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Ian Gow Esq., MP.,
Parliamentary Private Secretary
to the Prime Minister,
10 Downing Street,
London S.W.1.

30th November 1981

Dear Mr Gow,

Sir Anthony Royle was concerned in case the Prime Minister had seen the enclosed article by David Wood in 'The Times' today. Whilst it is true that the Political Affairs Committee of the European Parliament may adopt a report on a Uniform Electoral Procedure for European elections this week, it is by no means certain that any such report will be endorsed by Parliament as a whole. The EDG will only support a proposal including an element of proportionality if that element is restricted to 25% of the members elected. The Socialist Group also has reservations about certain aspects of the report as do the Gaullists.

In any event, even if the Parliament were to adopt such a report the proposal will have to go before the Council of Ministers, where it could quite easily languish for several years. Above all, even if the proposals as a whole were adopted tomorrow and agreed immediately by the member States, it is widely accepted that there would not be time to instigate a completely uniform system before the next elections in 1984. Accordingly, whatever is agreed does not stand a chance of being implemented until 1989.

The one element of the exercise in the Parliament's deliberations on a Uniform Electoral Procedure which could be of use to us, is the opening it would provide for introducing votes for Britons abroad. Votes for these ex-patriots would be useful to us, not only in European elections but also for domestic elections.

I also enclose a note I produced for the Lord Privy Seal and the Chairman of the Party on the Group's deliberations in October on Electoral Systems. I hope this is of some help.

yours sincerely,

Edward Bickham

Edward Bickham

Times 30/11/81

David Wood

A side door move towards British PR

For three days this week, starting on Wednesday, some leading members of the European Parliament will meet at Lancaster House to prepare proposals that may turn out to be the thin end of the wedge for introducing proportional representation in England, Scotland and Wales. Leaders of the two main parties at Westminster will not fall in love with the idea at first sight, but surprisingly the Conservative European Democratic Group has given its blessing to the particular form of PR on which Strasbourg opinion is consolidating for the next direct elections to the European Parliament in summer 1984.

The Treaty of Rome ordains that the European Parliament should be elected by a uniform procedure. For June 1979, when the first direct elections took place, there was no hope of or time for achieving uniformity, and every member state of the (then) Nine was allowed to follow its electoral habit. The pure principle of parliamentary democracy was consequently flawed in many important ways, not only because Britain clung to its first-past-the-post method, whereas everywhere else (except in Danish Greenland) some form of PR was adopted.

Among other discrepancies there was no uniformity on entitlement to vote, voting age, equality of votes, minimum age of candidates, financing of parties, nomination of candidates or on the role of established parties. For each member state it was a question of doing what came

naturally, or what protected vested political interests.

Most of the obvious discrepancies have been sorted out by M Jean Seitlinger, the pathfinder of the political affairs committee whose report will be considered in London this week and almost certainly adopted in its essentials. To root out the principal flaws the committee proposes a compromise between the British first-past-the-post election and the Continental list system that established British parties have rightly found repugnant.

The committee's model is the West German electoral system which combines plurality voting in single constituencies, where a candidate with most votes immediately wins, and PR on the parties' declared national or regional lists. The Seitlinger report suggests that half the MEPs should be elected by each method, and that each member state should determine its own single constituency and regional boundaries. In practice, the number of first-past-the-post seats gained by a party would be deducted from its PR list entitlement though, unlike in West Germany, each elector would cast only one vote. Where a seat fell vacant there would be no by-election, as would now happen in Britain; the next name would be taken from the original party list or the seat would be filled "by the substitute for the elected representative" (whatever that may mean).

Clearly some merit may be fairly claimed for such an ingenious hybrid that has proved its efficiency and simplicity in West Germany. It would preserve direct constituency representation of the British kind, although the European constituencies would have to be made even larger than they already are, in geographical as well as numerical terms, to allow for the PR factor. It would correct the distortions that in June 1979 gave Conservatives 60 seats in England, Scotland and Wales, Labour 17, the Scottish National Party one, and the Liberals none.

It would equalize democratic values within the European Parliament, although small countries would still have to be over-represented, as Scotland and Wales are at Westminster, and Westminster would still keep its three nominated MEPs.

