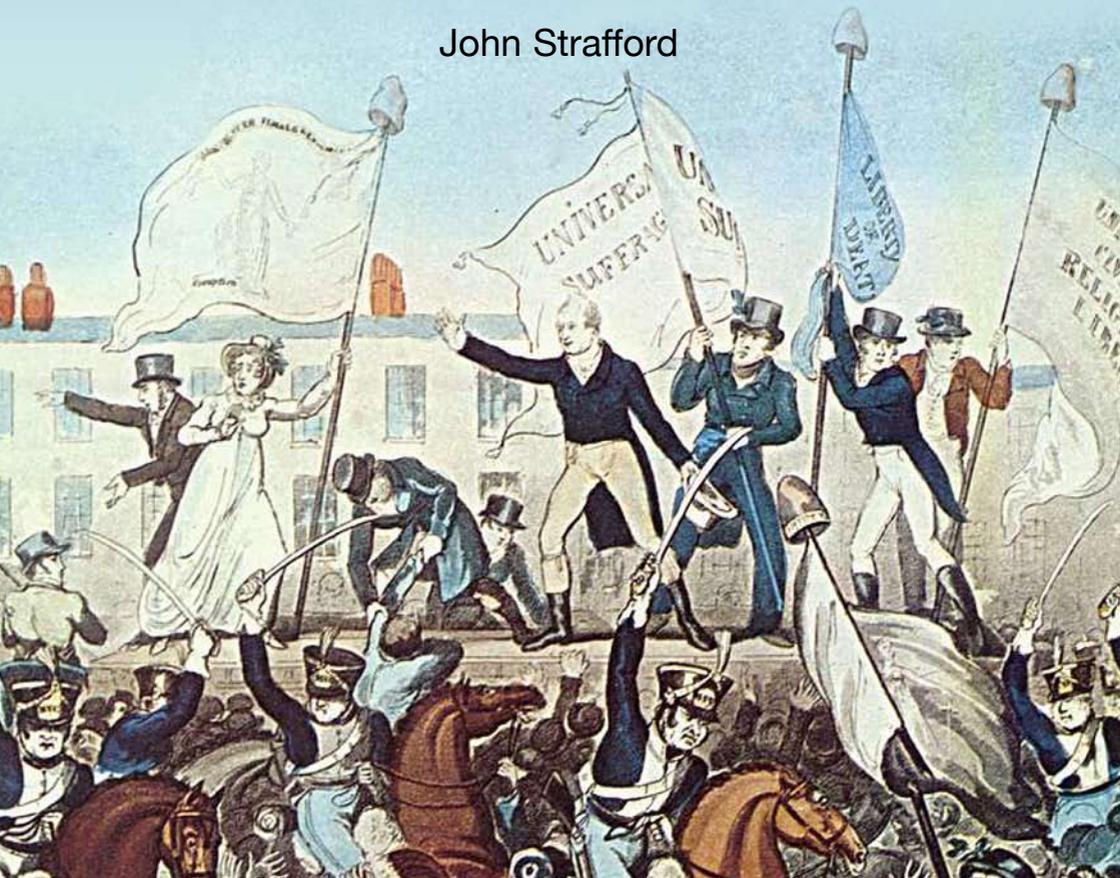


Our Fight for Democracy

The United Kingdom and
the European Union

John Strafford





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Front Cover: Peterloo Massacre by Richard Carlile



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About the Author

John Strafford served as a Councillor for the Royal Borough of Kensington and Chelsea from 1968 to 1974. After a career in business he retired in 2007.

John has made numerous TV and radio appearances including; *Newsnight*, *Today*, *World at One*, *World Tonight*, and *BBC News 24*.

In 1995 John Strafford formed the *Campaign for Conservative Democracy* and has been its Chairman ever since. The *Campaign for Conservative Democracy* is a group of members of the Conservative Party who believe that our democracy is under threat and we must, therefore, both defend and promote it, including within the Conservative Party. They campaign under the slogan of 'Conservative One Person One Vote'. They meet every two months at different venues around the country.

John's other interests include walking, gardening and reading history books.



Synopsis

In this paper, John Strafford, a campaigner for democracy, charts how Britain became entangled in the anti-democratic European Union. He also outlines the damage this has caused to our own self-government.

