

FUTURE OF EUROPE DEBATE:  
THE INTERGOVERNMENTAL  
CONFERENCE  
ON THE EU DRAFT CONSTITUTION

**THE IGC TOOLKIT**

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[www.act4europe.org](http://www.act4europe.org)

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## *I. Introduction from the Civil Society Contact Group*

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*In July 2003 the Convention on the Future of Europe presented its Draft Constitution to the Italian Presidency. NGOS and trade unions had made important gains, and yet there was disappointment that much we had fought for was still not in the text. Three months later even those gains are in danger. The Italian Presidency will launch an Intergovernmental Conference in October 2003 to agree a final EU Constitution.*

Former Belgian Prime Minister and Convention Vice President Jean Luc Dehaene stated in July 2003 that 'The Convention could not have achieved this result if civil society had not rallied to the task as it has done'. However, the IGC might potentially undo the hard work of civil society and Convention Members. *Much that has been gained could be jeopardised in the next few months. NGOs and Unions from all sectors have to get together now to jointly protect and improve the draft.*

The Constitution is a once-in-a-life-time chance to participate in the shaping of Europe as a Europe of its people. Yet, many of our efforts might have been in vain if we do not keep up the pressure now – pressure for an EU based on human rights, environmental protection, higher social standards, combating global poverty etc. and an EU which listens to voices from civil society. The open working-method of the Convention was a big step forwards. Decisions were made in a transparent way and civil society could effectively monitor the work of the Convention. In this way a number of substantive gains were achieved. However, a big danger is that after the openness of the Convention the IGC could return to the traditional ways of operation: closed debate, horse-trading of national interests, and narrow political considerations.

Trade unions and NGOs would like to see significant improvements to the current Draft Constitution, however our priority must be to safeguard the achievements made up to now. [The Civil Society Contact Group](#) (CSCG) is a huge European alliance bringing together four large sectors – [environment](#) (the Green G8), [social](#) ([Social Platform](#)), [human rights](#) (Human Rights and Conflict Prevention NGO Network), [development](#) (Concord) - as well as the [European Trade Union Confederation](#) ([ETUC](#)). In the autumn 2002, the Civil Society Contact Group launched the **act4europe campaign** to connect its lobby efforts at the Brussels level with the interests of trade unions and NGOs at local and national level. It is only by working at both levels that we can at least defend what has been achieved and perhaps even make further gains. This toolkit is designed to assist trade unions and NGOs to participate in the campaign.

The focus of the actions planned by the Civil Society Contact Group and the act4europe campaign in relation to the IGC is about making decision-makers aware that civil society organizations from all fields and across Europe are watching developments closely: civil society expects opportunities for civil dialogue based on the principle of participatory democracy and full transparency of the IGC process. We further have to pressure for safeguarding a rights and values based Constitution, in which the mechanisms of implementation match the values and rights set out in the beginning. The draft is a positive step towards Constitution based on rights and values, but it lacks coherence between its fundamental parts and its policies to safeguard the actual implementation of those rights for all people in Europe and the world.

The Civil Society Contact Group and all its sectors will further monitor and lobby the Brussels level, but the decisive pressure at this stage can only come from national level. **This toolkit is designed to inform individuals and civil society organizations about how to influence the last crucial stage of shaping the European Constitution.** It provides you with practical information on how to lobby those responsible during the IGC and gives you the contact details of your country's representatives at different political levels. We have also included a sample letter and a 'how to lobby guide', and we hope to provide you with updated information via the act4europe campaign list, the Bulletin and presentations during NGO and Union events. The most important months are approaching and the responsibility of re-engaging citizens with the EU rests again with civil society. We hope, that this Toolkit will help us make all our voices heard.

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act4europe

Contact us at: [coordinator@act4europe.org](mailto:coordinator@act4europe.org)

## II. The Convention on The Future of Europe<sup>2</sup>

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For the first time in its history, the reform of the European Union was subject to a public, broad and transparent debate by a Convention created to make recommendations on the EU's future. The [Convention](#)'s debate, opened on 28 February 2002, involving governmental representatives of the 15 current member states and 13 candidate countries, 56 representatives of the national parliaments, 16 representatives of the European Parliament and two representatives of the European Commission, significantly satisfied the requirements for more openness and transparency. However, women and non-white people of Europe were under-represented in the Convention.

The Laeken Declaration defined the mandate of the Convention and created a long task list of which the most important were:

- Fundamental questions about the role of the EU;
- Division of competences in the European Union;
- Simplification of the Union's instruments;
- Functioning of EU institutions and their democratic legitimacy;
- A single voice for the EU in the world;
- Towards a Constitution for European

The web page of the Convention, <http://european-convention.eu.int>, gives you a very good overview over the working groups formed, the debates held, and the amendments tabled.

