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*In Favour of a Social Europe,  
the Developing Countries,  
more Humane and  
Environment-Friendly Globalisation*

# **ELECTRONIC VIVANT- EUROPE**

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## **SUMMARY:**

1. Editorial
2. Working document: The European Constitution of 9 May 2006
3. Letter from the Forum to Mr Barroso

## **1. EDITORIAL**

*To stop the procedure of ratification by Member States of the draft constitutional treaty ; call a meeting of a new Intergovernmental Conference for December 2005 ; arrange a European referendum for 2006 ; announce the calling of a new Convention to start work after the ratification of a new Constitution . Four proposals put forward by three members of the Standing Forum of European Civil Society.*

*A letter should also be sent to Mr Barroso, Chairman of the European Commission, concerning:*

- a. Saving the European Constitution
- b. Issues posed by Turkey and the euro zone
- c. Changing the Statute of the European Central Bank.

## **2. WORKING DOCUMENT: THE EUROPEAN CONSTITUTION OF 9 MAY 2006**

Working paper by Philippe Goosjean, Jacques Rabier and Raymond Van Ermen,  
members of the Standing Forum of European Civil Society  
(7 June 2005)

### **The European Constitution of 9 May 2006**

*Mistakes have been made. Words, in particular “Constitution”, carry more weight than had been thought. The crisis must be made the tool for giving Europe another chance and for keeping to the timetable. In spite of the widespread pessimism, the Forum is convinced that there is still room for an original solution!*

*The results of the referenda in France and the Netherlands, two founder members, and the improbability of a referendum taking place in the United Kingdom are the reasons for proposing to the June meeting of the European Council to:*

- 1. Stop the process of ratification by Member States of the draft constitutional treaty by 30 November 2005, so as to avoid leaving Europe in a crisis for more than a year.**
- 2. Call a meeting of a new Intergovernmental Conference for December to adopt the text of the Constitution, without Part III and with a modification of the adoption and amendment procedures defined in Part IV.**
- 3. Arrange a European referendum in 2006 for its adoption by the peoples of Europe on the same day in the whole of Europe – the 9<sup>th</sup> May 2006.**
- 4. After ratification of the Constitution, announce the calling of a new Convention: ‘Progress accelerators for the benefit of Europeans and sustainable development’, reserved, for its legislative aspects, to the countries and peoples that voted ‘yes’ on 9 May 2006.**

**The European Council has chosen not to reach a conclusion on the content of the Constitution, preferring a timetable that delays a final decision. Nevertheless, the three proposals made here – a lighter Constitution, a pan-European referendum, a new Convention – remain pertinent. Only the referendum date would be postponed from 9 May 2006.**

*The timetable foreseen for the entry into force of the Constitution (2006) would thus be kept to; the institutional elements for a more democratic and efficient management of the Union would be in place; and in the Charter of Fundamental Rights the Union would have a new foundation stone. The provisions of the existing treaties, now contained in Part III, would become framework laws, distinct from the European Constitution and subject to amendment by majority vote. They would not be changed before the conclusion of the work of Convention III (see below) and would not be included in the first European referendum.*

#### **1. Promote European citizenship and democracy: A truly European referendum.**

*The constitutional treaty as it stands would not be ratified, which should lead to a radical change. The ‘no’ votes on the constitutional treaty were not homogeneous: some voters seek to conserve their social model, others to protect their sovereignty; others again want more liberalism, even to discard the charter of fundamental rights. The peoples of Europe must be consulted as European citizens, for ‘European identity is distinct from national identity.’ (1)*

*Citizenship of the European Union must be emphasised. If it is added to, without replacing, national citizenship, it should give access to a new right identical for all: the right to take part in a referendum of the European Union. This right, identical for all, should be recognised when the*