John argues that;

- The European Union dominates legislation in the United Kingdom. On the most conservative estimate over 65% of new legislation emanates from the EU.
- The European project was designed to take over the governance of the nation states and to create an unaccountable self-perpetuating oligarchy to rule without the inconvenience of democracy. It gave itself a façade of legitimacy by creating the European Parliament, but this Parliament is a sham.
- Those who have power had not been elected, and those who had been elected have no power. European elites are in danger of creating a profound moral and institutional crisis in Europe – a crisis of democracy.
- The European arena continues to be largely the domain of self-selecting political and commercial elites.
- The fundamental democratic flaws in the European Union are now so deep, and history shows that the Union exhibits no sign of wanting to change them. Perhaps the only solution if we wish to live in a democracy is for the United Kingdom to withdraw from this wholly undemocratic body. It is time for the people to decide.



Introduction

The European Union dominates legislation in the United Kingdom. On the most conservative estimate over 65% of legislation emanates from the EU. Does this mean that Britain has given up its sovereignty? “No”. Ultimately sovereignty rests with the people and if at any time the people decide that they no longer wish to be part of the European Union the United Kingdom can and should withdraw from it. But how did a proud nation with a long history of fighting for democracy ever get to a position whereby so much power has been given away to another institution outside the people’s control? The answer to this question can be found by looking at the history of the relationship of the United Kingdom with the European Union.

Britain’s Entry

The bureaucrats who put together the Treaty of Rome in 1956 as the foundation of a European union were at best uninterested and at worse downright hostile to extending democracy. The affairs of the new Union were blithely put in the charge of an appointed Commission, with a huge supporting bureaucracy far out of the reach of any electorate. When a European Parliament was grudgingly conceded much later, the powers of its elected members were crudely subordinated to those of the unelected Commission. The MEP’s power and authority went down almost as fast as their salaries and expenses went up. The European Parliament is still in effect, subservient to the unelected Commission. One result of this undemocratic structure was an almost continual Euro-corruption on a scale far more revolting even than anything that took place in the member states.¹

Having declined to join the European Economic Community on its formation in 1957 the Conservative government under Harold Macmillan decided during 1962 to enter into negotiations to join. The negotiations failed. In a

1 Foot, P. *The Vote* Penguin Group, London 2005 page 434



speech to the Labour Party conference on 3rd October 1962 the Leader of the Labour Party, Hugh Gaitskell, hastened the demise of the negotiations. He said;

'Of course, Mr. Macmillan has given a pledge in his broadcast. He said: "When we know the final position, then it will be for us here in Britain to decide what to do". For us here in Britain? Who does he mean? Does he mean the government? Or the Tory Party? Or the British people?

'We are now being told the British people are not capable of judging this issue – the government knows best; the top people are the only people who can understand it; it is too difficult for the rest. This is the classic argument of every tyranny in history. It begins as a refined intellectual argument, and it moves into a one-man dictatorship; "We know best" becomes "I know best". We did not win the political battles of the 19th and 20th centuries to have this reactionary nonsense thrust upon us again.

'Of course, they extend the argument now, "We must go in", they say, "not because the power of logic, of fact and conclusion suggest it is to our advantage; we must go in because the people who really understand it, the top people, all want it". They contradict themselves. If their minds are so arid that they can think of no other arguments, they are a long way down in the intellectual class. But what an odious piece of hypocritical, supercilious, arrogant rubbish is this!'

The Conservative Party won the General Election in 1970. The Conservative Manifesto *A Better Tomorrow* said;

"If we can negotiate the right terms, we believe that it would be in the long-term interest of the British people for Britain to join the European Economic Community, and that it would make a major contribution to both the prosperity and the security of our country. The opportunities are immense. Economic growth and a higher standard of living would result from having a larger market.



“But we must also recognise the obstacles. There would be short-term disadvantages in Britain going into the European Economic Community which must be weighed against the long-term benefits. Obviously there is a price we would not be prepared to pay. Only when we negotiate will it be possible to determine whether the balance is a fair one, and in the interests of Britain.

“Our sole commitment is to negotiate; no more, no less. As the negotiations proceed we will report regularly through Parliament to the country.

“A Conservative Government would not be prepared to recommend to Parliament, nor would Members of Parliament approve, a settlement which was unequal or unfair. In making this judgement, Ministers and Members will listen to the views of their constituents and have in mind, as is natural and legitimate, primarily the effect of entry upon the standard of living of the individual citizens whom they represent.”

The United Kingdom applied to join the European Economic Community (often called The Common Market) in 1971. The Prime Minister, Edward Heath, conducted the negotiations. The treaty committed the United Kingdom to comply with 13,000 pages of legislation already enacted and to comply with all future legislation passed by the European Communities. It also subordinated the UK's courts to a higher court in Europe against which there was no appeal.

Following the signing of the Treaty of Rome the government launched a huge propaganda exercise and in July 1971 published a white paper called *The United Kingdom and the European Communities*. A shortened version of this was sent to every household in the kingdom. The paper stated that;

“There is no question of Britain losing essential national sovereignty; what are proposed are a sharing and an enlargement of individual national sovereignties in the economic interest”.



