

act4europe

A CAMPAIGN OF THE CIVIL SOCIETY
CONTACT GROUP

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1. EDITORIAL

Simon Wilson, Director, Social Platform

For nearly two years Nico Beger has co-ordinated the act4europe campaign, helping NGOs to access the political processes leading to a new European Constitutional Treaty. As we move to a new phase – the national ratification debates – Nico is also moving on, and will be leaving us to join the European Peace-Building Liaison Office as Co-ordinator in the New Year. I would like to thank Nico for his wonderful contribution, which has really invigorated our campaign, and given many NGOs the possibility of entering into the debate on the Future of Europe.

Nico has done a great job, providing analysis of the developments within the drafting processes, helping NGOs to access the politicians, and providing a regular source of information and exchange through act4europe. As Nico has

been 'hosted' in the Social Platform's office, we have been able to see his work at close range, and benefit from his knowledge and enthusiasm. He has managed to support the European networks in Brussels, aiding greatly their work in providing the views of sectoral NGOs to policy-makers. Much of his work, and that of the act4europe office, is disseminated through our sectoral networks, such as the Social Platform, but also the environmental, development, human rights, women's rights, and culture sectors. But Nico has also succeeded in establishing direct contacts with NGOs at national level, providing input to seminars and conferences in many countries, with a particular focus from act4europe on civil society in the new Member States. I know that many of you will want to join with me in thanking Nico for his unflagging efforts to bridge the divide between the EU and NGOs.

Act4europe will continue of course, as a campaign of the Civil Society Contact Group, and Vanda Knowles is set to take over the reins from Nico to make sure that we don't lose momentum. Our challenge now has changed, and the recent hearing in the European Parliament made this very plain. All of the sectoral members of the Contact Group gave evidence to the Constitutional Affairs Committee on 23 November. Details of these contributions, and of the Contact Group's joint message to the Parliament, are available inside this bulletin, and on the act4europe website. All of the sectors gave their assessment of the Constitution in relation to their areas of expertise. Whilst the assessments varied from sector to sector, most agreed that the new Treaty represents a step forward. However, all of the Contact Group members also made it clear that it is not our role to act as cheerleaders for the Constitutional Treaty. We will each promote understanding of the changes within the Treaty, so that national civil society organisations can become informed and involved in the debates – whether these are in the form of referendums or Parliamentary votes. We will not be producing pro-ratification campaigns, but rather promoting an informed debate, and encouraging NGOs to look closely at the issues which concern them within the Constitution.

This position – shared across many different NGO groupings – clearly disappointed and even angered some MEPs, who expected us to carry out a straight-forward 'yes' campaign. Perhaps there is a misunderstanding of the role of civil society which needs to be addressed. Our strength comes from the fact that we are able to represent that concerns of groups of citizens in relation to specific issues. But EU networks of NGOs exist to carry a message from citizens to policy-makers, and to offer expertise to those policy-makers, not to impose views from the European level onto national organisations. Our primary role is to help national and local NGOs decide how they want to be involved in this debate. After all, the European decision-making phase has now ended; the focus must move from Brussels to the national level.

Act4europe will be active in this stage, producing information on the likely impact of the Treaty for NGOs, promoting the involvement of national NGOs in debates, and helping European NGO networks to mobilise their membership on this crucial issue. One of the most important developments within the Constitutional Treaty – alongside the incorporation of the EU Charter of Fundamental Rights – is the recognition of the role of participatory democracy. Act4europe will also focus upon this new concept, exploring what an EU based on participatory democracy, as well as representative democracy, might look like, and how it could help rights and values-based NGOs to promote their concerns across all the EU's areas of activity. There is still much work to do!

Farewell Note from Nico Beger

Dear Friends

After two years of working with the Civil Society Contact Group and the act4europe campaign, I am leaving this office with the feeling of having left when the party was best. Common wisdom has it that this is always a good time to leave, but I am indeed rather sad about leaving. I want to express my warmest thanks to all those NGO people in the Member States, particularly in the New Member States, who have worked with me and trusted our political mission, and who have enriched my understanding of the down-to-earth NGO work happening in Europe a great deal. I also want to thank the act4europe funders for their continuous personal support in helping me to keep the act4europe campaign alive and create a future for it beyond my own involvement. It has been a great joy to work with the Members of the Civil Society Contact Group and to learn so much from the probably most brilliant selection of European NGO leaders. You have been termed a "bag of butterflies" a few times, but you are definitely the nicest and most politically intelligent bag of butterflies I ever had the pleasure to coordinate. A very special thank you goes to the Social Platform – its Management Committee and particularly the staff team – for housing act4europe and committing to its existence and aim with their full heart, name, and time.

