and politicians, as well as the concerned public. It is through the support of our readers that we can continue to provide high quality analysis on this crucial question.

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Referendum Review
Keeping you up-to-date on referendums throughout the EU
by Sara Rainwater

AUSTRIA
On 11 May, the Austrian lower house voted in favour of the European Constitution, with the only ‘No’ vote coming from far right MP Barbara Rozenkranz, whose Freedom Party had unsuccessfully demanded a referendum. 182 MPs voted in favour of the document; the head of the Green Party justified his ‘Yes’ vote by saying, “We can choose between this and the miserable Treaty of Nice.” The Constitution will now head to the upper house for final approval, which is expected by the end of May.

BELGIUM
A recent survey conducted by Le Soir shows that 49 per cent of the Belgian public supports the Constitution; only 12 per cent are against. There will be no referendum in Belgium.

CZECH REPUBLIC
The virulent hostility to the Constitution of Czech President Vaclav Klaus has prompted a backlash from influential MEPs. Vice-President of the European Parliament, Roca Vidal-Quadras, launched an attack on Klaus, describing him as “rooted in the past” and anticipating his resignation. Klaus has responded with a letter of complaint to Parliament President, Josep Borrell, denouncing Vidal-Quadras’s attack as an attempt to stifle free speech and as an unjustified attempt to interfere in a Member State’s national politics. Jan Zahadril MEP, leader of the Czech conservatives, identified the row as evidence of “rising panic and hysteria among supporters of the EU Constitution.”

ESTONIA
The European Constitution was sent to the Estonian Parliament for ratification on 4 May, ending any debate on whether the Government would hold a referendum. Prime Minister Andrus Ansip has stated that, “The EU constitutional treaty cannot be put to a referendum in Estonia,” citing Estonian law that foreign treaties are subject to parliamentary ratification. Ratification is expected before the summer recess.

FRANCE
Sources continue to give conflicting predictions of the outcome of the French referendum on 29 May. In late April, some polls put the ‘No’ vote as high as 58 per cent, but since the start of May, the ‘Yes’ campaign has been encouraged by estimates of support running at between 50 and 52 per cent. Both sides seem aware that the French popular vote has become potentially the most important democratic decision since the inception of the EEC and former President of the Commission Romano Prodi has predicted that a ‘No’ vote will bring about “the fall of Europe”. Doubts remain as to how the EU would deal with a rejection of the Constitution by one or more Member States. The Prime Minister of Luxembourg, Jean-Claude Juncker, claims that the Treaty provides a mechanism for dealing with a national failure to ratify. France’s anxieties about the Services Directive, the issue of Turkish membership and the low tax regimes of the Accession States continue to dominate the campaigning. This has prompted some sotto voce talk of a new Franco-German ‘core value’ agreement in the event of a ‘No’ vote, although the effect of such a bilateral agreement on the EU can only be speculated upon.

GERMANY
On 12 May the European Constitution easily gained the two-thirds majority required to pass the German lower house, with 569 MPs voting in favour, 23 against, and two abstentions. Most of the resistance to the Treaty came from Christian Democrat opposition groups, who fear it will take too much power away from their own national Parliament. Chancellor Schröder has said that the parliamentary votes would provide sufficient “legitimisation” for the document from the country of 82 million people, but many have been highly critical of the Government’s decision to not hold a referendum. The document will now pass to the upper house, where a vote will take place on 27 May, just two crucial days before the French referendum. French and German leaders hope a green light in Germany will influence voters in France.

GREECE
On 19 April, the Greek Parliament overwhelmingly voted in favour of the European Constitution, with 268 ayes, 17 nays and 15 abstentions. Opposition parties have continued their demand for a referendum; this includes socialist Deputies who voted in favour of the Treaty as well as Communists who voted against it. Under Greek law, a request for a referendum can be submitted until the formal publication of Parliament’s decision in the government gazette, a process that often takes several weeks. The Deputy Speaker, Yiannis Tragakis, has indicated that a debate on such a request will take place after the Parliament returns from recess. It is doubtful that such a request would achieve the required 180 votes to approve such action; opposition groups hold only 135 seats in the Parliament.

IRELAND
The Irish Government is considering amending its national Constitution to allow for future changes to EU rules to be made without a referendum. The Irish Constitution currently states that a referendum must be held if the charter is to be amended: Article 46.2 states, “Every proposal for an amendment of this Constitution shall be initiated in Dáil Éireann as a Bill, and shall upon having been passed or deemed to have been passed by both Houses of the Oireachtas, be submitted by Referendum to the decision of the people in accordance with the law for the time being in force relating to the Referendum.” Under the Government’s proposal, the upcoming referendum on the Constitution would also include a question on whether or not the Government should have the freedom to accept future EU changes without requiring a referendum, as long as they gain approval of the Oireachtas (Irish Parliament). If the proposal is successful, the Irish electorate would lose their say over the EU; it would also safeguard changes made without a referendum from constitutional challenge.