Despite the ambiguous insertion of the word “essential”, the government was fully aware that signing the treaty would involve an immense diminution of Britain’s “sovereignty”. Among the documents, which came to light in 2001 under the 30-year rule, was a long confidential paper prepared for the Foreign Office in 1971 analysing “the implications for British sovereignty of entry into the European Communities”. This concluded that entry would result in very substantial restraints on Britain’s powers of self-government, and that over the years this would become ever more obvious. Presciently, the paper also predicted that people would become increasingly alienated from government as it became more bureaucratic and remote, with ever more decisions being taken in Brussels and ever more power being exercised by unelected officials. While recognising this, the paper’s chief concern was with how these “public anxieties” masquerading as concern for “loss of sovereignty” might be allayed. Various remedies were suggested, such as giving more power to the European Parliament, creating new mechanisms whereby Parliament could scrutinise Community legislation, and strengthening “regional democratic processes”. It was also suggested that these problems would only become fully evident many years into the future, possibly not until “the end of the century”.²

Under the Conservative Prime Minister, Edward Heath, the United Kingdom joined the European Economic Community on 1st January 1973. Support for membership had grown within the Conservative Party and most daily newspapers favoured entry. Within the Labour Party, however there was threatening opposition. In the House of Commons Harold Wilson opposed entry on the terms negotiated by the Government.

Our Constitution had been changed dramatically and yet the British people had no say in the matter. In spite of the Conservative manifesto saying, “*Our sole commitment is to negotiate; no more, no less*”, there was no referendum at which the people had been consulted.

2 Booker, C, North R. *The Great Deception*, Continuum, London 2003 page 144



The Loss of Self-Government

In January 1974 just before the following month's General Election, Enoch Powell MP resigned as the Conservative candidate for Wolverhampton Southwest. He voted Labour in the General Election and urged others to do the same. He made his position quite clear;

“This is the first and last election at which the British people will be given the opportunity to decide whether their country is to remain a democratic nation, governed by the will of its own electorate expressed in its own parliament, or whether it will become a province in a new European superstate under institutions which know nothing of political rights and liberties that we have long taken for granted.”

Powell's view struck a chord with the electorate. The swing to Labour in his old constituency was a massive sixteen per cent, the highest swing in the country. He later claimed that his intervention put the Labour Party into power.

It was not long after the second General Election of 1974 that the first case came before a British court testing where the superiority lay in determining the law.

On 22 November 1974, a piece of history was made in a British court, when for the first time a case had been decided entirely on the basis of the Treaty of Rome. Lord Denning had ruled in favour of a German company, which had demanded an English customer should settle his disputed bill in Deutschmarks. In a lower court the company had already been given judgement in Sterling, this being previously the only currency in which an English court could legally make an award. But the German firm had appealed because, by then, sterling had substantially devalued against the Mark. Finding for the plaintiff, Denning said;³

3 *Ibid*, page 173



“This is the first case in which we had actually to apply the Treaty of Rome in these courts. It shows great effect. It has brought about a fundamental change... It has already made us think about our own laws”.⁴

With Labour back in office after winning the General Election they faced what had now become a big political issue and one which more than any other in the post war period had clearly divided each major party and brought together politicians normally opposed to each other. Harold Wilson decided to tackle this situation by making two constitutional innovations – a referendum on whether to stay in, the result of which would be binding, and freedom of ministers to speak outside Parliament for or against EEC membership.

The referendum on the European Communities was held on 5th June 1975 and produced an overwhelming victory for the Party leaders and the press: 17,378,571 votes for Yes, 8,470,073 for No.

During the referendum campaign raising money proved to be no problem for the “Yes” campaign. The European Movement and Britain in Europe were to spend some £1,850,000 on the campaign; nearly 14 times more than the £133,000 available to the “No” camp”. This discrepancy was to lead later to reform in the conduct of referendums to make them fairer.

The referendum of 1975 gave every voter a chance to feel involved in the European decision, though it was a far from simple matter that they were being asked to decide upon in this first ever national referendum. Arguments against membership included concern over restrictions on decision making in Parliament, the remoteness of European institutions and the risks of creating inflexible bureaucracies. Supporters of the EEC argued that Britain would have greater political influence in defending its interests through taking part in the Council of Ministers and the European Parliament. The referendum had a turnout of 63%, of whom 67.2% voted in favour of continued membership.

