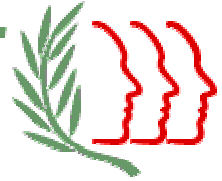


# PEOPLE'S MOVEMENT GLUAISEACHT AN PHOBAIL



**PEOPLES NEWS – A Monthly News Digest.**

## **How the Irish Government Continues to Weaken Irish Sovereignty in Draft EU Constitution Negotiations.**

The Irish presidency's amendment document introduced some very significant changes to the original draft constitution that substantially extend the powers of the European Union, at the expense of member states. Yet none of the changes outlined here have been brought to the attention of the Irish public nor debated in the Oireachtas. Some of the most important changes are briefly outlined below.



### **FOREIGN AFFAIRS**

One fundamental change is in the powers of the Union Minister for Foreign Affairs. Under the draft Article I-27, he is a Commission vice-president and is appointed by the European Council under Qualified Majority Voting (QMV). *Under the amended Art I-27 (3) he shall preside over the Council for Foreign Affairs.* In the original draft, he is responsible for "handling external relations and for co-ordinating other aspects

of the Union's external action, but in the amended version this becomes: "*He shall ensure the consistency of the Union's external actions*"

We now have a situation where a Commissioner (i.e. un-elected official, appointed by QMV, over which the Ireland has no veto) presides over the Foreign Affairs Council, made up of member states foreign ministers. He has absolute power within his terms of reference to ensure - i.e., proactive - consistency of action, which means in practice he can over-ride "inconsistent" views instead of "co-ordinating" action, as proposed in the previous draft. By any measure, this represents a significant increase in the power of the EU in relation to foreign policy and a weakening of the powers of the member states – including Ireland.

### **NATIONAL IDENTITY**

The original article Article I-5 reads: "The Union shall respect the national identities of Member States" This now changes to: "*The Union shall respect the equality of Member States before the Constitutions*" This change alters the basic relationship between the Member States, making them co-equal under the Constitution, thus elevating the constitution to a superior level.

### **ECONOMIC POLICY**

In the existing draft Article I-14 reads: "*The Union shall adopt measures to ensure co-ordination of the economic policies of the Member States by adopting broad guidelines for these policies*". This changes to: "*The Member States shall co-ordinate their economic policies within the Union. To this end, measures, in particular broad guidelines, shall be adopted*". This refocuses the Article, imposing specific duties on the Member States and rather than a weak, permissive statement, makes the adoption, not only of "broad guidelines" but also "measures" (though unspecified) mandatory. This is a significant toughening up of the article, strengthening the grip of the EU over national economic policy.



## EU BUDGET APPROVAL

There is major change proposed in Article III-310. *There is a new sub-paragraph, (7)c added: The European Parliament, acting by a majority of its members and three-fifths of the votes cast, rejects the joint text (of the budget) while the Council approves it, the European Parliament may ask for a new draft budget to be submitted by the Commission.* This is a **MAJOR** change. It means that the parliament can override the member states (who pay the bills) and demand their own changes to the budget, even when the member states have approved the budget. This Irish proposal is a major extension of the power of the Parliament at the expense of the member states, including Ireland.

## JUDICIAL CO-OPERATION IN CIVIL MATTERS

Here, Article III-170 allows the Union to "*develop judicial co-operation in civil matters having cross border implications*". However, there is a significant strengthening in the provision in the Irish amendment. Paragraph 2 (f) (the whole paragraph specifying the areas where the Union may take action), reads in the original: to ensure... "*...the proper functioning of civil proceeding, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States*".

This is now strengthened to: "*...the elimination of obstacles to the proper functioning...*" This empowers the Union to take direct action to legislate on the harmonisation of the procedures in civil courts and the law applicable to them and considerably strengthens the existing provision.