For civil society, the key issues were based upon core values: **improving human rights, strengthening social justice in the EU and beyond, protecting the environment, securing workers' rights**. The assessments of Contact Group members of the Draft Treaty on these issues can be found in the annex to this toolkit.

The [Draft Constitutional Treaty](#) puts forward a single text to replace all the existing Treaties in the interest of readability and clarity. It consists of four parts. Part I contains the provisions that define the Union, its objectives, its powers, its decision-making procedures and its institutions. The Charter of Fundamental Rights has been incorporated into the draft European Constitution as Part II. Part III focuses on the Union's policies and actions and incorporates many of the provisions of the current Treaties. Part IV contains the final clauses, including the procedures for adopting and reviewing the Constitution.

The Convention officially ended its mandate on the 18<sup>th</sup> July 2003, when its President Valéry Giscard d'Estaing handed over the complete Draft Constitutional Treaty to the [Italian European Council Presidency](#). The latter is

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<sup>2</sup> Sources: Agence Europe (11/07/03), <http://www.europa.eu.int>, [http://europa.eu.int/futurum/comm/documents/guidecitoyen\\_en.pdf](http://europa.eu.int/futurum/comm/documents/guidecitoyen_en.pdf)

now responsible for the organization of the [sixth Intergovernmental Conference \(IGC\)](#) taking place in Rome starting early October 2003. If you want more information on the Convention, please look at the Convention section of the act4europe web page.

### *III. The Rome Intergovernmental Conference*

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The term "Intergovernmental Conference" is used to describe negotiations between the Member States' governments with a view to amending the Treaties<sup>3</sup>. Traditionally, IGCs are diplomatic affairs behind closed doors, fairly hard to lobby and very non-transparent. Our web page provides you with longer descriptions of what an IGC is and how it works. During the last IGC there was a web page updated regularly and the Italian Presidency has promised us at least that this time. This [IGC](#) will be of a different nature since its topic is not the usual, but just how transparent they dare to be has to be seen.

The decision is to have it only at ministerial level and not at diplomatic level. Expert groups might be called in between and the Council Legal Services will clean up the text until the end of October. The latter means there is opportunity now for NGOs to input technical, legal changes that could make a difference for us. The NGO sectors in Brussels are doing this currently. The accession States will participate fully in the IGC on an equal footing with the current Member States. The three candidate countries (Bulgaria, Romania, Turkey) will take part in all meetings as observers. The European Parliament will send official observers, but the Chairman of the Convention, Valéry Giscard d'Estaing, will not be allowed to participate.

Yet, even by mid September the final time-table and IGC working methods are still unclear and debated, a final decision will be published by the Italian Presidency at the end of September. The information here is collected from press and contacts in the permanent representations, the Commission, the EP, and the Council.

The sixth IGC will be launched in Rome on 4 October and the Italian Presidency wants to conclude by the end of December. Some Foreign Ministers doubt this will be possible, but most committed to try. The main issues for debate will be:

- Role of the Foreign Minister
- Presidency of the Council
- Defence and Security
- Definition of Qualified Majority Voting, voting in the Council and a strong bargaining on where unanimity will be preserved

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<sup>3</sup> EU Glossary: <http://europa.eu.int/scadplus/leg/en/cig/g4000i.htm>

- Mentioning of Christian heritage
- EP seats and number of Commissioners

The first three will mainly be dealt to at the General Affairs Council (Foreign Ministers, Ministers of European Affairs) and the latter at the European Council meetings (Heads of State). The IGC meetings will almost all be attached to Council meetings, plus a few extra meetings, panning out at about every two weeks. According to our informants, the policy issues of Part III will largely remain untouched and there is little scope for the so-called soft issues that are of concern to NGOs in Europe. Generally speaking France and Germany would like the draft text to remain, the other big countries have some additions and the smaller countries, plus the accession countries want to re-open a fairly large number of issues. Summarising it with Jaap de Hoop Scheffer, Dutch Minister, there is only disagreement on 10% of the text, but none of the States can agree on which 10%. Every country will publish a position paper, many have already done so, check your government's web page.

Whether or not we can push through some of our concerns will depend on what is traded between whom and for what, thus, the policy part or other "soft" issues might still become part of the dealings. This emphasises again how crucial it is to establish strong pressures in all countries, collect background information, and make our concerns public.

The European Parliament has so far published a [draft report](#) and [explanatory text](#) of the Committee on Constitutional Affairs. The Commission published its [opinion](#) on 17 September.

The timing of the 6th IGC is expected to run as listed in the table.

