

## **TWO-THIRDS OF IRELAND'S LAWS NOW COME FROM BRUSSELS**

On 29 April 2005 the German Federal Ministry of Justice stated that between 1998 and 2004, a six-year period, 23,167 legal acts were adopted in Germany, of which 18,917 – or 80% – were of EU origin. This was stated in a written answer in the Bundestag to a question from CDU/CSU member Johannes Singhammer. The same laws originating in Brussels will have been applied in all member states of the EU, but the number of laws of domestic origin will vary from state to state. As Ireland is a unitary rather than a federal state like Germany, there should be a higher proportion of domestically generated laws here, so the Irish figure for legal acts of EU origin should be two-thirds or so of all our laws.

Laws are divided between primary legislation and statutory instruments implementing primary legislation. The proposed EU Constitution would expand the EU's law-making powers in over sixty policy areas, so that if it were to be ratified the EU would make an even higher percentage of our laws. Yet Bertie Ahern and Mary Harney on the one hand, and 'opposition' leaders Enda Kenny and Pat Rabbitte on the other, all support our ratifying the EU Constitution.

### **'LOVING EUROPE THE WAY IT DESERVES' – AMBASSADOR ANNE ANDERSEN**

'How do you help people to love Europe the way it deserves to be loved?' This is an area of intense interest across the EU according to Ms Anne Andersen, former head of Ireland's mission to the EU and newly appointed Irish ambassador to Paris, in an interview with Lara Marlowe of the *Irish Times* on 10 March last. 'Loving Europe in the way it deserves to be loved' are the words Ambassador Andersen used. They are very revealing of how our senior Foreign Affairs people look at the EU.

### **EU CONSTITUTION THROUGH THE BACKDOOR**

The EU summit in Brussels on June 15-16 will discuss how to revive the EU Constitution which the French and Dutch peoples voted down last year. It is now clear that the 'pause for reflection' the presidents and prime ministers announced after the French and Dutch referendums will be formally extended until after the French presidential elections in May 2007. Two different strategies are in play. One is based on maintaining the Constitution without any changes, continuing with the national ratifications and then pressuring the French and Dutch to accept the whole thing. This would be done by calling it something other than a 'constitution' and wrapping it in whatever paper the different electorates might need. The other strategy is based on the notion that the first strategy will fail. Therefore the goal is to adopt the Constitution in bits and pieces, each one without national referendums.

The Euro-elite expect the French voters to change their minds after the Presidential elections in May next year. However, the last French opinion poll indicates that 10% of last year's 'yes' voters have regretted their votes whereas only 2% of the 'no' voters have done the same. The Dutch polls

are even worse seen from the view of Constitution supporters. The Dutch Foreign Minister has stated that the Dutch will never ratify the same text again.

The existing European treaties require unanimity. Legally the proposed EU Constitution should therefore be regarded as dead until it can be formally amended. It is quite a serious matter that a cooperation based on law is in clear breach of the basic EU treaties. Continuing with the ratification process when the French and Dutch governments have not indicated how they will ratify this treaty, or whether they will ever do so, is undemocratic. How can EU presidents, prime ministers and foreign ministers expect other people to follow EU law when they don't respect the treaties themselves?

### **BERTIE SAYS 'WE HAVE AN OBLIGATION'**

'In regard to France, the Netherlands and several other countries, we have an obligation to pass the European Constitution here' said Taoiseach Bertie Ahern in the *Irish Times*, 12 April 2005.

### **1916 AND THE EU – HAVE WE REALLY GOT AN INDEPENDENT REPUBLIC?**

The Irish Republic which the men and women of 1916 set out to establish was a State that would embody 'the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies', to quote the Easter Proclamation. This is what people stood at the GPO to honour this Easter as the Irish army marched down O'Connell Street. The essential prerequisite of a Republic that 'would cherish all the children of the nation equally' was that it would be one in which the Irish people possessed 'the ownership of Ireland' and were able to exercise 'unfettered control of Irish destinies'. Republicans, including those in 'Fianna Fail - the Republican Party' say that they stand for such a State - viz. an independent, sovereign democracy in which the people make the laws through the representatives they elect to an independent parliament. Such a Republic is clearly incompatible with having two-thirds or more of its laws made overwhelmingly by non-nationals in Brussels. Having to obey laws made by others means being ruled by others. It is the opposite of a country being independent, sovereign and democratic. What role do the Irish State and the Irish people actually have in making EU laws?

