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**NOTE DE TRANSMISSION**

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du: Secrétariat

à: La Convention

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**Objet: Contribution de MM. David Heathcoat-Amory, Jan Zahradil, Jens-Peter Bonde, Peter Skaarup, membres de la Convention, et de MM. Alexander Earl of Stockton, Francesco Speroni, William Abitbol, membres suppléants de la Convention:**  
**- "Une voix pour des millions de personnes"**

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Le secrétaire général de la Convention a reçu la contribution figurant en annexe à la présente note de MM. David Heathcoat-Amory, Jan Zahradil, Jens-Peter Bonde et Peter Skaarup, membres de la Convention, et de MM. Alexander Earl of Stockton, Francesco Speroni et William Abitbol, membres suppléants de la Convention.

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**A VOICE FOR MILLIONS**

An alternative model for the Future of Europe submitted by

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## A VOICE FOR MILLIONS: AN ALTERNATIVE ROUTE FOR THE CONVENTION

*Thought is not, like physical strength, dependent upon the number of its agents; nor can authors be counted like the troops that compose an army. On the contrary, the authority of a principle is often increased by the small number of men by whom it is expressed.*

*Alexis de Tocqueville, Democracy in America*

In a Single Market, the most precious commodity is freedom.

As contributors to the debate, we bear a precious diversity of views. One principle which we nevertheless share, is the recognition that Europe is made richer by variety. The framework of opt-out ‘variable geometry’, though some curse it as the bane of uniformity and bureaucratic regularity, is in reality this continent’s greatest treasure. By allowing nations to choose their own paths, we create through free association a political construct in which all may feel at home: a Europe of Many Circles.

Sadly, this vision does not seem to have featured prominently on the agenda of the Convention. This is all the more surprising, as blind harmonisation is the root of so much of the public’s ill-ease towards Brussels.

Many ordinary people within the EU describe it as interfering, elitist, alien, imperial, distant, pretentious, haughty, and undemocratic. This very distance from the citizen was why the Convention was first established at Laeken. But the Laeken mandate is simply not being addressed. Indeed, that mandate is instead being used as an excuse to pursue more of the same.

Like a Dark Ages doctor floundering for a cure, we continue to apply ever more leeches to an ailing patient.

Indeed, the Convention – which has such potential for greatness – resonates with many of the echoes of the failed establishments themselves. On present trends, it will be little understood, indeed noticed, by the public until all key proposals have already been made. Those few who have scanned its activities are already complaining of ethereal politics, where questioners and critics are vastly underrepresented, and some talk of a delegation of the enthralled. Many agree that there is no real debate – certainly, there is no voting – and compare it unfavourably with an Afghan loya jirga. Like the inner workings of the EU, it has become a shadowy X-File.

Such criticisms are harsh, but what is clear is that the Laeken mandate has been twisted into a fair where the continent’s future is being bartered rather than debated. Working Groups are established to justify the exchange of the unacceptable, where Qualified Majority Voting (QMV) is ceded by delegates in one domain, in return for a brief span of time where the pass is held in another. Such is merely a policy of scorched earth withdrawal.

This is precisely the way that the Community has evolved to date: an eternal shifting concession between integrationists (ever seeking more powers for the centre), and key national governments which would be thrown out of office by their people if ever seen to have delivered it. “Ever-closer union” has therefore become an occult treadmill.

The danger that results is that this Convention will deliver a krypto-integrated entity, one which will destroy the nation state and the authority of national parliaments, without acknowledging the need for any replacement. At least open federalists have thought this through: their huge leap, albeit overwhelmingly contrary to public opinion, would restore some structure, even if it is that of a feudal regime of regions owing loyalty to a more distant capital.

Instead, and there is still time to achieve this, the Convention must turn from how to integrate the EU further, to how to make the citizen feel at home.