<b>Date</b>	<b>Event</b>
<b>5/6 September</b>	Informal General Affairs and External Relations Council – Riva del Garda (the IGC will be discussed)
<b>mid September</b>	The European Commission and The European Parliament Constitutional Affairs Committee issue their reports on the IGC (according to the Article 48 of the EU Treaty)
<b>29/30 September</b>	General Affairs Council
<b>4 October 2003</b>	European Council General Affairs Council Rome <ul style="list-style-type: none"> <li>• Inauguration of the IGC in Rome</li> <li>• Provisional Agenda of the IGC meetings is being issued</li> </ul>
<b>13 October</b>	General Affairs Council Luxembourg
<b>16/17 October</b>	European Council in Brussels

<b>26/27 October</b>	General Affairs Council, Brussels
<b>17 November</b>	General Affairs Council Brussels
<b>28/29/30 November</b>	Conclave on the IGC Rome
<b>8 December</b>	General Affairs Council Brussels
<b>10 December 2003</b>	The IGC is expected to have completed its work
<b>12/13 December</b>	European Council Brussels
<b>December 2003 – late April 2004</b>	Translation of the Treaty
<b>Early May 2004</b>	The Treaty is signed together with the enlargement
<b>June 2004</b>	Possibility of referenda in some EU Member States <sup>4</sup> together with the European Parliament Elections (Annex)

Similar to the previous IGCs, there will be three levels of discussion possible, yet the first one will be kept to a bare minimum or likely only called in for certain issues between Council meetings:

- **A preparatory group of Representatives from each Member State's and Accession Countries' Government:**  
This will meet to discuss in detail the full range of IGC issues. Most representatives are likely to be senior officials, in many cases Brussels-based Permanent Representatives. The provisional agenda will be announced on 4 October.
- **The General Affairs Council:**  
Foreign Ministers and Europe Ministers will meet monthly for political discussions on the topics covered in the preparatory group.
- **The European Council:**  
Final decisions will rest with Heads of State and Government in the European Council, meeting at least twice during the last months of the year.

The Italian presidency will publish all the necessary information on its website (<http://www.ueitalia2003.it/EN>). The same information will also be available on our web page (<http://www.act4europe.org>) and the act4europe mailing list will keep you updated regularly on any further information (you can sign up to it on our web page). If you are in any doubt about how the process works and how to influence it, follow the guidelines in this Toolkit, check the web page (section 'IGC'), or feel free to contact the act4europe coordinator ([coordinator@act4europe.org](mailto:coordinator@act4europe.org)).

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<sup>4</sup> A [Substantial number of MEPs](#) have asked for a general referendum on Constitutional Treaty in 25 countries, held together with the Parliamentary elections in June 2004.

## IV. Lobbying

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### 1. Define your interest

The Constitution is a once-in-a-life-time-chance to participate in the shaping of Europe as a Europe of its people. Define your organization's interest in this debate.

→What is in the draft Constitution that covers issues of your concern? Is it sufficient?

→Which horizontal issues, such as participatory democracy or transparency, are also important to your organization?

Do you need more explanation on the implications of the draft Constitution?

→Contact your relevant European NGO networks or go to the web page of act4europe for the assessment of all NGO sectors.

→**Call us** if you have questions.

But mainly **get together with as many other NGOs** as possible in the short time frame, best also from different sectors, to decide jointly what approach you take in your country.

→Choose some **principal points** you can all agree upon and focus on them. Always incorporate the horizontal issues such as **participatory democracy and transparency**. They are the future of NGO influence and potentially funding.

→Be prepared to do some **awareness raising** among NGOs about the existence of this new Constitution, the need to get national involvement in a European affairs and the strong effect – whether positive or negative - this will have on all of us.

### 2. Design a strategy

What is the process in your country for approving this constitutional treaty? Will the Parliament be involved during the IGC? Are public hearings normal for European Treaties in your country? Do you want an official civil dialogue or is it better to talk to the civil servants and the politicians in more informal meetings?

→Go to your government's web site and find the position paper on the IGC, by now all governments should have published their position. Do you want to go for leaving the draft as it stands or do you want to ask for improvements?

→Once you have the answers to these questions agree on steps to implement them always allowing for a change of strategy in the middle.

### 3. Identify the contact and lobby politicians

#### ***Foreign Minister:***

Your **Foreign Minister is mainly responsible** for the IGC. Have you or any of your NGO ally's got contacts in the Ministry to find out who is doing the work on the IGC in the background?

→**Call this person** – but agree on who will do that, 20 phone calls to a civil servant are not a successful strategy – and ask what position the Minister takes and how she/he plans to keep the Parliament and civil society informed about the process. If you strike it right, civil servants are often grateful for knowledgeable input, particularly on “technical/ legal” issues. In that case offer to **send her/him material about what your demands are**. Use the precise analysis from European NGO sectors (some sectors such as the Green 8, have produced comprehensive joint publications).

