

TRADE UNIONISTS SAY

NO

TO THE EU CONSTITUTION

**TUA EUC**

Trade Unionists Against the EU Constitution

CONTENTS

FOREWORD	2
EU CONSTITUTION AT A GLANCE	3
INTRODUCTION	4
A PRIVATEER'S CHARTER.....	6
WHAT IS THE DIRECTIVE ON SERVICES?	9
WHAT IS GATS?	10
ARTICLES ON ECONOMIC POLICY	11
THE FUTURE OF JOBS AND MANUFACTURING	12
PUBLIC SERVICES.....	14
TRADE UNION RIGHTS	15
ARTICLES ON TRADE UNION RIGHTS	17
CIVIL LIBERTIES.....	18
ARTICLES AFFECTING CIVIL LIBERTIES	19
DEMOCRACY.....	20
ARTICLES AFFECTING DEMOCRACY	23
A CHARTER FOR EURO WAR	24
ARTICLES THAT MILITARISE THE EU	27
ALTERNATIVES TO THE EU CONSTITUTION.....	28
MEMBERSHIP FORM.....	29

Right across Europe people are registering their
discontent with the direction the EU is taking.
In this pamphlet TUA EUC explains why
trade unionists support them and why opposition to
the proposed EU Constitution is essential.



www.tuaeuc.org.uk

FOREWORD

From its very inception the proposed EU Constitution was undemocratic, developed almost single-handedly by Valéry Giscard d'Estaing and foisted upon a "Convention" without one vote being taken.

This Constitution would not give trade unionists any new rights. But it would enforce mass privatisation and give big corporations powers to increase the exploitation of workers and the environment. Manufacturing industry would not be saved, but further reduced under the regionalisation provisions of the Constitution.

As life-long trade unionists, experience has taught us that letting capital rip regardless of the consequences will not produce jobs, decent infrastructure or stability.

Those in favour of this undemocratic privateer's charter often describe people with real democratic concerns as "anti-European". However, those that support anything that comes out of Brussels are called "pro-European". These are gross distortions and an insult. We are pro-European and take a global perspective, which means that our solidarity extends beyond this continent.

A militarised centralist Europe, run by an unaccountable corporate elite, will increase unfair trade with the undeveloped world, increase the prospect of war and remove democratic control over all our futures. Ultimately, any government that hands over power to a degree envisaged in this Constitution is in effect no longer a government.

Whatever views trade unionists may have about the European project, the proposed Constitution is a step too far. A different and more democratic future is worth fighting for, one in which the nations of the world co-operate through the United Nations.

BOB CROW RMT General Secretary

DOUG NICHOLLS CYWU General Secretary

JOE MARINO Bakers' Food and Allied Workers Union General Secretary



EU CONSTITUTION AT A GLANCE

The power to privatise - Article III-147 gives the EU powers to enforce privatisation in any area of economic activity: “A European framework law shall establish the measures in order to achieve the liberalisation of a specific service.”

A threat to public services - Article I-15 gives the EU new powers to ‘co-ordinate’ economic, employment and social policies. **Article III-210** lists the almost unlimited areas of social policy where the EU will have the right to ‘support and complement’ the activities of member states.

Unelected in charge - Article I-26 confirms the sole right of the unelected European Commission to draw up new laws and **Article III-188** orders member states “not to seek to influence the...European Central Bank”, the unelected body that decides economic policy for the eurozone.

Anti-union laws to remain - Article II-88 states that workers have rights to collective bargaining and to take strike action only “in accordance with national laws and practices”.

Threat to civil liberties - Article II-112 allows “limitations” of basic human rights “if they are necessary and genuinely meet objectives of general interest recognised by the Union”. **Article II-114** forbids any political campaigning to reverse any aspects of the Charter of Fundamental Rights.

Militarisation - Article I-15 states: “Member states shall actively and unreservedly support the Union’s common foreign and security policy in a spirit of loyalty and mutual solidarity.”

Big brother - Article III-276 gives the EU the right to extend the “structure, operation, field of action and tasks” of its police force, whose agents, like other EU officials, enjoy immunity from criminal prosecution.

Death penalty - Article I-62 says no-one shall be condemned to the death penalty. However, article “Explanations” allows the death penalty “in respect of acts committed in time of war or of imminent threat of war”.

Please note: Numbering of EU Constitution articles is in line with October 29 2004 version of the document.



INTRODUCTION

Whether you see yourself as a europhile or a eurosceptic the planned Constitution for the European Union proposes fundamental changes to the way we are governed and how laws are made.

The Treaty Establishing a Constitution for Europe, as it is officially known, is not just another EU treaty. It repeals all existing treaties and establishes a new EU that has all the legal, constitutional, political and military features of a single state. It would put aside intergovernmental arrangements to create a new entity where member states are reduced to the status of regions or provinces. That is not something that europhiles would necessarily support.

Under the Constitution, power is transferred from elected national governments to an unelected European Commission in Brussels. It confirms the sole right of the Commission to initiate new laws and removes from member states the power to veto proposed legislation in more than 60 new policy areas.

