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The European Convention is in a great hurry to draft a constitution for the European Union. Haste, however, is not democracy.

The Convention aims to be finished by June.

If the constitution is not completed by June, differences of opinion being so great will mean it will not be ready by July either. If it is not ready by July, it cannot be approved in September either, because that is when the Swedish referendum on European Monetary Union is being held. If it is made known that the EU is to become a federation, that country is certainly going to vote NO to EMU. After September there will not be time to convene an intergovernmental conference (IGC), which is needed if the constitution is to be approved at the Rome European Summit in December. If the constitution has not been drawn up in time for Rome, it will not be ready in the spring either. Ten new Member States join the Union on May 1 and they will want to participate as full members in the decision-making process. Then in June there are the European Parliament elections, and none of the parties will want to go to the polls bearing the emblem of federalism.

The EU constitution, whose Article 1 includes the wording '(The Union) administer(s) certain common competences on a federal basis', is being prepared from the top down. At the final stage, just 66 Convention members will decide whether to adopt it. They will be deciding on a draft constitution for the other half billion or more citizens of Europe.

The Convention is not representative. The federalists are over-represented. The smaller a group that represents 500 million people is, the more unrepresentative is that group's composition. The larger a state or a federation is, the less diverse in nature its representative bodies. There is a danger that the EU will be representing its peoples in the same restricted sense as France will under that country's new law on elections. Just one in seven of the French members of the Convention represents parties not on the Right.

The federalists are over-represented in the Convention and so are the right-wing European People's Party (EPP) and the Social Democrats. Of the Convention's 207 members and alternates, only a dozen or so are involved in the work of the Democracy Forum network, which is against a federation. That reflects the hegemonic position of the federalists in the Convention.

As the federalists in the Convention have the upper hand, they try to use it to their advantage. Their aim is for the constitution, as drafted by them, not to have to undergo any changes at the IGC.

According to the original mandate given to the Convention at the Laeken summit, there was supposed to be a time gap between the Convention and the IGC long enough to allow a national debate in the different countries to take place on the draft constitution. It is in the interests of the federalists that the IGC should be merely a formality and that the Convention's draft will not be dissected there. The same logic applies to the proposed amendments the Convention members have made to the text of the articles as submitted by the Praesidium: there is so little time to contribute proposed amendments that there is no chance for them to be discussed by democratic national bodies.

The federalists believe the sovereignty of the Member States is a barrier that stops them from promoting their own interests. If the power of the nation states is transferred to a supranational decision-making forum whose composition is based on countries' populations, that says little for democracy, if, at least, democracy means a country's right to self-determination.

The Left do not acknowledge the concept of supranational democracy. There is no global democracy because that would lead to difference and diversity being unrepresented. The UN and its member organisations do not constitute valid models of democracy in that their members do not enjoy equal status.

Treaty of Nice

The main legislative decisions in the European Union are taken in camera.

It has been estimated that 70% of new legislation is drafted by working groups made up of civil servants, that 15% of the new laws are given their final shape at meetings held by the Committee of Permanent Representatives (Coreper), and 15% are decided by the Councils of Ministers. All of these meetings are held in camera.

The most meagre form of democracy – in fact it is not democracy at all – is the EU summits, where the leaders of nations agree things without any mandate from their people. They always convene behind closed doors.

The Nice Summit has been described as a coup d'état on the part of the big EU states. EU power was redistributed there using enlargement of the Union as its justification.

If the old distribution of power had been taken into account a situation would have arisen where a numerical majority of small countries would have voted down the minority view held by the big states. That was prevented by the Treaty of Nice. The big countries would not take the risk that democracy would foil their plans.

But it is the new right of veto, based on country populations, that is of particular significance. Representatives of the three big Member States may together block any qualified majority decision.

The EU constitution will be Nice-compatible. If it is not, there will not be one. The big countries will never give up what they acquired at Nice. Their power is to be written into the constitution, giving a legal format to the centralised power wielded by the big countries. They will become an inner circle, each one battling with the other two for power and trying to speak for the entire EU.