→**Write to your Foreign Minister**. Send a **joint letter** with as many NGOs as possible and--if you can--get support from MPs in his or her party (either as co-signatories or they could send your letter onwards with a cover letter from their office).

→**Let the Minister or their representative know that you expect your government to help implement the principle of participatory democracy established in the draft Constitution right away during the IGC and to give organised civil society in your country an opportunity to talk to her/him about our joint concerns**. Suggest a public hearing for NGOs or a smaller meeting with high-level NGO representatives. Offer to organise the meeting if you can.

→**Ask for a meeting** with the Minister, but expect to get a meeting with a high up civil servant (the rank of the suggested person will tell you something about how important this is to the Ministry).

#### ***Members of Parliament:***

We attach a list of ex-Convention Members from your country, delegates of the European Parliament and your national parliament. The Convention Members are obviously interested in this IGC, but try to also find out who else is taking a keen interest in the debate. It would be helpful if you can **write to all Convention Members from your own country**.

Politicians often respond best to people and organizations from their constituency, since they are their voters.

→ Find **somebody sympathetic** to your concerns willing to write or get support from local NGOs or unions in that constituency in addition to your letter.

→ Find out as much as possible about **their background**, e.g. has he/she got a track record of environmental interest? Does his/her national party support your concerns and is he/she generally proactive about European affairs and particularly about transparency and civil society?

→ Look at the **joint positions adopted by the political parties and components of the Convention** (such as the group of all MEPs or all National Parliamentarians), they represented a large majority opinion in the Convention and the constitutional text does not reflect all of that. Many Convention Members already support some of the concerns of civil society.

→ Write to them – again try to do things jointly if you can – and ask them to do specific things such as for example:

- Ask a written or oral parliamentary question about the involvement of civil society during the debate on this treaty (both MEPs and MPs can do this in their respective parliaments).
- Initiate a short debate in the Parliament (MEPs and MPs).
- Write to the Foreign Minister - The more letters that a minister receives from M(E)Ps, the more their attention will be drawn to your concern (MEP and MPs).
- **Organise a public hearing in the Parliament for NGOs and unions to voice their concerns (offer to help organise it at least in terms of invitations for civil society).**

#### 4. Key points

- Keep the letter brief but do enclose any relevant reports
- Be clear about what you are asking your Foreign Minister/MP to do
- Request a reply
- You can use variations of the sample letter in this toolkit, but translate it into your national language(s)

### 1. Outside the Parliament

- Different campaigns, for example:
  - Organise a NGO event to raise awareness about the debate
  - Collect signatures on making the debate more transparent

- Speak at a meeting/conference on your work
- Use your media relations and your own publications for dissemination of information and announcements of events, such as a public hearing.

## **2. Meeting your political representative or being involved in a public hearing**

### ***Preparation***

You will already have identified the key issue that you want to lobby your MP/Foreign Minister (rep) on. Be realistic about how much you can cover in one meeting. Find out about the topics she/he is most interested in (environment, human rights, social protection, union rights) and be prepared to compliment them on their support in that area if appropriate.

→**List about three key points** for yourself that you want to get across.

→**Research** the topic thoroughly, making sure that you understand fully the issues and have clear facts to support your argument. Contact the act4europe office or your relevant EU NGO networks if you need help on the draft Constitution or the IGC!

→**Be clear** about what you would like your MP/Foreign Minister (rep) to do as a result of your meeting. Do you really want a public hearing or rather a smaller NGO meeting? Ask them all for the same, it increases your chances for broad support.

→**Using the information** that you know about your MP/Foreign Minister and their party, predict some of the possible responses you are likely to get. If you think that your MP will not agree with your position then rehearse your arguments.

→**Establish** how long you have got at the outset and pace yourself accordingly.

→**Do not let the meeting get side-tracked** from the points you have listed that you want to cover.

→**Be sure to establish what you want your MP/Foreign Ministry to do** and confirm this to them.

### ***Follow-up***

Review what happened at the meeting. Did you get your message across effectively? Has the MP/Foreign Minister (rep) agreed to do what you wanted?

→**Decide what follow-up action is required.**

→**Always write and thank them**, including the main points agreed and any action that has been promised on either side.

### ***Being part of a public hearing***

→**Prepare the contributions well**, if possible try to liaise with as many other speakers as possible to agree on three key points you will all mention alongside your particular concerns. Contact us for information on how this was done in other countries and what worked best.