As Sir Stephen Wall of the pro-Constitution group Britain in Europe recently confirmed: "The rules are not designed to allow a member state, which has been outvoted on a piece of legislation, to opt out from applying what would then be law." (*Financial Times* Jan 20 2005).

"The Constitution is the capstone of a European Federal State"

GUY VERHOFSTADT,
Belgian Prime Minister
Financial Times, 21-6-2004

"a European framework law shall establish the measures in order to achieve the liberalisation of a specific service"

EU CONSTITUTION

This should concern all European trade unionists, as it would deliver a fatal blow to any attempt to win progressive change in the law. You may be able to lobby an MP or parliament, but you don't stand much of a chance with the remote, unaccountable and unelected Commission in Brussels or MEPs who have no rights to table legislation.



Trade union rights are not guaranteed by the Constitution. However, the right of capital to roam is set in stone, creating “an internal market within which competition is free and unhindered”. It makes no distinction between the private and public sectors. It also states that “a European framework law shall establish the measures in order to achieve the liberalisation of a specific service”.

The Commission would gain new powers to negotiate agreements on the General Agreement on Trade in Services (GATS) and to impose privatisation on transport, education and health systems within all member states.

Given that trade unionists have always concerned themselves with peace and internationalism, it should be noted that the proposed Constitution would militarise the EU. It envisages the creation of an EU army capable of acting globally and expects member states to increase military spending massively to carry out such missions. A European foreign minister would direct a single foreign and military policy that must be “loyally” supported by member states.

A European foreign minister would direct a single foreign and military policy that must be “loyally” supported by member states.

Civil liberties are also curtailed. The Constitution proposes to harmonise legal systems, with Europe-wide rules for basic legal procedures that do not include the right to trial by jury. It also creates an EU public prosecutor and extends Europol(ice) structures and operations. Human-rights organisations such as Statewatch have expressed serious concerns over the proposals on policing, asylum and immigration.

The Constitution’s threat of further privatisation, militarisation and curbs on civil liberties and democracy is in opposition to the historical aims of the labour movement. This pamphlet clearly sets out the contents of the Constitution and outlines how it will affect trade unionists from all walks of life. It seeks to contribute factual information for debate within all trade unions in line with the policy decided at the 2004 TUC Congress.



A PRIVATEER'S CHARTER

The Constitution of any normal state lays down the framework for political decision-making. Those decisions are left to political debate between the parties, abiding by the Constitution's rules.

However, the EU Constitution is different. It enshrines a particular economic system based on an extreme neo-liberal ideology to be imposed on 450 million Europeans. The Constitution turns the fundamental principles of "free competition" across national boundaries into constitutional objectives, to be enforced by the EU Court of Justice.

"The currency of the Union shall be the euro."

EU CONSTITUTION

It enshrines as a constitutional principle the extreme monetarist economic policy of the European Central Bank, whose sole brief in setting interest rates and controlling the money supply of the eurozone is to ensure stability of prices, not maximise economic growth, foster employment or advance social cohesion. It would be like signing up to permanent Thatcherism. As a result of these policies the eurozone is now one of the world's economic

blackspots. Even the pro-EU Constitution Minister for Europe Denis MacShane recently admitted that he would "under no circumstances" have supported euro membership.

Joining the euro

Article I-8 of the Constitution states that "The currency of the Union (EU) shall be the euro."

If adopted, all EU member states would in effect be constitutionally committed to abolishing their national currencies and joining the ailing eurozone, even though 13 of the present 25 EU members still retain their currencies.

Since 2001 the euro has risen in value by 50 per cent against the dollar, making exports vastly more expensive and imports markedly cheaper, leading to low growth, high unemployment and grinding recession.



There are various ways to get out of recession such as cutting interest rates and the cost of borrowing, devaluing the currency or increasing public spending. All of these options are impossible or forbidden within the rules of the single currency.

Within the eurozone it is illegal for governments even to try to influence decisions of the European Central Bank, deliberately insulating it from democratic pressures in setting interest rates. In order to deal with the crisis Brussels is heavily promoting the idea of increasing “labour flexibility”, which involves driving down wages, a course of action that would simply reduce demand and deepen the recession.

Privatisation

The Constitution requires the privatisation of public services and permits the imposition of such policies on countries outside the EU through the trade and investment agreements the EU concludes under its Common Commercial Policy.

It lays down as one of the objectives of the EU “a highly competitive social market economy”, but there is no definition of the term “social market”. This is a term taken from the German Constitution, and in EU-speak means little more than maximising competition.

Article III-147 of the Constitution states that “a European framework law shall establish the measures in order to achieve the liberalisation of a specific service”.

It goes on to say that “priority shall as a general rule be given to those services which directly affect production costs or the liberalisation of which helps to promote trade in goods”. In EU-speak ‘liberalisation’ means full-blooded privatisation.

The political commitment of the Constitution to the creation of a market economy across the EU is confirmed by **Article III-148** which commits member states to: “declare their readiness to undertake the liberalisation of services beyond the extent required by **Article III-147**”.

“To this end, the Commission shall make recommendations to the member states concerned”, it says.



As soon as Peter Mandelson was installed as EU Trade Commissioner he repeated these demands in the Constitution for market liberalisation across the EU.

