

# PEOPLE'S NEWS

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## CETA and TTIP for polluters

A new report from Corporate Europe draws attention to the fact that proposed special rights for corporations in EU trade deals such as CETA and TTIP threaten to prevent the necessary energy transition tackling climate change.

Polluting corporations are already using the dangerous investor privileges in trade and investment deals to challenge progressive energy policies.

Avoiding climate change is one of the defining challenges of our time. If we are to have a chance of preventing extremely dangerous levels of global warming, much of the world's fossil fuels—oil, coal, and gas—must be left in the ground, unexploited. Societies need to move to an energy system based on renewable sources, such as the sun, wind, and water.

This colossal change will require strong action from public authorities. But their ability to introduce the right laws and regulations is severely constrained by a very powerful legal system: investor-state dispute settlement (ISDS). In recent decades this international investment regime has ensnared many countries in its legal net.

Thousands of trade and investment agreements signed between countries allow transnational companies to sue governments if changes in policy—even in rules to protect the environment or to fight climate change—are deemed likely to reduce their profits. By the end of 2014 there were 608 of these investor cases known to be taking place within arbitrary

international tribunals. The costs of these cases weigh heavily on governments, in the form of hefty legal bills and weakened social and environmental regulations.

A growing number of investor-state cases attack government initiatives in the area of energy, ranging from the phasing out of nuclear power to moratoriums on the environmentally risky development of shale gas ("fracking"). As law firms make money each time an investor sues a state, this encourages more and more corporate legal cases, for example over legislation in the area of renewable energy.

Despite the evident risk to energy transition, even more trade and investment deals are in the pipeline that would empower corporations to challenge government action on climate change. Among them is the Transatlantic Trade and Investment Partnership, now under negotiation between the EU and the United States, and the Comprehensive Economic and Trade Agreement between the EU and Canada, for which ratification in the EU Parliament could begin in the spring of 2016.



Yet while big polluters are lobbying heavily for these deals, a growing movement is turning against the corporate power grab. Indeed there is now more public scrutiny and debate about

trade and investment agreements than there has been in years.

We in Ireland too must step up our resistance, particularly to the imminent CETA, which poses a profound threat to democracy, a threat that we have drawn attention to in recent issues.

■ Read the full Corporate Europe report [here](#), and view a short video [here](#).

### **New EU border guard system a clear threat to sovereignty of member-states**

A new EU border and coastguard system proposed by the Commission would allow EU guards to be deployed on the EU's external frontiers without the consent of the host state.

At a summit meeting in Brussels this week EU leaders decided that by the middle of next year they will agree the details of the new border force.



Dissenting member-states could end up in court or face undefined sanctions if they refuse to let the Commission despatch guards to their national borders. In a typical piece of EU spin, the first vice-president of the Commission, Frans Timmermans, said the proposal would not strip member-states of sovereign rights. The measure will be applied first to the passport-free Schengen zone, so Ireland and Britain are exempt for the moment.

The new system would replace the existing smaller EU border agency, the European Agency for the Management of Operational Cooperation at the External Borders (Frontex),

with a European Border and Coast Guard Agency, which would have an initial reserve pool of 1,500 border guards, who could be despatched in a matter of days to an external border.

Greece may be the first country to have to deal with an incursion from Brussels, as over the past eleven months it has received the bulk of those seeking refuge from war. The past two weeks alone saw 45,000 refugees reach Greek islands from Turkey.

Some leaders, including the Greek prime minister, Aléxis Tsípras, made it clear, however, that they wanted to strike out a controversial element of the proposal that would give Brussels the power to send in EU border guards without a country's consent. Commission officials say the host state would take the operational lead, but some outstanding issues remain should that state refuse.

The Commission could adopt a so-called implementing decision to request the direct intervention of the agency if the member-state either failed to control its border or refused to host the EU guards. The secondary legislation requires a positive opinion, based on a qualified majority, from a committee composed of experts from the twenty-eight EU states.

A Commission official stated that "it is the loyal duty of the member-state concerned to implement decisions taken." This wording is taken directly from the Lisbon Treaty. The decision would be based on a "vulnerability" risk assessment conducted by an agency liaison officer sent to the border area.

Asked what sanctions and infringements await dissenting member-states, an EU official said that details are yet to be clarified.

