



A CAMPAIGN OF THE CIVIL SOCIETY
CONTACT GROUP

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EDITORIAL

Dear Friends

The IGC is about to start and we wanted to give you a quick update on timing. Thank you for responding so quickly and numerous to our campaign call for the 4th October.

Can I please remind you all of the coordination event next Tuesday, 7 October, at which we will share information with national NGOs and plan the joint strategy. Anne van Lancker has confirmed her participation, which will also give us a good opportunity to discuss joint work with the EP.

The toolkit has now been translated into Spanish and French, you can find both versions on our webpage today. The German version will be finished next week. We have updated the information in the contact lists according to feedback we have received from NGOs at national level.

At the end of this bulletin you can find information on a campaign of the human rights sector and a campaign on equality in civil dialogue in which we encourage you to

participate. A call for participation in a special action list around Euratom has been sent around separately and is attached once more here.

Good luck for all your campaigns!
Nicolas Beger
Coordinator
Civil Society Contact Group/act4europe campaign

IGC

By Ike Picone and Nico Beger

The Italian Presidency finally issued some information regarding the methods and calendar of the IGC. A provisional programme has been drawn. The most important elements are the opening of the debate, transparency of discussion and effective results.

Important dates are:

4 October: opening of the IGC: creation of the legislative council, the rotation of the Presidency of the Council and the status and role of the European Foreign Minister, Defence Policy

17 and 28 October: General Affairs Council: composition of the Commission, qualified majority, Defence Policy

18 November: General Affairs Council: qualified majority, Foreign Minister, ratification procedures

28 and 29 November: Conclave of the Foreign Affairs Ministers in Rome: preparation of the complete package for the European Summit

12 and 13 December: conclude the conference on the occasion of the European Council

June 2004: have new Constitutional Treaty available to public before the European parliament elections in June and the ratification of it the same day, so countries that need a referendum can hold it at the same time as the elections.

The IGC will take place at ministerial level and any expert groups set up will not filter their opinion upwards. What remains entirely unclear is whether and when Part III will be debated at all and what the precise scope of the technical groups is, both of which are questions NGOs are interested in (if we find out more, we will let you know).

The Presidency is leaving it up to the Heads of State and Government to raise the most controversial issues such as the composition of the Commission and the modalities for qualified majority voting. Any issue can be raised but it is their responsibility to make sure the Constitution will be finalized in time. Italy also proposes to use a "constructive defence" method for any modifications to the draft under discussion.

The 25 Ministers decided that two observers would represent the European Parliament during the General Affairs Council meetings on the IGC (Foreign Ministers). The European Parliament will send Klaus Haensch, a member of the Socialist Group. The

European People's Party will send Inigo Mendez de Vigo and Elmar Brok, as his assistant, since the group could not agree on one representative. EP President Pat Cox will be at the inaugural summit on October 4. Invitations to later Council meetings (Heads of States) will be evaluated "from one event to the next".

Romano Prodi will represent the Commission in the Council, accompanied by Regional Policies Commissioner Michel Barnier, who also will participate in Foreign Minister sessions, together with Justice and Home Affairs Commissioner Antonio Vitorino.

OPINION OF THE COMMISSION AND THE EP

By Ike Picone

You can find the full Commission and EP document on the [act4europe](http://act4europe.com) web site.

Short Summary of the opinion of the Commission on the IGC

First of all the Commission emphasises that the IGC is not there to discuss all the questions the Convention has already looked at in detail and on which it has reached a consensus. That would disturb the overall balance built into the draft Constitution. The IGC should improve, clarify and finalise it.

One of the main concerns of the Commission is the proposed revision of its composition. The Convention argued for a structure in two parts: an inner core of fifteen "European" Commissioners with voting rights and an outer circle of Commissioners from the other Countries. A system of such "first-class" and "second-class" Commissioners would destroy the institution's collegial nature.

A second point that has to be analysed according to the Commission is the further restriction of the areas that still need a unanimity vote. A more precise description of the remit of EU actions could reassure those concerned about dropping the national veto. The Commission takes the view that for some legal bases, including combating discrimination and signing up to the European Convention on human rights, immediate transition to qualified majority must be made.