*Constitution of the Union is ratified and whenever it is later to be amended. The right should confirm the existence of a 'public European space'. The European referendum should be unique, jointly decided on and arranged by the Council of Ministers and the European Parliament, and replace the string of national referenda and/or ratifications by national parliaments. The right of European citizens to express themselves directly will thus be denied to nobody in the Union (which could be the case in 16 of the 25 Member States).*

*All citizens, all Peoples, of Europe will take part simultaneously in the same debate on the Constitution of the Union, amended as indicated above, and will vote on the same day: 9 May, Europe Day, 2006. This European referendum would require a double qualified majority: a qualified majority of those States in which the people vote 'yes', and a qualified majority of all European citizens from all countries taken together. If the Constitution gets this doubly qualified approval, in those States where citizens have voted 'no' the latter will be able to take part in a vote in their own country to decide either to confirm their previous vote – in which case the Constitution will come into force between those countries that voted 'yes', as an instance of enhanced cooperation – or to rally to the majority.*

**2. What has been gained through the process of the Convention should be preserved and enter into force at the date originally foreseen**

*All civil society organisations will be affected if the treaties are not modernised and decision-making mechanisms not reformed. In particular, simplification of the double majority voting system, extension of majority voting, the introduction of the so-called passerelle (lateral communication) clauses, extension of the competence of the Court of Justice and of the related guarantees in terms of the rights and freedoms of citizens, extension of the powers of the Parliament as co-legislator, association of national parliaments to widen democratic control in the Union, establishment of a Minister of Foreign Affairs, establishment of structures for security and defence co-operation, widening of the separate powers of decision by Euro Zone members, conferment of legal personality on the Union and a new form of Council presidency – all these should be preserved.*

**3. Separate the Constitution of the European Union from the policies in the existing treaties**

Experts recognise that it was a mistake to integrate into a Constitution the articles of the existing treaties which make up Part III – and at the last minute and without proper discussion by the Convention of their content. The Inter-Governmental Conference which the European Council should call in June should:

- 3.1 define as being within the Constitution proper (and no longer the constitutional treaty) just Part I (but with a wider mandate for the European Central Bank), Part II and Part IV (revised), which are the only parts containing articles of a constitutional nature;
- 3.2 modify the ratification procedure by instituting the single European referendum, jointly decided upon and called by the Council of Ministers and the European Parliament and taking place throughout the Union on the same day;
- 3.3 call the first European referendum for 9 May 2006, so that the original timetable can be kept to.

**4. Call a Third Convention, for the second half of 2006, to debate the theme "Progress Accelerators for the benefit of Europeans and Sustainable Development"**

*This Convention (of public bodies, corporations and civil society organisations) will debate the synergies that can be created between public and private programmes and actions in order to enhance European social cohesion, to address demographic and educational issues, and to respond to the challenges of human security and sustainable development. The convention will draw up a concerted programme of action. In part it will be reserved for those countries and peoples having voted 'yes' for the Constitution of 9 May 2006; this is because in its work of a 'legislative' character it will rely upon The Charter of Fundamental Rights and the principle of participative democracy contained in the Constitution.*

*A preliminary draft of a European Council decision of June 2005 is proposed in Annex hereto.*

### **With this scenario**

- no time is lost ; the date of 2006 is respected
- the European Union is strengthened by the introduction of the European referendum
- the main benefits of the constitutional treaty are preserved
- one can move to a new phase with Convention III and allow Europe to advance

### **In addition, we**

- request the Commission to call a special Round Table for July 2005 of the Union institutions, of Turkey and European Civil Society where the non-governmental organisations would have the opportunity to submit suggestions for innovative approaches, before negotiations with Turkey begin in October and the Euro-Mediterranean summit is held in November;
- propose to the Organised Civil Society of the Euro Zone to hold a General Meeting in September 2006 in Brussels to consider the elements of a common platform regarding economic revival in the zone.