“My belief is that the first priority should be to reinvigorate the drive for open markets,” he says.

He also voices support for the new Directive on Services, which has been condemned by UK and European trade unions for undermining labour and other regulatory legislation.

The Directive’s drive to privatise is reflected within the contents of the EU Constitution.

Backing the Constitution, Mandelson argues that he would fight to stop European governments providing state support to industries.

“My belief is that the first priority should be to reinvigorate the drive for open markets”

PETER MANDELSON
EU Trade Commissioner

The Commission will also gain new powers to negotiate agreements in the name of the EU under the General Agreement on Trade in Services which will submit transport, education, postal, health and social services to enforced “liberalisation”, all under the watchful eye of the newly unelected Trade Commissioner, Peter Mandelson.



WHAT IS THE DIRECTIVE ON SERVICES?

The proposals – also known as the Bolkestein directive after the Commissioner who drafted it - aim at the “liberalisation and deregulation of all service activity in Europe”.

The Directive includes the “country of origin” principle, which means that service providers are subject to the laws of their country of origin rather than where the service is actually provided.

It would mean that a company established in Slovakia, for example, could provide services anywhere else in the EU following Slovak laws thereby bypassing UK health and safety legislation.

Unions are concerned that this principle will result in the domestic market being flooded with cheap labour and undermine workers’ and consumers’ rights.

UNISON general secretary Dave Prentis stresses that the proposals would provoke a “race to the bottom” for staff pay and conditions in the health service. He says that the change will give bosses the green light to ignore the minimum wage and sensible working hours for staff, with part-time women workers the most likely to suffer.

The British Medical Association also warns that the proposals “undermine every member states’ right to decide what is in the best interests of its patients and its healthcare systems”.

Labour Against a Superstate chairman Ian Davidson MP has warned that the services directive was set up to “undercut the gains made by trade unions in every EU country”.

Not surprisingly, the American Chambers of Commerce has urged EU member states to adopt the proposals as they “would lead to a huge reduction of costs for businesses functioning in Europe”.

UNISON general secretary Dave Prentis stressed that the proposals will provoke a “race to the bottom” for staff pay and conditions in the health service.



WHAT IS GATS?

The General Agreement on Trade in Services (GATS) was drawn up at the World Trade Organisation (WTO) in 1994. The aim of this agreement is to remove any restrictions and internal government regulations in the area of service delivery that are considered to be 'barriers to trade'.

Such services include our libraries, schools, hospitals, banks, rubbish collection and even water. One hundred and sixty sectors are covered in total.

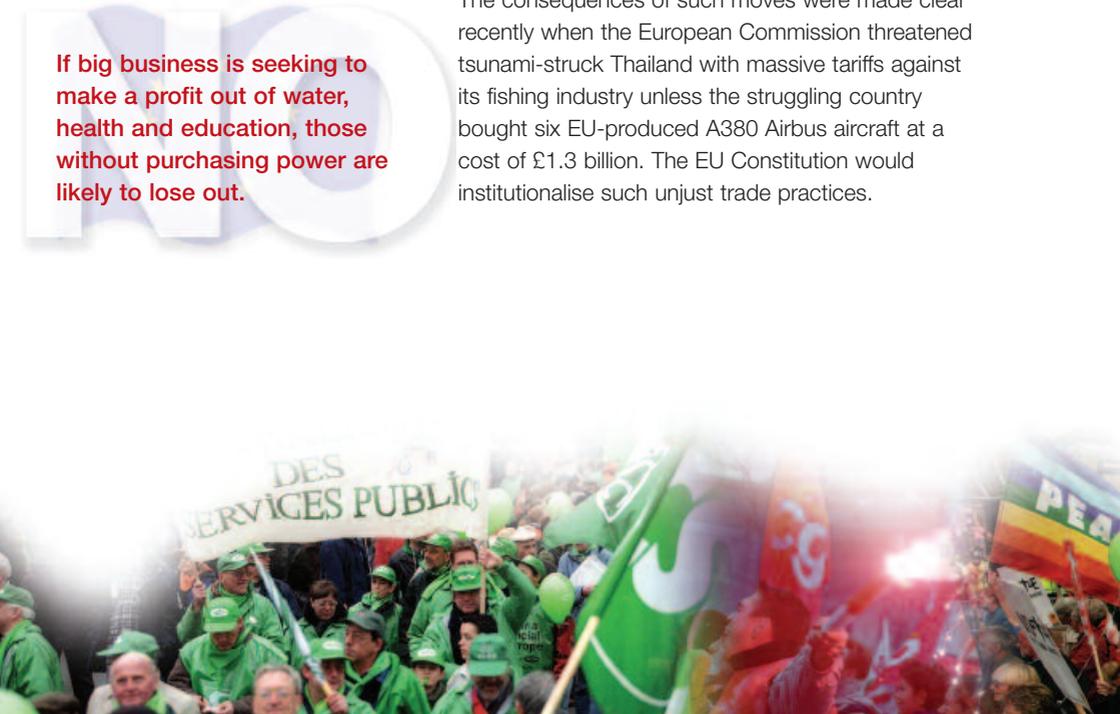
For transnational corporations, service industries represent an opportunity to make profits. These companies want to operate freely within the service sector, but much of it is owned and regulated by governments. "Liberalising" the trade in services will benefit big business and this is what the GATS is designed to do.