LATVIA
The Latvian Parliament has again been given the European Constitution for ratification; it was first submitted in January only
to be withdrawn because the Latvian version is riddled with language mistakes. Out of 500 translation errors, only about 10 have been corrected. The Government would like the Treaty ratified before the end of May so a positive message could be sent to other Member States holding a referendum.

**Luxembourg**

Though Luxembourg is holding its own referendum on the Constitution, the country’s leaders seem to be more concerned with the situation in France at the moment. Prime Minister Jean-Claude Juncker, whose country currently holds the rotating EU presidency, recently called for the approval of the Treaty. Speaking in Paris on 19 April, Juncker warned that rejection of the European Constitution would ensure US dominance by undermining attempts to make Europe a more cohesive block. He also stated that the EU would continue even if France voted against it: “There will be no renegotiating of the treaty if a country says no… We will pursue the ratification process, although it is true that ratifications following a ‘no’ from one member state would become increasingly difficult.”

**Poland**

In April, Donald Tusk, Poland’s deputy parliamentary speaker and opposition chief, called on French voters to reject the European Union constitution “for the good of Europe”. Tusk, whose Citizens’ Platform Party is in favour of European integration yet highly critical of the Constitution, also said in a radio interview that, “We know that the constitution is not the best one – probably all Poles are aware of this.”

**Slovakia**

The European Constitution sailed through the Slovak Parliament on 11 May, the same day it passed through neighbouring Austria’s Parliament. A majority of both coalition and opposition MPs, which totalled 116 out of 150, voted in favour of the Treaty; 27 voted against and 4 abstained. Main opposition came from the KDH, a member of the EU’s centre-right European People’s Party, who reject the Constitution because it lacks any reference to Christianity and feel provisions for smaller states are inadequate.

**France**

Spain was the first country to approve the European Constitution through a public vote, but under Spanish law the national Parliament was required to formally approve the document. On 28 April, the first stage in the parliamentary finalisation process was successful – the lower house passed the text by 311 to 19. In about two months time, the Constitution will go to the upper house for the last stage of the Spanish ratification process, where it is again expected to easily pass.

**Sweden**

Some members of Sweden’s ruling Social Democrats are demanding that a referendum on the European Constitution be held in their country. Sören Wibe MP launched a new initiative on 3 May, which is using a virtually unheard of paragraph in his party’s statutes to push the Government on the issue. The statute, which hasn’t been used since 1922, requires that just five per cent of party members call for a referendum; this means that only 7,000 must sign a petition to secure a plebiscite.

**The Netherlands**

Apathy and uncertainty are the hallmarks of the Dutch attitude to the non-binding referendum on the EU Constitution, due to take place on 1 June. The polls are showing a slight majority in favour of a ‘No’ vote, for example 52 per cent to 48, in the de Hond poll. However, a poll by Dutch TV station RTL indicates that 52 per cent of the electorate is still undecided. Many of those yet to decide seem unlikely to vote and turnout has been predicted to be as low as 32 per cent. This will affect the extent to which the Dutch Parliament will recognise the popular decision in its own decisive ratification vote. The Dutch Government has responded to both the indifference and the prospect of a ‘No’ vote with an orchestrated campaign extolling the benefits of ratification.

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**Table: Ratified**

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<th>Notes</th>
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<td>Austria</td>
<td>11 May 2005</td>
<td>parliament</td>
<td>lower house, awaiting final approval by upper house</td>
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<tr>
<td>Italy</td>
<td>1 February 2005</td>
<td>parliament</td>
<td>Chamber</td>
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<td>Lithuania</td>
<td>11 November 2004</td>
<td>parliament</td>
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<td></td>
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<td>lower house, awaiting final approval by upper house</td>
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**Table: Ratification through Referendum**

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<td>Later date would coincide with parliamentary elections</td>
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<td>Denmark</td>
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<td>France</td>
<td>29 May 2005</td>
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<tr>
<td>Ireland</td>
<td>Late 2005 or early 2006</td>
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<td>Luxembourg</td>
<td>10 July 2005</td>
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<tr>
<td>Poland</td>
<td>Late 2005</td>
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<tr>
<td>Portugal</td>
<td>December 2005</td>
<td>Possibly to coincide with presidential elections</td>
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<tr>
<td>The Netherlands</td>
<td>1 June 2005</td>
<td>Possibly to coincide with municipal elections</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Early 2006</td>
<td>First referendum in Dutch history</td>
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*Sara Rainwater is Editor of the European Journal.*
BOOK REVIEWS

Why Europe will Run the 21st Century

Reviewed by Dan Hannan, MEP

“Let the question be put. Let the battle be joined.” With these stirring words, the campaign for the European Constitution was launched in the House of Commons. Twelve months on, we are still waiting.

From time to time, supporters of the Constitution pop up in The Independent to whine that the case is going by default, that momentum is with the Europhobes, and that someone must make the argument. But it never seems to occur to them to make that argument themselves.

This is no doubt frustrating for supporters of the Constitution. It is equally frustrating for those of us who oppose it. You cannot engage with an adversary who stays out of sight. Instead of mounting a sustained argument, British Europhobes tend to pop up, shout, “You’re nothing but a bunch of xenophobes!” and then scarper.

