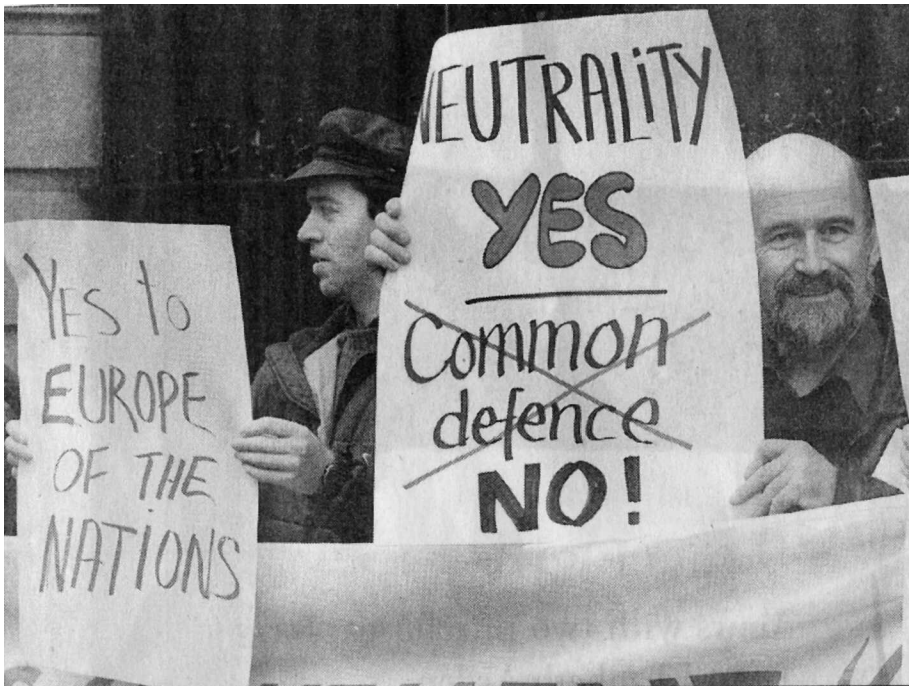


Subdued ceremony for the Signing of EU Constitution – People's Movement Protest outside Dail.



The weather was fine and a bronze statue of a former Pope watched benignly over the formalities – an apt reminder of the discussion in recent weeks over religion and the state. The somber faces told another story of the difficulties ahead in persuading the electorates of as many as twelve of the twenty-five member states to accept the constitution at referendum. The institution crisis sparked over José Manuel Barroso's new Commission didn't help either!

The signing ceremony took place in the same room where the Treaty of Rome was signed



Members of the People's Movement protesting against the EU constitution outside Leinster House yesterday.

Picture: Billy Higgin

to establish the EU in 1957. Then, only six flags were flying outside the Palazzo dei Conservatori, today there were 28 – including the Bulgarian, Romanian and Turkish flags - as leaders of these three applicant countries also signed the documents. Croatian leaders were also present, but did not sign. Knowing that he is probably facing

the most difficult task of all to convince his sceptical public, UK Prime Minister Tony Blair left Rome in a hurry, directly after the signing ceremony. The only truly happy

people in Italy's capital were the 7,000 police and security forces guarding Rome's streets, as not one single demonstration took place all day.

Meanwhile in Dublin in a penetrating drizzle, members of People's Movement held a protest outside Dail Eireann, calling for the saving of the Irish Constitution and the rejection of a common defence policy. The protesters were joined by Patricia Mc Kenna and by Finian McGrath, TD. There was a good presence from TV, radio and print media but coverage was scant. Nonetheless, some good contacts were established and these resulted in a number of interviews on local radio and a couple of mentions in national newspapers. It is already apparent however that the coverage will be very biased during the referendum campaign.



Referendum Round-up

Now that the signing ceremony is over, the ratification process can begin. "We shall commit ourselves to ensuring that Italy ratifies the new Treaty without delay", trumpeted Silvio Berlusconi following the signing. But there will be no referendum for Italian citizens as their flamboyant Prime Minister rushes to ensure Italy ratifies before Christmas by means of a parliamentary vote. The other EU members have two years during which to complete the process. It looks like our nearest neighbour, Britain, will hold its referendum following the general election and its presidency of the EU in the latter half of 2005. That sets a date sometime in spring 2006 according to Europe Minister, McShane. This timetable poses a problem for Bertie as it would appear foolhardy to proceed without the result of the British referendum – which, of course, also affects the status of Northern Ireland within the EU. However, we should not be complacent and People's Movement will work towards a late 2005 poll.