The GATS liberalisation agenda has been attacked by fair-trade groups such as the World Development Movement and Oxfam as a threat to basic service delivery. If big business is seeking to make a profit out of water, health and education, those without purchasing power are likely to lose out.

The Constitution would give the European Commission the right to negotiate such agreements on behalf of all member states and impose them on poor countries.

The consequences of such moves were made clear recently when the European Commission threatened tsunami-struck Thailand with massive tariffs against its fishing industry unless the struggling country bought six EU-produced A380 Airbus aircraft at a cost of £1.3 billion. The EU Constitution would institutionalise such unjust trade practices.

If big business is seeking to make a profit out of water, health and education, those without purchasing power are likely to lose out.



ARTICLES ON ECONOMIC POLICY

Article I-13 would give the EU sole and “exclusive” legal power to decide policy as regards trade tariffs and quotas, monetary policy for the eurozone, competition rules for the internal market, fisheries conservation and trade agreements with other countries.

Article I-14 states that 11 areas of activity will become “shared competences”, control of which shall be transferred to Brussels, including the internal market, social policy, agriculture and fisheries, environment, consumer protection, transport, energy, freedom, security and justice, and common safety concerns in public health matters.

Article I-15 states that “The member states shall coordinate their economic policies within the Union (EU). To this end, the Council shall adopt measures, in particular broad guidelines for these policies”. Paragraph 4 of this article will “give the Union (EU) the right to adopt initiatives to ensure coordination of member states’ social policies”.

Article III-166 is also of relevance in this context: “Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the provisions of the Constitution, in particular to the rules on competition”.

Article III-147 states that: “A European framework law shall establish the measures in order to achieve the liberalisation of a specific service”.



THE FUTURE OF JOBS AND MANUFACTURING

A recent TUC report revealed that government support for UK manufacturing is the lowest in Europe and that the UK has lost 750,000 manufacturing jobs since 1997 due to 'low levels of government support and chronic under-investment'.

However, under the EU Constitution, all state aid would be directly controlled by the Commission and the rules enforced more vigorously. This would make it significantly harder to direct UK government investment into essential industries and services. All substantial government procurement and manufacturing investments and transfers would have to be open to private competition across the member states.

EU Competition Commissioner Neelie Kroes, who has been attacked for conflicts of interest arising from past directorships on the boards of numerous large companies, has also said that the EU needed "less and better state aid".

Among those areas particularly affected by the new rules will be poor regions in rich member states like Britain. That would mean even less state aid to industry than now, which would mean more job losses and less support for manufacturing.

"We have to ask ourselves whether we continue to support poor areas in a rich country," said the Dutch Commissioner.

Articles III-167 to 169 establish the conditions under which member states may and may not grant state aid to certain services and forms of activity.

Article III-168 states: "If... the Commission finds that aid granted by a member state or through state resources is not compatible with the internal market having regard to **Article III-167**, or that such aid is being misused, it shall adopt a European decision requiring the state concerned to abolish or alter such aid within a period of time to be determined by the Commission".



Regionalisation and manufacturing

The EU Constitution enshrines the concept of a centrally controlled Europe of the Regions. Countries become “economic zones” and they are divided up internally into regions. Handouts to these competing ‘zones’ and ‘regions’ are given on the basis of a central European plan to concentrate certain industries in certain places.

Individual nations lose their right to produce across a balanced variety of goods and services. This in part explains the demise of staple British industries like footwear and clothing, engineering and textiles, ceramics, wood and, of course, coal. The productive industries which a nation needs to produce within its own borders for reasons of environmental sustainability and political independence are removed.

All of these developments pose a major threat to the future of the UK manufacturing industry.

More jobs?

Article II-72 promises the freedom to choose an occupation and the right to engage in work. However, how would citizens in member states be able to engage in work or choose an occupation? Is it possible for anyone to choose to work in the civil service when the government is currently attempting to axe 104,000 jobs?

Can a worker join the postal service where enforced privatisation is causing the closure of post offices due to EU Directive 96/67/EEC? Can rail workers within the EU expect secure employment when EU Directive 91/440/EEC demands the “liberalisation” of all passenger and rail freight services?

Only a government with full control of economic policy is capable of producing higher levels of employment

In short, agreeing to the Constitution would not produce jobs. Only a government with full control of economic policy is able to create a strategy that does not rely wholly on “free competition”. However, this would be outlawed by the rules of the EU Constitution.



PUBLIC SERVICES

For the first time the Constitution gives the EU powers to intervene in public services, a key area of domestic policy making.

For instance, **Article III-220** says that: “In order to promote its overall harmonious development, the Union (EU) shall develop and pursue its action leading to the strengthening of its economic, social and territorial cohesion”.