It was with some eagerness, then, that I picked up Why Europe will Run the 21st Century by Mark Leonard. Here, at long last, was someone prepared to make the case, from first principles, for European integration. And, there is no denying it, he makes that case originally and eloquently.

According to Mr Leonard, a child prodigy who set up a pro-EU think-tank at the age of 24, Europe is on the brink of greatness. Its experiment in supra-nationalism is uniquely suited to the conditions of the new century. Unlike other superpowers, its rise will not attract envy or encourage the formation of coalitions against it, because it remains an informal network of states. It projects its interests not through armies, but through the export of freedom and democracy. Its most feared weapon is the withdrawal of economic co-operation rather than the daisy-cutter bomb. Its secret tactic is to draw other nations into its nexus of collaboration.

All this sounds tremendously convincing. The trouble is that none of it is true. The EU conjured by Mr Leonard is described with such affection that it is easy to lose sight of the fact that it does not exist outside the covers of his book. Like Descartes’ malicious demon, he is creating our reality.

The EU, he writes, is a force for “democracy, human rights and the protection of minorities”. Really? Where exactly? In Iran, where it is cosying up to murderous ayatollahs who, among other things, recently ordered the execution of a teenaged girl? In Cuba, where it has withdrawn its support from anti-Castro dissidents? In China, where it not only plans to sell weapons to an aggressive tyranny, but is actively collaborating with the Communists on the creation of a satellite system? Or perhaps within its own borders, where it is implementing the Constitution before most of us have had the chance to vote on it?

Mr Leonard writes enthusiastically about the Lisbon Agenda and the EU’s competitiveness. But, again, this competitiveness is confined to a virtual world of Commission statements and summit communiqués. In the real world, businesses are struggling with the 48-hour week, the Temporary Workers’ Directive, the Social Chapter and the rest of the Euro-corporatist agenda.

He goes on to predict that, in addition to its economic might, the EU will evolve a powerful military capacity because joint defence procurement projects will lead to economies of scale. He does not mention the supreme example of such joint procurement, the Euro-fighter, perhaps the most useless, over-budget, redundant piece of military hardware ever.

Countries within the EU, he writes, are better off than those outside, such as Norway. Yet Norway, although Mr Leonard neglects to point this out, has the highest GDP per capita in Europe. With high growth and negligible unemployment, Norwegians appear to be managing very nicely without Brussels. Do they lack influence in the world? Hardly. Their diplomats are brokering peace in the Middle East, Sudan, Sri Lanka and South East Asia.

Reading Mr Leonard’s book requires that you push all such inconvenient facts out of your mind. You are invited to take the EU at its word, rather than looking at its deeds. It is enough, for example, to be told that the Constitution commits the EU to democracy and the rule of law. Never mind that the Constitution of, say, East Germany, made similar noises. We are asked to engage in a massive collective suspension of disbelief. Is unemployment in the EU high? Never mind: we’ve just published a resolution condemning it. Is corruption rife? We’ve just set up a study-group to tackle it. As in the old Eastern bloc, the gap between the official version and real life keeps getting wider. It surely can’t go on like this forever.

Daniel Hannan is a leader writer for The Daily Telegraph, and a columnist on The Sunday Telegraph and Die Welt. He has been a Conservative MEP for South East England since 1999.

… news in brief

¾ million illegal immigrants naturalised in Spain
The Socialist Government in Spain has naturalised no fewer than 700,000 illegal immigrants on its territory. This is the largest mass naturalisation in the history of the EU, and the sheer numbers of illegal immigrants in Spain, a moderately rich country with some 40 million inhabitants, makes one wonder what are the comparable figures for illegal immigrants in a country like Britain. The Madrid Government has defended this move by saying that it will legalise 90 per cent of the shadow economy but several EU Interior Ministers have criticised their Spanish colleagues, saying that it will enable some of these hundreds of thousands of people to move into other EU countries. They also fear, as does the conservative opposition in Spain, that the new procedures for obtaining papers in Spain will actually draw new immigrants in: buses from Eastern Europe have already been stopped on the border with France because they contained people who had come all the way to Spain to benefit from these new arrangements. According to estimates, those people who will receive their papers in the next few weeks, and thus be able to enrol on Spain’s social security system, may bring with them some additional 400,000 family members. [Der Standard, 9th May 2005]
Should We Stay? Or Should We Go?  
Two Views on Britain and the EU

By Lord Pearson of Rannoch and Stephen Pollard


Reviewed by Dirk van Heck

The grey area between the two positions presented in this pamphlet is the Single Market. This is a sub-issue that will need more examination as new policy positions are formulated, as Pearson and Pollard show by both seeming rather unsure of their ground. Lord Pearson contends that, “there really isn’t any doubt that that [leaving the EU but continuing ‘our free trade with the Single Market] is what we would do” – itself a statement that raises a number of doubts. Stephen Pollard meanwhile quotes Derek Scott (whose book Off Whitehall was reviewed in the November 2004 issue of The European Journal) at some length, in a way that seems to demonstrate that Pollard thinks that the Single Market is an anti-competitive ploy; thus implying a far harder Eurosceptic stance than the one he seeks to put forward. The nu of this quotation is the statement that, “a prior imposition of a so-called level playing field actually prevents markets operating efficiently.”