The big countries are nevertheless unable to reach agreement on whether the EU should also operate as a federation in foreign, security and defence policy. The Union has responsibility for armaments, but policy in operations by armed forces will probably be enhanced cooperation, strengthened solidarity, and flexibility based on constructive abstention on the part of some countries: those that engage in operations will be allowed to do so in the name of the Union.

The Union is becoming militarised. When it comes to military issues, however, it divides into an inner circle and an outer ring.

The Union is not the same for everyone.

The Laeken summit

At Laeken it was decided to convene a Convention to simplify the EU Treaties and discover whether 'this ... reorganisation might not lead in the long run to the adoption of a constitutional text in the Union'.

Simplification of the Treaties is not enough for the Convention's federalists: they want a constitution as well. The mandate from the heads of governments meant nothing to them.

The Convention is in fact a very devious idea. It could have only been dreamt up by people who are out to evade democracy, not increase it. The Convention is not parliamentarianism. Its members are not formally accountable to any national political body, even though the Union will only have full competence if the Member States relinquish theirs. The federalists do not want to be accountable to their nations or their citizens.

The Convention is an unparliamentary way to draft a constitution for the EU. Its poor spread of representation also makes it an undemocratic way.

For the federalists the Convention is a clearly better alternative to it being drafted by an intergovernmental conference. That way they will have had a hand in the process. That way too they have been able to involve the supranational European parties, the bastions of federalism in Europe, in the preparatory work. The European Parliament has likewise been involved, an institution where the federalist view reigns supreme and whose delegation in the Convention includes just three who wish to preserve the notion of a confederation of states and who are opposed to a federation.

The Convention meets at the premises of the European Parliament. That has given its federalist delegation the overwhelming advantage of being on home ground. MEPs have been able to steer the Convention in a federalist direction through a united effort. Members of national parliaments have never had such resources at their disposal.

The Praesidium or 'Politburo'

The Convention is led – and manipulated – by the Praesidium, which holds all the power in the preparation of the draft constitution. Not all the Member States are represented in it or in the Convention's Secretariat for that matter. All the members of the Praesidium are federalists (who leak draft documents to their own groups working behind the scenes but to them only).

The Presidency is able to manipulate the flow of the meetings. Requests to speak are not granted in the order they are received: the speaker lists are planned on the basis of expediency. The prescribed length of speeches is ignored when certain members of the Convention are speaking. The Presidency draws conclusions from the speeches by the members which they say reflect the position of the Convention members as a whole. Many members complain, however, that Valéry Giscard d'Estaing, in particular, draws conclusions from the debates that reflect more his own ideas than the way the meeting has gone.

The Praesidium has decided the Convention's Rules of Procedure and decides the agendas for the meetings.

The Praesidium also decided to set up Working Groups, to be chaired by members of the Praesidium. The business of the Working Groups is translated by interpreters into just two or three languages. The chairmen selected the 'experts', who were heard.

No one has ever voted in the Working Groups. It was therefore possible for the chairmen to record the conclusions of the Working Groups as they pleased. If the conclusions serve the cause of the Praesidium they are referred to when the articles are being formulated, but if they do not they are ignored.

Languages do not enjoy equal status in the Convention. There is no interpretation service for the languages of the candidate countries, and their representatives have to say what they want to say in a foreign language (unless they pay for an interpreter themselves). When the Praesidium drafts articles, the amendments proposed by the members of the Convention are not translated into other languages. There were 1187 proposed amendments to the first 16 articles. Of them, the Praesidium drew the conclusions that served its purpose. If a member of the Praesidium did not speak the language the proposed amendment was submitted in, it was ignored.

Candidate countries

The EU is to enlarge and, in addition to the representatives of the Member States, representatives of the governments and national parliaments of the 13 candidate countries were invited to participate in the proceedings of the Convention, including representatives from Turkey.