**Pyongyang Politics.** We have to move away from the system where the system itself is almost sacrosanct, where debate is stifled, and where a “No” or a “Nej” expressed clearly by the people is held in contempt by authority. The shadowy method of decision-making, like the Augean stables, needs a flood of waters to sweep them clean. Some advances have been made to open up voting at the Council of Ministers, but the opacity of the Commission, the culture of secrecy in working documents, and the over 500 hidden working groups all need revolutionary reform.

**A Culture of Lobbying.** Companies are already advertising their services as agencies to mobilise street protest in Brussels. Many others are being paid by the EU, to lobby the EU in return. The left hand is paying the right to militate. We need to return decision-making from the subsidised sofa to the national MPs.

**Fantasy Legislation.** Far too frequently, lawmakers legislate for an entire continent in wilful ignorance of the disastrous local application of the law. Whether it is banning safe warm water discharge from whisky distillers (thus expelling established marine life from cold Scottish streams), rules on chocolate, double decker buses, or instructions on how to hold ladders, Brussels is seen as either a joke or a menace. In the case of legislation such as Artists’ Resale Rights (*droit de suite*), where a noble principle becomes a law designed to wreck an entire industry seemingly out of pique, the system becomes a tyrant. Either, the EU should not become involved in areas that are not transnational or do not affect the Single Market for another country, or if it does become involved, it should simply recommend. Uniformity is ridiculous across dozens of cultures and thirty degrees of latitude.

**Propaganda.** It is shameful that an entire Directorate General has long been established to sell this European ideal, and mirrored elsewhere within the Community’s structures. As the Convention has been able to witness at first hand, taxpayers’ monies fund material targeted at schools, pensioners, vulnerable groups, and universities. Considerable sums are already being sent to persuade the voters of Eastern Europe that one perception of the EU is more true than any other. Propaganda lines (which fall under the “B3” budget heading) must be shut down, and their projects transferred and supported through the Council of Europe. Debate is not fostered through indoctrination.

**Accountability.** Brussels is today a fossilised but brittle construct. Faced with the revelations by Bernard Connolly on how ERM rules have been casually twisted and broken; by Marta Andreasen and Paul van Buitenen on endemic fraud; and by Robert ‘Dougal’ Watt on organised crime and systematic cover up; the response has been to shoot the messenger rather than address the issues. Criticism of the institutions has even been compared by the ECJ as ‘akin to blasphemy’. Promised reforms have been stalled, and reformers within the system stifled. How can the public ever hope to have confidence in such a system? An external audit is long overdue, with the power to sack, and reform.

**Trappings of Statehood.** In many political corners, those who claim that the EU is gradually, through “ever-closer union”, accruing to itself the identity of statehood are derided. Some talk of a “federation of nation states”, as if such a dichotomy is physically possible. Politicians must be honest about their ambition for a form of federated structure, or wake up and realise what will come to pass through ever-increasing “pooling of powers”. Those who claim that no such aspirations exist might profitably review what the EU already possesses:

Passport; national identity; anthem; flag; taxes; police college; Supreme Court, and Court of First Instance; regional aid; universities; diplomats; Declaration of Human Rights (Charter); propaganda agency; Central Bank; diplomatic immunity; national holiday; R&D agency; patents office; patron saints (pending post-canonisation process of the Founding Fathers); designated army, navy and air force; police agency (Europol); external borders; president; military HQ; auditors; fraud agency; Cabinet; capital city (shared); development aid; Press training college; passport-free internal travel area; buildings with armed security (sniper rifles and SMGs); Fisheries waters; agriculture policy; budget; Parliament; Intelligence system (Schengen et al); independent civil service; Foreign Representative; currency; nuclear agency; constitution (presently, the Treaties); Ombudsman; libraries; embassies; viceroys; Zollverein; Oath of Allegiance; museum; classified document caveats; TV station; supremacy of Community law

etc.