We have one member out of 25 on the EU Commission, the body of nominated, non-elected officials that has the monopoly of proposing all EU laws. That is 4% influence on the Brussels Commission. We have one minister out of 25 on the EU Council of Ministers, which makes EU laws on the basis of the Commission's proposals. That is another 4% influence there. In practice, most EU laws are adopted by qualified majority vote on the Council of Ministers, where Ireland has 7 votes out of 345, that is 2% of a say, and in which it may be outvoted on most matters. In practice EU laws are mostly made by a form of 'shadow voting'. Ministers look around the table, count which countries are for or against a proposed law, in particular how the big states line up and whether a blocking minority exists. They do not press things to a vote unless they feel very strongly about an issue. This is called legislation by consensus, or showing the 'community spirit'. Formal votes are rarely taken, so countries can claim that they are rarely out-voted. It does not mean though that they are happy with the laws that are made. The European Parliament may propose amendments to draft laws of the EU Council of Ministers, but it cannot have these amendments adopted without the agreement of the Council and Commission, and it cannot itself initiate any law. The Irish state has thirteen members out of 732 in the European Parliament, that is 2% of a say, and the North has 3 MEPs.

The Irish Government is regularly fined for breaking EU laws by the EU Court of Justice - something no sovereign state anywhere in the world is subject to. Under the EU treaties it loses the right to sign trade treaties with other states, as this is done by the Brussels Commission acting for the EU as a whole. It is also legally obliged to work towards a common EU foreign and security policy

and common rules in crime and justice matters. A judgment of the EU Court of Justice in September 2005 laid down that the EU can adopt supranational criminal sanctions such as fines, imprisonment or confiscation of assets for breaches of EU law by means of majority vote. This means that Ireland and its citizens may in future be subjected to such criminal sanctions even if they had voted against them, and for matters they do not necessarily regard as crimes. Before Ireland joined the EEC in 1973, Article 15 of the Irish Constitution stated that 'the sole and exclusive power of making laws for the State is hereby vested in the Oireachtas: no other legislative authority has power to make laws for the State'. That is what a state being sovereign means. The Irish state was constitutionally sovereign then in a way it clearly is no longer. As a member of the euro-zone Ireland has surrendered control of both the rate of interest on money and its currency exchange rate, which are classical economic tools of all independent governments that seek to advance their people's welfare.

People may be happy or unhappy with having most of our laws made in Brussels, but it is clearly not 'the unfettered control of Irish destinies' proclaimed in Easter 1916. Yet the leaders of Fianna Fail, Fine Gael, Labour and the PDs desire to give the EU more power still by ratifying the proposed EU Constitution - yet they still claim to be republicans like the men and women of 1916. Clearly the implications of being an Irish republican today need some thinking over.

### **NEW AFRIKAKORPS GETS TEN IRISH MEMBERS**

Ireland is contributing ten soldiers to an EU military mission to the Congo to supervise elections in that war-torn country. Germany will be in charge, will provide 800 soldiers, and will command the mission. As the Irish contingent is less than ten, the Government does not have to get Dáil permission for this step. The mission will last four months from July.

Several dozen Irish soldiers were killed in the Congo in 1960. That was a genuine UN peace-keeping force. The current Congo enterprise is an attempt by Belgium, France and Germany to assert their economic interests in the mineral-rich country that is as big as western Europe, under the guise of EU-sponsored troops with nominal UN approval. French, Belgian and German mining interests, especially in cobalt, are threatened by the Congo civil war. Ireland is now helping the EU collectively to protect them.

