

SUMMARY ON THE SINGLE EUROPEAN ACT

- 1 Sinn Féin members are working within the broad umbrella group of the Constitutional Rights Campaign. This is a small group, set up originally to raise funds to cover Raymond Crotty's case to the Supreme Court.

President: Raymond Crotty. Joint chairpersons: John Carroll and Mary McAleese.

At a meeting on Thursday 23rd April, constituency groups for the Dublin area were set up and convenors agreed, who will meet centrally. A leaflet has been produced by Joe Noonan in Cork C.N.D., which the C.R.C. will print as large a number of as they can afford, but the general attitude towards the campaign is to allow it to be as free as possible, that people and groups should be free to concentrate on whatever aspects they think most important to people. The group is anxious that the debate on the S.E.A. should not be allowed to become a debate of left vs. right, and its umbrella group would certainly contain elements from Ogra Fianna Fáil.

- 2 If a No vote wins in the amendment referendum, Ireland would not, be put out or leave the E.E.C. There is in fact no provision for any member of the E.E.C. to leave.

What would happen is that the S.E.A. treaty would have to be altered to take account of Ireland's views, which would start a process of renegotiation of the treaty which other countries, particularly Denmark where there was a closely fought referendum on the S.E.A. and Greece would be able to enter their objections.

- 3 The basis of allocations for the regional and social funds have not yet been agreed. The whole agricultural agreement, the C.A.P., is up for major change to deal with the impossible level of food surpluses which have accumulated through the support price system. Ireland, in refusing to ratify the S.E.A., keeps a major bargaining card to allow us some voice in these important negotiations. It is therefore abject ineptitude on the part of the last Government and the present Government to be in such haste, with such unadulterated enthusiasm, to sign an agreement which takes away this card.
- 4 If Ireland agrees to the amendment, and ratifies the S.E.A.:

Ireland becomes unable to determine and pursue its own independent policies in its own interests, e.g. on Sellafield, nuclear waste dumping, relations with the developing world, and may lose the competitive trading advantages on neutrality.

Ireland loses sovereignty over her foreign policy, and is obliged to seek consensus with the E.E.C. members who are all members of the N.A.T.O. Bloc. As the Supreme Court found, Ireland's neutrality is undermined.

Ireland is obliged under the treaty to maintain "technological and industrial conditions necessary for security" which commits Ireland to actively supporting nuclear policies of the NATO Bloc.

Ireland is committed to the complete integration of the "internal" economic market of the E.E.C., which implies a loss of sovereignty on both economic and social issues, and in particular the loss of control of all the main economic weapons which could allow Ireland to correct the economic crisis which has hit us. These include the inflow and outflow of money, the setting of tax rates, price levels, differentiation of Irish products, control over credit and financial institutions. Most of these directives will be agreed within the Council by qualified majority, without the need for unanimous agreement.

The S.E.A. gives the E.E.C. the power to legislate over social and human rights issues, such that the decisions of the people of the country can be over-ridden in law.

THE SINGLE EUROPEAN ACT

WHAT IS THE SINGLE EUROPEAN ACT?

The Single European Act is in fact two acts. One is an economic treaty which amends the present E.E.C. treaty, with implications for every aspect of economic and social life within the E.E.C. The other is a treaty concerning Foreign Policy, Security and Defence which establishes a body called the European Political Co-operation (E.P.C.), with its own secretariat and diplomatic corps. This second treaty (Title III of the Act) undermines Ireland's power to determine its own foreign, security and defence policies. It is this act which the Supreme Court found to be unconstitutional.

The Economic Treaty Title II

There are three main aspects of the economic treaty:

Loss of the veto

- 1 The act removes legal requirements for unanimity on matters of importance and replaces it by qualified majority voting. This loss of the veto is intended to extend all matters concerned with the economic integration of the E.E.C., that is regulation of the internal market which is intended to provide the economic base for European Union.

Instead of unanimous voting, decisions are to be taken on the basis of a qualified majority system.

This system requires a majority of 54 voters out of a total of 76 votes on the Council of Ministers. The votes of each country, which are weighted according to population are:

Germany	10	Spain	8	Netherlands	5
France	10	Greece	5	Ireland	3
Italy	10	Portugal	5	Denmark	3
England	10	Belgium	5	Luxembourg	2

It means that Ireland has 3 votes out of 76.

Where does the veto remain?

The veto remains for such matters as the admission of new members, the signing of treaties with non members, and for cases where it is considered that an important national interest is involved.