The new border regulation still needs to go through the legislative procedures of the EU Parliament and EU Council. It will be interesting to see how the Irish members react to this latest extension of EU competence, which has clear implications for the sovereignty of member-states.

## EU Commission asks Canada to reopen CETA: the pressure is working!

The EU Commission has approached the Canadian government about renegotiating the ISDS provision in the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada. The negotiations were formally completed in September 2014, and following legal scrubbing and translation it was expected to be placed before the EU Parliament in the spring.

Reuters reports that “Canada is open to rethinking the contentious issue of investor protection in its free-trade accord with the European Union ... Steve Verheul, Canada’s chief trade negotiator with the European Union, [said] ‘I am going to be exploring potential paths forward on this issue, but I should flag that we do have concerns about reopening any part of the negotiations.’”



The EU Commission has proposed that an “investment court system” (ICS) could replace the ISDS provisions in both CETA and TTIP. The Council of Canadians has rejected this, because ICS and ISDS are not substantially different. The chairperson of the council, Maude Barlow (who recently spoke in Dublin), says: “The proposed investment court system still gives a special status to foreign corporations by allowing them to challenge the laws that apply to everyone else through a special system outside established court systems.” So, the substance would not change.

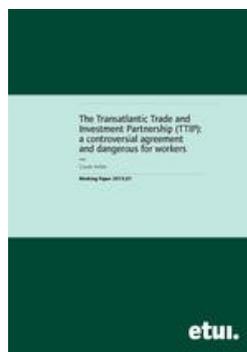
Meanwhile the EU commissioner for trade, Cecilia Malmström, has tried to play down the issue by asserting that it could be settled

without reopening CETA. She stated that “the EU was aiming for some fine tuning to make it equivalent to the new EU approach as laid out in the Investment Court System proposal.”

The bind for the Trudeau government is that it is unlikely that CETA would pass in a ratification vote in the EU Parliament, given the high level of opposition in that body to ISDS and the growing demands for reform of this provision. But given that the negotiations on TTIP are continuing, and that the United States has rejected ICS in those talks, it’s probably not practical for Trudeau to endorse ICS before a resolution of the issue within TTIP.

What has probably developed, therefore, is a waiting game. While it had been expected that CETA could go before the EU Parliament in early 2016, it is now likely to be delayed until late 2016 or early 2017; so it is important to use this time to step up the campaign against CETA.

## New briefing paper on TTIP



A new briefing paper published by the European Trade Union Institute explains why the negotiating parties want TTIP, what the agreement is likely to contain, and what such liberalisation of trade could lead to.

While not opposing TTIP, the paper argues that, as envisaged, it offers workers no improvements in economic or social conditions, and it puts forward some cogent arguments. It points out that the deal threatens a reduction in protection for employees and consumers and a substantial enhancement of the power of corporations.

Labour standards are most likely to be undermined unless a strong chapter on labour protection is introduced into the agreement. A labour chapter should ideally include full commitment to fundamental ILO conventions

by stipulating their incorporation in national legal frameworks.

■ The paper may be obtained at the following safe link: [www.ose.be](http://www.ose.be).

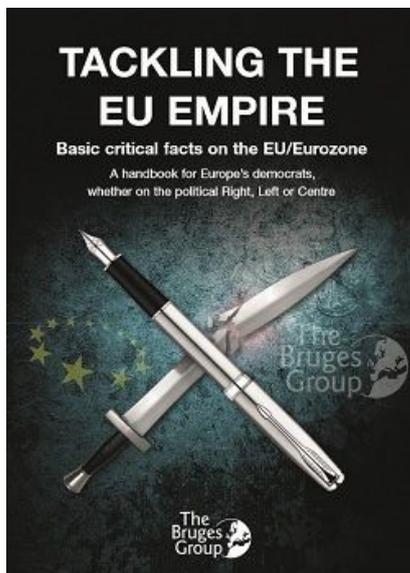


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### **Tackling the EU Empire – a handbook for Europe's democrats, whether on the political right, left, or centre**

*Anthony Coughlan of Trinity College, Dublin, and TEAM, the international alliance of EU-critical movements.*



The glory of European civilisation has been the diversity of its national components—in culture, science, political institutions, economic actors, legal systems, education systems, tax codes, fashion.

