



People's News

News Digest of the People's Movement

No. 22

31 March 2010

A question at Easter

Despite or perhaps because of their obvious political and moral bankruptcy, elements of Ireland's elite have started to play a sort of Russian roulette around the theme of 'republicanism'. One of the more bizarre aspects of organisations such as 'Ireland for Europe' is the tendency for some of its leaders to try to give their public pronouncements a sort of 'republican' gloss.

For instance, Brendan Halligan said of the Lisbon 2 result that it was 'middle Ireland reclaiming the Republic'. Ruairi Quinn regularly proclaims his adherence to 'republican values' as a core part of the guiding principles of his politics. Pat Cox has recently called for a 'renewal of our republic' and the *Irish Times* has obliged by opening its columns to a discussion on that very topic.

Ireland and to the unfettered control of Irish destinies' while having two-thirds of the laws we must obey enacted by the EU in Brussels – laws in the making of which the Irish people have a very minor say. Or requiring the Dáil 'to contribute actively to the good functioning of the Union' and making us citizens of that same post-Lisbon EU, owing obedience to its laws and loyalty to its authority over and above obedience and loyalty to Ireland, the Irish constitution and laws, in the event of any conflict between the two. Or having in our constitution a provision that can only be described as a sort of 'oath of true faith and allegiance' to that same EU.

**POBLAcht NA h EIREANN,
THE PROVISIONAL GOVERNMENT
OF THE
IRISH REPUBLIC
TO THE PEOPLE OF IRELAND.**

IRISHMEN AND IRISHWOMEN In the name of God and of the dead generations from which she receives her old tradition of nationalism, Ireland, through us, summons her children to her flag and strikes for her freedom.

Having organised and trained her maidhood through her secret revolutionary organisations, the Irish Republican Brotherhood, and through her open military organisations, the Irish Volunteers and the Irish Citizen Army, having patiently perfected her discipline, having resolutely waited for the right moment to reveal itself, she now seizes that moment, and, supported by her exiled children in America and by gallant allies in Europe, but relying in the first on her own strength, she strikes in full confidence of victory.

We declare the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies to be sovereign and indisputable. The long usurpation of that right by a foreign power and government has not extinguished the right, nor can it ever be extinguished except by the destruction of the Irish people. In every generation the Irish people have asserted their right to national freedom and sovereignty, no less during the past three hundred years they have asserted it in arms. Standing on that fundamental right and again asserting it in arms on the face of the world, we hereby proclaim the Irish Republic as a Sovereign Independent State, and we pledge our lives and the lives of our comrades-in-arms to the cause of its freedom, of its welfare, and of its realisation among the nations.

The Irish Republic is entitled to, and hereby claims, the allegiance of every Irishman and Irishwoman. The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally, and oblivious of the differences carefully fostered by an alien government, which have divided a minority from the majority in the past.

Until our arms have brought the opportune moment for the establishment of a permanent National Government, representative of the whole people of Ireland and elected by the suffrages of all her men and women, the Provisional Government, hereby constituted, will administer the civil and military affairs of the Republic in trust for the people.

We place the cause of the Irish Republic under the protection of the Most High God. Whose blessing we invoke upon our arms, and we pray that no one who serves that cause will find honour in cowardice, inhumanity, or rapine. In this supreme hour the Irish nation must, by its valor and discipline and by the readiness of its children to sacrifice themselves for the common good, prove itself worthy of the august destiny to which it is called.

Signed on behalf of the Provisional Government,
THOMAS J. CLARKE,
SEAN Mac DIARMADA, THOMAS MacDONNELL,
F. H. PEARSE, EAMONN CANNITT,
JAMES CONNOLLY, JOSEPH PLUNKETT.

Ownership of Ireland and unfettered control of Irish destinies?



Then: UK parliament

Having to obey laws made mostly by others means being ruled by others. It is the opposite of a country being independent, sovereign and democratic. When the whole of Ireland was part of the United Kingdom it had up to 100 MP's out of 600 in the British parliament, of which some 70 were Nationalists. That gave nationalist Ireland some 12% of a say at Westminster. Yet the Irish people were unhappy with majority rule from London and aspired to a parliament of their own in an independent republic.