The lack of clarity in these articles gives the EU the right, among other policies, to demand that a member state cut public spending or restrict entitlement to certain state-provided benefits. The European Commission is on record as urging Gordon Brown to cut £10 billion from the government’s projected spending increases in order to reduce the UK’s public sector borrowing requirement. In any dispute between a member state and Brussels over the interpretation of an article, the European Court of Justice, which exists to promote EU integration, would have the final say.

Article III-278 would give Brussels the right to engage in action aimed at “improving public health, preventing human illness and diseases, and obviating sources of danger to physical and mental health”. The Commission will gain the right to establish “guidelines and indicators... periodic monitoring and evaluation”. It should be remembered that the European Central Bank has speculated that the range of free services offered by the NHS may have to be curtailed because of their allegedly inflationary potential. Although some European states may spend more as a percentage of GDP on ‘health services’ none has achieved the scale of free services won in Britain and many of their costs are on the administration of costly insurance schemes.

The European Central Bank has in one of its publications speculated that the range of free services offered by the NHS may have to be curtailed because of their allegedly inflationary potential.



TRADE UNION RIGHTS

Some have argued that the Constitution would hand new rights to workers, claiming that the document's Charter of Fundamental Rights ensures the right to collective action, including the right to strike. This is not the case.

As John Hendy QC pointed out recently, the "Explanations" of **Article II-88** actually states that such "rights" would only exist "in accordance with national laws and practices".

Furthermore, the government's Foreign and Commonwealth Office has repeatedly said that the government has succeeded in its bid to gut the Constitution of any new workers' rights. An FCO spokesperson said: "The charter doesn't create any new rights. We spent a very long time looking at this, in particular the disputed article. It does not create the right to strike."

Consultation?

Article II-87 deals with workers' rights to information and consultation. However, as with collective agreements, information and consultation are dependent on national laws and national practices.

It is no good therefore merely highlighting the rights workers in other European countries allegedly have. Changes in the law have to be campaigned for in Britain.

Moreover, in crisis-ridden Germany the working week for Siemens workers has been extended by five hours for no extra pay and bonuses have been stopped following threats that jobs would be transferred to eastern Europe. Daimler Chrysler has made similar threats and cuts.

German railways have also increased working hours and shed thousands of jobs with little or no consultation prior to privatisation, as demanded by EU Directive 91/440/EEC.



Freedom of assembly?

Article II-72 claims that everyone has the right to freedom of peaceful assembly and to freedom of association at all levels. However, the ‘Explanations’ go on to note that the article shall not prevent restrictions on the exercise of these rights by “members of the armed forces, of the police or of the administration of the state” (a description that potentially covers a huge number of civil servants).

Under the Constitution, the right of assembly and of association is subject to considerations of “national security”, “public safety”, “disorder”, “health”, “morals” and “rights and freedom of others”. The huge area covered make such freedoms practically meaningless and may undermine rights we already have in Britain.

**As a result of EU policies
European workers could end up
with even fewer rights than they
have now.**

If all the conditions for assembly are not fulfilled the state administration, police or even the armed forces can mobilised against those involved, for whatever reason, in assembly or association.

In this context it is interesting to note that the EU Schengen agreements were meant to allow free movement of citizens across the EU. However, in practice, member states have closed borders to

block anti-globalisation protesters reaching cities where EU summits or G8 summits are taking place. This selective use of the rules could be applied at will against trade unionists taking part in legitimate protests.

Moreover, it should be remembered that **Article II-112** states that any of the rights in the Charter of Fundamental Rights can be removed “in the general interest” of the EU – not-so-fundamental rights then? As a result, European workers could end up with even fewer rights than they have now.



ARTICLES ON TRADE UNION RIGHTS

Article II-88: states: “Workers and employers, or their respective organisations, have, in accordance with Union (EU) law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interests, to take collective action to defend their interests, including strike action.”

The Explanation with this article states: “The exercise of collective action, including strike action, comes under national laws and practices, including the question of whether it may be carried out in parallel in several member states”.

Article II-87: “Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices”.

Article II-72: “Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests”.

However, Explanation 2 states: “This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state”.



CIVIL LIBERTIES

The Constitution proposes a big increase in EU police powers. **Article III-276** will enable the EU to extend Europol's "structure, operation, field of action and tasks". This covers the collection and storage of information relating to European citizens and "investigative and operational action". Human-rights group Statewatch has expressed concern at the prospect of Europol – whose officers are immune from criminal prosecution – being granted enhanced powers.

Under **Article III-274** the Constitution will also enable the EU to establish the office of a "European Public Prosecutor" that "shall exercise the functions of prosecutor in the competent courts of the Member States ..." in relation to "serious offences affecting more than one Member State and of offences against the Union's financial interests".

Bizarrely, **Article II-112** of the Charter of Fundamental Rights gives the EU the right to restrict all the rights listed elsewhere in the Charter.

"Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by the law and respect the essence of those rights and freedoms... limitations may be made only if they are necessary and genuinely meet the objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others," it says.

Because of the insertion of this article, it is not clear which, if any, of the 'rights and freedoms' contained in the Charter would be legally protected as a consequence of the document being passed into law.

Human-rights group Statewatch has expressed concern at the prospect of Europol – whose officers are immune from criminal prosecution – being granted enhanced powers.