### **Annex to Working Paper**

*Preliminary draft of European Council Resolution of June 2005*

*Chapter: The Third European Convention: 'Progress Accelerators for the benefit of Europeans and Sustainable Development'*

*In December 2005, we shall adopt a Declaration calling the Third European Convention for the second half of 2006 – i.e., after the adoption of the Constitution by European referendum on 9 May 2006 – and fixing the way it should be prepared in order that all the active forces in Europe may be prepared and contribute towards it.*

*After the first Convention which led to the adoption of the Charter of Fundamental Rights and after the second Convention which drew up the new parts of the Constitutional Treaty, we intend to call a third Convention which will meet from the second half of 2006 (after the European referendum by which we trust the citizens of Europe, exercising their sovereign right, will adopt the Constitution of the European Union).*

*We request the European Commission and, in dialogue with European civil society, the Economic and Social Committee to address their proposals on the 3 following points to the Council Presidency by 30 September 2005:*

### 1. The Aim of Convention III

*We take note that it is no longer sufficient to overcome present-day challenges by founding oneself on a reading of 19<sup>th</sup> Century geopolitical and economic situations, both of which were based on an obsession with competition (2). Rapid change now affects ‘the rules of the game, the productive forces, social relationships, the way we are represented, our values and also our collective horizons’, and ‘processes, networks and systems are inextricably linked’. We wish the European Union to subscribe to a dynamic of cooperation and co-evolution (3) toward a Flourishing Society. (4)*

*The theme of the Third Convention shall be Intelligent Revolution. Europeans, with their cultural differences and varied social models, should transform their social relationships and discover a culture adapted to their collective intelligence. In this way we seek to break the vicious cycle of fear which, in Europe, has provoked backward steps to barbarity such as the world wars and the Balkans war and which today takes on new forms in ‘the fear of others’. If Europe today has a special function, after the spiritual and ethical disasters of its internal barbarity of the 20<sup>th</sup> Century, it is to contribute to a new quality of democracy, new forms of cooperation and the release of economic, cultural, social and civic energies which will prove to be not backward steps but accelerators of progress (5).*

*We invite the younger ‘Erasmus Generation’ to become involved particularly in the design of the next steps, based on what it has received as its heritage: identity, citizenship, culture. (1)*

*We wish Convention III to explore the content of an Action Plan – called SYNERGY – shared by the European Union, Corporations and Civil Society. Such a plan of action should rely on the partnerships which should be the ‘progress accelerators’ for a Europe that may be ever more innovative and generative of energy, developing a model of sustainable co-development to meet the challenges of ‘human security in the broad sense : in other words, partnerships that would aim to create conditions favourable for the well-being and development for all’, and to guide the worldwide processes of our epoch and channel them towards human development, equitable economic models, democracy and justice (6).*

*We wish Convention III to explore “synergies” between the public sector, corporations and civil society, to give greater force to the “partnerships” existing between these different classes of actors in the construction of Europe, and also to those between the European Union and its neighbours and other parts of the world. Such partnerships may be a major source of innovation, of new linkages, new products, new services. In short, what should emerge from the Convention on progress accelerators is an enhancement of a Social Europe for Sustainable Development, a Europe of Culture, a ‘competitive’ Europe.*

*These partnerships should contribute new responses to three types of question:*

- What shall we do with our planet?*
- What shall we do with our species?*
- What shall we do with our life? (5)*

*Convention III should also point up qualitative indicators of progress and a method of monitoring performance during the period 2007 to 2013. In its conclusions Convention III may identify any desirable modifications to the purport of what was Part III of the constitutional treaty, and propose reforms regarding public accounts and purchasing policies.*

*To be effective, Convention III should aim to conform to the objectives set in the Constitution and organise its work around a limited number of lateral themes. We shall determine the latter in December, on the proposal of the Council Presidency, following the conclusions of the General Assembly of the United Nations on the Millennium Objectives, of the Euro-Mediterranean Summit, of the Social and Economic Committee's analysis of progress made concerning the social and environmental responsibility of corporations, of the Commission's report on implementation of the European strategy for sustainable development that we initiated in Gothenburg, of the G8, and of an internet consultation of the 'Erasmus Generation' concerning a cultural project for Europe.*