4 Weekly Law Reports, 20th December 1974 issue page 823



On 28th May 1977, the Cabinet committee dealing with Common Market issues was told that the European Commission had successfully appealed to the European Court of Justice (ECJ) to have ruled “out of order” pig meat subsidies paid by the British government, and had instructed that the subsidies be stopped “forthwith”. Tony Benn was present at the meeting. He asked whether this was the first time that a European Court decision had been taken against the British government and was told it was. In his diaries, he continued;⁵

*“Then I asked what would be the political effect of this on the pig producers in the U K. John Silkin said it would mean in effect the destruction of our industry, the mass slaughtering of pigs and the abandonment of our processing plants in favour of the Danes... I wanted to be told explicitly – as I was – that I was a member of the first British government in history to be informed that it was behaving illegally by a court whose ruling you could not alter by changing the law in the House of Commons. It was a turning point...”*⁶

In 1977 the Liberal Party and the Labour Party formed a pact which lasted for eighteen months. Part of the pact was an agreement to hold direct elections for the European Parliament, members having hitherto been appointed. But when Labour MPs declined to back proportional representation for the European Elections, many Liberals, who had regarded this as the one tangible prize within their grasp, felt bitterly let down. There was now no prospect of continuing the pact into a third session of parliament in the autumn of 1978.⁷

In June 1979 direct elections to the European Parliament were held, with each country using its own method of election. The United Kingdom used First Past the Post. Previously this had been a nominated assembly, but over 170 million Europeans were able for the first time to vote in elections for the European Parliament.

5 Booker, C., North R. *The Great Deception*, Continuum, London 2003 page 180

6 Benn, T. *The Benn Diaries*, Random House, London 1995 page 417

7 Foot, P. *The Vote* Penguin Group, London 2005 page 210



The Leader of the Opposition Margaret Thatcher did not challenge the principle of direct elections. She worried about what power elected MEPs might get and their ultimate loyalty. Patronage and Party discipline would be much more difficult to be exercised against them. The Conservatives insisted that the elections be conducted under the First Past the Post electoral system, whilst the Labour Government preferred Proportional Representation. Margaret Thatcher, not for the first time, got her way.

The Conservative Party under Margaret Thatcher won the General Elections of 1979 and 1983. In the second half of 1986 Britain held the Presidency of the Council of Ministers. Margaret Thatcher wrote about the London meeting of the Council. It was notable:

“...for the emergence of M. Delors as a new kind of European Commission President – a major player in the game. I had a brief foretaste of this during the first evening’s dinner, when, to my surprise and unconcealed irritation, he used the discussion period before dinner to launch into a long speech about the parlous state in which the Community found itself as a result of the CAP (Common Agricultural Policy) and put forward a range of detailed suggestions. I replied that we should have been told this before: it was plain from what he said that the Community was broke... I reflected to myself that no one could have imagined a top British civil servant springing surprises on ministers in this way: it illustrated all too well what was wrong with the Commission – that it was composed of a new breed of unaccountable politicians.”⁸

During the 1980s it gradually began to dawn on the UK just what it was they had signed up to when they joined the Common Market in 1973.

To reduce the advantages exploited by the Spanish, and to safeguard the quotas for the domestic fishing fleet, the Government brought in what became the Merchant Shipping Act 1988, which altered the registration rules to require a far higher level of British involvement in the owners or managers of a ship fishing in what had been British waters. Factortame,

8 Thatcher, M. *The Downing Street Years*, Harper Collins, London 1992 page 558



an affected company, claimed that the 1988 Act was incompatible with European law. In June 1990 the House of Lords ruled in the company's favour and granted an injunction ignoring or "disapplying" the 1988 Act, even though it had been passed by the British Parliament. The ruling caused a sensation, leading Margaret Thatcher to claim that the decision "*was a novel and dangerous invasion by a Community institution of the sovereignty of the UK Parliament*".⁹

The European Communities Act (1972) required the domestic courts to adhere to the supremacy of European law. Effectively the British Parliament delegated law making in certain matters to an independent body over which it had no direct control or even a formal or informal relationship. It was able to do this on the grounds that it could repeal the Act of Parliament (the 1972 Act) that delegated the law making in the first place.

John Major took over from Margaret Thatcher as Prime Minister in 1990. He went on to win the General Election of 1992, but soon thereafter Europe began to dominate his Premiership. In September 1992 the United Kingdom dropped out of the Exchange Rate Mechanism which had been set up as an interim step towards creating the Single Currency.