According to a report in *Die Welt* (18 May) the Congolese themselves do not seem very keen on the idea of having European troops in their country. During a recent opposition demonstration in Kinshasa, protesters held up placards saying, 'Foreigners want to rule the Congo'. There is plenty of room for the rumour-mill to function since there are no officers from EU states in the Congo yet, no one knows where the troops are to be sent, and interpreters have not yet been appointed. Albrecht Conze, Deputy Director of the UN Peace Mission MONUC in Congo, says 'there are rumours in the capital that the troops will protect only Europeans if there are any incidents, or that they will support one candidate in particular'. The Congolese opposition, indeed, has attacked the international community, which is paying for 100% of the election costs, saying that they will simply support Joseph Kabila, the current President, and that the troops are there to back up this aim. It is not very difficult to guess which side Conze himself is on. 'It must be made clear', he says, 'that the EU is coming to tell bad losers to shut up and to ensure the elections'.

### **IRELAND SIGNS UP FOR EU BATTLE-GROUPS**

Another hole in the tattered garment of Irish 'neutrality' in the EU is the government decision to volunteer Irish troops for proposed EU battle-groups to go into action from 2008. 'I would prefer if they were called peace groups', says minister for defence Willie O'Dea. So the government is changing the Defence Act to permit Irish troops to train outside the country. Up to now the Act allows troops to be sent on peacekeeping missions that have been 'established' by the United

Nations. Now the Act is being changed to allow Irish troops to take part in military missions with a regional group like the EU so long as there is some UN approval for it. This signals a shift from UN to EU military missions, with endless room for fudge and misrepresentation over whether a mission really has a UN mandate or not.

### **COMMISSION PLANS EUROVISION-STYLE EVENT FOR 50th BIRTHDAY**

The EU is planning to stage a Eurovision-style song contest and organise cake-baking competitions under a public relations offensive to celebrate the 50th birthday of the EU next year. According to Reuters news agency, the celebrations are part of Brussels' drive to win the public's sympathy after French and Dutch citizens voted down the EU Constitution last year. 'We have big plans to make the EU more punter-friendly', one EU official told Reuters. The campaign begins this month with the launch of a competition to find a logo and slogan for the EU's 50th birthday. In 1957, the six founding member states of the EU established its predecessor, the European Economic Community, in the Treaty of Rome. The ultimate choice for the logo and slogan will be left to citizens in a popular vote, according to a document outlining the plans. One highlight of next year's festivities will be an EU-wide song and dance party, proposed by Belgium, modeled on the Eurovision song contest, which draws millions of spectators for an annual celebration of pop kitsch: 'We want to show the EU can dance', says the document, with live television coverage planned across the union. But new member states in particular are reportedly unhappy with the song and dance contest idea. 'They feel people are being forced to dance and sing, like they were by the communists', one EU diplomat told Reuters.

Some EU officials are also worried about the cost of the festivities, which will include an EU theme tune, a special 'European Commissioner's Day' which will give Charlie McCreevy and his colleagues a chance to dispense free drinks to large numbers of their fellow-nationals at taxpayers' expense, and cake-baking competitions on an EU theme. The plan marks a new stage in the EU's popularity offensive, kicked off last year by EU communications commissioner Margot Wallstrom's 'Plan D', which included the idea of giving celebrities fat fees to get them to act as EU 'goodwill ambassadors'. The European Commission has also recently put particular emphasis in its press briefings on issues directly affecting citizens, such as tariffs for mobile phoning abroad and a blacklist of unsafe airlines.

### **EU OFFICE FUNDS PROPAGANDA BROADCASTS**

Martin Territt is the new boss of the EU Commission office in Molesworth Street, Dublin. He has millions of euros at his disposal to try to counter growing public disenchantment with the EU and persuade us to vote to give the EU more power when the referendum on the next treaty comes around. However Mr Territt has less experience than his predecessor Peter Doyle. In March and April last the Commission office in Dublin financed daily advertisements on Newstalk 106 and local community radio stations across the country making blatant political propaganda for the EU.