The question which they carefully avoid is how they can claim an adherence to a politics which in its Irish context has historically asserted the right of the Irish people 'to the ownership of

Yet now we have one member out of twenty-seven (3.7% influence) on the EU Commission, the body of non-elected officials which has the legal monopoly of proposing all EU laws. From 2014 our right to 'propose' and decide who Ireland's commissioner is has been abolished and replaced with a right to make 'suggestions' only. We have one minister out of 27 (3.7% influence) and seven votes out of a total of 345 (2%) on the EU Council of Ministers which decides EU laws on the basis of a simple majority (14) of the 27 EU States as long as that majority is also a 'qualified majority' of 255 votes out of a total of 345. And from November 2014 Member States will vote according to their population just as they would in a unified state. EU laws will then be made by 55% of member states (15 out of a EU of 27 states) as long as they have 65% of the total EU population between them.



Now: EU parliament

The change in the voting system to one where countries vote according to their population size benefits the larger states while a 'one country one vote' system benefits the smaller ones. In Ireland's case, the new Lisbon arrangement will more than halve the Irish State's vote from 2% to 0.8%. We have twelve members for the Republic out of 736 in the EU Parliament, that is 1.6% representation. The North has a further three MEP's and according to the Lisbon Treaty they are no longer 'Irish'

representatives but rather 'representatives of the Union's citizens'.

The European Parliament and national parliaments such as the Dáil cannot propose European laws. The European Parliament can veto a law or may propose amendments to EU draft legislation but the EU Commission must approve these proposals if they are to be adopted in the Council and if the Commission does not support an amendment it can only be approved by an unanimous vote of the 27 member states.

In the Eurozone Ireland has no control either of its rate of interest or its currency exchange rate which are the classic economic tools of all independent governments that seek to advance their people's welfare. Ireland's interest and exchange rates are decided by the European Central Bank whose priority is the economic needs of the larger EU countries.

It would be illegal under EU law for an Irish Government to seek to exercise 'the right of the Irish people to the ownership of Ireland' by taking any measure that would prevent citizens of other EU States from having the same rights of ownership and establishment in this country as Irish citizens in relation to land, fisheries, residence, employment or the conduct of any economic activity.

In addition to being subject to laws in whose making the Irish State and Irish people have only a minor say, Irish governments are regularly fined for breaches of them by the EU Court of Justice.

Finally, how is it compatible with 'the unfettered control of Irish destinies' to have lost the right to sign trade treaties with other states or to have a legal obligation to work towards a common foreign and security policy and to progressively improve the country's 'military capabilities' and also have a legal obligation to aid and assist other member

states experiencing armed attack 'by all means' in the country's 'power'?

All this is clearly incompatible with 'the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies' proclaimed in the Declaration of the Republic in Easter 1916.

www.people.ie

Iceland says 'no' to bank deal and EU

In a referendum held on 6 March, 93.5% of Iceland's voters rejected a plan to reimburse the Netherlands and the UK for monies lost following the collapse of on-line bank Icesave. With an overall turnout of 62.7% of registered voters, 94% voted 'no' while just 1.8% backed the deal.

There was a mixed reaction on the part of the two EU governments: while London said it was open to fresh talks on the matter, the Hague warned that the vote threatened the prospect of Iceland's membership of the EU.



Prime minister Jóhanna Sigurðardóttir

Meanwhile, an opinion poll conducted during February-March suggests that about 70% would vote 'no' if a referendum on Iceland's membership of the EU were held now, up more than 8% since September 2009. Of those 51% were absolutely certain they would reject

membership. At the same time only about 30% said they would vote 'yes'.

The same poll also asked if people were in favour of EU membership with 60% saying they were not and only 24.4% saying they were. If those undecided are excluded the outcome is pretty much the same as in the referendum question mentioned above.

Sources: [EUobserver](#), [EU News from Iceland](#)

Double dealing, chicanery and betrayal

'As Deputies are aware, one vital aspect of EEC fisheries policy which came into operation on 1st February 1971, had been a cause of concern to all of us. This concern arose from that part of Community policy which provided for equality of access to and exploitation of fishery waters of each member State by the fishing vessels of other member States. However after protracted negotiations we have been successful in securing a satisfactory arrangement which has removed what we regarded as a serious threat to the livelihood of our fishermen and to the continued expansion of our fishing industry. This represented a major breakthrough, having regard to the position adopted by the Community earlier in the negotiations.'

[Dáil Éireann, 3 February 1972](#)

In this statement by the then parliamentary secretary at the Department of Agriculture and Fisheries, Mr. Jackie Fahey, is encapsulated all the double dealing, chicanery and betrayal that has characterised the experience of Ireland's fishing communities with the Common Fisheries Policy.

When the statement was made, Regulation 2141/70/EEC had already pronounced fish to be a 'common' resource – the only one. Ireland's Treaty of Accession to the European Economic Community which had been signed some days before had in fact incorporated the

principle of 'equal access'. The Regulation could not have been any clearer in that it sought to ensure 'equal access to the fishing grounds of each member State "coming under its sovereignty or within its jurisdiction"'. The transitional derogation allowing Ireland to retain an exclusive 6-mile zone and an outer 6-12 mile zone restricted to vessels which had traditionally fished the area would expire on 31 December 1982 after which it could only be agreed by unanimous agreement.

The deceit of the statement is that government had already given away the most important principle of all; namely the Community's power to control her fishing waters up to her beaches.



Killybegs

This is clear from the wording of the derogation: 'Member States availing themselves of this derogation must not adopt provisions dealing with the conditions of fishing in these waters ... Member States are to inform the Commission of the measures they adopt for this purpose; on a report from the Commission the Council will then examine the situation and where necessary, issue recommendations to the Member States accordingly ... From the sixth year after accession at latest, the Council, acting on proposals from the Commission will determine conditions for fishing with a view to ensuring protection of the fishing grounds and conservation of the biological resources of the

sea ... Before 31st December 1982, the Commission is to present a report to the Council on the economic and social development of the coastal areas of the Member States and the state of the stocks. On the basis of that report, and of the objectives of the common fisheries policy, the Council acting on a proposal from the Commission, will examine what arrangements should follow the derogation in force until 31st December 1982'.

The Norwegians were the only applicants that treated fisheries policy as a serious matter. The Norwegian Government secured a special protocol for Norway that 'recognised the very great importance of the fishing industry for Norway' and that 'Fisheries and related industries constitute an essential activity for the population of a large part of the coastal areas where other possibilities of employment are limited ... The institutions of the Community are accordingly recommended to take particular account in the examination of the Commission report provided for in the Act of Accession, of the problems facing Norway in the field of fisheries, both in the context of its general economy and for reasons stemming from the particular demographic and social structure of the country, and so to act that the provisions then to be made are drawn up accordingly; these may include, among other measures, extension of the derogations beyond 31st December 1982.'

So even in relation to the derogation, the Irish government failed to make any sort of stand, preferring to hide behind Norway's coat tails. In the end, Ireland ratified the Treaty of Accession while Norway stayed outside the EEC. Fishing became even less of a priority as the Irish fishing industry went into terminal decline through the operation of the Common Fisheries Policy.

Thus the recent publication of the government's response to the EU review of the Common Fisheries Policy was viewed with

justifiable scepticism among Ireland's fishing communities and barely raised a ripple in the country at large. The reaction was understandable given the failure of the government to use the opportunity of the review to challenge a policy which is widely recognised to represent all that is worst in the EU project.

The EU document had contained the usual rhetoric about 'stakeholder involvement', 'empowering the regional and local dimensions', 'decentralisation' and 'involving fishermen directly in policy making so that decisions are made closer to the people they affect'. The government joined in the charade by making a half-hearted call for a new 'regional structure to decision making at EU level with increasing industry responsibility'. This was in stark contrast to the Scottish government's demand that 'the CFP should be scrapped rather than reformed' and 'that even if Scotland remains part of the CFP then powers must be returned to Member States to allow them to co-operate on a regional basis to help bring an end to the damage inflicted by Europe's most unpopular policy'.

This was similar to the position adopted by a number of Scottish, English, French and Irish fishing organisations that called for a 'halt to the centralising process that has characterised EU fisheries policy through the real CFP of equal access to the resource with exclusive competence for all marine resources being with "Brussels" and the immediate start to a process of 'repatriating control of policy, management and stocks back to individual EU maritime Member States'.

Further issues of this newsletter will report on the development and progress of their campaign which is supported by the People's Movement.

Donegal faces up to unemployment crisis

Reminding the meeting that the EU is currently reviewing the Common Fisheries Policy, Donegal independent councillor and People's Movement patron Thomas Pringle told a packed meeting in Falcarragh on 20 March that 'fighting to repatriate fishing rights and achieving a fairer deal for Ireland' must form part of a campaign to ensure jobs based on the sustainable development of our fishing stocks. Only on this basis would it be possible to create more shore based jobs in the county.



Thomas Pringle

He told the meeting organised by the local *Pobail le Chéile* group: 'We have allowed the EU to steal our fishing stocks from us. Now we must try to redress this state of affairs. In Killybegs, we have a fine deep water port that could handle much of the import/export business required for the North West. But vested interests want to control access to this valuable asset'.

The meeting was a local attempt to bring together the unemployed, community activists, employment services and political figures to try to forge a community based non-party political effort to address the cancer of unemployment. Currently there over 21,000 unemployed in the county. People came from as far away as Letterkenny to attend the meeting. Further meetings are planned in efforts to develop a community response to the chronic unemployment situation in the county.

On the previous evening, Cllr Pringle had also addressed a meeting in Ballyshannon. The meeting was held to establish a branch of the People's Movement for the south Donegal area. He told the meeting: 'Everything that is being done by government is from the point of view of protecting investors in banks and maintain our reputation on world markets. Take the bank guarantees and NAMA, it is clear that these actions are being taken to protect the interests of bondholders and share holders – costing us and future generations billions of euros in the process. If our government started from the point of wanting to protect the Irish people and Irish jobs then it would have taken an entirely different course. Even now it is not too late to change course. Announcing that we will cancel the guarantee for bond holders in the banks from September would signal a big change and allow us to wind up failed banks and get credit flowing from a new bank that has the goal of acting on behalf of the Irish people'.

For more information about the South Donegal branch contact Dónall Ó Mearáin (donie67@yahoo.com). A member of the executive of the People's Movement, Kevin McCorry, also spoke at both meetings.

www.people.ie

Working the system

One of the biggest tobacco manufacturers in the world led a group of chemical, food, oil, pharmaceutical and other firms in a successful long-term lobbying campaign to shape European Union policy making in their favour, a recent study has shown.

Since 1997, the European Commission has been required by EU law to access the economic, social (including health) and environmental consequences of new policy

initiatives using a process called an 'impact assessments'. Because different types of impact assessment examine the likely effect of policies on different aspects of daily life – a health impact assessment, for example focuses on a policy's effect on health – the choice of impact assessment can lead to different decisions being taken about new policies.



After trawling through some 700 internal documents from British American Tobacco (BAT), whose Irish subsidiary is PJ Carroll, academics from the University of Bath, University of Edinburgh and the London School of Hygiene and Tropical Medicine found evidence that the cigarette giant in the mid-1990's teamed up with the prominent Brussels think-tank European Policy Centre to create a front group to ensure that the EU framework for evaluating policy options emphasised business interests at the expense of public health.

The 'policy network' which included Shell, Zeneca, Tesco, SmithKline, Beecham, Bayer and Unilever first helped to secure a 'Protocol on the Application of the Principles of Subsidiary and Proportionality' to the 1997 Treaty of Amsterdam that require policy makers to minimise legislative burdens on businesses and after that further lobbying ensured that these treaty changes were translated into the implementation of a business-orientated form of impact assessment within the EU. Both the tobacco industry and the chemical industry have since used the impact assessment to

delay and/or weaken EU legislation to protect public health.

One aspect of the findings that may seem hard to believe is that policy makers were not aware of the role of the tobacco industry in this campaigning. David Byrne, Commissioner for Health and Consumer Protection 1999-2004 declared 'I would be absolutely astonished and would find it very difficult to believe if there was any available which tended to indicate that the European Policy Centre was advocating on behalf of the tobacco industry – that would be shocking'.



As part of the campaign on behalf of its big business clients, the European Policy Centre established the so called Risk Assessment Forum. Documents summarising the aim of the Forum suggest that its members hoped to promote a new approach to assessing risk that would reduce policymakers' ability to use the 'precautionary principle' as a basis for EU legislation. The precautionary principle states that if an action or policy has a suspected risk of causing harm to the public or to the environment in the absence of scientific consensus that the action or policy is not harmful, the burden of proof that it is not harmful falls on those who advocate taking the action.

In seeking to influence policy BAT and the Forum exploited what the report calls 'the multiple entry points that characterise EU policy making'. Thus the companies involved acted directly, through various third party organisations and through business

organisations such as UNICE (Union of Industrial and Employers' Confederation of Europe) and the Confederation of British Industry (CBI) as well as IBEC, which was a member of UNICE. UNICE, now known as BusinessEurope is the collective body of member states' employers' groups (UK's representative being the CBI and Ireland's representative being IBEC). BAT was linked to UNICE through its membership of the CBI and to IBEC through its ownership of PJ Carroll which it had acquired in 1995. Also key BAT personnel held positions in broader organisation such as UNICE and were able to direct them in various phases of the campaign.

Ireland was identified as a EU Member that was favourable to an impact assessment/cost benefit analysis regime as were the UK, Germany and the Netherlands. Particularly important was the fact that these countries held the EU Presidency during the 1996-1997 period when changes to the EU Treaty culminating in the Treaty of Amsterdam were being worked on.

An extract from the documents is worth quoting. What is being described is a campaign to have a form of business-friendly impact assessment made mandatory within EU policymaking:

'In no country in the world are governments required, in practice, to justify their actions through effective cost-benefit analysis, underpinned by rigorous risk assessment. An opportunity to promote such a requirement was identified in the European Union (EU). The Treaty of the EU does not currently contain any general requirement that government authorities carry out a cost-benefit analysis or structured risk assessment before imposing legislation. However, the EU Treaty was re-negotiated in June 1997 at the Intergovernmental Conference.

British American Tobacco and BAT Industries recognised that a broad coalition of like-minded companies might be able to

persuade member states into amending the Treaty, imposing a binding requirement for cost benefit analysis and risk assessment. British American Tobacco and B.A.T Industries assembled a group of companies with a common interest in rigorous cost benefit analysis and risk assessment. Supported by a public affairs consultant (European Policy Centre) and a technical consultancy (Weinberg Group), this ad hoc group of companies used its contacts and influence to promote the cause of cost benefit analysis and risk assessment ... Germany, the UK, Ireland and the Netherlands (who held the EU Presidency) were identified as the key players and lobbying focused on interests in those states ... the Commission must now take into account the financial and administrative burden (cost) which has to be minimised and proportionate to the objective (benefit) ... Our company has an enormous amount to gain from soundly based regulatory environments. The achievements that have been realised in the EU provide an important stepping stone.'

Ultimately BAT's campaign was successful, helping to secure the treaty amendment it sought, and due to working through a major think-tank and setting up a front group, managed to avoid the perception that big tobacco was behind the policy shift.

The study is an important contribution to our understanding of how the EU environment is used by big business to get its way in crucial areas of economic life.

Read the full report at: [Plos Medicine](https://doi.org/10.1371/journal.pmed.1002000)

www.people.ie

ECJ rules that Ireland can encourage smokers to quit – but not if policy ‘distorts competition’

‘Tobacco pricing “breaches EU law”’ announced the newspaper headlines following a recent judgement of the Luxembourg based European Court striking down Irish legislation imposing a minimum retail selling price for cigarettes. The legislation had been introduced to protect public health and the case arose from proceedings that the European Commission took against Ireland, France and Austria.

The Commission had argued that legislation in all three countries undermined ‘free’ competition by curtailing the ability of manufacturers and importers to determine the maximum retail selling prices of their products.

The first reaction of anyone looking at the story would have been to ask the obvious question whether the EU Commission or the European Court of Justice should have any say in what measures this country or any other takes to try to tackle the public health scourge of cancer. This should be the prerogative of a sovereign state. And that person would seem to be justified by international law.

The 2003 World Health Organisation Framework Convention on Tobacco Control recognises ‘that price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons ... Without prejudice to the sovereign right of the Parties to determine and establish their taxation policies, each Party should take account of its national health objectives concerning tobacco control and adopt or maintain, as appropriate, measures which may include ... implementing tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health

objectives aimed at reducing tobacco consumption’.

In part the Irish case relied on WHO Convention but this was rejected by the European Court. The Court decided that the imposition of a minimum retail selling price by the public authorities means that the maximum retail selling price determined by manufacturers and importers cannot, in any event, be lower than that obligatory minimum price. Legislation imposing such a minimum price is therefore capable of undermining competition by preventing some of those producers or importers from taking advantage of lower cost prices so as to offer more attractive retail selling prices. The Irish law imposed on producers and importers a minimum retail selling price for cigarettes equal to 97% of the average price on that market for each category of cigarettes. But the Court rejected one of the Commission’s more extreme arguments that the effect of the law was that it actually imposed on producers and importers a maximum retail selling price for cigarettes.

However the Court held that the Irish system which fixed the minimum price by reference to the weighted average price on the market for each category of cigarettes was likely to eliminate price differences between competing products and to cause prices to converge around the price of the most expensive product. And that undermined the freedom of producers and importers to determine their maximum retail selling price, guaranteed by Article Directive 95/59.

This was more important than the public health justification for the law.

This conclusion was in line with a preliminary conclusion of the Court that Directive 95/59 is part of a policy of harmonisation of the structures of excise duty on manufactured tobacco whose objective is to prevent ‘the

distortion of competition’ and, consequently, ‘to open the national markets of the Member States’.



But what of the health rationale for the Irish legislation? Ireland had contended that the WHO Convention, while it does not impose an obligation to apply a system of minimum prices, did permit the Contracting Parties to regulate retail selling prices by using tax policies or price policies, whichever was more appropriate. Ireland had taken the view, in its discretion, that price policies were an appropriate adjunct to its tax policies. Ireland also took the view that tax measures were not of themselves a sufficient means to achieve the public health goal of preventing the sale of cheap cigarettes. The effect of such measures were uncertain, given that manufacturers could decide to absorb all or some of the increases in excise tax. Also, Ireland could not combat the sale of cheap cigarettes by imposing a minimum excise duty without introducing a general increase in the already very high tax on all cigarettes. Also, an increase in the level of excise duty would increase the risk of smuggling.

The Court rejected these arguments. With regard to the WHO Convention it held that it

imposes no actual obligation on the Contracting Parties with regard to price policies for tobacco products, and merely describes possible approaches by which to take account of national health objectives concerning tobacco control. Contracting Parties can adopt or maintain measures which 'may include' implementing tax policies and, 'where appropriate', price policies, concerning tobacco products and the section relied on by Ireland merely expressed 'the idea' that high prices for tobacco products discourage tobacco consumption.

The Court conceded that Directive 95/59 does not preclude a pricing policy but demanded that such policy does not run counter to the objectives of that directive, in particular that of ensuring that competition between different categories of manufactured tobacco belonging to the same group is not distorted.

So competition is the key issue and in effect public health concerns must come much lower down as a priority. The ECJ also found Ireland breached its legal obligations under EU law by failing to provide data on its legislation to Brussels.

The Irish Cancer Society expressed disappointment at the ruling as did the anti-smoking lobby Ash Ireland. Dr Angie Brown of Ash said 'Price is well established as the most important measure in encouraging smokers to quit and discouraging young people from starting to smoke'. Labour Party health spokesperson Jan O'Sullivan said that the ruling was 'law gone mad'. Tobacco companies welcomed the judgement. A spokesman for tobacco company, PJ Carroll said 'We agree with the position asserted by the European Commission and confirmed by the European Court of Justice that the practice of setting minimum prices for cigarettes is illegal in the context of EU rules and distorts competition'.

See: [Case C-221/08 Commission v Ireland](#)

***For past editions of People's News see:
<http://www.people.ie/>
Comments/articles for consideration should
be sent to: post@people.ie***