

Orders of the Day

European Union (Amendment) Bill

[Relevant document: The Third Report from the Foreign Affairs Committee, Session 2007-08, on Foreign Policy Aspects of the Lisbon Treaty (House of Commons Paper No. 120-I).]

Mr. Deputy Speaker (Sir Michael Lord): I must inform the House that Mr. Speaker has decided not to select the reasoned amendment standing in the name of the hon. Member for Glasgow, South-West (Mr. Davidson) and other hon. Members.

Order for Second Reading read.

5.18 pm

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): I beg to move, That the Bill be now read a Second Time.

The Bill will give effect in United Kingdom law to changes agreed last October at the European Council in Lisbon to the treaties establishing the European Communities and the European Union. The Government are convinced that Britain's membership and full engagement with the European Union is good for Britain and good for Europe; and we believe that the treaty is good for Britain and good for Europe, too.

The treaty is the fifth such treaty since the late Edward Heath negotiated the UK's entry to the EU in 1973. Lady Thatcher's Single European Act of 1986 set out the blueprint to complete the single market, provided for co-operation in foreign policy and created the concept of the convergence of economic and monetary policies. John Major's treaty of Maastricht in 1992 created economic and monetary union, the common foreign and security policy, and co-operation on justice and home affairs. Tony Blair's 1997 treaty of Amsterdam streamlined decision making and added provisions on social policy and employment, while the treaty of Nice in 2001 adjusted the EU's institutions to pave the way for enlargement. As I will describe, the treaty will improve the way in which the EU works. It will adapt the EU's institutions to a Union of 27, and ensure that the voice of Europe's nations is heard more loudly in foreign policy. It brings national Parliaments into day-to-day decision making to strengthen subsidiarity and focuses the EU on the big external challenges from climate change to migration.

Mr. John Redwood (Wokingham) (Con): Will the Foreign Secretary give way?

David Miliband: Just let me set out my argument.

This treaty is unique, however, in one regard. It marks the end of a process of institutional reform. That process has gone on too long and taken too much energy, but, if this treaty is ratified around Europe, it will be well and truly over— *[Interruption.]* Hon. Members ask me to prove it. If they will wait one second while I finish this paragraph, I will do so. As the preamble of the treaty says, its purpose is to complete—to finish and to stop—the institutional reform process started by the Amsterdam and Nice treaties. The European Council concluded in December that the amending treaty

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“provides the Union with a stable and lasting institutional framework. We expect no change in the foreseeable future”.

Richard Lambert of the CBI said on 22 November that

“the tide of Euro federalism has turned decisively”.

[*Laughter.*] Opposition Members can mock the director general of the CBI if they wish; we take his views seriously.

Mr. Redwood: Why will the Secretary of State not give us a referendum, given that his party promised one and that all the powers that we worried would be transferred under the constitution are now being needlessly and recklessly given away in this document?

David Miliband: For the same reason that the right hon. Gentleman voted against a referendum on the Maastricht treaty in 1992—namely, that we are a parliamentary democracy and this is an amending treaty.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The Foreign Secretary might find himself alone in holding that point of view. May I ask him a simple question? He cited the preamble as though it had the effect of the treaty. Is it not true, however, that in all European legislation a preamble is clearly understood not to have legal status?

David Miliband: There is a political commitment from every single leader of the European Union that, for the foreseeable future, there will be no more institutional change. That is a widespread view.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Will the Foreign Secretary now cut to the chase and spell out the specific transfers of power in the original constitution that, in the Government’s opinion, justified a referendum, but which are not in this treaty—thus, in the Government’s view, nullifying their promise to hold a referendum? Will he spell out those specific powers?

David Miliband: The right hon. Gentleman will get details of specific powers and of how this is a different treaty in structure, in content and in consequence. It has more similarity to the Maastricht treaty and other treaties.

Mr. Frank Field (Birkenhead) (Lab): A number of Committees of this House have reported that there is no substantial difference between what was the constitution and is now the treaty. Apart from those other Governments who do not want to face their electorates to test their views, what bodies of equivalent standing do our Government have on their side saying that this is a treaty and not a constitution?

David Miliband: I take my right hon. Friend’s position on this matter very seriously. If he looks at the minutes of the meetings of the Committees that he refers to, he will see that they have voted decisively on many occasions against having a referendum. The Foreign Affairs Committee and the European Scrutiny Committee have both voted against a referendum. In

respect of my right hon. Friend's question about other authorities, I am happy to cite independent legal authorities, including the Dutch Council of State, and independent investigations from other countries, some of which are governmental,

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and some of which are not. The issue at hand here is whether this treaty constitutes fundamental constitutional change, and my case to the House tonight is that it does not.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The specialist Committees that reported and did not mention whether there should be a referendum did not do so because it was not within their remit. On a more specific point, the Foreign Secretary has said on a number of occasions that this treaty will bring an end to institutional changes. Does he really mean that the new treaty, if accepted, would no longer require national Parliaments to be involved in such procedures because it allows self-amending mechanisms, which would mean that we would no longer have a say on certain things?

David Miliband: Not at all. As my hon. Friend knows, the increased role of national parliaments is an important feature of this treaty.

Several hon. Members *rose* —

David Miliband: Let me make some progress.

Left of centre parties in all 27 European countries support the treaty; liberal parties—as well as social democratic and socialist parties—in all 27 countries support the treaty; and conservative parties in 26 countries support the treaty. Only in Britain do we have a major party opposed to the contents of the treaty. The National Society for the Prevention of Cruelty to Children has pledged its support for the provisions in the treaty— *[Interruption.]* Let me make the point.

Several hon. Members *rose* —

David Miliband: No, I am going to make the point. The NSPCC pledged its support, as have One World Action, Action Aid and Oxfam— *[Interruption.]* I will give way in due course— *[Interruption.]*

Mr. Deputy Speaker: Order. These are very serious matters and I am sure that the House will bear that in mind as we continue this debate. The Secretary of State is clearly not giving way for the time being and he will no doubt indicate clearly when he is prepared to do so.

David Miliband: As I was saying, One World Action, Action Aid and Oxfam have announced their support for the measures on development co-operation. Voluntary sector leaders have said that the treaty strengthens the voice of civil society.

Several hon. Members *rose* —

David Miliband: I will give way to right hon. and hon. Members after I have made my point.

Environmental organisations support the treaty provisions on sustainable development and even the commission of bishops supports the treaty. This is a coalition not of ideology, but integrity; not of federalism in Europe, but of realism about the modern world. Only in Britain

does one of the two main parties place itself outside that coalition and actually oppose the contents of the treaty root and branch.

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Several hon. Members *rose* —

David Miliband: I am happy to give way to the former Secretary of State, the right hon. Member for Suffolk, Coastal (Mr. Gummer).

Mr. John Gummer (Suffolk, Coastal) (Con): Would not the Government be in a much stronger position to defend a treaty to which many of us find no objection in general if they had not promised a referendum, yet are now denying it? Is not the real issue that people in Britain who favour the treaty believe that the Government have gone back on their word?

David Miliband: The real issue is the content of the treaty; and in its structure and consequence, as well as its content, it is different from the constitution and does not meet the bar of whether it constitutes fundamental constitutional change.

Rev. Ian Paisley (North Antrim) (DUP): May I ask the Foreign Secretary to answer one simple question? He has listed many people who are for this treaty, but the Governments of Scotland and of Northern Ireland are not for it. Surely they should be listened to in this united Parliament.

David Miliband: Every right hon. and hon. Member should be listened to on this issue in this Parliament. This is the United Kingdom Parliament and it is the United Kingdom that negotiates on treaty matters.

Tom Levitt (High Peak) (Lab): My right hon. Friend was absolutely right to point out that voluntary organisations support the treaty. Is it not the case that with this treaty comes a recognition for the first time of the relationship between European institutions and civil society across Europe, in that article 8 provides new opportunities to build on the work we are doing to empower civil society in this country, enabling us to work towards the European compact for civil society?

David Miliband: My hon. Friend makes an important point, which speaks directly to the fact that this treaty brings practical benefits.

Several hon. Members *rose* —

David Miliband: I happily give way to a former Minister for Europe.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): When all the politics is cut aside, is it not clear that the main difference between the constitution and this treaty, which has been recognised by other EU countries, is that the constitution brought together previous treaties and bound them as a document, which would then have been amendable as the constitution of the EU; whereas this treaty is in exactly the same legal position as previous treaties such as Amsterdam and Nice and has much less of a radical impact than the Maastricht treaty?

David Miliband: When I say, as my hon. Friend does, that the treaty is different in structure, it is because the proposed constitution was legally unprecedented: it abolished all previous European treaties and refounded

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the European Union. This treaty, like the four previous treaties, amends the original founding document of the European Union.

Philip Davies (Shipley) (Con): If this treaty is such a marvellous thing for this country, why will the Secretary of State not have the courage of his convictions and put it to the British people? Does he think that the British public are too thick to understand its benefits, or is he just scared of being rumbled, because they know that it gives away so many powers to the European Union?

David Miliband: We have heard the authentic voice of the modern Tory party. The hon. Gentleman is a leading member of the Better Off Out campaign, and we know what it wants: to get us out of the European Union totally.

Several hon. Members *rose* —

David Miliband: I shall give way for the last time to the former Foreign Secretary.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): The right hon. Gentleman has said now on two occasions that the only basis for a referendum would be that fundamental constitutional changes were proposed. He must be aware that when the former Prime Minister Tony Blair announced a referendum in 2004, at no time did he cite as the basis for his decision the fact that what was before us was a constitution. He said to the House that when Parliament had discussed the matter, we should let the people have their say. If the Foreign Secretary is resting on the opinion of the bench of bishops and the NSPCC, is it not also appropriate that the people have their say?

David Miliband: The former Prime Minister addressed the matter directly in his statement from the Dispatch Box, when he said that the constitution did not constitute fundamental constitutional change. A bit like the hon. Member for Shipley (Philip Davies), he had the idea that we should “clear the air”. No doubt historians will debate the wisdom or otherwise of that for many years to come. There was absolute clarity, however, that the constitution did not constitute fundamental constitutional change.

Several hon. Members *rose* —

David Miliband: I must make progress, but I shall try to give way to right hon. and hon. Members in due course.

The wide coalition behind the treaty is relevant. The Leader of the Opposition said in 2007 that he wanted to

“create a flexible Europe by building alliances with those who share our interests and our ideas”.

Where does that stand now? We know the truth. His crusade against the treaty is a shared project with Sinn Fein, assorted fringe communist parties and the Dutch Animals party. That is the extent of the shared interests.

The Leader of the Opposition is not leading his party to government, or building an alliance of shared

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interests. He is leading it into the wilderness, to follow the hon. Member for Stone (Mr. Cash).

Several hon. Members *rose* —

David Miliband: I will make some progress. *[Interruption.]*

Mr. Deputy Speaker: Order.

Sir Patrick Cormack (South Staffordshire) (Con): On a point of order, Mr. Deputy Speaker. In view of the contempt with which the Foreign Secretary is treating the House with this appalling speech, will you adjourn the House so that he can go and write a proper one?

Mr. Deputy Speaker: The House will understand if I say that that is a matter for debate rather than a matter for the Chair.

David Miliband: Let me go through the clauses of the Bill. *[Interruption.]* I will be happy to give way later.

Clause 1 defines the Lisbon treaty. Clause 2 amends the European Communities Act 1972, which gives EU treaties legal effect in the UK, to include the Lisbon treaty. We gave effect to the four previous treaties governing our role in the European Union in exactly the same way.

Mr. William Cash (Stone) (Con): Will the Secretary of State give way?

David Miliband: No, I will be happy to give way to the hon. Gentleman later.

Clause 3 clarifies the terminology relating to the European Union. Clause 4 provides for consequential changes in the European Parliament. Clause 5 provides that no future amending treaty is to be ratified by the United Kingdom unless it has been approved by an Act of Parliament. Clause 6, for the first time, gives Parliament the power to veto amending measures, covering any move to qualified majority voting, co-decision and the so-called simplified revision procedure—the point raised by my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart), and which I want to cover. The so-called passerelles are provisions in the treaty allowing for amendment without an intergovernmental conference. They have been around since Margaret Thatcher's Single European Act. It is not just the case that changes can come into force only if they are agreed by all Governments; this is the first time that Parliament has been given power to veto their use.

Clause 7 is the short title of the Bill. Clause 8 provides for the commencement of its provisions. That creates, as requested by both Select Committees, a parliamentary hook for an amendment calling for a referendum on the treaty and a debate and vote in the House on the issue.

Today's debate provides an opportunity to discuss the principles and content of the Bill and the treaty, and it is to the details of the treaty that I now wish to turn.

Several hon. Members *rose* —

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David Miliband: I said that I would give way to the hon. Member for Stone, and I am happy to do so.

Mr. Cash: The Foreign Secretary says that there is no fundamental change. How can he claim that there is no fundamental change in the structure of the United Kingdom in relation to the European Union by virtue of the Bill and this treaty? It is absolutely clear from the Government's own statement that there is a merger of the existing treaties, the abolition of the European Community in favour of a European Union and a legal personality, and that the structure of the relationship between the United Kingdom and the European Union is absolutely and totally changed by virtue of these proposals.

David Miliband: There is simply no credibility in the suggestion that with the continued separate treaty for foreign policy, this treaty abolishes the United Kingdom's ability to be a sovereign country. I can tell the hon. Gentleman—and I will go through this in detail—that in structure, in content and in consequence, it is certainly not a bigger change in the relationship between Britain and the European Union than was Maastricht or the Single European Act.

Gordon Banks (Ochil and South Perthshire) (Lab): A moment ago, the Foreign Secretary mentioned the changes to qualified majority voting in the treaty. Will he tell us whether he considers those changes to be in the United Kingdom's national interests?

David Miliband: I certainly will. In respect of development, energy liberalisation and development aid, this is precisely the sort of change that we need in order to get things done in the European Union. It is in the British national interest, rather than contrary to it.

Mr. John Maples (Stratford-on-Avon) (Con): Will the Foreign Secretary give way?

David Miliband: I will give way to the former foreign affairs spokesman.

Mr. Maples: The question in which people are interested is whether there should be a referendum or not. The only excuse that the Foreign Secretary and the Government have for not holding a referendum is that this treaty is in some way fundamentally different from the constitution. However, a report by the European Scrutiny Committee stated

“The Reform Treaty”

—this one—

“will introduce into the existing Treaties all the ‘innovations’”

that were in the constitution apart from the symbols, referring, I think, to the flag and the “Ode to Joy”. Was the Scrutiny Committee wrong? If it was not, the Foreign Secretary is not being straight with the House.

David Miliband: The hon. Gentleman has quoted a very partial part— *[Interruption.]* The European Scrutiny Committee did not say that it was only in the matter of symbols that there were differences. In terms of structure, content and consequences, this is a fundamentally different treaty, and it certainly does not meet the bar of fundamental constitutional reform.

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Bob Spink (Castle Point) (Con): May I give the Foreign Secretary a quotation that he may recognise? It comes from the architect of the European Union constitution, Giscard d’Estaing, who said:

“I have compared the new Treaty with the Constitution on the ‘nine essential points’. To tell the truth, to my great satisfaction, these nine points reappear word for word in the new Treaty. Not a comma has changed.”

Was d’Estaing telling lies when he said that?

David Miliband: Listen to what Giscard d’Estaing—the same former president—said five days ago. He said:

“The request for a referendum is not justified, as this is a different text”

from the constitutional treaty. There is no way in which to pray in aid Mr. Giscard d’Estaing.

Mr. Kenneth Clarke (Rushcliffe) (Con): Does the Foreign Secretary not accept that he could save himself all this theological nonsense of trying to claim that the present treaty is different from the former treaty if he would accept that his own genuine view is that the last Prime Minister made a mistake when he came along and told us all, to our complete surprise, that he was going to have a referendum on the treaty that he then had? The then Prime Minister did not really believe in referendums on such subjects, and I am sure that the present Foreign Secretary was as amazed as I was to hear the Prime Minister’s statement. If he would only admit that the referendum should never have been offered in the first place, he could save himself this arcane and ridiculous argument, rather than trying to demonstrate that this is a different document, in fundamental terms, from the one that we had before.

David Miliband: As one who was a junior Minister toiling in the Department for Education and Skills at the time, I can certainly confirm that it came as a surprise and a shock to me to learn of the new decision. I certainly agree that there was no way on the basis of its constitutional significance that it merited the decision that was taken.

Mr. David Blunkett (Sheffield, Brightside) (Lab): Does my right hon. Friend accept that the European Scrutiny Committee report and the original words that Giscard d’Estaing issued did not—as the current Committee has recently reflected—take into account the fact that the opt-outs and protocols have made a significant difference to the decisions that we in this

House take on the treaty compared with the 26 other European countries who are seeking to ratify it?

David Miliband: My right hon. Friend makes an important point. This is a different treaty for Britain than it is for other countries in Europe. That is why Giscard d'Estaing talks about the “special status” of the treaty in the United Kingdom.

I shall now make some progress, but I may well give way later, depending on how far we get.

Mr. David Heathcoat-Amory (Wells) (Con) *rose—*

David Miliband: I shall certainly try to bring in the right hon. Gentleman later.

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The Government want Europe's nations to set a clearer and more consistent course for the European Union. The treaty will bring in a full-time president of the European Council, ending the six-monthly merry-go-round of the changing presidency, which has too often meant a lack of consistency and follow-through. The president will be appointed by Heads of Government and be accountable to Heads of Government, and it will continue to be the EU's national leaders, not the president of the Council, who takes final decisions.

The Government believe that security and prosperity within the EU demand more purposeful action beyond Europe's borders. The answer is not to undermine the foreign policy prerogatives of nation states—and, as the Foreign Affairs Committee states very clearly, that is not the consequence of the Lisbon treaty. The treaty ensures that the decisions of the 27 EU nations, when we all agree, will be carried forward in a more coherent way by the appointment by member states of a single Commissioner, rather than two as at present.

Mr. Heathcoat-Amory *rose—*

David Miliband: I will give way to the right hon. Gentleman when I reach the end of this section of my speech.

The Government want to ensure that as the EU enlarges the treaty reduces what has become a large and unwieldy Commission, reducing the number of Commissioners from 27 to 18.

The Government believe that national Parliaments should play a bigger role in European affairs, as I described earlier. In addition to the measures I described, for the first time national Parliaments will have a direct say in the EU's law-making procedures on a day-to-day basis. National Parliaments will now be able to challenge a proposal if, for example, they decide it affects an area they believe is a matter not for the EU but for individual member countries.

Several hon. Members *rose —*

David Miliband: I shall give way to Members when I reach the end of this section, and I shall start with the right hon. Member for Wells (Mr. Heathcoat-Amory), who serves on the Foreign Affairs Committee.

The Government also believe that Europe needs to reform its voting system to take account of enlargement. The treaty finally does that. In future, population size as well as the number of states is important to decision making. That will raise the proportion of votes in UK hands from 8 to 12 per cent.

Furthermore—and to pick up on an earlier point—let me set out the facts on qualified majority voting. Sixteen of the changes either do not apply to the UK or apply only if we agree, because they concern economic and monetary union, of which we are not a part, or justice and home affairs, on which we have the ability to opt in or out. *[Interruption.]* For as long as necessary: as I shall explain in detail, we will have the right to choose on all justice and home affairs measures.

Fourteen of the QMV changes are purely procedural; for example, they address how we appoint members of

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the EU's Economic and Social Committee, or provisions relating to the effect of the past division of Germany. In 20 areas, the changes offer faster decision making where that is in the UK's interests, such as on energy liberalisation, where the chairmen of Centrica and the National Grid Company have said that the Lisbon treaty

“will be a way of circumventing cases of protectionism”;

on aid to disaster zones, where representatives of 350 development non-government organisations have said that the treaty can

“deliver a stronger poverty focus and greater coherence in”

the EU's

“development and humanitarian work”;

and on strengthening the EU's research and innovation capability, which will be of benefit to UK universities and research institutes.

I am now happy to give way to the right hon. Member for Wells.

Mr. Heathcoat-Amory: I thank the Foreign Secretary for doing so. Since he has dismissed the European Scrutiny Committee conclusion that the current treaty is substantially the same as the constitution, does he also dismiss the conclusion of the Foreign Affairs Committee published this morning

“that there is no material difference between the provisions on foreign affairs in the Constitutional Treaty which the Government made subject to approval in a referendum and those in the Lisbon Treaty on which a referendum is being denied”?

Was that Labour-dominated Committee also wrong?

David Miliband: The Chairman of the European Scrutiny Committee is present, so he will be able to confirm that it said that the treaty was not substantially different for those countries without the protocols and opt-outs that we have secured. The quotation that the right hon.

Member for Wells has given is a totally partial representation of what that Committee concluded.

Several hon. Members *rose* —

David Miliband: I have addressed one point. The right hon. Gentleman asked me two questions, so I want to address the second one and then we will be able to address others.

The Foreign Affairs Committee report confirms that the Government's red line of foreign policy being an intergovernmental area remains intact.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): Agreed by him too.

David Miliband: That was agreed by the right hon. Gentleman, who voted against a referendum on Maastricht as deputy Chief Whip at the time. The FAC says that the role of the high representative for the common foreign and security policy is a valuable contribution and it dismisses the allegations that we will lose our rights at the Security Council as nonsense. I say to all hon. Members that they should read what the FAC has said, rather than what it is alleged to have said.

Rob Marris (Wolverhampton, South-West) (Lab): Does my right hon. Friend share my surprise that those who demand a referendum as a cover for their wish to

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withdraw from the European Union never seem to mention the provisions in this treaty, which include provision for competences to be transferred back to member states from the EU and the introduction of a procedure for managing the withdrawal of a member state from the EU? Those are just the sorts of things one would expect those against UK membership of the EU to support.

David Miliband: In keeping with his reputation in this House, my hon. Friend has read the details of the treaty and he understands the fact that it indeed does the things that he says it does.

Mr. Andrew Robathan (Blaby) (Con) *rose*—

David Miliband: The hon. Gentleman has been trying to get in for some time, so it is only fair that I give way.

Mr. Robathan: The Foreign Secretary is doing a good job of saying that black is white in a rant of propaganda that would be worthy of Goebbels.

Mr. Deputy Speaker: Order. Even though these are extremely serious matters, we should temper our language when we make contributions to the debate. I think that, on reflection, the hon. Gentleman ought to withdraw that particular remark.

Mr. Robathan: I will certainly withdraw it, although I must say that my mother lost her first husband in the second world war.

Mr. Deputy Speaker: Order. May I say to both sides of the House that hon. Members should treat each other with some courtesy and the House with respect? If one withdraws a remark, there is no need to qualify it after that.

Mr. Robathan: My point was that the Foreign Secretary and all the hon. Members sitting behind him must go back to their constituents at election time. They told their constituents at the previous election that they could have a vote on the constitution. This is the same as the constitution—black is not white—so how will they face their constituents? What will they say next time round?

David Miliband: It is through the elections to this House that people will be able to decide their view on the different stances that different hon. Members take. One thing that we should be able to agree upon above all others is that if the European Union has contributed to anything over the past 50 or 60 years it is to the prevention of war in Europe. I hope that the hon. Gentleman will believe, on reflection, that the language and the imagery that he has conjured up are not worthy of him.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): History, if nothing else, teaches us of the importance of a united Europe. Does my right hon. Friend agree that the position outlined by many hon. Members today betrays an isolationist position that risks damaging this country both politically and economically?