In classical Europe, emulation and competition between nations, communities and individuals spurred creativity and innovation. The peak of Europe's cultural achievements occurred when its political units were numerous and small—in Athenian Greece, Renaissance Italy, seventeenth-century Netherlands, eighteenth-century Germany. This classical Europe, which is synonymous with much of what is best in human civilisation, is

the opposite of the centralised “Europe” of the Brussels bureaucracy, with its mania for imposing uniformity and “harmonisation” by means of its supranational laws.

The EU is a supranational political construct. Supranationalism is the opposite of internationalism, which is a benign and progressive concept. Internationalism—from Latin *inter*, “between”—implies the pre-existence of sovereign states. It refers to relations of co-operation between the states that constitute the international community but with each controlling and deciding its own domestic and external affairs in accordance with the wishes of its people.

The recognition of states based on the right to self-determination of nations and peoples is a basic principle of modern democracy and international law.

Supranationalism, in contrast to internationalism, implies a hierarchy, with the supranational level on top. Internationalism implies legal and political equality between the parties. Properly understood, internationalism is opposed to all forms of chauvinism and xenophobia. It implies coexistence among progressive “nationalisms”—that is, broad nationalisms rather than narrow, using the positive rather than the negative sense of that word in English. It implies patriotism and love of country, combined with respect for the many national communities into which humanity is divided and admiration for their varied cultural and other achievements.

Internationalism delights in the diversity of nations. Supranationalism seeks to erode national differences and the erosion of state sovereignty; internationalism seeks to establish and maintain it. Supranationalism means rule by technocrats, supposed experts who are not elected, without democratic control. The EU Commission is a good example.

Supranationalism leaves ordinary people cold. In the EU it means “Brussels talking to Brussels” as the elite groups concerned

become ever more removed from citizens and voters in the different national communities they come from.

■ Click [here](#) to read the research on line.

## Merkel raises the prospect of treaty change to accommodate British demands



At her press conference following the recent meeting of EU leaders in Brussels the German chancellor, Angela Merkel, said: “If we need treaty change, and I believe that could be the case, then we all understand that this does not have to take place now, but as per the British proposal it could take place later at the next available opportunity.

“Members of the euro zone also reacted very positively to the UK’s assurance that, in exchange, it would not object to intensified co-operation within the euro zone. This was a very positive communication.

“We need to see a Treaty change that we deposit for the future as one that we have to agree now”, she said—which suggests that Ireland is in favour of intensified co-operation.

## Cameron hints at 2016

David Cameron dropped his biggest hint yet that Britain will hold its “in or out” EU referendum next year. He was speaking at the

close of a two-day EU summit dominated by a lack of any agreement by the other twenty-seven members on Britain’s demand for an end to benefits for EU migrants as part of his renegotiation package.

Cameron insisted he had “made good progress” in the talks, and that a deal was a “step closer.” But, in his most concrete words so far, he added: “I believe that 2016 will be the year we achieve something really vital, fundamentally changing the UK’s relationship with the EU and finally addressing the concerns of the British people about our membership.”

In fact under the Conservative Party’s successful election manifesto this year the government gave itself until the end of 2017 to hold the referendum—possibly ending Britain’s 42-year membership of the bloc. But Cameron said that giving himself until 2017 was merely to have “left myself some room” over the renegotiations of British membership, and that the final deal was more important than the “process.”

“What matters is getting this right,” he said, and “I want a deal in February,” referring to the next scheduled summit of EU leaders.

June or October 2016 have always been rumoured to be Cameron’s preferred dates—not least because leaving a plebiscite until 2017 would cause the campaign to run into both German and French national elections, and would give the “exit” groups longer to organise and campaign.

## Non-EU Norway does best out of fisheries changes

The EU is at present implementing significant changes in its common fisheries policy. Central to the changes is a phasing out of discards. A ban on discards will apply to prawn, whiting, haddock and hake fisheries in 2016.

Fishermen are being given additional quotas to cover the increased landings. In theory the changes involve a policy that sets quotas at the highest level possible while

ensuring the sustainability of the stock (maximum sustainable yield).



Fishing organisations therefore travelled to Brussels for this year's Fisheries Council only too aware that significant cuts were proposed to important stocks, such as haddock and cod in the Celtic Sea, which were based on the Commission's desire to reach maximum sustainable yield for these stocks in 2016. They had hoped that the Council would adopt a phased approach in implementing the reductions necessary for achieving maximum sustainable yield between this and 2020, but that did not happen.