- 2 Towards the completion of the internal market and European Union, Title II extends the E.E.C. agreement to cover new areas, including

monetary policy. By 1992 members agree, under this S.E.A., to harmonise indirect taxation, to cease exchange control, and to complete the economic free market for financial institutions.

Harmonising Indirect Taxation

This means that our V.A.T. rates, and excise duties (that is tax charged on alcohol, cigarettes and fuel) are to be brought into line with those rates in the E.E.C. countries. This has major economic implications:

V.A.T.:

Ireland at present does not charge V.A.T. on food or energy. The S.E.A. will mean that we move into line with the E.E.C. pattern, and V.A.T. is imposed on these items. This includes foodstuff such as bread, and fuel costs, such as domestic (E.S.B.) bills. At the same time our V.A.T. rates are overall, on average well in excess of E.E.C. rates. (Estimated that they are 160% of the E.E.C. average). This means that if our rates are harmonized with E.E.C. rates, that we will lose a source of Government revenue of between £600 million and £1 billion, which revenue will have to be made up from alternative sources, i.e. direct (income) tax, or that Government expenditure will have to be cut back. (£1 billion is the equivalent of 1/6 of Government Revenue)

Although there is provision within the S.E.A. for unanimous voting on the issue of tax harmonisation, the Act at the same time gives a commitment by the E.E.C. members that they will harmonise taxes by 1992.

Ending Exchange Control

Exchange control is the mechanism by which Governments can control the amount of money taken out of the country. Under the S.E.A. there is to be free movement of capital between the E.E.C. countries. This will have the gravest consequences for the economy. It means that we will not be able to insist on profits remaining in this country.

Common Market in the Financial Services Sector

This means that there is to be free access to Ireland for the financial institutions of the other member countries. This includes the Banks, Insurance Companies, H.P. Companies, Building Societies, Stockbrokers, Merchant Bankers etc. This means that Ireland loses all sovereignty on funds in this country. The Government would cease to be able to control who borrows what, from whom, or where our savings in this country are to be held (here or abroad).

One implication of this is for Government borrowing. At present the banks are required to hold 25% of their reserves in Government stock (that means to lend to the Government). The norm in the E.E.C. is 10% of reserves. It is likely that our regulations will be harmonised to European standards, which means not only that these reserves will tend to be held in other E.E.C. countries, but that it will be extremely hard for the Government to borrow money within the country, and will thus be forced to hold a larger fraction of the total debt in foreign currencies, with the serious consequences this has for the economy.

In a word these provisions of the S.E.A. insofar as they aim to complete the European Free market, have the effect of robbing this country of whatever economic sovereignty we, at least in law, if not practice, hold. All measures which are necessary to correct the fundamental crisis in the economy, are to be taken away. We can no longer control prices, tax, energy costs, investment incentives, emigration (see below) inflow and outflow of capital. Government planned investment in commercial enterprise to correct the levels of unemployment and emigration will no longer be possible.

Completing the Internal Market - Cockfield's 300 Laws

- 3 The E.E.C. has issued the titles of some 300 new E.E.C. laws, which will come into force between now and 1992 if the S.E.A. is ratified. It is expected that the great majority of these laws, many of which have been drawn up already, will be adopted by the Council by means of the qualified majority voting. The laws, which were drawn up by E.E.C. commissioner, Lord Cockfield, will affect every area of our economy and much of our social life. Areas dealt with by these directives include: The phasing out of national trade marks. Preventing the Governments from supporting their industries through public purchase arrangement, phasing our state aids for industry and national industrial development, E.E.C. controls on local building by-laws, E.E.C. controls on Aer Lingus, C.I.E., road Haulage and Sea Transport, harmonisation of company law, standardisation of specifications of goods and services produced. There are also to be directives on such matters as extradition rules, rights of asylum, status of third country nationals, drugs legislation, harmonisation of conditions of distribution of pharmaceutical products to patients and the information of doctors and patients. Direct interference in national broadcasting to establish "a common broadcasting area", compulsory car testing, standardisation of professional training and directives or proposals concerned with agriculture, food and related matters, which give a massive strengthening in power to the Commission.

The effect of these directives, which will be introduced by qualified majority voting, is to dramatically diminish any possibility of real economic planning - leave alone socialist planning in Ireland, by integrating Ireland yet more closely into the "laissez-faire" E.E.C. economic system. Cockfield's directives, which in agreeing to S.E.A., we are committed in accepting, will prohibit national Governments from controlling capital movements, fostering domestic growth through state investment. The directives will outlaw the use of selective public purchasing to foster employment in our country, will forbid national, state aids to industry and agriculture. They will permit Irish insurance and building society business to be transacted outside the state. The state Government will no longer even have discretion over domestic taxation rates.