**No matter what you do, when, and with whom: PLEASE LET US KNOW at the office of the act4europe/Civil Society Contact Group. Certain levels of public information might be perfectly normal in your country, but not in another. We can all benefit from information and experiences gained in any of the 25 countries.**

**And remember, you do not need to take up either a pro or a con EU position in principle to participate in the act4europe campaign. What matters here is the inclusion of strong citizens' rights and of assuring that people's voices are heard in the future. In this case it is worthwhile to ACT LOCALLY AND THINK EUROPEAN!**

### **3. Sample Letter**

This is an example of how you could write to your Foreign Minister, MPs, MEPs or other relevant people. We will provide more sample letters during the campaign and they are intended to help you participate in the campaign with less demand on your surely already busy schedule. If you use sample letters provided by your EU NGO or us networks or trade unions, try to translate them into your language; it really helps in achieving a response. If you send your translation back to us we will make it available to other organizations in your language (but also try to spread the word yourself as much as possible). You are always welcome to change the wording of sample letters, so it suits the focus of your organization. It is really good if many organizations write with the same principle concern, but 100 letters with the exact same wording are often not regarded as representing large consensus by politicians (particularly not if they come in mass e-mails). E-mail can be a helpful medium, but be prepared to send by post and fax as well, it helps to bring the seriousness of your concern across.

Dear *(Member of the Parliament, Commissioner, Member of the European Parliament- use titles as appropriate in your country)*

[change the text in Italics to best suit your organization]

*I am/we are writing to you on behalf of ... We are jointly participating in the European wide **act4europe campaign**, an alliance of environment, social, human rights, and development NGOs as well as trade unions which has been monitoring the work of the Convention on the Future of Europe and now of the Intergovernmental Conference.*

A key demand and expectation shared by all NGO sectors is that the IGC should not retreat behind closed door meetings, but continue the open and transparent working method initiated by the Convention on the Future of Europe. **We hope that the IGC and subsequent ratification process will implement the spirit of the new draft article on participatory democracy through a regular, open, and transparent dialogue with representative organizations of civil society.**

Civil society is very concerned that the IGC will in the name of national interests "horse trade" a Constitution that does not present a text fit for the 21<sup>st</sup> century. **We strongly ask you to ensure the creation of a rights and values based democratic Constitution with which people in Europe can identify** and that clearly recognises their diversities and needs in a spirit of global solidarity.

Additionally, a rights and values based European Constitution has to provide the tools and mechanisms to politically and legally safeguard and concretely implement those rights and values – an area which received too little attention during the Convention. **We urge you to strengthen the rights and values related to development in Part I and guarantee the coherence between the rights and values set out in Parts I and II, and the policy tools in Part III relating to social, environmental, and human rights.**

*[If you wish, raise your specific demands here with regard to the Constitution]*

Please supply us as soon as possible with the following information: **How and when do you intend to give civil society in our country information about the IGC method and an opportunity for input into the debate? How will you guarantee a rights/values based text? How will you ensure that the mechanisms of political and legal implementation of these rights and values receive adequate attention during the IGC to achieve better coherence?**

Looking forward to your response  
Yours sincerely

## *V. Civil Society Contact Group*

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### **1. The Social Platform**

The Social Platform (Platform of European Social NGOs) is an association of 39 European nongovernmental organizations, federations and networks working in the social sector and promoting the interests of a wide spectrum of European civil society. The Platform includes associations of organizations representing women, elderly people, people with disabilities, the unemployed, people living in poverty, gays, lesbians, young people, children and families. The member organizations also include NGOs providing social services, and those working on social issues such as social justice, homelessness, life-long learning, health and racism.

Contact person: Simon Wilson - [info@socialplatform.org](mailto:info@socialplatform.org) [www.socialplatform.org](http://www.socialplatform.org)

### **2. The Green 8**

The informal platform of environmental NGOs, called the Green Eight, is composed of the European Environmental Bureau, Birdlife International (European Community Office), Climate Network Europe, European Federation for Transport and Environment, Friends of the Earth Europe, Greenpeace Europe, International Friends of Nature, and WWF (European Policy Office). The Green 8 are represented in the Contact Group by the European Environmental Bureau, the largest federation of environmental citizens organizations in Europe.

Contact person: John Hontelez - [hontelez@eeb.org](mailto:hontelez@eeb.org)

### **3. Human Rights, Democracy and Conflict Prevention NGO Network**

The human rights network includes, amongst others, the following organizations: Amnesty International, Coalition for the International Criminal Court, Euro-Mediterranean Human Rights Network, Article 19, Minority Rights Group, European Centre for Common Ground, European Peacebuilding Liaison Office, Human Rights Watch, International Federation for Human Rights (FIDH), International Federation Terre des Hommes, Open Society Institute, World Organization against Torture (OMCT), World Vision.