## *2. Participation in Convention III*

*This third convention should not be identical to the first two. It could take a double form:*

- that of an 'open method of coordination', involving this time not only the Institutions of the Union and all Member States but also corporations, trade unions and civil society. The Convention should also open its doors to actors belonging to partnerships with Europe both within and outside the Union*
- that of a 'Convention' similar in composition to Convention II, but - as far as legislative amendments to the texts of the Treaty of Nice, at present found in Part II of the draft Constitutional Treaty, are concerned - limited to those countries which will have answered 'yes' to the Constitution of 9 May 2006*

*In the face of the fears that have appeared – fear of the future and fear of others (3), we seek to encourage an active population, connecting the local and the global. We should like the process of Convention III to afford the large social movements which have marked recent history in Europe, as the Erasmus Generation, the possibility of turning the vitality of their vision into projects for action and cooperation. We should like the 'champions and leaders' of local initiatives that have already proved successful to come and share their experiences and suggest how to create a scale effect to accelerate progress toward sustainable human development; just as we should like the proponents of an ethical economy of solidarity to come and discuss with Convention III how to turn ethical purchasing and investment, which still remain 'niche markets', into a new economy for Europe.*

*Those who take part will of course hold divergent views on many issues, yet the potential for finding common ground and for innovation is considerable: 'rendering public benefits available worldwide, regulating markets, deepening responsibility, protecting the environment and urgently alleviating social injustices' (6) are levers for making Europe more effective.*

*We should like appropriate mechanisms to be proposed to us to allow younger people to play a major role and culturally creative people to point up new paths. Europe should be a laboratory for the emergence of worldwide civility, and with this in view Convention III should connect European issues with a leap in the quality of democracy. (5)*

## *3. The method*

*The proposals put to us in view of the Declaration of December 2005 should preferably define a method by which the 'overlapping communities concerned' (towns, regions, peoples, social movements, project communities) may participate in the preparation of Convention III through a network of forums ranging from the local to the worldwide.*

*Convention III should produce linkages and contribute to the 'enrichment' of the 'dialogue conducted in humanity' between all those who take part through the various forums. It should lead to the proposal of new collective actions, firmly rooted in a 'desire for humanity', the management*

*and regulation by citizens together in order to construct, through solidarity, the future of European society and of human societies. (4)*

- (1) *Les Fossoyeurs de l'Europe by Fabrice Amadeo.*
- (2) *Reconsidérer la richesse by Patrick Viveret.*
- (3) *de Rosnay and Jacques Robin.*
- (4) *A well-being manifesto for a flourishing society by The New Economics Foundation.*
- (5) *Pourquoi ça ne va pas plus mal by Patrick Viveret.*
- (6) *Un nouveau contrat mondial by David Held, London School of Economics.*

### **3. DRAFT LETTER FROM THE FORUM TO MR BARROSO**

*Sir,*

*To save the European Constitution*

*Three major steps forward for the Peoples of Europe are now threatened by those who wish to consign the draft Constitutional Treaty to an early grave. The European Council of June must be called on not to allow that to happen!*

- *For the first time, the draft submitted for ratification stated that the European Union is a union not only of 'States' but also of 'Peoples'.*
- *For the first time, the draft constitutional treaty changed the foundation stone of the Union. At present it is still 'the market'. It was to become the 'Charter of Fundamental Rights', which would be accorded legal status.*
- *For the first time, the principle of participative democracy was recognised.*

*One member of the 'European elite' entitled a contribution following the French and Dutch referenda "People's Pause". The people are about to be put in the community refrigerator! The Charter of Fundamental Rights is about to be discarded! As for participative democracy, it is about to be replaced by a policy of "communication".*