**This Constitution is being negotiated in secret, ignoring the 'will of the people' trumpeted in its preamble. The Irish Presidency is willing to barter Irish sovereignty in order to achieve agreement and to strengthen its case for a signing in Dublin, the resulting Treaty being nominated the Dublin Treaty, thereby increasing its chances of being accepted by a grateful Irish electorate. There has been no consultation with the other political parties nor with the Oireachtas and there has definitely been no information given to the public. It is**

**symptomatic of secret undemocratic nature of the Commission/Council nexus, where decisions are taken behind closed doors and far away from public scrutiny. Help us break this veil of secrecy and halt the further erosion of our sovereignty by joining Peoples Movement now.**

**A reader-friendly version of the Draft Constitution is available at our website: [www.people.ie](http://www.people.ie) or from 25 Shanowen Cres., Dublin 9.**

**You can also find our Critique of the Draft Constitution at the above website or a copy may be obtained from the above address.**

**Please enclose a donation to help defray postage costs.**

**Peoples Movement campaigns against any measures that further develop the EU into a federal state and to defend and enhance popular sovereignty, democracy and social justice in Ireland.**



## **Michael Smith Commits Ireland to Global Responsibility**

The 25 EU member states including Ireland have committed themselves to be able to respond to crises throughout the world by 2010. *"The European Union is a global actor, ready to share in the responsibility for global security", are the first words in an ambitious plan "Headline Goal 2010", adopted by EU defence ministers including Michael Smith in Brussels on 17 May.*

Under the plan, the 25 EU member states are committing themselves to be able by 2010 to respond to crises throughout the world. These include humanitarian and rescue tasks, crisis-management, peace-keeping and joint disarmament operations. According to the plan, the EU must be fit to *"take the decision to launch an operation within 5 days" and the forces should be capable of implementing their mission on the ground "no later than 10 days after the EU decision to launch the operation"*. The Battle Groups concept is a key instrument in EU military planning. Member states including Ireland are to start contributing to these multinational "high readiness joint packages" in late - July 2004.

In mid-February, work to establish a European Defence Agency, another cornerstone of the plan, started. The agency will be tasked to identify and fulfill shortfalls in the field of military equipment. The plan also commits Member States to "harmonise their respective future requirements" by 2010.



## **Battle Groups to be Formed**

A target date of 2007 has been endorsed for the EU to set up a series of 'battle groups' that will be able to fight in some of the world's most dangerous and inhospitable places. Meeting in Brussels, defence ministers reaffirmed on 5th April their support for a Franco-German-UK plan to set up six or seven groups of 1,500 soldiers by 2007, ready for combat in desert, mountains, jungle, urban and other environments. Berlin, Paris and London also wanted the groups to be operational by 2007. It is hoped the groups will be deployable within 15 days and sustainable for 30 days.

The EU had previously agreed to have 60,000 rapid reaction troops available at 60 days notice, sustainable for up to one year by the beginning of 2004. Mr Solana, the EU's Foreign Policy representative said that the means were there to set up the groups. *"You must get it out of your minds that the EU is starting from scratch. Lots of things are ready. For operations of this size, we have at this point enough capabilities to deploy them.*

## **'Pioneer Group' Formed.**

The most significant event of the anti-terror summit in March may well have occurred outside the meeting room. In a preview of how things may be governed in an enlarged Europe, the ministers of the UK, France, Germany, Italy and Spain held a breakfast meeting at another venue - the house of the British ambassador. The creation of this 'pioneer group', which would progress faster than the others is said to have come about due to frustration at the lack of progress from a meeting of 25 countries and 50 ministers. Nicolas Sarkozy, French interior minister fumed, "with fifty of us, it's very difficult to work and to get anything more than just rhetoric. Between the five of us, we have the same culture of information, things will go quicker. The ten new countries, let us recognise, do not have any information culture, they work differently, not to mention their different relations with NATO".



## **Multi-speed Europe Develops Apace.**

Small groups of EU states are moving ahead in the area of justice and home affairs. The latest example occurred on 8 June when the EU justice and interior affairs ministers met in Luxembourg for their monthly meeting, ministers from the Benelux countries - Belgium, the Netherlands and Luxembourg - signed a treaty allowing cross-border police intervention. Dutch EU ambassador Tom de Bruijn called it a "pioneer group" and said the agreement "goes very very far". The treaty sets out the terms for allowing cross-border police intervention to maintain public order on the request of one of the three countries and allows police to conduct cross-border chases on land, air and sea. It also deals with urgent cross-border police interventions to prevent an imminent threat on the territory of one of the other two states and allows for the supply of means and equipment between the Benelux countries to maintain public order and security.

In May, the Benelux countries including Germany and Austria, signed an agreement on police co-operation which aims at increasing information sharing and cross-border data exchange between the five countries. This "new G5", as Justice and Home Affairs Commissioner Antonio Vitorino referred to them, follows a separate grouping of five EU countries, also known as G5, made up of the UK, France, Germany, Italy and Spain. These 'big five' hold regular meetings to try and speed up co-operation on security issues. Although this development of several groups has raised the question of a multi-speed Europe, the European Commission has welcomed ideas being put forward.

