

A different kind of YES

THE NICE TREATY

September 2002

LABOUR AND EUROPE

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Labour wants a different kind of Europe. A Europe that prioritises the interests of citizens. A Europe that is democratic and transparent. A Europe that works for peace and security on the continent and beyond. Labour believes the left must work for this goal. The nation state or a loose grouping of nation states cannot achieve all the policy goals of the modern left. We need to work at the European and international level through common and agreed institutions. Labour works actively as a member of the Socialist International and the Party of European Socialists to achieve its goals at this level. We know from this experience how crucial it is to engage at this level rather than walk away and leave the field open to the forces of the right and isolation.

It is not possible to examine the Nice treaty without looking at Ireland's overall relationship with the European Union particularly from a left perspective. Ireland has unquestionably benefited to an enormous degree from membership of the EU. When Ireland joined the EEC in 1973, our GNP was 58% of the average of the other member states. In 2001 it had risen to 112% of the EU average. The level of inward investment, structural funds and the ability to export into the single market all contributed to recent economic growth.

SOCIAL EUROPE

However we on the left are conscious of other developments. We have achieved social progress, especially in the area of equality, which would otherwise not have occurred in the prevailing culture of our own social policy framework. The welfare state is a defining feature of the EU and a distinctive part of EU policy is the commitment to providing decent social conditions for all citizens – the so-called European Social Model. A huge amount of social legislation has been adopted in Ireland due to membership. Equal pay for men and women, equal treatment in employment, vocational training and working conditions.

More recently we have seen improvements in relation to part-time work, maternity, sexual discrimination and harassment at work enhanced maternity and paternity legislation, restriction on working time, social partnership at the European level, information and consultation for workers. Along with this have been direct programmes aimed at tackling poverty and social exclusion. The EU has introduced several elements of a progressive environmental legislation. Clean water, one of the most basic human needs, owes much to EU legislation. Our habitats and areas of natural beauty have been protected by European legislation.

The Lisbon Summit (2000) set a target of 60% for female labour force participation by 2010 and women are taking up around 70% of the new jobs being created. The European Commission has also introduced a gender perspective into the planning, implementation and evaluation of all EU policies and actions. EU policies on equal opportunities for men and women are promoting long-term changes

in society, transforming parental roles, family structures, work organisation, time use and social institutions.

Creating more and better jobs was the objective set by the European Union at the Lisbon European Council in 2000. The European Employment Strategy has contributed to much-needed reforms and improved employment performance as shown in the recent evaluation of its role. Safety and health at work now forms one of the most important sectors of European social policy, an essential element in developing well being at work and enhancing the quality of employment. It was this vision of social partnership by Jacques Delors, which inspired the establishment of the partnership process in Ireland, a process that has been acknowledged as crucial to our economic growth.

WORKING FOR JOBS AND AGAINST POVERTY AND EXCLUSION

Building a more inclusive EU is now considered an essential element in achieving the 10-year strategic goal of sustainable economic growth, more and better jobs and greater social cohesion. The EU is supporting the goal of eradicating poverty and social exclusion by 2010. This process keeps pressure on member states to pursue effective measures to address disadvantage and exclusion. the EU provides a framework for efforts to enable these systems to respond to developments in the labour market, an ageing population, risks of exclusion and the need for high quality and sustainable health care. These are a matter of common concern to all member states and therefore for closer collaboration in the future at European level.

The Treaty of Nice builds on the competence of the Community to take measures to combat all discrimination based on sex, race/ethnic origin, religion, disability, age or sexual orientation. In the past this has led to EU action in the form of Directives against discrimination, legal decisions to uphold civil rights (European Court of Justice), sharing of best practice across member states, fostering networks and the work of NGOs, encouraging companies and trade unions to play their part and funding new research. The EU has set targets for 2010 in relation to employment rates for older workers and for disabled workers and in general has a rights-based approach to discrimination.

capital - a crucial point in a globalised world. We have much to gain in working with the peoples of the candidate countries to achieve the lofty, but worthy, objectives of the Lisbon Summit. Irish business, unions, voluntary sector/community groups, environmental organisations and individual citizens now have the opportunity to reach out to their counterparts in central and eastern Europe and together work for a Europe of economic prosperity, and not less, for a Europe of social justice and equal opportunity.

As in Ireland too there is a move at EU level towards increased dialogue with the organisations of civil society. It is now an accepted part of EU social inclusion and equality policy that it must be developed with the involvement of those most affected and their organisations. Irish NGOs through their active membership of their EU counterparts play an important role in helping to bring the voice of the more disadvantaged to the policy process.

We should also be aware of what we have contribute to the EU. Small states in Eastern and Central Europe see us as a role model for their own development. The other three neutral countries, Sweden, Austria and Finland saw our membership as illustrating that neutrality was possible within the EU. Labour is confident about the role Ireland can play in Europe, one disproportionate to its size.

