

PROPOSITIONS FOR THE ROADMAP « CONSTITUTIONAL TREATY »
TO BE ADOPTED BY THE EUROPEAN COUNCIL IN JUNE 2006

Change the context to improve the text

SUMMARY

The June 2006 European Council should define a « roadmap » to get out of the current crisis over the Constitutional Treaty. In the Forum's opinion, it is important that this roadmap should allow to « *change the context before one re-opens the discussion over the text* » of the constitutional treaty.

Creating a new context

To this end the roadmap should set 5 steps, each one offering new perspectives to the citizens:

1. First step: The Estates-General of Networks' Europe,
2. Second step: The Convention III over a societal contract and the Constitution,
3. Third step: The Intergovernmental Conference over the Constitution,
4. Fourth step: A Pan-European Consultation of the citizens simultaneous with the election to the European Parliament in June 2009,
5. Fifth step: Ratification by the national Parliaments.

To create a new context implies that one opens up «*new paths*»; that one allows to explore new possible approaches likely to provide responses to the misgivings expressed concerning the Union's enlargement process, the effect of globalization, the new challenges concerning peace and safety, the conditions of future social progresses, etc.

These are the reasons why the timetable that will be proposed by the June 2006 European Council should provide for:

1. Plans of action presented by Europe of the Networks and aiming at a more sustainable and responsible world,
2. A Societal Contract and new criteria to measure progress,
3. The launching of the Conference for the **Alliance of the Three Seas** (Black, Caspian and Mediterranean) to discuss 4 'baskets'; the alliance should be operational as from 2010,
4. The presentation by civil society, in Roma on the occasion of the 50th anniversary of the 1957 Treaty, of the draft of a **Solemn Declaration of European Citizens' Interdependence**, of which the final version should be proposed as the preamble to the revised European Constitution.

Re-opening the discussion over the European Constitution

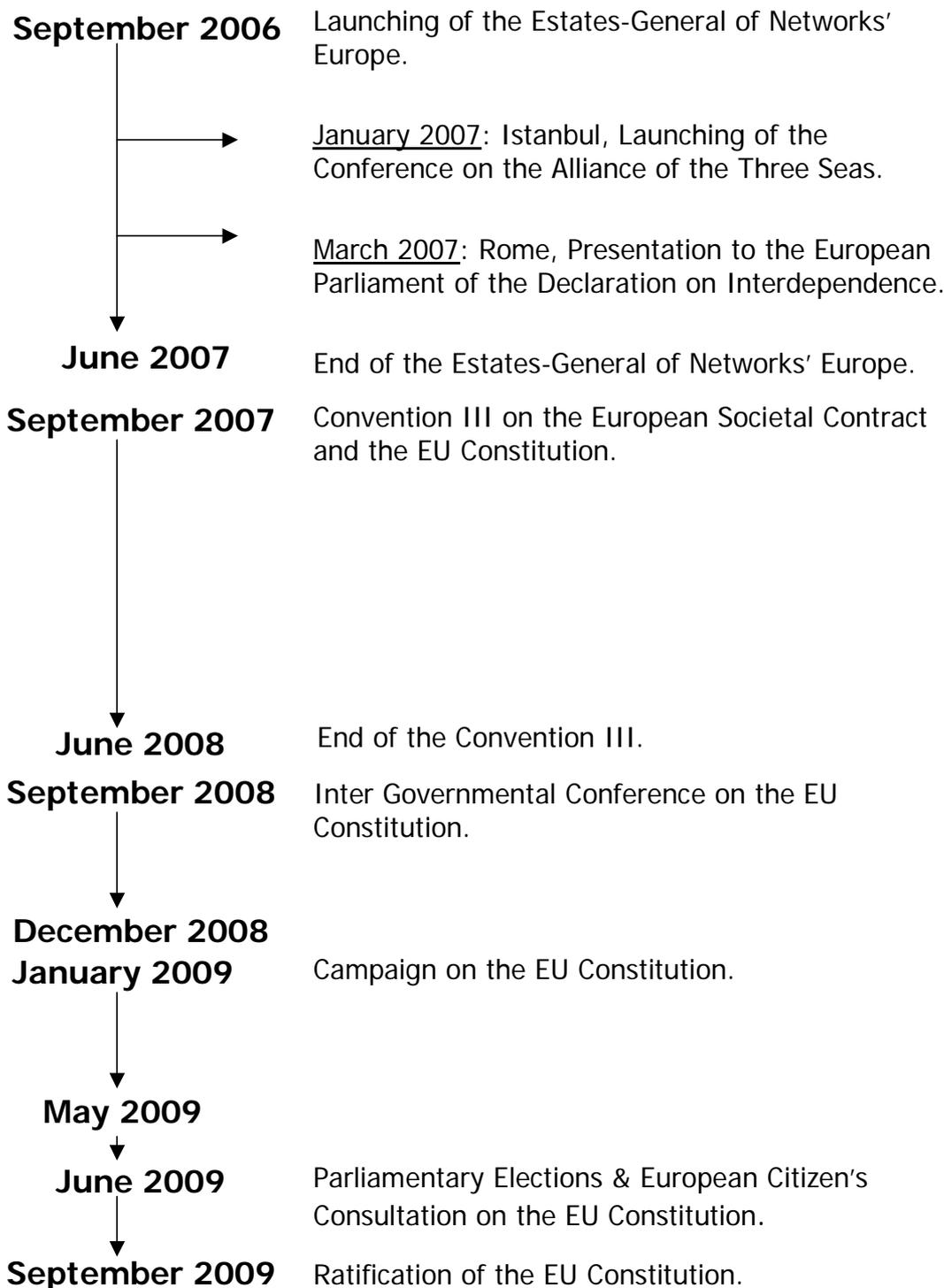
This timetable would open up «*new perspectives*» to discuss the Constitution itself with full and equal respect for the value and dignity of the «Yes» and «No» votes that have been already or will be later expressed over the Constitutional Treaty signed in Rome on October 29, 2004.