So far, eight countries are known to have set dates for their referendums, with the first being in Spain on February 20th 2005, followed by Portugal on April 10th with Holland also most likely in April. France has set May 8th, while Poland has yet to decide on May or October. The latest known date is that of the Czech Republic in June 2006. Other countries holding referendums but who have yet to set a date include Belgium, Luxembourg, Denmark and ourselves. Germany is wavering. The other thirteen countries will ratify the constitution through votes in their national parliaments. The Centre for European Reform (pro-Constitution) predict a No vote in Britain, Czech Republic, Poland and Denmark – with Ireland on 50:50.

Five biggest EU states agree biometric passports – follow the leaders!

Interior ministers of the five biggest EU countries agreed on 19th October to include biometric indicators in passports. Ministers said they were hoping to introduce the fingerprint measure for passports issued in their countries starting in 2006. A week later, the remaining member states agreed that fingerprints, must be included in all new passports and other travel documents.

The biometric data gathered will be stored on a “chip” embedded in the new passports, Personal details and the biometric data will be held on national databases and on a EU-wide database of European Register for issued passports. The latter will be on the Schengen Information System (SIS II) and according to Statewatch will be accessible by law enforcement agencies. The UK, Denmark and Ireland have a “legal exemption” in the EU treaties regarding this area of judicial co-operation and are not bound to follow the regulation. However, if the Constitution is accepted, home affairs comes within the competence of the EU for the first time and that situation is likely to change.

Former EU chief accountant sacked – the price of honesty!



The suspended former Chief Accountant and whistleblower, Marta Andreasen was sacked last week in one of the last acts of the Prodi Commission. Ms Andreasen was suspended in mid-2002 after claiming that the Commission’s accounting system was widely open to fraud and abuse. Ms Andreasen joins a distinguished list of whistleblowers including Paul van Buitenen – now an MEP for two constituencies in the Netherlands – Dougal Watt and Bernard Connolly. The International Federation of Journalists (IFJ) called for new protection for whistleblowers within the EU. The Andreasen case is “a test case of the Commission’s trust in the concept of the people’s right to know”, said IFJ General Secretary Aidan White. “Why should it be appropriate in a democracy for someone to face dismissal because they told the truth”, he asked.

People’s Movement Moves up a Gear.

During the last month, People’s Movement has held a number of successful public meetings in Ballyfermot, Crumlin and in Finglas. The meetings were preceded by leafleting in the areas and the placing of posters in shop windows. We intend to continue with these meetings and to move outside Dublin in early 2005.

Seminar on the EU Constitution.

PANA will be holding a seminar on the EU Constitution in the EU Parliament Offices, Molesworth St., Dublin 2 on Saturday 4th December.

Registration at 9:30. Speakers will be John Gormley TD, Mary Lou McDonald, MEP; Carol Fox, PANA, Brendan Young, DAPSE and Frank Keoghan, People’s Movement.

PANA will be campaigning against the Constitution ‘as it consolidates and expands militarisation of the EU and is a direct attack on Irish independence, democracy and neutrality.’ **Please try to attend this important seminar.**

Meanwhile, down at the Forum ...

Cuireadh caibidil eile le Fóram na hEorpa le cuairt Kofi Annan. “Sceitimíní” air i dtaobh na “díormaí catha” le 1500 saighdiúir ón Aontas Eorpach a cuirfí go tapaídh go láthair coimhlinte. “Cosaint agus Slándáil” an t-ábhar cainte. Níor fhreagair sé ceisteanna ar dhí-



armáil. Imeartas focal dainséarach idir déanamh/coimeád/cur i bhfeidhm síochána, agus na hairm éagsúla – NA? AE? NATO? Agus cé a smachtódh iad? Mí-ionracas!

The Forum on Europe trundles on, bringing a stealthy escalation to the militarization of the EU. The guest speaker, Kofi Annan, praised Ireland's peacekeeping record. Now, the UN is seeking 30,000 more soldiers on top of the 50,000 already in place. He expressed "excitement" at the formation of "battlegroups" of 1500 soldiers each, to be deployed at short notice to places of conflict. We listened in alarm – apart from those in Fine Gael, who want to shred neutrality – to the new Foreign Affairs minister, who assured us that our neutrality is safe, and the ex-minister of Foreign Affairs, who again was granted the last word – "naysayers" – to insult the pro-neutrality people and peace activists.

The blurring of boundaries between the functions of UN/EU, peace-keeping/making/enforcing and the promotion of an EU army/NATO at the expense of the UN is a sinister development. The questions are: how to reform a UN, two of whose permanent members, the US and Britain, waged an illegal war on Afghanistan and Iraq; how to maintain UN independence rather than "outsourcing" conflict prevention to the EU; and would the UN acknowledge mistakes in West Papua and Rwanda? They remained unanswered.

Willie O'Dea's announcement that Irish soldiers could serve in Iraq when the country was stable, is worrying. Tom Clonan stated that there were seven Irish soldiers in Afghanistan. Ed Horgan described this overlapping of armies and terminologies, saying that Ireland should be promoting a strong reformed UN rather than joining competing military structures. "We need to choose between peace and aggression". Sláinte!

