

Address given by Jack Straw on the ratification of the Constitutional Treaty (London, 9 February 2005)

Caption: On 9 February 2005, Jack Straw, British Foreign Minister, outlines to the House of Commons the implications of the Treaty establishing a Constitution for Europe for the United Kingdom and for the European Union.

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Jack Straw, *EU Constitutional Treaty – A strong Britain in a reforming Europe* (9 February 2005)

Mr Speaker,

I beg to move that the Bill be read a second time.

This Bill has two linked purposes: to enable the UK to ratify the European Union Constitutional Treaty; and to decide that ratification can only happen if there is a positive vote in a UK referendum.

Before coming to the Bill itself, let me first put it in context and explain why this new Treaty is needed.

The EU's institutions and rules were designed some fifty years ago, for just six members. Since then, a succession of amendments in overlapping Treaties has been agreed by the EU's member nations.

But with the EU's biggest-ever enlargement last year taking its membership to 25, and with the prospect of future expansion, it was clear that these successive Treaties had to be consolidated and clarified. In addition, there was a need for reform of the EU to make it more effective, efficient and accountable.

When the first draft of the Treaty was produced by the Convention, I published a detailed White Paper setting out the changes which would be required by the Government if we were to sign up to the Treaty. Over the following 10 months of intensive negotiations, we achieved every one of our negotiating objectives – a success which was widely recognised across Europe. The French newspaper *Le Monde* called the new Treaty 'a British victory'. *Corriere della Sera* in Italy declared that 'the British won the day'. Laurent Fabius, leader of the French 'No' campaign, said that 'the British concept has won'.

These comments reflect the nature of the new EU Constitutional Treaty – a framework for our kind of Europe, which gives us a strong role in a Union of free and sovereign nations.

The new Treaty spells out in clearer terms than before that this is an organisation of freely-cooperating nations – free to decide where to work together, free to stop doing so if they agree that it no longer makes sense, and free to take, at any time, a sovereign decision to pull out of the EU entirely.

The Constitutional Treaty puts Europe's member nations firmly in control.

It replaces the current system of six-monthly rotating Presidencies of the European Council – the body in which the EU's member countries set the organisation's priorities – with a full-time Chair to ensure that it is we, the nations, who set the EU's agenda and get it implemented. This is a widely-supported reform – including by the new leader of the Conservative Party in the European Parliament – and the only opposition to it appears to have been led by just the then European Commission and the rest of the British Conservative Party.

The new Treaty slims down the size of the European Commission. It states that the EU's common foreign and security policy will remain fully under the control of Europe's nations, who can only agree a common approach when every one of them wishes to do so. One person, accountable to the EU's members and taking orders only from them, will implement this policy, replacing the disjointed system which we have today. The intergovernmental nature of the EU's foreign policy is reflected in the Bill, which has separate provisions for this area in its Part 2.

The new Treaty ensures that national Parliaments must ratify any future changes to the EU's arrangements. The Bill gives this statutory effect in Clause 2.

And, for the first time, the Treaty gives Parliaments the power to send draft EU legislation back for review if one-third of national Parliaments believe that the draft law infringes the principle that the EU should only act where it adds value – the so-called 'subsidiarity principle'. This is an important and welcome reform to

which the Bill gives further statutory effect. I have, in the Bill, added to the provisions of the Treaty, better to assist Parliament in this task. Under Clause 3, the relevant Minister will have a statutory duty to lodge a written statement with Parliament, certifying whether or not a given draft law, in the Government's view, complies with the subsidiarity principle.

The Treaty gives Europe a fairer and clearer voting system for taking decisions, giving the larger Member States relatively more power. It sets out arrangements known as 'enhanced co-operation' to allow groups of Member States within Europe to work together more closely in certain areas, without everyone having to take part. But it ensures that there is a level playing-field here – such co-operation is only allowed if it does not harm the interests of those nations not choosing to participate. Last year in fact this was a policy which the Leader of the Opposition appeared to favour.

On immigration, asylum and frontier controls, the new Treaty sets out effective provisions for working together across borders; but it gives Britain the choice to opt in to those measures in which we want to participate, and stay out of those where we don't.

The new Treaty extends the application of qualified majority voting in the EU in that and other areas, to ensure effective decision-making where it is in our interests. For it is majority voting which stops individual countries from blocking vital reforms such as those which we secured to the common agricultural policy in 2003.

Crucially, the new Treaty sets the limit on the EU's powers. For the first time, these are listed clearly. The powers of the EU are limited to those given freely by its Members. And, for the first time, there is a procedure to modify or reduce the exercise of the EU's powers.

The Treaty guarantees that the national veto is maintained on issues such as tax, social security, fundamental aspects of criminal law, the financing of the EU, Treaty changes, foreign policy and defence.

And, in incorporating the Charter of Fundamental Rights, the Treaty includes a consolidation of existing rights, freedoms and principles which limits the scope of the EU institutions. The Charter makes clear that the EU must respect the fundamental liberties of our citizens whenever it acts. But the Treaty itself spells out that the Charter is not and cannot be used as a source of new human rights in this country. The Attorney General well described the Charter last year as 'a brake, not an accelerator'.

