

Comment

EUROPE POST MAASTRICHT

Those who may have had some hesitation about handing over Parliamentary sovereignty to Brussels must have been won over by the spectacle on our screens of the wheeling and dealing in and around Westminster over Maastricht. How many of you were reminded of similar scenes daily witnessed on the exercise yards of our dispersal prisons?

European nations face common issues of

- rising crime and fear of crime
- growth of organised crime in drugs
- doubts about the effectiveness of criminal justice systems
- an emphasis upon 'due process' and natural justice
- lowering of border controls
- rising prison populations

Even the Dutch are having to end their long held policy of one prisoner per cell in the face of rising prison population.

National governments are beset by

- continuing economic recession leading to long-term unemployment
- media pressure demanding immediate responses which are strong on presentation and weak in delivery
- financial constraints on public expenditure
- popular scepticism about the integrity of the political process

and seem unequal to the challenge. The need is for international cooperation and the lead must be taken by the professionals.

Already in two significant areas, illicit drugs and policing,

there is a trend towards the harmonisation of policies and practices among the continental countries who are signatories to the Schengen Agreement: that is everyone except us. That Agreement has provided a framework of cooperation which has replaced the old fashioned, ineffective and clumsy frontier checks upon which at present this country still relies. In countering the illegal drug trade it is the Commission not Westminster that is offering the lead. It is from the Commission that directives have come designed to control the chemicals which are used in the manufacture of illicit drugs.

Directives from the Commission are binding leaving to the national authorities only the decision about form and methods. The European Court has supremacy over English law and can enforce those directives. If a directive is not implemented, that may be sufficient for individuals to seek redress with consequent damages. Our record in the European Court is not one which suggests we can be confident in fending off claims. So we need to be in there shaping policy before it hits us as an unwelcome directive forcing our hands.

In this respect, Agency is timely. The Home Office is not well equipped to deal with Brussels. Their system of divisions dealing with policy on a narrow range of subjects and administrators who switch divisions almost as quickly as we change Home Secretary, does not match practice in Europe and leaves us at a disadvantage. There, administrators stay longer with their subjects and have wider scope. That needs to be the pattern for the Agency; a slimmer headquarters but with authority to take the broad view. As part of that HQ a European unit comparable but independent of the Home Office European Communities Unit needs to be established taking a pro-active stance in Brussels and giving substance to the Director General's vision of our Service as offering a "standard of excellence around the world." ■