European Law is now paramount, and a majority of national laws are now conceived and gestated in Brussels. We are close to a complete federal system, and the Convention appears set to deliver the framework. We are reminded of the old joke about the lost man asking for directions in the fields who is told, “If I were you, I wouldn’t be starting from here.” But there is still time – barely – to create a model that does not accept this federal or krypto-federal path. A frank diagnosis now will save much pain later.

**Freedom to leave, or to join.** Our Europe would permit states who want a freer link to take that step, without let or hindrance, and for countries who want to join to some slight or greater degree to do so too. But states which elect to remain outside the Community must be permitted to do so in peace, in friendly accommodation and fair and free trade. EFTA is one model; there are others. A more cooperative form of membership should be in a partnership of the willing, for trade, travel, study, living and working for common gain, and not a form of indentured servitude where some trade privileges follow if states blindly photocopy the rules made by others. “No, thank you,” is an expression that allows friendships to continue.

**Restoration of powers.** Many policies now run from Brussels have demonstrably failed when run as part of a collective. These must be repatriated. To this end, the Convention should debate which areas are best run by national or – where appropriate – regional assemblies. Fisheries is a prime example, and both CAP and development aid stand little chance of meaningful reform while collectivised. As a rule of thumb, matters which do not cross borders or affect the single market for other countries should be left for the local authorities to deal with. Brussels must become less of a government, and more of an arbiter.

**Boost national parliaments.** MPs should become the alpha and the omega of legislation, providing the initial stimulus for debate, and granting final authorisation (with suitable local modifications for implementation). MEPs should concentrate on the nitty gritty of the Second Reading, closely liaising with their national parliamentarians.

**Cooperation not Coercion.** Most Convention delegates can think of instances where the Council, through QMV, has outvoted their delegation on an issue they held important, and can recall the outcry back home that followed. How much better to remember that a veto is a right, not a privilege or an impediment. If a state does not want to be a participant, there is typically a good democratic or practical reason. Throwing ever more QMV into the hat will only worsen this deficit. Likewise, we must not be duped into believing that the present mania for “efficiency” means anything other than widening the gap in scrutiny, restraint and accountability. “Efficiency” is a codeword for centralisation, and an increased democratic deficit.

**More justice with the ECJ.** The Court of Justice is not better placed to arbitrate on matters of constitutional importance than bodies historically designated by national constitutions. To quote de Tocqueville, “It is still better to grant the power of changing the constitution of the peoples to men who represent (however imperfectly) the will of the people than to men who represent none but themselves”.

These are basic principles which would provide for a good and much-needed debate in the Convention, to lead to a round-table Europe for participation by the willing, not the condemned.

**To conclude**, experience has taught us that EU harmonisation will destroy those very things which have so contributed to the continent’s success over the centuries: personal freedom, and responsibility; accountability; variety; competition, independence; democracy; and cooperation by the willing for mutual benefit. In particular, it will wreck the potential competitiveness of the applicant states by forcing on them 40 years of bureaucracy without those four decades of growth to accommodate it. How many jobs have been created by those 97,000 pages of *acquis*? A truer basis for successful competition would be to let these economies simply get on with it, rather than introduce the germs of dependency. Eastern Europe has not thrown off the shackles of one ideological tyranny, to be encompassed now by paperclip chains.

More harmonisation of powers, more centralisation and more integration are not the answers the EU needs – nor are they even the answer to the question posed by Laeken. But the Convention yet holds within its palm the opportunity for real debate.

We applaud the work already undertaken by the *Democracy Forum* in pursuing this agenda, and we trust that its ultimate submission will find print in the Convention’s final texts, but the Convention can do better yet, and hold a designated debate on **Where Powers Should Lie**. Subsequently, the people for whom this Convention has been set up – the ordinary men and women of Europe themselves – should be permitted to express their opinions on these two very different alternatives through **a series of fair and free referenda**.

The European Community is an enterprise forged from the wreck of war. Unless we debate these simple truths today, we face the stern inevitability of making of it a harbinger of grave disputes to come.