EUROPEAN POLITICAL CO-OPERATION (Title III of S.E.A.)

There are two provisions which undermine our sovereignty and our neutrality.

- 1 The act (Title III) commits Ireland formally and legally to work to develop common foreign policy positions with the other Member States, all of which are N.A.T.O. members. Ireland is formally obliged to seek consensus. The operative phrase is that each state must "refrain from impeding a consensus and the joint action this might produce". Clearly Ireland's ability to align itself against the N.A.T.O. Bloc is severely curtailed, as is our ability to take an independent position on nuclear proliferation, or such instances as have already occurred such as the U.S. bombing of Libya, the British invasion of the Malvinas etc. Before Ireland takes a position on for example Apartheid in South Africa, or American aid to the Contras in Nicaragua, we are obliged to consult, and refrain from impeding consensus with the N.A.T.O. Bloc E.E.C. members.

2 Security and Defense

The Government claimed in its explanatory booklet on the S.E.A. that the S.E.A. excludes military matters and safeguards Irish neutrality. In fact this is not true, as the Supreme Court found. The Treaty recognises and protects N.A.T.O. by providing that E.P.C. policy must be consistent with N.A.T.O.'s aims and objectives - that the E.P.C. must not cut across N.A.T.O. operations.

Furthermore under this part of the S.E.A., (Title III) the states pledge to maintain "technological and industrial conditions necessary for their security". Since E.E.C. security policy is ultimately dependent upon nuclear weapons, and the willingness within the N.A.T.O. alliance to use these weapons, the treaty commits Ireland to supporting the technological and industrial conditions necessary for a nuclear weapon policy.

In particular if Sellafield is proven necessary, because it provides reprocessed fuel for British nuclear warheads, then Ireland is committed to a policy of maintaining Sellafield. Equally the S.E.A. makes it still more difficult for Ireland to object to either nuclear waste dumping off our coast, or in isolated parts of the country, if this waste disposal is necessary to the technological and industrial conditions necessary for security. The Irish Government will not, under the S.E.A. be in a position to prevent the manufacture of, or research into, any nuclear weaponry in our country.

The Supreme Court said that "in touching upon the maintenance of the technological and industrial conditions necessary for security the treaty impinges upon the State's economic, industrial and defence policies".

RIGHTS

Will there be harmonisation of Divorce, Abortion Laws?

Mary MaAleese, Professor of Criminal Law at Trinity College, and a joint chairperson of the Constitutional Rights Campaign, said at a press conference on Wednesday, April 22nd, that it was quite likely that under the Provisions in the S.E.A. and the extension of E.E.C. regulations to cover health of workers, that our laws on abortion might be endangered. The Amendment proposed to the constitution to allow the ratification of the S.E.A. declares clearly the primacy of the E.E.C. law over our constitution and Irish Law.

The preamble to the S.E.A. refers for the first time to an E.E.C. treaty to the protection of fundamental rights, on a common E.E.C. basis to be an objective of the E.E.C., and the S.E.A. gives the E.E.C. a new specific authority to legislate in matters such as health. There is no agreed code of human rights for the E.E.C., but the rights recognised in the Irish Constitution differ substantially from those recognised in other E.E.C. countries.

This implies that there is every likelihood that the E.E.C. will legislate in these fields of human rights, and may indeed directly contravene decisions reached, by referenda of the people in the state, and in despite of the wishes of the people, the E.E.C. law will over-ride the decisions of the people.

Affect of the S.E.A. on Farmers

The original treaty of accession to the E.E.C. appeared to hold out short term advantages to farmers. S.E.A. does exactly the opposite.

1 Curbing the Common Agricultural Policy (C.A.P.)

The original C.A.P. has served its purpose of making the E.E.C. countries self-sufficient in food. Now, urgently, the E.E.C. needs to cut back food mountains which C.A.P. produced, through policies of quotas and lower guaranteed prices, and less support/intervention. The S.E.A. gives the commission greater power to speed up a fundamental restructuring of the C.A.P. in the extension of voting on the Council of Ministers by qualified majority, the dominant interest in the European Parliament, where Ireland has 20 members out of 560, is the consumer interest. There is absolutely no guarantee, as the restructuring of C.A.P. takes place, that Ireland's minority interests will be protected - very much the opposite.

In place of the C.A.P. the E.E.C. intends to expand regional development policy - that is to substitute aid for price support as a way of transferring resources to the poorer, peripheral areas of the E.E.C., like Ireland. Regional aid is comparable to dole payments as opposed to supported wage payments - it is not in the interests of farmers. Furthermore Ireland must compete with the peripheral countries which have recently joined the E.E.C. - Greece, Spain and Portugal, which may have been entitled to little support under the C.A.P., but will qualify under regional aid for a large fraction of the handout - all to Ireland's detriment.