Act4europe is a fantastic example of how much trust can be created between different segments of organised civil society and that we all share a common view about a European future based on fundamental rights and values. I am very pleased to stay in the European NGO world within the human rights sector and will support act4europe wherever possible. So sorry, no sighs of relief, I am still around. I wish you all a great deal of stamina for your involvement in the ratification of the Constitutional Treaty and in the development of participatory democracy in the EU.

All the best,

Nico Beger

2. NEWS

French Socialists vote 'yes'

According to party officials, members of the Socialist party responded with a resounding 'yes' to the Constitutional Treaty in a vote on 1 December. If confirmed, this will mean that both major parties in France will be campaigning in favour.

The EP Constitutional Affairs Committee approves Constitutional Treaty

In a vote on 30 November the EP Constitutional Affairs Committee approved the Constitutional Treaty with 20 votes in favour, 3 against and 3 abstentions. The plenary vote is scheduled for January in Strasbourg.

New European Commission approved by the European Parliament

The EP approved the new Commission in a vote in Strasbourg on Thursday 18 November. This means that, as we hoped, Margot Wallström will indeed take up the key position as Commission Vice-President responsible for constitutional affairs, inter-institutional relations and communication strategy. This is an extremely welcome development and we very much look forward to working with

her and developing the concept and practice of participatory democracy as much as possible.

The speech given by Commissioner Wallström at the hearing of the European Parliament Constitutional Affairs Committee with Civil Society can be found here: http://www.europa.eu.int/comm/commission_barroso/wallstrom/pdf/24112004_en.pdf

Lithuania first to ratify the Constitutional Treaty

The Lithuanian parliament even beat the European Parliament to the vote. On 11 November it ratified the Constitutional Treaty by 84 votes to 4, with 3 abstentions. Some Latvian NGOs reacted with anger about the lack of public debate in this speedy ratification.

Luxembourg sets a date

Luxembourg has set a date for its referendum on the Constitutional Treaty. It will take place on 10 July 2005. See below for more details.

Big Brother's Communication Strategy for the Constitutional Treaty

Reality TV is way ahead of most EU governments and has already begun its own unique 'communication strategy' on the Constitutional Treaty. Spain's Big Brother has set an imaginative challenge to its contestants: They have five days to read and understand the contents of the Constitutional Treaty, which they then will have to explain to a Polish woman, who knows nothing about it and does not speak Spanish.

Funding opportunities for civil society in new Member States

DG Justice Freedom and Security has launched a call for proposals concerning preparatory action to support civil society in the new Member States. The areas covered are the rule of law, democracy, fundamental rights, the non-partisan nature of information and the fight against corruption.

http://europa.eu.int/comm/justice_home/funding/support_ngo/funding_support_en.htm

3. ACT4EUROPE

Final act4europe seminar for 2004 - Warsaw

The last of the act4europe 2004 seminars in the new Member States took place on 15-16 November in Warsaw. John Hontelez, the chair of the Civil Society Contact Group and Secretary General of the European Environmental Bureau, Florent Sebban from Eurostep and Jochen de Vylder from the Amnesty International EU Office all presented assessments from their own sectors and Vanda Knowles and Nico Beger carried the training programme on the EU institutions, lobbying techniques, information sources, NGO structures, Constitution overview, and Participatory Democracy. The Polish NGO participants were very engaged and the discussions were extremely useful for both sides. The second day focused on a strategy of networking among Polish NGOs for the referendum. We would like to thank our Polish project partners OSKA for their help in organising such a successful seminar.

4. CIVIL SOCIETY CONTACT GROUP

Contact Group members participate in EP Constitutional Affairs Committee Hearing – 25 November 2004

The six member sectors of the Civil Society Contact Group addressed the hearing of the EP Constitutional Affairs Committee on the Constitutional Treaty on 25 November. Twelve sectors in all were allocated 8 minutes each to present their views on the Constitutional Treaty before the European Parliament adopts its report.