Further on, a more flexible way to revise the policy part of the Constitution should be defined. The Union must not become a stone monument that is not able to react to changing circumstances. That is why the Commission proposes that the European Council should be able to amend part III of the Constitution by a 5/6 majority, following the European Parliament's approval and the Commission's favourable opinion. This will especially be important since the Convention did not have the time to revise part III of the Draft and surely the IGC will not be able to do a detailed analysis of it either.

It is also important that the IGC examines the other primary law texts of the Union that the draft Constitution is about to replace.

Part III as a whole seems to be a bit of a problem area according to the Commission. A lot of provisions on policies date back to the 1957 Treaty of Rome and are long overcome by the reality of current policies. Not even the concept of sustainable development for example, being highlighted by the Convention as one of the Union's

aims, does appear in the provisions on environmental policy. By contrast, the draft Constitution contains a number of provisions, which are obsolete or irrelevant. Therefore the IGC should simplify and update the provisions on policy. Consistency will have to be the key issue while dealing with these upgrades, sustainable development the main scope.

The Commission also decided common safety concerns in public health matters and research should be areas of shared competence.

Finally, the Convention left the legal personality of the Euratom Treaty outside the Union. It failed, however, to make the amendments to Euratom or to clarify the role of a European Community that remains outside the Constitution. Hence, the legal framework of the Euratom Treaty remains incomplete and needs to be clarified.

Short Summary on the European Parliament's resolution on the IGC

September 24 the European Parliament at its plenary session adopted a resolution that called on the IGC to approve the draft Constitutional Treaty proposed by the convention without substantial amendments and not to alter 'its basic balance while aiming at reinforcing its coherence', even if not all demands in respect of democracy, transparency and efficiency in the European Union were met.

The most important general outcome of the Parliament's vote is that the MEP's support the Italian Presidency's intention to stick closely to the IGC timetable as set out in the last IGC so the new treaty can be signed by the 25 member states on 9 May 2004.

Points welcomed by the EP concerning us are:

- The inclusion of the Charter of Fundamental Rights,
- The wider use of the co-decision procedure and of qualified majority voting,
- The introduction of the citizen's right of legislative initiative and the increased participation,
- The fact that the Draft Constitution should be continuously evaluated on the basis of criteria like peace, democracy, freedom, equality, linguistic and cultural diversity, social justice, solidarity, the rights of minorities and cohesion, all values that go beyond a common market,
- Welcomes the Italian Presidency's assurance that that Parliament will be closely and continuously involved in the IGC

The EP refers to the following shortcomings:

- Economic and social cohesion policy lacks in-depth analysis,
- The continuation of unanimous voting in certain areas of social policy
- An amendment proposed aiming to recognise the Judeo-Christian values in the Constitution was rejected
- Revision of the Euratom Treaty in order to eliminate legal inconsistencies with the Constitution

Further on the EP hopes that the IGC will adopt the 'Convention method', one of open discussions in which representatives of the European Parliament and national parliaments played a central role, instead of the intergovernmental one.

ACT4EUROPE

Campaign coordination event 7 October 2003

We want to remind you that the Civil Society Contact Group and the act4europe campaign invite you to an important strategy meeting to coordinate European and national NGO sectors for a joint campaign around the IGC. Much of the strategy meeting in June has been implemented and this will be the occasion to share information from national and European level and design the joint way ahead.

Draft Programme:

13:30 Welcome by the Chair of the Civil Society Contact Group
13:40 Anne van Lancker, MEP, ex Convention member, report and discussion
14:30 Brief summary of IGC and act4europe actions
15:00 The NGO sectors' demands and strategy
15:30 Coffee Break
16:00 National campaigns and experiences
17:00 Strategy Session
18:00 End

Venue: Chambre Française de Commerce et d'Industrie de Belgique
Artemis Square, 8, avenue des Arts, B-1210 Bruxelles

Registration: Please send e-mail to portable@socialplatform.org.