If one knows very well, as from today, that this treaty will never be implemented – since two Member States already rejected it – and if, in June 2007, at least 20 Member States will have ratified it, its text would constitute, for these very reasons, a «solid basis» for negotiation¹. In these conditions, it would be wise for the European Council to avail itself of the experience of the Laeken Declaration of December 2001; the Council should, as soon as in June 2006, raise a set of questions likely to enrich the debate over the Constitution and allow the crisis to transform itself into an opportunity for a step forward and large consensus.

This is the reason why the Forum presents its propositions as a *draft declaration of the June 2006 European Council*.

¹ See the declaration n° 30 annexed to the Constitutional Treaty of October 29, 2004.

Europe's Calendar for a "New Context"



Draft of the European Council Declaration of June 2006

Proposed by the Permanent Forum of European Civil Society

As we have done in Laeken, we want to provide new foundations for the further development of the Union. We have taken due notice of the votes already expressed concerning the ratification of the Constitutional Treaty.

1. THE PUBLIC OPINION'S SUPPORT TO GO AHEAD

We observe that a double majority emerges in the European public opinion.

On the one hand, according to Euro barometer the public opinion supports the principle of a Constitution and we are delighted to note that public opinion considers it is a way to make the Union more democratic (64%), more effective (61%), more transparent (56%), stronger on the international level (69%), more competitive (64%) and more concerned with solidarity (54%).

On the other hand, we are also delighted that the peoples who voted against the Treaty, do not wish the abandonment of the project of Constitution.

We note that an almost majority proportion of the European public opinion (49%) request that the Constitutional Treaty be renegotiated. We record that the continuation of the ratification process is supported by one citizen over five and that only a small minority (13%) would wish the abandonment of the project.

We think that this double majority – “Yes to a Constitution” and “Yes to the renegotiation” – offers the possibility to pursue the construction of the European Union.

