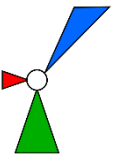


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bncdoc.author	Spicer, Michael
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<p><444/c></p>  <p>Key:</p> <p><u>Footprint</u> <u>ConEn1</u> <u>Footprint</u> <u>ConEn2</u> <u>Footprint</u> <u>ConEn3</u></p>	<p>not bear out the interpretation given to them by the Foreign Secretary. The inclusion of 'subsidiarity' in the Maastricht Treaty on European Union has been presented as a great victory for those who wanted to see the centralising, Federalist and irrevocable proposals of the Treaty given some sort of counterbalance for the rights of the nation state. Subsidiarity does no such thing. Indeed, it merely reinforces the Federalist tendency. The relevant words of Article 3B of the Treaty in this context are: 'Any action by the Community shall not go beyond what is necessary to achieve the objectives of the Treaty.' The essential question, of course, is that of who is to determine 'what is necessary to achieve the objectives of the Treaty'. There can be no doubt as to the answer. Matters of dispute on Community competence are the preserve of the Court of Justice. The perceived role of the Court and of the Commission as the twin guardians of the Treaty will be sufficient in practice to ensure that the Commission will determine the limits of its own field of competence so far as Article 38 and subsidiarity are concerned. Indeed, that is precisely what is happening. It is the Commission, for example, which quite overtly decided not to intervene in the decision to build a road through Twyford Down in Hampshire, but which apparently will continue to challenge the plans for an East London river crossing at Oxleas Wood, as well as proposals by British Petroleum for a gas terminal at Falkirk. What any of these matters have to do with intercountry trade or a single market in Europe is not readily apparent. The notion of subsidiarity as being a fail-safe device against the destruction of national powers by the centralising force of Brussels is a misleading one. In fact, it is the reverse of that. The very concept assumes the existence of a higher power than that of <u>the nation state</u>. Because of the way in which it is proposed to incorporate 'subsidiarity' into the European constitution, it will actually augment the powers of the Federalist institutions, which will be left with the essential decisions about how it is to be defined and applied. Far from acting as a buffer against <u>Federalism</u>, it will actually assist it. The fact is that the pace towards a <u>federal Europe</u> is quickening and there is now very little, save the Danes and the British <u>Parliament</u>, which lies in its way. So it is no longer such a hypothetical question to ask, if <u>the nation state</u> were to be abolished (at least in the sense that it was no longer governed by <u>a sovereign government directly accountable for its actions to the people</u>), would</p> <p><u>a new form of democracy</u></p> <p>, perhaps more potent than <u>that</u> offered by the nation state, rise from the ashes? It would mean at the very least, firmly subjugating the Commission to an elected authority. There is no sign at all of this or anything like it happening. Indeed, one of the features of the Federalist movement appears to be a desire to abolish decision-making by politicians or by elected representatives. This, as has been said, is particularly true of the moves to set up an unaccountable Central Bank. It is also true of the proposals to reduce the powers of the Council of Ministers. Another approach to democratising the federal state of Europe would be one which relied upon strengthening the European Parliament. I have already put forward my view that in the foreseeable future there is unlikely to be a sufficiency of common purpose or</p>
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	<p>tradition to create out of a federal Parliament the necessary cohesion for it to control, or even to have much influence over, the unelected central bodies, especially the Commission and the Court of Justice. The idea is simply not credible to me that the British people will be able to exert their will through a European Parliament on such matters as, for instance, how many people from beyond their shores will be able to settle here or whether taxes should be lowered - thus halting, perhaps, some road-building programme in Greece - or whether Britain should continue to maintain her close links across the Atlantic. Of course, British Members of the European Parliament if they so wished could make their points and their views known. That is not the issue. The question is whether there would be a sufficient merging of interest between, for instance, the anti-American stance of the French, the Central European posture of the Germans, the Mediterranean outlook of the Greeks and the mercantile perspective of the British for there to be a cohesive common position sufficient to enable the Parliament to hold the executive bodies accountable. I do not think so. But even if the answer is merely uncertain, the decisions will continue to be left to the unelected institutions, who will plough their course without significant interference. Far from increasing the democratic accountability provided at present - no one says perfectly - by the nation state, we will have all but obliterated it. This is an especially serious prospect for Britain, whose deeply rooted democratic institutions remain the envy of many of the other countries of the EEC. Indeed, it may well be that the weakness in their democratic institutions explains why some of the Member States show no great concern about the threat to democracy posed by the present moves towards a federal state of Europe. The acid test of whether there is</p>
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