Here are samples of what they said: 'Do you know that since 1973 Ireland has received over 5.5 billion euros from the European Community?'; 'Do you know that telephone calls cost less because of the EU?'; 'Do you know that there is EU legislation to ensure the food you eat is safe?' And so on. The last time the Dublin office of the Commission tried this kind of thing was in 1997 when it started disseminating propaganda on the Amsterdam Treaty coming up to the referendum on that. When Patricia McKenna MEP and others complained to Brussels, the Legal Affairs Department of the Commission advised that the actions of its Dublin office could be in breach of Irish and EU law. Mr Territt's predecessor Peter Doyle was in effect rapped over the knuckles by his superiors and the propaganda stopped.

A solicitor's letter has now gone to Mr Territt's employers in Brussels, and to the Broadcasting Commission of Ireland, complaining that the March-April advertising on Irish local radio was breaking the ban on political advertising here. Mr Territt and the EU Commission Office in Dublin have in effect been put on notice that if this kind of propagandist behaviour continues or is resumed, they are liable to find themselves before the high court and supreme court.

### WHAT 'EUROPE DAY' REALLY STANDS FOR

The political objective of establishing a supranational European Federal State has been central from the start to the various stages of the integration project: Coal and Steel Community, Economic Community, European Community, European Union. 'Europe Day' (May 9th) commemorates the Schuman Declaration on 9 May 1950, which stated frankly that the establishment of the supranational Coal and Steel Community was 'a first step in the federation of Europe' and that 'this proposal will lead to the realization of the first concrete foundation of a European federation'.

A federation is of course a particular form of state, and yet for decades the champions of integration have sworn they have no such thing in mind. They have said this as the EC/EU has steadily acquired ever more features of a supranational federation: its own laws, parliament, supreme court, currency, foreign policy, battle groups, code of fundamental rights, flag, anthem, motto and now – they hope – its own Constitution and with it real citizenship and citizens' obligations. If the EU Constitution were to be ratified, it would leave the power to levy taxes as the only major power of government still remaining at national level, and the advocates of integration clearly aspire to this in time.

The name 'European Union' today, stemming from the 1992 Maastricht Treaty, is a descriptive term for various forms of cooperation between its member states – the supranational 'Community pillar' on the one hand, where the Brussels Commission proposes the laws, and the 'intergovernmental pillars' of crime and justice and foreign policy on the other, where member states relate to one another as notionally sovereign entities. Thus, strictly speaking, there is no such thing as European Union law, for the EU is not a legal person, only European Community, or 'EC', law, for the Community does have legal personality. The proposed EU Constitution, the Treaty Establishing a Constitution for Europe, would change all that. It would equip the legally quite new European Union it would establish with real teeth, but it is hoped that people will not notice, for there would be no change of name. The Constitution would repeal the existing EC/EU treaties, would abolish their three-pillar structure and merge them into one unified system, all governed by the supranational law of what would, constitutionally and legally, be a new and fundamentally different Union from the present EU.

This new EU would be founded, like any state, upon its own Constitution. The Treaty Establishing a Constitution for Europe would therefore in effect be the 'Treaty of European Union', as it would establish the EU for the first time as a distinct legal entity with the constitutional form of a supranational federal state. A European federation would thereby be born, stretching from Ireland to the borders of Russia. It would still lack some features of a mature, fully developed federation but it would have most of them. This, after all, is how such classical federal states as 19th-century Germany, the USA, Canada and Australia developed – over a long period of time as the powers of lower units were gradually subsumed into higher.

Under the proposed EU Constitution we would no longer be just honorary or notional citizens of an EU that has no legal personality, which we are told we are at present. We would instead become real citizens of a real EU Federation and would owe it and its institutions the first duty of citizenship, which is to obey that state's laws and give the new EU now founded on its own Constitution our real loyalty and inward allegiance. The Treaty Establishing a Constitution for Europe would thus be the fulfillment of the federalist dream of the 1950 Schuman Declaration

which we are asked to honour on 'Europe Day', even though most people have no idea that this is what the Declaration being commemorated actually had in mind and would recoil in dismay if they did know.