Other Groups include The Visegrad Four group, made up of Poland, Hungary, the Czech Republic and Slovakia, has been meeting regularly over the past few years to co-operate on issues ranging from immigration, foreign affairs and education. Similarly, France, Germany and UK have taken to meeting regularly to push forward their interests on the European stage. Fears about a two-speed Europe were fueled earlier this year when Commission President Romano Prodi said that a two speed Europe might be necessary if no deal is reached on the EU Constitution.



## **Solana proposes that UK and France represent EU at UN.**

France and the UK - the EU's two permanent members of the UN Security Council - should represent the 'spirit of the EU', not just their national interests, according to the EU's High Representative for foreign policy, Javier Solana. "Therefore, I advise all permanent and non-permanent members of the Security Council to be aware that they are not just representing their own country but that they are also representing the spirit of the EU - or at least should be representing the spirit of the EU". The UN Security Council has five permanent members and ten non-permanent members, who are elected for a period of two years. Ireland has just completed a period in the latter role. The five permanent members are the UK, France, the US, China and Russia. The EU currently has two other non-permanent members: Spain and Germany.

## POLITICAL UNION SHOULD BE THE EU'S NEXT BIG PROJECT, SAYS PRODI REPORT

THE European Union can be saved only by turning it into a fully fledged "political union", with a European tax, minimum wage and pan-European political parties, according to a report ordered by the President of the European Commission, Romano Prodi.

The controversial study, "Constructing a Political Europe", confirms fears that Brussels is intent on creating a EU super-state. The report was commissioned to determine how to use new decision-making powers that the European Constitution would give to EU institutions. The European Commission is so worried about the reaction to the report, that it did not announce its publication and Commission spokespersons declined to answer questions on it. The report's authors will tour Europe to drum up support for it in national capitals.

The report was written by senior European political experts, including Tony Blair's adviser Lord Simon of Highbury and chaired by Dominique Strauss-Kahn, the former French Finance Minister. It states that "Europe is at a turning point in its history", facing a "triple crisis" of failing institutions, falling democratic legitimacy and not knowing how far it should expand geographically. It insists that the solution is to create a "mobilising myth" or "project", for the EU and that only the creation of a "common model society" can give it legitimacy.

It suggests 50 policies to integrate politically Europe, including a dramatic increase in the EU budget, and the creation of a pan-European company tax that is used to fund it. It calls for a European industrial policy to create companies that are "European champions", such as the aircraft maker Airbus, supported by a European Agency for Science and Research, coordinating innovation across the Continent. It calls for an EU minimum wage, based on welfare benefits, to help the unemployed and the creation of pan-European political parties guaranteed a proportion of places in the European Parliament. To create a sense of belonging to the Union, a European public broadcasting service should be set up, as well as a Museum of Europe, and European history courses should be taught in schools.

Officially independent, the round-table that wrote the report was set up by Signor Prodi, based in the Commission and paid for by the Commission. The report will shortly be presented to the full European Commission, which will adopt an official position on it.



### Bertie Jumps the Gun

*Article 42 of the proposed Constitution for Europe states in part that: "The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the victim of terrorist attack or natural or man-made disaster. The Union shall mobilize all the instruments at its disposal, **including the military resources** made available by the Member States'.*

Bertie Ahern successfully proposed that this Article be adopted as a political commitment by member states at the last meeting of EU heads of State and Government in Brussels. It should be noted that the definition of a terrorist act is discretionary on the part of the effected member state and that the implementation arrangements are then handed over totally to the EU.

This proposal from Bertie Ahern is a typical example of the methodical incremental progression towards a federal EU state with its own army. It is also part of the softening up process in preparation for the eventual referendum on the proposed Constitution for Europe, which includes the 'Mutual Defence Pact'. The adoption of this clause, ostensibly to bolster the fight against terrorism, foreshadows the Mutual Defence Pact enshrined in the proposed Constitution for

Europe which states, in Article I-40 that: *"The common security and defence policy" it proposes, "shall include the progressive framing of a common defence policy for the Union. This will lead to a common defence, when the European Council, acting unanimously, so decides"*.

