

BULLETIN 22
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EDITORIAL

CIVIL SOCIETY CONTACT GROUP

- [Meeting with the Irish Permanent Representative](#)

NEWS ON IGC

- [The Irish Presidency's meetings with Member States](#)
- [Informal meetings and working lunches](#)
- [Barnier, Dehaene and Amato at the European Parliament](#)

EDITORIAL

Dear Friends,

The Irish Presidency is indeed very active in their bilateral talks about rescuing the Constitution and re-convening the IGC. The Irish Prime Minister Bertie Ahern announces his hope every day to conclude as soon as possible, but none of the "difficult" governments have yet backtracked from the backlog they produced.

As was to be expected, these crucial consultations about a Constitution for people in 25 European countries have currently nothing to do with people and are held entirely behind closed doors. The Irish Presidency only has a mandate to produce a report about governments' positions for the Spring Summit in March and will only recommend reconvening the IGC if it looks very probable that there will be compromise on the 12 to 20 points of disagreement.

Some of the open points are public knowledge, but what exactly that list contains is not known. The Civil Society Contact Group has now succeeded in holding a meeting with the Irish Permanent Representative to inquire about the most crucial points of interest for environment, social, development and

human rights. We have also listened closely to Commissioner Barnier's, Dehaene' and Amato's recent opinion at the EP. The overall situation is less than clear, not only to us, but also to the Commission and almost all national governments themselves.

However, from the information we were able to gather there is another window of opportunities now for lobbying at national level to assure some progress and safeguarding our gains, which are on the table again. We encourage you to pick up activity again, writing to your Ministers and MPs involved and pressing for another meeting on safeguarding your concerns. We attempt to give you as much of an overview as we can over the issues that could still be worked on. The NGO sectors will start lobbying on their specific concerns again and act4europe calls to participate in their actions and campaign calls. Please do not hesitate to contact us if you need precise information or help with lobby letters and demands.

We hope to be able to publish the next act4europe toolkit on the upcoming EP elections by the end of February. It will contain explanatory material on the European Parliament, its committees, its seats, and its role for NGO dialogue, as well as a lobbying guide and a guide to the main concerns of the 4 NGO sectors. The second part contains a list of contact details for all parties in the 25 countries and links to their programs. If you need information on any of these areas before we can publish the final toolkit, please contact us.

Good luck with your campaigns

Nicolas Beger
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Civil Society Contact Group

Meeting with the Irish Permanent Representative, civil society left to guess what remains on the table of the suspended IGC

On Friday 13 February, the four NGO sectors of the Civil Society Contact Group had the opportunity to finally meet with Ann Anderson, the Irish Permanent Representative to the EU. During this exceptionally open and engaged meeting, the NGO sectors each highlighted two or three central concerns of rights and value based civil society to which Ms Anderson responded openly and to the best of her knowledge. One of the aims was to find out as much as possible which one of our concerns is still on the table or threatened to be taken out again, since the infamous 20 open points are not made public (and will not be made public by the Irish Presidency).

Ms Anderson expressed her understanding of the frustration of civil society about the non-transparent nature of the current negotiations about a Constitution for everybody in Europe. Yet, she explained again the very limited mandate of the Irish Presidency to prepare a report about the feasibility of re-convening. The Presidency will only recommend re-convening the IGC if success is very probable, since another failure would be a disaster for the European project. There is little scope for the Irish Presidency at this point to engage in civil dialogue, but she is willing to consider helping to set up another round of civil dialogue after the spring summit, should the Presidency recommend re-convening the IGC.

Ms Anderson emphasized again the confusion of many governments after the failure of the IGC in December about what precisely was agreement and what was not. As we could already gather from the press in several countries, many governments believed they had secured certain concerns to then find out there was no document that set out the agreements. This has now created uncertainty as to whether there is anything definite beyond the Convention draft on which negotiation is based, i.e. the gains NGOs have made during the IGC are all insecure again. The UK, for example, has already backtracked from things we hoped were secure in a recent 4 page letter to the Civil Society Contact Group. Thus, all governments have to be our target for enforced lobbying on at least those points that are still on the table.