Immunity for EU officials

While the Constitution extends the scope of the EU to limit the civil liberties of ordinary EU citizens, **Article III-434** grants Commission employees, MEPs and others legal immunities from criminal prosecution. The Protocol of the Privileges and Immunities of the European Community, Chapter V, Article 12 states that: "In the territory of each member state and whatever their nationality, officials and other servants of the Communities shall: (a) ... be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office."

Such moves would hand huge powers to EU officials as well as making it harder to investigate issues such as fraud, which is already endemic within EU institutions.

ARTICLES AFFECTING CIVIL LIBERTIES

Articles I-42,III-260,269,270 creates an EU criminal justice system based on the continental model, which does not have juries or "habeas corpus", ie the right to be brought before a judge to have detention legally justified.

Article III-274 creates an EU Public Prosecutor's Office to undertake EU prosecutions.

Article II-112 allows "limitations" of basic rights in the general interests of the EU.

Article II-114 forbids any political campaigning to reverse any aspects of the Charter.



DEMOCRACY

One of the greatest concerns is that, at a time of electoral apathy and the rise of the far right, the Constitution will remove the national veto in over 60 new areas of decision-making. This will increase the number of laws that enjoy no electoral mandate within member states.

Moreover, undemocratic EU practices are set in stone. For example, **Article I-26** gives the unelected European Commission the exclusive right to initiate new laws. As a result, unelected bodies will have control over most aspects of our political, economic and social life and legislative framework.

Article III-188 and Protocol 4, Chapter 3, Article 7 also confirm articles that are designed to insulate the European Central Bank and the management of the euro from any democratic pressure. For instance it says “when exercising the powers and carrying out the tasks and duties conferred upon them by the Constitution and this Statute, neither the European Central Bank, nor a national central bank... shall seek or take instructions from Union (EU) institutions, bodies, offices or agencies, from any government of a Member State or from any other body. The Union institutions and the governments of the Member States undertake to respect this principle and not to seek to influence the members of the decision-making bodies of the European Central Bank”.

So even if the policies pursued by the ECB are having devastating effects in relation to a member states’ economy, its elected government and representatives in the European parliament are expressly forbidden to press for a change of direction. This is the situation that now confronts the people of Germany where there are five million unemployed and unsuitable interest rates.

All this will further contribute to the growing sense of political alienation that voters feel towards both the EU and the political system in general. Such levels of disillusionment will lead to the growing appeal of opportunist right wing groups and feed the poison of chauvinism and racism.



EU regionalisation

The EU regionalisation project is not about devolution or bringing self-government to the regions. In fact, it centralises power to another undemocratic layer of government based within the European Union.

The EU Committee of the Regions (COR) has stated that the job of regional assemblies is to implement EU law. The same document (*Opinion 15* September 1999) states that “the application of EU rules may in certain cases regulate or even curtail the executive powers of devolved authorities and may have financial consequences for their budgets”. These powers will be enacted regardless of the political make-up of elected national and regional governments.

Within the EU, the European Court of Justice, which exists to promote the EU and further integration, has the final power of adjudication when it comes to disputes between different levels of government within the EU.

For instance, the Welsh Assembly recently voted to ban GM crops, only to be told by the European Commission that it did not have the right to do so. So much for local democracy in a ‘Europe of the Regions’.

What is taking place is a three-stage quiet revolution where powers are being removed from local councils and, ultimately, from national governments and transferred to the European Union.

The first planned power-shift is from local government to regional assemblies, which will take on all the functions associated with elected local councils including planning, housing, education, transport, police and fire services. These essential services are also to be regionalised. The crushing electoral defeat of plans for a Northern regional assembly in the homeland of some of Britain’s most europhile MPs is an indication of the deep seated opposition to EU regionalisation.

“the application of EU rules may in certain cases regulate or even curtail the executive powers of devolved authorities and may have financial consequences for their budgets”

THE EU COMMITTEE OF THE REGIONS (COR)



A threat to national bargaining

As an example of how EU regionalisation will affect local services, the Fire Brigades Union says that the Fire and Rescue Services Act, which also sets up fantasy regional government powers, actually centralises power to Whitehall.

The union says that the Act gives the government the power to direct cuts nationally and regionally while passing responsibility for those cuts to local councils.

FBU president Ruth Winters described the Act as a “smash and grab” raid by government on national fire services.

“It is centralisation and regionalisation underpinned by a slash and cut agenda.

“There is clause after clause allowing central government to impose its will on a range of issues, including forced mergers of fire services,” she says.

This describes perfectly how regionalisation will work in reality across all the services involved, bringing in regional pay and regional standards.

The second stage of this power-shift is engendering loyalty not to Westminster but to Brussels. For some time the EU has transferred some money back to the regions that it gets from contributions of national governments. For instance, Britain presently pays in £11 billion a year to Brussels but over half of that comes back as regional aid, misleadingly labelled EU-funded aid.

However, the giving of grants is dependent on the existence of regional structures. This was why the last Tory administration set up “regional government offices” in 1994. These regionally-directed EU grants are feeding a new perception of self-interest and political patronage. The aim is clearly to make regions dependent on the EU for funding in order to undermine national democratic structures in the interests of corporate capital.