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David Miliband: My hon. Friend raises an important point about the priorities that should confront us. Those are not about institutional change but are about dealing with the major issues that the European Union should be addressing—

Daniel Kawczynski (Shrewsbury and Atcham) (Con) *rose—*

David Miliband: I shall make some progress and then, as always, I shall come back to the hon. Gentleman in due course. His relationship with me goes back to his time as advocate for the milk industry, and I hope that he will be patient.

I want to deal with the four red lines that the Government insisted were at the heart of our negotiating approach. In respect of tax and social security, the right hon. Member for Richmond, Yorks (Mr. Hague), who speaks for the Conservative party, admits that we have strengthened our veto power but now he says that it was never under threat.

The right hon. Gentleman alleges an extension of the role of the European Court of Justice on social legislation via the charter of rights, yet the treaty records existing rights rather than creating new ones. A new legally binding protocol guarantees that nothing in the charter extends the ability of any court to strike down UK law. Let us not forget that the Conservative party wants to rip apart Europe's social legislation by taking away British people's rights to annual holiday and making them second-class citizens in Europe by withdrawing from the social chapter.

In respect of the third red line, the Opposition say that our legal system is under threat because justice and home affairs co-operation will no longer be separate from other aspects of

European Union activity. I say they should listen to Professor Alan Dashwood of Cambridge university, a leading professor of European law, who says that the provisions we have negotiated constitute “a very solid safeguard”.

For every item of justice and home affairs activity, existing or intended, we will have the right to opt in or to opt out. The treaty extends and strengthens our existing opt-in on visas, immigration, asylum and civil law to areas of criminal law and police co-operation—for example, combating international terrorism and organised crime.

The Opposition say they fear dilution of foreign policy power, but foreign policy will remain in a separate treaty, which reinforces its intergovernmental nature. The Foreign Affairs Committee agrees. Unanimity will remain the rule for setting policy. The Foreign Affairs Committee agrees.

Several hon. Members *rose* —

David Miliband: I will give way in a moment when I reach the end of this section of my speech.

An explicit treaty provision excludes ECJ jurisdiction over common foreign and security policy. The Foreign Affairs Committee agrees. The accusation that we will lose our seat on the UN Security Council is nonsense.

Chris Bryant (Rhondda) (Lab): Will my right hon. Friend give way?

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Sir Patrick Cormack: Will the right hon. Gentleman give way?

David Miliband: I promised that I would give way to the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski). I will give way to my hon. Friend the Member for Rhondda (Chris Bryant) and then I shall of course defer to the hon. Member for South Staffordshire (Sir Patrick Cormack) who has long experience as a distinguished parliamentarian.

Daniel Kawczynski: I am extremely grateful to the Foreign Secretary for giving way. At the beginning of his speech, he referred to a small number of organisations that back the constitution, which included the bishops. I am rather surprised by that as there is no reference to our Christian faith in the constitution. Does the right hon. Gentleman share my concern that in the whole document there is no reference to our Christian faith?

David Miliband: If the hon. Gentleman looks at the origins of the document and at its preamble he will see a reference to Europe’s heritage of all kinds, which different Members can interpret in different ways.

Chris Bryant: Is it not true that in a dangerous world, which is insecure for many people, it is more important that we have strong international institutions, not just worldwide but at European level? Is it not also true that there are now few areas where Britain can secure its foreign policy interests without co-operating with others, not least on what Russia has been

doing to the British Council in the past few days or when we are trying to secure peace in the middle east?

David Miliband: My hon. Friend puts an important question. I was discussing issues about the middle east and Russia with the Hungarian Foreign Minister today. The European Union adds to our power to do precisely that.

Sir Patrick Cormack: I am extremely grateful to the Foreign Secretary, especially for giving way to me so soon after he gave way to the formerly reverend gentleman.

Why is the Foreign Secretary so diffident? If opinion-forming groups and bodies, such as the Royal Society for the Prevention of Cruelty to Animals, the bishops, the professors he mentioned and all those other marvellous influential groups, are in favour of the treaty, why cannot the people have the chance to listen to those opinion formers and vote accordingly?

David Miliband: I am surprised to have to say this to the hon. Gentleman: the answer is because it is in the House that we make decisions about how to govern our country. It is in the House that we make the laws of our country and it is to the House that people elect us to make those difficult decisions, not to dodge them.

Mr. Cash: On a point of order, Mr. Deputy Speaker. The Foreign Secretary has just referred to the fact that he does not want to grant us a referendum, but is it not the fact that we can have a referendum only if it is passed by Act of Parliament? In other words, it enhances parliamentary authority if we have the humility to give the people their say.

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Mr. Deputy Speaker: Again, I suspect that is a matter for debate carefully—or not so carefully—disguised as a point of order.

David Miliband: In respect of the structure and content of the treaty, I have set out how it is different. In consequence, the treaty has different consequences from those of the constitutional treaty that was discussed some years ago.

Mr. John Baron (Billericay) (Con): Will the Foreign Secretary give way?

David Miliband: No.

Mr. Deputy Speaker,

“The myth that we are threatened with a European superstate is still nourished in the Conservative cul-de-sac. Certainly there are Continental idealists who bitterly regret that it has faded away, but faded it has, as has been clear since Maastricht.”

[*Laughter.*] Members may laugh but those are not my words; they are those of Lord Hurd and he is right. It is a myth and we should see it as such.

Rather than setting us on the slippery slope towards a federal Europe, the treaty marks a different point. All 27 member states agreed at the European Council in December:

“We expect no change in the foreseeable future, so that the Union will be able to fully concentrate on addressing the concrete challenges ahead.”

The Institute of Directors supports that, the CBI supports that and I support it; and it is time the Opposition supported it, too.

Mr. Baron: Will the Foreign Secretary give way?

David Miliband: No.

The Leader of the Opposition and the right hon. Member for Richmond, Yorks have said that if the countries of Europe pass the treaty, in the event of a future Conservative Government they will

“not let the matter rest”.

The Conservative party needs 14 countries to back its drive not to let the matter rest. I hope that in the right hon. Gentleman’s speech he will name one country—just one—that will support his quest to reopen the treaty. [Hon. Members: “Norway.”] Norway is not yet in the European Union. The truth is that there is not even one such country, and what the Conservative commitment means is a further referendum pledge, renegotiation or withdrawal. It is important to look through the consequences.

Mr. Bernard Jenkin (North Essex) (Con): Will the right hon. Gentleman give way?

David Miliband: No.

Mr. Baron: Will the right hon. Gentleman give way?

David Miliband: No.

The consequence of Conservative policy is not to end institutional wrangling, not to help Europe get on with the real business of serving its citizens, but to prolong the institutional debate that we need to end. The Conservatives say they care about UK jobs, UK

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security, UK influence and the UK’s reputation, but in fact they risk British jobs, British security and British influence to try to control those in their party who brought down John Major’s leadership of the Conservative party. John Major used words to describe those people that I cannot use in the House, but we know who they are.

The Conservatives say they want a Europe that works but in fact they will do everything possible to stop it working. We have had seven years of negotiation and discussion leading to the treaty; the Opposition’s policy would lead to a second decade of institutional inertia that diverts Europe from the real issues that confront it.

Mr. Baron: Will the Foreign Secretary give way?

David Miliband: No.

Only this weekend, the right hon. Member for Richmond, Yorks said that he thinks that

“there is a fairly settled view in the Conservative Party that we should be campaigning for a Europe that addresses global poverty, global warming, global trade”.

That is what the treaty would do, yet the right hon. Gentleman will speak and vote against its provisions in that regard. This is where we learn about the real divide in the debate. It is not about the details of the high representative for foreign affairs; the real divide is between those who believe that Britain is good for Europe and Europe is good for Britain, and those who do not.

The true heartbeat of the Conservative party is not found in the tradition of Iain Macleod, John Major or even Margaret Thatcher. The vision is not Britain at the heart of Europe, but Britain better off out. There is even a group with that name. The hon. Member for Wellingborough (Mr. Bone), who I am sorry not to see in his place, has recently joined—

Hon. Members: Here he is.

Mr. Peter Bone (Wellingborough) (Con) *rose*—

David Miliband: The hon. Gentleman is in the Chamber. Excellent. I welcome him—he usually sits immediately behind the Front Bench.

The hon. Gentleman recently joined the Better Off Out campaign, which says of the modern Conservative party that many of its MPs, MEPs, peers, prospective candidates, officers and members are Better Off Out supporters. Better off out of a single market with 3 million jobs? Better off out of the European arrest warrant and effective action against terrorism? Better off out of joint action to tackle climate change?

No, Britain is not better off out. If we care about global trade, global poverty and global warming we are better off in—at the heart of Europe, shaping the European Union and making sure it delivers on the issues that matter to us. That is what the treaty offers. That is what the Government offer, and I commend the Bill to the House.

6 pm

Mr. William Hague (Richmond, Yorks) (Con): It is all too typical of the Government’s management of our affairs that the House of Commons has been left with less than five hours to debate a measure of far-reaching

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importance in which there is widespread public interest. It is typical, too, that the reason for that is two statements, both of which derive from the unremitting incompetence of the Government. It is still more typical that the Prime Minister, having signed the treaty without having the courage to turn up for the ceremony, wants to force the Bill through Parliament but lacks the courage to vote for it himself.

I must compliment the Foreign Secretary on his speech. We expected him to put the case for the treaty, but not to do so in such a hugely entertaining way. When the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) asked him about the legal force of preambles, he was not really able to give an effective reply. When the right hon. Member for Birkenhead (Mr. Field) asked him about support from House of Commons Committees for his view of the differences between the treaties, he was not able to think of any. When he listed the NSPCC

among the supporters of the treaty because of its child protection provisions, he omitted to say that the Government opposed those provisions going into the treaty. It seems like an important omission. They were opposed at the European Convention by the right hon. Member for Neath (Mr. Hain), when he was the Minister for Europe, on the grounds that they would extend the competencies of the European Union—or perhaps that was just an early incompetence from the right hon. Gentleman. If that is to be the quality of the Foreign Secretary's argument, it is a good job that he has the committee of bishops on his side, because there will be nothing left for him but to pray.

Hugh Bayley (City of York) (Lab): Is it not fundamentally misleading for the right hon. Gentleman— [*Interruption*] — and his party to tell the public in Britain that they would renegotiate, when not one single other country and not one single European Commissioner has said that they would be prepared to enter such negotiations?

Mr. Hague: It is hugely encouraging that Labour Members' minds are increasingly concentrated on the advent of a Conservative Government. It is not surprising that they want to know some of these things further in advance, but these debates are about the treaty and the case for a referendum on the treaty, and we will be putting that case during these debates.

It is worth noting that there is much on foreign policy on which the Government and the Opposition agree. Even on European matters, the commitments that we have made—in fairness, I must add that the Foreign Secretary did mention them—to work for a European Union concerned with the great challenges of global poverty, global competition and global warming, rather than with the aggrandisement of its own internal institutions, have been echoed to some extent by Ministers.

At the Lisbon summit, the Prime Minister called for a focus on the challenges of jobs, prosperity, the environment and security—we agree with that—but while the aspirations and the language may often seem similar, the trouble with the Bill and the treaty is that they fly in the face of that British aspiration to create an outward-looking rather than an inward-looking Europe. In a Europe that needs greater flexibility, the treaty moves more power to the centre. In a Europe where nations need the freedom to compete, it will

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narrow those freedoms. In a Europe committed to democracy, it will take more decision making away from democratic control.

Mr. Jim McGovern (Dundee, West) (Lab) *rose—*

Mr. Hague: I will give way in a moment.

Astonishingly, the treaty will also weaken one of the greatest strengths of the European Union for the past half century: its commitment to undistorted competition in the single market—an outcome that can only have resulted from the supine ineffectiveness of Britain's negotiators. On top of all that, the treaty creates for the first time sweeping provisions for its own amendment without recourse to further treaties, and it brings about fundamental change in the institutional structure of the European Union—changes that the Government initially opposed, then were happy to define as constitutional in their implications, and now pretend are matters of little importance, about which the people of this country need not be troubled.

The most serious objection to the Bill, irrespective of its merits or lack of them, is that the Government intend to take it through Parliament without any of the consultation of the people that was promised at the last election, brazenly abrogating the commitment made by every party in the House to hold a national referendum in this event. The case for a referendum rests in part on the constitutional significance of what is proposed. When the former Foreign Secretary, the right hon. Member for Blackburn (Mr. Straw), was asked on 6 June 2005 what were the constitutional aspects of the treaty that merited submission to a referendum, he said they were the creation of a permanent President of the Council of Ministers and a European Foreign Minister. Both of those provisions remain in the treaty today, and the right hon. Gentleman is the Lord Chancellor today. That was his opinion at the time.

Ann Clwyd (Cynon Valley) (Lab): Does the right hon. Gentleman therefore regret opposing a referendum on the Maastricht treaty?

Mr. Hague: I will tell the right hon. Lady the difference between then and now. Then—

Mr. Jeremy Browne (Taunton) (LD): You were in government.

Mr. Hague: That was a difference—something of which Liberal Democrats can only dream—but of course, for the purposes of this argument, the important difference now is that no political party in the 1992 election promised the people of this country a referendum on the Maastricht treaty; in this case, every political party promised the people a referendum. It is therefore a matter of trust in politics and of the honour of our politics that that referendum should be held. The European Foreign Minister has been renamed the high representative of the Union, but as the Foreign Affairs Committee explained in its report only yesterday,

“We conclude that there is no material difference between the provisions on foreign policy in the Constitutional Treaty which the Government made subject to approval in a referendum and those in the Lisbon Treaty on which a referendum is being denied.”

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Mr. Redwood: Does my right hon. Friend further remember that during the 2005 election, when some of us said that we needed to debate this huge transfer of powers because it was so important, the Labour party said that there was no need for that debate in the election, because there would be a referendum later? That is why this is such a cheat.

Mr. Hague: My right hon. Friend makes a powerful point, because the case for the referendum rests above all on the need for the House and the Government to honour commitments solemnly given. How many times have each of us in the House toured schools and colleges saying to young people that they should take an interest in politics, that their vote makes a difference, and that what is said at election time really counts? What are we to say to them in future—that the fact that they elected an entire House of Commons committed to a referendum was of no account, that the Government regarded that commitment as a technicality to be escaped from rather than a promise to be kept, and that the promises made at election time do not really matter at all?

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will the right hon. Gentleman give way?

Mr. Hague: Of course I will give way to the right hon. Gentleman, in a few moments.

Today in our country, the word of Government is less readily believed than at any time in our modern history. Ministers, instead of tackling the apathy and cynicism that that brings, will only add to it with the weasel words with which they try to escape their referendum commitment.

Talking of escaping a referendum commitment, in *The Guardian* of October 2003 I came across an article with the headlines “We need an EU referendum” and “Nothing will damage the pro-European movement more than appearing to have something to hide”. It was written by a certain N. Clegg, who went on to become the hon. Member for Sheffield, Hallam (Mr. Clegg) and is now the leader of the Liberal Democrats. [Hon. Members: “Where is he?”] We know that he is not on the plane with the Prime Minister, but for all the difference that he makes to the debate, he might as well be. His article said:

“The real reason, of course, why the government does not want to hold a referendum is the fear that it may lose.”

His analysis was right, and it is a pity that the Liberal Democrats do not stand by that analysis today.

Mr. Jeremy Browne *rose—*

Mr. Hague: I see that we have flushed a Liberal Democrat to his feet.

Mr. Browne: In 18 years in government, the Conservatives never once had a referendum on Europe. The last time there was a referendum on the European Union I was in primary school, and some Members of the House were not even born. The leader of the Liberal Democrats favours a referendum on whether we are, or are not, in Europe. Why does not the Conservative party back that promise?

Mr. Hague: That is apparently the Liberal Democrats’ position, and they tried to put it in a reasoned amendment for tonight’s debate—but it turned out that it is so

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crashingly irrelevant to the issue that the amendment was not in order. They therefore have the distinction of having adopted a policy so irrelevant to the debate that they will at no stage have the opportunity to vote for it. Even those in primary school could have worked that one out.

Mr. Edward Davey (Kingston and Surbiton) (LD) *rose—*

Mr. Hague: I see that a Liberal Democrat flagship has put to sea.

Mr. Davey: There was a vote on that question, through an amendment to the Queen’s Speech, but the Conservative party, including the right hon. Gentleman, voted against the opportunity to give the British people a referendum on Britain’s membership of the European Union. Does he want to change the position now?

Mr. Hague: The fact that the Conservative party voted in line with its policy at the end of debate on the Queen's Speech can hardly be an astonishing event. It was noticeable that very few Members in other parties voted with the Liberal Democrats on that matter.

To return to the case against the Bill—

Sir Gerald Kaufman *rose*—

Mr. Frank Field *rose*—

Mr. Hague: I promised to give way to the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman), so I must do that first.

Sir Gerald Kaufman: The right hon. Gentleman referred to promises made in general elections. Does he remember that he led his party into the 2001 election on the slogan, “X days to save the pound,” and is it not a fact that the pound remains safe today—[Hon. Members: “It worked!”]

Stephen Pound (Ealing, North) (Lab): Yes, I'm still here. [*Laughter.*]

Sir Gerald Kaufman: I repeat: is it not a fact that the pound remains safe today because the right hon. Member for Richmond, Yorks (Mr. Hague) and his exchange rate mechanism colleagues did not get the chance to save it?

Mr. Hague: I am sure that we will work out that question in the end. Yes, the Conservative Government did enter the ERM, but I seem to remember that the Labour Opposition and the shadow Cabinet, of which the right hon. Gentleman was a member, were solidly in favour of doing so, so he must not be too abusive about the ERM.

Mr. Frank Field: Perhaps it will help the Liberals to nail their colours to the mast if I say that their proposal is rather a good idea. Voters in my area are certainly able to take a referendum with two questions. The first would be on whether they wanted to leave the European Union, and my guess is that overwhelmingly, they would,

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say no. The second would be on whether they wanted the treaty or constitution, and my guess is that they would say no to that, too.

Mr. Hague: It will be hugely cheering for the Liberal Democrat party that somebody somewhere agrees with part of its approach, but that is not a sufficient reason for allowing their policy to be pursued in our proceedings on the treaty. It is certainly our position—and, I think, the right hon. Gentleman's position—that we want to be in the European Union, but we do not want to be taken over by its institutions.

Mr. Blunkett: Will the right hon. Gentleman give way?

Mr. Hague: I must make some progress in a minute, but of course I give way to the right hon. Gentleman.

Mr. Blunkett: I am grateful to the right hon. Gentleman for a very entertaining speech, but surely any Opposition party that aspires to government must answer the following question:

given the change that took place following the defeat of the constitution by the French and Dutch voters, and the subsequent return to the table, which led to the protocols and opt-outs negotiated by the Government, what is it that the right hon. Gentleman believes he could achieve through the defeat of the treaty in a referendum, which would lead to our turning to the other 26 European Governments and asking them for something that he has not identified?

Mr. Hague: The right hon. Gentleman gives me the cue to carry on with my analysis of the treaty and the Bill, because I want to consider the question of what was changed after the defeat in the French and Dutch referendums. On that occasion, there was one friend of the people of France and Holland who was not given an opportunity to say no, if it wished to do so: Britain should have been given its opportunity to say yes or no.

The Foreign Secretary regularly parrots the only defence available to the Government, which is that the constitutional concept has been abandoned, and that there has been fundamental change. However, he omitted to mention that paragraphs 1, 4 and 18 of the mandate for the treaty set out how almost the entire contents of the draft constitution are to be brought about by changes to existing treaties.

Nia Griffith (Llanelli) (Lab): Will the right hon. Gentleman give way?

Mr. Hague: No, I must proceed, in fairness to the rest of the House, at least for a little while.

It is surprising that Ministers continue to repeat that line, when the European Scrutiny Committee told them in its report:

“we do not consider that references to abandoning a ‘constitutional concept’...are helpful and consider that they are even likely to be misleading in so far as they might suggest the Reform Treaty is of lesser significance than the Constitutional Treaty.”

As Giscard d'Estaing, who has already been quoted, put it in June,

“public opinion will be led to adopt, without knowing it, the proposals that we dare not present to them ‘directly’.”

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He went on to say:

“all the earlier proposals will be in the new text, but will be hidden and disguised in some way.”

Perhaps the most disarmingly honest description of what had happened came in that same month from the Belgian Foreign Minister, who said:

“The aim of the Constitutional treaty was to be more readable; the aim of this treaty is to be unreadable...The Constitution aimed to be clear, whereas this treaty had to be unclear. It is a success.”

Dishonest as the process has been, other European Governments have at least been honest about the outcome. Not so the Government of the United Kingdom, who have persisted in the argument that the treaty is fundamentally different from the constitution. How could an impartial observer assess whether they are fundamentally different or substantially the same? The obvious way is to read the articles of the reform treaty and compare them to those of the constitution—a process undertaken by both the European Scrutiny Committee and the pressure group Open Europe. Both studies demonstrate that the vast majority of the provisions of the constitution are replicated, often word for word, in the reform treaty. According to one count, 240 of the 250 provisions of the constitution are repeated and restored.

All along, the Government have been unwilling to be frank with Parliament about the process and the outcome. Ministers maintained until the middle of June that

“nothing that you could really call negotiations have taken place”,

even though we now know that the negotiating sherpas met on 24 January, 2 May and 15 May. Perhaps the Foreign Office officials who went along were just there as tourists. For all the effect they had on the outcome, they might as well have been.

The criticism levelled at the Government’s handling of Parliament has been exceptional. The Foreign Affairs Committee found that the 2007 intergovernmental conference mandate was agreed with little scope for UK public or parliamentary debate and engagement. That sets an unfortunate precedent, and is damaging to the credibility of the institutional reform process. The European Scrutiny Committee—we are talking about Committees with a Labour majority—reported that the

“process could not have been better designed to marginalise the role of national parliaments and to curtail public debate.”

The story of the Government in the evolution of the treaty has been one of dissembling and deceit. They set out deliberately to break a firm election promise, denied Parliament and the public information about negotiations that were taking place, and refused to publish information that would help Parliament to come to an informed decision.

Mr. Cash: Would my right hon. Friend be interested to know that, as I understand it, the legal adviser to the Foreign Office who gave evidence to the European Scrutiny Committee only last month has apparently now been appointed legal adviser to the European Union Committee in the House of Lords?

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Mr. Hague: That just shows that the Government have a case to answer. The implications of what my hon. Friend says will be far-reaching.

The process of sustained deception has left us with a treaty with three principal failings. The first is that it is not necessary. A recent study by the London School of Economics concluded that

“the ‘business as usual’ picture”

of the EU

“is more convincing than the ‘gridlock’ picture”.

The French Europe Minister recently admitted that

“the thing that has most struck me since I took up this job seven months ago is precisely the capacity of an EU of 27 members, and more one day, to take decisions”.

The expansion of the EU to 27 members seems to have resulted in a greater readiness to reach consensus, and a decline in the use of the veto. The wholly welcome agreement on climate change last spring is an outstanding example. That the European Union can achieve a great deal by working together on such issues, and by pushing forward a free and genuine single market, is not in doubt. That makes it all the more extraordinary that one of the first aspects of the treaty agreed last June was the downgrading of the EU’s long-standing commitment to undistorted competition. That change was secured by the French Government, with British Ministers apparently asleep at the wheel, although a protocol was hastily added to the treaty reaffirming the objective of free competition.

European lawyers have been in no doubt about the implications, saying that

“the excision of the competition principle from the front of the Treaty is a likely to have a number of damaging consequences for EC competition law.”

As far as we know, no effort has been made by the Government to restore “undistorted competition” to its rightful position in the objectives of the Union. It is a sad hallmark of the treaty that its provisions result from British Ministers having things done to them, rather than driven by them. The Foreign Secretary has said that the Conservative party is almost alone, apart from the Dutch Animals party, in its opposition to the treaty. We are not: vast tracts of provisions in the treaty have for many years been opposed by the Government themselves. As recently as June, they fought desperately to stop the EU high representative taking the chair at meetings of EU Foreign Ministers, but a provision for such chairmanship is in the treaty.