The members of the Convention from the new Member States do not enjoy full membership because the Laeken conclusions stated that representatives of the candidate countries would not be able to prevent 'any consensus which may emerge among the Member States'.

In addition to the candidate countries having no right to an interpreting service, originally there was an unwillingness to let them have representation in the all-powerful Praesidium. To avoid conflict, it invited a representative from Slovenia to attend sessions as an external member.

As it is the purpose of some (big) old Member States to prevent the new members from having an influence on the final outcome of the Convention, they are in a hurry to have the draft constitution by June. The intention then is to convene an intergovernmental conference (IGC) for September in order that the constitution can be finally adopted in Rome in December 2003.

The aim is to have the constitution ready before the new members join the Union on 1 May 2004. Several representatives of the candidate countries have nevertheless suggested that the IGC should not be convened until after accession. If, however, the IGC is to be convened before then they want their representatives to participate with full powers. The constitution is to be theirs too after all. According to Article 9 in the draft, it will have primacy over the law of these

Member States in just the same way as it has primacy over the constitution of the old Member States.

Adopting a federal constitution for the new Member States without allowing them to make their own contribution to its content is not democracy.

NGOs

To obtain general approval of its work – and to try and conceal its poor levels of representation – the Convention held two ‘hearings’. Citizens and young people were heard and cross-examined.

For civil society to be heard, eight ‘contact’ groups were set up, all chaired by representatives of the Praesidium. Each of them met once.

If an organisation happened to know that a hearing was available it could send its representative along. The business of the contact groups was translated only into English and French using interpreters. The following spoke: people representing 1) regional and local communities, 2) culture, 3) ‘society’, 4) science, 5) human rights movements, 6) environmental movements, 7) the field of development and, finally, 8) (‘European’) organisations whose area of interest is the relationship between citizens and institutions.

It was the ‘European’ organisations that were heard. If an NGO did not have a supranational mouthpiece in Brussels it was not heard.

Representatives from the contact groups were selected to speak at the citizens’ forum at the plenary meeting of the Convention on 24-25 June 2002. The choice of speakers served the interests of the federalist hegemony of the Convention.

The EU-funded University of Florence was heard. It was here that the first prototype of the EU

constitution was drafted. The Robert Schuman Foundation was heard. This organisation is a well-known provider of funds for EU propaganda targeted at Poland. The Polish NGO office in Brussels, which it sponsors, was also heard. So, too, was the Federalist Voice, which brings together federalist organisations from the EU countries at meetings paid for by the EU. The Young European Federalists, sponsored by the European Commission, were heard. The European Women Lawyers' Association, co-founded by the British Prime Minister's wife, Cherie Blair, was heard. Also heard were the European Bureau for Lesser Used Languages, which is financed by the European Commission, the European Anti-Racist Network, and the World Organisation Against Torture. The European Social Platform, many of whose member organisations are dependent on EU funding, was heard.

Many speakers had personal financial ties to the Union or, for example, the Jean Monnet Foundation. Some speakers had received EU stipends. Speakers also included former European Commission officials, who had gone on to make even more money by managing EU-sponsored organisations. European capitalists also spoke – as representatives of the people. The speaker for the European Industry Round Table held staunch views in favour of the Community method and against the power of national governments (and parliaments). The interests the capitalists have in common are better served by small rather than large groups of civil servants and politicians.

When the forum was over the Convention's Praesidium believed they knew what the opinion of many hundreds of millions of people in the EU was regarding the EU constitution. In the wake of the hearings, how best to interpret public opinion is in the hands of the Convention.

The Youth Convention

At more or less the same time there was a 'Youth Convention', which was held on 9-11 July 2002. The aim was to gain support for the constitution process from young federalists.

In total, 210 young people between 18 and 25 years old from both the Member States and the candidate countries were invited to this meeting. The members of the European Convention representing national institutions/organisations could choose one young person per member/alternate to attend the Youth Convention – 168 national representatives in all. In practice, all these members named their own participants, and as federalist hegemony was a feature of the senior Convention, so it became one of the Youth Convention also.