Nevertheless, both friends and foes of PR, at least in Britain, ought to look twice and then look again at any seductively dressed-up proposals for a list system. Strasbourg itself has already jibbed at some abuses. Take these examples from many. President Mitterrand's name stood at the top of the French Socialist list in the 1979 European election although he had no serious intention of taking a seat at Strasbourg; he was there merely to attract votes. Georges Spénale, one of the ablest Socialists in the European Parliament — and its former president — had his name arbitrarily deleted from the party list because he had given offence to the party leadership.

M Jacques Chirac, the Gaullist leader, headed his party's European list, attended for a year, and then proposed that all sitting Gaullist members should resign *en bloc* and be replaced by the reserves on the party list. Nor is France alone in offending the Parliament's sense of *amour propre*. After the last election in the Irish Republic there were protests that the Strasbourg replacements had never been presented to electors in the PR party lists of 1979, and that they were therefore no more than nominees of a party caucus.

All in all, though the list system is well established in several Community countries that everlastingly proclaim the democratic virtues of PR and heap scorn on Britain's first-past-the-post, in practice it too easily becomes an abused tool in the hands of party leaders and party managers. We might also say the list system can be the quango to cap all quangos, and even British advocates of PR should examine it with due suspicion. What goes now for European elections may soon go for domestic elections.

Note on the European Democratic Group's attitude to a Uniform Electoral Procedure for Elections to the European Parliament

At their Group meeting in January the EDG agreed the following:

i) The Group supports the principle of a Uniform Electoral System for European elections in the future, believing this to be a requirement of the Treaty.

ii) All UK citizens should have the right to vote in the European elections without regard to the Member State in which they are resident.

iii) That Gibraltarians should have the right to participate in the European elections.

iv) The Group set up a Working Party to consider which electoral system the Group should support.

For the past 2 years the Political Affairs Committee of the Parliament have been considering a number of reports on electoral systems by Jean Seitlinger (French Christian Democrat). Pressure has been particularly evident from the Liberal Group to reach agreement within the Parliament as soon as possible - hoping that the Council might accept the Parliament's proposals in time for them to be implemented by 1984. The present draft of the Seitlinger Report recommends the adoption of an Additional Member System similar to that used in the Federal Republic of Germany.

At their meeting in Cologne the EDG discussed the Report of their Working Party. Lord Douro outlined the background to the Report and said that it was now generally accepted that it would be impossible to implement a common electoral system for the 1984 European elections. He said that the EDG members of the Political Affairs Committee had consistently lobbied to separate the question of the electoral system to be used from more technical questions such as the eligibility of candidates, the franchise and particularly votes for ex-patriates resident within the Community. He said that this approach had drawn some support and he thought there would be a possibility of progress in implementing the more technical recommendations in time for the 1984 election. Lord Douro mentioned that Lord Belstead, speaking on behalf of the Government had said the Government would not be producing proposals on voting rights for Britons abroad until they had seen the recommendations from the European Parliament. He explained how the AMS system works and he said that in the original Seitlinger Report it had been proposed to allow Member States to determine the element of proportionality to be used (i.e. on a scale between 75% elected by PR and 25% elected by first past the post, to 75% elected by first past the post and 25% by PR) however, in the latest draft before the Political Affairs Committee this flexibility had been reduced so that no more than 50% of seats could be elected by first past the post.

Alan Tyrrell introduced the report of his Working Party, a copy of which is attached. The Working Party having adopted the report by a majority of 7 to 3 (Shelagh Roberts, John Marshall and Tom Normanton against). The Working Party received evidence from 17 witnesses, including the then Chairman of the Conservative Party,

Patrick Mayhew, Douglas Hurd and the Chairmen of the Conservative, Backbench Home Affairs, European Affairs and Constitutional Committees. The majority report, which supports an AMS system, was approved by the Group as a whole in a thinly attended meeting by a majority of 15 votes to 9 with 2 abstentions. There is, however, an important proviso that the Group should only support AMS if the 75:25 flexibility can be reintroduced into the Seitlinger Report.