When it was first proposed that EU member states on the UN Security Council should be obliged to ask the high representative to speak for the whole EU when there is a common position, the right hon. Member for Neath (Mr. Hain), when he was the Foreign Office Minister representing the Government, asked for the entire provision to be struck out. However, it is in the treaty. Ministers argued against the creation of an EU diplomatic service, but now it is there. They argued against the self-amending nature of the treaty, but then gave in; they opposed the election of the President of the Commission by the European Parliament, but then capitulated; they tried to prevent employment, public health, consumer protection and transport networks becoming shared competencies with the EU, but they failed. They said they were

“firmly opposed to establishing an European Public Prosecutor”,

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but that function is now in the treaty; they insisted that the EU not be given an explicit legal personality, but it is now to be given such a personality; they said that qualified majority voting on proposals made by the European Foreign Minister was “simply unacceptable”, but QMV is now there. They objected to the article on the common Union defence policy, but then agreed to it; they opposed the EU having the power to set minimum criminal penalties, but then gave in; they said they would not accept the jurisdiction of the European Court of Justice over the third pillar area of justice and home affairs, but they capitulated on that as well. That is not even an exhaustive list. The Government’s motto as the treaty has been created is, “Anything for a quiet life, and never mind the national interest.”

Hugh Bayley: Because of the nature of interventions, I cannot pick out more than one of the right hon. Gentleman’s examples—but why is he so opposed to the single legal identity? It is not a badge of statehood—even the Universal Postal Union has a single legal identity, and the EU already has such an identity—so what is the nature of his complaint?

Mr. Hague: The former Prime Minister, Mr. Tony Blair, stood at the Dispatch Box and told the House of Commons that at his insistence, the question of a legal personality for the EU had been removed from earlier negotiations. He felt so strongly about the issue that the Government eventually went with the flow of the argument in Europe, rather than stick up for their view.

Let me move on, given the passage of time. Our next principal objection to the treaty is that it damages the British national interest and weakens democracy by setting up a process of continuing integration beyond the control of the electorate. When Ministers say they are happy to sign the treaty but are opposed to any further political integration after that, they are merely continuing the habit of deception that I detailed earlier. The whole point of the treaty is to create a process of further integration, not to bring a stop to it. As the Italian Prime Minister, Romano Prodi, put it:

“As long as we have more or less a European Prime Minister and a European Foreign Minister then we can give them almost any title”.

That is how many other countries see the treaty, but it is not how it is described by the Government. The creation of a permanent President of the European Council, elected for two and a half years at a time by majority voting, is a major constitutional innovation in the European Union, and is intended as such. We are all conscious in this Parliament, or we should be, of the way in which the job of First Lord of the Treasury evolved in Britain, steadily developing a grip over Cabinet Departments previously independent of it, and developing into the post of Prime Minister.

The creation of that job took many years—and the present Prime Minister probably feels that it took almost as long to get round to his turn to hold it. To see how the post of a permanent President of the European Council could evolve is not difficult even for the humblest student of politics, and it is, of course, rumoured that one Tony Blair may be interested in the job. If that prospect makes us uncomfortable on the Conservative Benches, just imagine how it will be viewed in Downing street! I must warn Ministers that having tangled with

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Tony Blair across the Dispatch Box on hundreds of occasions, I know his mind almost as well as they do. I can tell them that when he goes off to a major political conference of a centre-

right party and refers to himself as a socialist, he is on manoeuvres, and is busily building coalitions as only he can.

We can all picture the scene at a European Council sometime next year. Picture the face of our poor Prime Minister as the name “Blair” is nominated by one President and Prime Minister after another: the look of utter gloom on his face at the nauseating, glutinous praise oozing from every Head of Government, the rapid revelation of a majority view, agreed behind closed doors when he, as usual, was excluded. Never would he more regret no longer being in possession of a veto: the famous dropped jaw almost hitting the table, as he realises there is no option but to join in. Then the awful moment when the motorcade of the President of Europe sweeps into Downing street. The gritted teeth and bitten nails: the Prime Minister emerges from his door with a smile of intolerable anguish; the choking sensation as the words, “Mr President”, are forced from his mouth. And then, once in the Cabinet room, the melodrama of, “When will you hand over to me?” all over again.

There is, of course, a serious point to be made. Occupied by someone with the political skill of our former Prime Minister, that post would become, in not so many years, a far more substantial one than the Government pretend. The President would be seen as the president of Europe by the rest of the world, with the role of national Governments steadily reduced and the role of national democracy and accountability steadily weakened. The naivety of Ministers, who think that by signing the treaty they are agreeing to a static constitutional position, is alarming in people with such senior responsibilities. “Ah,” they say, “look at the enhanced role of national Parliaments set out in the treaty.” If a majority in half the Parliaments in the EU object to an EU measure, they might be able to block it.

Again, it does not take much political analysis to work out that the chances of that mechanism being employed on any regular basis are vanishingly small. It could be used only if 14 different national Parliaments, nearly all of which have a Government majority, defeated an EU proposal, and did so within an eight-week period. We have only to consider that for a moment, as Members of Parliament, to begin to laugh about it. Given the difficulty of Oppositions winning a vote in their Parliaments, the odds against doing so in 14 countries around Europe with different parliamentary recesses—lasting up to 10 weeks in our own case—are such that even if the European Commission proposed the slaughter of the first-born it would be difficult to achieve such a remarkable conjunction of parliamentary votes.

The last defence of Ministers on the treaty is that they have achieved the defence of their red lines. As the hon. Member for Linlithgow and East Falkirk (Michael Connarty), the Chairman of the European Scrutiny Committee, has judged, the red lines “leak like a sieve”. The red lines will be much debated over the coming weeks, but the central fact to remember about them is that the Government claimed to have achieved exactly the same red lines when they signed the European constitution and proposed a referendum.

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That brings me back to our strongest objection of all to the Bill. The Government’s contention that the treaty is so different from the European constitution that they are relieved of their promise to hold a referendum is shared by few independent observers, and not even by the members of their own party who have given the most time and commitment to the process. As

the hon. Member for Birmingham, Edgbaston (Ms Stuart) explained to the Prime Minister—I hope that I shall not embarrass her by quoting her:

“sticking to your guns in defence of a patently dishonest position is not leadership, but the soft option, and a cop-out from a specific promise made to voters.”

Whatever the niceties of the argument, by no stretch of the imagination is the treaty so different from the constitution as to relieve the Government of their promise. Every survey on the subject has shown that the vast majority in our country would like to have their say. In the words of the Belgian Foreign Minister, the Government are banking on the treaty being too unreadable for people to worry about it. However, the treaty’s constitutional innovations are sufficiently sweeping, and its erosion of our national democracy sufficiently serious, that many of us will have no hesitation not only in voting against it, but in voting for a referendum at every opportunity.

Angus Robertson (Moray) (SNP): Will the right hon. Gentleman give way?

Mr. Hague: No, I shall not give way any more; I am coming to the end of my speech.

All of us must remember that we have no democratic mandate from the voters to agree to the treaty without their approval. None of us told voters that we would agree to a treaty nearly identical to the constitution and ram it through without their being allowed to have their say on it in an election or a referendum.

If the House voted for such a referendum, it would be a magnificent assertion of honour in politics and trust in the nation. If it fails to do so—if it passes the Bill without a referendum—it will have connived in the actions of a deceitful and cowardly Government whose actions will have further stained the name and reputation of our politics.

Several hon. Members *rose* —

Madam Deputy Speaker (Sylvia Heal): Order. I remind all right hon. and hon. Members that Mr. Speaker has imposed an eight-minute limit on all Back-Bench speeches.

6.32 pm

Mike Gapes (Ilford, South) (Lab/Co-op): I want to confine my remarks entirely to the foreign affairs aspects of the treaty. In the past day, there has been some media comment on the recommendations and conclusions of the Foreign Affairs Committee’s report “Foreign Policy Aspects of the Lisbon Treaty”. I want to place on the record its main recommendations and conclusions, because many of them have not been adequately aired in all the newspaper and other media coverage of the past 24 hours.

The Select Committee’s report is comprehensive and no doubt there will be an opportunity for detailed

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consideration of it when the Bill goes to Committee. However, I want to place on the record the fact that as a Committee we believe that

“the new institutional arrangements for EU foreign policy created by the Lisbon Treaty have the potential to encourage more coherent and effective foreign policy-making and representation.”

That is from paragraph 221. Paragraph 118 states:

“the Common Foreign and Security Policy will remain an intergovernmental area, driven by the Member States. We welcome this.”

We also believe that

“the new post of High Representative of the Union for Foreign Affairs and Security Policy”

is there to enact agreed foreign policy and

“has the potential to give the EU a more streamlined international presence and to contribute to the more coherent development and implementation of external policy.”

That comes from paragraph 154.

Daniel Kawczynski: Will the hon. Gentleman give way?

Mike Gapes: No. I have only eight minutes and I want to make some progress.

Paragraph 220 states:

“the creation of the post of High Representative for Foreign Affairs and Security Policy, and of the European External Action Service, represent major innovations in the EU's foreign policy-making machinery.”

It goes on to say that the new post and service do not

“risk undermining the Common Foreign and Security Policy's intergovernmental nature”.

However,

“the Government is underestimating, and certainly downplaying in public, the significance of their creation.”

I therefore welcome the fact that today the Foreign Secretary started to make the positive case for the proposals. I personally believe that more should have been done last year, before the intergovernmental conference in June and again before the intergovernmental discussions in October, to explain things to the public and Parliament. The Committee is critical—I do not resile from that—of the fact that we were not in the loop last June, when those issues were under consideration. However, that does not mean that the treaty proposals should be opposed, and I should like to make a number of other points on that.

The Lisbon treaty raises concerns about how the post of high representative for foreign affairs and security policy could work. The Committee wants more information about that as we fear that the relevant individual, whoever they are—whether Mr. Solana or a successor—could face work overload because of the large burdens of foreign policy representation, chairing Council of Ministers meetings and having a role in the Commission. That issue needs to be considered in some detail.

In addition, as has already been mentioned, the Lisbon treaty provides for the high representative to speak at the United Nations Security Council. However, as our report states in paragraph 157, that

“will make little difference to current practice. It will not undermine the position of the UK in the United Nations system nor the UK’s representation and role as a Permanent Member of the Security Council.”

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The reshaped role of the President of the European Council has already been mentioned. We believe that that

“could help to generate consensus among EU leaders and lead to greater continuity in the chairing of the European Council. However, we are concerned by the current degree of uncertainty which surrounds the role and by the potential for conflict with the High Representative in representing the EU externally.”

However, we need more information about how that will work in practice.

There is also the question of how the external action service will work. We believe that it may reduce

“duplication between the Council Secretariat and the Commission”

and facilitate

“the development of more effective EU external policies, operating in parallel with rather than as a substitute for national diplomatic services.”

We also believe that the service offers the opportunity for

“a greater intermingling of national and EU personnel and careers.”

However, we are concerned about how that will work in practice and we want to be sure that British Foreign Office officials seconded to the service see it as a good move in their career development. They should be able to come back to our Foreign and Commonwealth Office and have a proper representative role. We want working for the service to enhance career prospects.

Finally, we believe that

“the Commission's loss of the right to make Common Foreign and Security Policy proposals is welcome because it represents an important assertion of the intergovernmental nature of the Common Foreign and Security Policy.”

We all want more effective co-operation and co-ordination between the European Union's 27 member states. However, there has been ambiguity about how the foreign and security policy works because of the role of the Commission. The treaty clarifies that issue: it makes it explicit that the policy is intergovernmental. It moves current Commission staff away from the Commission and puts them under the high representative, who is accountable to the Council of Ministers.

The process is therefore clearly intergovernmental and will work only if very competent people are in those jobs. We need to ensure that high-level people are appointed and that high-level people from our own Foreign and Commonwealth Office play a role in the process. In that way, when the treaty is adopted by the 27 member states next year, and when it begins to come into effect in 2009, we will be sure that British personnel and influence are at the heart of the new European Union foreign and security policy structures—not marginalised as, sadly, they would be if some Members of the House had their way.

6.39 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): The hon. Member for Ilford, South (Mike Gapes) and his Committee have given an analysis that confirms that the Lisbon treaty keeps foreign policy on an intergovernmental basis but makes changes to the institutional workings that will enable British foreign policy to be more effective. The hon. Gentleman concentrated on what is actually in the treaty. The Conservatives objected to the speech by the Foreign

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Secretary, who addressed what is actually in the treaty, not the mythical monsters that some Members of this House wish to conjure up. His main argument was that the Lisbon treaty's prime purpose is to improve how the enlarged European Union works. We agree.

The truth is that the Lisbon treaty is, to quote Lord Howe, “entirely sensible”—so much so that very few political parties in Europe oppose it, besides the rag-bag of parties to which the Foreign Secretary referred. Currently, the Conservatives are in the European People's party in Strasbourg, but not one other member of the European People's party agrees with the Conservatives. Perhaps the Conservatives are going to leave the EPP—we do not know; they seem unsure about it—but they have indicated that, if and when they do so, they want to work with the Czech ODS party, which, interestingly, is in favour of the treaty and against a referendum on it.

Mr. Redwood: Will the hon. Gentleman tell us whether his party is going to rat on its promise of a referendum by abstaining or by voting against a referendum? The people should know, and I hope that they turf out all the Liberal MPs who have misled them on this issue.

Mr. Davey: We are proposing a referendum—on Britain's membership of the European Union. I will deal with the question of the referendum in detail towards the end of my remarks, when I will argue that the Conservatives' position is the one that is less in keeping with their manifesto promise.

The case made by the right hon. Member for Richmond, Yorks (Mr. Hague)—that the treaty is unnecessary and somehow threatens the sovereignty of the United Kingdom—is frankly absurd. An EU of 27 member states, and growing, cannot operate on the same basis as one that only just served the needs of an EU of 15 states, so arguments for trimming the bureaucracy and making the institutions less cumbersome should be self-evident.

Ms Gisela Stuart: I would be grateful if the hon. Gentleman could help me, because I am getting slightly confused. We used to be told that we needed this in order to enlarge from 15 to 24, and then even further, but now that we have had a few years of 27 working quite well, where is his argument that we need this for the EU's further working?

Mr. Davey: Many people in the EU and in this House believe that we need a treaty to try to ensure that the enlarged Union continues to work better, because there are areas that have not worked so well in the past. I am interested in the hon. Lady's position on many of these issues, because in March 2004 she was against a referendum on the constitutional treaty, whereas now she is in favour.

Ms Stuart *rose*—

Mr. Davey: The hon. Lady has voted in this House against a referendum on the constitutional treaty.

Ms Stuart: On a point of order, Madam Deputy Speaker. If a Member is accused of having taken a particular position, is it not incumbent on the accuser to provide the evidence for that?

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Madam Deputy Speaker: The point in question is a matter for debate rather than a matter for the Chair.

Mr. Davey: If the hon. Member for Birmingham, Edgbaston (Ms Stuart) checks the voting record on 30 March 2004, she will find that she voted against a referendum on the constitution.

Mr. Greg Hands (Hammersmith and Fulham) (Con): Will the hon. Gentleman give way?

Mr. Davey: No, I want to make a little progress.

Liberal Democrats argued during the parliamentary scrutiny of the Amsterdam and Nice treaties that those treaties did not go far enough to prepare the EU for enlargement because they failed to streamline the EU's institutions and to make the EU more accountable and transparent. We therefore naturally welcome the treaty and will vote for the Bill's Second Reading.

To be fair to the right hon. Member for Richmond, Yorks, the main intellectual thrust of his speech was that the treaty was unnecessary, and he deserves an answer on that point. He argued that the EU has worked quite well since the 2004 enlargement—the point made by the hon. Member for Birmingham, Edgbaston—and seemed to be relying on some academic work

that has been released recently. I have to tell him that I have read that work and spoken to the authors, and they do not draw the conclusions that he claims.

Let us take Professor Helen Wallace. She does say in her paper that the EU has not suffered from gridlock owing to enlargement, and she does say that non-treaty reforms have helped, yet she is absolutely clear that the treaty reforms are needed to develop the EU in areas that have long proved difficult, including foreign policy co-operation and immigration, and that reforms making the EU more accountable and transparent are good in themselves and ever more necessary in an enlarged and growing EU. Moreover, the right hon. Gentleman is in no position to say that enlargement does not need Lisbon given that he led the opposition to Amsterdam and Nice, without which enlargement would not have been possible. The Conservatives remain in the most ludicrous position of any political party in Europe—always willing the enlargement end and always opposing the enlargement means.

Members wanting to vote against Second Reading have a tough case to make, based on what is actually in the Bill and in the treaty, for they are, in my view, voting against the national interest. A treaty that increases the UK's voting power in the Council of Ministers is in the national interest. A treaty that allows this Parliament, working with other Parliaments, to have EU proposals reviewed and, indeed, stopped is in our interests. A treaty that, for the first time, sets out the right and the process for a member state to secede from the EU can hardly be said by Eurosceptics to be against the national interest. More positively, a treaty that, for the first time, explicitly makes one of the EU's objectives tackling climate change must be in all our interests. A treaty that makes the EU more accountable and responsive to citizens, voluntary groups and civil society as a whole, with citizens' initiatives and a new requirement for the EU's institutions to engage with the public, must be in the interests of the public.

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The Conservatives are in the faintly ridiculous position of voting against a reduction in the number of EU Commissioners, against the EU being able to dispatch aid more effectively to parts of the world devastated by natural catastrophe, and against making it easier for countries to co-operate on the exchange of information about sex offenders. Is that what they are against?

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): If the hon. Gentleman is so confident about the arguments that he advances, why does he not get confirmation from the people by pursuing the proper course that his party promised—that there would be a referendum on these matters?

Mr. Davey: The hon. Gentleman has been true to his word throughout, because he has voted with the Liberal Democrats for our proposal for a referendum on Britain's membership of the EU. I agree that that is what we should really be doing if we are going to be true to the previous policy of a referendum on the constitutional treaty.

Daniel Kawczynski: Will the hon. Gentleman give way?

Mr. Davey: No.

What all those examples illustrate is the continuing problem of the modern Conservative party—sensible measures rejected because the word “European” is associated with them. The speech by the right hon. Member for Richmond, Yorks was an attempt to make his party’s viscerally anti-European position seem presentable, but while he and his party leader are unable to say publicly that they are happy to remain in long-term working with German and French colleagues in the European People’s party—the party of Chancellor Merkel and President Sarkozy—few in Europe will take them seriously. Republican presidential candidate, Senator John McCain, observed about the Conservatives that he hoped

“they would appreciate the support they received from the EPP”—

Daniel Kawczynski: On a point of order, Madam Deputy Speaker. The role of Opposition parties is clearly to oppose the Government and to—

Madam Deputy Speaker: Order. That is not a point of order for the Chair. The hon. Gentleman may well have the opportunity to put his point later in the debate.

Mr. Davey: Let us remember that the hon. Gentleman voted against a referendum on Britain’s membership of the European Union, and denied his constituents that vote. I was quoting the presidential candidate for the Republicans, Senator John McCain, who was observing— *[Interruption.]*

Mr. Jeremy Browne: On a point of order, Madam Deputy Speaker. Is it in order for the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) to describe my hon. Friend the Member for Kingston and Surbiton (Mr. Davey) as a traitor?

Madam Deputy Speaker: Order. I did not hear the hon. Gentleman use that expression, but there is a considerable undercurrent of conversation going on in this Chamber. If that word was used, he would have been out of order.

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Mr. Davey: For the third time, I will try to quote Senator John McCain. He observed that he hoped the Conservatives

“would appreciate the support they received from the EPP when they were wandering in the wilderness.”

Mr. Hands: Will the hon. Gentleman give way?

Mr. Davey: No.

The problem for the Conservatives is that by opposing yet another sensible European treaty, they seem to many foreign observers to be still in the wilderness—a place where Britain’s influence on international affairs simply could not be exercised. That is why the Foreign Secretary was right to make the positive case for the European Union.

Geraldine Smith (Morecambe and Lunesdale) (Lab): The hon. Gentleman makes a number of positive points about the treaty. I support it because it will improve matters.

However, what is fuelling the desire for a referendum is the fact that no one under the age of 50 has had a chance to vote on our membership of the EU. People see a continuous progression towards political, economic and social integration, and I do not think that that can be sustained indefinitely without addressing the democratic deficit.

Mr. Davey: I totally agree with the hon. Lady. She has made a case for the Liberal Democrat position on a referendum on Britain's membership of the European Union.

The case for the EU is there, both in the history books and in the well-known future challenges for our country and our world. Fifty years ago, would anyone have predicted decades of peace in northern Europe, such that the very idea of war between millennial adversaries has become unthinkable? Forty years ago, could we have hoped for the ending of the dictatorships that littered southern Europe? Thirty years ago, would anyone have predicted the reunification of Europe, with communism finished and democracy taking root in central and eastern Europe?

I do not seek to credit the European ideal or Union alone with those achievements, but equally, to deny a central role for the EU in our modern day and in our future peace and prosperity is historically illiterate. When we look ahead to climate change, to the fight against terrorism, to defeating internationally organised crime and to meeting the global economic challenges, I frankly find it inconceivable to believe that we would be better equipped without the EU, and without a strengthened EU.

That is the challenge for our Prime Minister. He talks sensibly about a global Europe. He describes himself as a pro-European realist. He sets out an attractive agenda, beyond Lisbon, of completing the single market and focusing Europe on enterprise, innovation and skills. Yet he seems to go out of his way to lose friends and lose influence in Europe—from snubbing the other 26 EU leaders at the signing of the Lisbon treaty, to the provocation of calling a European economic summit in London at the end of this month to which only France, Germany and Italy have been invited. The Foreign Secretary has been put in an

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impossible position, trying to build alliances and partnerships throughout the EU, while the Prime Minister cuts across him.

It is good to sign new trade deals with China, but when it comes to the crunch, who should be our closest and strongest allies? It is surely those countries that are democracies, that abide by the rule of law and that respect human rights. Indeed, it is through the power of the EU collectively that we are far more likely to influence China on the road to liberal democracy. It is time that the Prime Minister learned to love the EU and see it for what it really is, outside the broken kaleidoscope of Mr. Murdoch's editorial rooms.

Having made the case for the treaty and for the EU, let me come to the issue of referendums. Do we support a referendum on the Lisbon treaty? As my immediate predecessor as foreign and commonwealth affairs spokesman, my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore), said in this House:

“In our judgment, the changes made to create this amending treaty have altered its constitutional significance, so we should not hold a referendum on it.”—[*Official Report*, 12 November 2007; Vol. 467, c. 430.]

I share his view. Instead, we argue for a different referendum—a referendum on Britain’s membership of the European Union. Let us face it: a referendum on any EU treaty would become a referendum on the UK’s continued membership. Let us not have that debate by proxy on a treaty referendum. Let us have a debate that people want by asking a straightforward in or out question.

Ms Stuart: If the hon. Gentleman believes that the treaty is so good and so incredibly defensible—at one stage he would have put it to the people, but he now feels it should be an in or out question—why does he not take up the offer made by my right hon. Friend the Member for Birkenhead (Mr. Field) and agree to a referendum with two questions? One would be on the treaty, and the other on continued membership.

Mr. Davey: Because, unlike the hon. Lady, I think that the constitutional treaty is rather more significant than the reform treaty, and that there are differences between the two. There are significant differences between the two treaties in terms of content. Lisbon is not a constitutional treaty; it is an amending treaty, which has profound implications.

