

European Parliament votes 48 hour week

In a vote held on Wednesday on a working time directive, the European Parliament has ruled that no one may work for more than 48 hours a week. The vote means that it would be impossible for countries to opt-out of the 48-hour rule, after a transitional period of three years after the entry into force of the directive. The rapporteur for the directive, the Spanish Socialist, Alejandro Cercas, said, "We want to defend the heart of social Europe. The Parliament has proved today that it believes in the European model." The European employers' association, UNICE, deplored the decision saying that it would impair flexibility and competitiveness. The suppression of the opt-out clause would mean that derogations obtained by Britain in 1993 would now no longer be valid. The impetus behind this vote was the fear that other countries, especially the new Member States, would demand the same rights to opt out and thereby undercut labour laws in the old Member States. The Commission and many Member States remain firmly attached to the principle of the opt-out. The debate continues. [*Le Monde*, 11th May 2005]

Constitution becomes contentious in Austria

Although the Austrian Parliament ratified the European Constitution on Wednesday, in a nearly unanimous vote, the issue of the European Constitution and how to ratify it erupted suddenly onto the political scene in Austria when, before the vote in Parliament, the leader of the newly formed Alliance for the Future of Austria, Jörg Haider, who created his new party in order to put an end to the damaging split within the old Freedom Party, said that ratification by referendum in Austria was "absolutely necessary". This contrasts sharply with the position taken by the Austrian Chancellor, Wolfgang Schüssel, the leader of the (Christian Democrat) Austrian People's Party, ÖVP, who has said that the only referendum he would accept would be Europe-wide. Members of the Freedom Party and the new Alliance for the Future of Austria have said that they will appeal to the country's constitutional court following the parliamentary ratification, in attempt to have it overturned or reviewed. They have received encouragement from the constitutional lawyer, Theo Öhlinger, who has said that the court could rule that the ratification was illegal unless

sanctioned by a popular vote. (Öhlinger added that he did not think that the judges would actually do this, because they would be too afraid of the foreign policy consequences.) Öhlinger bases his argument on the constitutional provision which requires a referendum for all substantial constitutional changes, and he argues that the European Constitution represents such a change. One of the key issues is Austria's neutrality, which is written into the Austrian Constitution as "eternal" (*immerwährend*): it is impossible to see how this is compatible with membership of a military-political alliance like the EU, as reformed by the new Treaty. Naturally the refusal by the major governing party and the Chancellor to hold a referendum in Austria lays them open to the charge, made by Haider, that pro-Europeans want an EU which is distant from citizens. [*Die Presse, Der Standard*, 9th May 2005]

The MEP Hans-Peter Martin has added his voice to those campaigning against the Constitution. Martin achieved huge fame in Austria when he denounced, with proof, the systematic corruption of members of the European Parliament. [See *Digest* Issue No. 189, 1st April 2004; Issue No. 190, 15th April 2004; Issue No. 191, 29th April 2004; Issue No. 192, 13th May 2004; Issue No. 205, 16th December 2004]. Martin had demonstrated how his colleagues sign on for their generous *per diem* allowances before going straight home and not doing any of the work for which they have been paid. Now he has also promised to appeal to the court. "With the introduction of the European Constitution," he said, "there will be a wholesale change to our Constitution. It means that we will in future be handed over to EU jurisdiction and we will always have to ask Brussels what we are allowed to do and what we are not allowed to do." Martin says that such a fundamental change to the Constitution cannot be legitimised without a referendum. Martin says that he is more optimistic than Öhlinger about the chances of the judges in the constitutional court throwing the Constitution out because of the citizens' appeals against the Constitution, which are being lodged with the constitutional court in neighbouring Germany. There, indeed, an extremely well argued claim is being presented by the constitutional lawyer at the University of Erlangen-Nuremberg, Karl-Albrecht Schachtschneider, and others. [*Krone*, 9th May 2005] The largest-circulation newspaper in Austria, *Krone*, has

thrown its weight behind these calls for a referendum: *Krone*, a tabloid, has been systematically favourable to the Eurorealist cause in Austria, a country in which popular support for EU membership has collapsed spectacularly since the country joined the organisation in 1995. Its letters page on 9 May 2005 (p.25) was filled with angry letters from readers denouncing the EU, its Constitution, and the Austrian political class in the most vehement terms. (Readers of the *Digest* who feel moved to add their voices, and to communicate their feelings to Austrian Eurorealists, might like to send an e-mail to leser@kronenzeitung.at.)