Here is a rough outline of the issues we raised and the response we got:

- Horizontal social clause in Part III: genuinely open again, on the table, and in danger.
- QMV anti-discrimination: it was not entirely clear whether this was really on the table, but it was mentioned alongside the social clause, but with little chance of success.
- Equality between women and men in the values: there are still differences of opinion on the need to spell it out specifically, it is thus still on the table but less controversial than the social clause
- Part III Common Agricultural Policy outdated language: there was no specific response to this question, but an emphasis that there was no intention to take the time now and actually work substantially on Part III. Nothing beyond the 20 or so points would be debated now at all.
- Euratom sun-set clause: yes, Euratom is on the table and still an open question. There was no indication about what point discussions have reached.
- Sustainable Development Protocol: according to Ms Anderson's precise inquiry at the Irish Foreign Ministry the proposal by the Commission was not strong and no other government has tabled it currently again. It is thus not among the "20 points" at the moment.
- Charter: inclusion is safe, improvement on pre-ambule and abolishing the distinction of rights and principles is not on the table.
- ECHR: no debate to date, but also no agreement on process of accession so far.

- Coherence of human rights objectives in all policy areas: this is also not on the table currently, but could be lobbied by NGOs on a sub-treaty level with the new Commission.
- EP powers: this is very much still an open question and can go in either direction.
- Asylum, Justice and Home Affairs: quite a few aspects of JHA are very much debated, but it seems not those areas that would improve the respect for fundamental and human rights due to the protective stance of many governments and their national interest. Ms Anderson was not able to respond to the questions of EHRDN in detail though.
- Status and role of the Foreign Minister, subsuming development under CFSP: The Irish Presidency is very aware of the issue and the problem. The FM is highly debated still and it is hard to argue against the principle of coherence in this particular field. The outcome is very open at the moment still.

NEWS ON IGC¹

The Irish Presidency's meetings with Member States

The meetings of the Irish Presidency with Prime and Foreign Ministers of the Member States are continuing – Taoiseach Ahern and his Foreign minister Cowen had a busy agenda these weeks, discussing IGC and the Irish Presidency's priorities with their colleagues in Dublin and different European capitals including:

16 Feb **Estonian** Prime Minister Juhan Parts,
 12 Feb **Italian** Prime Minister Silvio Berlusconi,
 09 Feb **German** Chancellor Gerhard Schröder,
 05 Feb: **Maltese** Foreign Minister Dr. Joe Borg,
 04 Feb: **Portuguese** Prime Minister José Manuel Durão Barroso,
 04 Feb: **Dutch** Foreign Minister Bernard Bot,
 02 Feb: **Cypriot** Foreign Minister George Iacovou,
 30 Jan: **French** Foreign Minister Dominique De Villepin,
 29 Jan: **Polish** Prime Minister Leszek Miller,
 26 Jan: **Spanish** Prime Minister Jose María Aznar,
 22 Jan: **Swedish** Prime Minister Göran Persson.

The next meetings are scheduled with the Prime Minister of **Finland**, of **Luxembourg** and the **Czech Republic**.

All the press releases on these meetings read more or less the same:

"The Irish Presidency is committed to making progress in the IGC. I am currently engaged in an extensive series of consultations with EU leaders with a view to making a report to the Spring European Council next month. My

¹ Information mostly from Agence Europe and the Irish Presidency's website:
<http://www.eu2004.ie/>

meeting with Prime Minister XXX will be a useful opportunity to gauge Country's XXX concerns and I will be very interested to hear his assessment on how progress might be achieved. I have been encouraged by my contacts to date and have found my colleagues eager to find away forward. But it remains too early to say if that commitment to making progress can be translated into a compromise deal in our Presidency. As in my previous contacts, I will be underlining that the Irish Presidency will continue to make every effort to build consensus and to facilitate agreement over the coming months."