The new Treaty thus fulfils every one of the commitments which I set out in the Government's White Paper in advance of the negotiations. All the institutional changes are beneficial to Britain and to the British people – a limit on the EU's powers, a better-managed EU, greater say for national governments and parliaments, flexible arrangements to allow some members to go at a different speed from others.

All are proposals for which, separately, the party opposite has called but, to which they now, incredibly, object. So, because of this, we have heard from them a litany of distortion and inaccuracy about what is in this text. So let me be clear what the new Treaty won't do. It does not change the UK's position with respect to joining the euro. It does not hand control of our borders, foreign policy or armed forces to the EU. It does not take away our seat at the United Nations; nor – perhaps the most absurd claim of all – does it replace the Queen as Head of State.

I can understand that the British public is concerned when they hear such claims about the new Treaty. But, as this discussion has gone on, so the myths and distortions have been exposed. And people can increasingly see the reality: that this is a Treaty which sets a stable, predictable and limiting framework for the European Union.

Let me now turn to the second purpose of this Bill: a referendum to take place in the UK – and in Gibraltar – to decide on ratification of the Constitutional Treaty.

These provisions fall under the general framework of the Political Parties, Elections and Referendums Act

2000.

The Bill sets out who will be entitled to vote in the referendum; the terms for any legal challenges to its result; and provisions on the conduct of the referendum. It includes the question to be posed, a simple and straightforward one: ‘should the United Kingdom approve the Treaty establishing a Constitution for the European Union?’ The Leader of the Opposition has said ‘we do accept the question’. And the Electoral Commission has now approved it.

In addition to the legislative provisions in 2000 Act, we will also be publishing and making available to the House guidance on Government Conduct which will apply throughout the referendum period. This will take account of the requirements of the Ministerial Code, the Civil Service Code, the Special Advisers’ Code of Conduct and guidance on the work of the Government Information Service.

This Bill presents a choice – whether to approve the new Constitutional Treaty.

It’s important to be clear about that choice.

If Parliament and the British people approve this Treaty, we will fix the framework for our kind of Europe – with the reforms which I have described.

But if we reject it, we are in unknown territory, weak and isolated in Europe.

We would have to go cap in hand to Brussels to ask our partners to start all over again – reopening negotiations in which we had secured such a good result. If we got any deal at all, it would be a worse not a better one, negotiated from a position of weakness, not of strength.

And the long-term effect would be Britain falling into a semi-detached position in Europe while others went ahead without us. We would be left without influence, out on the margins, and with no say in Europe’s future direction.

So the choice is this: strength for Britain, or isolation and weakness. It is either to endorse the reforms which we’ve secured, guaranteeing a strong Britain in our kind of Europe; or to reject this Treaty, and step into the unknown, with all of Britain’s power and prosperity in Europe at risk.

Yet the official opposition explicitly want to provoke just such a crisis in our relations with Europe. Indeed just as so many other nations are queuing up to join the EU, the party opposite are doing their level best to reject it.

Let us be clear. They say they want not only a rejection of this new Treaty, but to renegotiate the texts of the existing treaties as well.

At best, this is pure fantasy: most will see it as a deceit, for such an approach is literally undeliverable. It would require the agreement of every other of the EU’s 24 member states – not one of whom supports it. The Conservatives’ kind of Europe is what Lord Willoughby de Broke, a former Conservative peer, described thus: ‘like going to McDonald’s and ordering a lobster thermidor’ – simply ‘not on the menu’.

So we will no doubt hear again today from the party opposite not a reasoned argument against this Treaty, but what is, in fact, an argument against our continuing membership of the EU.

Moreover, the Conservative party’s policy on Europe reflects a deeply-felt pessimism – both about their own future and about the future of this country.

They say their policy is about sovereignty. But that policy could only represent an inexorable weakening of Britain’s power and influence. A castaway on a desert island is sovereign – but has no power.

By playing a strong role in the European Union, Britain strengthens the power of our nation. The alternative – offered by the party opposite – is exactly the isolation and weakness which would be so damaging to that power and to our prosperity.

If we in Britain want to enhance our power and influence in the world, to shape its global market in our interests and to protect the British people from global threats – if we want any of those things, then we must build strong alliances, not cut ourselves off.

Britain needs to be inside our largest market, shaping its rules – not outside.

British businesses and British jobs have benefited immensely from our membership of the EU: we should be building on that success, not putting it at risk.

Whether getting proper elections in Ukraine, or taking part in negotiations with Iran to suspend the processes which could produce fuel for a nuclear bomb, Britain is stronger when we work with others in Europe. We need to maintain that power, not put it at risk.

There is a clear patriotic case for this Constitutional Treaty: for a strong Britain in a reforming Europe, increasing our prosperity and our security, promoting our values, and enhancing our power.

As the debate continues in this House and in the country, I am confident that the patriotic argument for Europe will win against the narrow, pessimistic isolationism of the anti-Europeans.

And I say that because this is an argument about this country's future – about choosing to take our opportunities, to lead by engagement, and to work with others to increase Britain's prosperity and Britain's power.

I commend this Bill to the House.