The aim is clearly to make regions dependent on the EU for funding in order to undermine the national democratic structures.



The third and final transfer of powers is from Westminster to Brussels itself.

Each successive treaty has transferred ever more powers to Brussels and removed national vetoes in more and more areas. The proposed EU Constitution will see 60 more vetoes abolished, in addition to the 90 removed following the Amsterdam and Nice Treaties. The EU Constitution, if ratified, would enable Brussels to legislate in virtually every area of public policy. As a result national democratic politics, however flawed, is being bypassed by unelected eurocrats.

National democratic politics, however flawed, is being slowly bypassed by thoroughly undemocratic institutions run by unelected eurocrats.

The aim, enshrined within the EU Constitution, is the emasculation of European national parliaments and a transfer of patronage, focus and identity to the tame regional assemblies.

ARTICLES AFFECTING DEMOCRACY

Article IV-437 repeals the existing EU and EC treaties and thereby abolishes the existing European Union and Community.

Article I-1 establishes in their place what would constitutionally, legally and politically be quite a new European Union, based like any state upon its own Constitution.

Article I-6 asserts the primacy of this Constitution and laws made under it over the Constitutions and laws of its member states.

Article I-7 gives this new EU legal personality for the first time so that it may conduct itself as a state amongst the international community of states.



A CHARTER FOR EURO WAR

The Constitution allows for the death penalty to be introduced “in time of war or of imminent threat of war”. And the Constitution certainly gives plenty of scope for conflict. It develops an armed wing for the EU, complete with its own military-industrial complex to fight resource wars in the interests of the biggest European military powers – Britain, France and Germany.

Moreover, Tony Blair’s foreign policy guru Robert Cooper openly promotes a new form of direct European military colonialism. He claims that this new imperialism will require us to get used to “double standards”.

“When dealing with old-fashioned states outside the postmodern continent of Europe, we need to revert to the rougher methods of an earlier era - force, pre-emptive attack, deception, whatever is necessary to deal with those who still live in the 19th century world of every state for itself,” he says.

“national governments have to give away their authority over their army”

LIEUTENANT GENERAL RAINER SCHUWIRTH
EU Chief of Military Staff

For Brussels this means developing an EU rapid reaction force that will carry out military operations in the interests of “Europe”. EU Chief of military staff Lieutenant General Rainer Schuwirth insists “national governments have to give away their authority over their army” and EU must be “deepened”, as envisaged within the EU Constitution.

If brought into force, the Constitution would demand that member states “actively, unreservedly and loyally” support a single foreign and military policy. This power is, of course, one of the major attributes of a state, along with a head of state, a single currency and a framework of law. The Constitution provides for all these attributes despite the fact there has been no popular call for them to exist at all.



The Constitution also formally ends the military neutrality of Ireland, Denmark, Sweden and Austria, also without asking the citizens of those states. The text replaces the Nice Treaty provision that the progressive framing of a common defence policy “might lead to a common defence, should the European Council so decide” with the provision of the Constitution that it “will lead to a common defence, when the European Council, acting unanimously, so decides”.

Article I.40 lays down that “before undertaking any action on the international scene each member state shall consult the others within the European Council or the Council,” constitutionally precluding member states from conducting an independent foreign policy.

The Constitution does allow for sub-groups of states, ie the most powerful ones, to use EU institutions for closer military integration amongst themselves in a mechanism known as “structured cooperation”.

The Constitution does not require EU military actions to be in accordance with the United Nations Charter, which is the foundation of international law. In other words, the EU reserves the right to ignore the Charter if it deems fit.

In order to become a global superpower, the EU is working closely with the United States while also developing its own military capability to operate independently of Washington.

For instance, currently the EU is seeking to undermine the US monopoly in satellite positioning technology. Washington’s GPS system is being challenged by the EU’s rival system called Galileo which is designed to be operational by 2008 with multiple military applications.

Counterweight or imperial partner?

Many europhile pundits have promoted the belief that the militarisation of a nascent European superstate would be a force for good, capable of reining in the excesses of US imperialism.

However, leaving aside the problems inherent in binding 25 separate countries with very different international policy outlooks and interests to advance, it should not be assumed with EU enlargement that a persistently anti-Bush majority exists within the EU. Many of the governments of the east European entrants openly supported the illegal attacks on Iraq.



Moreover, EU foreign policy tsar Javier Solana has declared that EU military force should be used, alongside the US, against any sovereign state to stop the proliferation of weapons of mass destruction, retrospectively sanctifying the illegal attacks on Iraq.

“We should be able to sustain several operations at the same time. We must develop a culture that fosters early, rapid and robust intervention,” he says.

He claims the EU/US western alliance is a “formidable force for good in the world”. So much for the nebulous European political and military “counterweight” to Washington.

The Campaign for Nuclear Disarmament recognises the dangers of EU militarisation and expresses deep concerns over the EU Constitution.

The Constitution also sets up a new Armaments Development Agency, which the Foreign Office admits will promote higher military spending by EU taxpayers.