The Taoiseach mentions on all opportunities the commitment of the Irish Presidency and the different Heads of State or Foreign Ministers to an earliest possible conclusion of the discussions on the Constitution. However, they add that there are from 12 to 20 points far from being agreed on – the row on double majority only being the top of the iceberg. Ahern highlighted that the different Member States would have to move in order to allow compromise and that European interest must prevail national ones in order to progress. Former Commission's President, Jacques Delors, said on the proceedings that only a miracle could help to get discussions on the Constitution finished within the Irish Presidency. Despite the "commitment" of all sides, it is therefore very probable that the Dutch Presidency will have to take over the task to reach an agreement. The Polish Foreign minister Cimoszewicz adds that if there is no conclusion soon (which the Polish would welcome) the talks on the Constitution would have to be put aside for some time – as a constitutional treaty is not "necessary to work".

MEPs Cornillet, Leinen, Frassoni, Segni and Wallis issued an appeal that if the Constitution is not agreed by 1 May the EP should "symbolically" adopt the Draft Constitution and push for national Parliaments doing the same in order to push European leaders to reach agreement. Some Italian members of national Parliament call the IGC to be re-convened after Spanish national elections (14 March).

Informal meetings and working lunches

In addition to the Irish Presidency's meetings, much bilateral diplomacy is happenin as well among the Member States. French, German and Spanish Foreign Ministers met for a working lunch on 10 February and had to concede that the positions defended by Paris and Berlin on the one hand and by Madrid on the other had not moved.

Germany, France and the UK will meet for a "tripartite" summit to discuss, amongst others things, the IGC on 18 February. Double majority and other pending issues will most certainly be discussed. The horizontal social clause could be one of them as the UK seems to be opposed to this issue now, although it was part of the Naples document and the Italian Presidency presented it as an "agreement". Some Member States see in these meetings the danger of a "directoriate" to emerge that undermines the Community method. If the IGC should fail eventually, these meetings could become indeed a scenario of how Europe would move on.

Commissioner Barnier, Jean-Luc Dehaene and Guliano Amato at the European Parliament, 16 and 17 February

The EP Constitutional Affairs Committee has invited Barnier, Dehaene, and Amato to give them their current opinion on the process. They were involved in the work on the Constitution during the Convention and Michel Barnier is an observer to the IGC.

All three agree that **time is not playing in favour** of the Constitutional project: The propositions of the Convention that need to be the basis for any agreement risk to get lost along the way if discussions are going on for too long. **Barnier** underlines that, according to him, all the points are on the table and that an agreement later is no more probable than in May. Even if some of the contentious points are decided on now but only enter into force in 5 or 10 years (like the provisions on qualified majority vote), it is crucial to reach agreement as soon as possible. Especially so, because this project must be communicated to European citizens – and European elections with a background picture of a row over votes and majorities are an unpleasant and worrying scenario. **Barnier and Amato** both sympathise with MEPs who plan to solemnly but **symbolically adopt the Convention's text** in May should the spring summit fail to propose reconvening and if the IGC does not reach agreement until June 04. This adoption would be an important signal for citizens. **Dehaene** is worried that the Ministers and Heads of State focus with all their energy on voting procedures and the number of Commissioners – and then do not have energy left for the other issues – according to him much more important as the scope of qualified majority vote. As expected, four results came out of the meeting:

- All three **do not know, where exactly discussions are at the moment**. They all confirmed the state of confusion of all governments and interested parties about what has been agreed during the last IGC and which documents were supported by all. The Italian Presidency never concluded anything, so most of the previous IGC work could be lost.
- They want the basis of discussions to be the **Draft of the Convention** and the **Pre-Naples documents of the Italian Presidency** – but it is very unsure whether the amendments of these texts (e.g. horizontal social clause) can be seen as achieved.
- **All call for an agreement before the European elections** because this project has to be “sold” to citizens. The prospect of an enlarged Europe to function with the cumbersome Nice Treaty and a very probable Europe of different speeds should incite governments to conclude discussions.
- The **row over the double majority is diverting attention** from all the other issues at stake – and that really interest and concern citizens. There is the danger of losing citizens even more and of wasting energies on single issues.