Contact person: Dick Oosting - [doosting@aieu.be](mailto:doosting@aieu.be)

### **4. CONCORD**

CONCORD is the European NGO confederation for Relief and Development. It consists of 10 international networks and 18 national associations from the

European Member States and the candidate countries representing together about 1200 NGOs. It aims to co-ordinate the political actions of NGOs for Relief and Development at European level and to stimulate exchanges of information among NGOs but also with the European institutions. Its members are the 15 National Platforms of the European Member States, the National platforms from Malta, Slovakia and the Czech Republic and 10 Networks: ActionAid Alliance, Aprodev, Caritas Europa, CIDSE, Eurodad, EuronAid, Eurostep, IPPF, Solidar, Terre des Hommes.

Contact Person: Simon Stocker [sstocker@eurostep.org](mailto:sstocker@eurostep.org), Florent Sebban [fsebban@eurostep.org](mailto:fsebban@eurostep.org); [www.bond.org.uk/eu/concord.html](http://www.bond.org.uk/eu/concord.html) - [www.eurostep.org](http://www.eurostep.org)

## **5. The European Trade Union Confederation (ETUC)**

At present, the ETUC has in its membership 74 National Trade Union Confederations from a total of 34 European countries, as well as 11 European industry federations, making a total of 60 million members. Other trade union structures such as Eurocadres (the Council of European Professional and Managerial Staff) and EFREP/FERPA (European Federation of Retired and Elderly Persons) operate under the auspices of the ETUC. In addition, the ETUC coordinates the activities of the 39 ITUCs (Interregional Trade Union Councils), which organize trade union cooperation at a cross-border level. The ETUC is recognized by the European Union, by the Council of Europe and by EFTA as the only representative cross-sectoral trade union organization at European level.

Contact: [www.etuc.org](http://www.etuc.org)

## *VI. Vision Statement*

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The Civil Society Contact Group brings together four large NGO sectors - environment, social, human rights, development - and the European Trade Union Confederation. Jointly we aim to make the views and interests of Civil Society heard within the process of shaping Europe's future framework. In particular we aim to ensure that the European Union delivers on the promises made at Laeken in 2001. It must bring the activities and the mission of the European Union closer to the people, guarantee that the institutions of the EU function in a transparent, effective and efficient way with a larger membership, and develop the role of Europe in the world as a positive and stabilizing force.

**In the process of drafting a constitution of the people of Europe we want to ensure that:**

- I. this Constitution respects and reflects the diversity and the views of all people living in Europe.
- II. the new institutional framework of the European Union is truly effective, democratic and participatory, transparent and accessible.
- III. the Constitution strengthens the fundamental values of Europe, so that the European Union is an advocate for and guarantor of peace, solidarity, justice and equality for all, equality between women and men, sustainable development, protection and improvement of the environment to ensure a high quality of life for present and future generations, eradication of poverty and observance of human rights within the EU and globally.

To achieve this mission the Civil Society Contact Group has launched the act4europe campaign in order to directly connect the hundreds of thousands of people in Europe who are active in civil society organizations in shaping Europe's future. The act4europe campaign seeks to establish a working alliance throughout a European Union of 25 member states that will help to establish and maintain lasting access to information, public participation in decision making (participatory democracy), a more democratic structure (co-decision and qualified majority voting) and access to justice in matters of concern to civil society.

## VII. Sectors' assessment of the Convention's Outcome

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### 1. Human Rights<sup>5</sup>

*The human rights group welcomes the inclusion of the Charter of Fundamental Rights into the constitutional treaty, and the provision to allow the EU to accede to the European Convention on Human Rights. However it points to last minute changes, such as interpretative limitations to the preamble that have weakened the Charter. There are no concrete mechanisms of integration, assessment, or control to mainstream human rights in either the internal or external dimension. The result is a low-profile commitment of the EU to the actual delivery of fundamental human rights.*

**In addition to this, the human rights group regrets:**

- The absence of a primacy of the human-social dimension over the economic dimension in case of conflict or contradiction between objectives pursued by the EU;
- That the calls for accession of the EU to the European Social Charter and to other international human rights instruments have not been heeded;
- That the role of the European Parliament has not been strengthened to guarantee transparency and accountability in the external action decision-making process.