Mr. Tyrrell explained that the Danish Conservative Party could not accept an entirely constituency based system because almost certainly this would mean that they would win no seats. The AMS system, in his view, best met the requirements of the Treaty whilst requiring most Member States to reach a compromise rather than only obliging the United Kingdom to make changes. Amongst the reasons which he gave for the Working Party's recommendations were the following:

i) The AMS system retains a link between constituencies and individual MEPs.

ii) The institution of such a system of PR would diminish the impact of swings in the United Kingdom. Because of their size, the greater balance that exists in them between urban and rural elements, and low turn-outs in European elections, the Euro-constituencies tend, in practice, to be more volatile than Westminster ones. In addition, because Britain is the only Community Member State to operate the first past the post system, in essence the overall balance of forces within the European Parliament is likely to be determined just in the United Kingdom if our system is not brought close to those in use elsewhere.

iii) Agreement on a common system should stop the unfair manipulation of the electoral system in France and to a lesser extent in Italy.

Mr. Tyrrell said that his major worry about the reaction of the Party at home had been somewhat allayed by the Working Party's discussions with Edward Gardner and Charles Morrison as Chairmen of the Backbench Home Affairs and Constitutional Committees who both thought AMS quite a reasonable system. He went on to say that Douglas Hurd and Patrick Mayhew had also seemed unconcerned about the Group supporting the AMS system with only 25% proportionality. He mentioned that the "topping-up" lists would have to be compiled on a regional basis and this would prevent national parties from having too great a control over the selection of candidates.

In Shelagh Roberts' absence, Eric Forth was the main speaker against the Working Party's report. He said that he was worried by the reaction of public opinion to the imposition of an alien system on Great Britain. Mr. Forth also argued that if the Group were to support any form of PR this would have a bad effect on relations with the Party and with colleagues at Westminster. However the Group's position is presented, it would be seen in London as helping create a precedent for PR upon which the Liberal/SDP Alliance could build. He concluded his remarks by saying that he felt there was a strand in the thinking of some of his colleagues which said that the Group's position on this issue did not really matter because whatever the Parliament decided the British Government could catch it at long-stop by vetoing it in the Council. To take such an attitude, Mr. Forth said, would be ducking the issue, determining the system to be used in the European elections was an important role of the Parliament, and the

.../Parliament

Parliament should take seriously its duty to run itself.

Will Hopper said there were two elements of the AMS system which he disliked: the scope it gave for Party patronage in drawing up the "topping-up" lists; and the qualitative difference to which it led between constituency Members and those elected from a list.

Robert Moreland said that his first priority in considering which system should be used was that a proper constituency system should be maintained. He said that he agreed with Mr. Tyrrell's arguments about reducing the effect of the volatility of swings in Great Britain. Mr. Moreland said that he felt that the Working Party's assessment of feeling on the issue within the British Conservative Party was somewhat optimistic, and Charles Morrison, as a Backbench Committee Chairman, should not be taken as representative of his colleagues because of his long-standing attachment to electoral reform. He ended by saying that he did not think that the system of election to be used for the European Parliament could conceivably be interpreted as a matter of vital national interest and the British Government should not hold up agreement in the Council.

Bill Newton-Dunn said that he disagreed with Eric Forth's arguments about the impact on public opinion of introducing an element of electoral proportionality. He said that he had carried out a survey on this within his Euro-constituency and had found proportional representation, as long as it maintained a constituency/Member link, to be quite popular.

Lord Harmar-Nicholls said that the matter was extremely controversial and would cause great difficulties at home. Even if Bill Newton-Dunn's assessment of PR being popular was correct, which he doubted, it would soon cease to be popular if it was seen to be imposed upon Britain from Brussels. He emphasised the political sensitivity of the issue at the present time and said that as a uniform system could not possibly be introduced until 1989 the Group could afford to stall on the matter and should avoid supporting any PR system.

Sir James Scott-Hopkins said that much as he would like to delay deliberation on the matter still further, this was not possible. He dismissed the argument put forward by Lady Elles that the new Party Chairman should be consulted before the Group took its final decision by saying that the Working Party had already spoken to Lord Thorneycroft about it and anyway the Group had to give some direction to its Members on the Political Affairs Committee which would soon be discussing the final draft of the Seitlinger Report. The final Report should be considered by the Parliament's plenary session in Mid-November.

The Group then proceeded to adopt the Working Party's Report by a surprisingly large margin. There may be attempts by the opponents of proportional representation to raise the issue again. Indeed the whole matter may have to be reconsidered if the Group are unsuccessful in amending the Seitlinger Report from a 50:50 to a 75:25-25:75 range of options.

.../The Group

The Group will consider proposals on the mechanics of the extension of the franchise to Britons resident in other Member States at their meeting in November.

Circulation List

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ESCB/CDB

20th October, 1981