A more immediate unanswered question is what will happen in the Government, with its now vastly reduced majority. Will the revival of the Blair/Brown relationship during the election campaign survive long; is Brown significantly more Eurosceptic than Blair; and, if so, is he Eurosceptic enough to refuse to campaign for a ‘Yes’ vote on the Constitution? A further, intriguing question is whether there has in fact been a Government cost-benefit analysis of the UK’s membership of the EU, such as Lord Pearson has been pushing for. Given the prospect of a ‘No’ vote, it would be a sensible step for the Government to take in advance. If there has been such an analysis, you can be sure that Gordon Brown knows its results.

Dirk van Heck is Head of Research at the European Foundation.

… news in brief

Old Mother Hubbard

Over the coming years, the German state is set to receive €53 billion less in tax revenue than it had planned for, according to estimates published by the Federal Finance Ministry in Germany. The Government has blamed the opposition’s veto of cuts in subsidies (the conservatives control the upper house of the German Parliament, the Federal Council). Both Government and Opposition have reiterated their opposition to any increase in VAT. In the current tax year, the Government will receive €3.2 billion less than planned; this figure will rise to between €15 and €18 billion between now and 2008. [Die Welt, 10 May 2005]
All smiles for EU bathing water
The European Parliament is to vote on a resolution aimed at setting higher standards for bathing water at EU beaches. If passed, a standard rating system, which will separate water quality into three categories (excellent, good or bad), will be formulated within two years. A system of smileys, like those used in emails or text messages, will be used to inform bathers of water cleanliness in the sea, lakes and rivers. The smiley system will replace the voluntary blue flag system currently in use throughout the EU. [EUObserver.com 22 April 2005]

Feta causing a stink in the ECJ
European Court of Justice Advocate General Ruiz Jarabo has announced that the name ‘feta’ is a traditional Greek name and thus deserves legal protection. In 2002, the EU gave Greece exclusivity rights to the term ‘feta’ after more than a decade of disputes with Germany and Denmark, which has resulted in a legal battle over the right to use the name of the popular cheese. The prosecution argues that the name is associated with a process rather than with Greece as a country of origin. However, a court statement declared, “feta meets the requirements of a designation of origin in that it describes a cheese originating from a substantial part of Greece, whose characteristics derive from its geographical environment and its production, processing and preparation are carried out in a defined area.” German and Danish feta producers have taken the lead to have the white crumbly cheese declared a generic product. The advice of the Advocate General will now be assessed by the Court, which will give its final ruling on the matter later in the year. [The Scotsman, 10 May 2005]

Berlusconi’s in luck
Italian Prime Minister Silvio Berlusconi won final Parliamentary approval to form a new government in late April, just days before the European Court of Justice cleared him of criminal charges. Berlusconi was on trial for alleged breach of the provisions governing false information on companies related to SME, a former state-owned Italian food company. The ECJ ruled that EU law did not negate the effect of a law passed by the Italian Government that helped Berlusconi avoid trial on false accounting charges. This ruling saw the ECJ reject the opinion of its own Advocate General, whose opinion found that parts of the Italian law ran counter to EU legislation and should not be applied in Italian courts. [Financial Times 4 May 2005]

Keep the Pound
Conservative MEP Mike Penning, who recently inched out Labour in the marginal seat of Hemel Hempstead in the general election, came up with a clever way of showing his opposition to the euro. He paid his £500 election deposit in shiny one-pound coins. Penning stated: “It worries me that if the people give Mr Blair a third term, I may have to pay my deposit in euros at the next election and so I took the opportunity to pay this time in my favourite currency – the pound sterling.” [www.hemelconservatives.com]

EU SMEs back Constitution
At a recent high-level gathering of small and medium-sized enterprises organisations from across Europe, business leaders united in their support of the European Constitution. Delegates who attended the Summit in Slovenia committed themselves to actively working to increase the support for the Constitution in their own constituencies. UEAPME Secretary General Hans-Werner Müller feels rejection of the Constitution would have a negative effect on consumer and investor confidence and could act as a brake on growth and job generation in the EU. [EURreporter.com 26 April 2005]

Revolt in the EU’s canteens
Canteen workers at the EU’s headquarters in Brussels have revolted over poor working conditions, and even poorer pay. Belgium’s FGTB and CSC trade unions are to meet with representatives from French-based multinational Sodexo, which provides around 370 catering staff for the European Parliament and the European Council, to ask for a wage increase of some 10 per cent and permanent contracts. Protesters walked out on 18 April, blowing whistles and waving banners in a noisy demonstration that lasted until 29 April. Sodexho kept the European Parliament’s canteen running with temporary staff. Workers returned to work in order to kick-start negotiations, but are prepared to strike again if their demands are not met. [EUObserver 8 May 2005]