You can find the contributions made by the NGO sectors in the CSCG on our website: http://www.act4europe.org/code/en/actions.asp?id_events=57

We will soon publish a comprehensive analysis of all sectors, but most of the important points of assessment are already reflected in the contributions.

In addition to their own specific sectoral responses, the Contact Group submitted a joint statement to the Constitutional Affairs Committee covering the following:

- Welcoming the inclusion of the Convention method in the Constitutional Treaty;
- Calling for an early implementation of the new Article I-47 and the inclusion of civil society organisations in the process;
- Suggesting the following amendment to Point 9 of the draft report:

*9. Reiterates its request that all possible efforts be deployed in order to inform European citizens clearly and objectively about the content of the draft Constitution. **Furthermore, in order to promote the active engagement of citizens in the discussions on ratification, calls upon the Commission and the Member States to recognize the role of civil society organisations within the ratification debates, and to make available sufficient support to enable such organizations to engage their constituencies in these debates across the EU***

5. RATIFICATION UPDATE

In this regular section, we will try to keep abreast of the developments across the EU25 with regard to the ratification of the Constitutional Treaty. There is also a section on our website on ratification, which will also provide updated information as it becomes available.

<http://www.act4europe.org/code/en/act4.asp?Page=180&menuPage=180>

If you are aware of any other developments that we have not mentioned/covered, please let us know. (assistant@act4europe.org).

European Parliament

26.11.04

Almost all members of the Socialist group of the European Parliament have decided to support ratification of the Constitutional Treaty in a document called 'European Socialists vote yes'. Sweden, Latvia, Malta and Cyprus have not participated in this. The signatories claim that the treaty is good for Europe as it strengthens the position of Europe in the global framework and its ability to act and that it increases the democratic nature of the Union. They also argue that it is good for the Left, as there is no reverse of the current situation regarding the

acquis and it contains major breakthroughs for the Left's view of Europe. (*Agence Europe*).

26.11.02

The European Parliament Committee on Petitions has taken a stance on the reference to Europe's Christian heritage and to God in the Constitutional Treaty. Whilst the Committee has no competence in this area, most members agreed that it might be possible for Member States, if they wish, to include a declaration on their point of view with regard to Europe's Christian heritage and the reference to God when they ratify the Constitutional Treaty. (*Agence Europe; European Parliament News Report*)

22.11.02

The **Greens/EFA Group** in the European Parliament adopted a text entitled 'Yes to the European Constitution' on 16 November in Strasbourg. It outlines their wish to change the Constitution, but not to stop it from being adopted and considers it a mistake to remain with the Amsterdam and Nice treaties, which would be the case in the event of non-ratification. Their strategy is to get the European Parliament to call for a further Convention to be convened and to ratify a 'First Amendment' to the Constitutional Treaty, aimed at extending European democracy (generalising co-decision and QMV, legislative Council in public and abolition of IGCs for amending Constitution); and establishing areas of security, justice and social solidarity. In order for the European Parliament to use its new rights in this way, the Constitutional Treaty must first be adopted. (*Agence Europe*).

Belgium

10.11.04

Belgian Prime Minister Guy Verhofstadt would like Belgium to ratify the Constitution by May 2005 at the latest. The Constitution will require ratification by both chambers of the federal parliament, by the three regions (Brussels, Flanders and Wallonia) and by the assemblies of the French and German speaking communities. (*Agence Europe*)

Czech Republic

28.10.04

A referendum is likely to be held at the same time as parliamentary elections in 2006. Apparently the aim is to await several other 'Yes' votes in other member states to motivate the Czechs to vote in favour. The government coalition of three parties is strongly in favour. President Vaclav Klaus's opinion will prove decisive however. He is extremely popular and a self-confessed 'euro-realist' or eurosceptic. He refused to sign the Constitutional Treaty, which was signed instead by Prime Minister Stansilav Gross. In practice this makes little difference, however the government now has to campaign to persuade citizens to vote for a European treaty that their President has refused to sign. (*BBC News website: bbc.co.uk*)

Denmark

24.11.04

The Danish Ministry of Justice has found that the Constitutional Treaty would curb Denmark's sovereignty in a number of areas: protection of personal data, free movement and settlement, diplomatic protection, the movement of capital and the freezing of funds, new ECJ competences allowing it to rule on intellectual property rights, space and health policies. The Flexibility Clause is also considered a transfer of powers. (*Euobserver*).