Democracy and the EU

To many people it was now becoming clear just how undemocratic the European Union was. Power was split between three institutions, the Commission, the Council of Ministers and the European Parliament. The Commission was appointed by the President of the Commission on the basis of one member per country. It was unaccountable to the electorate. It alone set the agenda and put forward proposals for legislation. The Council of Ministers comprised of the Ministers of National Governments who had stood for election to national parliaments on national manifestos. There is no accountability for their European views. In addition the European

9 Riddell, P. *Parliament under Blair*, Politico Publishing, London 2000 page 25



Council, which consisted of the political leaders of each country exercised power when it met.

Not only did its meetings take place behind closed doors, without any public record of what was said or how ministers had voted (as was wryly observed, almost the only countries with a legislative process as secretive as that of the Community were Cuba, North Korea and Iraq). Equally relevant was that 80 percent of proposals, which came before the Council, were placed on what was known as the “A” list, as items the ministers themselves could not examine and which simply went through on the nod.¹⁰

By 1998, it was estimated that more than 3,000 meetings of the Council of Ministers took place at ministerial or official level each year, an average of 60 a week. In 2009 under the Swedish Presidency it is proposed to hold 60 meetings a day. In Britain there was; “The pretence that no minister could approve an item of legislation in the Council of Ministers unless it had been “scrutinised” in advance by Parliament.”

This scrutiny system had been set up under Heath in 1973, and on 24th October 1990 was formally confirmed by a Resolution of the House of Commons, laying down that “no Minister of the Crown should give agreement in the Council of Ministers to any proposal for European Community legislation which is still subject to scrutiny”.

In practise, however, this scrutiny by parliamentary committees appointed for the purpose was no more than an empty ritual. MPs had no influence whatever over what went on in the Council of Ministers. The 1990 Resolution was to be forlornly reprinted year after year in Common’s reports, recording innumerable instances where ministers approved items which had not been scrutinised, often because the MPs had not been supplied with the relevant documents in time.¹¹

10 Booker, C., North R. *The Great Deception*, Continuum, London 2003 page 295

11 *Ibid*, page 296



European Elections

In October 1998 the House of Lords voted for the Open List system of proportional representation for elections to the European Parliament. The Labour government wanted a Closed List. The Bill was then subjected to “Ping-Pong” between the Houses, until on 19th November the Lords refused to back down for a third time, and the Bill was lost. However the Leader of the House of Lords, Baroness Jay, told Peers that the Bill would be introduced in the next session of 1998-1999 under the Parliament Act. It had to achieve Royal Assent by mid-January 1999 in order for the new system to be implemented in time for the 1999 European Elections. The new Bill, identical to its predecessor passed all its Commons stages on 2nd December 1998. The Bill was then rejected outright by the House of Lords on 15th December and so in accordance with the Parliament Act became law in January 1999. The new regional Closed List system was used for the first time in the European Parliament elections of 1999.

Democracy was the loser in this episode. No longer did a voter have the right through their vote to be able to elect an individual to represent him or her, or to get rid of a representative he or she no longer wished to support. Now the only vote was effectively for a Party, and a candidate at the top of the Party list was almost certain to be elected no matter whether they were good, bad or indifferent.

The EU Constitution

By 2002 many people in Europe were becoming alienated from the European Union. The Union itself recognised this and realised that the European institutions would have to change to bring them closer to the people, so what did it do? In classic European style it appointed Giscard d’Estaing as President of the Convention on the Future of Europe and brought together a group of self-selected members of the European State. Instead of examining the roles of the European institutions to see whether



they were necessary or could be reformed they set about strengthening those very same institutions. In the end the people were ignored. The result announced in 2003 was a totally undemocratic Constitution for Europe.

In the world of “consensus” everyone must in the end be seen to be on the same side. When Giscard looked round that room in Brussels in June 2003, after 17 months of debate and discussion, he was allowed to sniff the air, without taking a vote, and to divine his “consensus” as to what had been agreed. What the convention had agreed to, what the entire “project” had over the years shown itself to be, with its almost pathological intolerance of any kind of dissent, was in effect a one-party state.¹²

The Times of 28th August 2002 analysed Britain’s response to the proposed constitution;

“It is at first denied that any radical new plan exists; it is then conceded that it exists but ministers swear blind that it is not even on the political agenda; it is then noted that it might well be on the agenda but is not a serious proposition; it is later conceded that it is a serious proposition, but that it will never be implemented; after that it is acknowledged that it will be implemented but in such a diluted form that it will make no difference to the lives of ordinary people; and at some point it is finally recognised that it has made such a difference, but it was always known that it would and voters were told so from the outset.”

As reported in the *Financial Times* of 14th June 2003 Giscard d’Estaing unveiled;

“... his (almost) final draft - it was Friday 13 June. The contentious Part III had yet to be produced, and it would have to wait until July. But the former French President held up the incomplete text and, trembling with emotion, declared, “This result is imperfect but it is more than could have been hoped. Instead of a half-formed Europe, we have a Europe with a legal identity, with a single currency, common justice, a Europe which is about to have its own defence.”