¾ million illegal immigrants naturalised in Spain

The Socialist Government in Spain has naturalised no fewer than 700,000 illegal immigrants on its territory. This is the largest mass naturalisation in the history of the EU, and the sheer numbers of illegal immigrants in Spain, a moderately rich country with some 40 million inhabitants, makes one wonder what are the comparable figures for illegal immigrants in a country like Britain. The Madrid Government has defended this move by saying that it will legalise 90 per cent of the shadow economy but several EU Interior Ministers have criticised their Spanish colleagues, saying that it will enable some of these hundreds of thousands of people to move into other EU countries. They also fear, as does the conservative opposition in Spain, that the new procedures for obtaining papers in Spain will actually draw new immigrants in: buses from Eastern Europe have already been stopped on the border with France because they contained people who had come all the way to Spain to benefit from these new arrangements. According to estimates, those people who will receive their papers in the next few weeks, and thus be able to enrol on Spain's social security system, may bring with them some additional 400,000 family members. [*Der Standard*, 9th May 2005]

Mote and beam

On the occasion of the 60th anniversary of the end of the Second World War – what is known as “Victory Day” in Russia – the President of Latvia, Mrs Veira Vike Freiberga, speaking in Moscow, has said that Russia should apologise for the Soviet Union's “occupation” of the Baltic states between 1944 and 1991. During his visit to Latvia, President George W. Bush seemed to lend his support to this rather undiplomatic move when he said that the Baltic States had merely exchanged one tyranny for another when the Red Army liberated them from the Nazis. So strong, indeed, is the official feeling on this matter in the Baltic States that Mrs Freiberga was the only Baltic Head of State to attend the celebrations: the

presidents of Estonia and Lithuania, Arnold Rüütel and Valdas Adamkus, refused even to go to Moscow – even though, as Chairman of the Presidium of the Supreme Soviet of the Estonian Soviet Socialist Republic since 1983, Rüütel discovered his anti-Communism somewhat late in his political career. At least the same cannot be said for Valdas Adamkus, who boasts on his own presidential web site that he fought the invading Red Army in 1944, i.e. that he fought with the Germans. Adamkus fled to Germany as the Soviet army advanced and completed his studies in Munich before escaping to the United States.

Members and supporters of the Latvia Waffen SS division, the Latvia Legion, were again given permission to march to the Freedom Monument in the capital, Riga on the occasion of the 60th anniversary of the end of the Second World War. Marches also took place in other Latvian cities. Such marches have been allowed regularly throughout the 1990s, even though their equivalents in Germany itself are severely repressed. Many Latvians who fought with Nazi Germany fled to America, Australia and Britain after the war, as did pro-Nazis in other countries like Ukraine, and these exiled Latvians support the nationalists at home in the mother country. The Latvia Legion was one of many non-German SS divisions, countries such as Estonia, Lithuania, Denmark, the Netherlands, Belgium, Ukraine and even Sweden also providing units. Over 150,000 Latvians fought the Soviet Union during the Second World War and it is said that they shocked even the German SS officers with the brutality with which they treated their own people. [Yuri Guraklnik, *Novosti*, 9th May 2005]

The German nationalist party, the NPD, has announced that it is intending to take the police to court for cutting short its demonstration on 8 May in Berlin. Although there were some 7,500 police deployed on the day, they failed to prevent some 4,000 anti-fascist demonstrators from preventing the 3,000 NPD supporters from demonstrating. According to Wolfgang Leist, author of a book on the right of assembly, the behaviour of the police and of the anti-NPD marchers was clearly illegal since the NPD had been given permission to hold its rally. Leist has told *Die Welt* that the police are under an obligation to ensure that the rally takes place. He says that the police's arguments that they had no alternative but to side with the counter-demonstrators are nonsense: “How would the argument go if 2000 NPD supporters had prevented an authorised demonstration by peaceful citizens?” [*Die Welt*, 10th May 2005]

