

PEOPLE'S NEWS

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The People's 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.

EU constitution a threat to freedom: Czech president



Czech President Vaclav Klaus recently dubbed the embryonic EU constitution a potential threat to freedom which would not resolve the problems facing the 25-nation bloc. 'It is a radical text with wide-ranging consequences for freedom and for the well-being and future of the nation state', Klaus said as he wrapped up the first day of a two-day visit to Spain. The Czech leader, a dyed-in-the-wool Eurosceptic, told a conference on 'European problems and their non-solutions' that the EU constitution as drawn up by former French president Valery Giscard d'Estaing 'does not resolve Europe's real problems'. He slammed the blueprint for dealing with what he called 'narrow' issues, such as how many EU commissioners each member country should have or what voting weight each country should be afforded. Casting doubt on the wisdom of foisting a single monetary policy on the union, Klaus told his hosts: 'I am not sure that economic and monetary union can exist long term.'

Klaus, who earlier lunched with King Juan Carlos and Queen Sofia at the royal Prado Palace, earlier told *El Pais* daily that despite EU efforts to unite the continent 'a European identity does not exist'. Klaus told *El Pais* that Europe was merely a 'geographical abstraction', and later warned that any idea borders could be done away with 'could end up destroying Europe'. He insisted it was a fallacy to regard Europe as having ever had a 'collective identity' and excoriated the idea that 'big is beautiful'. He told *El Pais* that in his view 'European countries should be good partners but their differences should not be sacrificed on the altar of a united Europe, something which has never existed and which, I hope, will never exist'.

More sinister developments emanating from the Commission



Greetings everyone, as the shadows of winter descend upon us, the daylight grows dimmer and another year comes swiftly to its end! Well, things continue to happen across the EU hemisphere all the time, secret machinations, sinister developments, unknown proposals and bureaucratic wrangles, which never reach the light of day.

We start this issue with a look at some more of the sinister developments emanating from the European Commission on passports, homeland security, etc. In the last issue, you will have read that approval has been given and endorsed for all passport applicants to be subjected to bio-metric data, which will involve mandatory fingerprinting and facial scans (digitally produced) for many member states in an ‘Enrolment Centre’; but more sinister still is a current proposal from Britain and Germany to also bring in ‘iris scans’ as well. Well, if this is not surveillance and ‘Big Brother’ monitoring with consequences for privacy and civil rights, Orwellian style, then I must be going a ‘wee’ bit mad or something!

Another thing in the context of Joint EU/US cooperation with regard to so-called ‘Homeland Security’ is the retention and transfer of all flight passenger data within and without the EU. Recently, the European Parliament (of course, the only elected body of the EU!) initiated ‘a procedure of acceleration’ – which is a complaint mechanism – against this gross violation of civil rights by the Council. However, in the spirit of fairness and courting the values of openness and accountability, the ECJ (European Court of Justice) have decided to reject this; the result of which is that the complaint won’t be looked at for two to three years by which time this sinister violation and mode of surveillance will have been IMPLEMENTED! Now, if that’s not Machiavellian in intent, then what is!

The constitution’s ambiguous language



A person on the street or a humble member of the downtrodden masses would have to flit through a document of some 260 pages, a lot of which is bureaucratic ‘gobbledegook’ like an Olympic slalom skier weaving around poles of ambiguity of marathon proportions. The proposed constitution talks about ‘subsidiarity’ and uses the language of subsidiarity.

Now, first things first, imagine the manic comings and goings of translators when having to translate this into Polish, for instance; in fact, there are some 77 languages spoken within the EU, many of which are in eastern Europe, so imagine the apoplectic ‘scratching of heads’ of poor translators if the proposed constitution was translated by them into even half of these languages! Then imagine the ordinary citizen trying to get their head around just what is meant and what they are talking about! So much for the EU’s desire and zeal to reach every citizen, to make the whole structure of the EU more amenable and comprehensible to all! But maybe they are not really sincere about that any way!