Three Member States set euro accession goals
Cyprus, Malta, and Latvia have set a goal to adopt the euro by 2008, only days after Tony Blair stated that it was “most unlikely” that the UK would join the euro before 2009. The three countries have agreed to adhere to strict structural and economic reforms over the next two years, including sticking to the Stability and Growth Pact rules on national deficits, reducing inflation and keeping their currencies within a 15% band around a central parity rate against the euro. [The Guardian 2 May 2005]

Investigative reporter loses case
Hans-Martin Tillack lost his case against the right of the European Commission to inspect files, computer disks, email records and notebooks, which were seized in police raids on his home and office in Belgium a year ago. Tillack, famous for his expose in Stern magazine on fraud in the Commission and Eurostat, was charged by Olaf (the EU’s anti-fraud office) with bribing officials for information. European Federation of Journalists General Secretary, Aidan White, said, “This case illustrates just how inadequate is protection for journalists. The Commission makes unsubstantiated allegations against a reporter and then gains access to his confidential files, which potentially compromise anyone who has talked to him. It is a shocking denial of justice to journalists and their sources.” Tillack’s fight is not over, though; he plans on taking Belgium to the Court of Human Rights in Strasbourg for the return of his documents. [www.pressgazette.co.uk 5 May 2005]
LETTERS TO THE EDITOR

From Mr Will Podmore
Dear Sir,

Regarding Simon Usherwood’s article ‘Why is the British Left so Poorly Mobilised Against the EU?’ (April 2005), it should be noted that a new organisation, Trade Unions Against the EU Constitution, was formed in January this year. (Address: 301 The Argent Centre, 60 Frederick Street, Hockley, Birmingham B1 3HS, Tel: 0781 396 7734, email: info@tuaeuc.org.uk, web: www.tuaeuc.org.uk)

UNISON, the Rail Maritime and Transport workers, the Transport and General Workers Union, the National Union of Mineworkers, the Bakers’ Food and Allied Workers Union and the Community and Youth Workers’ Union have already expressed opposition to the Constitution, and TUAEC has grown from this.

We work in a very different way from other anti-EU groups. For example, we ensured that every one of the 450 delegates to the Scottish Trades Union Congress in April received in their conference pack a copy of our new pamphlet ‘Trade unionists say NO to the EU Constitution’ (available from TUAEC). We also organised a stall and lunchtime meeting.

The appropriate measure of our effectiveness is not our size but our impact on trade union policy re the Constitution. Already, the TUC has moved from its late 1990s gung-ho enthusiasm for early euro entry to last year’s more measured and balanced approach of supporting a referendum on the Constitution and stopping short of backing the Constitution. Whatever the French decide, we insist that Britain holds the promised referendum so that all our people have the chance to express our profound opposition to this undemocratic and anti-British Constitution.

Yours sincerely,
Will Podmore
(TUAEC organiser, North-East London)

From Mr Gordon Smith
Sir,

It is a common but untrue argument that the Treaty Establishing a Constitution for Europe makes it inconceivable that there could ever be another war between EU Member States. Sadly, treaties do not prevent wars.

In 1914 Austria invaded Serbia, who had a treaty with Russia, and Germany in accordance with their treaty with Austria came in against Russia. Edward VII promoted the Entente Cordiale against Germany on behalf of France and Belgium, so when Germany invaded Belgium, Britain declared war on Germany.

1939 was the year of ‘Collective Security’, a desperate forcing of treaties in the hope that other countries would ‘stand up’ to Hitler and do the fighting instead of Britain.

Hitler invaded Czechoslovakia after declaring, “This is my last territorial demand in Europe.” He then invaded Poland, with whom Britain had a treaty, in accordance with which Chamberlain declared war.

Neither the EU nor any nation can make treaties which a subsequent Parliament in either can revoke. The European Union cannot offer any protection from terrorist attacks, which are a form of war in which Britain is involved. There are about 15 million Moslems in Europe, of which a tiny majority may be potential enemies. The EU involuntarily helps fanatics by overruling British law in defence of their human rights.

Yours faithfully,
Gordon M L Smith

From Mr Richard Tracy
Sir,

On 22nd March an opinion poll published in the newspaper, Ouest-France, showed that 69% of farmers intended to vote NON in the referendum on the European Constitution.

This caused panic in the government (and in the part of the Socialist Party which supports the Constitution) and the reaction – a combination of threat and bribe – has been astonishing.

The farmers have been told that, thanks to an agreement obtained by President Chirac, until 2013 the sum of 300 billion euros has been guaranteed to be paid to French farmers by the European Union and if France does not sign up to the Constitution, the French farmers will lose all this money after 2013, as France will no longer have the power to influence the EU budget.

Fearing that this threat alone may not change farmers’ voting intentions, an extraordinary bribe has been dangled: Prime Minister Raffarin has promised that, if a OUI vote is secured in the referendum, then the French government will grant free holidays to farmers paid for by the French state.

A strong opponent of the Constitution, Philippe de Villiers, the leader of the political party, Mouvement pour La France, has been outraged by this skulduggery and has jokingly suggested that hunters should be offered free rabbits and fishermen free trout to encourage them to change their voting intentions.

In a country whose motto is “Liberty, Fraternity, Equality” it must follow that if independent farmers should have holidays paid for by the state then surely all self-employed people should be offered the same thing: paid holidays for plumbers, electricians, restauranteurs – in fact for everyone who runs his or her own small business?