### **WHAT IS THE ALTERNATIVE TO THE EU AS PRESENTLY CONSTITUTED?**

Opinion polls in every EU country show that people want powers that have been taken by Brussels 'repatriated' or brought back to the member states. 'Hardliner' EU-critics who would like to leave the EU or who believe the EU's lack of democracy is bound to blow it apart in time, and 'soft-liners' who think the EU can be reformed into becoming something quite different from what it is now, can unite in demanding that powers be taken back from Brussels. This is one alternative they can all agree on: to return powers to democratic states and national parliaments where laws can be made by people elected by citizens and where a country's own people can change the laws they do not like, which it is impossible for them to do in the EU. There is plenty room for argument as to what EU powers might be repatriated. For Ireland one obvious candidate would be fisheries. If Ireland did not have to share its sea-fisheries with the rest of the EU and had developed them as Norway and Iceland have done, their annual value over the years would be greater than all the money we received from Brussels since 1973.

The Laeken Declaration which established the Convention that drew up the proposed EU Constitution instructed its members to consider the possibility of returning some EU powers from Brussels to the member states. But the Convention, which was dominated by Euro federalists, totally ignored this. Instead it proposed shifting over sixty new policy areas from member states to the EU under the EU Constitution that it drafted. The Constitution does not propose that a single power should move the other way. As true believers in the intoxicating superstate-building project, those who drew up the Constitution regarded the *acquis communautaire* as sacrosanct. National powers that have been surrendered must stay surrendered for ever. EU legal aficionados call this the 'doctrine of the occupied field'. What the EU has occupied, stays occupied.

### **'THE EURO WILL COLLAPSE WITHOUT POLITICAL UNION'**

In an interview with Belgian daily *De Morgan*, 18 March, Commission president Jose Barroso's economic advisor, Professor Paul de Grauwe, argues that the euro has damaged Italy's economy and that without 'political union' in Europe, the euro will collapse in ten to twenty years. He also argues that the EU's Lisbon process, which forms the backbone of the Commission's efforts to make the EU more competitive, 'is best buried'.

Professor de Grauwe, of Leuven University, Belgium, was a strong supporter of the euro at its inception. He is author of a standard text on monetary union, *The Economics of Monetary Integration*, and writes regularly in the *Financial Times*. In this article he says 'Sometimes I wonder: do we still need the European Union? I start to have doubts about that. It is sufficient that countries open up their economy. You don't need to do that in the context of the European Union'. Asked whether the EU has added value he said, 'I'm not sure about that. Probably the Union creates a framework to keep markets open in an organised way. In that respect it has added value'. He goes on to argue that 'the euro is a bad thing for the Italian economy. I'm afraid that Spain is also evolving in the same direction. If that happens, we are stuck with a big problem'.

He says that developing a 'political union' is the only way to mitigate the problems created by the euro, saying 'A political union is the logical end-point of a currency union. But if that political union fails to materialise, then in the long term the euro area cannot continue to exist'. He says, 'Now that nobody appears to want that political union, you can begin to wonder whether monetary union was such a good idea. I hardly dare predict that, in the longer term, the monetary union will collapse. not next year, but on a time-frame of ten or twenty years. There is not a single monetary

union which survived without political union. They have all collapsed. You invariably get big shocks. A monetary union becomes very fragile without a political framework. With the exception of a Don Quixote like Guy Verhofstadt (Belgian Prime Minister and author of the book *The United States of Europe*), I see nobody who is pushing the case for a political union.' He added, 'A large free trade zone remains the only feasible option for Europe. It's an illusion that we can realise a political union in Europe in the near future. Political unification has failed. But that is a big problem for the currency union. That is in danger.' Prof. De Grauwe continued: 'Lisbon was a political fiction. The Lisbon process is best buried. The whole process, for that matter, is based on the wrong diagnosis. We have built a system of social security that gives people too many incentives not to work. They can easily interrupt their career and leave the labour market early. For many people it is financially unattractive to work. So we shouldn't be surprised that economic growth is subdued.' He remarked that productivity per hour worked in the EU is the same as in the US, but that because Europeans take more time off, growth is slower than in the US where people work more and consume more.

In another article in the *Financial Times* on 5 May de Grauwe wrote: 'The fundamental problem is a flaw in the design of the euro zone which has completely centralised monetary policy while leaving important tools of economic policies in the hands of national governments. If this flaw cannot be remedied, the euro zone will not be sustainable.'