Victims of EU wrath – a sign of things to come? An EU ‘terrorists’ list



The Court of First Instance of the European Court of Justice in Luxembourg heard recently the case of Professor Sison. Professor Sison is requesting access to documents of the Council of the European Union (the 25 governments) relating to his name being placed on the EU list of persons and entities ‘committing or facilitating terrorism’. He has lodged a further case with the court appealing against the inclusion of his name on the ‘terrorism’ list.

Professor Sison is the chief political consultant of the National Democratic Front of the Philippines in the negotiations with the government of the Republic of the Philippines. He has been living since 1988 in the Netherlands after being released from the prisons of the Marcos dictatorship. Neither in the EU, nor in the US, nor even in the Philippines, is he facing criminal charges.

The results of the inclusion of Professor Sison on the list are dramatic: freezing of his personal bank account, suppression of social aid allowance, impossibility to contract an insurance, suppression of health insurance and even termination of the rent of the house in which he is living.

Access to the documents was refused by the Council who referred to a threat to the security of the EU and also to its 'international relations'. Professor Sison's lawyers say that he rejects vehemently all accusations of any form of implication in acts of terrorism.

Villain of the month

'It wasn't worth creating a negative commotion with the British. I rewrote my text with the word "federal" replaced by "communataire" which means exactly the same thing.'

President of the European Convention, Valery Giscard d'Estaing,
Wall Street Journal Europe, 7 July 2003.

EU – a source for an open and balanced debate on the constitution?



German MEP (PES) Jo Leinen's resolution on the ratification of the EU constitution could have been a fine democratic exercise. Instead, notwithstanding the tributes to European peace, freedom and democracy, it is a one-sided gesture, lacking in democratic thought.

The high point of the resolution, voted in the European Parliament plenary 14 October, is its call for the national referendums on the EU constitution to be held fairly and in one period during May 2005. That, in itself, is a democratic gesture. But this is not its main concern. Falling short of calling for a Europe-wide Yes campaign, the resolution essentially asks the Commission, the EU Parliament and the Council, and therefore all 25 governments, to coordinate their efforts in the ratification of the EU constitution, including the actual referendum campaigning. It also presupposes and predetermines overwhelming Yes victories when it suggests 'the ratification process in all Member States should be accomplished by June 2006'. Well, if the EU institutions and all 25 governments are all out for a Yes vote in their 'communication strategy' what does that say about the EU's democratic credentials? The aim of this resolution is not to ensure fair referendums and genuine debate, but to push opponents aside and have the EU constitution ratified and firmly established in 20 months' time.

A debate without alternatives



Is there any democratic space for those who espouse an alternative vision for the future of Europe? Irish MEP (Ind/Dem) Kathy Sinnott described the situation succinctly during the debate over Leinen's motion on 15 September: 'I see little evidence of democracy in the strategies being designed to guarantee a positive outcome to the constitution. In the committee we are told that it is our job to "sell the treaty", that we should restrict the debate in our home countries, that referendums should be scheduled to maximise the "yes" vote. We are told that we must get the Council to supply funds for the pro-constitution campaigns'.

'In committee draft questions were proposed to ask the Council to specify a strategy to ensure a positive outcome to the ratification procedure. I called for the question to be amended to ask the

Council to ensure a fair and free ratification procedure. I am sorry to say that “fair and free” lost.’ Clearly, this resolution seeks to brush aside any alternative to this constitution. Its aim is to sell the constitution, not to debate its failings. But one simple question: Is it democracy when the resources of all the people are used in order to promote the causes of some of the people?

If you want genuine debate, you don’t ask to be favoured and you don’t ask for your opponents to be discriminated against. Worse is when ‘the authority’ takes sides in a people’s debate and discriminates against its opponents – that marks the beginnings of totalitarianism. One can of course say that alternative visions are brushed aside because they do not suit the tide of the times.