12 *Ibid*, page 444



One of the members of the Convention was the Labour MP Gisela Stuart. She wrote;

‘One of the most important tests of the powers of Member States must surely be their democratic right to decide whether to accept the proposed Constitution. And yet the final page of the draft text states: “If two years after the signature of the Treaty establishing the Constitution, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter will be referred to the European Council”. In this context the word “difficulties” is an odd one, implying that ratification is the norm and the expected response. A country not ratifying is not behaving normally or rationally and needs in some way to be helped, or more likely to be pressurised, to the right conclusion. Of course it is said that we can’t have one country (or perhaps several) holding things up. But this new Constitution repeals the Treaty of Rome and in that Treaty it is clear that repeal requires unanimity. It is not a matter of a country being difficult – that is what they all signed up to. It is the basis of the European Union.’¹³

In the end several countries decided to ratify the Constitution by putting it to the people in a referendum. The people of France and the Netherlands rejected it. This really put a spanner in the works. They could not be ignored, or could they?

Instead of accepting that the Constitution proposed was undemocratic; in 2007 it was brought forward again except that this time it was called the Treaty of Lisbon. France and the Netherlands did not have referendums on the new treaty, thus avoiding the will of the people. To date Lisbon has been ratified by 24 of the 27 countries in the European Union. To come into effect it has to be ratified by all member countries.

13 Stuart, G. *The Making of Europe's Constitution*, Fabian Society, London 2003 page 33



EU “Democracy” in action

Despite the fact that the Lisbon Treaty had not been ratified, the elections for the European Parliament in 2009 were held as though it had been. Under the treaty, the number of seats held by each country were changed with an increase of 18 seats overall from 736 to 754 members. The United Kingdom has an extra seat, Spain has four extra seats. Until the Treaty is ratified these extra seats are known as “Observer” seats. They were included in the election. The United Kingdom Observer seat is in the West Midlands and is held by Anthea McIntyre. These Observers will have all the rights, including salaries and expenses, of elected MEPs. The only difference is that they cannot vote. They are costing the taxpayers of Europe millions. The situation can only be described as bizarre, and illustrates the contempt that the European Union has for democracy and the rule of law.

The European Commission can only be dismissed en-bloc by the European Parliament and when allegations of fraud arose the entire Commission under Jacques Santer resigned, although many Commissioners including Neil Kinnock, were re-appointed under Romano Prodi.

The European Parliament also has the right to oppose the appointment of the Commission en-bloc. It did this in 2004. Individual Commissioners are not accountable.

It is the people that should determine how they are governed, not politicians and certainly not unelected politicians.

The European Commission, the Council of Ministers and in some cases the European Parliament can now make laws affecting the people of the United Kingdom which the UK has to accept, yet none of those bodies are democratically accountable to the British people. This is a bizarre arrangement, which is unsustainable in the long term in a democracy. At some point this arrangement will fail because the people will understand what has happened and demand their democratic rights. The European



Union now produces a tide of documentation affecting every aspect of our lives from the way we do business to the price we pay for our food.

In a parliamentary democracy like Britain, we expect our elected MPs at Westminster to hold the Government to account, and to influence the shape of its legislation. However, when it comes to EU legislation – which now accounts for far more than half of all new laws – our Parliament has no power to affect these decisions in any meaningful way.

When it comes to voting for Members of the European Parliament once again we see huge discrepancies between the values of a vote in the different Nations making up the European Union. Luxembourg has six MEPs for an electorate of 223,000; i.e. one MEP for every 37,167 electors. The United Kingdom has 73 MEPs for an electorate of 44,520,388; i.e. one MEP for every 609,868 electors. The value of a vote in Luxembourg is sixteen times higher than a vote in the United Kingdom.

The European project was designed to take over the governance of the nation states and to create an unaccountable self-perpetuating oligarchy to rule without the inconvenience of democracy. It gave itself a façade of legitimacy by creating the European Parliament, but this Parliament is a sham. Debate as we know it is unknown. Speakers are often given just 90 seconds to make their contribution. Inevitably these become nothing more than frothy sound bites. Voting is done electronically or by show of hands and it is not unknown for 300-400 votes to take place one after the other over a period of an hour and a half. Those voting often do not know what it is they are voting for, but just do what they are told by the Whips. The European Parliament never rejects a proposal. If it dislikes something it refers it back to the Commission.