Interestingly, the pro-EU group Britain in Europe has appointed a new chairman, the right wing Tory ex-MP Anthony Nelson. As a Tory trade minister, he approved export papers for Hawk jets to Indonesia and had a history of giving succour to the Apartheid regime. He expressed “distaste” at the BBC’s screening of the Mandela tribute concert in 1988 and described the ANC as “terrorists”.

“We should be able to sustain several operations at the same time. We must develop a culture that fosters early, rapid and robust intervention”

JAVIER SOLANA,
EU foreign policy tsar

Mr Nelson is presently in talks with several weapons manufacturers to win financial backing to fight for a yes vote in any referendum on the EU Constitution. The companies being targeted by BiE’s fundraisers include French arms manufacturers Thales, Franco-German arms giant EADS and US arms firms Boeing and Lockheed Martin.



Now why would these arms companies pour funds into campaigns to promote the EU Constitution? Could it be that the plans for a European army, a single EU foreign policy that must be “loyally” supported and the development of a lavishly state-subsidised military-industrial complex might just be in their interests?

To understand the politics of EU militarisation, it is necessary to listen to the voices of target nations in the resource-rich but extremely poor nations of the world. Namibian President Sam Nujoma has clearly defined this new European military strategy: “These Europeans, they have formed a political union and again they want to get our raw materials without paying us.”

ARTICLES THAT MILITARISE THE EU

Article I-16 states: “Member states shall actively and unreservedly support the Union’s common foreign and security policy in a spirit of loyalty and mutual solidarity”.

Article I-41 requires all member states, including neutral ones, to “make civilian and military capabilities available to the Union for the implementation of the common security and defence policy” and to “undertake progressively to improve their military capabilities”. This provision amounts to a constitutional obligation to work towards a more militarised EU.

Article III-309: “The tasks referred to in Article I-40 (1), in the course of which the Union may use civilian and military means”.

Article III-311 founds a “European Armaments, Research and Military Capabilities Agency”.

The Constitution also includes the EURATOM Protocol(No.36) which amends the European Atomic Energy Treaty that supports nuclear power and continues the EURATOM Community in being indefinitely.

Article I-62 (Explanations) states the death penalty can be introduced “in respect of acts committed in time of war or of imminent threat of war”.



ALTERNATIVES TO THE EU CONSTITUTION

The contents of the proposed EU Constitution reveal that it is not “just another treaty” or a “tidying-up exercise” as government ministers have claimed. Supporters like to refer to the document as a “constitutional treaty” to downplay its significance. This description implies that this is comparable to previous EU treaties like Nice, Amsterdam, Maastricht and the Single European Act.

However, in international law, a treaty is a contract or agreement between independent states, as equal sovereign partners. A constitution is the fundamental law of a state, setting out its institutions of government, how it makes its laws, determines its policies and relates to other states.

This treaty will only be a treaty until the Constitution comes into effect. From then on it is the Constitution we will be bound by and will have to obey. It is likely that, if ratified, supporters will drop the word “treaty” and call it what it really is, a Constitution for a new state.

If the EU Constitution becomes part of our Constitution it will not be amendable except with the consent of other countries. Those pushing the Constitution are effectively asking us to abandon our right to determine the laws we agree to obey and to decide our own government, which is our most fundamental democratic right.

However, if the proposed Constitution is rejected the EU will continue on the basis of the Treaty of Nice, with the voting arrangements which that treaty laid down for an EU of 27 states. It would then be appropriate to revisit the 2001 Laeken Declaration, which launched the process of writing a constitution. The declaration talked of popular concerns about too many powers being exercised at EU rather than national level, and the need for a genuine debate on the kind of Europe people really want.

Almost certainly that is not a Europe which is a state or superpower in its own right, run by a bureaucratic elite. It is more likely to be a Europe of cooperating independent democratic states, where powers are repatriated back to the EU member states from Brussels.

A new convention should be called for with peace and accountability as its goals. The EU needs to consider ways to bring about more democracy in Europe, not less. Such a Europe can only be one where national parliaments and voters have their rights restored and where democracy and representative government are re-established for the peoples and nations of our continent.

Opposing the EU Constitution does not mean leaving the EU. Now is the time to defend democracy across Europe and say no.

MEMBERSHIP FORM

To join us simply complete this form and return to the address overleaf.



Full Name/Organisation:

Address

Road:

Area:

Town/City:

County:

Post Code:

Preferred contact numbers, please complete with your preferred method of contact:

Work

Home

Mobile:

Work email:

Personal email:

Which trade union are you a member of?:

Do you occupy a formal position in your union?:

If so please state:

Please indicate if you wish to receive the following (tick as appropriate)

TUAEUC emails

'No Campaign' emails

Centre for a Social Europe emails

Other campaign emails

The Democrat (hard copy)

This will be sent to your home address as indicated above unless otherwise specified.

Further information

I am available to speak on the EU Constitution at trade union meetings.

I will require a speaker from TUAEUC on

in

at



Trade Unions Against the EU Constitution
301 The Argent Centre
60 Frederick Street,
Hockley
Birmingham B1 3HS

Tel: 0781 396 7734
email: info@tuaec.org.uk
web: www.tuaec.org.uk



Trade Unionists Against the EU Constitution