Indeed, the emergence of totalitarian characteristics is not amazing when one considers the tendency of the state to usurp the people’s power, to self-empower and to centralize its power into a totalitarian entity. Democracy would always need to fight back in order to sustain its existence. The bottom line is that creating a new EU political entity under one constitution that empowers a non-elected EU Government to further self-empowerment is a threat to democracy and a very dangerous game to play. It is against this backdrop that a document entitled ‘The Alternative Vision for a Europe of Democracies’ is being signed by MEPs at this very time. I invite pro-constitutionalists to indicate where this document fails to honour our European democratic heritage.

Kevin Ellul-Bonici - is a criminal justice specialist from Malta .

Euro-sceptic MEPs group together against constitution

A group of euro-sceptic MEPs recently launched an alliance against the European constitution. Called the Referendum Group, it crosses the political spectrum in the European Parliament and is expected to comprise up to 100 MEPs.



Unveiling the alliance last month, UK Conservative MEP Daniel Hannan said one of their main wishes is for a referendum on the constitution in every country – currently just under half of the 25 member states have promised to have a referendum. Mr Hannan also called for governments to abide by the verdict saying that if there are yes votes ‘we will abide by that outcome. But we are concerned that there is no equivalent readiness on the other side to respect the people’s verdict’. The fact that parts of the constitution are already being put into place was also criticised by the MEP, who added that 19 of the 25 commissioners starting in November have indicated they do not intend to wait for a formal implementation of the new treaty.



Finnish Left MEP Esko Seppänen, who is also one of the three presidents of the Group, said his main reason for being against the constitution was because ‘it means militarisation of the EU’. Echoing this, Swedish Green MEP Carl Schlyter said ‘we were promised that this was a peace project’ – referring to the fact that a core group of member states can move forward in defence if they wish. However, it was less clear what concrete actions would be taken by the group. According to Danish MEP Jens-Peter Bonde, one of the co-founders of the alliance, the Referendum Group will meet once a week and will prepare a minority report to be attached to the main report of the European Parliament when it gives its verdict on the constitution in December. MEPs in the alliance will also, if asked, travel to member states to explain the constitution to citizens.

Equity within the EU – fact or fiction?



If anyone doubts the power of the big states – particularly France and Germany – just take into account the so-called EU Stability and Growth Pact, which states that all member states' debt level should be at less than 3%; YET, Germany and France have been flouting this pact with impunity since it came into being after the implementation of the Euro! In addition, Italy's level was at 3.2% this summer but Berlusconi (the Italian Prime minister) – up to his old tricks as usual – used his influence with the finance ministers on the Council (of Ministers) to evade punishment or fines. So much for the idea of equity! The above pact was inaugurated as a kind of 'economic stabiliser' to ensure member states don't spend too much or reach high levels of debt. The primary reason why Sweden voted against the Euro was a fear that the pact would adversely affect their welfare state. Moreover, in the whole discriminatory application of the pact, some of the new member states have found themselves reprimanded and on the offenders' list. EU Equity? I don't think so! It's nothing but a mute murmur and a silent whimper in which, to quote Bob Marley, 'The Big Fish who always try to beat down the small fish!'.

The People's Movement and the situation in Ireland



The People's Movement secured a number of interviews on local radio stations in the Dublin area recently; this is something we can hopefully expand on next year and in the coming months. It is imperative that we generate a debate and a deep and all-encompassing awareness of what exactly this proposed constitution is about. Bertie Ahern and the media moguls will be as biased as possible and attempt to obfuscate the issue to keep the people in the dark and mired in the valley of ignorance – much like they did in Nice 2 when they befuddled the minds of the people. Local radio is a very good starting point to build from; the seeds of debate and ultimately opposition can sprout and germinate from there and then hopefully spread out to become bigger! Rest assured, the People's Movement will not sit on its laurels but will keep up its endeavours in the year ahead....

