

Brown must climb down on EU vote

He came, he saw and was seen, and he got along with President Bush, who found him a "warm, humorous man". Now come the difficult bits.

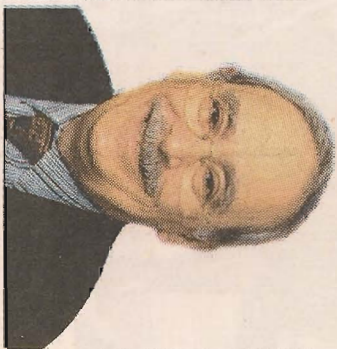
The first difficulty Gordon Brown faces is learning how to relax. He has the children to play with during the break, a charming and ever-attentive wife with whom to chat, and the usual pile of books awaiting consumption at a rate that most readers find daunting. So my guess is that, although it will be impossible for him to forget completely the burdens of his new office, he will find time for, er, fun – as he defines it.

The second difficulty is less easily handled. Brown has painted himself into a corner by insisting that he will not submit the new EU Constitution to a referendum. This has won applause in Nicolas Sarkozy's Elysee Palace and Angela Merkel's Chancellery, but represents perhaps the greatest threat to his ability to win the next election. It is not only that Brown's decision to bulldoze ratification through the Parliament will make most of the media line up against him – no matter how problematic they find the PR-dominated candidacy of David Cameron. It is that Brown will with one stroke undermine his reputation as a straight-talking, spin-free politician. (Never mind whether that reputation will survive careful scrutiny by historians of his performance as Chancellor; for

now, buttressed by the many sensible actions taken since he moved into Number 10, that reputation is intact.)

But not for long, not when the voters focus on the question of ratification of the treaty. Those who oppose the treaty as nothing more than the old, rejected constitution masquerading under a different name will most certainly weigh Brown's willingness to sign on against such other virtues as they might deem him to possess. And those who are indifferent to matters such as British sovereignty will have to decide the weight to accord to Brown's decision to walk away from his manifesto promise to give them a referendum on this question. Even those who favour the treaty are likely to wonder, at least a bit, whether its adoption through the back door bodes well for the future of the open, democratic, spin-free government that Brown has promised.

Of one thing there can be no mistake: the treaty that Tony Blair agreed to is in fact the European Constitution that was rejected by French and Dutch voters in plebiscites. The readers of this paper have already been treated to the confessions of the Europeans on this point, but a few are worth recalling. The Irish prime minister, Bertie Ahern, is relieved that "90 per cent of it [the failed constitutional] is still there"; the think tank Open Europe puts the figure at 96 per cent; Diego Lopez Garrido, Spain's Socialist



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parliamentary spokesman, gleefully puts it at 99 per cent, and José Zapatero, his prime minister agrees: "We have not let a single substantial point of the constitutional treaty go."

Germany's Angela Merkel is triumphant: "The substance of the constitution is preserved. That is a fact." And one diplomat, commenting on the decision to drop the title "foreign minister" in favour of "High Representative for Foreign Affairs and Security Policy", for whoever ends up representing the EU and, *de facto*, its members in the world's capitals and at the UN, put it this way: "If your name is Maria, you can call yourself Jane, but you will still do Maria's job."

Open Europe, the closest analyst of the new treaty, says that only 10 of the 250 proposals in that document differ from those in the

constitution. In short, the treaty is so close to the old constitution that for Brown to argue that his promise of a referendum is inoperative, to borrow a phrase that Nixon applied to his own commitments, is beyond disingenuous.

Brown disagrees. His office points out that the new treaty drops the idea of an EU flag and song. Whether that blessed achievement offsets the surrender of Britain's veto over transport, energy, space policy, science policy, sport and the annual budget, and a new mutual defence commitment among other things, is something he is reluctant to let the voters decide. Indeed, Open Europe reports that the Government is refusing to produce an official English translation of the text until some time during the recess. So much for open government, and the sovereignty of Parliament.

My guess is that, as the untenable nature of his position becomes clearer to the PM, he might well seek a dignified way to re-examine (climb down from) his unfortunate and hasty statements denying the necessity of a referendum. Fortunately, several are available.

One is to appoint a panel of distinguished, independent lawyers to advise him whether the differences between the original constitution and the new treaty are sufficient to make his pledge of a referendum inoperative. This has its risks: Chancellor Brown was

well known for appointing advisory groups that somehow

recommended precisely the policy (health and housing come to mind) he favoured. But his desire for ongoing credibility, in anticipation of a general election, and the ongoing scrutiny of a feral press, might preclude such behaviour.

Alternatively, there is a long road from the current agreement on the general contents of the treaty to October 18, when the heads of government will meet in Lisbon to give final approval to the full text of the treaty. There can be squabbles over the language developed by the EU foreign ministers who start work in Brussels on September 6, and it would not be unreasonable for the PM to find that the final text moves further in the direction of the old constitution than he and Blair expected when they signed on to the earlier draft.

Or Brown can stick to his guns, and refuse to give voters a chance to reject or approve a "treaty" that will enmesh Britain further in an EU whose currency he has rejected, which he has accused of being inward-looking and protectionist, which stuck a thumb in the eye of his cherished competition policy, and which will certainly place strains on Britain's special relationship with America when Britain finds itself bound to "mutual solidarity" with the EU in foreign affairs.

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