ICTY indicts journalists

On 28 April 2005, the International Tribunal for the former Yugoslavia in The Hague has issued indictments against Domogoj Margetic, a Croatian journalist from the small weekly, *Hrvatsko Slovo*, and three other Croats. They have been charged with contempt of court for publishing the identity and testimony of a secret witness against General Tihomir Blaškic. If convicted they could be face a prison sentence of ten years. The “secret witness” in question was in fact, Stjepan Mesic, the President of Croatia, whose testimony convicted Blaškic. The national daily, *Slobodna Dalmacija*, had in fact already published the identity of the secret witness as well as much of the testimony, while Ivica Racan was Prime Minister of Croatia, but it is now alleged that President Mesic put pressure on The Hague to issue the indictment against the journalists at *Hrvatsko Slovo* and stirring up opinion against it by calling it a fascist newspaper, etc. The indictments have allowed the editor and several reporters to be sacked and replaced with people more loyal to the Government. Margetic is the author of the recently published book, *Stipe Mesic, Dossier of Treason – an Unauthorised Biography of the Croatian President*. The book documents the long career of Mesic, which started in UDBA, the Yugoslav Communist secret police, in 1958. On the day of the book’s launch, the publisher received a phone call from the Croatian secret services telling him to destroy all copies of it. Police surrounded the publishing house at 2 pm and by 6pm all copies had been destroyed. This was when the arrest warrant was issued for Margetic on a separate charge relating to an event which occurred in 1993 and for which Margetic had already been acquitted. He initially went into hiding but was arrested on 21 April. Now he is in custody awaiting transfer to The Hague. No Croat media has been allowed to print the story of the books’ destruction. Margetic had already been arrested once before, on the occasion of the publication of an earlier book entitled *Who looted Croatia*: many politicians were named in it as having profited illicitly from the country’s privatisation. In 2002, the police also harassed Margetic, when he wrote articles about the government’s secret dealings with the International Monetary Fund. [Privately published article by Jerry Blaskovich, author of *Anatomy of Deceit*.]

Old Mother Hubbard

Over the coming years, the German state is set to receive €53 billion less in tax revenue than it had planned for, according to estimates published by the Federal Finance Ministry in Germany. The Government has blamed the opposition’s veto of cuts in subsidies (the conservatives control the upper

house of the German Parliament, the Federal Council). Both Government and Opposition have reiterated their opposition to any increase in VAT. In the current tax year, the Government will receive €3.2 billion less than planned; this figure will rise to between €15 and €18 billion between now and 2008. [*Die Welt*, 10th May 2005]

Rising scepticism in Turkey

The Turkish Government is concerned at indications that other European Governments are becoming increasingly sceptical about the Turkish accession to which they have in principle agreed. The economics minister Ali Babacan has expressed worry that Turkish accession will become a political football in the German elections. “We are not very happy about the fact that Turkey is being used for internal political purposes, and that it has become an object of political rhetoric,” he has said. The German Chancellor, Gerhard Schröder, has travelled to Ankara for talks with the Turkish President and Prime Minister in order to tackle this theme. For its part, Ankara is trying to show that it will not be a burden on Europe but rather a motor for European growth. Starting on 3 October, Turkey has to show that it has implemented the whole of the *acquis communautaire* – all 30 chapters of the EU’s legal framework. Babacan has said, “Many people will rub their eyes when they see how quickly the convergence process will proceed.” However, the difficult question of agriculture will be left until the end of the “negotiating” process. Ankara even hopes to satisfy at least part of the Maastricht criteria on monetary union by 2007: if Turkish growth reaches its goal of 5 per cent growth then the budget deficit will be cut from 4.4 per cent of GDP to 2.1 per cent to reach 0.5 per cent of GDP in 2007. This is well below the 3 per cent required by Maastricht. Total state debt should also be below 60 per cent. However, it might take longer for the inflation and interest rate figures to be sufficiently reduced. Others areas where Ankara expects to work hard are the more nebulous areas of “transparency”, “good governance” and “efficiency”. Privatisation, tax reform and reform of the financial sector are also on the agenda: in short, as in all EU Member States, the totality of Turkish Government will soon be subject to the imperatives of EU accession. Ankara even expects that Cyprus will disappear as an issue, although it remains to be seen how Turkey can join a club that includes a member it does not even recognise diplomatically. Ankara says that it has signed the appropriate documents for the customs union with Cyprus, which was a precondition for the opening of the accession negotiations, and it now expects that the United Nations will somehow manage to find a solution to

the Cyprus question. (The recent election of a new Turkish Cypriot President who is determined to sell his country out and join the EU should indeed facilitate this process.) Babacan emphasised that EU accession will change not only Turkey but also the EU itself: “This is not just as 28th member state which is joining, but a country which will change the cultural and strategic dimension of Europe.” [Christoph Rabe, *Handelsblatt*, 4th May 2005]