2. CONTINUING THE RATIFICATION PROCESS OF THE CONSTITUTIONAL TREATY

We are delighted that the ratification of the Constitutional Treaty is still under process and we invite all Member States that did not complete it yet to proceed to its full completion. The objective is to attain the threshold of 20 Member States having ratified the Treaty so that we could recognise it as a “solid basis” for renegotiation.

On this basis, the roadmap that we adopt will allow to improve the text and submit a revised version to a new procedure of ratification. The stage-approach that we have adopted will open up new perspectives for the discussion on the text of the Constitution itself with full and equal respect for the value and dignity of the “Yes” and “No” votes that have been already or will be later expressed over the Constitutional Treaty signed in Rome on October 29, 2004.

3. A NEW CONTEXT

The roadmap that we propose will open new spaces of innovation. It does not relate only to the Constitutional Treaty but includes other initiatives that will place it in a **new** and broader **context**.

4. ESTATES-GENERAL OF NETWORKS' EUROPE - SEPTEMBER 2006 - JUNE 2007

The crisis opened by the ‘No’ of two founder states to the Constitutional Treaty created a shock in the political milieu but also among trade unions and NGO active on the European scene. This is why one must innovate in terms of governance and adopt a multiple-stage approach.

We wish that the trade unions, the commercial enterprises and civil society, convened together in the “**Estates-General of Networks’ Europe**”, examine a number of questions related to globalization and the overall objectives that Europeans want to achieve together – not only questions relating to the Union’s own institutions. Only then a Convention III and an Intergovernmental Conference (IGC) will be in a position to tackle the question of the Constitution.

Europe may not be resumed to its institutions. It is also embodied in multiple networks of institutions, organisations, commercial companies, universities and students, scientific communities, citizens from all over its areas. Together, they constitute an essential mainstay of exchange, diplomacy, solidarity inside the Union and between the Union and the rest of the world. In the search for answers to meet new social needs within the Union, to fight against exclusion and poverty and in the framework of globalization, all these networks are an essential lever of success for the Union. We wish to develop their effectiveness and promote new synergies.

It is in relation to globalization that the EU has become a threat in the opinion of many people: threat of impoverishment for the Europeans, in the opinion of the ones, threat of insufficient solidarity or justice for a better world, in the opinion of the others. The European Union must renew its strategy and its message on the basis of four main questions:

- What is the EU specific character within the world; and what is the share that should be taken up by civil society in the formulation of the changes to the treaty, which are necessary to embody this character?
- Which are the changes that globalization will produce on the EU station within the world?
- Which are the forces that will allow European civil society to reinforce its influence?
- Which are the initiatives of “new governance” that the EU and its institutions should take to regain the citizens’ confidence in the framework of globalization?

It is the whole society – public authorities, commercial companies, trade unions, the press and civil society – which must be mobilised and empowered to control together the definition of the responses given to four everlasting EU challenges:

- a) How should the EU organise itself to define the quality of the well-being and the richness that it wants to offer to its citizens?
- b) How should the EU organise itself to summon up the strength of all its “societal operators” towards the attainment of these quality objectives?
- c) How should the EU organise itself to distribute, equitably amongst all its citizens, the richness and the well-being generated by all its societal operators?
- d) How should the EU organise itself to distribute, amongst all its societal operators, the burden of those risks that, by their very nature, cannot be controlled by only one category of them and must therefore be legitimately distributed amongst all those who are, for various reasons, simultaneously the cause and the victims of these risks (inflation, industrial accident, involuntary unemployment, disease, old age, etc).

To prepare these Estates-General, we ask the Commission and the Liaison Committee of the European Economic and Social Committee with civil society to prepare a report on the partnerships that are directly or indirectly financially supported by the Union – inside or outside its borders – and to provide answers to the following questions:

- Did these supports contribute to improve the situation in their respective areas?
- Did they generate more solidarity and how could one do more and better?
- Did they contribute to reduce poverty and how could one do more and better?
- Did they contribute to more friendship amongst peoples, solidarity between present and future generations and support to handicapped people; did they improve the fight against poverty, the quality of cultural heritage, the rights recognised by the Charter of the basic rights, the environmental protection, the equitable trade and the socially responsible investments?
- Which are the success stories?
- Which are the failures?
- What did we learn ?