Voting in the Parliament when done electronically, records how each member voted, but each electronic vote costs €400 and takes 30 seconds longer than a vote by a show of hands, so most votes are taken by a show of hands. When recently the result of a vote by a show of hands was questioned the response was *“sometimes the votes counted are too high*



and sometimes they are too low but on balance they cancel each other out.”
This is supposed to be a democracy!

The European Parliament purports to give democratic legitimacy to the European Union. In reality it is more like an Irish stew, with each country mixing in its own electoral rules for determining how the Members of the Parliament are elected. No other parliament operates with such diverse rules for the way in which it elects its members. It is clearly undemocratic, and this was recognised by the Treaty of Rome which set up the European Union. Article 38 of the Treaty calls for *“harmonisation of electoral procedures”*, but this has to be agreed by a unanimous vote of the European Council and a majority vote by the Parliament. It will never happen, the differences are too great. The only harmonisation that has taken place so far was an agreement in 1999 that elections be conducted on a proportional list system. So, how is the European Parliament elected?

Twenty one countries have national lists, so in these countries there is no concept of territorial/constituency representation. Nine countries, including the United Kingdom have closed lists, where effectively the voter can only vote for a party, and has no say whatsoever on the individual he or she wishes to represent them. Is it any surprise that the turnout in every election for the European Parliament has decreased from the previous election? In the first election of 1979 turnout was 61.99%. By 2009 it had fallen to 43%. Significantly the voter has recognised the undemocratic nature of the closed list. In those countries which operate such a system, in 2009 their turnout was 38.5%.

Members of the European Parliament in Great Britain are elected using the closed list form of proportional representation. Northern Ireland is treated differently from the rest of the United Kingdom. It has used the Single Transferable Vote system of proportional representation since 1979 to elect its three MEPs. It is extraordinary and certainly undemocratic that two different methods of election are used in the same election in the same country for the same Parliament.



Turnout in Northern Ireland has been higher than in Great Britain in every European election since they began in 1979. In Northern Ireland voters can choose between candidates and can be confident that their vote will not be wasted, either because their favourite candidate was elected easily or by backing a candidate who turned out to have little support, in which case their second vote would count.

The proof of the pudding is in the eating;

- The turnout in the elections for the European Parliament in 1999 was 23.1% in Great Britain as against 57.7% in Northern Ireland. In 2009 the turnout in Northern Ireland was 42.8% as against a turnout for the United Kingdom as a whole of 34.7%,
- The age at which an elector can vote in the European Election varies between 18 and 25 years of age. In Greece and Italy the age is 25,
- Six countries specifically discriminate in the compilation of their lists on the grounds of sex,
- Voting is compulsory in Belgium, Cyprus, Greece and Luxembourg,
- Some countries allow their National MPs to be MEPs, others ban them.

With all these different criteria for voting it will come as no surprise that when all the votes have been counted there are a range of different methods for allocating them in order to determine who should be an MEP. These methods include the Lague/Schepers, D'Hondt, Hare Niemeyer, de Droop, Saint Lague, Haganbach-Bishoff and others. What a pig's breakfast.

There is increasing use in the European Union of what is known as the "*trilogue*". The Council of Ministers, the Commission and the European Parliament get together in secret to agree legislation. This is done before the legislation goes to the European Parliament so that when it does appear there is already a sense of consensus. This is undemocratic.

Power in the European Union resides in the Commission and the Council of Ministers. The European Council is not legally obliged to take account of any



opinion or amendments, which the European Parliament proposes. There is no effective opposition in the structure of government in Europe. Power should rest in Parliament, but the Parliament has little if any legitimacy due to the way it is elected.

In his book *Democracy in Europe* Larry Siedentop said, “*It has famously been said of the EU that if it applied to join itself, it wouldn’t get in. The EU doesn’t meet the democratic criteria it demands of its members*”.

European elites are in danger of creating a profound moral and institutional crisis in Europe – a crisis of democracy, which may even call into question the identity of Europe.

The Council of Ministers is probably the most powerful body in the European Union and yet in practice it is the executive, rather than our own Parliament which interfaces with the EU in legislating in the Council of Ministers, and the executive rather than Parliament then makes regulations to transpose the directives into national laws. In some member states such as Denmark and Sweden, there is a legal obligation for Ministers to obtain parliamentary approval before exercising their vote in the Council of Ministers of the European Union.

The Council of Ministers meets in secret. It is totally unacceptable that in a democracy a legislative body should meet secretly. The European Commission has a peculiarly privileged position in that it has the right to propose new legal initiatives – and once adopted, European law trumps national sovereignty. This has enabled a strange kind of bureaucratic vanguardism to emerge, with the Commission self-consciously extending the reach of European integration free from the standard political oversight at the national level.