There is, however, no doubt that hostility is growing to Turkey. Both sides feel as if they have a hangover after the Euro-phoria of the decision in December to open accession talks. Schröder has even had to reassure Turks that the talks will actually start on the date planned, 3 October. The fear in Ankara is of course that a ‘No’ vote in the French referendum on 29 May will destroy, or at least severely retard, the timetable for joining the EU. One of the signs of this increasing hostility is the entirely symbolic issue of the Armenian genocide: now the German Parliament itself has started to use the word “genocide” in connection with the events of 1915, and this shows, according to some observers, that “the mood has totally changed”. German Christian Democrat opponents of Turkish membership say that the number of people who want a “privileged partnership” with Turkey – i.e. something short of full EU membership – is growing. Opposition to Turkey, moreover, is not confined to conservatives: the head of the Social Democrats in the European Parliament, Martin Schulz, has recently criticised Turkey vehemently. Others say that Turkish prickliness is the result of the EU’s failure to honour its own obligations, for instance by refusing to keep promises made to Northern Cyprus after the Turkish Cypriots voted ‘Yes’ to reunification, as the EU had told them to do. The Brussels crowd say that they are getting frustrated with the Turks as well. They claim that Turkey often delays making reforms. [Andreas Rinke & Eric Bonse, *Handelsblatt*, 3rd May 2005]

Belgians bill US embassy for treating Iraqi girl

Belgian doctors who have treated an Iraqi girl for leg wounds caused by the explosion of a cluster bomb during the US-led invasion of Iraq have sent the €50,000 bill for her medical treatment to the US Embassy in Brussels. “We haven’t heard from them yet,” said Bert De Belder, coordinator of the humanitarian agency Medical Aid for Third World which brought the girl to Belgium. “I’m curious to know their reaction,” he told Reuters. “We’re giving

them 10 days to respond ... I don’t think they will pay it.” The 15 year-old girl, Hiba Kassim, was brought to Belgium last year because her left ankle had been seriously damaged by a cluster bomb which killed her brothers in Baghdad in 2003. De Belder said he sent the bill to the US embassy on the basis that international law dictates that an occupying force is responsible for the well being of the country’s people. US embassy officials were not immediately available for comment. [Reuters, 28th April 2005]

Russia-EU love-in rather sterile

Following a summit meeting between the EU and Russia, a lot of grand words were bandied about to describe the state of relations between Moscow and Brussels – “great love,” “friendship”, “solid confidence,” “very good results.” The President of the European Council, Jean-Claude Juncker (the Prime Minister of Luxembourg) and the President of the European Commission, José Manuel Barroso had spent the day in a huddle with Vladimir Putin, and the Russian President also opined that, “the process of constructing a great Europe after the fall of the Berlin Wall is continuing”. In reality, however, it is difficult to see exactly what progress has been made in relations between the EU and Russia, since the summit led to the signature of not one substantial agreement in any of the various areas of proposed co-operation. Any mention of Chechnya was carefully avoided, there was no agreement on illegal migrants and the EU failed, despite several attempts by Javier Solana, to get a role in “mediating” any of the conflicts on the territory of the former Soviet Union (e.g. in Transdnistria, in Georgia or in the North Caucasus). Asked about frontier disputes between Russia and the Baltic States, which are now of course EU members, Mr. Putin said that he was prepared to sign an agreement only if the Baltic States gave up their “stupid territorial demands”. On the other hand, a project to construct a gas pipeline across the Baltic Sea towards Germany and Britain does seem to be genuinely under consideration. 70 “personalities” (writers, ex-ambassadors and politicians) wrote to the *Financial Times* on 9 May to protest against the fact that the EU leaders deigned to meet Mr. Putin, who according to the letter-writers presides over one of the least democratic and most repressive regimes in the world. [Marie Jégo, *Le Monde*, 12th May 2005]