Despite its faults the EU is the only supranational institution which exercises regulatory control over multinational

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Nice is primarily about adapting the Institutions of the EU to accommodate enlargement. The Institutions and how they relate to each other owe their existence to the original coal and steel communities of the 1950s when there were 6 member states. It is simple logic to realise that an enlargement to 25 (as proposed by the Commission) cannot be sustained by the current structures. This has been widely accepted in Europe for some time but generally avoided or put off. Continuing on the current path would mean 25 vetoes in the Council of Ministers on a range of issues thus frustrating many of Ireland's aims and objectives. It would mean a parliament of over 1,000 members where MEPs get to speak for 30 seconds.

The provisions of Nice are solely concerned with reforming the system so it can accommodate new member states who have spent years leaving under totalitarian communist systems. The reforms are in distinct areas.

Fundamental Rights and Social Protection

As the Union enlarges and deepens we need to ensure that people everywhere in Europe receive hard won social gains. Having put in place the single currency we now have to address seriously the questions of economic governance, and inevitably we must therefore seek to guarantee decent social security and social rights, across Europe. The European Charter of Fundamental Rights gives citizens some fifty basic rights relating to employment, discrimination and family life rights to education, to safe and healthy working conditions, to information and

consultation in the workplace, to rest periods and annual holidays, reconciliation of family and professional life as well as the more basic rights to be treated with the dignity and integrity due to any human being. We believe the charter should become part of the treaties. Labour strongly welcomes and commends the new article on social protection in the Nice Treaty. This will provide a legal impetus and strong basis for left wing social measures such as anti-poverty measures and workers rights.

The Commission

The treaty provides that the membership of The European Commission cannot rise above 27. The large member states lose their second commissioner if the treaty is passed. Despite the claims of ill informed campaigners, Ireland does not lose its commissioner under the provisions of Nice. It is merely agreed that to ensure the number of 27 is respected there will be rotation which shall be in the basis of strict equality amongst the member states. Such a scheme will be agreed unanimously. Nice was a compromise on this issue. Many states wanted to make the commission much smaller. Voting Yes will ensure this compromise holds and does not unravel in favour of larger states as some in the EU would wish

The European Parliament

Similarly the numbers in the European Parliament are been capped at 726. All current member states will thus have less MEPs. Ireland will have 12 rather than 15 but still be well over represented in terms of population. The PES group in the parliament of which Labour is a member is the second biggest and the most cohesive. Progress on social Europe and the issues that labour is concerned with

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will depend on the sizes of the groups in the parliament not the strengths of the countries delegations.

The Council of Ministers

The voting system is somewhat complicated in the Council of Ministers consisting of a mixture of qualified majority voting and unanimity. Small states have always been over represented under this system. Each successive enlargement has brought in more small states and the proposed eastern enlargement is no exception (9 small 1 large). If the system remained the same countries representing a minority of Europe's population could have exercised a qualified majority. Thus votes are re-weighted to ensure that a qualified majority continues to represent approximately 73% of the population and must also represent a majority of member states. The areas that qualified majority voting applies to are also extended.

The reality is that the bulk of decisions are taken by consensus in the council of ministers. The big and the small have not historically lined up against each other. The reweighting of votes maintains the same threshold for a qualified majority. Despite reductions Ireland and others maintain representation well beyond their population. There are three specific safeguards built in to the voting weights. Thus Nice is a very good deal for small member states.

If we wish to have a more democratic Europe we must ensure that the respective populations of large states are reflected in decision making. It would be unrealistic to expect large states with a majority of the EU population allow themselves to be outvoted by small states representing a minority of the EU population.

Enhanced Co-operation

Enhanced co-operation is nothing new in the EU. Flexibility and different levels of engagement have arisen in many areas i.e. when the UK was opposed to many social policy initiatives, the Euro and passports as in the Schengen agreement. Amsterdam similarly provided for enhanced co-operation. Nice provides for a more detailed system and lays out safeguards in term of areas where it cannot apply (defence, treaty changes, the single market, competition and fundamental principals of the EU) Irish governments have generally supported enhanced co-operation as it provides flexibility in the EU for example to proceed at a quicker pace or indeed for us to opt out as we may wish to do on some very sensitive areas in the future. Any country opting out is free to join up at a later date.

OTHER MATTERS

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Some other matters which are not contained in the Nice treat have been associated with the referendum so it is necessary to comment on them.

Security and Defence

There is practically no substantial mention of Security and Defence in the treaty, yet it has featured to a large degree in discussions. Nice merely provides for the severing of any mention of the WEU in the treaties, which No campaigners sought for years but now oddly cannot bring themselves to welcome. The treaty provides a legal basis for the political and security committee which involves democratic scrutiny in these areas. The treaty re-affirms that the EU foreign and security affairs should conform with the principals of the UN charter.