Commission chose the hard line on critical journalist



The European Commission has refused to accept a compromise in the case between the former Brussels editor of the German magazine *Stern*, Hans-Martin Tillack, and the Commission at the Court of First Instance over access to his files. The material – 17 boxes of documents, two computers and four mobile phones – were seized by Belgian police during a raid at the journalist's office on 19 March. The deal, which is part of the ongoing court case Tillack raised against the Commission at the Court of First Instance, would have prevented the Commission from looking into his files until the Court had pronounced on the case, according to the Danish daily, *Information*. The EU commission's chief spokesman at the time, Reijo Kemppinen, confirmed to the paper that a compromise with the journalist was rejected by decision at the highest level of the Commission – by Commission president Romano Prodi himself and the budget commissioner Michael Schreyer. It is not clear whether the Commission has already started reading the documents belonging to Mr Tillack, something that could reveal the journalist's sources.

In 2002, Mr Tillack published articles in *Stern* about alleged irregularities in OLAF based on internal documents from the organisation. OLAF then released a press statement saying it was possible that someone had been bribed to get the documents – something which *Stern* magazine

refuted. The International Federation of Journalists has been following his case closely and has expressed concern over the protection of the journalist's sources. The secretary general of the International Federation of Journalists (IFJ), Aidan White, has said that Belgium's poor legal protection for journalists makes it 'quite inappropriate' for it to host the EU institutions.

(Photo: EUobserver.com)

Austrian Greens in heated discussion over neutrality



Austrian Greens have provoked a fresh discussion over the country's neutral status. In a recent decision with just a one vote majority, the party's leading body adopted the paper 'Safe in Europe' aimed at redefining security policies in Europe following the cold war. According to the document, security begins with closing nuclear plants, promoting social rights and a foreign policy that prevents conflicts – while using military force as the last resort. The paper touches upon Austria's neutral status without explicitly saying that the Green Party is ready to end it. 'Being neutral is no answer to the question of what Europe should be doing', said Peter Pilz, the security policy spokesman of the party, according to *Standard*, which also reports that he has mentioned the possibility of a referendum to change Austria's neutral status. Vice-chairman of the Green party Eva Glawischnig has, however, inserted some conditions. She says that the European Parliament should first be able to control common EU security policies – powers not even the new European constitution would hand to the Parliament.

Austria's neutrality was one of the conditions for the withdrawal of post-war Soviet occupation forces, paving the way for an independent Austria in 1955. To end neutrality a qualified parliamentary majority is needed, requiring the votes of the opposition Greens and Social Democrats – parties traditionally opposed to the idea. The conservative People's Party and the right-wing Freedom Party which form the current Austrian government, want to end neutrality.

EU constitution will necessitate changes in French constitution



The French constitutional court has decided that the French constitution must be altered before the European constitution can be put to referendum in France. The required revisions will be effected at the beginning of 2005, allowing for the possibility of a referendum in the first half of next year.

The constitutional court ruled that certain parts of the European constitution 'affect the essential conditions for the exercising of national sovereignty', citing justice and foreign policy as the main areas requiring changes to the constitution. However, the stated primacy of EU law over national law does not require a change in the French constitution, nor does the inclusion in the EU treaty of the Charter of Fundamental Rights.

In a separate interview, German Europe minister Hans Martin Bury warned that 'the constitution is not the final step of European integration'. He said 'let there be no misunderstanding, the concept of "widening" has not triumphed over "deepening" – a goal which is still discussed prominently across the core of Europe. There is no way round a Europe of two speeds.' He added, 'Europe will always need an avant-garde, the willingness of pioneer groups to go on with further steps of integration' (*Handelsblatt*, 9 November).

Latest News

Changes to the French constitution to allow the ratification of the European constitution are likely to be agreed by April, enabling a referendum on the issue before July. The reforms will be placed before the *assemblée nationale* on 25 January and are expected to be finally cleared 'in March or

April'. Interior minister Dominique de Villepin is thought to favour a vote in the first fortnight in June, preceding the summer holidays and, importantly, the likely beginning of accession talks with Turkey. Technical difficulties remain as French authorities must send 'electoral material' to 42 million voters. This material will be a copy of the EU constitution and the question to be put to the people.