The appropriate body to lead the fight against terrorism in the EU and elsewhere is the United Nations. The Irish Government should seek support for a resolution at the UN that would mandate that organization to coordinate international action against terrorism. But, not until all member nations recognise and strictly adhere to resolutions of the UN will terrorism of the kind recently and so tragically experienced in Spain, be finally defeated. The invocation of the 'Solidarity Clause' at the instigation of Bertie Ahern, echoes Bush's bypassing of the UN prior to the invasion of Iraq and should be rejected.

### **Plans to Introduce EU Foreign Minister before Constitution Approved!**

Ways are being examined to initiate the post of EU Foreign Minister during the next commission term, which begins in November. Referring to the difficulties involved with introducing the post earlier, a senior Irish diplomat said on 14 May "there are discussions out there about how all this should be choreographed". A Commission official remarked that "certainly there are some people who would like it to be possible". According to media reports, the EU's High Representative Javier Solana is said to be pushing both to get the job and have it introduced early.

The new EU foreign minister would alone represent the EU in foreign affairs - in contrast to today, where Mr Solana is also flanked by the foreign ministers of the country holding the rotating six-month presidency. A proposal put forward by the Irish Presidency suggests that setting up the diplomatic service for the foreign minister begins as soon as the treaty is signed - later this year. The proposed Constitution provides for an EU Minister for Foreign Affairs, distinct from national Foreign Affairs Ministers (Articles I- 27 and I- 40 (4)) As (s)he will be appointed by majority vote of the Presidents and Prime Ministers at an EU summit. It is possible that under this Constitution, that Ireland could be represented internationally by an EU Foreign Minister that we do not want. The Union Foreign Minister "... shall express the Union's position in international organisations and at international conferences" (Art.III-197 (2)).

The Minister's position is strengthened by Art. III-202(2) which states that: *'The diplomatic missions of Member States ...shall cooperate in third countries and in international organisations and shall contribute to formulating and implementing a common approach'*. This surely is the end of an independent Irish foreign policy and the Irish Presidency wants to speed its demise!



### **Should We Accept the Primacy of EU Law Over the Irish Constitution?**

The proposed EU Constitution includes the principle of primacy of community law over national law. The principle was first established by the European Court in Luxembourg in 1964 in the so-called *Costa-Enel* case. The founding fathers of the EU had explicitly rejected the idea but were outvoted by a majority of the six judges in Luxembourg. In 1970 the EU court went a step further and established the principle that EU law should also prevail over national constitutions. This was in the court case called *Internationale Handelsgesellschaft*.

According to the Court, the EU is a federation with a unitary legal system that it interprets for the whole of the EU. However, this constitutional principle was never accepted explicitly by the member states. On the contrary, most member states have rejected it in principle. The German constitutional court in Karlsruhe has explicitly stated that it wants to control the fundamental principles in the German constitution against eventual breaches in EU law. The Danish Supreme

Court has explicitly allowed itself to control the limits of EU powers in relation to Danish law. If there is a conflict resting on different wishes, Danish law prevails according to all Danish interpretations. It will therefore be a legal revolution if the principle of EU primacy is explicitly inserted in the constitution and respected by all institutions in all member states.

The Irish Presidency, in another attempt to pull the wool over voter's eyes, has now proposed that a special declaration be inserted in the proposed Constitution stating that the principle of primacy does not change the current case law. However, it is exactly the current case law that is the problem.

### **Three Good Reasons for Rejecting the Proposed Constitution for Europe**

#### **1. The proposed Constitution will have primacy over the Irish Constitution.**

*Article 1-10* states: "The Constitution and law adopted by the union's institutions in exercising competencies conferred on it, shall have primacy over the laws of member states". This clearly means that if the proposed Constitution is accepted by the Irish electorate, it will have primacy over the Irish Constitution. We can then no longer consider ourselves independent, but will enjoy a status in international and even domestic affairs, akin to that of a state of the US or Australia. We will become a small state in a federal Europe of at least twenty-five states, with little influence over our own future

#### **2. EU Presidents and Prime Ministers can change the voting system for policy areas, without the consent of national parliaments or peoples.**

*Article 1-24* states: "Where the Constitution provides in Part 3 (this Part contains 342 of the Constitution's 465 Articles) for the Council of Ministers to act unanimously in a given area, the European Council can adopt, on its own initiative and by unanimity, a European decision allowing the Council of Ministers to act by qualified majority in that area." So, policy areas that are now governed by national veto may be moved to qualified majority voting without the need to draw up a new treaty and have it ratified by referendum or by parliamentary vote or, our veto can be arbitrarily removed.