03.11.04

An agreement has been made between the Danish Socialist Left Party, the government (liberals and conservatives), the Social Democrat party, and the radicals - which would allow a referendum to take place on the Constitutional Treaty that would exclude the Danish opt-outs on EU Defence, Justice Citizenship and the euro. This compromise would allow the leader of the Socialist Left Party, traditionally eurosceptic, to argue for a 'yes'. The party itself remains split however and it will decide its own final position on the Constitutional Treaty in December. No date has yet been set. (*Euobserver; Agence Europe*)

France

20.11.04

The French Constitutional Court has decided that the French Constitution will have to be changed before ratification of the EU Constitutional Treaty can take place. The areas requiring alteration are justice, foreign policy, and the role of national parliaments. However the primacy of EU law and the incorporation of the Charter of Fundamental Rights are not problematic in relation to the French Constitution. The primacy of EU law only relates to the areas the EU can already legislate on now, which has to be implemented by Member States. The Constitutional Treaty changes nothing in this respect, but spells the existing rule out for the first time. According to the judges, the Treaty also does not affect the first article of the French Constitution stating that France is a 'secular Republic'. The changes will be made by a parliamentary process involving both National Assembly and Senate and are likely to take place in early 2005. (*Euobserver; Le Monde*)

29.10.04

Statements earlier in the month suggesting that France could hold an early referendum seem to have been premature. Prime Minister Raffarin now believes that holding a referendum in six months would be very difficult. The French Constitutional Court must examine the implications that the Constitutional Treaty will have for the French Constitution and it can only begin doing this after the treaty is signed on 29 October. (*Euobserver*)

15.10.04

There is a chance that France will hold an early referendum on the Constitutional Treaty, as early as 8 May next year. French political leaders have apparently already met to discuss the option. It is understood that one of the main motives is to ensure that the 'No' camp has less of an opportunity to link the debates on the Constitutional Treaty and Turkish membership. (*Le Monde*).

13.10.04

Laurent Fabius believes that by speaking out against the Constitution as a committed European, he has lifted a taboo in France. It is possible to be both against the Constitution and pro-European. He does accept, however, that if the Socialists vote in favour of the Constitution in their internal vote on 1 December, then he will also campaign for a Yes in France. (*Euobserver*)

Germany

28.10.04

The government is writing to opposition politicians, calling on them to support their proposals to change the German constitution to enable a referendum on the Constitutional Treaty. The main opposition party, the CDU is not in favour of a referendum, while its sister party, the Bavarian CSU, supports the idea. (*BBC News website: bbc.co.uk*)

Ireland

29.10.04

The referendum in Ireland is likely to be in the second half of 2005. Ireland's largest opposition party Fine Gael is set to campaign in favour of the Constitutional Treaty, and the Labour Party is also likely to do so. Sinn Fein plans to campaign actively against, fearing that the treaty will further erode Ireland's sovereignty. (*BBC News website: bbc.co.uk*)

Italy

It seems that Italy is hoping to ratify the European Constitution before Christmas. Foreign Minister Frattini is reported to have stated that they hoped to be the first to ratify the treaty.

Luxembourg

10.11.04

The Luxembourg government has announced a definite date for its referendum on the European Constitution: 10 July 2005. It is the third country to set a date, the other two being Portugal (10 April 2005) and Spain (20 February 2005). The referendum will take place just days after the end of the Luxembourg Presidency of the EU (first half of 2005) and will be the first referendum in Luxembourg since 1937. (*Agence Europe*)

Netherlands

26.10.04

A referendum has never been held in the Netherlands. Nevertheless there will be a specially arranged vote in Spring 2005 to allow the Dutch to voice an opinion on the Constitutional Treaty. Most of the main political parties are campaigning for a yes vote, however there is the worry that the Dutch will take the opportunity to vote on domestic issues, such as the government's unpopular austerity programme, or on other issues on which people are divided, such as Turkish

accession to the EU. Although the referendum itself will not be legally binding, the government has stated that it would respect the results. (*BBC News website: bbc.co.uk*)