While the actual reductions of 13 per cent for haddock and 4 per cent for cod are less than those proposed, this will result in significant economic loss for those whitefish fishermen who rely on these stocks. For haddock in particular this reduction equates to five weeks' less fishing in a fishery that has seen increasingly selective gears since 2011, with an increase to 120 mm square mesh panels implemented in 2015.

While the 4 per cent reduction in cod may appear small, because of the pressure this stock is under it will in fact have a detrimental effect on all whitefish fishermen, particularly for inshore fishermen.

The proposed reductions in prawns, which is the most valuable whitefish stock for the Irish industry, were reversed, but it should be pointed out that if not for the additional quota uplift for prawns, because of the obligation to land all catches which comes into effect from 1 January, there would in fact be a 2 per cent

reduction in this stock.

Leaders of the fishing organisations present for the Council meeting expressed surprise and shock when it was revealed that a bilateral agreement had been concluded between the EU and Norway on blue whiting. There was talk of dark Machiavellian dealings, resulting in a ramping up in Norway's share of blue whiting and of its access to the species in European waters.

It was a bit rich for some fishing organisations—and RTE—to insist that their "position has been completely undermined by the actions of the EU Commission which concluded a separate agreement with Norway unbeknown to the Council of Ministers and, in addition, transferred a further 25,000 tonnes of blue whiting to Norway. This has resulted in a two-tier blue whiting TAC [total allowable catch] with one for Norway and another lower one at the MSY [maximum sustainable yield] level for the EU."

While the anger of the industry may have had some justification, the minister, Simon Coveney, had no such excuse. Where have they all been for the past few years as the EU negotiates TTIP and CETA over the heads of the member-states?

### **EU rooted in Cold War mentality**

Historically the European Union is a spin-off of the Cold War, which was pushed by the United States and its allies in the 1950s and subsequently to provide an economic underpinning in Europe for the NATO military alliance.

Following the Suez debacle in 1956, when the United States foiled the attempt by Britain, France and Israel to overthrow the Egyptian government, the Americans urged the Conservative government of Harold Macmillan to apply to join the EEC. By doing this Britain would regain America's favour, as well as obtaining from the United States the guided missiles that alone would enable it to continue as the

world's third thermonuclear power. Britain had detonated its first hydrogen bomb in 1957 but had no independent means of delivering atomic weapons to possible targets.



Pressed by the Americans, Britain applied to join the EEC in 1961. Ireland and Denmark applied simultaneously, because of their dependence at the time on trade with Britain. As a major food exporter, France wanted the common agricultural policy to be fully implemented, with its big subsidies for French farmers, before admitting Britain, a food-importing country that would want lower food prices, not higher.

This led the president of France, Charles de Gaulle, to veto British membership of the EEC in 1963 and again in 1967. It did not finally join (together with Ireland and Denmark) until 1973.

American proponents of Euro-federalism also advocated a European monetary union from an early date. In 1965 a US State Department memo advised the then vice-president of the Commission, Robert Marjolin, to pursue a common currency by stealth. It recommended suppressing debate until the point at which the *“adoption of such proposals would become virtually inescapable.”*

In those years of the Cold War “Euro-federalism” became the creed of a host of intellectuals of both right and left throughout the continent. On the political right the fear of communism made people comply with American advocacy of integration. On the left, traditional antagonism to “nationalism,” identifying this with imperialism and

chauvinism, provided the rationale for theories that proclaimed capitalist supranationalism to be the forerunner of supranational socialism. In the meantime there were lucrative careers to be made in pushing the integration “project.”

Ideologues from these different backgrounds populate the EU institutions. They provide arguments in support of the assault on all things national. They blame historical conflict between Europe's states on the separate existence of those states themselves, rather than on the character of their governments and the elite that runs them. Their fundamental dogma is that Europe's wars can be prevented by putting the continent's national democracies, with their different peoples, languages, and cultures, under the control of a supranational high authority of non-elected technocrats—namely themselves, or people like themselves—while trying to merge their peoples in a kind of jelly-bowl of nations. Their hope is that in time this will become a Big Power in the world.

