

# Resistance

## 'The Treaty of Bozar: THE FEDERALISTS' FINAL SOLUTION?'



Commission President contenders: Guy Verhofstadt (left); Jean Claude Juncker and Martin Schulz' (below)



European Parliament elections are over. Eyes are on the next President of the European Commission. **Juncker** is Angela Merkel's favoured candidate – their EPP 'transnational party' wants:<sup>1</sup>

- 'a European Political Union'.
- more economic & fiscal integration.
- using local authorities and regions to promote European integration.
- 'effective military capabilities at the disposal of the EU'.

**Schulz** was too aggressively federalist and pro a bigger EU budget for Labour to be able to publicly support.<sup>2</sup>

Like other 'EU LibDems', **Verhofstadt** is fanatically federalist; his Spinelli Group proposes 'A Fundamental Law of the European Union', towards the nicknamed 'Treaty of Bozar'.<sup>3</sup>

- This proposes 'a federal union', with
- unanimity and Member States' opt-outs (e.g. in justice and home affairs) virtually eliminated.
  - more power to the European Court of Justice and European Central Bank.
  - powers on ID cards; and levying direct/indirect taxes to finance the EU.
  - 'sharing of sovereign debt'.
  - progressively 'common defence'.
  - ending unanimity for treaty change.

It doesn't take genius to work out that once the final measure is in place, 'the construction of Europe' is achieved.

The next change could then remove any remaining vetoes/unanimity. Inconvenient national referendums could be bypassed, though perversely there are possible provisions for an EU-wide referendum on changes, and any majority need only be 'European'.<sup>4</sup>

### MUST BE AN ELECTION COMING...

Swindon MP Robert Buckland recently spoke out on Sharia Law. "There is one law in this country, and it is the law of England, Wales and Scotland through our common law and statutes. We don't have room for other legal systems..."<sup>8</sup>



That's a bit high coming from the Vice-President of the Conservative Europe Group...?

**Membership of the euro** is taken as given once the criteria are met, i.e. there would be no-opt out for Britain, just the obligation to qualify.<sup>5</sup>

Verhofstadt's co-conspirator, Andrew Duff (who lost his MEP seat in May), has suggested a class of membership ('an **Associate State of the Union**', ASU) for Britain if the revised Treaty is too much to swallow.



### DODGING THE FLAK?

Former Brussels correspondent Boris<sup>9</sup> Johnson recalled how Tory governments had been guilty of "naked

and blatant hypocrisy" over Europe, falsely telling voters that they were resisting attempts to hand power to the EU, but then "capitulated" to the centralisation of power in Brussels.

ASU status is loosely described, as it is also a bait to get other countries like Norway and Turkey to join the EU. Although 'individually negotiated', the text makes it clear that the likes of Britain "cannot be allowed an open-ended possibility to pick and choose what they want from the EU and discard the rest."

So far from being the 'EU-lite' that some Tory types want, it would preserve all the EU powers in the *acquis communautaire*.<sup>6</sup>

Duff sees the ASU scheme as possibly replacing the European Economic Area for current non-EU members.<sup>7</sup>



European Union starts like this...



and ends like this...

ASU would mean accepting the rule of the European Court of Justice, and interestingly could be time-limited, implying the country might then be pushed to join the full 'federal union'.<sup>6</sup>

Back to the Presidential candidates. All of them have objectors, and a 'compromise candidate' like France's Michel Barnier could be appointed – though note he is signed up to the same EPP Party as Juncker!



Some correspondence has been doing the rounds on EU withdrawal. Some very sincere and patriotic people are asking readers to **choose** between Lisbon **Article 50** (withdrawal means) or **repealing the 1972 European Communities Act** etc. ('repeal').

In fact we need **both** – repeal for our own legal system, and Article 50 to enable the EU27 to adjust their arrangements and agree how best to co-ordinate 'Life After EU' with us.

**We need to get out of the EU full stop.** However we need to do so in an **organised** manner, or the result will be *chaos*, for British firms and our trading partners throughout the wider world. The sooner we have a **detailed Brexit plan**, the smoother our exit, (and also the greater the chance of **winning a difficult referendum!**).



## Campaign Successes

We have been distributing our fact sheet on the futility of 'renegotiation' at events, and to the 250 recently-added supporters of *Business for Britain* (sic).



Of those who've replied, half back us on withdrawal, the rest aren't dynamic enough to question Cameron.

We've also mailshot several re-elected new and near-miss MEPs about the need for a Brexit plan to give us a manageable EU withdrawal.