These articles are accessible on the internet under De Grauwe, Paul. One of his web-sites 'The Euro zone: Problems and Prospects' gives a detailed analysis of the euro zone from its inception. It concludes: 'Without further political integration one can predict with great confidence that the European Monetary Union will not last'. It is clear that Professor De Grauwe does not believe that further political integration is possible in the EU because there is no popular, democratic support for it, however hard the autocrats and europhiles seek to push it. Hence his confident prediction of the euro zone's inevitable collapse. Irish politicians and pundits might take note.

## **EU FISHING POLICY LEADS TO AFRICANS' FLIGHT**

Nine EU countries have offered ships and planes to Spain to help stem the flood of West Africans prepared to risk their lives crossing in fragile wooden boats to the Canary Islands. Some 9,000 have already made it this year, while at least 1,500 have died in the attempt.

A major cause of this human disaster is one of the real scandals of our time. This is the devastation being wreaked along the west coast of Africa by hundreds of large foreign trawlers which are destroying the livelihoods and often the lives of local fishermen. Conspicuous among these are Spanish and Portuguese boats, allowed into these waters under the so-called 'Third World fisheries agreements' negotiated by the EU, for which EU taxpayers have shelled out more than £2 billion to the governments of countries like Mali, Senegal and Mauritania. Most of this money, as has been well documented, goes to a small elite of politicians and officials in these countries.

The African fishermen cannot compete. Thousands have died, simply because their tiny craft are run down by the foreign trawlers pillaging the same fishing grounds – hence their desperation to escape to Europe. This murderous and corrupt system originated with the admission to the EC of Spain, with the largest and most environmentally destructive fishing fleet in Europe. To buy off Spain's right of 'equal access' to European waters, Brussels hands over these astronomic sums to allow its fleet to destroy Third World waters instead. A shining exception is Namibia which, having shut out the European invaders, has now built up its own sustainable modern fishing industry, employing thousands of local people and worth £10 billion.

Such a ludicrous situation would never have arisen had Ireland's Taoiseach Jack Lynch and Britain's Premier Edward Heath not agreed to surrender their national fishing waters as a condition of EEC entry in 1973. The founding EEC six, having mostly exhausted their own sea fisheries, concocted the Common Fisheries Policy which would enable them to move into Ireland's and Britain's waters on the very eve of the entry negotiations.

It takes the Brussels Commission to present this human tragedy in terms of how EU countries are now co-operating to force the Africans back whence they came; in other words, as no more than another triumph for European integration.

### **'UNFETTERED CONTROL OF IRISH DESTINIES' – TWO RECENT EXAMPLES**

**NO MORE STATE AID FOR DUBLIN FIRMS:** The EU is forbidding the government to give state aid to companies setting up or expanding in Dublin and adjacent counties from 2007. State-aid for Cork-based industries is to end in 2008, while only small and medium-sized firms will qualify for state aid in the mid-west region between 2008 and 2013, when the state aid regime is to finish altogether. This mid-west region covers Kerry, Galway, Mayo, Leitrim, Sligo, Longford, Roscommon, Cava, Monaghan, Laois, Offaly and Westmeath. The new restrictions will take into account all state investment in particular companies over the years. This means that future expansion by already established companies, such as Intel in Kildare, could be affected by the EU order.

**LEGAL CHALLENGE TO SELLAFIELD BLOCKED:** The advocate general of the European Court of Justice (ECJ) stated last month that the government breached European law by pursuing its Sellafield case against the British government over nuclear pollution of the Irish Sea through international courts instead of the EU court in Luxembourg. The EU court itself usually upholds its advocate-general's view, and is especially likely to do so in a judgment that would significantly increase its own authority. The European Commission launched the case against Ireland; London welcomed the ruling, which should help Tony Blair as he seeks support for a dramatic increase in the country's nuclear power, reported the *Guardian*. Even if Ireland takes its case over Sellafield to the EU Court of Justice, its chances of winning there are slight, as that court is likely to favour the big EU states which are all committed to nuclear power.