Giscard d'Estaing, who presided over the Convention that drew up the Constitution called this clause "a central innovation." Supporting *Article 1-24* is the intent of *Article 1-17*, which seeks to ensure that if the Constitution has not granted the EU enough power to attain its objectives, then the Council of Ministers acting unanimously, "shall take the appropriate measures." This Article empowers the EU to do as it pleases, the only restraint being the requirement for unanimity within the Council of Ministers.

#### **3. The Constitution enshrines the concept of a common defence policy.**

*Article 1-40 (2)* unambiguously states that: "The common security and defence policy shall include the progressive framing of a common defence policy for the Union. This will lead to a common defence, when the European Council, acting unanimously, so decides." *Article 1-40 (3)* makes it clear that: "Member States shall make military and civilian capabilities available ...." to the Union, while *Article 1-40(1)* proposes that: "The Union may deploy them on tasks outside the Union ....." Mutual defence will be a component of common defence as is made clear in *Article 1-40(7)*.

This Article also commits us to increase military spending through our agreement to "undertake progressively to improve (our) military capabilities." If we accept this Constitution, we become constitutionally committed to the achievement of a common defence. There can be no evasion or turning back. The gradual erosion of military neutrality over a succession of referendums will culminate in our becoming a full and active member of an aggressive military alliance, mandated to operate outside its borders and having a mutual defence pact obliging us to give "aid and assistance by all means in (our) power, military (etc) .... to any other member state who is the victim of armed aggression on its territory." The only aspect of this scenario

that cannot be predicted, is how soon it will happen. That will be totally in the hands of the European Council if this Constitution is accepted.



## EU recruits 'Hello Kitty'!

The EU delegation in Japan has decided to use the hugely popular Hello Kitty cartoon character to publicise the euro and promote friendship in Japan, a spokesman has said. "We just want to convey a friendly, human face of the European Union (EU)," said Etienne Reuter, head of the delegation's press section. In its first attempt to use a toy character for promotional reasons since it was set up here in 1974, the EU delegation ordered Hello Kitty cellphone

straps and key rings as give-aways at promotional events hosted by the mission. Hello Kitty is depicted holding the 12-star EU flag and wearing the EU colours of blue and yellow with the euro logo on her chest rather than her usual pinks or reds.

Hello Kitty is extremely popular in Japan and Asia, Reuter noted, adding the character was also marking its 30th anniversary this year, exactly the same age as the EU mission in Japan. "The EU wants to give "little presents to people so that they will remember the EU or be more aware of what the EU stands for," the spokesman said. The delegation has ordered a couple of thousand of the promotional character goods.



## The EU is too green!!

Talks on renewable energy were postponed recently, as EU Transport Commissioner Loyola de Palacio says that *Europe is relying too heavily on 'green' energy sources*. De Palacio is seeking changes to a European Commission document on renewables before it even reaches the negotiating table. One EU insider said the commissioner

claims it is necessary to "think and speak about back up. We can't just assume that the energy crisis will be solved by renewables," he said. "What if for example wind power fails, as has happened in Spain? There was no easy solution, he added. "Even nuclear power isn't necessarily the solution – last summer France had to import energy from Spain to make up for shortcomings in the nuclear sector."

But De Palacio has already come under fire from environmentalists over her suggestion that long-term targets for renewable energy should be dropped from the plans for the time being.

This further shift of emphasis is unlikely to be welcomed by greens or by the commission's own environment department, who have so far refused to renege on their commitment to fixed targets.



## Ode to Joy and it's Dubious Background

Ode to Joy – part of Beethoven's Symphony nr. 9 – would become the anthem of the Union, if the proposed Constitution is accepted, though. It seems that it will not use the text by Friedrich Schiller, which in Germany is more or less synonymous with the melody.

The piece started its career as a European Hymn in 1929, when Richard Coudenhove-Kalergi introduced it as the hymn for the rightwing pan-European movement. The same man suggested the melody for the Coal and Steel Union in 1955. It was changed from a piece of symphony to an anthem by Herbert von Karajan, a Berlin conductor. Von Karajan, was an ex- NSDAP member, who was quarantined for years after the war because of his nazi-membership. It even has been an anthem before, in Rhodesia.