

Why trade unions say yes!

by Richard Corbett MEP

A new document, circulated by the self-proclaimed “Trade Unionists Against the EU Constitution” (mostly Bob Crow at the RMT), makes no acknowledgement of any positive aspect of the European constitution but contains a lengthy list of objections to it. Yet every single objection is either wrong or wilfully misleading.

In this detailed response, Richard Corbett MEP rebuts Mr Crow’s claims and explains why most British trade unions, and indeed the association of all the trade unions in the EU, have voted overwhelmingly in favour of the new treaty.

“The power to privatise”

The authors claim that the constitution gives the EU “powers to enforce privatisation”. Not true: the treaty is neutral on the form of ownership. The “liberalisation” referred to in Article III-147 concerns the liberalisation of *trade* across member states.

In any case, it requires “a framework law” which means that any specific measures adopted have to be approved by both the national governments in the Council and by the European Parliament.

“A threat to public services”

The authors worry that article I-15 states that the EU member states shall “coordinate” their economic, employment and social policies. What on earth is wrong with coordination? How on earth could that constitute a threat to public services?

On the contrary, article III-122 specifies clearly that the Union’s action “is without prejudice to the competence of member states, in compliance with the constitution, to provide, to commission and to fund such services”. This new article is not present in the current treaties which the constitution amends and replaces.

“Unelected in charge”

The Commission is indeed charged with drafting new laws, and may be requested to do so by citizens, by national governments in the Council, and by the European Parliament. But its drafts then have to go to the Council (elected governments) and the European Parliament (directly elected MEPs) for amendment and approval. Legislation under the constitution can only be adopted by these elected bodies.

As to the Central Bank, like the Bank of England, it is indeed autonomous in its day to day decisions – but its members are appointed by elected governments. And, unlike the Bank of England, it must report to Parliament. This is not changed one way or the other by the new constitutional treaty, which simply repeats the provisions of the old treaties.

“Anti-union laws to remain”

Here, the document seems to stand on its head what the constitution actually says. The constitution guarantees the right to collective bargaining and strike action. This must indeed respect national laws, but it means that the Union can never adopt any legislation that would violate such rights. It is considered by the left across Europe as an important improvement on the current treaties.

Quite how RMT could consider this to be negative is most puzzling!

“Threat to civil liberties”

The constitutional treaty incorporates the charter of rights approved by all member states five years ago, thereby making it legally binding on the EU institutions. Like every charter of rights, it contains a clause on the circumstances in which such rights could be limited.

In this case, the wording says “Any limitation on the exercise of the rights recognised by this charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principal of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interests recognised by the Union or the need to protect the rights and freedoms of others”.

To claim that the incorporation of the charter, with this standard clause, is somehow a “limitation” of rights is wilfully misleading.

“Militarisation”

The clause quoted is in the current treaties and has been since the treaty of Maastricht - so it is not anything new brought in by the constitution. It is also a perfectly reasonable requirement: after all, the positions in the field of foreign security policy are taken by unanimous agreement of the member states. Requiring member states to stick by what they have agreed to do together is scarcely revolutionary!

“Big brother”

Europol is not a police force but an office to coordinate exchange of information and cooperation of national police forces, just as Interpol does at international level. To refer to it as the EU’s “police force” is another instance of this document being deliberately misleading.

“Death penalty”

This provision is no more than a reiteration of the current legal situation arising from the European convention on human rights, i.e. the death penalty is prohibited in all countries with limited exceptions in case of war.

The document continues in a similar vein for twenty-eight pages, many of them repeating these claims again and again.

It also raises totally unrelated matters, such as the proposed Services Directive. There is indeed much to discuss in the Directive, but it has been proposed on the basis of the *existing* treaties. Besides, as it stands, it has no chance of being adopted by the Council and the European

Parliament, so it is actually a good example of why we need stronger safeguards as provided by the constitution, requiring all European legislation to pass this double test of acceptability to the elected Parliament and to the elected governments in the Council.

The same goes for GATS, an agreement drafted in the framework of the WTO in 1994. Here, the constitution forbids the EU from entering into any agreement affecting health, education and social services except where every single one of the twenty-five member states agrees. This is recognised as an important *safeguard* by those who have doubts about GATS – yet Mr Crow's document gets completely the wrong end of the stick and attacks this provision!

The section on economic policy attacks clauses that are in the current treaties and which are not changed by the new constitution one way or the other. Even then, the document gets its facts wrong, claiming that areas of “shared competences” means that control is transferred to Brussels, whereas in fact “shared competences” allow member states to agree common measures only as far as member states consider that an objective can only be obtained by common action.

In a section on “the future of jobs and manufacturing”, the document complains that other countries are giving higher levels of support to their industry than the UK, yet then attacks the very articles (already in the current treaties) that would allow the Union to adopt common rules to ensure a level playing field in this respect.

In the section on “public services”, the document even complains at an article allowing the EU to *support* (not overrule) member states in “improving public health, preventing human illness and diseases and obviating sources of danger to physical and mental health”! And so on, and so on.

It is not uncommon to find documents that deliberately distort and wilfully mislead on the subject of the European Union. But they are normally to be found on the Euro-sceptic right and far-right.

Sadly, we now have such an attempt to distort reality being made by people who are trade unionists, but who are prepared to use the same methods. Let us hope that no serious trade unionist is gullible enough to be taken in by them!