Mr. Jenkin: I am grateful to the hon. Gentleman for giving way. We all know why the Liberal Democrats have adopted this position. It is because they want to be able to say in their manifesto at the next election that they voted for a referendum at some juncture, when in fact they are denying themselves the opportunity of voting for the only realistic referendum on offer. That is a mean, grubby, typical Liberal Democrat trick.

Mr. Davey: If the hon. Gentleman had had the guts to vote with his colleagues for our amendment in the debate on the Loyal Address, we might have been able to get the referendum that the British people actually want.

I was talking about the differences between the two treaties.

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Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Will the hon. Gentleman give way?

Mr. Davey: The biggest difference of detail—

Hon. Members: Give way!

Madam Deputy Speaker: Order. The hon. Gentleman clearly is not prepared to give way at this moment.

Mr. Davey: The biggest difference in content undoubtedly concerns justice and home affairs. By securing an opt-in provision in relation to EU co-operation on policing and criminal justice, the Government significantly changed the force of the treaty as it applies to the UK. That ought to be accepted by all parties. I also believe that there is a real difference in how the charter of fundamental rights now applies to the UK, which the protocol, declaration and other treaty amendments have achieved. I know that that is contentious, but I am sure that we will debate it at length in the Committee of the whole House.

The most significant differences between the two treaties lie in the constitutional terms of those treaties. While Lisbon is just another amending treaty making a number of important, if modest, reforms, the constitutional treaty was something quite different. It abolished all past treaties, to replace them with one document: a new constitution. I believe that people have passed over that point and failed to grasp its significance. The Labour Member of the European Parliament, Richard Corbett, has it right when he points out that the DNA of mice and human beings is 90 per cent. the same—it is just that the remaining 10 per cent. is quite important. It is the same with the difference in nature between Lisbon and the constitutional treaty: the 10 per cent. difference moves one from a mouse of an amending treaty through to a fully evolved constitution.

A referendum on the constitutional treaty would therefore effectively have been a referendum on the whole of the EU—Rome, the Single European Act, Maastricht, Nice and Amsterdam. It would have been about the complete constitution.

Mr. Heathcoat-Amory: Surely treaties should be judged by their practical and legal effect. That is why two Select Committees of this House, which included Liberal Democrat members, concluded that in practical and legal substance the two treaties are the same. Why does the hon. Gentleman not accept that?

Mr. Davey: The right hon. Gentleman failed to deal with my point that the constitutional treaty would have created a completely new constitution. The reform treaty is an amending treaty. If he cannot understand that, I really despair.

I shall quote the right hon. Member for Richmond, Yorks who said, when talking about the constitutional treaty, in 2006:

“the fact that it was a constitution, not simply a treaty—would have revolutionised the EU.”

For once, he was right. That is why he ought to recognise that what the Liberal Democrats are saying now, in our proposal for a referendum on EU membership, is far closer to a referendum on the constitutional treaty than the Conservatives’ paltry offering.

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We believe that the British people have been denied a say on Europe for too long—on all the treaties and on the cumulative effects of all the changes. Unlike the Conservatives, who denied them a vote on Maastricht, we think that the people should speak. As a party that is strongly committed to the European Union, we want to offer the people the referendum that they really want. I hope that the House will allow a substantive amendment to the Bill to that effect so that we can begin to settle the European question and to draw the poison of anti-European feeling from the British body politic for a generation.

7 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): The process that seems to have been generated tonight has added a number of things to the debate that have not been present so far. One such addition was the overall argument proposed by the Foreign Secretary that,

despite all the other arguments, he supports the measure because it will improve the working of the EU. That is echoed again and again when I speak to representatives from other countries. It has certainly, I have no doubt, improved the tenor of the debate in the House of Commons. Not only has it improved the humour, which I have found to be most welcome among the genuine and manufactured emotions that such debates always generate, but we will also have 10 days of debate on the policy areas covered by the treaty and the EU. That means that the UK Government will have the chance to give their view on those policy areas as well as the actions that they want to take. That will be welcome. If that is the sum of the positives that the European Scrutiny Committee generates for the Government, that is reward enough.

The treaty of Lisbon will bring a solution to the institutional problems; there is no doubt about that, because the treaty agreed before that one was inadequate. The treaty of Lisbon will create a smaller Commission, which everyone welcomes, and a more balanced voting pattern in Council, with a better voting balance for the UK. It will bring in double majority voting on the qualified majority vote, which is also welcome.

The treaty will introduce a five-term presidency. People keep calling it a permanent presidency, but it will cover five six-month periods, creating a two-and-a-half-year presidency with a maximum of two terms. I welcome the fact that someone will be appointed who is not a member of the Commission and whose loyalty will be to the European Council and the Governments who sit on that Council.

The treaty will also introduce an EU high representative for foreign and security policy. Unfortunately, that person will also be a Commission vice-president and, oddly enough, the chair of the Foreign Affairs Council. I would have thought that the Foreign Affairs Committee might have said that it was a step too far to give that person, who is really a Commission member, the chairmanship of a Council of Ministers. That person will also be given the right to speak in the UN and to sign on behalf of the EU when all 27 countries are unanimous. I spoke today to people from Hungary and to their Foreign Secretary. It made sense to them, and to the representatives of most of the small countries in the 27, to have such a person who speaks on their behalf and gives them more priority. As my hon. Friend the

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Member for Ilford, South (Mike Gapes) said, that will not take away any power from the two permanent members of the UN Security Council—France and the UK—which was rumoured to be one of the problems that some had with the proposal.

The main aim of the treaty is a final move to what is called the Community method, which people must consider again and again. The preferred Community method of policy making is QMV in the Council with amendment rights and co-decision making by the European Parliament, enforcement by the Commission and final appeal not to the courts in people's own lands but to the European Court of Justice. That is the new heart of the treaty. It is a new settlement, a more European settlement and a more Eurocentric settlement. That is not to say that I oppose that. We must accept that that is where Europe is going. We must either be there, influencing Europe in that format in the future, or we must walk away. There is no middle ground. We are choosing tonight. I shall vote for this treaty, because I believe that we should be moving into the centre ground.

The Foreign Secretary is a bit like King Canute, who is much maligned, because he set out to demonstrate that the tide could not be held back. My right hon. Friend has shown today that he, too, believes that the tide cannot be held back. Unfortunately, I believe that the ebb tide—

people must accept this—will take the centre of power away from this Parliament to Brussels. There is no doubt about that. At present, before the Lisbon treaty goes through, the balance of power is held between the Commission, the UK Government in Council and that derived from the scrutiny of the UK Parliament. That balance is similar in each member state. Eventually, because of unanimity, it is possible to appeal to the UK courts to judge how the power should be applied. After the treaty is up and running, and after the five years that it will take to erode—or to leak—the red lines that we have set on all the areas that we have opted into, the balance will be between the Commission, national Governments in Council and the European Parliament.

The role of national Parliaments will be massively diminished. In fact, as recently as December it was suggested by European parliamentarians from a number of parties at a Future of Europe conference, that our Parliaments' role will be to try to influence the European Parliament, so that it can make the appropriate amendments to what comes out of the Council. As Chairman of the European Scrutiny Committee, I am not prepared to accept that.

Angus Robertson: As a fellow member of the European Scrutiny Committee, I am grateful to the Chairman for allowing an intervention. I want to raise the question of member state Parliaments and the role that they might play in a subsidiarity early-warning mechanism. He knows as well as I do that it is almost impossible to hold Governments to account within an eight-week window, which is how the mechanism is supposed to work. How does he imagine that that will ever be made to work across 27 member states, many with two parliamentary Chambers? It is not merely a question of one initiating the process.

Michael Connarty: I shall come to that. It is part of the main points with which I want to conclude. Those are interesting matters, which should be taken seriously

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by Parliament. Much has been said tonight, not only by the Foreign Secretary but by others, that suggests that there will be more influence for civic society—that was the plea—or a citizens' referendum. The reality is that at the Future of Europe conference a colleague of the hon. Member for Kingston and Surbiton (Mr. Davey), who sits with the Alliance of Liberals and Democrats for Europe, said, "Just accept it. The orange and yellow cards are worthless. They will never work.". The Commission, I have to say, had been saying similar things for some time.

It is worth mentioning that although Maastricht made greater changes, the Lisbon treaty represents a more significant point in our relationship with Europe. Its significance might not be as great as that of Maastricht—and especially of the social chapter—but this treaty is the tipping point. It is the point at which we will begin to adopt the European Community method on most matters, apart from tax and social security, and in a number of respects—perhaps most of them—in common foreign and security policy. In most other things, we will move into a situation where we will have QMV, where the Commission will administrate and where the European Court of Justice will judge.

Many comments have been made about the passerelle clause. Some people have said that if we mention that clause, people will go to sleep, but let us tell people what it is about. We have defined it as a gangplank. I coined the phrase because it is a bit like walking the plank. When a passerelle clause has been passed over—when it has been voted that the Council should go

from a veto to QMV—it is like walking off a plank. There is no way back: the veto has been given away, and it cannot be got back. The Council has moved to a new way of working.

There are passerelle clauses in respect of common foreign and security policy—many of them are in the treaty sections that we have signed. We will have to decide whether we will move to the new method of decision making or try to hold on to what we have. We have to do that by withdrawing from our agreements.

On the involvement of the national Parliaments and passerelle clauses, I want the Government to make it clear how we are given the powers that the Prime Minister said that we would have. He said in the Liaison Committee, in reply to me, that the clauses that change the decision-making process in European Council meetings of the Heads of Government from unanimity to qualified majority voting would only be enacted after a vote on the Floor of the House of Commons. I want to see that clearly spelled out at some time during these debates.

Let me turn to the subject of the opt-outs—or opt-ins.

Ms Gisela Stuart: Will my hon. Friend give way on that point?

Michael Connarty: No. I shall not take another intervention, as I am conscious that people want to speak.

I have asked the Prime Minister and the Foreign Secretary several times to explain how the opt-out arrangements will happen under protocol 10. The Foreign Secretary told us in his evidence to the European Scrutiny Committee that there are 70 to 80 areas that we have opted into already where we will need to make a decision

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at some time to opt out or opt in under the Community method. The point is, will it be done by stealth in the Council or will it be referred to this Chamber at all? That must be clarified in order for us to have any sense that that Government are keeping faith with us.

My last point is about the operation of the trigger mechanism. For the yellow card, 33 per cent. of countries are required to object and for the orange card 55 per cent. of countries must object. How do we signal our view? We believe that the European Scrutiny Committee or some other Committee of the House should have the right to trigger the process immediately, in consultation with the devolved Assemblies and Administrations. Are the Government prepared to give us that power and some control over subsidiarity?

7.9 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): It is right that there should be great passion in the House about Europe because Europe and Britain's role in it is one of the great issues, for not only us but the rest of our continent. The question is not whether we should be in the European Union but the sort of Europe that we wish to develop and whether Britain can be comfortable in it.

The House is being asked to determine two matters today. The first is the referendum and the second is whether the treaty, regardless of the referendum, deserves the House's support. The

Foreign Secretary's attempt to create a new explanation for why the Government committed themselves to a referendum is unconvincing. The former Prime Minister, Tony Blair, made it clear that he believed that the people should have their say on such an important matter. The Government's fear of losing such a referendum has made them change their position. It is not a question of the legitimacy of the treaty if there is no referendum, but of severe damage and erosion to the public's faith in Government.

However, the second matter is far more difficult—indeed, more difficult than some of the speeches have suggested. The question whether a treaty deserves our support is usually expressed in absolute terms. Many hon. Members are happy to describe themselves as hard-line Eurosceptics, who would be content for the country to leave the European Union and would oppose any treaty, whatever its terms. Others are instinctively sympathetic to whatever emanates from the EU and want to be positive towards it. For what it is worth, I describe myself as a moderate Eurosceptic. I am against the single currency and many of the EU's aspirations. I have therefore tried to consider the matter objectively and ascertain whether the criticisms of the treaty have substance or are exaggerated.

The criticisms have some substance, but not as much as is often suggested. If, for example, one considers whether there is significance in going from a treaty to a constitution or a constitution to a treaty, the critics are right that 95 per cent. of the documents are exactly the same. However, I am delighted that the treaty is no longer described as a constitution. Although calling it a constitution did not make the EU a state, it nevertheless disclosed a state of mind that wished to move Europe in that direction. When the document

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was called a constitution, included a proposal for “a Foreign Minister” and referred to flags and anthems, it contained all the paraphernalia of a state or state in the making. Although the treaty is not substantively different, I welcome the change in terminology.

To those who disagree, let me say that I remember debates in the House when the European Assembly was becoming a Parliament. It was argued that the word “Parliament” was significant, regardless of any other change of powers. It is important to make such distinctions. The European Court of Justice may have to interpret the significance of the document one day. If it is a constitution, the court could grant it the same significance in overruling other legislation as the Supreme Court in the United States would grant to the US constitution.

The proposal for a president is unnecessary. It is not an absolute requirement and I would be happy if it was not there. However, I refuse to accept that it has the sinister implications that are sometimes suggested. The person concerned will be a President of the European Council and his powers will be substantively the same as those that the President of the European Council has held for several years. He will be appointed for two and a half years, and therefore undoubtedly have more influence. However, he will be more like a President of Switzerland than a President of the United States. He will be an ambassador. Perhaps Tony Blair would be an adequate choice because, as with his current job in the middle east, the President of the European Council will argue the views of other people. In the case of the European Union, that would be the view of Governments in the organisation.

I do not believe that a high representative is necessary, but most people should welcome the combination of two jobs—that of the External Affairs Commissioner and that of the high representative.

I set myself a fundamental test. If the proposals are accepted, would the British Government—whoever are the Government—be prevented from initiating British policy in the most crucial matters, which affect our national interest? If the terms had been in effect some years ago, would we have been unable—for good or ill—to go to war in Iraq against the wishes of most of the other countries of Europe? Would we have been able to defend our interests in the Falkland Islands or pursue our policy on other aspects of foreign policy? Only if the answer to those questions is no can we pass the rather dramatic judgment that is sometimes expressed. I am not keen on some aspects of the powers, but we should get them into proper perspective if we are not to do ourselves a disservice.

However, the most significant aspect is the opt-outs that the Government have negotiated, if they are watertight. The Government have a long way to go to prove that they are watertight. If they can do so, the facts that the charter of fundamental rights will not be justiciable and that we will not be bound by justice and home affairs matters unless we so wish, are important.

Michael Connarty: If the right hon. and learned Gentleman refers to the evidence that the Foreign Secretary gave to our Committee, he will realise that my right hon. Friend made it clear that there is no opt-out from the charter of fundamental rights. It was never claimed to be an opt-out.

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Sir Malcolm Rifkind: I accept that it is an opt-in, but that has—or is claimed to have—the same practical effect on the fundamentals.

My point is wider than the importance of such measures for justice, home affairs and the charter of fundamental rights. If we are to have a long-term future in the new EU, it can be only on the basis of a EU that accepts what is often described as variable geometry: different member states determining for themselves the amount of integration that they are prepared to accept. I can live with our membership of the EU because we are moving in that direction, not because I have a naive belief that many in the EU will not continue to strive for a federal outcome—I have no doubt that they will. As long as we in the UK are not forced to follow them, I can live with our membership.

We are not in the single currency and we are not in Schengen. If it can be demonstrated that the charter of fundamental rights will not be justiciable and cannot, therefore, overturn our national law; if we can make decisions about justice and home affairs; and if member states have a similar right to decide for themselves the parts of future proposals for integration that they are prepared to accept, we should find that sort of EU acceptable and be prepared to live with it.

I make this sober point to my colleagues: we are a party that remains committed to our membership of the EU. That means that, if one is a member of a European Union with 27 member states, conclusions will occasionally be reached that we do not like. Compromise is required because that is the nature of any international organisation. That should be acceptable to us in the context of our sovereignty and national interest, if we can opt out and decline to be part of the process on issues to which we attach great importance. That is the

way that the EU is evolving. If—it is a big “if”—the treaty will move us further in that direction because of the opt-outs or opt-ins, we should welcome it.

The Government are acting in bad faith on the referendum. Regardless of the merits of the treaty, they made a promise to the British public and it is foolish and against their interests to deny that. They make themselves look petty, mean and unconvincing by doing that.

On the wider question of the treaty, we should be critical of those aspects that we do not like—I have not had time to refer to many elements that I personally do not like—but we do ourselves no service and do nothing to support our interests if we exaggerate the problem. The Government have much work to do.

7.18 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I am pleased to follow the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) because he started with the important point about the labels that we give people for their attitude towards Europe. We do not have the language to describe those of us who broadly agree with co-operation between European Union member states that goes beyond pure trade relationships but also make critical assessments. We immediately jump to calling people Europhobes or Europhiles or Eurosceptics. Just for the record, I find fault with the treaty and with the organisation, but I

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absolutely refuse to be labelled as a bad European or a Eurosceptic by anyone for that reason. I will take no lessons from anyone about that.

That leads me on to why we need to consider the substance of the treaty. I am extremely grateful to my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), because he started to describe the consequences of some of the provisions in the treaty and to explain what will happen. People might like it or not like it, but we need to start saying what is within the treaty.

I suggest that those on our Front Bench should look a little at the history of how we ended up with this piece of legislation, which started life with the Laeken declaration. The treaty started because there were perceived to be two problems in the European Union. One was to do with its bureaucratic efficiency—at that stage, by the way, a review was needed for enlargement, so let us park that one for the moment, because enlargement happened. The second and much more fundamental problem was a disengagement from the institutions by the people of Europe and the loss of the kind of democratic legitimacy that people had hoped for when we started direct elections to the European Parliament. In reality, all that happened was that fewer and fewer people either turned up for elections or related to the institutions.

Someone then came up with an answer—a constitution. That treaty—the constitution—was continuously changed. The French rejected it, and we started giving it different names, but we should waste no time today asking whether the treaty is the same as the constitution. It is a bit like Heinz baked beans: with more than 57 varieties, we know what the thing is in essence, and in essence it requires democratic legitimacy from all the people in the member states of the European Union.

Kelvin Hopkins (Luton, North) (Lab): I agree with what my hon. Friend has been saying. Does she agree that that disengagement is potentially dangerous, as was illustrated strongly by the French and Dutch referendums, where the elites and the political parties all recommended a yes vote and the people voted no? That disengagement could undermine democracy in Europe.

Ms Stuart: Indeed, and that leads on to the referendum. When our then Prime Minister promised a referendum in 2004 on the new package of changes to the European Union, he did not do so for constitutional reasons; he did so because it was the right thing to do. The second point about that is that this Labour Government, more than any other Government, have used referendums to settle certain questions—we used one in Scotland and Wales, and we even used one to decide whether Birmingham should have an elected mayor. The notion that using referendums undermines parliamentary democracy therefore does not sit easily with those on our Treasury Bench. Given that we had a promise about the use of a referendum, and given that one of the most fundamental problems in the European Union is a disengagement and a lack of democratic legitimacy, I cannot for the life of me understand why our side is reneging on its promise.

Even though I am not surprised, neither can I understand what the Lib Dems are doing. They are the most pro-European party when they are here at Westminster,

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but when they go back to their constituencies, especially to some seats with fishing communities, they might as well be to the right of the UK Independence party. Now, rather than honouring what is a question on the treaty, they are asking, “In or out?” To me, that is using blackmailing, bully-boy tactics, which for a mature democracy is a sign of real intellectual and political poverty. If the Lib Dems really think that we should be asked, “In or out?” please let them go and ask that question, which is a perfectly legitimate question.

That takes me back to my opening remarks. It is perfectly possible to wish to be a member of the European Union, but to find significant fault with the treaty, which may be sufficient for people to say no. However, the fundamental argument about democratic engagement is this. Our Parliament and other national Parliaments are not being given more real powers; we are simply being given more information. We are being given a mechanism that, as any Committee that has considered it or anyone who really thinks about it will know, is completely and utterly ineffective. This mechanism requires two thirds of a national Parliament to arrive at a view opposing that of their own Government. However, this House, for example, has no tradition of being given a mechanism for arriving at a view opposing the Government. The Government can always whip anything through.

For that reason, if those on the Treasury Bench are serious about some of the changes, I urge them to consider, for example, one of the Foreign Affairs Committee’s recommendations, which was that rather than having a vote, should there be further extensions to qualified majority voting, there should be primary legislation, which would be required to pass through both Houses. Let those on the Treasury Bench look at how this House could scrutinise things with much greater power or at what the European Scrutiny Committee said about who should trigger the mechanisms.

At the end of the day, however, if we are really serious about restoring democratic accountability and faith in the political process, about bringing people closer to the European Union and about what the Foreign Secretary said in his opening remarks—I wrote this down;

he said, “This is good for Europe and it is good for Britain”—when he prayed in aid the NSPCC, the bishops and so on, how about praying in aid the people of this country? If the treaty is good, let us go out and ask them. Then the Foreign Secretary will have a mandate and an endorsement, which could not be undermined by any successive Government, of whatever shade. Let us ask the people and have faith in them.

7.26 pm

Mr. Kenneth Clarke (Rushcliffe) (Con): I am in favour of the ratification of the treaty of Lisbon, so I shall be supporting the Second Reading of the Bill. I am also totally opposed to the whole idea of a referendum on this or similar treaties. Referendums are not part of our British constitution, and I regret the fact that they are in constant danger of becoming such.

My views should come as no surprise to anybody—I am sure that they do not—as I spoke and voted accordingly on the 2004 treaty that was originally put forward. I am astonished to find, three years later, that

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we are having such an agitated debate. As we have had a general election since, I am one of the few Members of the House who fought the last election on the basis that I am now putting forward. It is true that my party’s manifesto said differently, but no person who follows politics in my constituency can conceivably have imagined that I supported that part of the manifesto. Indeed, I was quite clear about that to the very few people who bothered to raise the subject with me—I have received six or seven letters on the subject in the past five years. I therefore feel no sense of a lack of democratic legitimacy in putting forward my view.

Mr. Heathcoat-Amory: Surely my right hon. and learned Friend can have no principled objection to a referendum, because he was a member of a Government who agreed to have one if Britain should ever join the single currency. Indeed, that is now the established position of all the political parties. If it is right to have a referendum when we export monetary policy, surely it is also right to have one if we are contemplating exporting our political powers.

Mr. Clarke: I can reassure my right hon. Friend that I personally regard myself as bound by the commitment, which I was persuaded by the then Prime Minister to enter into, that we would have a referendum on the single currency. My right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) took part in persuading me and the now Lord Heseltine to agree to that, but I have frequently said, and I repeat now, that it is the biggest mistake I have ever made in my political career.

I have consistently argued and voted against referendums on the European Communities Acts, the Single European Act, the Maastricht treaty, and the treaty of Amsterdam and so on. I am quite sure that had a Conservative Government remained in office after 1997 and had we negotiated a treaty of the kind that eventually came to pass in Lisbon, we would not even have contemplated having a referendum. We were always consistent in the past, and I remain consistent now.

Mr. Gummer: Does my right hon. and learned Friend not agree that, had the Lisbon treaty been negotiated by the right hon. Baroness Thatcher as she negotiated the Single European Act, she would have come back to the House and claimed it as the kind of treaty for which we ought to vote? There would have been no referendum on the matter, and we would have marched into the Lobby at her side.

Mr. Clarke: I regret having to turn my back on one of my oldest personal friends in the House. I agree with him entirely: we would have wished to have negotiated this treaty following the enlargement of the Community. Mrs. Thatcher always regarded referendums as instruments that were useful to dictators and others who wished to get round Parliament.

I want to ask myself how we got into this situation. I now find myself in the Chamber surrounded by people who are wildly agitated about the question of a referendum when actually a majority of them went through the last election saying that they wanted a referendum on this subject. I am afraid that I blame the previous Prime Minister. He entirely shared my view of referendums on

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European treaties. Indeed, he told me so when I had a conversation with him on the subject. More importantly, however, he told more important people than me that he was against holding a referendum—most particularly, President Chirac, whom he assured that he would not have a referendum.

I now move into theory, rather than reporting what Tony Blair told me, but I am quite convinced that the only reason that he startled me, and most of his own party, by completely changing his position on this question was that he had had conversations with Mr. Rupert Murdoch. With the approach of a general election, he was absolutely desperate—as new Labour Ministers, for some curious reason, always are—to have the support of *The Sun*, and a deal was done that he would hold a referendum on this treaty, which, for some reason, he was confident that he would win, in exchange for Murdoch not turning *The Sun* against him at the election. I do not regard that as the basis for a great move forward in the British constitution.

I personally think that referendums are a way of weakening Parliament and getting round parliamentary authority on key issues of this kind. I have never accepted that they should be the way forward. For example, the House should vote this evening that it is in favour of the Bill and of the treaty. If we were then to hold a kind of organised opinion poll in which the right-wing press would seek to achieve the result that it wanted, and if ratification of the treaty were defeated, would we all be expected to come back to the House and vote against our judgment of the national interest in line with the result of the referendum? And who on earth is going to tell us what to do in the circumstances that would follow that? That is a question to which I hope briefly to turn in a moment.

I am not remotely impressed by the absurd argument that the treaty is different from the last treaty, although I welcome some of the changes. That is a theological nonsense from people who regret having got themselves into this position and are now trying to get out of it. They are at least now moving to a better position. Nor do I agree with all this red line nonsense as a way of describing the negotiations. It has been a mistake made by British Governments over the years to present their European policies as though they are always going to Brussels to fight demons, and to achieve great victories by beating off threats to our interests. The fact that every Prime Minister since Edward Heath has used that approach to describe such negotiations is one reason why the public have turned so Eurosceptic over the years.

Instead of going through the pantomime of refusing to sign a treaty—that he had negotiated and agreed to—in the company of the other Government leaders, the present Prime Minister should have concentrated, as should the previous Prime Minister, on presenting the public

with his argument on why he had negotiated and signed the treaty, and why he believed that it was in the British interest to ratify it. Instead, he followed inglorious precedents by trying to pretend that he was not really there at the time when the document emerged, which is no way to sell it.

I am pro-European, as everyone here knows, and I will not labour my reasons for so being. Pro-Europeans should support a treaty that will improve the workings of the present institutions. I am persuaded that it is no

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longer essential that an enlarged Community should have to have the new treaty, but the mechanisms for decision making in the Union will be very much improved if we adopt it, compared with what we have at the moment. For that reason, I support it.

I am in favour of the new arrangements for the presidency. It is nonsense to suggest that the President of the European Council will be some kind of giant political figure, as my right hon. and learned Friend the Member for Kensington and Chelsea has just said. I actually think that the new arrangements will be an improvement on the six-monthly national presidencies. Now that we have 27 member states, the present system would involve the Head of Government of each member state coming along once every 13 or 14 years with an agenda for the next six months. All too often, such agendas are aimed at domestic political opinion. Under the new system, we shall have some consistency.

I believe that having one foreign affairs spokesman, rather than two, is an improvement. The new arrangements are perfectly satisfactory because they confirm the intergovernmental nature of foreign policy making. I am all in favour of having a smaller Commission. That is essential and long overdue, although I am amazed that it has been achieved. The new treaty actually strengthens the power of the Councils of Ministers—accountable to Parliaments—at the expense of the Commission. I would have been worried if things had gone too far in that direction, because we need quite a strong Commission to keep the European institutions functioning. However, a smaller Commission is long overdue. I also approve of the improvement of the qualified majority voting system.

I also believe that, although I supported the original treaty, there were real problems with the precise status of the charter of fundamental rights. I was alarmed that quite sensible employers and a number of trade union leaders appeared to believe that a re-statement of the undoubted right to strike meant that, somehow, the European Court was going to reopen all our trade union law. I always thought that that was barrack room lawyer nonsense, but—although I have been rude about the red lines—the changes that have been made between the Giscardian treaty and the present one represent an improvement that clarifies the situation and should put those arguments to rest.

Why do I take this view, when I find myself surrounded by colleagues who take quite alarming views? At least no one has yet gone as far as *The Sun*, which has declared to its readers that this treaty, if ratified, will result in the end of Britain as an independent state. I have heard that argument used against the European Communities Act 1972, against the Single European Act and against Maastricht. My right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) used it against the Amsterdam treaty. It is less likely to be true in this case than it ever was in any of the previous ones. People will conclude that we are going to lose control of our foreign policy, for example, only if they believe that the European Union is some kind of organised conspiracy in which the other 26 member states

are prepared to sacrifice their sovereignty in order to destroy ours. I do not believe that, and I therefore support the Bill.

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7.37 pm

Frank Cook (Stockton, North) (Lab): Perhaps I should remind the House that although I am a simple soul, I am not stupid. I was soft enough, however, to allow myself to be persuaded to chair the Joint Committee of the House of Lords and House of Commons when our delegates to the Convention were bringing back their reports to the House. So I have some knowledge of this matter, albeit slightly second hand. That is why I found the tone of the original protestations that prefaced the debate today somewhat hollow. With the exception of the delegates who came back to present their reports, I do not think that the Committee ever saw more than six Members of this House. They would get up and make a statement, then get out as soon as they could. Alternatively, they would take advantage of the first Division in the House to go down and vote. I am sure that they did vote, but they certainly did not take the trouble to return to the Committee. We therefore found ourselves with a plethora of Members of the other place who were prepared to discuss these matters, but we did not get much feedback from this Chamber. I have therefore found today's protestations somewhat false.

However, I welcome the comments of the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind). He put his finger on what this is really about. This is only the Second Reading debate, so these proceedings will go on for some time. The right hon. and learned Gentleman said that the debate was about two decisions: one on a referendum, and one on the treaty. Anyone who has been in the Chamber throughout today's proceedings will know that we have spent at least two hours, probably more, discussing a referendum. Only in the last three speeches have we been able to get down to the nuts and bolts of the treaty—the essential matter that we should be discussing.

I am at a loss to know why we should have this problem with the referendum. Residents of Norton in my constituency told me that they wanted a parish council, so I told them to have a referendum, which they did. They knocked on doors—but only on the doors of people who wanted a parish council, so they were disbarred for not allowing anyone to vote against it. However, the residents of Billingham had a lot more sense: they knocked on all doors, and got a resounding yes. They now have a parish council. Fine.

We had a referendum on having a north-eastern regional assembly; every door was knocked on then, but we ended up with a resounding no. I seem to recall that Hartlepool and Middlesbrough had referendums on whether they should elect a mayor. They both received yes answers, though the one voted in a monkey and the other a policeman. Stockton had much more sense in its referendum, saying that it did not want an elected mayor anyway. Then there was Scotland, which acquired an Assembly; as did Wales, but it had a referendum in which only half the people participated, and only half of those said they wanted a Parliament.

We have already used referendums, as I have shown, so why do we not just agree to have one, which would allow us to save all the time we have wasted on debate tonight? We could get into Committee, discuss the details of what is and is not in the treaty and achieve some sort of sensible resolution, without all the wasted breath. Ironically, while I am for a referendum, I

am

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also for the treaty. I shall vote for it on the basis that it is an improvement, moving towards regularisation and providing a more disciplined approach when an increasing number of nations are trying to work together. I therefore appeal to my Front Benchers: for heaven's sake, reconsider having a referendum. If they did, three quarters of the people on the Conservative Benches would have nothing left to say.

7.41 pm

Rev. Ian Paisley (North Antrim) (DUP): I was thinking earlier of the night I sat here when the United Kingdom joined the European Union, or whatever one wants to call it. Members spoke very solemnly and seriously and many of them were laughed at when they described what the European Union would eventually look like, but their prophecies have all been fulfilled. I remember one Member saying that we were going to lose our fishing rights, and they laughed at him, yet we have lost our fishing rights. When the United Kingdom went into the Common Market, as it was called, we had the majority of the fishing grounds, but we were soon left with none.

The hon. Member for Linlithgow and East Falkirk (Michael Connarty) made a good point when he said that we should look into the future and try to find out what is really going to happen. There is no doubt that the power of this Parliament, as we know it today, is going to be removed. We have seen it in the past, and we were told that these things were all good for us. I believe in nations coming together, pooling their various views and offering help for the good of each one, but when it comes to a dictatorship where ordinary people do not have a say on what is done, we lose out completely.

Mr. Redwood: Given that the devolved Governments of Northern Ireland and of Scotland wish to have this referendum, cannot they use their powers and devolved money to hold referendums at least in those two parts of the United Kingdom in order to show up the Government and give England a real cause for anger?

Rev. Ian Paisley: I wish I could answer yes to that, but I cannot because there are some money limitations and we do not have the authority so far—but we are discussing that matter at the moment. If Northern Ireland wants to express a view on this, I feel that it should be entitled to do so within this United Kingdom. Even if it is only a consultative thing, it does not matter, as the people will be given the opportunity to express their views. I think that Scotland may like to do the same, but I would not dare to speak for Scotland, even though my mother was a Scot from Morningside in Edinburgh.

I sat in the European Parliament for a very long time. As we look to the future, it is sad to see that people's ambitions to do something for Europe have been set aside and that tonight we are spending time debating whether the people of the United Kingdom are allowed to say yes or no. That is the real purpose of this debate. It is simple. Then, if they are allowed to say yes or no, it is settled. The people speak and if we are democrats, we have to bow to what they say. The people may do something that we may not admire, but that is democracy. We must hear what the people have to say.

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From where I stand and as I look at it, I do not want to be an enemy of Europe. I know that because when I go abroad to sell Northern Ireland, I know how much we need the help and friendship of the rest of the globe. I want to be a friend of Europe, but I also want to be a good friend of my own country and I want to stand up for the principles that made our country great in the past and that can make her great again. As I go around the world, I find many people looking to the United Kingdom. They say, “Yes, you folks succeeded in many ways”—and so we did—and I trust that we will succeed again as a nation.

I believe that the Government should look very carefully at the question of the referendum and they should not be so hasty. After all, they were converted to it originally, back in 2005, when we heard that it was

“a good treaty for Britain and for the new Europe”.

It was said that it would be put to the British people in a referendum and that the Government would “campaign wholeheartedly” for a yes vote to keep Britain a “leading nation in Europe”. It was Labour that argued for that. Indeed, Mr. Blair himself said that we should not reject the treaty, only to bring it back with just a few amendments to have another go at it, yet that is exactly what the Government are now attempting to do. Those are their own statements and I could repeat many more.

I also mention the French President, who at a closed meeting in Europe said that he could not win a referendum. He prophesied that Gordon Brown could not win it either. He said that we would just have to hold out on this referendum. According to a survey conducted by the EU itself, only 39 per cent. of the people of Britain are reckoned to be in favour of EU membership, and that is not the majority of the people. That can be tested. The Government would be wise to think again. It is no skin off anybody’s nose to lose an election. The person who loses an election had the guts to put his views and to say, “Here’s what I believe. I want you to endorse it.” I have fought elections and lost them, and fought elections and won them. We should have our finality in the ballot box and let the people speak.

7.49 pm

Mr. Mark Hendrick (Preston) (Lab/Co-op): The reform treaty is not about making the European Union more powerful or creating a European state; it is about making the Union of which we are already part more manageable and effective. With 27 countries already in the Union and more queuing to join, it is essential that the EU institutions function better.

Many Members have spoken about a referendum, but there is a great deal of substance in the treaty to speak about. The commitment to a referendum, however, was based on the European constitution—the constitutional treaty. We now have an amending treaty. A constitution would have replaced all existing treaties, effectively refounding the European Union, but the reform treaty does not do that. Therefore, it is not a constitution. The mandate for the intergovernmental conference in October spells that out:

“the Constitutional concept, which consisted in repealing all existing treaties and replacing them by a single text called ‘Constitution’, is abandoned”.

Nor does the reform treaty surrender any vital powers over issues of sovereignty. We retain national control

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over justice and home affairs, social security, tax, foreign policy and defence. The treaty is much less significant, as colleagues have said, than the Single European Act signed by Margaret Thatcher, and the Maastricht treaty. We did not have a referendum on those treaties or any others.

Daniel Kawczynski: What consideration has the hon. Gentleman given to serious concerns about the treaty expressed by the trade unions?

Mr. Hendrick: The right hon. and learned Member for Rushcliffe (Mr. Clarke) answered that point earlier, in that it was presented as something that it was not.

Kelvin Hopkins: My hon. Friend has just rather dismissed the view of the trade unions. Is he not aware that the TUC voted by a substantial majority for a referendum last September, and voted against the constitutional treaty in the previous year?

Mr. Hendrick: My hon. Friend knows very well that the unions are now on board with the treaty and do not oppose it.

Much has been made of the similarity between the reform treaty and the constitution, but there have been many changes. Unlike the constitution, the reform treaty contains no symbols of statehood, such as provision for a flag or an anthem; it includes an explicit provision for EU competences to return to member states if countries agree; it makes no reference to the primacy of EU law; it strengthens the powers of scrutiny for national parliaments; it keeps the common foreign and security policy in a separate treaty; it adds two declarations confirming that all member countries see foreign policy as the responsibility of member states; it contains new clear language excluding European Court of Justice jurisdiction over CFSP affairs; it contains a UK-specific legally binding protocol on the charter; and it states for the first time that national security is the sole responsibility of member states.

Under the reform treaty, the European Council will have a full-time chairperson or President. European leaders will choose a President for up to two and a half years. The present system whereby a member state has the presidency for six months might have worked with 12 or 15 states, but with 27 member states it becomes unworkable: smaller countries struggle with the overwhelming task of running a complex agenda; bigger countries mix up national priorities with the EU interest; and rotation means too little follow-up. The President of the Council will be appointed as the servant of the leaders of national Governments and the purpose is to strengthen the Council of national Governments in relation to other EU institutions; and that is similarly the case with the high representative. The EU's national leaders, not the president, will take all the final decisions when they meet together.

Increasingly, the concerns of British citizens lie outside our borders. The challenges of climate change, international terrorism and economic migration mean that international relations can no longer be separated from our day-to-day lives.

Angus Robertson: The hon. Gentleman will be aware that the EU reform treaty enshrines fisheries as an exclusive competence of the European Union. Will he explain what advantages that will bring to fishing communities?

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Mr. Hendrick: There is no change. The situation is as it is now— *[Interruption.]* I must continue; the hon. Gentleman has raised the issue several times.

The reform treaty will merge two external affairs posts, giving the EU a more effective foreign policy unit and a clearer voice internationally. The reform treaty includes a declaration signed by all 27 members that specifies that the new EU position will not affect member states' ability to conduct their own foreign and defence policy. As is the case now, the European Council, acting on unanimity, will set the strategic interests and objectives of the Union. The Council will then task the high representative to take forward activity or make proposals.

The Council of Ministers currently takes decisions under the complex triple majority voting system of the Nice treaty. The reform treaty's double majority system is fairer and clearer. It will give countries with larger populations more weight. That is in the interests of the UK, which will have 29 votes in the Council, which is the same number as Germany, Italy and France. Under the new system, a measure will pass if it is supported by 55 per cent. of member states provided that they represent 65 per cent. of the population of the EU.

Most decisions in Europe are already taken by majority vote. Prime Ministers from Margaret Thatcher onwards have supported the move to qualified majority voting because it stops smaller countries blocking legislation that is beneficial to the UK, for instance on the single market. While the Council always tries to reach consensus, QMV will allow quicker voting in a Union of 27 states. However, the UK has retained the right to opt out of decisions on major issues of policy such as justice and home affairs, which is a major difference from the constitution.

To enforce the principle of subsidiarity, the reform treaty will, for the first time, give national Parliaments the right to challenge a piece of European legislation. If a third of national Parliaments object to a proposal, the Commission must consider whether to maintain, amend or withdraw it. If a majority of Parliaments object to a proposal and the Commission still wants to press ahead with its proposal, the European Parliament and the Council will have to consider both sides of the argument before reaching a decision.

The reform treaty will therefore revitalise and improve the way in which the EU works. That is undoubtedly in the UK's interests.

Mr. McGovern: Will my hon. Friend give way?

Mr. Hendrick: I shall not give way further.

It is worth remembering that the UK is a member of the EU because, in certain areas, we get better results than if we were to act alone. Without the EU, Britain would be poorer. As a trading nation, we rely heavily on membership of the EU single market of 480 million consumers. More than 3 million British jobs and 60 per cent. of our trade would be directly affected. It is therefore crucial that we continue to engage in the EU and that we develop the leading role that we play in setting its agenda.

Angela Merkel said recently that it would be impossible to imagine the EU moving forward without Britain. It is easy to see why. The UK has demonstrated its importance

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in many ways: on climate change and energy; on security and defence; and on Africa. As a result of Britain's special relationships with the United States and now with China and India, given the Prime Minister's recent visits, that influence has been enhanced. Those connections will ensure that the UK will always have influence in Europe. This treaty is good for Britain, good for the country as a whole, and good for the European Union.

7.59 pm

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): For some of us, this debate and what it presages impart a degree of nostalgia. Those of us who went through the nightmare experience of Maastricht and the ratification process—I was a Europe spokesman for our party at the time—are returning, 15 years later, to something that may be similar but which we hope will not be too similar, in political drama and the hours involved.

I have two recollections from that period. One is of the emergence of the so-called night watchmen. Some are still with us, fellow survivors. I think of the hon. Member for Stone (Mr. Cash), who is sitting at the back of the Chamber now, and of others such as Sir Teddy Taylor, the up-and-coming young right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), and Jonathan Aitken. The procedures of the House at the time meant that we sat literally throughout the night. My other recollection is of emerging, blinking, into the morning to observe the passage of the seasons as the process unfolded over the months and months that it took. I think that parliamentary procedures have changed for the better since then. Let us hope that the general tenor of our discussion over the coming weeks will also have improved over the intervening decade and a half, and that we do not experience another debate in which the indefatigable meets the interminable.

I do not want to make my brief speech in any particular party political context, because that has already been done. I want to say a few words in the context of my position as president of the European Movement, an all-party organisation that also contains many individuals of non-party political affiliation.

Mr. Hands: Before the right hon. Gentleman leaves the subject of party politics, will he be helpful and give us an explanation of the Liberal Democrat policy? He has said that the party is in favour of an in-or-out referendum, but that it is opposed to a referendum on the treaty because it is afraid that it will become an in-or-out referendum. Is he in favour of an in-or-out referendum or not?

Mr. Kennedy: The experience of all political parties suggests that when former leaders are asked to interpret policy on behalf of their successors they are rarely helpful to anyone, least of all the successor in question. None the less, my sense of parliamentary duty leads me to try to be helpful.

My answer is simply this. I voted for a referendum over Maastricht, for example. At that point our number were split almost 50:50, and the split was almost generational. Those who, like me, had not been around at the time of the previous referendum were enthusiastic about the

idea, while those who had—people such as

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David Steel, Russell Johnston and Bob Maclennan—were definitely not. It was an interesting gauge at the time.

I have always taken the view that, at some point in British politics, there must be a further redefining referendum on the European issue. What form it might take and on what hook it might have to be hung, whether it be Maastricht, a single currency or the original prospect of a constitution which has now evolved—I use that word to be as neutral as possible—into the treaty revision in Lisbon, a referendum to lance the European boil one way or another in British politics cannot be averted indefinitely. Indeed, I am surprised that it has not happened already.

To pick from the comments of the right hon. and learned Member for Rushcliffe (Mr. Clarke) about discussing some of these matters during his private conversations with Tony Blair in the run-up to the last election, I remember having equivalent, separate private conversations along similar lines, when the then Prime Minister was trying to persuade me, as Liberal Democrat leader, to get the Liberal Democrats out of their stated position of favouring a referendum on the principle of a single currency. I said that I was not at all minded to do that, because I thought that it was the right policy and so did my colleagues. He said “But you do realise, Charles, that if we had a referendum the French would not touch it, the Germans would not want anything to do with it, and it would paralyse my entire Government for six months?” That was in the run-up to a period during which he decided to invade Iraq, which, I would suggest, paralysed his Government for a hell of a lot longer than six months. It is remarkable how the arguments can change.

I think that there will have to be a referendum. I also think that, whatever the issue, the argument will evolve, as many arguments have—they did when we debated Maastricht, and I suspect that they will again over coming weeks as the hours wear on and tempers become frayed—into, essentially, the question “Are you in and engaged with Europe, or are you disengaged and therefore effectively stepping back from Europe?” That is why I think that the position we are advocating in that respect is consistent and honest.

Mr. Davidson: Will the right hon. Gentleman give way?

Mr. Kennedy: I am very short of time, but I like the hon. Gentleman. He is good entertainment value, and we will look to him in hope over the coming weeks.

Mr. Davidson: I thank the right hon. Gentleman, but surely he was guilty of gross exaggeration when he suggested that the Liberal Democrats were split 50:50. It was more like 6:6.

Will the right hon. Gentleman clarify something for us? If I show him my motion, will he show me his? Can we hold both referendums together? I am quite happy to vote for us to stay in Europe if he is prepared to vote for us to abandon the treaty.

Mr. Kennedy: Even I, in my parliamentary and leadership dotage, can recognise that as not being a very good deal from either a personal or a Liberal Democrat point of view. I think I will pass on it, but I will refer it to the leader of my party.

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It seems to me that there are just three big points of principle that should lead us to vote for the Bill's Second Reading—as my party will—and to want the treaty to come into being and subsequently into operation. As the Prime Minister has said, that will enable us as a country to go beyond Lisbon and get on with the job of Europe, under the revised mechanisms envisaged here.

First, there is the issue of enlargement. Whether or not the present mechanism would lead to gridlock, as many fear—myself included—I think that everyone will acknowledge that it can be improved, and that the treaty offers a mechanism for such improvement. We hear concerns, expressed today with characteristic wit by the right hon. Member for Richmond, Yorks (Mr. Hague), about the accrual of power that can take place in certain positions in institutions at European Union level. Talk to people in and around the Commission—talk to the Commissioners themselves—and what do they say about the Cabinet style of Commission government? They say that the larger the Commission becomes—the more Commissioners there are—the greater is the propensity for items on the agenda not to be addressed properly, and to be referred back to the Commission President. There is a steady accrual and centralising of power in his office, simply because of the sheer growth in the size of the Commission. That office cannot be kept in check to the extent that is healthy and necessary, which is why the relevant provision in the treaty is so important.

The second issue has already been touched on. Whether we call this a treaty or a constitution—I am not into the semantic argument—I have always told my friends of Eurosceptic outlook that they are the people who should be most emphatically in favour of some codification of the responsibilities of the institutions of Europe, the rights of redress of the citizens of Europe when they are dissatisfied with those institutions, and ultimately, if they take the most profoundly Eurosceptical view, the right of a nation state to have an agreed legal mechanism enabling it to withdraw from Europe. What we have before us provides that mechanism, and it therefore seems to me that the sceptics more than anyone else, if they chose to pursue a different argument from the one that they have pursued, could commend much of the treaty revision.

Thirdly, it depends on how we see our position in the world. Everyone agrees now, since the end of the cold war and all the rest, that we live in a multipolar world. As one who is both a pro-American and a pro-European, I do not think that the British position vis-à-vis the United States or Europe is an either/or, and I hope that it never becomes that. However, whether there is a continuation of the style and substance of the present Bush presidency, which I hope does not happen, or whether the new president is a Democrat—and I am under no illusions there either—the fact remains that we cannot hope as an individual country to influence the direction of global United States foreign policy to the extent that we can as full top-table participants in the European Union. That is the choice that is increasingly opening up for our country, and I hope that this treaty provides a way of developing it through the foreign policy process that it will put in train with a view to the future.

My final point is on a matter that the Minister for Europe knows about only too well—as might the

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Foreign Secretary, who made a commendably pro-Europe speech, unlike some Government Members. Let us use language accurately to commend the treaty.

8.10 pm

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): The hon. Member for Kingston and Surbiton (Mr. Davey), spokesman for the Liberal Democrats, referred in his contribution to the modern Conservative party, but I do not know quite what he meant by that. That said, we heard some interesting speeches from Conservative Members. The right hon. and learned Member for Rushcliffe (Mr. Clarke) made a typically well thought-out speech outlining his particular, very progressive views, which have not changed over the years and which put Britain in the right context within Europe. We also heard a speech from the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), who described himself as a mild Eurosceptic. When he said that, I looked at the faces of some of his colleagues, and when he sat down having finished his speech I think they were thinking that he is not quite the mild Euro-sceptic he had claimed to be, as his views seem to be a lot nearer to those of the right hon. and learned Member for Rushcliffe.

The right hon. Member for Richmond, Yorks (Mr. Hague), who spoke from the Conservative Front Bench, helped to clarify in my mind the nature of the modern Conservative party. It was clear that he could not command his party behind his position, and that there were too many influential members of the party who had taken a thoughtful and independent view about the role of Britain in the European Union. He made an excellent speech in technical terms, and it was very humorous in his usual fashion, but he expressed the views of the old Conservative party back when he led it, when he used many foreign policy wickets to bat against the EU, believing that that reflected the view of the British people. He got caught out then, and I predict that if the Conservative party continues on that track, it will get caught out yet again.

Kelvin Hopkins: The old Conservative party that I remember got us into the EU or Common Market in the first place, and it also got us into the Single European Act, the exchange rate mechanism and signed us up to Maastricht. That was the old Conservative party. The current party is rather different.

Mr. Henderson: I remember an older Conservative party that was colonialist and imperialist and wanted to impose little England principles throughout the whole of the world; it depends on what historical time perspective we relate to.

The issues before this House tonight are very straightforward. If a Member is to vote against the treaty, they must be convinced and be able to demonstrate that it is against Britain's interests, and if they have any commitment to the European ideal of keeping peace, stability and economic prosperity in Europe, they must also be able to demonstrate that it is against Europe's interests.

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Mr. Elliot Morley (Scunthorpe) (Lab): Will my hon. Friend give way?

Mr. Henderson: I think I have given way enough, as I know that other Members wish to speak.

Let us take the test of Britain's interests. If a Member believes that Britain should be a modern, progressive European state and, as the right hon. Member for Ross, Skye and Lochaber (Mr. Kennedy) said, that it should be able to speak convincingly in a European context even sometimes after having spoken to the Americans, it must be credible in its relationships with the other EU partners. We must be credible on economic policy, on the single market, on the environmental issues—which most Members would probably agree can only be resolved internationally—and on foreign and security policy. The red line in that area is important as I believe the British people want to be able to have a distinction on foreign and defence policy, but in terms of most of the current challenges we face in the world we have no option but to work with, not against, our EU colleagues. We have to work with them, and we will not be able to have influence unless we have credibility. The treaty passes the British test of having a modern Britain in Europe.

Is it the right treaty for Europe? If a Member wishes to vote against it on that basis, they must be able to demonstrate that it would cause more damage in Europe than it would cause benefit. The treaty's proposals are reasonably modest. They help to bind the EU together, and to establish a stronger relationship with the larger EU countries, which is demonstrated in the new regulations on voting powers that will come into place. It is also important that those countries feel a common bond with the new, emerging states. There has been agreement on that. If we look at the responses of the emerging states in the EU at the various Councils where these matters have been discussed, it is clear that they more than anyone else agree—Poland, perhaps, excepted, although it has also come round—that this is an important contribution to moving forward and to helping bind them into what they believe the EU is about. They want to be part of an EU that seeks to live in peace and stability. They want to have a demonstrable say in foreign affairs, and to have a sensible economic system that allows enterprise and growth but also looks after social concerns. When I visit the new countries, those are the issues that they say are important to them. If Members believe that that is the case, they have no case to argue against the treaty on the grounds that it is not in the interests of Europe.

The treaty is in the interests of Britain and Europe, but there are other questions that must be resolved, such as the referendum. I must admit that I was not initially enthusiastic about having a commitment to a referendum. Now the question is whether there is a difference between the constitutional proposition that was initially put forward and the treaty. That relates to what the original constitution and the treaty have to say about security policy and the role of the nation state. Those are important points, which we might address in more detail in Committee. However, the basic issue is that the constitution brought together the previous treaties and established a constitutional basis for the future of Europe so that if anyone wanted to amend it, they knew what they were amending. It was a

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fundamental constitution that would bind together the EU countries. The treaty is not that; instead, it represents the same kind of development that came about as a result of the Amsterdam and Nice treaties, and it is of far less consequence than the Maastricht treaty, whose impact was much more fundamental.

Should there be a referendum? I know we will come on to that in our 20 days of consideration. If the treaty is different from the constitution, the commitment that the Government gave does not carry forward to the treaty. Therefore, it is proper that this House should say, "Setting that aside, is it valid for us to allow the British people a referendum on the treaty that is currently before the House?" If it was not valid to have a referendum on the

Maastricht treaty all those years ago, what is the case for having one now? In anyone's calculation, this treaty is far less significant than the Maastricht treaty. If we have a referendum on this treaty, the EU will become ungovernable in the future should other countries want to have referendums on every single development and change that the EU must make in order to bring itself up to date with whatever are the issues of the day.

The House should support the Second Reading, and I see no case for a referendum.

8.19 pm

Mr. William Cash (Stone) (Con): When the Second Reading goes through tonight, as we assume it probably will, the European caravan will move on and my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) and a number of others will doubtless cheer, but the issue of principle is clear. We should oppose this treaty because it undermines this country and its voters, it was pushed through by deceit in the first place and it was rammed through by the Whips.

The Government pretend that they are drawing red lines. Tony Blair, whose last defiant week in office was dedicated to his potential future as President of Europe, had the last laugh on the Prime Minister as he substituted Europe and his own potential supremacy in place of that of his former Government. The red lines have as much chance of holding back the tide of European law as King Canute had when he predicted that it would be possible to hold back the sea.

I see an avalanche of European laws in the European Scrutiny Committee week after week. It is like a tsunami of the kind clearly predicted by Lord Denning in those legal cases so many years ago.

Mr. Morley: I do not think it fair to say that there is nothing of benefit in this treaty. The House has heard, for example, the child protection benefits in terms of development. Most importantly, it contains big environmental improvements in sustainable development and climate change. How can the Conservative party be taken seriously on the environment when it is prepared to vote against those improvements in the treaty?

Mr. Cash: It is because the issue of principle, for me at any rate, on this Second Reading is whether the articles of this treaty should be implemented into United Kingdom law or whether they should be renegotiated,

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and where the boundaries should be between the European Union and the UK as regards our freedom, our democracy and our daily lives. The treaty, merging all the existing treaties into a new European Union, is a fundamental change, whatever the Foreign Secretary may say. It merges those treaties with the mass of accumulated functions since 1972 and would, combined with the new type of primacy that that has imported, transform the constitutions of Europe and the United Kingdom.

Bob Spink: My hon. Friend referred to an avalanche of EU law. I wonder whether he is aware of this quote from Jacques Delors, the former EU president. He said:

“Up to 80 per cent. of legislation is of Community origin. I am afraid some national parliaments will wake up one day and their outraged reaction will place obstacles in the way of progress towards European Union.”

Does my hon. Friend think it time that we brought that day forward?

Mr. Cash: I certainly believe that we must renegotiate the treaties.

This treaty is more important than the Maastricht one. We have waited and seen for far too long. We must stop this caravan and send it back. The issue in Committee will be to decide which articles of the treaty must be renegotiated. The Government must be put to the test, and we must use the time available to be direct and effective in this battle.

Today is not exclusively a debate about a referendum, essential though that is in the national interest. A referendum is the solution to the issue of principle, because political parties, Parliament and much of the media have for so long failed to give proper time and attention to the issue, in the context of the European Union, of the great democratic principle of who governs us and how.

I am delighted that the Conservative party and its new leader are firmly behind a referendum. The Labour party was right in 1975—the Foreign Secretary should take the smile off his face—as indeed was Tony Blair on his commitment on the original constitutional Bill, persuaded into it as he was by the present Prime Minister and Secretary of State for Justice. To their shame, they have reneged on both matters. The issue is a matter not only of law, but of policy, economics and sovereignty. It is about the impact on the daily life of every person in this country, in virtually every area of policy. It deals with questions relating to schools, hospitals, public services, local and central Government—through the control over the economy—defence, foreign policy, immigration, business, law and much else besides.

The Government stand indicted for their broken promises on not only the referendum, but the red lines and the charter. They also stand indicted on their claims for the success of the European Union—the European Union does not work. Indeed, just this morning we heard the Prime Minister praising our historic ties with India, which, generally speaking, are justified, particularly since democracy has taken root in that great country. However, is the European Union to dictate our economic relations with India? Why should we not develop our own special relationship with India, building on the best of the past and on economic co-operation, and promoting our common resource of

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the English language, as we could elsewhere in the Anglosphere world and the Commonwealth based on free trade and co-operation? Trade with other European nations is important and can contribute to that process, but it cannot do so with the European Union as a single legislative entity with legal personality, and certainly not with the current customs union.

If the holding of a referendum is so important—it is because of the fundamental change involved—it cannot be abandoned merely because the Labour Whips force the treaty on to the statute book. The Leader of the Opposition is right to say that we cannot allow matters to rest if, as is more than likely, a referendum is not won tonight or in Committee. He is right to concentrate on a referendum now and to vote directly against the Bill. He would also be right to commit to a post-ratification referendum in due course, as I urged in my recent early-day

motion, which has the support of more than 40 colleagues from the Back Benches alone. That is because a vote born out of deceit on the issue of who governs must be put right. If this Parliament is to be trusted, the people must have their say and Members of Parliament must have the humility to realise that.

If the call for a referendum is defeated during the course of the Bill's progress, a referendum in any event will have to be proposed in our manifesto and implemented under a Conservative Government, whether or not other member states have ratified. If France and the Netherlands, not to mention Ireland, Denmark or Harold Wilson in 1975, can with impunity reopen negotiations and reverse decisions already taken, as we have so many other times with other treaties over the centuries, so too can the United Kingdom under a new Conservative Government. We must argue for this in the country with passion and conviction.

This treaty is a European manoeuvre. It was concocted by the Eurocrats, by Germany and by France, and by the betrayal of this country by this Government. Some 70 per cent. of those who have recently been asked said that they wanted these merged treaties renegotiated into an association of member states. As Churchill said in Zurich in September 1946:

“We are with Europe but not of it. We are linked but not combined. We are interested and associated but not absorbed.”

That is the line we should take.

I put it to the House that in Committee we must demonstrate how much we must leave out of the treaty, which merges the existing treaties, so that we can form a reasoned basis for proposing a proper renegotiation of each sphere of policy and principle contained in the existing treaties, and insist on trade and co-operation in Europe, but not European government. I am not speaking nationalism, but the national interest. Our involvement in global trade must not be determined by European government claiming falsely to speak with one voice.

Others have spoken—rightly—of foreign policy, the European presidency, the legal personality and over-regulation, as well as of the red lines and other vital matters, but I conclude with a plea for the supremacy of Parliament, upon which all other matters turn. In amendments to another Bill, whipped in both Houses recently, the Conservative party has already adopted

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my proposal to override the European Communities Act 1972 and therefore, above all, to require the United Kingdom judiciary to obey that latest law. The supremacy of Parliament, which, I point out to the Foreign Secretary, includes authorising a referendum—something that itself enhances parliamentary authority—must be affirmed in the text of the Bill, because the treaty seeks to infuse the European Union into our constitutional and legal framework, so as to leave little or nothing on which the voters can maintain freedom of choice in our democracy for which so many have fought and died. We must amend the Bill and erect a legislative redoubt that will ensure that the Bill and the treaty, if it were to pass into law, would guarantee the Bill of Rights and parliamentary supremacy, notwithstanding the European Communities Act 1972.

8.30 pm

Mr. Austin Mitchell (Great Grimsby) (Lab): I will not even try to follow the speech of the hon. Member for Stone (Mr. Cash)—I could not—but if this debate is a foretaste of the 20 days to come, it is a very gloomy foretaste indeed. We have heard a couple of excellent speeches, from the Opposition Benches unfortunately. The right hon. Member for Richmond, Yorks (Mr. Hague) gave a brilliant speech and although our former Prime Minister is angling to become President of the European Union, the right hon. Member for Richmond, Yorks still has prospects as president of the Oxford union—he could keep the flag flying there.

The former Chancellor, the right hon. and learned Member for Rushcliffe (Mr. Clarke), made a fascinating speech. Euro-enthusiasts on the Labour Benches were saying, “I wish I could have given that speech”. It was honest and entertaining; I did not agree with much of it, but it was certainly effective.

However, most of the debate has not risen above arguing that if we pass the treaty it will advance motherhood, apple pie, animal welfare, the environment, child care, the NSPCC, bishops and the war on dandruff, and ensure the regular return of library books. Enthusiasts for the treaty say that anybody who is against it—as I am—automatically wants the destruction of Europe. I think the right hon. Member for Ross, Skye and Lochaber (Mr. Kennedy) said that, but it just ain't true. We should not trade caricatures in that way.

My position is clear. I do not want the treaty because it would advance a European superstate, which I do not like. I want a referendum on the treaty as a matter of principle, because we are being asked to abdicate from the power given to us as MPs by the people—power to take decisions on their behalf. If the people want to do a thing, we take the decision. If we can no longer do so because the power has been transferred to Europe, that is no longer democracy; we are incapable and the institution of Parliament is weakened. That is the reason both for holding a referendum and for opposing the treaty.

We have run into the nether reaches of the debate, which is when I always speak, so it is good that the Foreign Secretary is still in the Chamber listening to the arguments. The treaty takes us further towards a superstate. The Foreign Secretary told us that the treaty was not a constitution and that the seven years of travail, which I thought were about a constitution, were

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in fact about institutional reform. I do not believe that. Ninety per cent. of the treaty is the constitution that emerged from the long travails in which my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) played such an important part. The treaty has not been changed by the red lines, because they were there before.

If European leaders such as Angela Merkel and Bertie Ahern tell us that the treaty is the same as the constitution, if Giscard d'Estaing tells us that it is the same as the constitution but cleverly disguised, if it looks like a constitution, smells like a constitution and reads like a constitution, as far as I am concerned it is a constitution. We do ourselves no good by saying that it is not a constitution but a completely different document—it is not.

It is said that diplomats are honest men sent abroad to lie for their country. Well, I do not want Foreign Secretaries to be honest men kept at home to tell untruths about the European Union. That is effectively what has been happening. I do not say “lies”; I say “untruths”. Perhaps I should call them Euro-truths, because that is about the same level of accuracy.

I looked pedantically at the “Shorter Oxford English Dictionary”. It is a very big volume; I nearly ruptured myself getting it down from the shelves. It says:

“Constitution...3. a decree, ordinance, law or regulation...6. the mode in which a state is constituted or organised...7. the system or body of fundamental principles according to which a nation, state or body politic is constituted and governed.”

Whether we call it a treaty or a reheated Euro-dog’s dinner, the document has all those characteristics. It is therefore effectively a constitution.

It is no good telling us that black is white. We are already viewed with suspicion by the great mass of this country’s electorate, who think that politicians lie, who automatically distrust anything that comes from a Department and disbelieve it, and who tell us that they do not believe a word that we say. So it is no use telling us that black is white, when it manifestly is not. That does not encourage any respect for Europe, for the constitution or for the institutions of Government.

So let me apply the Paxman test—nothing to do with underpants. To paraphrase the Paxman test—I would apply it to many in the European Union—why is that untruthful person of uncertain parentage telling me what I believe is not true? I can answer that test: Europe is saying that this is not a constitution but a treaty, because in its view, a treaty does not need a referendum. Our Government are telling us that the treaty does not need a referendum, because they know that they would lose. It is as simple as that, and we must be honest about it.

I found the Liberal Democrat position absolutely extraordinary. The Liberal Democrats want a referendum on something entirely different from the constitution, but that just shows that their love for Europe is greater than their love for democracy. I have always thought that that was their view anyway, so it is no great revelation.

Jo Swinson (East Dunbartonshire) (LD) *rose*—

Mr. Mitchell: It would be honest to say that we do not want a referendum because we fear that we would lose. We should admit that, because in doing so, we would be saying that the constitution and the advance of European union is a construct of the elite that must be foisted on the people, who cannot be trusted to vote

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on it, to have a say on it or to give their views on it, and I do not want to have to say that to the people.

Kelvin Hopkins *rose*—

Mr. Mitchell: I would rather not give way, because I am inevitably grinding slowly to a conclusion.

It is true that I do not want to build a European superstate. In that superstate, we would be like Mrs. Rochester in “Jane Eyre”—the mad person in the attic—and why would we be in that situation? Because the people do not like it; because the people do not want it; because the people feel that they are not being consulted; and because the people feel that it is being

imposed on them. If we pass the treaty without a referendum, we will encourage all those feelings.

8.37 pm

Mr. David Heathcoat-Amory (Wells) (Con): The hon. Member for Great Grimsby (Mr. Mitchell) correctly identified one of the issues at the heart of the debate: whether the House is entitled to give away powers irrevocably, when those powers ultimately belong to the people whom we represent.

The other big problem is that the European Union is in something of a crisis. That was identified seven years ago, when the reform process was launched. Heads of Government, meeting at Laeken in 2001, recognised the very deep public disillusionment with the European Union and did not request but instructed the European Union to become more democratic, simpler and closer to its citizens. But as I know, because I was at the Convention on the Future of Europe, those instructions were ignored. Instead, the process fell victim to the iron determination of the European Union institutions not to give up their powers but to centralise them further at the expense of member states. I witnessed that; I predicted that it would fail, and it did, at the hands of the French and Dutch electorate. But instead of lessons being learned, the crimes were repeated.

Two reports—one from the European Scrutiny Committee and the other from the Foreign Affairs Committee—describe well how the German presidency was not told to draft a treaty last year; it was actually told to produce a report for further discussion. However, it exceeded those instructions, which were given at the previous European summit, and drew up a draft treaty, the text of which was shown to member states only on 19 June, two days before the start of the European summit that approved the treaty. Since then, no change or amendment of any sort has been possible. We had only that two-day window in which to try to influence the result and measure the text against the instructions, which were to ensure simplicity and democracy.

The Foreign and Commonwealth Office—that once-great Department—meekly assented to that compressed timetable, although it was completely unnecessary to do so, as we had a veto over the whole process. The scandal is that simultaneously, there were repeated assurances that the public would be brought alongside, consulted and engaged. The presidency conclusions of last June say:

“The European Council emphasises the crucial importance of reinforcing communication with the European citizens, providing full and comprehensive information on the European Union and involving them in a permanent dialogue.”

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How can we have permanent dialogue with the European Union when it produces a draft treaty only 48 hours before it is agreed? It is a totally two-faced procedure, and it is a scandal that the House and the Government went along with it. Of course, the reason is obvious: the Government never had the slightest intention of consulting the people. That was done in France and Holland, which said no, and the Government are not going to make that mistake.

This is the last treaty on which any public vote will be possible, because it now becomes self-amending. Never again will it be brought before the intergovernmental conference, and never again will it be put to a referendum. That is why the treaty is incomprehensible. The position is not, “The treaty’s complicated, so we can’t ask the people”; the treaty is complicated because the European Union knew that it had been relieved of the obligation to simplify it for our voters and our electorate. That is why it resorted to the old process of drawing up legal texts by politicians and lawyers for other politicians and lawyers.

If one reads the text of the treaty, as I had to, one can see that we are talking about an entirely unreformed European Union. It remains one of the most old-fashioned organisations in the world—centralised, harmonised, and obsessed with standardisation and over-regulation. It is completely out-manoeuvred by the rest of the world. For example, no other group of countries on earth has followed the European Union in becoming a customs union. Instead, they have all gone down the route of free trade agreements, which achieve the same circulation of goods and people, without binding member states to a trade policy about which they can do nothing, and which prevents them from helping the poorest countries on earth through bilateral agreements.

The EU is entirely an old-fashioned structure, unreformed in every respect. Another example of that is its budgetary policy. The European Union budget is a byword for waste and inefficiency. In the Convention on the Future of Europe, amendments were tabled to try to reform the budget. I tabled some, but I got no help whatever from the Government representative, the then Europe Minister, the right hon. Member for Neath (Mr. Hain), who clearly had trouble with money even in those days. Since then, and for the 13th year, the European Union accounts have been rejected by the auditors. Only last week we saw the pitiful spectacle of the Chief Secretary to the Treasury raising our contribution to £5 billion a year, net. We have no idea how that money is spent.

More policies and powers are being loaded on to the creaking edifice. Criminal justice is just one example, and it goes to the core of what Parliament does in defining penalties and punishments on behalf of the people whom we represent. The treaty marches right into that territory: the red lines that are supposed to protect it are entirely insecure, as is shown by the Select Committee report. The key point is that the treaty is irreversible: if a future Government want to try to retrieve those powers, or if they want a different policy on criminal justice, immigration, asylum and policing, that will be impossible, as we will have exported those powers irreversibly.

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A change of Government will therefore mean nothing. Democracy will die, because people will not vote. Why should they vote at a general election for a party that promises to change our immigration or criminal justice policies, when it is impossible for it to do so? There is only solution—to ask the people. Ultimately, it is not our powers that we are discussing but the powers of the people we represent. We cannot give away those powers without their consent. We promised to consult them in national referendums, and the very least that Parliament can do is keep its promises.

8.45 pm

Graham Stringer (Manchester, Blackley) (Lab): The right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) defined the debate perfectly, when he said it was about not only whether we support the Lisbon treaty but whether we should have a referendum on that question. Those are the two issues before us, and the referendum is of much more importance than the Lisbon treaty, because more than 600 right hon. and hon. Members stood in the last election on manifestos promising to hold a referendum. I fully recognise that a small number of Members, such as the right hon. and learned Member for Rushcliffe (Mr. Clarke), have made their views robustly clear to the electorate. I absolve the right hon. and learned Gentleman of any commitment to vote for a referendum, because he was honest with the people who elected him. If we do not hold a referendum, however, there are more than 600 right hon. and hon. Members to whom the same does not apply.

We must remember that debate on what was then called the constitutional treaty was expunged from the 2005 general election campaign, because every party said that it would hold the debate when there was a referendum. I cannot remember a single major discussion on the television about the subject. That is the most important issue, because it is about honesty and integrity, and about democracy in the House.

In the time I am allowed, I shall quickly go through the issues. My right hon. Friend the Foreign Secretary said that this was a change treaty, but he is more or less on his own in saying so. If one met most of the Presidents and Prime Ministers of European states, the people who drafted the constitution, or Select Committee members, one would find that they all said that there was no real difference between the Lisbon treaty and the original proposals in the constitution. I would even ask the Whips, because they tried to persuade me to vote in support of Second Reading on the basis that such a measure appeared in our manifesto. The only treaty in the manifesto was the constitutional treaty, which, wearing another hat, they say has changed. The Government are confused on the issue, as are the Opposition.

Some of the analogies used to justify the measure are bizarre. The hon. Member for Kingston and Surbiton (Mr. Davey) knows as little about genetics as he does about politics. Just because there is only a 1 per cent. difference between our DNA and that of a chimpanzee or a bonobo does not mean that there is a 3 or 4 per cent. change between the constitutional treaty and the Lisbon treaty and thus a difference between the two measures. The difference is that bonobos do not write

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treaties or compose music. The fact is that what is left in the Lisbon treaty does almost exactly what the original constitutional treaty would have done.

Jo Swinson: I appreciate the hon. Gentleman's generosity in giving way—unlike the hon. Member for Great Grimsby (Mr. Mitchell). Does he not accept that as far as there is debate about Europe in our constituencies—in the pubs of Britain—it is much more on the substantive issue of whether we should be in or out of Europe than on the intricacies of the Lisbon treaty?

Graham Stringer: I agree that there is dissatisfaction about Europe, and I agree with the former leader of the hon. Lady's party that some time or other there will have to be a real debate with the public, when such issues are voted on. I would be happy to vote on both the treaty and the in-or-out issue, at any time.

The second reason given is that the House does not do referendums. That was the position 30 or 40 years ago. I have not added up how many referendums there have been in this country in the past 10 years, but we are well into double figures; they are now a well recognised part of the constitution.

The third reason given for going along with the treaty is that it does not change very much, and without it the European Union would not work very well, so we need it because it will help make the EU more effective. As a member of the Transport Committee, I have looked seriously at how the EU has bulldozed through the Galileo project. It seems to me that the EU works very effectively at the moment, and that if it is looking for priorities, it should put the common agricultural policy right before dealing with the details of the Lisbon treaty.

I have listed the arguments that have been put publicly. However, my hon. Friend the Member for Great Grimsby (Mr. Mitchell) is right to say that the private discussions are along these lines: “We can’t have a referendum; it would damage the Government, because they, and the Labour party, would lose it.” I say to members of my own party who hold that point of view that the electorate might well reject the Lisbon treaty—but if that is true, what are we doing putting it through anyway? It is much more damaging to the integrity of politics if we promise people something at election time and do not carry it through later.

Many of my right hon. and hon. Friends agonise about why turnout is going down at local and general elections. All sorts of gimmicks are considered; they look to electronic voting and changing voting days from Thursday to Sunday, for example. The most important factor, however, is whether when we get elected we carry out the commitments we made when talking to the electorate at election time. The commitment to a referendum was given by more or less all the parties in the House, and the electorate can reasonably expect it to be carried through.

Another reason given is even more shameful: “People don’t care. How many letters have you had on this issue?” I have not had many, but when I talk to people, when they stop me in supermarkets, they show that they do care about the issue. It is not at the front of their minds, as it is of ours, all the time, but they know that a commitment will not be carried through.

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Another reason is whispered in the Tea Room and elsewhere. It is that people do not understand; the issue is too complicated for electors to grasp, and they are not up to it. Apparently, they are up to electing hon. Members, but not to understanding the Lisbon treaty. I ask all right hon. and hon. Members who really believe that to use their communications allowance to write to their electors to tell them that they are not up to understanding the Lisbon treaty. I believe that my electors understand what the treaty is about, and would welcome a vote both on the Lisbon treaty and on whether to stay in or leave the European Union.

Yet another reason given—sometimes publicly, sometimes privately—is that the real issue is about whether to stay in or out. That has some credence. There is an appetite for debate among the electorate as to whether we should be in or out of the EU; I would want to stay in, as it happens.

One would not get through a first-year undergraduate course in philosophy by being asked one question and then moving on to a completely different question. We promised people a vote on what was then the constitutional treaty and is now the Lisbon treaty. It is healthy in a democracy for the electorate to be sceptical about their politicians and to question and wonder about what they are doing. When that scepticism turns to cynicism because they no longer believe their politicians, there is a real danger of damage to the democracy that we all support.

Several hon. Members *rose* —

Mr. Deputy Speaker (Sir Michael Lord): Order. Before I call the next hon. Member, may I say that as an awful lot of hon. Members are still seeking to catch my eye, and some are clearly going to be disappointed, it would be helpful if Members could try to take a little less than the eight minutes that are allowed.

8.55 pm

Mr. David Curry (Skipton and Ripon) (Con): I shall vote for the Bill and the treaty tonight. It is always a difficult matter to find oneself in a very small minority on an issue that engages one's party with a great deal of passion. I suppose that if I look back on what has really animated my political life, it has been the desire to see the United Kingdom engage thoroughly with Europe. It has been a fairly stony path, and I have to say that I see no positive conclusion yet. I shall vote for the treaty very much despite the Government, not because of them—particularly given that, of the two very amusing Front-Bench speeches, at least the one by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) was intentionally so.

Too often, the treaty is treated as a religion. The European Union is not a religious issue but a political one. It is not the Book of Revelations, nor is it the Book of Job. Different Members treat it as if it is either a wonderful document with biblical certainty, or nothing but a long chapter of lamentations—but it is neither of those.

I am not very interested in the extent to which the treaty resembles the old constitution. Of course, countries that voted for the old constitution will think that it is the same thing, while those that were against it have every interest in showing that it is something

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different. What matters, as my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) said, is how bankable the various red line opt-ins and opt-outs are, because what is different, if they hold, is Britain's range of obligations under the treaty. It is the same treaty, in stark terms, but Britain's obligations are not the same as they were under the original constitution.

We should judge the treaty on the very practical ground of which we have been proud in British politics: does it work? It may not be impeccable, but will it make things better, and does it contain hidden bear traps? The whole argument in this debate has really been about not whether it is intrinsically good or bad but whether there is something hidden in it that will push us inexorably towards a different sort of Europe. Since this is the 400th anniversary of Milton's birth, perhaps I can quote a line from "Paradise Lost"—

“Present fears

Are less than horrible imaginings”,

which is probably the motto of the Eurosceptics.

The treaty flows from enlargement, which was a huge political victory. It is worth remembering that the enlargement of the European Union was the biggest and most dramatic peaceful shift of population and power in Europe since the decline of the western Roman empire 1,600 years ago. The changes give us a better chance of dealing with the new agendas that are pressing upon us, which have constantly been repeated in the debate—climate change, population movement, competitiveness and terrorism. They do not guarantee it—that is a question of political will—but institutionally, they make us better able to respond positively if member states can summon up the will.

Most aspects are commonsensical. The so-called permanent president of the Council is perfectly sensible; rotation is a pretty daft idea. The foreign policy high representative will certainly improve co-operation. The fact that President Putin has just signed a gas deal with Bulgaria illustrates the extent to which the European Union needs to get its act together faced with the Russian state. As for qualified majority voting, it is worth remembering that it delivered one of the greatest British triumphs in the European Union—the single market. Mrs. Thatcher would never have delivered the single market without qualified majority voting; it was the instrument that delivered that huge British success story. I simply do not believe that some covert agenda will overwhelm either Britain's ability to state her interests or, for that matter, her identity.

I would probably christen the opt-outs or red lines the “Wellington clauses”, because they always remind me of the Duke of Wellington's thin red lines at Torres Vedras during the Peninsula war, where, very conveniently, the enemy was the French—an attitude that has rather endured, I have to say. When the impact of things such as population movement, which flows from climate change, hits the United Kingdom, I wonder whether we will eventually see the case for greater policy co-ordination and integration. The treaty is a pretty modest one. It does not compare with the Single European Act or Maastricht, but the consequences of failure would be huge. We are four years on from the French referendum

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veto and the Dutch veto. It is a huge matter for the United Kingdom, and huge for Europe.

I am not persuaded by the case for a referendum. We are rightly concerned with the decline of Parliament and its subservience to the Executive. That is the subject of almost eternal debate. Frankly, I can think of no greater way of accelerating Parliament's decline than to move to voting by plebiscite, for three reasons. First, the liberal and tolerant society in which I believe would be put at risk if we moved to government by plebiscite. Secondly, plebiscite is almost invariably an instrument against change. Thirdly, it is a lethal weapon in the hands of the Executive. As a parliamentarian, I do not believe in any of those three things. There may be once-in-a-lifetime changes—the single currency would be one—that are appropriate matters for a referendum, but not this relatively modest treaty.

We do need a pretty long respite from institutional change, but equally, there is a huge opportunity for Britain if it can overcome its habitual and, if I may say so, consensual response of baffled equivocation to any initiative that comes from Europe. That is why I said earlier that my political life had been in many ways animated by the desire to see Britain engage with Europe. Political and personal reasons lie behind that concern and preoccupation. I said that I had travelled on fairly stony ground; I hope that I may yet see, once this treaty is out of the way, the United Kingdom deciding that we should actually—in the old-fashioned

Yorkshire expression—get stuck in to our relationship with Europe, because there are huge benefits to be gained from a Europe that is in many ways more sympathetic to the UK's world view than it has been for many years.

I shall vote for this treaty. I shall not, when the opportunity comes, vote for a referendum. It will be with great sadness, because of the position of my party, but with the understanding that tolerance of views that are privately, personally and passionately held has always been understood in this House, and it is in that spirit I shall vote in the way that I feel I must.

9.2 pm

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Obviously, I rise with some disappointment about the fact that my amendment was not put before the House, but it is interesting that that amendment, which had so many people behind it—a rainbow coalition that united a variety of parties and individuals, far more so than the average Italian coalition—represented a widespread current of opinion that should not go unnoticed. Hopefully, that coalition will continue and build.

There are a number of sensible changes, which I support, in the treaty. I regret in many ways that we have had debates, as we usually do on Europe, that are so polarised between black and white: the question is posed as absolutely for or absolutely against. The Government have deliberately sought to paint so many European debates as being between themselves—moderate, sensible and wanting to get on with business—and those who want to withdraw, who are seen as the equivalent of flat-earthers, some of whom I saw the other day were compared with those who believe in

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Nazi conspiracy theories. I do not think that that sort of political discussion is sensible or illuminating, and we should not continue with it.

Daniel Kawczynski: The person to whom the hon. Gentleman refers is the Minister for Europe, who, in interviews with the media, made rather obscure references to that posing the same danger to us as Nazi Germany, and to letters that he had received. It was scaremongering from the Minister for Europe.

Mr. Davidson: Gosh, that is an interesting point, which will now be noted in *Hansard*.

On balance, I find myself against the treaty. One of the most significant speeches, for me, was made by my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty). His speech showed why he supported the treaty, but he said that he saw it as a tipping point. To a great extent, I see it as a tipping point, too. I object to the centralisation that it will bring into effect.

I regret that the Liberals in particular have chosen to hang themselves on the hook of saying, “Here is a question. We want to answer a completely different one.” It is noticeable that hardly any of them are in the Chamber at the moment. They seem to take the view that they can simply avoid the question and hope it goes away, and that if they ask other questions, such as, “Are you for or against cracked pavements?”, people will overlook the fact that they appear to have no observations on the matter. It is fair to say that only 20 per cent. of Liberals have a clear view on cracked pavements; the others regard the subject as too political and

would rather discuss whether buses should run on time. Even on that, as I understand it, the party is split.

There are questions about whether we should have a referendum that have not been answered. I am not necessarily obsessed by the question of referendums in all circumstances, but we promised to hold one. It was in our manifesto. It is unequivocally clear that we promised a referendum on these questions. The sole reason that we are not having a referendum in Britain is that the European political elite have learned from the lessons of France and Holland. They have learned that if they do not want people to give them the wrong answer, they should not ask them the question. Let us not forget that the Portuguese wanted a referendum, confident that there would be a yes vote. However, they were leaned on by Britain, France and some other European leaders not to have a referendum because it would cause embarrassment to this country in particular and would enhance the pressure for a referendum. For Britain to have pressed another country not to have a referendum because it might be embarrassing somewhat undermines the case that a referendum is not necessary.

I remember when those in my party had that long conversation with themselves and refused to listen to the public, and when many of those who are now ardent Blairites were ardent Bennites. I disagreed with the same people then as I do now. We had that conversation while ignoring the electorate. We are ignoring the electorate on this matter, to our grave danger. The circumstances are significant.

Let me return to the Liberals; I always enjoy doing so in these circumstances. Does anybody remember Nick Clegg? He used to be the Liberal spokesman on foreign affairs and moved a motion at the Liberal Democrat party conference in 2005 that said:

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“Any proposals which involve significant change in the relationship between the Union, the member states and its citizens should be approved in Britain through a referendum.”

[*Interruption.*] Yes, he did say that, and the motion was carried. I sometimes wonder what happened to that Nick Clegg, because he also—

Mr. Deputy Speaker: Order. It is customary in the House to refer to hon. Gentlemen by their constituencies, not by their names.

Mr. Davidson: I am sorry, Mr. Deputy Speaker, but I was not sure whether he was the same person. I should refer to him as the hon. Member for Sheffield, Hallam (Mr. Clegg). In an article in *The Guardian*, the hon. Gentleman referred to the Government being afraid to hold a referendum. He wrote:

“The real reason, of course, why the government does not want to hold a referendum is the fear that it may lose... It is the same fear that led Peter Hain to camouflage the constitution with comic inaccuracy as nothing more than a ‘tidying up exercise’... Nothing will do more damage to the pro-European movement than giving room to the suspicion that we have something to hide, that we do not have the ‘cojones’ to carry our argument to the people”.

I understand that “cojones” is Spanish for a rude word. That demonstrates to me that the Liberal Democrats can talk balls in many languages—and, indeed, frequently do so.

Mr. Deputy Speaker: Order. I will not ask the hon. Gentleman to withdraw his remarks, but he should remember that there is a difference between accepted parliamentary language and good taste.

Mr. Davidson: I will try to pronounce the word adequately next time. I am sure that many of my colleagues do not understand the original Spanish.

The Government clearly promised a referendum. The second element of our debate is whether the constitution and the treaty are the same. At 11 o'clock this morning, we were issued with the consolidated text of the EU treaties, as amended by the treaty of Lisbon. If it looks like a constitution, smells like a constitution and has the weight of a constitution, it is a constitution. The last line of the document states:

“Printed on paper containing 75 per cent. recycled content.”

In my view, a greater percentage is recycled. Government efforts to present the treaty as entirely new are akin to fitting a new set of tyres on a car and claiming that it is a new car. We all know that it is the same thing all over again. The public know that, too, and denying it undermines my party and our credibility as elected politicians.

Although I find a lot to support in the treaty—I am especially happy about multi-speed Europe, asymmetrical progression and so on—I am not convinced that the Government's red lines will hold. The Government must prove that they will hold, because I fear that they will be undermined by an activist European Court of Justice.

I end with the point that the Government have prayed in aid several organisations, many of which receive money from the European Union, and should declare an interest. Oxfam said to me:

“Oxfam has no stance on whether or not the EU treaty is adopted or whether or not there should be a referendum—these issues are outside our competence and mandate.”

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9.12 pm

Mr. John Redwood (Wokingham) (Con): If the motion is passed, it will be a bad day for trust in British politics and for those of us who want self-government and democracy in our country strengthened. Ministers insult the intelligence of not only the British people but Members of Parliament. It is obvious to anyone who reads the document that it is largely the old constitution. It is obvious to anyone outside the House that a Member who was elected in 2005 on a promise to hold a referendum on the proposals should vote tonight to do that.

I find it heroic to the point of being bizarre that many Labour and Liberal Democrat Members of Parliament, who were elected in 2005 on small majorities, want to be with the Government in tearing up their promise to the electors to grant them a referendum. It is especially bizarre given that the Conservative party is so much higher in the polls than it was in 2005 and their

parties are lower. It is bizarre, given that local content in elections is increasing rather than decreasing. It is odd, given that most Members of Parliament, when interviewed separately, agree with me that they need to do everything possible to build trust and confidence with electors because their party is so unpopular, that many should wish tonight to take action that implies that they intend to snub their electors and make it more likely that the 1,000, 2,000 or 3,000 electors whose support they need to retain will go another way in an election.

Ministers have forgotten, if they ever knew, that only one in five of all voters voted for the Government in 2005. They have forgotten that the Labour party polled even fewer votes in England than the Conservative party did in 2005, a year in which the Conservative party polled very badly. Ministers have forgotten that twice as many people decided not to vote at all in the 2005 general election as voted for the Government, because many of them had no trust in politics already. So how on earth can Ministers argue the indefensible tonight and tell their Back Benchers that it is for the good of their cause that they must snub the electors, tear up their promise and destroy what little trust remains in the Government by saying that there must be no referendum?

Looking at the situation from a party political point of view, my party welcomes the Government's position, because it makes it more likely that we will win those seats. However, as a democrat and as someone who believes that trust in politics desperately needs to be restored, I am unhappy to see both the Lib Dems and Labour in such a strange mode.

As someone who believes that we have already lost too many powers to govern ourselves in a democratic way through Parliament and this Chamber, I am worried to see 60 vetoes on major policy areas being tossed away by the draft proposal, and to see Ministers now accepting that foreign policy and criminal justice will become part of the EU proper in a way that, under the European Court of Justice, will gradually reduce and limit powers. I am also worried to see Ministers pretending that they have protected their so-called red lines, when they have retreated at every conceivable turn.

There was an easy way of preserving our right to self-government in crucial areas such as tax and benefits, foreign affairs and criminal justice, and that

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was to keep the veto. It did not require great powers of oratory or persuasion, or the building of great coalitions. All that Ministers had to do on our behalf was to veto giving away the veto. It was terribly simple—they had the power, and they willingly and negligently decided to give it away. As a result, if the treaty goes through, our country cannot be sure that we will remain in charge of our own affairs even in those vital areas of foreign policy, criminal justice, and taxation and benefits or that we will be able to do what the electorate wish us to do, by keeping our election promises.

The surrender of those powers will be another way in which trust in our politics will be undermined. Already people do not trust politicians in the House, because in so many cases we are unable to do what we say we will, as European laws and regulations prevent us. That will now happen on a much bigger waterfront if those powers are truly surrendered and the Bill goes through.

Daniel Kawczynski: Will my right hon. Friend give way?

Mr. Redwood: I will not, because other hon. Members wish to speak.

I urge the House tonight not to surrender those powers but to strike a blow to restore trust in politics, and to show the public that we are prepared to stand up to an over-mighty Executive, who do damage to us but give in at every conceivable opportunity in Europe. That is what is destroying politics. We need to start restoring trust.

9.17 pm

Mr. Roger Godsiff (Birmingham, Sparkbrook and Small Heath) (Lab): Like other right hon. and hon. Members, I supported the Labour party's 2005 manifesto commitment to have a referendum on the EU constitution. Some 240 clauses of the amended treaty are the same as the ones in the EU constitution. The 10 that are different relate to symbolic elements, as the Danish Prime Minister said.

I listened to what the Foreign Secretary and the Liberal Democrat spokesman said. I believe that the Foreign Secretary is an honourable man, but there are other honourable men and women who spoke on the issue after the treaty was agreed. Angela Merkel, the German Chancellor, said:

“The substance of the constitution is preserved. That is a fact.”

Jose Zapatero, the Spanish Prime Minister, said:

“We have not let a single substantial point of the constitution treaty go...It is, without a doubt, much more than a treaty. This is a project of foundational character, a treaty for a new Europe.”

Bertie Ahern, the Irish Prime Minister, said:

“90 per cent. of it is still there...these changes haven't made any dramatic change to the substance of what was agreed in 2004”.

Mr. John Hayes (South Holland and The Deepings) (Con): Will the hon. Gentleman give way?

Mr. Godsiff: I hope the hon. Gentleman will forgive me, but time is pressing.

Astrid Thors, the Finnish Foreign Minister, said:

“There is nothing from the original institutional package that has been changed.”

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I have said that I believe the Foreign Secretary is an honourable man. I also believe that the four other people whom I have mentioned are honourable. However, they cannot all be right. If the amending treaty is adopted, there will be a further transfer of power from Westminster to Brussels, as the Chairman of the European Scrutiny Committee—who is not here at the moment—has made clear. This will add to the half of UK legislation on business, charities and the voluntary sector that already originates in the European Union.

Mr. Redwood: Does the hon. Gentleman accept that one of the problems is that more matters will come under the European Court of Justice? It is an activist Court that is always increasing the federal power, so many more things will be at risk, whatever Ministers might promise.

Mr. Godsiff: The right hon. Gentleman makes a good, valid point.

It has been suggested that, unless we adopt the amending treaty, the EU will be prevented from fighting climate change. However, it already has plenty of powers in areas such as environmental policy. The EU does not need a constitutional treaty to fight climate change. It simply needs to develop policies that work, and to have the political will to pursue them.

It is easy to label anyone who does not support the amending treaty as anti-European, and to say that referendums are somehow un-British. As my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) has pointed out, however, Labour Governments have quite rightly held referendums in the past, including those on Welsh and Scottish devolution and, back in 1975, we had a referendum on whether the UK should remain a member of the Common Market. Furthermore, even staunch supporters in the media, such as *The Observer*, believe that there is justification for the people of this country giving a vote on this issue. In an editorial on 2 September last year, it said:

“The treaty is indeed a purely technical document. But it salvages the political heart of the constitution—streamlined voting, a strengthened European presidency and diplomatic service. So the symbols have been dropped, but the political charge continues apace. What legitimacy can it have without a public vote?”

Some supporters of the amending treaty try to make out that the changes in it are insignificant. On 25 June last year, in his last House of Commons comment on Europe, our former Prime Minister, Tony Blair, gave us one of his great one-line quotes. When referring to bringing together the staff of the Commission and the European Council, he said:

“Are we to have a referendum on an open-plan office?”—[*Official Report*, 25 June 2007; Vol. 462, c. 26.]

That is a great quote, but if all this is about is an open-plan office, one wonders why his friend, Mr. Sarkozy, is promoting our former Prime Minister to be its manager, and why our former Prime Minister is alleged to be seriously considering such a prospect.

The argument about the future of Europe is not, in my opinion, about whether the United Kingdom stays in or leaves; it is about the sort of European Union we want. Do we want a federation—a united states of Europe? I do not believe that that would be in the long-term interests of the people of this country or of Europe. Or do we want a confederation of independent states working for common objectives?

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Mr. Hayes: The hon. Gentleman is making a persuasive case. Does he agree that the difference in this debate is not between those who believe in an intergovernmental Europe, as he and I do, and those who believe in sacrificing our freedoms to a European superstate? Rather, the difference is between those who want legitimacy expressed through the will of the

people and those who are simply prepared to disregard that and, frankly, to be dishonest about the full ramifications of the treaty.

Mr. Godsiff: The hon. Gentleman makes his points powerfully and I shall make a further comment about that in a few moments.

What I want to see is a confederation, but I believe that the amending treaty as it stands is a further step towards a federation—a united states of Europe. However, let me make this point clear: if that is what the British people want, so be it. What I believe is very wrong is to deny the British people an opportunity to have their say. They were promised a referendum by all the major political parties at the last election and I regret to say that, without a commitment to that from those on the Front Bench tonight, I will not be able to support the Bill.

9.25 pm

Mr. Ian Taylor (Esher and Walton) (Con): I have only a few minutes, so I will be brief. As I have never supported the concept of referendums, I am in no confusion about that issue. The matter before us tonight is not really about whether there should be a referendum, but whether the treaty is beneficial to the United Kingdom.

I was saddened by the Foreign Secretary's opening speech. It is not that he said anything with which I particularly disagreed; what saddened me was the tone he adopted, which echoed the tone of the Government's approach, who have sought to reassure people that somehow this awfully threatening issue can be defended by a series of red lines or other qualifications that the Government have proposed. The public out there are unsurprisingly confused when it comes to understanding why the treaty is a good thing. I shall vote for the treaty tonight, because I believe that it is a good thing, but I hope that the Minister for Europe will explain to others the treaty's benefits to our country and why it will help us to influence what is about to happen in Europe and to meet some of the challenges ahead better than would be the case without it.