2 Cockfields 100 agricultural draft directives

The commission White Paper on "Completing the Internal Market" (Cockfield Report) lists over 100 draft E.E.C. Directives dealing with agriculture, veterinary and food matters, which the Commission will bring forward before 1992. These include proposals for extending E.E.C. farm inspectors, provision for the standardisation of quality and differentiation products, and directives which will ban product differentiation by trade name and country origin. It will be illegal to build up consumer loyalty to Irish butter, or Munster cheese.

3 Effects of E.P.A. on Farmers (Title III)

Farmers are likely to suffer economically from S.E.A.'s European Political Association - which (see above) brings Ireland into a political association with the other E.E.C. countries. For example Ireland's favourable trading relations with such North African countries as Libya, Egypt and some Middle Eastern states have already been jeopardised by E.E.C. trade sanctions against Libya and Syria. Ireland will rapidly lose the competitive advantage, in

these markets, of a neutral image. Potential for developing trading associations on a bi-lateral basis, with third world countries, or the Comecon countries, will be severely curtailed under the E.P.A. Equally the French/New Zealand butter deal, after the bombing of the Rainbow Warrior, which allowed New Zealand to maintain high level of butter exports to the E.E.C., may have suited the N.A.T.O. countries interests, but it did not suit Ireland's dairy farm interests.

4 Uniformity of banking practice and policy - effects on farmers

The S.E.A. allows the council by qualified majority to issue directives aimed at the standardisation of banking policy throughout the E.E.C. Almost certainly this will mean that the Irish Banking practice which requires the banks to hold 25% of their assets in Irish Government stock will be replaced by a 10% required holding which is the normal practice in E.E.C. countries. This could lead to the transfer of some £2.5 Billion, that the banks are at present compelled to lend to the Government, to other E.E.C. finance capitals, where perhaps a greater return can be earned.

In the short-term, without the inevitable long-term E.E.C. harmonisation of interest rates, this transfer of money out of Ireland must lead to higher interest rates in Ireland, which would have the most serious of consequences for Ireland's debt-ridden farmers. Higher interest rates would destroy any prospect of solvency for the thousand of heavily indebted farmers, and would allow a large cut of each year's annual production on the farm to go to the banks.

Who's who behind the 'no' campaign to stop ratification of the SEA

By Peter Thompson
 Contrary to what has been reported in some other newspapers, Joe Noonan of Cork was not the solicitor for Raymond Crotty, in the latter's recent action in the Supreme Court against the Single European Act (SEA). But he is Crotty's foreign policy adviser, and was a witness during the court proceedings. He is sure to be a major figure in the forthcoming Referendum campaign, and he speaks forcefully for the 'No' camp. He is a leading anti-nuclear weapons campaigner, and the present editor of the magazine "DISARM".



● SISTER STANISLAUS



● FR. McDYER

Noonan, although he admits to having practised as a solicitor for the past nine years, still has the looks of a man in his early twenties. Speaking to THE SUNDAY PRESS last week at the second meeting of the Coalition for Peace and Neutrality, an umbrella group formed specially to fight the SEA, he developed his arguments against the SEA along three broad fronts:

- How serious a step it is for Ireland, and how much a departure from what has date been our level of commitment to the EEC.
- The relevance of what we are doing with the SEA to our relation with countries outside the EEC.
- His own interest in "open government" of which he believes the SEA is certainly not an example.

He quotes from Mr. Justice Henchy's judgment on the SEA in the Supreme Court as evidence of the extraordinary nature of the step we are taking away from independence: "If Ireland were to ratify the Treaty it would be bound in international law to engage

actively in a programme which would trench progressively on Ireland's independence and sovereignty in the conduct of foreign relations."

Speaking as a lawyer, Noonan is adamant that Ireland cannot be "victimised" if we do not sign the SEA. "There is not now, and there never was any obligation on Ireland to ratify Title III (the part of the SEA dealing with Foreign and Defence matters, and held to be unconstitutional by the Supreme Court) on legal grounds."

He describes the attitude that you must have political unity in the EEC following on economic unity as being "like that of someone who thinks that because you shop in a particular shop, you have to share the political views of that particular shopkeeper."