In their glass boxes the commissions, committees and sub-committees play an absurd billion-dollar bridge game. All are entirely without democratic legitimacy; those who had power had not been elected, and those who had been elected had no power.



The European Commission should be the civil service of Europe not a quasi government. By it having the right to propose new legal initiatives it sets the agenda for the direction it wishes Europe to move. New initiatives should emerge from the Council of Ministers or the European Parliament. The Commission should be there to serve the peoples of Europe, not to govern them.

Accountability and transparency are at the heart of good government. In 2003 Charter 88 published five democratic tests for Europe which asked about fair representation, means of participation, respect for the right of individuals, the accountability of institutions and the transparency of decision making. These are important. But for the voter the crucial question is “can I get rid of them if I don’t like what they are doing?”¹⁴

There are two fundamental questions regarding democracy and the European Union: -

1. Who is governing us and how are they accountable to the people?
2. How do the electors of Europe have a vote of equal value in the elections for the European parliament?

Whatever the constitutional models that are advanced; the development of the European Union requires a solution to its central political problem – the democratic deficit. Since 1997 the present Labour Government has added over 365 Acts of Parliament and over 32,000 Statutory Instruments to give effect to European Law in the United Kingdom. Where is the democratic accountability for all this legislation? In theory it should have been scrutinised by our national parliament but in reality most of it went through on the nod.

There is an absence of vision or any sense of connection between Brussels and the citizen, in spite of theoretical protestations about subsidiarity. The European arena continues to be largely the domain of self-selecting political and commercial elites, unconstrained by a shared public opinion or civic

14 *Ibid*, page 53



voice. Without reform there is the possibility that the European Union will self-destruct. The larger it becomes the more likely it is to fragment in a similar way to the USSR.

Fundamentally, the European Union is an undemocratic organisation. In a normal representative democracy individuals stand for election as part of a political party. The party publishes a manifesto showing what it would do in government. After the election the party with the largest number of seats in parliament forms a government. The government passes legislation in accordance with its manifesto and governs the country through the civil service. After five years there is another election and if the electors disapprove of the way the country has been governed they throw out the government and a new one is elected. The new parliament can then change or reverse any laws passed by the previous government.

How does the European Union fit into this template for democracy? It doesn't.

First of all the political parties do not form a government in the European Union. The main arm of government is the European Commission whose members are appointed and unaccountable to the electorate.

Secondly, it is the unelected European Commission which proposes legislation.

Thirdly, as the European Parliament cannot propose new legislation, the political parties that are standing in the election cannot say in their manifesto what they would do in government, because they will not be in government. Legislation proposed by the Commission has to be accepted by the Parliament, which has only limited powers to change it. Legislation, once passed, is very difficult to reverse as it becomes known as the *aquis communautaire* (law, which all member states must comply with).

When another election is called the electorate cannot throw out the government, because it did not elect it in the first place.



Conclusion

The United Kingdom and the European Union are at a crossroads if the people wish to live in a democracy. The choice is to move towards a United States of Europe with a democratic constitution, a legitimate aim, but one which no political party in the United Kingdom supports, or to withdraw from the European Union. The current position is unsustainable. History has shown us that the culture of the European Union is anti-democratic. The vested interests in maintaining the status quo are huge, not least in the European Parliament itself. The attitude it has shown in dealing with MEP's expenses illustrates that there is little appetite for reform. Transparency is a dirty word in Europe.

The fundamental democratic flaws in the European Union are now so deep, and history shows that the Union exhibits no sign of wanting to change them. Perhaps the only solution if we wish to live in a democracy is for the United Kingdom to withdraw from this wholly undemocratic body. It is time for the people to decide. Do they believe that the European Union will move towards a democratic United States of Europe and if so, do they want to be a part of it? The alternative is to withdraw. Let the people speak!

For more information on John Strafford's book *Our Fight for Democracy – A History of Democracy in the United Kingdom* visit www.historyofdemocracy.org.uk

THE BRUGES GROUP

The Bruges Group is an independent all-party think tank. Set up in February 1989, its aim was to promote the idea of a less centralised European structure than that emerging in Brussels. Its inspiration was Margaret Thatcher's Bruges speech in September 1988, in which she remarked that "We have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level...". The Bruges Group has had a major effect on public opinion and forged links with Members of Parliament as well as with similarly minded groups in other countries. The Bruges Group spearheads the intellectual battle against the notion of "ever-closer Union" in Europe. Through its ground-breaking publications and wide-ranging discussions it will continue its fight against further integration and, above all, against British involvement in a single European state.

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