That brings me to the brilliant speech by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), whose eloquence almost tempted me to agree with him. But then I suddenly thought that a brilliant speech before the House does not enable us as a party to influence the very leaders of other countries whom we will need to have on our side if we want to make the changes we desire to the character of the European Union. That is the fundamental weakness of my own party's position—it wants to be in Europe, but it really does not like it and it tells others that it does not like it. We are then rather surprised that others do not want to do what we want to do in the European Union.

This treaty provides several key developments. It is a shame that the EU is not more united on foreign policy,

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so if the treaty persists in allowing that to happen, it is all to the good. Given the problems we face in dealing with Russia at the moment, we need more rather than less unity. It is also important to address energy issues, so if the treaty enables us to do so, that, too, is a good thing. Speaking as a former Minister who did business at several Council meetings, qualified majority voting is, by and large, a good thing because it overcomes the opposition of any one member country.

Will the Minister for Europe please address some of those advantages so that the British people understand that if one wants to stay in the EU, one must make it work much more effectively? It is of no benefit to the EU that there is a weak Commission, and a weak Commission is likely to persist if, as further enlargement takes place, measures to introduce a leaner version—for example, the treaty would reduce the number of commissioners to 18—are not introduced. It is vital that we have someone in the EU who can represent the decisions that the nation states have made, so it is good to appoint a President for that purpose. It is very important to have greater consistency in foreign policy, particularly in the middle east, so if the EU nations have agreed on a policy, we need someone to represent those nations.

In my view, the British public have not even begun to understand that this treaty brings benefits to the UK and enables the UK better to express itself. What we must do now is ensure that the leaders of other countries realise that our vision of Europe, as one that is more liberal, more open and more interested in global trade and global environmental questions, is worth taking a lead on. In order to take a lead, however, we must convince those countries that we believe in the institutions created in the European Union. I will support the Government tonight, but I hope that they will subsequently be more enthusiastic about the tasks ahead.

9.29 pm

Mr. Mark Francois (Rayleigh) (Con): This has been a lively and at times passionate debate, in which we have had, I think, 22 speeches from both sides of the House, as well as a number of interventions, ranging in style from that of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) to that of the future bishop of Rhondda, who is unfortunately no longer with us and conducting evening prayers. I am also interested to see that we have just been joined by the Prime Minister's right-hand man, Mr. Ed Cojones, who can pass back to the Prime Minister our disappointment that he is not here to vote on these matters tonight.

The greatest contrast, however, was between the two opening speeches. Without wishing to be malicious to the Foreign Secretary, anybody watching the debate from outside would most certainly have concluded that my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) should be speaking for Britain on the world stage.

Tonight, the House is being asked to begin the ratification of a treaty that hands over major powers from this place to the European Union, and that is, in

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effect, the old European constitution under another name. To escape their solemn manifesto commitment of a referendum, the Government must subscribe to the fiction that the two documents are really different, a position described by *The Economist* as “a farce”.

Mr. Hendrick: Will the hon. Gentleman give way?

Mr. Francois: In a moment.

Just in case any Members of the House have not had the opportunity to read through all 291 pages of the English version of the Lisbon treaty, let me summarise briefly how that has been achieved.

Article 1 of the Lisbon treaty carries forward large elements of the constitution and inserts them directly into the treaty of Maastricht. Article 2 of the Lisbon treaty does exactly the

same for the other remaining key powers in the constitution by inserting them into a renamed treaty of Rome. The format might have been modified, but the substance is almost exactly the same. That is why the Labour-led European Scrutiny Committee, whose Chairman made a powerful contribution this evening, conducted a detailed comparison of the two texts and concluded that they are “substantially equivalent”, and that to argue otherwise is “misleading”.

Only this weekend, another Labour-led Committee, the Foreign Affairs Committee, which also undertook a detailed examination of the foreign policy aspects of the two documents, concluded:

“There is no material difference between the provisions on foreign policy in the Constitutional Treaty which the Government made subject to approval in a referendum and those in the Lisbon treaty on which a referendum is being denied.”

I will now give way to the hon. Member for Preston (Mr. Hendrick), who also promised electors in his constituency a referendum on the constitution.

Mr. Hendrick: I promised a referendum on a constitutional treaty, not on an amending treaty. In my contribution, I gave a long list of differences between the two treaties. As for what is substantively the same, if the hon. Gentleman means the replacement in the previous constitution of “ecu” with “euro” and “European Community” with “European Union”, what is the big deal?

Mr. Francois: I shall come on to demonstrate further that the two treaties are effectively the same. I thank the hon. Gentleman for his stunning input to the debate.

Despite the two Labour-led Committees—

Mike Gapes *rose*—

Mr. Francois: I see that the Chairman of the Foreign Affairs Committee wants to intervene, but he will have to bear with me for a moment.

Despite those two Labour-led Committees concluding that the two documents are effectively the same, the Government still plough on regardless, arrogantly denying the people of this country the referendum that they solemnly promised in the first place. I now give way to the Chairman of the Foreign Affairs Committee.

Mike Gapes: The hon. Gentleman has referred to what he described as the Labour-led Foreign Affairs Committee, and has quoted part of our extensive

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report published yesterday. May I also refer him to the decisions that were taken in producing that report—one by nine votes to two and the other by eight votes to three—to reject a referendum on the treaty?

Mr. Francois: I refer the hon. Gentleman to his own report, which discusses elements of the document and says that one foreign policy aspect

“is unlikely to be beneficial to the UK’s position in the EU.”

It then says

“We recommend that the Government should publicly acknowledge the significance of the foreign policy aspects of the Lisbon Treaty.”

Those are not my words; they are the words of the hon. Gentleman’s report.

The Foreign Secretary has a problem. A whole range of other European Union leaders have an inconvenient tendency to tell their own electorates just how similar the two documents are. Bertie Ahern, the Irish Prime Minister, said that they were 90 per cent. the same. The Spanish Foreign Minister said that they were 98 per cent. the same. The Spanish Prime Minister literally went one better, and said that they were 99 per cent. the same. Valery Giscard d’Estaing—back in November, before someone whispered in his ear—told the “Today” programme that when the two were compared,

“it’s just another presentation and combination of presentations but the text is word to word the same one.”

Even within the Labour pantheon back home, the cracks are beginning to open wider. Bob Crow— *[Laughter.]*

Mike Gapes: Bob Crow!

Mr. Francois: A trade union leader— *[Laughter.]* Hang on. A trade union leader, who is not exactly a regular dining companion of my hon. Friend the Member for Stone (Mr. Cash), said:

“The only thing that has changed is removing the word constitution and references to the flag and anthem, which will clearly remain in place anyway. If our new listening Government does not give us a vote, its credibility will be in tatters.”

Lord Jones of Birmingham, in an example of typical plain speaking, revealed the truth when he said simply:

“This is a con to call this a Treaty. It’s not, it’s exactly the same, it is a constitution”.

Even the Prime Minister, who seeks to dragoon his Back Benchers through the Lobby tonight in favour of this treaty—although, because it is Lisbon, he of course will not be here—knows full well that this is the constitution by another name. In fact he has referred to it as such on several occasions, even in the company of Bertie Ahern, who is granting the Irish people the say that the people of Britain are being denied.

Daniel Kawczynski: Will my hon. Friend give way?

Mr. Francois: Very briefly.

Daniel Kawczynski: My hon. Friend mentioned Bob Crow. He will be aware that the TUC has passed resolutions in favour of a referendum on this issue. Labour Members are betraying the TUC through their stance tonight.

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Mr. Francois: My hon. Friend has pre-empted me. I will come to the trade unions in a moment.

The Government have comprehensively lost the argument that the two documents are different. Hardly anyone in the media and less than 10 per cent. of the public believe them on that point. It is, to coin a phrase, patently obvious that the emperor has no clothes, but still the Government have to maintain this desperate pretence; and, crucially, they are asking every member of the House to suspend all independent judgment and become complicit in the deception tonight.

Under pressure, the Government fall back upon their supposed red lines—which in any case are almost exactly the same as they were in 2005, when we were promised a referendum. However, the European Scrutiny Committee, in two detailed reports, examined the Government's red lines and found them wanting. The Committee's Labour Chairman, the hon. Member for Linlithgow and East Falkirk (Michael Connarty), told the BBC's "Today" programme that they would "leak like a sieve"—and that at the end of an examination that took some two months.

Not only do the red lines fail to protect our sovereignty; as clause 6 shows, the treaty carries forward from the original constitution the new so-called "simplified revision procedure". That is the "ratchet clause", which means that in future individual vetoes could be surrendered for ever after a brief debate on a simple House of Commons motion. If the Bill is passed tonight, we will table amendments in Committee to strengthen the protection, so that no veto can be given up under the auspices of the Bill itself without primary legislation being required.

The Government's reaction to all this amounts to crude scare tactics. In the weekend press, the Foreign Secretary described opposition to the treaty as an "extreme position", but the people of France and the Netherlands voted against the constitution in 2005, and no one called them "extreme" as a result. As the polls consistently show that three quarters of the British people want a referendum on this treaty, is the Foreign Secretary calling three quarters of our electorate extreme? If he is, his colleagues in marginal constituencies might not thank him for that judgment.

The trade unions, which voted overwhelmingly for a referendum on the Lisbon treaty at the TUC conference last autumn, might well not thank him either. Let me read out the words of Paul Kenny, the general secretary of the GMB, who proposed the motion. He said:

"The GMB is not an anti-European union. The GMB is not an anti-Labour union...If there is disenchantment with Europe, blame the lack of political vision of MPs but don't blame the trade unions for reminding politicians of their promises to the British people".

That motion was carried overwhelmingly.

Labour's manifesto for the 2005 general election was clear about the constitution. It said:

“We will put it to the British people in a referendum and campaign wholeheartedly for a yes vote”.

The Prime Minister said just before taking office that he regarded honouring that manifesto as “a matter of trust” with the British people. Given that, how can any Labour MP who votes to give this Bill a Second Reading go back to their electorate—or, indeed, their constituency Labour party—and look people squarely

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in the eye when they will have betrayed the manifesto on which they were originally elected to this House?

The Government’s wriggling on this issue has been matched only by that of the Liberal Democrats, whose Members are present in force tonight—all three of them. Their 2005 manifesto commitment was equally clear. It stated:

“We are clear in our support for the EU constitution, which we believe is in Britain’s interest—but ratification must be subject to a referendum of the British people”.

Liberal Democrat support for such a referendum goes back even further than that, however. As my right hon. Friend the Member for Richmond, Yorks pointed out, when the new leader of the Liberal Democrats—whom I congratulate on his forthcoming promotion to the Privy Council—was still an MEP he wrote an article for *The Guardian* in which he argued forcefully for a referendum on the EU constitution. He said—and I hope I get the pronunciation right—that:

“Nothing will do more damage to the pro-European movement than giving room to the suspicion that we have something to hide, that we do not have the ‘cojones’ to carry our argument to the people.”

I am afraid that the Liberal Democrat spokesman this evening was rather confused. At one point, he argued that what we needed was an in-out referendum on Europe, and then, a few minutes later, he said we could not have a referendum on the EU constitution—on the Lisbon treaty—because he claimed that that would represent, effectively, an in-out referendum on Europe. That was the argument he put to the House. I say to him and his colleagues, when the Division bell rings in a few minutes’ time, let us see exactly what *cojones* the Liberal Democrats have and which Lobby they go through.

That brings me to one further argument against giving the Bill a Second Reading. Leaving aside all the technicalities of the treaty—the ratchet clause, the red lines, the collapse of the third pillar—every Member knows from their postbag that, despite the work we all put in every week, support for politics and politicians is diminishing. Will voting for this Bill improve that situation or make it worse? Will it bolster or weaken our authority as an institution in the eyes of an increasingly sceptical public if we surrender even more of our remaining powers without public consent and on the basis of a con that is plain for all to see? Even if the Government were somehow to force the Bill through the Commons on a three-line Whip, I believe the best they can hope for is a pyrrhic victory. They might regard that as a short-term advance, but it could turn out to be something of a strategic defeat in respect of the long-term attitude of the British people towards the European Union; and because of the way it had been done, it could only serve to undermine the credibility of the House in the eyes of the people who sent us here.

Every Member is ultimately accountable to their electors for how they cast their vote. We shall ensure that voters in every Labour and Liberal Democrat constituency are made well aware of how their Member votes on this treaty. Members on both sides of the House should consider that the Government have completely failed to convince the media and the British

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people that this treaty is anything other than the constitution under another name—they have also failed to convince the majority of Labour Back Benchers deep down in their heart of hearts.

We are the guardians of the people's liberties —[*Laughter.*] Labour Members may laugh, but we are. The powers vested in this House belong ultimately to the people. In a sense, they are not ours to give away—certainly not without a democratic mandate and definitely not on the basis of a false premise. Let us reject this Bill and defend the interests of the British people, unless and until they are allowed to decide the matter.

9.45 pm

The Minister for Europe (Mr. Jim Murphy): Today's proceedings have been the start of a long debate. I am looking forward to spending more time with the hon. Member for Rayleigh (Mr. Francois) than with my wife, although that enthusiasm was dimmed when he quoted Bob Crow at me. The day when this Government take policy advice from Bob Crow is the day when we are unquestionably destined for opposition. The evening when the hon. Gentleman cites Bob Crow as a policy adviser is the evening when he confirms that his party is destined to stay in opposition.

We have listened to almost two dozen speakers. We heard different views from different sides of the House. We heard contributions from the eminent Chairmen of the European Scrutiny Committee and the Select Committee on Foreign Affairs, my hon. Friends the Members for Linlithgow and East Falkirk (Michael Connarty) and for Ilford, South (Mike Gapes). Both Chairmen eloquently and in detail explained to the House yet again that both those Committees rejected the proposition that the reform treaty should be put to a referendum of this country—that is clear indeed.

The analysis underpinning so many of this evening's speeches is that the world is changing, and continues to change, at an incredible pace, and that Europe has changed for ever. Across the world the pace of economic, cultural and political globalisation is unsurpassed in our history. In Europe, we are no longer a front line in the old balance of power politics. We celebrated the collapse of the Berlin wall, whose destruction helped to build a stronger Europe.

The treaty, which we will discuss for the weeks ahead, reflects the fact that Europe's structures have not kept pace with that global and European transformation. Britain joined a European Community of six members. Europe's rules were subsequently adjusted to take account of a membership of 10, then 12 and then 17 member states, but they are inadequate for a European Union of 27 countries. This treaty makes some sensible improvements.

Mr. Redwood: The one thing that we are told is different about the treaty as opposed to the constitution is that the flag and the anthem have been dropped. Can the Minister promise us that we will no longer see the flag and hear the anthem?

Mr. Murphy: The right hon. Gentleman had his opportunity earlier this evening, when he forgot to explain to the House that he voted against a referendum on the Maastricht treaty and that he said

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from those Benches that the Amsterdam treaty would abolish Britain. Britain is still with us. He was wrong then, he is wrong now and he will be wrong again.

Mr. Hands *rose—*

Mr. Murphy: I wish to make a bit of progress. The treaty makes some sensible improvements, such as bringing an end to the diplomatic merry-go-round of the rotating presidency. It is ludicrous that Europe changes its leadership in that way, whereby every 26 weeks a new leadership is appointed. No effective organisation should have such a provision built into its inherent structure. It is certainly no way to organise the largest rules-based market in human history.

On a practical basis, let us consider two of the big challenges we face internationally. There is the pressing issue of Kosovo in our continent. Since we made our international commitments to Kosovo in 1999 Europe has had no fewer than 16 rotating presidencies and we have seen momentum ebb and flow. The second example relates to the UK's relationship with Russia. One of the complications of the UK's and Europe's relationship with Russia is that every time there is a diplomatic issue and a need for a common European position—a policy celebrated on both sides of the House—Europe has a different presidency. The treaty offers a sensible, moderate improvement in the way that Europe operates its rules.

Mr. Hands: May I ask the Minister a question about the charter of fundamental rights? He may recall that Tony Blair, the previous Prime Minister, said that the charter would not apply in the UK at all, thanks to the protocol, yet when the Minister for Europe appeared before the European Scrutiny Committee he told us that the protocol is

“a statement of how the Charter provisions will apply in the UK”.

Does the charter apply or not?

Mr. Murphy: The charter records existing rights; it does not create new rights. It is clear that the UK does not have an opt-out on the charter of fundamental rights, which binds European institutions and is an important, progressive move.

Mr. Baron: During the debate, it was suggested that the treaty contains provisions to allow powers to be repatriated to member states. Can the Minister tell the House which top three powers he would like repatriated to the UK and give us the timetable for achieving that, or is European integration just a one-way process?

Mr. Murphy: What is clear is that we have an opportunity this evening to vote for a Bill that gives more powers to this place. In voting for the treaty, we are giving the power to recognise the important rights of national Parliaments across the European Union. Again, that is an important, moderate improvement in the rules of the EU.

Mr. Hayes *rose—*

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Mr. Murphy: I give way for the last time, but then I must make some progress in the eight minutes that are left.

Mr. Hayes: The Minister makes an holistic if unconvincing case for pan-European government. His argument so far could just as easily have been made for a constitution. Why was a referendum right for a constitution in 2005 but wrong now?

Mr. Murphy: The treaty is different in legal consequence, legal substance and legal structure. Across Europe, nine countries—nine separate sovereign countries—had committed to a referendum on the old constitution. There are no longer nine, but one; only our good friends in the Republic of Ireland, who are bound by their domestic constitutional arrangements to hold a referendum, currently plan to hold one. Eight separate Governments, in eight separate countries, of different political persuasions, have come to the independent conclusion that the old constitution has been abandoned. There will be no European constitution.

Ms Gisela Stuart: Will my hon. Friend give way?

Mr. Murphy: May I make some progress? There is only a short time available.

There are a number of sensible and important changes about the extension—[Hon. Members: “Give way.”] I will give way to my hon. Friend in a moment.

Under the treaty, there are improvements and changes in the way we organise qualified majority voting. Again, they are to be welcomed in our national interest. The liberalisation of our energy markets across Europe is an important change and improvement. Millions of UK citizens have their energy supplied by French companies. By opening up the energy market through the introduction of qualified majority voting UK companies will have the opportunity to compete across European markets.

The treaty improves the position of the United Kingdom in terms of its share of the vote in the Council of Ministers. It streamlines the bureaucracy and reduces the size of the European Commission.

Ms Stuart: Could it be that the eight countries that promised a referendum on the constitution but will not hold a referendum on the treaty did so not because the document was different but because they were terrified about what happened in France and the Netherlands and did not want to risk the same thing in their country?

Mr. Murphy: That is not the case at all. The fact is that the Dutch Council of State, for example—an independent body—very clearly, precisely and legalistically came to that conclusion. In Denmark, an independent, objective opinion was reached on whether there should be a referendum. The fact is that all the countries of the European Union have declared that the constitutional approach has been abandoned.

The treaty that we are considering through the Bill marks the end of a rather circular debate about European structures. It offers improvements on environmental policy. Treaty article 2 sets out a new objective to tackle climate change that is welcomed by the major climate

campaign organisations in the UK. The treaty improves

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the development situation. A new treaty article and a new commitment to the eradication of poverty in the developing world is again welcomed by campaigning organisations across the UK, including Oxfam. The treaty also recognises children's rights for the first time in a European treaty. Part of the ludicrous nature of European debates in the past has been the recognition of animal rights, but no treaty has ever recognised children's rights. The Bill will also empower Parliament in a much more adventurous and ambitious way, by introducing clauses 5 and 6.

Debates about Europe's future are too often seen through the prism of Britain's past and the sense that the European Union is in some way a vast conspiracy against the UK. Without Europe, the UK would be poorer, less influential in the world and less safe. It would be poorer, because as a trading nation, we rely on a single market of 480 million citizens, with 3 million jobs in the UK reliant on our relationship with the EU. We would be less influential in the world as a medium-sized country. Of course, with a successful economy and exceptional armed forces, we would still have influence, but we would be throwing away the added clout of the opportunity to speak with one voice across the EU. We would also be less safe. The EU's work in fighting international crime and terrorism makes Britain's citizens safer. Safety standards in our workplaces, on our roads and for imported goods are also important innovations and reforms that strengthen the UK.

It is also clear that today's Conservative party in most parts is captured by an isolationist tendency. The Conservative view, already expressed by the shadow Foreign Secretary in the past, is that Britain is already a foreign land. Every Government in the EU and every main opposition party in Europe supports the treaty. The shadow Minister for Europe was given the opportunity again this evening to name just one European Government who oppose the treaty in the way that he does vociferously. Again, I give him the opportunity to name one Government, or even just one major Conservative party, who share their obsession about Europe and opposition to the treaty—just one. *[Interruption.]* There we have the answer: the hon. Member for Rayleigh (Mr. Francois) is part of a coalition that involves the Dutch Animals party, Sinn Fein of Ireland and a rag-bag of Communist parties from across Europe. Is it not remarkable that the Conservatives cannot find one European Conservative party that supports their policy, when we consider, for example, that Italy has 10 Conservative parties of its own? The truth is that the Conservative party of today is in large part more obsessed and isolated than ever before.

The hon. Member for Stone (Mr. Cash) made a similar speech to those that he has made for the past two or three decades. His views used to be on the periphery of the Conservative party's European position. Now, he finds himself increasingly in the mainstream—the hon. Gentleman nods about that—with the emergence of an organisation called Better Off Out. An ever-increasing number of Conservative Members are members of Better Off Out. *[Interruption.]* The hon. Member for Macclesfield (Sir Nicholas Winterton)

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is a member of Better Off Out. Better Off Out is so hard-line and simplistic on Europe that the hon. Member for Stone would not even join the organisation. I endorse the Bill.

Question put, That the Bill be now read a Second time:—

The House divided: Ayes 362, Noes 224.

Division No. 50]

[10 pm

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brown, Lyn

Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cunningham, Mr. Jim
Cunningham, Tony
Curry, rh Mr. David
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim

Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael (*Worcester*)
Foster, Michael Jabez (*Hastings and Rye*)
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce

Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai

Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khan, Mr. Sadiq

Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne

Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olnier, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert

Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Bob

Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Singh, Mr. Marsha
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. (*Sheffield, Hillsborough*)
Smith, Angela E. (*Basildon*)
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, Mr. Ian
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Walley, Joan
Waltho, Lynda

Ward, Claire
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard
Tellers for the Ayes:

Mr. Tom Watson and
Mr. Frank Roy
NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham

Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cameron, rh Mr. David
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clapham, Mr. Michael

Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Cummings, John
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, David T.C. (*Monmouth*)
Davies, Philip
Davis, rh David (*Haltemprice and Howden*)
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger

Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hopkins, Kelvin
Horam, Mr. John
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hoyle, Mr. Lindsay
Hunt, Mr. Jeremy
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver

Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall, Mr. David
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris

Robinson, rh Mr. Peter
Rosindell, Andrew
Ruffley, Mr. David
Salmond, rh Mr. Alex
Scott, Mr. Lee

Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Skinner, Mr. Dennis
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stringer, Graham
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy

Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Tellers for the Noes:

Mr. John Baron and
Mr. Nick Hurd
Question accordingly agreed to.

21 Jan 2008 : Column 1321

21 Jan 2008 : Column 1322

21 Jan 2008 : Column 1323

21 Jan 2008 : Column 1324

Bill read a Second time.

Ordered,

That the Bill be committed to a Committee of the whole House.— [*Steve McCabe.*]

Committee tomorrow.