Barring the unexpected, this will be our **20<sup>th</sup> anniversary issue** – over the years we've contributed to the cause in covering oppressive government initiatives on ID cards, road pricing; BBC bias, Tory federalists, the Political Parties Elections and Referendums Act; regionalism and our readers' favourite - how to win a referendum.

Many thanks to all who've helped with material, distribution, donations etc – you know who you are. We hope **not** to be publishing in 20 years' time as we will have left the EU!

### /ctd BREXIT – THE NEED FOR A PLAN

Hold your breath. A report we've just seen (hence 'the report' or 'TR') was written by non-EU researchers who - if anything - were sympathetic to us.

TR warns that if we 'just leave':

- various international agreements made for us in the EU's name (e.g. aviation) might no longer include us.
- all of our trade agreements are affected, and even our position at the WTO, that resolves trade disputes.
- there would be a lack of legal certainty in many areas.

TR is one of the most advanced, well-referenced works we've seen on Brexit, although it is not warranted as error-free or being 'legal advice'.

A lot depends on how international law sees arrangements after a treaty ends. Technically this "releases the parties from any obligation further to perform" but it doesn't necessarily terminate a relationship.<sup>10</sup>

If a "right, obligation or legal situation" for individuals can persist after ending then the same might hold for Britain?<sup>11</sup>

### A WAY OUT OF DIFFICULTIES

TR also gives some hints at the way out of various difficulties. If there are 2 institutions the EU seems to respect, they are the UN, with its Charter for national self-determination and the WTO, reducer of trade barriers.

We could ask the EU and the WTO (committed to the stability of the world trading system) to get prompt all-round agreement that Britain inherits all the trade deals it had to allow the EU to negotiate for it. Keeps life simple?

### WTO



After all, it is not in the EU's interest to damage a major trading partner, with a rebound onto EU exporters and stock markets. The EU would be bound to negotiate a solution "in good faith".

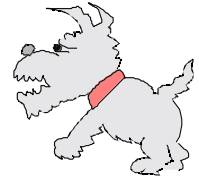
For updates on preserving trade, see [www.newalliance.org.uk/trade.htm](http://www.newalliance.org.uk/trade.htm)

As hinted last year, the trick to avoid being in under EU law for 2 years is to **fast-track withdrawal**. Agreement to work with the EU *from outside* to amicably resolve many secondary matters like jointly-financed projects and the role of UK nationals in the EU. A minimum **stability period** of two years would give some legal certainty.

Treaty law deals with situations that are 'manifestly absurd'. If a British government or referendum clearly rejected political union, then it would be reasonable not to take part in integrationist measures. So, for the time it would take withdrawal formalities to get through Westminster and the EU's institutions, Britain could suggest **non-trade obligations** were formally **suspended** while it remained in the 'departure lounge'.<sup>12</sup> (It would also save the EU wasting time on pointless enforcement action!)

Obviously, the above describes a 'best case'. It depends on assumptions not covered here, and is given to be improved upon. Over to you...

## OUR EU-PRIVATISED POST IN ACTION



✳ Dutch-owned TNT were criticised after service problems in NW London. Postal votes, polling cards and bank statements have been misdelivered, and postmen dumped a whole street's mail in one customer's letter box for them to distribute to their neighbours.

Postmen have been paid by speed, giving an incentive to throw away mail. Letters and confidential benefits information have been found dumped in undergrowth or in a river.<sup>13</sup>

✳ May's European elections were the dirtiest ever, with media hysteria diverting attention from EU plans.

The Mail twisted stories about UKIP using firms who got printing done abroad or used East Europeans to give out leaflets. However it went too far and had to pay the Farage household damages over an invented story.

✳ Even the Express – crusading for withdrawal - strangely asked voters to trust Cameron, who was actually giving powers away to the EU.

The Mail also invented Cameron being pro-leaving the EU if renegotiation failed, when he repeatedly dodged Andrew Marr's questions and said he wouldn't fail.<sup>14</sup>



Main References: (See also embedded links in the text of the online PDF version)

- 1 EPP PARTY PLATFORM, 2012
  - 2 Guardian, 1.3.14, 3 Named after the Beaux Arts building in Brussels.
  - 4 A Fundamental Law... p20 5 ...p14
  - 6 ...p20, p93, p273 7 <http://bit.ly/Zpjs75>
  - 8 Christian Institute, 15.5.14
  - 9 Telegraph, 12.5.14 10 VCLT - Vienna Convention on the Law of Treaties, Art 70,
  - 11 see also "Leaving the EU", by V. Miller, Commons Library. 12 VCLT Art 32, 57
  - 13 Evening Standard, 23/25/28.4.14
  - 14 Mail, 11/14.5.14, Express 12.5.14
- Nothing above is given as 'legal advice'!



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