These Europhiles ignore the fact that most wars are civil wars, not wars between sovereign states. They fail to recognise that the wars accompanying the break-up of Yugoslavia in the 1990s and the East Ukrainian conflict in 2014 were significantly stoked by EU interference in those areas, at the behest of the larger EU states. They see national sovereignty and the nation-state as their ideological enemy. Patriotism and love of country they regard as irrational and out of date. They embrace supranationalism with quasi-religious fervour. Criticism of the integration “project” is akin to heresy in their eyes.

Europeanist ideologues on left and right have developed the doctrine that by “pooling sovereignty” small states will increase their influence over larger ones, whereas in reality it is the big states that dominate such arrangements. The classical definition of sovereignty is that a state is the sole author of the laws operative on its territory and that it alone determines its relations with other states. This

has nothing to do with autarky or self-sufficiency. It is analogous to the freedom and autonomy of the individual in personal relations. Good relations between human beings, however different they may be in capacity and resources, are best maintained on the basis of equality and mutual respect, with neither dominance nor submission between the parties. It is the same between states. Good fences make good neighbours. That is internationalism.

In a democratic state the people are sovereign, because it is they who decide, through their elected representatives, the laws they are willing to obey and how their state relates to other states through the government they elect. For member-states of the EU, however, most laws come nowadays from Brussels. Over most areas of policy the EU now decides for them collectively. If an individual EU state does not obey an EU law it is liable to have heavy and repeated fines imposed on it. EU members no longer decide their international relations independently. Sovereignty “pooled” is in effect sovereignty surrendered.

### **Common fisheries policy to come under the policy on “prevention of terrorism”!**

The EU is to push ahead with the creation of a Border and Coast Guard Agency that the Commission would be able to employ in member-states, and in third countries, in operations against “cross-border crime” and “terrorism.”

The plan to create the agency was backed by EU leaders at a summit meeting in Brussels on 17 December. The intervention option has been described by one EU official as an “invasion clause,” as the consent of the state in question is not necessary.

National coastguards would be part of the new agency. The European Fisheries Control Agency and the European Maritime Safety Agency would be aligned to the new European Border and Coast Guard. The three agencies

would be able to launch joint surveillance operations, for instance by jointly operating remotely piloted aircraft systems, i.e. drones.

The agency would be able to send liaison officers to, and launch joint operations with, neighbouring countries, including operating on their territory. It would include cross-border crime and terrorism in its risk analysis and would co-operate with other EU agencies and international organisations on the prevention of terrorism.

The co-operation would include sharing information on ships and movement, providing surveillance and communication services, including space-based infrastructures, sensors, and drones, as well as capacity-building and sharing, which would also include joint risk assessment and operations at sea.

Within this framework the European Fisheries Control Agency would share information, assets and intelligence with the new European Border and Coast Guard Agency and with the European Maritime Safety Agency.

The European Fisheries Control Agency already works with third countries, in particular with Mediterranean countries, including Turkey, Albania, Lebanon, Israel, Egypt, Tunisia, Algeria, and Morocco, in pursuit of illegal fishing.



Coastguard authorities carry out operational activities at sea, including border control but also activities relating to maritime transport, fisheries control, customs, and marine pollution.

The first vice-president of the EU Commission, Frans Timmermans, said: “The European Border and Coast Guard will bring

together a reinforced Agency, with the ability to draw on a reserve pool of people and equipment, and the member-states' authorities, who will continue to exercise day-to-day border management. The system we propose will allow for an identification of any weaknesses in real time so that they can be remedied quickly, also improving our collective ability to deal effectively with crisis situations where a section of the external border is placed under strong pressure."

The EU commissioner for migration, home affairs and citizenship, Dimítris Avramópoulos, added: "Where Frontex [the European Agency for the Management of Operational Co-operation at the External Borders] used to be limited to supporting member-states in managing their external borders, the new Border Agency will go beyond this. What we

are creating today is more Europe."

The Commission is proposing a modification of the Schengen Borders Code to introduce mandatory systematic checks of citizens of EU states at external land, sea and air borders. Obligatory checks would be introduced against databases such as the Schengen Information System, the Interpol Stolen and Lost Travel Documents Database, and relevant national systems, to verify that people arriving do not represent a threat to public order and internal security.

The proposal also reinforces the need to verify the biometric identifiers in the passports of EU citizens in case of doubts on the authenticity of the passport or on the legitimacy of the holder. Checks would now also be mandatory when leaving the European Union.