France will indeed become Utopia – provided, of course, in a phrase borrowed from President Mugabe, the French people vote the right way.

Richard Tracey
St Helen, France

Sources:
Liberation (Website: www.liberation.fr) (Nearest equivalent to The Daily Telegraph in France)
Ouest France (Website: www.ouest-france.fr) (High circulation regional newspaper)

… news in brief

Belgians bill US embassy for treating Iraqi girl
Belgian Doctors who have treated an Iraqi girl for leg wounds caused by the explosion of a cluster bomb during the US-led invasion of Iraq have sent the €50,000 bill for her medical treatment to the US embassy in Brussels. “We haven't heard from them yet,” said Dr Belder, coordinator of the humanitarian aid agency Medical Aid for Third World which brought the girl to Belgium. “… I don’t think they will pay it.” Dr Belder said he sent the bill to the US embassy on the basis that international law dictates that an occupying force is responsible for the well being of a country’s people. US embassy officials were not immediately available for comment. [Reuters, 28 April 2005]
Situated in the mouth of the Daugava River, on the shore of the Riga Gulf of the Baltic Sea, Riga has traditionally been a trade and business link between the east and west of the European continent. Its strategic location led to a generally held belief during the Middle Ages that he who ruled Riga ruled the Baltics as a whole, which in turn led to centuries of fighting for control of the city.

Having long been settled by Baltic tribes, visits by German traders to the area significantly increased in the early years of the 12th Century and a community was established at Riga in 1158. In 1201 Archbishop Albert moved his seat from Ikskile to Riga and founded the Livonian Brothers of the Sword, a German military religious order whose mission was to spread Christianity in the Baltic region. A permanent trading station was established and the city soon swelled with inhabitants, with crafts and trade developing as the main occupations.

Riga joined the Hanseatic League in 1282 and became a major commercial centre, acting as an intermediary in Russian trade with Western Europe. Even though it was within the domain of the Livonian Order, the city maintained semi-autonomy.

When the Livonian Order was dissolved in 1561, Riga enjoyed a brief period of independence from foreign rule, but shortly passed to King Zygmunt August II of Poland in 1581. During this period, Riga became increasingly important in trade between East and West. Polish rule of the city lasted until 1621, when it was handed over to Sweden after Poland's defeat in the war between the two regional powers. In 1628, King Gustav-Adolf declared Riga the second capital of Sweden.

After two failed attempts to take the city, in 1559 and again in 1656, Russia successfully gained control of Riga during the Great Northern War in 1710. Having experienced slight decline in the 17th Century, Riga's commercial importance was revived in the 18th Century. The city became Russia's third largest industrial city, rivalling St Petersburg and Moscow. During the late 19th and early 20th Centuries, the area of Riga increased ten fold, and a major population boom occurred.

Riga was to suffer significantly after the start of the First World War, as it was at the front line of Germany's Eastern campaign. Riga was devastated by repeated battles; around 200,000 people were evacuated, but the city still lost over half its population. On 18 November 1918, Latvia declared her independence and the Republic of Latvia was created. During the Latvian Liberation, war broke out and the country witnessed three political regime changes in under a year. In 1920, Riga became the devastated capital of the devastated Republic.

During the next decade, Riga was able to rebuild itself into a centre for trade, culture and education. 1934 witnessed a peaceful coup d'état, whereby President Ulmanis established an authoritarian regime. Riga's successful redevelopment would be short lived, however, as once again war took hold of the continent.

Soviet troops occupied the territory of Latvia in 1939, and in 1940 it was incorporated into the Soviet Union. Riga was made the capital of the Latvian Soviet Socialist Republic. By 1 July 1941, German troops had moved in, but the Soviets managed to regain control by October 1944, successfully re-establishing the Soviet regime in Latvia.

Under Soviet control, non-Latvian migration to the capital was encouraged; by 1975 less than 40 per cent of its inhabitants were ethnic Latvian. Latvia was part of the USSR for four and a half decades, but by 1988 the movement to re-establish Latvian independence had begun. With the fall of the Soviet Union, Riga became the capital of an independent, democratic Latvia on 21 August 1991. Although the last Russian troops left in 1994, the status of the Russian minority, which is almost 30 per cent of the population, remains a concern of the Russian Government. Latvia was one of the 10 countries to join the EU in the spring of 2004 and is also a new member of NATO.

Today the Latvian capital has excellent air, road and rail connections, which make it easily accessible for tourists, and it is fast becoming a major destination for holidaymakers. The Old Town, which has been remarkably well preserved considering its turbulent past, is a delight to explore. The city has a vibrant nightlife, and a lively cultural scene – legend Miikhal Baryshnikov even began his career in the Riga Ballet. The capital's colourful past has resulted in it being referred to as "The Little Paris of the North", "The Switzerland of the Baltics", and, as Napoleon called it, "A suburb of London" – all phrases that still seem fitting for this emerging Baltic hotspot.
The European Journal And Finally...