Portugal

29.10.04

Both main parties are in favour of ratifying the Constitutional Treaty. Holding a referendum is not however completely straightforward. The country's does not allow for the text of a treaty to be put to a referendum. Either Portugal's constitution will need to be amended, or the referendum must be worded in a way that circumvents the issue and allows the people to voice an opinion. To amend the national constitution would require a two-thirds majority in parliament. There is also disagreement over the eventual timing of a vote. The exact situation remains unclear. (*BBC News website: bbc.co.uk*)

Spain

03.11.04

Questions have been raised as to whether the Constitutional Treaty is compatible with the Spanish Constitution, and the Spanish government is to consult the country's Constitutional Court. The controversial provision is Art I-16, stating that the Constitution and law adopted by the Union takes primacy over Member State law. In practice this has been the case for years, however this is the first time it has been explicitly stated in a treaty. (*EUobserver*)

United Kingdom

02.11.04

The British government has produced a Guide to the European Union, which gives basic facts about the EU and its new Constitutional Treaty. Its aim is to explain in outline 'how the new Constitution will improve the way the EU works' without actually making the case in favour, which it states will be carried out by the referendum campaign in due course. (www.fco.gov.uk)

29.10.04

The UK Foreign Secretary has announced that a referendum on the Constitutional Treaty will likely take place in early 2006, provided Labour wins a third term in the general election in 2005. (*BBC News website: bbc.co.uk*)

6. INTERESTING INITIATIVES

Permanent Forum for Civil Society

Toolbox for navigating the Constitutional Treaty – only available in French
<http://users.skynet.be/Philippe.D.Grosjean/FORUM/INTRO.htm>

New EUROPA Constitution site

The EUROPA site has a new section dedicated to the new Constitutional Treaty and the ratification process.
http://www.europa.eu.int/constitution/index_en.htm

Newropeans-Networks 'Yes-But' campaign

Newropeans-Networks have issued a call to Civil Society leaders to answer a three questions on the Constitutional Treaty – depending on the answers received by January 2005, they are planning a potential 'Yes-But' campaign, that would campaign for a yes to the Constitution, but provided that further democratisation is placed next on the EU agenda.

<http://www.newropeans.org/>

Unia&Polska collecting signatures

The Unia&Polska Foundation is collecting signatures to a declaration in favour of ratification of the Constitutional Treaty. It invites NGO's, individuals and political movements to sign the declaration by sending your name or the name of your organization to bobinski@it.com.pl

<http://www.unia-polska.pl/index.php>

Friends of Europe – 30 Suggestions to improve EU education and communication

Friends of Europe have sent an open letter to the new Commission Vice-President Margot Wallström containing 30 suggestions on how to improve the EU's strategies on education and communication.

<http://www.friendsofeurope.org/>

UK Government Guide to the EU and its new Constitutional Treaty

The UK government has produced a publication designed to explain how the EU works and what the new Constitution says.

<http://www.fco.gov.uk/Files/kfile/EU%20Constitution%20Guide,0.pdf>

Briefing on the European Constitution – what it says, exposing the myths.

UK Socialist MEP Richard Corbett has produced an 8-page document aimed at explaining the Constitutional Treaty and exploding the myths about it.

<http://www.corbett-euro.demon.co.uk/assets/docs/briefing/constitu.pdf>

Websites of the French Socialists

YES Campaign <http://www.ouisocialiste.net/>

NO Campaign <http://www.ambitioneurope.org/>

New Federal Trust Online Papers on the Constitutional Treaty

No. 20/04

"Assessing the Constitutional Treaty: A Quest for Democracy" by Josef Melchior

No, 23/04

"Three Critiques of the European Constitution" by Antonio-Carlos Pereira Menault

<http://www.fedtrust.co.uk/default.asp?groupid=6>

Team: The European Alliance of EU-critical Movements

An information network linking organisations that see current developments in the EU as a threat democracy.

<http://www.teameurope.info/modules.php?name=News&file=categories&op=newindex&catid=2>

University of Zaragoza EU Constitution website

This site contains some useful information on each Member States and details on procedures for ratification in each, as well as information about past referenda.

http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const_Rat.htm

CIDEL project: Citizens and Democratic Legitimacy in Europe

Coordinated by the well-known ARENA centre at the University of Oslo, this is an international research project between 10 partners in 6 countries focusing on the prospects for a citizens' Europe.

<http://www.arena.uio.no/cidel/index.html>