

Cameron's sovereignty scam

On the 10th. February 2016, James Landale, the BBC's Deputy political editor published an article headed:

EU referendum: Cameron's options for enhancing sovereignty.

It began as follows:- Cameron's people are looking for a way of asserting the sovereignty and authority of parliament over the EU in a way that convinces voters that Britain's relationship with the continent is changing.

They need to do this without claiming that UK law has primacy over EU law, something that would be tantamount to leaving the EU. As you might imagine, this is not proving an easy piece of constitutional carpentry.

Clever minds in Whitehall are looking at two potential options, both of which would involve parliament giving greater authority to the Supreme Court to question rulings coming from the European Court of Justice do(ECJ)

One option would involve the Supreme Court assessing decisions by the ECJ and considering whether they breach the fundamental principles of Britain's constitutional norms that have been laid down over the centuries in various Acts of Parliament and common law.....

A second option is being considered that some see as being perhaps more feasible. This would again involve parliament beefing up the authority of the Supreme Court to question rulings coming from the European Court of Justice.

But – and here's the clever part – the Supreme Court would do this only in exceptional circumstances if it thought the judges in Luxembourg were breaching not UK law, but EU law.

In my first sovereignty article, I quoted the former Lib Dem MP David Howarth MP, who stated in 2008 that there are those who talk about the supremacy of Parliament who want to get to

a situation in which this Parliament can make European law. That is impossible; the legislative supremacy of this Parliament relates only to its ability to change the British legal order. We will never be in a position to change the European legal order.

This, however, is what Cameron is trying to do and in the process he will not be enhancing our sovereignty but undermining it and all because, he is not prepared to use British law to establish full sovereignty as this runs the risk of having to leave the European Union. As our Prime Minister places the EU before his country, he has to concoct something which appears to assert the sovereignty and authority of parliament over the EU in a way that convinces voters that Britain's relationship with the Continent is changing.

David Cameron, like Edward Heath before him, is constantly facing two ways at once.

We can see this when we consider the accession of Croatia to the EU in 2013. During the second reading of the bill, here again we can witness the rejection of UK sovereignty in preference to EU laws. In addition, Croatia's accession provided the proper opportunity for Cameron to obtain the reforms he wanted, like the Irish who secured their protocol. Instead, however, plucked whatever was vaguely possible, deliberately to obtain publicity so as to appear he was fighting for Britain and convince voters our relationship with the EU is changing, which it isn't, as this short extract proves:-

From the House of Commons debate of 6th. November 2012: **{(Mr. Lidington on behalf of Prime Minister Cameron)}**

Alok Sharma (Reading West) (Con): There will obviously be a seven-year transition period on economic migration from Croatia. Can the Minister tell the House—this is a general

point relating also to Romania and Bulgaria—whether it would be possible under British law for us to extend that transition period if we think that is right for Britain?

Mr Lidington: The answer is that we cannot go beyond the period for transitional controls laid down in the treaties. I will say a little more about arrangements for Croatia later. For Romania and Bulgaria, we have extended the transitional controls for the maximum period committed and they have to come to an end by the end of 2013.

Jacob Rees-Mogg (North East Somerset) (Con): May I add a rider to the Minister's answer? This is without a "notwithstanding" clause to the European Communities Act 1972, but this Parliament could of course do that if it wanted to.

Mr Lidington: This Parliament can of course pass any legislation it wishes to. In that sense, what my hon. Friend says is constitutionally correct, although I in no way want to mislead him into thinking that the Government intend to introduce such an amendment to the 1972 Act.

Jacob Rees-Mogg is saying what fisherman Tom Hay said 17 years previously – the "notwithstanding" clause.

The crux of this subject is that Cameron has no intention at all of upholding British sovereignty, rather trying to portray a pretence he is, while facing the opposite direction of secretly promoting EU Law.

Back in 2010, the Conservative Manifesto stated the party would:

Restore democratic control In future, the British people must have their say on any transfer of powers to the European Union. We will amend the 1972 European Communities Act so that any proposed future Treaty that transferred areas of power, or competences, would be subject to a referendum.

I suppose at least we are getting a referendum, but any idea of amending the 1972 European Communities Act appears to have bitten the dust. Everything under Cameron becomes diluted or evaporates into thin air; the goalposts keep moving, or else they were only ever fictitious.

Moving on to the European Union Act (EUA) 2011, the provision contained in section 18 was originally projected to be a 'sovereignty' clause, intended to reaffirm the sovereign character of the legislative power of the UK Parliament. Yet the final text of the provision enacted in the EUA is no 'sovereignty' clause at all; instead, section 18 simply confirms the narrower point that the status of EU law within the UK is ultimately dependant on its continuing statutory basis

Everything the Prime Minister attempts ends up being diluted, or comes under the "light at the end of a tunnel" syndrome.

What will the Prime Minister come home with this weekend? We will have to be patient and see if it runs true to form, but don't hold your breath!