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May 2005

GETTING THERE

British Airways
www.ba.com or phone 0870 850 9850
Flights from Heathrow from £150.

Ryan Air

GETTING AROUND

The Riga Card gives visitors free use of buses, trolley buses and trams, free train trips to Vecaki and Jurmala, free or discounted museum admission and discounts in shops, cafés, and restaurants as well as on car hire. The card can be purchased at the Tourist Information Centre, at the airport, at selected hotels and anywhere displaying the RC sign.

ACCOMMODATION

Hotel Avitar
127 Kr.Valdemara, Tel. +371 7364988
Avitar is a cozy hotel situated just outside the old city, yet still in the heart of the capital. In designing the place, the owners used four as the magic number – no matter what its size, each room has an area for sleeping, eating, relaxing and working. The hotel is a short walk from nightclubs, as well as shopping and business centres. Suites from €100 per night.

Hotel Centra
1 Audeju, Tel. +371 7226441, www.centra.lv
This ultra-modern hotel offers extreme luxury at reasonable prices and leaves no trace that it used to house a raging nightclub. Rooms have a varied décor with an understated air of elegance. Suites on the 3rd and 4th floors boast glamorously high ceilings. Suites from €150 per night.

Grand Palace Hotel
Pils 12, Tel. +371 704 4000, www.schlossle-hotels.com
Located in the cobbled 15th century Old City and surrounded by ancient monuments, the Grand Palace Hotel offers travellers a place of warmth and comfort, accompanied by attentiveness and impeccable service. The intimate atmosphere, a blend of Old Russian and European influences, echoes the romantic cultures of the past. The hotel is central to most major businesses and near Riga’s vibrant shopping and business district. Suites from €405 per night.

SIGHTS

St Peter’s Church
Skarnu 19, Tel. +371 7229426
Open daily: 10:00–17:15, closed Mon. First mentioned in ancient chronicles in 1209, St Peter’s was a Catholic church until 1523, when it turned Lutheran. Its tower, the highest in Europe at that time, collapsed in 1666 and was rebuilt several times over the centuries. The viewing platform around the spire allows for breathtaking 360 degree views of the city.

Dome Cathedral
Doma laukums, Tel. +371 735 66 99
Open Tues.–Fri. 11:00–16:00, Sat. 10:00–14:00. Closed Sun. and Mon. The Dome Cathedral is the largest place of worship in the Baltics, measuring 187 x 43m, with walls two metres thick. It also boasts one of the biggest organs in Europe, with 6,768 pipes.

Museum of the Occupation of Latvia
Strçlnieku laukums 1, Tel. +371 7212715, www.occupationmuseum.lv
Open daily: 11:00 – 18:00
Once the Latvian Red Riflemen’s Museum, the building at Strçlnieku laukums 1 now houses a fascinating museum dedicated to the Nazi and Soviet occupations of Latvia. The various exhibits display the atrocities committed against the people of Latvia and the destruction of their nation’s sovereignty.

EATING

Old Hansa
Ratslaukums 1, Tel + 371 7225069, www.hbv.lv/oldhansa
This restaurant’s modern take on a Hanseatic theme is complemented by its convenient location in the new town hall, excellent service and a wide variety of Bavarian beers. Oddly, many of the dishes on the menu are named after cities that never belonged to the medieval trade organisation that served as the inspiration for the restaurant, but overall Old Hansa is a great place for tourists to enjoy.

Staburags
A. Caka 55, Tel. +371 7299787.
A popular labyrinth of a restaurant, Staburags is made to look like a village with rooms divided into little farmhouses. Waitresses in national dress help add to the genuine Latvian feel, as does the excellent home-style cooking.

SHOPPING

Central Market
Pragas 1, Tel. +371 7229981
Open daily: 8:00–17:00, except: Mon. 8:00–16:00/Sun. 8:00–16:00
Located within five huge aircraft hangars, this giant bazaar is a truly fascinating place to visit. Buy meat, fish and produce inside; buy CDs, appliances and clothing outside the hangars at incredibly low prices.

Griei
Maza Miesnieku 1, Tel. +371 7507236
Open daily:11:00–19:00, except: Mon.

GOING OUT

Skyline Bar
Reval Hotel Latvija – 26th floor
Elizabetes 55, Tel. +371 7772222, www.revalhotels.com
Getting a window seat requires patience and slick moves, but the view of the city from the 26th floor is worth it. A visual feast of wood, steel and glass, the bar boasts a wonderful panoramic view of Riga. The bar offers an eclectic selection of cocktails complementing the range of snacks and tapas.

The New Riga Theatre
Lacpleša 25, Tel. +371 728 07 65, www.jrt.lv
The New Riga Theatre is a professional repertory theatre that provides innovative art and an intelligent and attractive high-quality repertory focused on a modern, educated and socially active audience. Located in the centre of the city it is also at the centre of the theatre life of Latvia.

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Iraq was a useful training ground for the general election. You got shot at. You got rocketed. You got mortared. You had to make split second judgments on issues such as whether that ten-year-old kid was waving a real gun in your face or just a toy, and whether you’d have to smile or take more drastic action. It all kind of puts canvassing in a council estate in perspective.