Lithuania upstages the rest!



Lithuania has become the first country in the European Union to ratify the European constitution by an overwhelming majority – in its parliament, the *Seimas* – just two weeks after the document was formally signed. There had been some discussion about whether to have a referendum on the issue. However, foreign minister Antanas Valionis said recently that Lithuanians already voted on accession to the EU and there is no need for the constitution to be approved by citizens.

Lithuania has upstaged the European Parliament, which had planned to be the first parliament in Europe to ratify the constitution. Mr Berlusconi's plans have also come to naught: foreign minister Frattini had said 'We seek to be the first to ratify it ... at the latest it will be a Christmas present'. A similar rush to ratification had been mooted in Germany. All twenty-five member states of the EU have to ratify the constitution – either via their parliaments or through referendum – before it can enter into force. So far, eleven countries have said they will ratify by referendum – the first country set to do so is Spain on 20 February.

EU to push ahead with military 'battle groups'



Defence ministers have committed up to 16,500 troops to make up a series of EU 'battle groups' which can be deployed to the world's hot spots. Ministers pledged enough troops to create eleven battle groups, with each group expected to number 1,000-1,500 troops, ready to be deployed for peace-keeping missions within ten days for a period of up to four months.

The groups are set to be operational by 2007 and are expected to work under a UN mandate. The EU council of ministers would have to agree unanimously before any deployment takes place. France, Italy, Spain and the UK are to set up their own groups which are likely to be ready before 2007 – possibly by 2005 according to EU military sources. Another seven groups are expected to be formed:

- Germany the Netherlands and Finland;
- Poland, Slovakia, Lithuania, Latvia and Germany;
- Italy, Hungary and Slovenia;
- Italy, Spain, Greece and Portugal;
- Sweden, Finland and Norway;
- the UK and the Netherlands.

and is there a possibility of Britain and Ireland?

Latest News

In addition a French spokesperson said that there would also be a French contingent in the 'Eurocorps' composed of France, Germany, the Netherlands and Belgium. Based on the 'lead nation' model set up during the EU's peacekeeping missions in Bosnia and the Democratic Republic of Congo, each group will have a lead country in command. Military officials say that

some of the contingents will be specialised forces. Finland is expected to commit troops trained to combat chemical and biological weapons, Lithuania will offer experts in water purification, while Greece is pledging troops with maritime transport skills.

But not all EU countries are participating. Domestic political problems mean that Austria is not likely to participate until 2009 – although the country has committed itself to 200 troops. The Irish government has expressed its willingness to take part but will not be committing troops at the moment. A spokesperson said that the Czech army, because of restructuring, would not be able to meet the criteria at this point: ‘It will be 2007 at the earliest’ said the spokesperson. There have also been questions raised over the legality of the participation of Norway – a non-EU country – with opponents of the plan saying it clashes with Oslo’s constitution.

Danish ministry submits constitution report



The Danish Ministry of Justice has concluded that the new EU constitution will curb Denmark’s sovereignty in a number of areas. Among the areas singled out for transferring power are the protection of personal data, free movement and settlement, diplomatic protection, the movement of capital and the freezing of funds, as well as new competences for the Court of Justice allowing it to rule on intellectual property rights, space and health policies.

The so-called flexibility clause, which allows the extension of Union powers without new ratification by national parliaments or referenda, is also seen as a transfer of power. In countries such as France and Spain it is being discussed whether the primacy of Union laws over national law – the principle has been written for the first time into a treaty – is compatible with national constitutions. The Danish government has already pledged to submit the constitution to a referendum – but no date has been set. (*Photo: EUobserver.com*)

The proposed constitution for Europe militarises the EU



The proposed constitution for Europe states unambiguously 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’. This Article is similar to an article in the Nice treaty which stated that the progressive framing of a defence policy ‘might lead to a common defence, should the European

Council so decide’. So, should the Irish people decide to accept this constitution at referendum, what remains of our neutrality will disappear and we will be committed to the EU objective of a common defence – and constitutionally committed at that! There is no ambiguity, there is no fudge. This is the end of the line. It is simply a matter of *when* it will happen, not *if* it will happen.