SECTORS AND OTHER CAMPAIGNS

Human Rights Sector issued joint statement

A joint commission and press release by human rights NGOs was issued this week. The signatories are AMNESTY INTERNATIONAL, ECRE (European Council on Refugees and Exiles), CIMADE (Service oecumenique d'entraide), FINNISH JURISTS FOR HUMAN RIGHTS, ILPA (Immigration Law Practitioners' Association), JURA HOMINIS (Italian section of International Commission of Jurists), JUSTICE, NJCM (Dutch section of International Commission of Jurists) STATEWATCH, OMCT Europe (World Organisation Against Torture), OPEN SOCIETY INSTITUTE.

In their paper, the NGOs are calling for the IGC to press for full observance of fundamental rights and to give substantive consideration to shortcomings in Part III of the draft Constitution, relating to policies on immigration, asylum, judicial cooperation in criminal matters and policing. They say that without detailed clarification, some provisions in the new Constitution may be open to misuse and risk lowering existing human rights standards. As the Convention was given limited time and competence to consider these policy areas they press the IGC to revisit specific areas of concern in Part III (Chapter IV) on an area of freedom, security and justice.

You can find the full text of the submission and the press release on the web site of Amnesty International (www.amnesty-eu.org), Statewatch (www.statewatch.org) and Justice (www.justice.org.uk).

Euratom? Campaign List created

Friends of the Earth Europe invite all those interested to participate in their newsletter list on Euratom. EURATOM? is a new newsletter that will examine developing EU nuclear issues, particularly the pro-nuclear 1957 Euratom Treaty and its effects. EURATOM? supports the European civil society campaign calling for the end of the Euratom Treaty within the debate about the new EU 'constitution'. European citizens should not be forced to live by an effective pro-nuclear constitution. EU bodies should act on energy matters only the basis of primary law that is neutral unbiased and democratic. EURATOM? will also cover actions under the Euratom treaty, so long as it remains in force. This includes financing new nuclear projects; requiring the building of unsafe nuclear dumps; nuclear fusion research; and being used to justify huge market-distorting subsidies to nuclear generators, for example British Energy plc in the UK. To subscribe, send a blank message mailto:euratom_newsletter-subscribe@topica.com. Your email will not be used for any other purpose, and you need not disclose any other info. For more info on this and related issues, see: <http://www.foeeurope.org/>.

NGO campaign for equal civil dialogue: deletion of art 51 on privileged dialogue with the Churches

Text based on the campaign call issued

During the Convention a large NGO campaign with dozens of NGOs supported called for the deletion of art. 51, which gives Churches and other religious organisations a privileged dialogue. The President of the Convention, Valéry Giscard D'Estaing, did not present this article for discussion and the request was not examined during the Convention. The initiators of the campaign now call on all those who participated before (and those who want to join fresh), to write to their Foreign Minister.

The campaign is based on the belief in the neutrality of the institutions. Article 51 calls for religions to be guaranteed regular contacts with the European Institutions. There is no reason to provide religions (and other non-confessional organisations who never requested it!) a specific and privileged status which is distinct from the relationship suggested for all organisations representing civil society as established in article 46 of the draft Constitution. The separation of Church and State is a cornerstone of European democracy. The neutrality of the State with regard to spiritual beliefs and commitments is the only guarantee of religious freedom and freedom of thought. No religion or religious group should be able to impose upon the whole of society its own conceptions of social life and organisation.

The primary objective expressed by representatives of Christian religions is the recognition that religion is a part of political discussion. In this respect, Churches have requested the establishment of a pre-legislative consultation procedure by means of regular dialogue seminars with the advisors to the President of the Commission. They further suggest holding working sessions on specific issues in draft legislation as well as presidential-level meetings between the President of the Commission and high-level representatives of the Churches. Finally, to achieve the above, these same Christian representatives would seek to establish a small liaison office within the services of the European Commission.

What is at stake? The positions of many religions on abortion, voluntary euthanasia, divorce, family, biomedical research (embryonic, human stem cell....), equality between women and men, same-sex partnerships, contraception... are all well known. While these religions have every right to set their own expectations for the behaviour of their members, it is not acceptable that they should impose these on all people within the framework of a privileged dialogue with the European Institutions.

For further information and a copy of the sample letter contact Elfriede Harth
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