Germany may Change Law to hold Referendum on EU Constitution.



beginning of next year.'

The German government has said that it would allow a referendum on the EU Constitution if a Bill extending the use of popular voting is approved by both houses of the Bundestag. The move is widely seen as an attempt to recover political ground following unpopular welfare cuts. Germany's post-war constitution bans referendums for major policy-making, a reaction to their misuse by Hitler. They are however, allowed in some of the Lander. The chairman of the dominant ruling coalition partner, the SPD, said 'If we manage to get the law changed, it should be possible to hold a referendum at the

Resistance to canonisation of EU founder

There is strong resistance in the Vatican to the drive for beatification of the founder of the EU, Robert Schuman. Investigators in the diocese of Metz have been combing through the life of the French politician to see whether he merits the title of “blessed Robert” – the first step to sainthood. His ‘Schuman plan’ which was the basis of the European Steel and Coal Community – and which later became the EEC.



However, to date, the Metz investigators have found no evidence of miracles – a prerequisite for beatification. “All we have is the construction of Europe after the war and Rome does not accept that as a real miracle” said the leader of the enquiry. A private group in Metz, the St Benoit Institute, is behind the push for the Frenchman’s beatification. It is reported that it is supported in its aim by French President Jacques Chirac.

Will the Death Penalty be Reintroduced in the EU Constitution?

Article I-52 of the Charter of Fundamental Rights which has been incorporated into the proposed EU Constitution, seeks to limit the rights granted therein ‘in the general interests of the Union’.

The limitation of all human rights in the Charter of Fundamental Rights is illustrated in its approach to the death penalty. Article II-2(2) – which purports to abolish the death penalty – is in clear breach of Protocol No. 13 ECHR, (European Court of Human Rights) although that Protocol has been adopted individually by the member states. Any doubt about the intent of Article II-2(2) is removed by consulting the corresponding Explanation to the Article. It expressly relies on Protocol 6 ECHR, which allows the death penalty in time of or threat of war, instead of the alternative Protocol 13 (which provides a total ban). In the context of the developing military role of the EU, this derogation may become highly significant. The corporate accession to the ECHR by the EU (without ratifying Protocol 13) would imply that the death penalty would continue to be available to it, e.g. in a future military court under EU control, despite the unanimous avowal by the member states in ratifying Protocol 13 that they have totally abolished the death penalty.

Protocol 13 entered into force on 1st July 2003. It prohibits all exceptions to the abolition of the death penalty. The 4th Recital says: “The member States of the Council of Europe signatory hereto, Being resolved to take the final step *in order to abolish the death penalty in all circumstances*, Have agreed as follows ...”

Ref: Brendan O’Connor in European Journal 10: 9.

Why not just throw him out – condemnation is not sufficient?

European Parliament President condemned fellow MEP Bruno Gollnisch, a close aide to Marie Le Pen, caused outrage existence of the gas chambers, determine”. Mr Borrell saying that the Parliament was “unanimous” in its condemnation.



Josep Borrell has strongly Gollnisch for doubting the during the Second World War. French National Front leader Jean- by saying this week, “as to the that is up to the historians to strongly rebuked Mr Gollnisch

German EU referendum dilemma



Germany wants to be the first country in the EU to ratify the new constitution – trumping Berlusconi – but that probably means without a referendum. “Even if we wanted to have one in Germany, we couldn’t,” said Chancellor Gerhard Schroder, due to the fact that the German constitution has no provision for referendums. It was drawn up in 1949, when memories were still fresh of how the Nazis twice used plebiscites for aggressive purposes – for the remilitarisation of the Rhineland in 1936 and the swallowing-up of Austria in 1938.

However, there is a government proposal to change the law on this. “We are a governing coalition that has presented itself in favour of referendums generally”, says Green Party MP Antje Vollmer. The proposals make popular votes possible for internal issues, if enough people sign petitions calling for them. On foreign policy, the Bundestag (lower house) would decide whether to put an issue to a referendum. If it were, a result would require more than 50% of the votes, plus more than 25% of all eligible voters in order to be valid. But getting this change through parliament will be tough, as it needs a two-thirds majority, and the main opposition conservatives have traditionally rejected referendums. A previous proposal in 1998 was voted down.

The situation is further complicated by two other issues: splits in the conservative camp, and the issue of Turkey. The main conservative party, the Christian Democratic Union (CDU), opposes a referendum on the constitution but the Christian Social Union (CSU), its Bavarian sister party, wants one.

These complications make a referendum on the EU constitution unlikely, according to Andreas Maurer from the German Institute for International and Security Affairs. “The government wants to approve the constitution in early 2005,” he says, “But it would take one to one-and-a-half years to change the German constitution, thereby making a referendum possible. Furthermore, passing the EU constitution through parliament won’t be a problem.”