

# The European Constitution of 9 May 2006

Three major advances for the Peoples of Europe are now being put under threat by those who want the draft Constitutional Treaty to sink into oblivion.

- For the first time, the draft Treaty that was submitted for ratification stated that the European Union was not only a union of "States" but also of "Peoples".
- For the first time, the cornerstone of the Union, i.e. "the market", was meant to be replaced in the draft Constitutional Treaty by the "Charter of Fundamental Rights", which would have been granted legal value.
- For the first time, the principle of participatory democracy was recognized.

In the aftermath of the French and Dutch referenda, one of the members of the European elite ran as a headline for his contribution: "People's Pause". Peoples' consultations are going to be shelved! The Charter of Fundamental Rights will be put on the scrap heap. As for participatory democracy, it will be replaced with a "communication" policy.

To try and hinder this backward move and this attack on a Citizens' Europe, **we must make every effort to ensure that the peoples have the final say through a pan-European referendum** which would adopt a "lite Constitution". This Constitution would go down in history as the European Constitution of 9 May 2006. While previous treaties were linked to a city (Rome, Maastricht, Amsterdam, Nice), the Constitution would be linked to a date, that of Europe's Feast Day, which would be when the sovereign people ratified the Constitution on the same day throughout Europe: 9 May 2006.

Emphasis should be laid on the citizenship of the European Union, which must open a "*new identical right for all*", that of taking part in a European Union referendum. This identical right for all must be recognized when ratifying the EU Constitution and any subsequent amendments; it must also establish the existence of a "European public area". The European referendum must be unique, jointly agreed and convened by the Council of Ministers and the European Parliament, while acting as a substitute for the string of national referenda and/or approval procedures by national parliaments. The right of European citizens to directly express their views will not be denied to anyone within the Union (which might be the case in 16 Member States out of 25).

Such a European referendum would provide for a "*double qualified majority*", in other words a qualified majority of States in which the peoples would vote "yes" and a qualified majority for all European citizens, with all countries taken together. If the Constitution won this double majority, the States in which the peoples voted "no" may decide to confirm their votes through a national ballot – in which case the Constitution would only enter into force in the form of enhanced cooperation among the countries that said "yes" – or join the ranks of the majority.

After the Constitution has been ratified, a new Convention will be convened on the theme: "Progress accelerators for the well-being of Europeans and sustainable development". Its legislative part will be reserved to the countries and peoples that will say "yes" on 9 May 2006.

## The *LITE* CONSTITUTION OF 9 MAY 2006

The outcome of the referenda held in France and the Netherlands, two founding members of the European Union, and the unlikelihood of a referendum in the United Kingdom have resulted in submitting the following proposals to the European Council meeting of June 2005:

- i. Terminating the procedure to have the draft Constitutional Treaty ratified by the EU Member States by 30 November 2005 in order not to leave Europe in an atmosphere of crisis for over a year.
- ii. Convening a new Intergovernmental Conference to be held in December 2005 to adopt the draft Constitution, without Part III, with an amendment to the adoption and amendment procedure defined under Part IV. The provisions of the existing Treaties – which are taken up under Part III – would become "framework laws", separate from the European Constitution, with the possibility of being revised by a majority vote. They would remain unchanged until the work of Convention III was completed (see further on) and would not be the subject of the first European referendum.
- iii. Setting up a European referendum in 2006 in order for the Peoples of Europe to adopt this Constitution on the same day throughout Europe – 9 May 2006.
- iv. After the Constitution has been ratified, announcing the convening of a Convention III on the theme: "Progress accelerators for the well-being of Europeans and sustainable development", with a legislative part reserved to the countries and peoples that will say "yes" on 9 May 2006.