Of the quota allowed for the European Parliament and the Commission, 42 representatives of 'European' youth organisations were selected.

It had originally been agreed by the European Parliament's Convention group that there would be a call for applications on the Internet and that representatives would be selected on the basis of these applications. Out of hundreds of thousands of young people, there were only a couple of hundred applications for the European Parliament's quota of 32 places. Just a handpicked number of young people had come to find out that they could apply, and the time in which to do so was only a few days. Seven of them were deemed suitable. The remaining free places were shared among the European parties.

When the Youth Convention was held at the beginning of July, it first of all elected a Praesidium and rapporteurs for three Working Groups. Of the 11 elected, nine were people that had been selected either by the European Parliament or the senior Convention's Praesidium. Just two were chosen from the group selected by the members of the Convention representing national institutions/organisations, and both of them were from the UK, the country of the European Convention's Secretary-General, Sir John Kerr.

The Praesidium's choices were predictable as the Youth Convention was built on a tripartite partnership between Young Conservatives, Young Social Democrats and the Young European Federalists (EU-sponsored). There was also an agreement that in the election of the chairmen of the three Working Groups, the Conservatives, the Social Democrats and the Federalists should each get their own group.

In its procedures the meeting was unrepresentative and undemocratic. There was no proper control with regard to the speeches or their length. No minutes were taken. The chairmen of the Working Groups passed their Group's conclusions straight on to the Youth Convention's Praesidium, and the members of the Working Groups were not informed about them.

The representatives of the Youth Convention eventually laid eyes on the conclusions of the meeting on the last morning of the conference. They had to agree to them. Any proposed amendments to this exceedingly complex document had to be submitted – and only in English – by 2 p.m. that same day. There had to be nine signatures for each proposed amendment. When the document was voted on, only 130 out of the 210 participants participated in the final vote. Of them, 25 voted against and 20 abstained. Hence fewer than half the participants supported the opinion of the Youth Convention, and more than 50 signed a protest about the way the meeting

was conducted. It was not published with the conference documents.

And that is how the Convention's Praesidium managed to base its proposals on the opinion of the young people of Europe!

Approval of the constitution

At Laeken it was decided that the Convention would 'draw up a final document which may comprise either different options, indicating the degree of support which they received, or recommendations if consensus is achieved'.

The Convention federalists are firmly united in their goal to bring about just one hegemonic alternative. Those against can propose other options. The aim, however, is to make sure beforehand – without any vote on the matter – that there is a majority among the 66 members deciding on the final draft that will make the proposed amendments meaningless. They want to avoid what Romano Prodi, head of the European Commission, fears most: that full consensus will lead to the Convention's ruin.

The plan then is that the Convention should not vote on the final outcome. Nor should the final draft be dissected at an intergovernmental conference. Instead, it should be pushed through as the Charter of Fundamental Rights was.

No public debate on the constitution is to be entered into before the alternatives are just YES or NO. Then they will be prepared to discuss the issue.

The Convention's toughest problems will be discussed by its members in April/May, allowing as little time as possible for any thorough debate. Then they will have to decide how the constitution is to be adopted by the Member States.

They are trying to avoid a situation where a negative view on the part of a (small) Member State would prevent the constitution from becoming law. None of the big countries will block it because the constitution will represent a compromise for them – or there will no constitution at all.

A new Union, wielding its power in the manner of a federation, will thus be established. Those countries that adopt the constitution will join this new Union. It remains undecided as to what will happen to those countries that do not accept the constitution. The same goes for the old European Union (EU).

Undoubtedly the countries that do not adopt a constitution that has been drafted in an unparliamentary and unparliamentarian way as law which has primacy over national constitutions and legislation face dismissal and isolation.

In several countries an advisory referendum is being held on the constitution. It should be organised to take place in all EU countries on the same day. Without a mandate from the people the constitution will not represent the people's will to have their country join a Union that exercises power in the manner of a 'federation'.