- How could we better mobilise people, organisations and means?
- Which modifications should be brought to partnerships with other areas in the world?
- How could these partnerships accelerate the transition towards a better world?

This report will be submitted to the Estates-General of Networks' Europe.

We also wish that the Estates-General of Networks' Europe gives an opinion on the reshaping of the European Economic and Social Committee (EESC). Should the EESC be entrusted with a new mission substituent with certain current missions? Should it be a place where one could develop the process in the negotiation, the implementation and the follow-through of "pacts of progress" on:

- Public-private partnerships,
- The Millennium objectives,
- Strategic Impact Analysis (SIA) as regards trade,
- Initiatives as regards social responsibility of enterprises (SRE),
- Sustainable purchase and socially responsible investments,
- Direct and indirect Union's financing supports to civil society, trade unions and commercial companies?

Should the EESC consist of 3 groups with 2 additional groups of observers:

- Employers, trade unions and NGOs,
- Observers: public authorities – stakeholders in private-public partnerships – and the Union's partners in the South (CAP countries, Mercosur, ASEM, Euro-Med, etc.)?

The Estates-General of Networks' Europe will be held in the premises of the European Parliament. Those who will sit in the Convention III will also participate as observers. The Estates-General will:

- Identify the issues that should be dealt with by the Convention III,
- Submit programme of actions for the period 2007-2013 entitled *Europe of the Synergies*.

5. CONVENTION III - SEPTEMBER 2007- JUNE 2008

Then will come, in September 2007, the time for the **Convention III**.

We ask the Convention III to seize on the conclusions of the Estates-General of Networks' Europe and answer to the following questions:

- 5.1. Should the European Union's Constitution be ratified distinctly and separately by, on the one hand, a unique and Pan-European consultation of the Union's citizens to be held on the same day all over the Union, and, on the other hand, by each one of the Member States in accordance with their respective constitutional requirements? Should the amendments to the Constitution be ratified in the same way?
- 5.2. Does the Part III of the Constitutional Treaty, signed in Rome on October 29, 2004, contain provisions that should be amended – not in the way of the ordinary revision procedure – but instead through a European law or, depending on the nature of the amendment, a constitutional law requiring a decision-making procedure heavier than the ordinary legislative procedure?
- 5.3. Should the Union be explicitly founded on the joint and several sovereignty of the citizens and Member States?
- 5.4. Should the Union's citizenship be extended to all its residents ?
- 5.5. Should the definition of the Union's values and objectives, of the competences that are conferred on the Union to attain these objectives, as well as of the corresponding necessary budgetary resources, belong to the joint and several sovereignty of the citizens and Member States?

- 5.6. Should the President of the European Commission be designated by the direct and universal suffrage of the Union's citizens?
- 5.7. Should the unanimity in the Council (or its corollary: the right of veto) be abolished everywhere and systematically replaced by an organic law requiring a super-qualified majority within both the Council and the Parliament?
- 5.8. Should the European Union's Constitution enter into force not later than the new European Parliament, i.e. the 1st of November 2009?

6. INTERGOVERNMENTAL CONFERENCE: SEPTEMBER 2008 - DECEMBER 2008

The **ICG** will adopt the draft treaty «carrying» the revised Constitution that will be submitted to a Pan-European consultation in June 2009.

7. THE ALLIANCE OF THE THREE SEAS – JANUARY 2007

In parallel with the Estates-General of Networks' Europe, we shall invite Turkey to host, as from January 2007, **an intergovernmental conference** that will elaborate a draft treaty on the Alliance that we wish to propose to the Union's neighbour countries.