Article I-40 further provides that a European Armaments, Research and Military Capabilities Agency be established to provide support for a common defence. Clearly the intent is the establishment of a military-industrial complex to rival that of the US. The article provides that civil and military assets may be used for foreign interventions. These interventions ominously include: ‘... peacemaking and post-conflict stabilization’ and ‘supporting third countries in combating terrorism in their territories’ (Art. III-210).

Working Group 8 (Defence) of the Convention that drafted the constitution reported that the 'interests' of the EU will be expressed by force in the context of 'global insecurity'. This process will be realised through the 'projection of stability outside the Union' and sustained by 'a public opinion' that 'appears to be very much in favour of European defence'. It is not too late to prove them wrong by rejecting this militaristic constitution.

French Socialists say 'yes' to constitution



The French Socialist Party has voted in favour of the constitution with a massive turnout. Over 95,000 of the possible 127,027 eligible to vote turned out to cast their ballot. In Paris, the 'yes' camp won 65 percent of the votes, according to media reports. And in the crucial area of Pas-de-Calais, the party's biggest region, which the 'no' campaign had hoped to win, 59 percent of members voted 'yes'. Party members were asked to reply 'yes' or 'no' to the simple question 'Do you agree with the European constitution?'

The leader of the 'yes' camp, party leader Francois Hollande told AFP, 'this victory is a rallying cry to others'. Admitting defeat, Laurent Fabius, the deputy leader who led opposition to the treaty said, 'I take note of the vote but I certainly regret it'. And the overwhelming 'yes' – which follows months of fierce debate within the Socialist party – is likely to boost French President Jacques Chirac's campaign for a 'yes' in the national referendum to be held as early as May next year.

Both main parties will now be campaigning in favour of the constitution, although neither will be completely united on the issue. Eurosceptic parties, along with Communists and the far-right Front National party will campaign against. Opinion polls currently show that the French people are broadly in favour of the constitution, but the French electorate has a history of producing close votes on European issues.

Bad auditor's report for the tenth year in a row



For the tenth year in a row the Court of Auditors has not been able to approve the underlying postings in EU's accounts that get this stamp in the introduction: 'Once again the Court has no reasonable assurance that the supervisory systems and controls of significant areas of the budget are effectively implemented so as to manage the risks concerning the legality and regularity of the underlying operations'. At the budgetary control meeting, Jens-Peter Bonde from Denmark's June Movement suggested that all disbursements in the EU are made available on the internet. 'If all postings were available for everyone, the EU-system would be forced to keep its accounts in a safe and transparent way' says Jens-Peter Bonde.

Latest news

Members of the European Parliament budget control committee have sent a letter to the new Commissioner in charge of Administrative Affairs, Audit and Anti-Fraud, Sim Kallas, and urged him to review the decision to dismiss whistle-blower Martha Andreasen. A recent meeting scheduled between Mr Kallas and Mrs Andreasen was cancelled at the very last minute due to the intervention of the Commission's legal service. The service said a meeting would not be appropriate since the two are involved in legal actions. A hearing at the European Court of Justice of complaints Ms Andreasen submitted two years ago for transfer and suspension, has been postponed following a request by Ms Andreasen, who wants a new lawyer to present her case.

Hungarian parliament ratifies constitution



EU Observer reports that the Hungarian parliament (20 December) ratified the European constitution by 304 votes to nine. There were eight abstentions and sixty-four members of the parliament were absent at the time of the vote. However, the two-thirds majority needed to ratify the constitution was easily achieved and Budapest becomes the second EU state after Lithuania to ratify the text. The constitution needs to be ratified by all 25 member states to come into force. If all countries pass the constitution, it will come into force on 1 November 2006. Latvia is expected to be next to ratify the treaty in January. At least nine countries are planning to hold a referendum on the issue, beginning with Spain on 20 February.