

Another Europe is possible!

Civil Society's essential demands on Europe's constitutional condition

(Regionals forums in which people from different civil society organisations and movements come together can play an important role in the discussion about the future and the constitution of Europe. This position paper was composed by a working group which had formed at the first Stuttgart Regional Forum on Nov. 26 2005. Its results were first presented at the second Stuttgart Regional Forum on March 4, 2006. More about regional forums for shaping of another Europe from below: www.anothereuropeispossible.net)

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I.

We understand the European Civil Society to be an active and autonomous power, stamped by plurality and horizontal networking, independent from politics and market, pledged to the values of liberty, equality and brotherliness and the Human Rights based on them.

It is in Europe that these values were articulated like this for the first time in history, they are of global importance, however. This means that Europe itself has to stand comparison against these values again and again anew. Its global role must consist in contributions to non-violent solution to conflicts and creation of a just world order. Europe must consequently put into practice the principle of sustainability

The legal systems in Europe need to form a frame that allows all citizens to take part in the social process through initiative, personal and joint responsibility within self-governing structures. We are concerned about creating the preconditions for enabling people to map out their social conditions for themselves.

A European Union, therefore, must not be a centralist power state structure which interferes with people's lives through small-minded regulations. In our capacity of European Civil Society we are united by the avowal of the diversity of the European cultures which we respect and acknowledge in their respective specific character. We declare that the European Union can only act as a community of networked peoples, regions and states which is pledged to the individual human rights, to democracy and the basic principle of subsidiarity

II.

In our capacity of European Civil Society we reject the present agreement on a EU constitution as it does not sufficiently make allowance for the aforementioned principles, but rather

- prevents the facility for shaping conditions by means of a monstrous abundance of regulations down to the last detail
- enlarges the power of the already powerful EU, and confines the rights of the national parliaments
- denies the EU parliament fundamental rights, now as before
- lowers the level of the protection of the basic rights
- commits the member states to continued armament, allows for the self-authorisation to world-wide military engagements without any mandate from the UNO, jeopardising peace by that

- grants constitutional status to a neoliberally oriented economical order as well as to economic growth, neglecting the social commitment of economy and property
- swears the EU still more to the policy of the World Trade Organisation WTO hostile to development - by which cuts in social welfare and commercialising of public goods are accelerated.

We shall oppose our resistance to any attempt to implement this constitution as a whole or single parts of it.

III.

Regardless of divergent estimations on the necessity of the EU and its future role we do agree over the postulation that a contract on the constitutional status of Europe may not contain anything but

1. a clear-cut declaration for the constitutional and human rights and a clear wording for them,
2. the description of principles and tasks that arise for the EU from the basic rights,
3. a delineation being in accordance with these of basic task, functionality and relationship of the European institutions.

As to 1) Constitutional and human rights

We want a clear-cut declaration for the constitutional and human rights and a clear wording of these rights. In case in single countries the guarantees of the basic rights possibly go beyond them, these may not be questioned by agreements on EU level. Instead the suability of the constitutional and human rights on the European level is meant to lead to the imperative that inadequate regulations in single states or those even violating the basic rights will be adjusted by approximation to a European-defined minimum level of basic rights protection.

In Europe **the rights of personal freedom** must be respected. This means permeability of society in favour of self-organisation of those concerned, openness for the cultural creativity of the individual and for cultural diversity. These aspects must be taken into consideration in individual fields in a concrete way. The right to free development of the personality, the individual's general freedom of action and the consequential freedom of contract are to be provided for just in the same way as an all-embracing freedom of worship, conscience and denomination, the freedom of speech, information and press coverage as well as the freedom of art and science, the freedom of assembly, association and coalition, the sanctity of privacy, data protection, freedom of

movement and the right of asylum, the particular rights of children and juveniles, and the right to education

There must be prevalence for equality before the law; prohibition of discriminatory practices and full gender equality, right of petitioning and the right to founding political parties and forming political alliances. The **democratic rights of participation** must not be restricted to the right to vote and eligibility but must above all include as well the right to introduce bills by initiatives and to vote on them through referendum - and that ensuring fair and equal conditions for competing subject matters.

The property right has to be guaranteed, but has to be subject to a consequent societal restriction at the same time - where property has social implications - lest one person's freedom goes at the expense of the freedom of another.

Everybody's right to life, physical inviolability and assistance in the event of illness, disablement and old age must be ensured. He must have the right to participate in the societal activity and affluence. The fruit of the ever-growing productivity must be shared in a way that no single person has to live under degrading conditions. A basic income is a **social human right** which cannot be tied to any other condition but that man is man, In this sense basic income is unconditional.

Such right to a basic income also implies a new conception of the right to work. Instead of the postulation of the illusory right to a classic acquisitive employment the unconditional basic income leads to the factual right to pursue a self-determined work - this would also no longer lead to deductions like in the present-day models of social income.

The fixing of the level of the basic income is a question of the specific democratic consensus in the single European countries. Its amount, however, has to be assessed in a way that a humane life is possible and no hidden compulsion to work may arise.

We cannot allow the existing economic order to be given the rank of constitutional provision; the passage towards a more social land law, property law and monetary law must not be obstructed but is rather to be facilitated. People must have the chance of trying out new co-operative forms of economy and practising them.

As to 2. Principles and tasks of the EU

This means that the European conventions already in force ought to be put to test and are to be updated if needed, while all new European regulations are first to be tested for their basic rights compatibility.

The basic principle resulting from the basic rights is the principle of subsidiarity. Subsidiarity means that there must be democratic decisions on the respectively lowest possible level, but at the same time it also means that self-administration of the people concerned takes priority where the matter in question does not necessitate a centralist uniform solution - on whichever level.

The EU must consistently observe and implement the principle of sustainability and respect of life. The safeguarding of the ecological living basis on our planet and accordingly the possibility of human development on it must have priority to economic interests. This is already demanded by our responsibility for future generations.

The EU needs to advocate non-violent conflict resolutions all over the world, the strengthening of the role of the United Nations and comprehensive co-operation in development and fight

against poverty. It must stop deploying military superpower ambitions and taking part in exploiting the Global South.

As to 3. EU institutions

Once basic rights and subsidiarity are assured and only then! - a contract on the constitutional condition of Europe can make legitimate statements about the tasks and the relationship of the European institutions. The European Parliament should be given the full rights of a parliament for that range of issues which still come under pan-European responsibility then. Full separation of powers should be effected and undemocratic, intransparent and bureaucratic structures within the EU should be abolished. From that there may also arise a redetermination of the tasks of the European Council and the Commission.

IV.

A crucial question about the constitutional condition of Europe is not only its contents but also the way it came about. The two cannot be seen separately.

A constitutional process which would really be democratic and participatory requires the chance of coming about without pressure of time and with widest possible participation of the civil society. In each country the citizens must be in a position to hold a vote on documents dealing with Europe's constitutional condition and to take part in their, respectively its, coming about.

Out of the Civil Society a number of proposals have already been made as to what a bottom-up constitutional process could look like. In the course of this there was the suggestion of a convent to be elected directly by the citizens, with the obligation to make allowance for initiatives from the Civil Society. It was also suggested, however, that right from the middle of the European citizenship itself a draught for the constitution should be devised and put to the vote.

What is decisive for us is the notion that the order of Europe can only be considered to be legitimate when the citizens not only have the possibility to vote on accomplished results, which have been determined by Europe's power elites as regards content, but can commit themselves by way of popular initiative and petition for a referendum. The democratic rights of participation which we claim for the ordering of Europe are also the same as regards our demand for its coming about, for democracy is indivisible.