The European Rapid Reaction Force

The European Rapid Reaction Force was established under the Treaty of Amsterdam which was accepted in a referendum by the Irish people. It was raised quite spuriously in the last Nice campaign but there is no harm in examining its overall role. The ERRF was specifically designed following from the ethnic cleansing and massacres in the former Yugoslavia to ensure that the EU would have the capacity to carry out a range of tasks related to peace keeping and humanitarian work which would have made a huge difference to thousands of peoples lives in that region. The Petersberg Tasks which govern the operation of the ERRF reflect Irish foreign policy values. Participation remains voluntary, subject to a UN Mandate and the assent of the Dail. The ERRF is an overdue and valuable development for the EU. The Labour

Party conference has overwhelmingly accepted Ireland's participation in the ERRF under a UN mandate.

Developments Since the Last Referendum

Labour believed that the last referendum was rushed and sufficient debate was not allowed for. Previous to the last referendum we proposed a National Forum on Europe. This call was effectively ignored until after the No vote. Labour however has participated fully in the forum and welcomes it's deliberations. Labour's election manifesto set out the parties position on how the government should proceed in this area. Specifically we called for a neutrality clause in the constitution and improved procedures for scrutiny of EU legislation by the Oireachtas as laid down in our European Union Bill. The Government has gone a long way towards addressing these issues.

Seville Declarations

The Seville Declarations make it clear that there is no European Army and no plans for one. The declaration approach is the same format that was used for the Danish after the no vote to Maastricht. The protocols Denmark received were to the subsequent treaty (Amsterdam). Labour supports a protocol to a future treaty in this area. The wording added to the constitutional amendment is very significant in that it legally guarantees that the state cannot enter a European defence alliance without the people been consulted. Only a yes vote ensures that this must happen. Leaving this decision in the hands of the Irish people is stronger than any protocol to the treaties.

A Second Referendum

We vote to amend our constitution to accept EU treaties. The sole power to

accept or reject an amendment lies with the people. The right to propose such an amendment lies solely with the Oireachtas. We believe the people should be allowed a second vote due to the importance of the issue. The wording of this referendum has been changed to ensure a further referendum will be needed if the country is to agree to a common defence. This was due to Labour party pressure and lobbying. This is the first time any distinctive position on security policy is mentioned in the Constitution. Only a yes vote will ensure the people are consulted on this matter unlike on PfP when Fianna Fail deceived people and broke their election promise to have a referendum. Labour worked hard to get this and other compromises yet they are still not enough for the no side.

most benign forecast from a second no vote would be a long delay in enlargement which might offer an opportunity to large countries to re-assert their agenda.

Enlargement without Nice?

The Nice Treaty is designed to facilitate enlargement and to reform the institutions so that a larger EU will work effectively. A No Vote would throw the enlargement process into doubt. The Amsterdam Treaty envisages that a conference to consider reform of EU institutions would be required before more than 5 new member states could join. This conference resulted in the proposals contained in the Nice Treaty, which consequently contains the agreed basis on which enlargement would take place. While it is legally possible to enlarge through individual accession treaties without Nice, this ignores the political reality that enlargement should occur on the basis of the Nice reforms.

There is no certainty that enlargement without Nice could be accomplished easily or at all. It is ironic that the no side object to the changes in voting weights and then call for them to be incorporated in bilateral treaties. The

CONCLUSIONS

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The Labour Manifesto made it clear that the party would only agree to a further referendum on Nice if there were several improvements in how we relate to Europe in terms of amending our constitution relation to security and defence matters, improving accountability and transparency on European legislation. We also lobbied for the establishment of the National Forum on Europe which has influenced the outcome of European affairs. Many of the demands we made of the government have been met. Labour supported a yes vote in the last treaty. We will not change our fundamental view on the only agreed basis for enlargement particularly when so much of our agenda has been taken on board. Labour is a pro-European party and part of one of the most powerful political families in Europe and the world. We stand by what we believe is right and stand by our beliefs rather than indulge in populist posturing. We call for a Yes vote and a robust campaign under the following areas.

- ***A Yes Vote protects neutrality.*** Giving the people control over defence policy prevents the government bouncing us into a common defence as happened with PFP. The people are the best judges of any changes in this area.
- ***A Yes Vote continues progress on equality for men and women, workers rights and a clean environment.*** The new article on social protection in the treaty gives a lead to social provisions. The Charter of Fundamental Rights provides for basic rights for all European citizens.
- ***A Yes Vote is good for small states.*** Large states will lose their 2nd commissioner straight away. Ireland continues to be represented beyond its population. Many countries want to try and undo the compromises of Nice in this area, a Yes vote ensures this will not happen.
- ***A Yes Vote accepts the only agreed basis for enlargement.*** Being in favour of enlargement entails having an actual way of achieving it which is agreed by all concerned. Nice has been negotiated, it involves a number of compromises. All other small states have welcomed it as have all candidate countries. Nice is about enlargement, no more, no less.
- ***A Yes Vote is for the candidate countries not the Government.*** It is now clear that the current government deceived the electorate in the last election campaign. Ordinary people are now being faced with cuts and increased charges. Labour understands the anger people have towards the government but calls on people to take this out on the government and not the countries of Eastern Europe who have worked so hard to prepare for joining the EU by 2004.