*To prevent this unacceptable retreat, the principle of a European Constitution must be fought for, together with the right of the peoples to have the last say through a pan-European referendum. But discussions have shown that if such a referendum is to succeed the Union must find a new approach to the Turkish issue and a new thrust for the Euro.*

*For these reasons, the Forum*

- 1. Requests the Commission to call, in July 2005, a special Round Table of the Union's institutions and Turkey, together with European Civil Society, to allow the non-governmental organisations to make suggestions regarding innovative approaches, before negotiations with Turkey start in October and the Euro-Mediterranean Summit is held in November.*
- 2. Is proposing that the Organised Civil Society of the Euro Zone should hold a General Meeting in September 2006 to study the elements of a common platform regarding an economic revival in the zone.*

*For its part, the Forum would make its own contribution to the debate. Please find attached our working paper.*

*The Standing Forum of Civil Society would like to meet with you to discuss these themes.*

*Yours Sincerely,  
THE FORUM*

## **Annex to draft letter to Mr Barroso**

*Working Paper of the Standing Forum of European Civil Society*

### **1. Turkey**

*The idea of Europe getting ever larger, without frontiers, must be discarded. The Europe of concentric circles must be replaced by a concept of Olympic rings within which Europe is a circle linked to others on the basis of common values. Europe has no calling to ‘impose’ its values, its model or its norms in the way one seeks to do by the means of a policy of neighbourhood. Since the fall of the Berlin Wall our politicians have lost all sense of dimension. Europe has been seen as without limits: Russia, Israel, the Maghreb, Africa, all have been seen as having the destiny of joining the European Club – but on our conditions, those defined in 80,000 pages of Community legislation. The good thing about this is of course the vision of an Empire growing by peaceful means on the basis of requests to join it. The problem is that European identity was being sacrificed, losing the support of a large part of the Club members. We should retain the objective of contributing to peace and development in a wider region of the world comprising a third of the world’s population, but this must be achieved without making Europe the ‘navel of the world’ and Brussels the capital of a new kind of empire.*

*The preparation of the Euro-Mediterranean Summit provides an opportunity to redefine the European vision and at the same time to find a way ahead on the Turkish issue. It is thirty years since the Turks first sought to join the Brussels institutions and it is time to set out another vision which is better adapted to globalisation and the dialogue between civilisations – the vision of Institutions, of which the European Union of 25 members, together with Turkey and other countries of the Mediterranean Basin, would be a founding member, based not in Brussels but in Istanbul and Strasbourg: the Euro-Mediterranean Alliance for Human Security and the Free Trade Area 2010. This Alliance would have its own institutions: a Council of States, a Senate, a High Commission (in Istanbul), a Court of Justice (in Strasbourg), and its own Charter. (\*) Such a vision would show that we can bring about cooperation between civilisations and between religions, and also organise ourselves to avoid fighting over resources – which, in fact, has already begun. Turkey, instead of being a supplicant, would become a ‘centre of gravity’.*

### **2. The Euro Zone**

*The Euro is and will remain a great advance if, and only if, those responsible for it can more clearly explain to the peoples the choices that are made. There are two questions to which the European “elites” provide no reply:*

- *Public opinion does not understand why the mandate of the European Central Bank cannot be as wide as that of the Federal Reserve of the United States. An economist of Natexis Banques Populaires has written: “It is time to change the statutes of the ECB so that they take into account growth and employment more explicitly”.*
- *The people notice a reduction in their purchasing power. (According to some sources, a European’s purchasing power in 1990 was 80% of that of a citizen of the USA, while today it is only 64%.) Is this really the case? And if so what conclusions should be drawn?*

*The Forum would organise a meeting to allow an exchange of views with representatives of the European Central Bank, the European Commission and economists supporting a widening of the ECB's mandate.*

*(\*) The same reasoning could be applied to the East. The European Union could propose to be a founding member of an "Alliance" which would have its Council, its Senate and its High Commission in Moscow and its Court of Justice in Strasbourg.*