But it still takes a couple of hundredweight of determination to go to safe Labour seats and say, “Yes, Hello, It is I, your Conservative candidate, Please give me a good kicking in the ballots.”

It wasn’t as if they disagreed with the message. They liked what we said about immigration. They appreciated the fact that we were the only politicians in a decade and more who were actually going into the solid Labour areas listening to people’s concerns. They tapped you on the back for handcuffing yourself to the local police station, for a media protest about red tape keeping the coppers at their desks. They applauded us for telling it how it was with GP waiting lists, school bullying, and so on.

And Europe? After an unseemly scuffle with the whips, we got it on the agenda. Bin the Europe Minister. Ah yes, the voters didn’t want any of that EU malarkey, oh no. Keep the Pound. Bring back powers to Britain. King Coal may have been deposed, but its Jacobites live on.

Norman Tebbit is half right. John Major’s legacy of economic failure has lost the Conservatives yet another election (despite the irony of only the Right having fought against, and apologised for, the ERM debacle). But that analysis holds true for the South. In the North, much of the blame falls on Heseltine and the Dash for Gas. More people should read Tony Lodge’s excellent work on the long-term future for British coal. To use a slightly blue pun, we shafted the Nottinghamshire miners. The reputation for vindictiveness we gained as a result will not swiftly fade. I have a lot of sympathy for those who decamped on the doorstep of Tarzan’s estate and started digging up his lawn trying to find a coal seam.

Still, the genomes are breaking down. The vote that you inherit along with your father’s cloth cap is no longer an automatic transfer. With New Labour, it’s taken a decade longer that with the old blue areas, where Lib Dems or prefabricated neo-socialists have sold themselves locally as Conservatives with a human side. Now it’s Labour’s turn, as its traditional heartland looks more deeply at the values and personalities of the party that they have historically espoused. Mention Mandelson in a town centre on shopping day and you’ll get the point.

The problem for the Conservatives is that we haven’t yet become an acceptable lifeboat for these disaffected.

Ten years ago, they might have set the dogs on you. Today, they will banter over a pint. That, at least, is progress. How long before they vote, even if through gritted teeth?

So much will obviously depend on the leadership competition. I hope that a decent number and variety of candidates will emerge over the coming weeks, and no doubt as the party delegates reassemble in Westminster, the bars will reveal a number of names. David Davis is an obvious candidate. But there should be others to provide a decent mix and match, as befits the party of the free market. Leadership campaigns are a key moment for new ideas to emerge, and for philosophies and ideologies to blend.

Such things are for the future. For now, it is simply the moment to relish sleeping in a proper bed for the first time in weeks. Hello once again, Mr washing machine and fridge. Ah, the luxury and decadence of London!

Dr Lee Rotherham was Conservative candidate for St Helens South in 2001 and Rotherham in 2005.
The European Foundation

MISSION STATEMENT: The aims and objectives listed below are summed up in The Foundation’s overall policy of ‘yes to European trade, no to European government’. We believe that greater democracy can only be achieved among the various peoples of Europe by the fundamental renegotiation of the treaties of Maastricht, Amsterdam and Nice. The Foundation does not advocate withdrawal from the European Union, rather its thoroughgoing reform.

Objectives

- To further prosperity and democracy in Europe;
- To renegotiate the treaties of Maastricht, Amsterdam and Nice and prevent the ratification of the European Constitution;
- To reform and scale down the acquis communautaire;
- To ensure that future member states get a fair deal from EC/EU membership;
- To halt the continuing arrogation of power by the EC/EU;
- To prevent the UK from adopting the euro;
- To contribute as actively as possible to an informed public debate about the future of Europe;
- To liaise with like-minded organisations all over the world;
- To liaise with organisations affected by EC/EU action and policy.

Activities

- Addresses itself to the general public and to politicians, journalists, academics, students, economists, lawyers, businessmen, trade associations and the City;
- Organises meetings and conferences in the UK and in mainland Europe;
- Publishes newsletters, periodicals and other material and participates in radio and television broadcasts;
- Produces policy papers, pamphlets and briefs;
- Monitors EU developments and the evolution of public opinion and its impact on the political process in the EU.

THE FOUNDATION’S HISTORY: The Great College Street Group was formed in October 1992 in order to oppose the Maastricht Treaty. The Group, consisting of politicians, academics, businessmen, lawyers, and economists, provided comprehensive briefs in the campaign to win the arguments both in Parliament and in the country. The European Foundation was created by Bill Cash after the Maastricht debates. It exists to conduct a vigorous campaign in the UK and across Europe to reform the EC/EU into a community of free-trading, sovereign states. The Foundation continues to establish links with like-minded organisations across Europe and the world.

Subscription Rates & Donations

UK: Minimum £30; UK Senior Citizens & Students: £20.00; Europe excl. UK: £34; Rest of World: £38

Donations and subscriptions should be made payable to “The European Foundation”.

I enclose my annual subscription of £ _______ (minimum £30, Senior Citizens & Students £20.00) plus postage: UK nil, Europe £4, Outside Europe £8 made payable to “The European Foundation”.

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