We believe indeed that we should inspire ourselves by the experiment of the Community of Coal and Steel that tackled first the raw materials for war at the time. To prevent a war in Europe today, a new Alliance with our neighbours should be launched in order to provide a response to two major sources of conflict and stay the course of possible war and violence. At the eve of the XXIst century, the main sources of conflict are the struggle for resources, in particular energy and water, and terrorist acts generated by fanaticism.

The Alliance will be a place where the EU, Russia, Turkey, Ukraine and other countries in the area, (maybe Iran one day, who knows?), and Mediterranean countries should engage in a partnership for peace, safety and development.

We invite our neighbours to discuss of a "**Alliance of the Three Seas for Human Safety**". This Alliance would have the seat of its Council, its High Commission and its Senate in Istanbul – bridge between the Occident and the East – and its Court of Justice in Strasbourg – the symbol city of reconciliation after wars. The EU budgets relating to its policy of vicinity will be placed at the disposal of the Alliance as from 2010.

To immediately make a success of this alliance, will allow giving time to time as regards the enlargement of the Union itself. Those who today want to enter the Union at all costs, will perhaps find that the Alliance answers better the expectations of their people. And perhaps the success of the Alliance will raise current psychological barriers, currently observed in the Union, against the continuation of its enlargement.

Based on the experiment of the Helsinki agreements, an approach by "basket" seems to us the most effective. The Alliance would have four baskets: "free and fair trade", "energy and water", "democracy and basic rights" and "youth".

- The Euro-Mediterranean free trade area of 2010 would be transformed into the "Zone of free and fair trade exchange of the Three Seas".
- Quite as important, the Alliance will enable to set up a strategic partnership on energy and migration.
- The Alliance will also enable us to improve our co-operation as regards basic rights and give to all citizens from the Alliance's Member States an access to a Court of Justice dedicated to issues relating to basic rights.
- Finally the Alliance will allow youths from its member States to amplify their exchanges.

8. A PAN-EUROPEAN CONSULTATION IN JUNE 2009

Two draft proposals will be submitted, in June 2009, to a consultation of all Union's citizens before being presented for approval by the Council and the Parliament. This consultation will be held in parallel with the European elections.

- The draft treaty between the Member States, which will carry **the revised version of the European Union's Constitution**.
- The draft treaty of the **Alliance of the Three Seas** that, as from 2010, will unite the 27 Member States of the European Union and their neighbour States whether they be a candidate member or not.

These two proposals will have to bring new responses to questions relating to migration, mode of development, solidarity and equity. They should allow to bring new responses to the questions that, since the conclusions of the Convention on the Future of Europe, obviously require an innovating approach: in particular questions relating to security of raw materials' supply, energy and hydraulic resources as well as others. They will also result in clearly differentiating, in the public opinion, the *political* European Union and the Zone of free and fair *trade exchange*. This latter will include the Union but will not be limited neither to it, nor to the Mediterranean countries. Finally these proposals will have to offer a new springboard of exchange to the youth of all our countries, whether they be Union members or neighbours countries.

This Alliance will make the Union more effective and its citizens more confident; the applicant countries will become partners, as from 2010, in an organisation that, by its methods, will provide them with the means to answer the most urgent challenges that they have to overcome while keeping the doors open for the future. This will create also a "new context" as regards the Pan-European consultation on the revised Constitution and the referendums on the treaty that will carry it.

9. ADOPTION OF THE CONSTITUTION - DECEMBER 2009

On the basis of the Pan-European consultation's result of June 2009, the Council and the Parliament **will adopt the final version of the Constitution**.

CONCLUSIONS

As it occurred already in the past, a European crisis can again be transformed into a step forward. The current crisis is profound. It concerns the relation that Europeans have with the world (globalization), the European Institutions (European governance), the multinational enterprises (power of market), cultural diversity and our own roots (the local level).

We will find together a response to the changing nature of capitalism, the crisis of the European project, the question of its borders and the search for convergences in developing the European Social Model.

We will offer solutions that improve management (governance), restore confidence, show that we can again improve the European social model, contribute to peace and democracy within and outside the Union.