He is adamant that his outlook is not a "me fein", inward looking isolationism. In fact, he turns this accusation of outdated nationalism on its

head, accusing proponents of the SEA of a new kind of blinkered nationalism, a supra-Western Europeanism: "A large proportion of Europeans live outside the EEC — the Norwegians, Swedes, Finns, Austrians and Swiss in the west, Yugoslavians in the Balkans, and the countries in Eastern Europe, and Russia. It's a narrow concept which tries to restrict the definition of 'Europe' to those countries within the EEC."

The three main groups so far formed to fight the SEA Amendment to the Constitution are the Coalition for Peace and Neutrality, the Constitutional Rights Campaign, both based in Dublin, and the Campaign for Irish Neutrality and Independence, based in Cork. The Constitutional Rights Campaign was basically formed to provide financial assistance to Raymond Crotty during the taking of his action in the courts. The CRC Hon. President is Raymond Crotty, and joint chairpersons

are Mary McAleese, of Fianna Fail, and John Carroll, President of the ICTU. Patrons include: Robert Ballagh, the artist, Presbyterian Minister and Irish scholar, the Rev. Terence McCaughey, Fr. James McDiery of Glencolumbkille, Senator John Robb and Sister Stanislaus Kennedy. A prominent member of the campaign is TCD Economics lecturer, Anthony Coughlan, of the Irish Sovereignty Movement.

The Coalition for Peace and Neutrality is, as its title suggests, a broadly based umbrella group for many individuals and organisations which might not normally come together, but have done so on this one issue. It was formed at a meeting in the Pembroke Inn nearly two weeks ago, and last Tuesday night a committee was elected to direct its affairs. This committee is as follows: — Chairman, Noel Cosgrave (Irish GND); — Fr. Fergal Brennan, SJ. (Pax Christi); — Chris Mulvey (MS), associated with different Third World development groups and Focus Point, the home for homeless young people; — Carol Fox (IPR for Irish GND) and Peadar Kirby (Mr. Kirby is a journalist who has recently returned from spending three years in Latin America); — Brendan Butler (Irish El Salvador Support Group).

Many well known organisations were represented at the meeting, some of which, though not all, have decided to join the Coalition formally. Among the groups which had member present here were the Student Christian Movement, the Irish International Peace Movement, the Irish

UN Association, the Irish El Salvador Support Group, the Irish Nicaragua Support Group, Irish GND, Trade Union GND, Voluntary Services International, AFRI, the Irish Cuban Friendship Society, and Church peace group Pax Christi, the Dublin Menonite Community, the Dublin Quakers, the Irish Chile Support Group and the Irish Philippine group.

The third group, the Campaign for Irish Neutrality and Independence is Cork based at 55, Grand Parade, and its prominent spokesperson is Joe Noonan. It has been very active since the Supreme Court judgement, and had already leafleted Cork streets with information on the Crotty action.

The Campaign has also produced a most impressive "Briefing Document" comprehensively setting out the case against the SEA for Ireland. When it was known that this was available, the Campaign offices at Grand Parade were besieged with calls from literally all over the country for copies. Callers included, says Joe Noonan, John Bowman's "Day by Day" programme on RTE 1 Radio, and Family Solidarity from Youghal.

● Petra Kelly, leader of the Greens in the West German Federal Parliament, is coming to Dublin to formally launch the Coalition for Peace and Neutrality. The event is planned for Power's Hotel at 11 a.m. on Tuesday.

Children's

REFERENDUM ON MAY 26
SINGLE EUROPEAN ACT
 WHAT IT REALLY MEANS

The Single European Act (SEA) contains two treaties - one deals with Economic issues and the second one deals with Foreign Policy, Security and Defence. This is called Title III.

Title III is unconstitutional. This was decided by the Supreme Court when the judges said that this would give away Ireland's independence in foreign policy, security and defence.

The Government have already decided to abandon our neutrality and independence, if we allow them. The Referendum is your chance to vote no to stop them and renegotiate Title III.

In plain language what Title III means is:

1. An end to our neutrality. We would have to accept and support a common Foreign Policy with other European States, all of whom are in the NATO military alliance.
2. We would have to support Sellafield nuclear pollution.
3. Because Title III protects plans which are "essential" for defence, Ireland's independent voice would be gagged on world issues like apartheid, human rights, world hunger, and the arms race.

Can we be thrown out of the EEC if we vote NO?

Absolutely not. Ireland can reject Title III and stay in the EEC. The rumour that we will be thrown out of the EEC are false - the other EEC members cannot expel us - we are protected against this by the existing Treaty of Rome. We can renegotiate without changing our membership.

This campaign is not opposed to EEC membership, as long it remains an economic community.

SAVE IRELAND'S INDEPENDENCE - REJECT TITLE III

VOTE NO

Contact: