

IRELAND DESERVES BETTER

TÁ FEABHAS TUILLTE AGAINN

VOTE **NO!**
to Lisbon Treaty

An alternative guide
to the Lisbon Treaty



Sinn Féin

www.no2lisbon.ie



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FOREWORD

Sinn Féin believes Ireland's place is in Europe. Co-operation with our European partners is valuable and must continue. Sinn Féin has supported EU measures that are in Ireland's interests in relation to Irish agriculture, the environment and equality. We welcome EU support for the peace process in Ireland and for the development of infrastructure. However, not everything has been good and this Treaty is a step too far and is a bad deal for Ireland.

Contrary to what the government has claimed no matter how people vote in the referendum Ireland's place in the EU will be secure.

You can support the EU and be against the Lisbon Treaty. You can support the EU and still want to see democracy and accountability. You can support the EU and still believe that our government should use their position positively and not go along with what suits the larger countries.

The Lisbon Treaty referendum will have huge consequences for this country and it is important that there is a mature debate. In January the National Forum on Europe produced a summary guide to the Lisbon Treaty. Unfortunately despite detailed discussions with them we felt that the final document was biased and so have produced our own an alternative guide to the Lisbon Treaty.

I want to commend the National Forum on Europe for their work and for agreeing to circulate this alternative guide to the Lisbon Treaty alongside their own document. I would encourage as many people as possible to read the Lisbon Treaty which can be accessed at www.no2lisbon.ie

Is mise,

Mary Lou McDonald MEP

BACKGROUND TO THE TREATY

In 2005 the people of the Netherlands and France rejected the EU Constitution. EU leaders were sent back to the drawing board and in December, following a 'period of reflection' they signed off on the Lisbon Treaty. However there is no substantial difference between the Constitution and the Lisbon Treaty.

EU leaders have jettisoned the term Constitution, there will be no mention of an EU flag or anthem, the EU Foreign Affairs Minister will now be called the "High Representative of the Union for Foreign Affairs and Security Policy" and they have replaced the term laws with the term directives. They have brought back the EU Constitution in all but name but this time the only state to have a referendum is this one.

Angela Merkel German Chancellor and primary mover and shaker in breathing life back into the new Treaty during her EU Presidency stated "The substance of the constitution is preserved. That is a fact." It is an open secret that the cosmetic changes made to the constitution were motivated by a desire to avoid referendums in member states. Giuliano Amato, former Italian Prime Minister and Vice-Chair of the Convention which drew up the EU Constitution observed that "The good thing about not calling it a Constitution is that no one can ask for a referendum on it."

The simplification and consolidation of existing EU Treaties is necessary but the treaty being put before the Irish people does far more than that. That is why Sinn Féin will be opposing the Lisbon Treaty in the upcoming referendum.

SUMMARY GUIDE

Introduction and key points of the Treaty

The Lisbon Treaty is a bad deal for Ireland. It gives the EU too much power and reduces our ability to stop decisions that are not in Ireland's interests. It cuts our voting strength on the Council of Ministers by more than half and ends our automatic right to a Commissioner. It erodes neutrality. It allows the EU to act in the international arena in the same way as a state and to form a diplomatic corps. It seriously undermines workers rights and public services and is bad for the developing world. Ireland deserves better.

Key Points

1. It puts at risk our automatic right to a referendum on future changes to existing treaties.
2. It gives the EU too much power and reduces our ability to stop decisions that are not in Ireland's interests.
3. It gives 105 additional powers to the EU on issues such as international relations, security, trade and economic policy. And in more than 60 of these areas we will lose our right to stop laws not in our national interest.
4. It creates an EU Foreign Minister and common defence and foreign policies, and allows the EU to act on the international stage in the same way as a state and to speak on our behalf.
5. It erodes neutrality by drawing us into a common defence and obliging us to increase military spending.
6. It cuts our voting strength on the Council of Ministers by more than half.
7. It ends our automatic right to a Commissioner.
8. It seriously undermines workers rights and public services.
9. It mandates the EU to promote nuclear energy.
10. It undermines the EU's commitment to tackling global poverty and inequality.

EU INSTITUTIONS AND DECISION MAKING

The Lisbon Treaty contains the most substantial institutional and procedural changes to the structure and operation of the European Union since its foundation. The Treaty also contains a substantial transfer of powers from member states to the European Council and Commission to date. Despite claims of making the EU more democratic and efficient the Lisbon Treaty will move political power further away from ordinary citizens offering only cosmetic increases in powers to Parliaments in member states and the European Parliament in return.

The EU will be able to act like a state

The EU will be able to act in the international arena in the same way as a state; it will be entitled to seek a seat at the United Nations; to incorporate existing international treaties and law into its own law; to negotiate treaties and trade agreements directly with other states; to form a diplomatic corps; and through the new posts of President of the EU and High Representative for Foreign Affairs and Security Policy to speak on the international stage on behalf of all 27 member states.

Loss of power

The Lisbon Treaty changes the already complicated way in which votes are cast at the Council of Ministers. The outcome is that this state's voting strength will be reduced by more than 50% and at the same time the threshold for passing decisions is also significantly lowered. The Treaty also removes member states right to a European Commissioner for 5 out of every 15 years leaving us without a voice when critical decisions are taken. This is very significant because the Lisbon Treaty involves the loss of an Irish place at the Commission table and a weakened voting strength at the Council of Ministers at a time when the EU assumes a broader and more ambitious policy remit. This could have serious consequences for Ireland in many sensitive areas of policy, including taxation.

Supporters of the Treaty claim that vetoes are unimportant and are never used. This is a false argument as the Austrians discovered. In 1999 Austria invoked a national ban on the importation and production of genetically modified maize. The European Commission attempted to challenge the ban on the basis of an existing Directive. In 2006 the Commission sought to overturn the ban on

importation only. At the Environmental Council meeting in December last year Austria sought to defend their position, but lost a Qualified Majority Vote and now faces the prospect of having the import ban lifted by the European Commission.

The Treaty will give the EU institutions 105 additional powers across a wide range of areas. It will remove vetoes in 68 of these areas, preventing the Irish government from blocking laws that are not in Ireland's interests. This could have serious consequences in the future.

Article 48 of the Lisbon Treaty gives the EU powers to amend its own treaties, without recourse to an intergovernmental conference or a new Treaty. This is something which would give the Commission and Council significant scope to acquire more powers in the future. Article 48 also provides for a shift from unanimity to Qualified Majority Voting in a broad range of areas. Vetoes in policy areas can be conceded without reference to the people. Claims that the Irish tax system will not be interfered with by the EU because of current requirements for unanimity, must be squared with the fact that the Lisbon Treaty specifically allows for the removal of these same vetoes.

EU Parliament

While parliaments in member states are to be given some new powers these are very limited and are totally insignificant in comparison with the powers transferred to the European Council and Commission. While the European Parliament will have co-decision in a greater number of areas, it will not have the power to initiate legislation. This is a complicated and lengthy procedure of bargaining between the European Parliament and the Commission and Council. It is unlikely to have any serious impact.

Parliaments in member states

Parliaments in member states are to be given two new mechanisms for monitoring proposed EU laws. Parliaments may object to a proposal if it breaks 'subsidiarity' ie if the EU is acting beyond its treaty remit. In what is known as the 'yellow card' procedure, if one third of parliaments in member states object to a proposal the Commission is obliged to reconsider it. However the Commission does not have to withdraw the proposal and parliaments in member states have no way to amend it.

The second procedure requires a majority of parliaments in member states to object to a legislative proposal on the grounds that it contravenes the principle of subsidiarity. In such a case, the proposal will only be withdrawn if the European Parliament or the Council agree with the member states. These new powers for member state parliaments are minimal oversight powers, nothing more.

Citizens Initiative

If one million signatures are collected across a number of member states the European Commission is obliged to examine a proposal. However it is not legally bound to do anything other than consider the proposal making the Citizens Initiative a very weak tool. It is a gesture to participative democracy – nothing more.

Undermining neutrality

This state's neutrality is being systematically eroded through the use of Irish taxpayers money to support the European Defence Agency, our involvement in the Rapid Reaction Force, Partnership for Peace and the EU Battle Groups and the use of Shannon airport by US troops on their way to war in Iraq.

There is not one mention of the word neutrality in the Lisbon Treaty and no direct acknowledgement of the neutral member states of which this state is one. This is in marked contrast to the references to NATO obligations and NATO compatibility. While there is a reference to the "specific character of the security and defence policy of certain member states", this is not the same as neutrality and provides little protection. The failure of the Irish government to seek a specific reference to neutrality is very worrying.

The Triple Lock, whereby military interventions abroad require a UN authorisation and the consent of the government and Leinster House doesn't prevent our involvement in an EU common foreign and security policy, doesn't prevent the creation of a Minister for Foreign Affairs who can speak of all EU member states or the establishment of an EU diplomatic corps.

It doesn't prevent Irish taxpayers money being used for EU defence purposes. There are three specific clauses in Article 28 which will result in more Irish taxpayers money being spent on Irish and EU military capabilities. Unlike other member states the Irish government did not seek or secure an opt out in relation

to any of these clauses. The Danish government secured an opt-out from the EU Defence Agency.

The Lisbon Treaty also allows for the creation of mini alliances [structured co-operation] within the EU - states with a more extensive military capacity taking on the more difficult tasks. And this would be done with this states 'approval'. And under the Lisbon Treaty these tasks would now include: 'joint disarmament operations, military advice and assistance tasks and post-conflict stabilisation'.

PUBLIC SERVICES

The European Commission has consistently pursued a policy of market-opening to create competition in various sectors such as transport and telecommunications, the consequences of which can be seen with the privatisation of Aer Lingus and Eircom. And now health services and postal services are firmly in their sights.

The EU does not refer to public services but Services of General Economic Interest and Services of General Interest. At present there is no definition of Services of General Interest or Services of General Economic interest. However current EU case law defines economic activity as the offering of any goods or services on the market. By this definition all current public services would fit into the Services of General Economic Interest rather than Services of General Interest.

Article 16(b) of the Lisbon Treaty places new “economic and financial conditions” on the provision of Services of General Economic Interest. These conditions mean that services, including health care and education for example, would be subject to the rules of competition. The Protocol on the Internal Market & Competition of Treaty mandates the EU to ensure that “competition is not distorted”. This provides the EU with a mandate to remove “distortions” from the provision of services. Such “distortions” could include state aid, public funding, protective markets, health, environmental and workers rights regulations and state “monopolies”. Combined, this complex procedure allows for the complete undermining of the welfare state and the European Social Model. In its place it promotes liberalisation, deregulation and privatisation.

ADDITIONAL ISSUES

Euratom

The Lisbon Treaty endorses the Euratom Treaty, which supports nuclear power. Protocol 2 on the European Atomic Energy Community states that “the European Atomic Energy Community should continue to have full legal effect”. It is estimated that the Irish government currently spends approximately €8million a year in support of Euratom. No effort was made by the Irish Government in the discussions on the Lisbon Treaty to get an opt-out or to see it withdrawn from the Treaty entirely.

Climate Change

The Irish government has made great play of its “success” in having climate change introduced into the Treaty. However, this “addition” amounts to a mere 6 words that do not empower the EU to do anything it could not currently do under existing Treaty provisions. The relevant article states, “promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.” Indeed the current EU Climate Change package is based on the existing provisions. Considering the urgency of the climate change crisis, the fact the Irish government could only secure these six words, and nothing additional to the existing provisions, is an indication of the lack of seriousness in regard to this issue.

Developing World

The Lisbon Treaty will actively undermine the EU’s stated objective of tackling developing world poverty and global inequality. By giving additional powers to the European Commission to negotiate and conclude international trade agreements, and seeking to remove all barriers to international trade, the EU will be pursuing an aggressive trade agenda irrespective of its impact on the world’s poorest countries.