Unease about the constitution is not confined to Tories

ASSUMING he can negotiate his way through the minefield of Lord Hutton's report and the vote on university top-up fees, a third peril awaits Tony Blair in the New Year. The prime minister's hopes of defusing the explosive potential of the European Union's new constitution appear more unrealistic by the day.

If not at this weekend's summit of Europe's leaders, then some time early next year, Mr Blair expects to announce that Britain has got its way over the "red lines" it has made so much fuss about. Having thwarted EU encroachment on national powers over tax, social security, criminal law and foreign policy, Mr Blair will declare victory in securing a treaty that Britain can happily sign up to. A referendum? What on earth for?

That at least is the plan. Unfortunately for the prime minister, it is already looking somewhat frayed around the edges. In recent weeks, both the foreign secretary, Jack Straw, and the chancellor, Gordon Brown, have been making some very tough-sounding noises about the constitution.

Neither are great admirers of Brussels-driven integration. Mr Straw has sided with the chancellor in his war of attrition with Mr Blair over the euro. For his part, Mr Brown enjoys nothing better than lecturing his fellow European finance ministers about their failure to embrace Anglo-Saxon flexibility.

Mr Straw and Mr Brown may just be playing their part in some elaborate hard cop, soft cop routine with the prime minister, designed to bolster him against the expected onslaught from the French and Germans. It is more likely, however, that their threat to derail the constitution rather than compromise over what they say are non-negotiable issues is an attempt to hold Mr Blair's feet to the fire.

Mr Straw's observation two weeks ago that the enlarged EU could carry on perfectly well without the constitution caused a sharp intake of breath in Downing Street. Although the foreign secretary was not actually rebuked, the prime minister's spokesman promptly declared that Britain would still be going to the summit in the expectation of reaching agreement.

This week, there was more trouble for Mr Blair—from a most unexpected quarter. Gisela Stuart, the German-born, impeccably Blairite, pro-European MP chosen to be Labour's parliamentary representative...
on the convention drawing up the constitution, went public with her misgivings about the whole process.

In a pamphlet published by the Fabian Society, Ms Stuart argues that the government should be wary of a constitution drawn up by “a self-selected...European political elite” who were engaged in a politically motivated attempt to transfer power to Brussels irrevocably. Ms Stuart says: “Not once in the 16 months I spent on the convention did representatives question whether deeper integration is what the people of Europe want, whether it serves their best interests or whether it provides the best basis for a sustainable structure for an expanding union.”

Ms Stuart believes that at the very least MPs should have a free vote on the constitution. But her damning critique will also strengthen calls for the referendum that Mr Blair is so adamantly against. The Sun newspaper, not usually given to publicising Fabian pamphlets, but vigorously pro-referendum, splashed Ms Stuart's misgivings across two pages.

So far, Mr Blair has been able to ignore the clamour for a referendum. As long as it is confined to the opposition Tories and the anti-European press, he should get away with it. But now he must reckon on growing unease both within the government and among Labour MPs. Ms Stuart's pamphlet could not have come at a more awkward time.