**The human rights group calls for the constitutional treaty to provide for:**

- Primacy of the human-social dimension over the economic dimension in case of conflict or contradiction between objectives pursued by the EU;
- Accession of the EU also to the European Social Charter and to other international human rights instruments;
- Establishment of monitoring and control mechanisms for the respect of human rights to ensure the effectiveness of the Charter as well as of the EU human rights policy as a whole;
- Inclusion of the human rights clause in all global and sector-based bilateral agreements, passed between the EU and third countries;
- More transparency of the EU institutions functioning in the external domain;
- Systematic and direct co-operation between the EU Foreign Minister and the other EU bodies in charge of a human rights policy in order to ensure the primacy and enhance the effectiveness of the EU institutions;
- The European Parliament to have rights of participation in the design and implementation of the EU's external policy through co-decision, to

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<sup>5</sup> Full version of the document: <http://act4europe.horus.be/module/FileLib/FinalAssessment.pdf>

be the body of control for the implementation of CFSP/CSDP policies as well as for programmes on future action, and to have a say in the EU external action priorities with a view to holding the Commission and Council accountable on their human rights performance.

## **2. Social Platform<sup>6</sup>**

*The Social Platform supports the integration of the EU Charter of Fundamental Rights into the Treaty, and the strong focus upon participatory democracy within the new Chapter on the Democratic Life of the Union. Some aspects of the Union's values and objectives have been strengthened, and the new horizontal article on non-discrimination is welcome, but the Social Platform remains concerned that the tools to guarantee the social goals of the Union are not in place within the draft Constitution.*

**The Social Platform will continue its efforts to achieve the following changes to the Draft Constitution during the IGC:**

### **Civil Dialogue and Participatory Democracy**

- Strengthening of Article I-46 to include references to 'organised civil society' rather than 'representative associations and civil society'
- Full respect of the autonomy of civil society within Article I-46, in the same way as this is phrased in Article 47
- Principles of dialogue with organised civil society to be mainstreamed into Part III

### **Fundamental Rights:**

- I Article I-7 should provide for accession to other human rights instruments
- Article I-57 should also refer to fundamental rights, in particular the EU Charter of Fundamental Rights and the ECHR
- Against redrafting the scope of the EU Charter as contained within the new horizontal clause in Article II-52

### **Values of the Union:**

- The elements listed in the second sentence of Article I-2 – pluralism, tolerance, justice, equality, solidarity and non-discrimination – to be placed on an equal legal footing with the values set out in the first sentence
- Inclusion of the values of equality for all and equality between women and men and social justice to be included in Article I-2

### **Objectives of the Union:**

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<sup>6</sup> Full version of the document:  
<http://act4europe.horus.be/module/FileLib/SocialPlatformresponsetotheDraftConstitution.pdf>

- Removal of the reference to 'undistorted' competition from the Article I-3
- Inclusion of quality of work, lifelong learning, a high level of social protection, non-discrimination on the basis of sex, racial or ethnic origin, religious or sexual orientation, disability and age, a high level of health, efficient and high quality social services of general interest in the Article I-3
- Inclusion of the following objectives in the Article I-3: the eradication of poverty within the EU, quality of life, promotion of family life, combating trafficking in human beings and violence against women
- Clear definition of sustainable development based on three equal pillars: economic, social, and environmental.
- Article I-3 should include coherence of the EU actions with its values and objectives

### **Policies of the Union**

- The values and objectives of the Union should be fully reflected in the policies – particularly in Part III, to ensure that the Union has the tools to achieve its social goals
- Article I-14 should include commitment to ensuring cohesion and coordination between economic, employment and social policies and 'social policies' should be added to the article's title
- Employment should be added to the areas of shared competence in Article I-13
- Social inclusion and pensions should be added to the areas of supporting, coordination or complementary action in Article I-16
- Qualified majority voting and co-decision should be applied to the Article III-5 on non-discrimination.

## **1. Green 8<sup>7</sup>**

*The environmental NGOs Green 8 are satisfied that, in the end, their first objective of "no steps backwards" compared with the existing Treaties has been achieved. The objective of Sustainable Development was restored, after having been ignored initially. Linked to that the task to "improve the quality of the environment" was also restored (from the Amsterdam Treaty) at the last moment of the Convention. The obligation to integrate environmental requirements into all policies was finally brought back in as well. And the last minute decision to leave the Euratom Treaty out of the consensus provides opportunities to further campaigning against it. The Green 8 welcome the inclusion of the Charter of Fundamental Rights, even though the right to a clean and healthy environment is still missing, the proposals to improve the accountability and transparency of EU decision making, the chapter on participatory democracy, including the proposal for a citizens initiative. The Green 8 are satisfied with the proposal of the Convention to strengthen the*

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<sup>7</sup> Full version of the document: <http://www.eeb.org/publication/G8-IGC-EN-final-8-8-03.pdf>

*position of the European Parliament in decision making with regards to economic, social and territorial cohesion; agriculture and fisheries; specific research and technological development programmes and industry.*

However, the environmental group does not think the Convention's draft is sufficient to allow the European Union to develop in a sustainable manner:

- **Union Policies:** The biggest weakness is in the policy chapters (Part III) of the draft Convention. Many of them were drawn from the existing European Community Treaty without reconsidering their objectives. As they stand, they make EU sectoral policies conflict with the overall objectives of sustainable development and improvement of the environment. Civil society will not understand this mismatch between objectives and policy priorities that were agreed decades ago in a completely different context.
- **Participatory Democracy:** "participatory democracy" is an essential element of sustainable development. The Constitution should define minimum requirements for public participation and give citizens the right to challenge EU institutions at the European Court of Justice in cases where these Institutions violate EU law and policies.
- **Parliamentary Democracy:** The Convention has proposed to expand co-decision in many areas important for environment and sustainable development. This work needs completion. Co-decision for the European Parliament should be the rule for all areas relevant to the environment.
- **Sustainable Development Protocol:** We support the initiative of Commissioner Wallström to add a Protocol on Sustainable Development. This will ensure that sustainable development, properly defined, is central to the EU's day-to-day activities.
- **The Euratom Treaty** dates from the 1950's, when nuclear energy was perceived as a safe energy source. Now that the dangers, cost and problems related to nuclear waste have been recognised, the Euratom Treaty must be abolished.

With regards to the work of the IGC, the Green 8 call for transparency and public participation. The EU Constitution is going to be the legal and moral basis for the functioning of the European Union for decades, internally as well as towards the outside world. The Constitution should motivate EU citizens to support the EU, to invest in its effective functioning. Civil society needs to, therefore, be able to follow the negotiations and give input, as was the case during the European Convention, particularly in treaty areas the Convention hardly touched.

The Green 8 call for further improvements to the draft Constitution so that the European Union will have a robust constitutional framework for delivering

sustainable development, inside and outside the Union. This should protect wildlife and peoples' health, improve the quality of the environment and preserve scarce natural resources so that future generations can also prosper. Such a Union can succeed only if its citizens are in agreement and are involved. Participatory democracy is therefore a pre-requisite, in our view, to sustainable development. Furthermore, the Green 8 are convinced that sustainable development cannot be achieved without the eradication of poverty, through social inclusion, equality and justice.

The Green 8 published a comprehensive document "Towards a Green EU Constitution", assessing the Convention's outcome and proposing changes for the future IGC. The document is available on the web page of act4europe.

## **2. Development Sector<sup>8</sup>**

Represented by Concord

Concerns rose by development and humanitarian NGOs during the Convention resulted in positive change in the European legal framework for development co-operation and humanitarian assistance.

Positive outcomes from the Convention include the placing of sustainable development, human rights and poverty eradication amongst the strategic objectives for EU external policy. The emphasis on poverty eradication as an overarching aim for the Union as well as on the principle of coherence of all Union policies with development objectives are also to be welcomed.

However the draft constitution enables the use of all instruments of foreign policy, including development co-operation, as tools for the Common Foreign and Security Policy (CFSP), the Common Security and Defence Policy (CSDP) or the solidarity clause. The use of development funds for military purposes would be totally contradictory with the independent nature of development aid. A comprehensive, independent development policy at an EU level has an extremely important function in promoting and securing adherence to international standards and targets; and is essential if the EU is to speak with credibility, with one voice in international development fora and be truly effective in eradicating poverty. It is therefore of the greatest importance to specify in article I-39, I-40 and I-42 that resources used under the CFSP, CSDP or the solidarity clause are specifically dedicated to those policies.

**Moreover using humanitarian actions, as part of the fight against terrorism, as proposed by the European Convention in article III-205 is contrary to every definition of "humanitarian": Humanitarian principles of impartiality and independence from political considerations would disappear within the "fight against terrorism".**

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<sup>8</sup> Full version of the text:

<http://act4europe.horus.be/module/FileLib/CommonNGOresponseConstitution.pdf>. This position is based on Concord's previous statements adopted in February, April, and June 2003

**Everyone performing humanitarian missions must respect international humanitarian law. The only fight to which humanitarian aid should be called is that against poverty and human suffering.**

The Constitutional Treaty should reflect the key values on which the European Community was founded: social justice, solidarity, equality, the rule of law and respect for human rights.

**The Constitutional Treaty finalised by the Intergovernmental Conference should therefore include the following:**

- Development co-operation must not be subordinated to EU foreign, security or commercial policy agendas. EC aid is not a tool or instrument for projecting Europe's self-interest.
- The autonomy, neutrality, impartiality and professionalism of EC humanitarian aid must be safeguarded. It does not constitute an instrument for EU security policy in a 'war on terror'.
- The Constitutional Treaty should respect the separation of powers and guarantee the independence of the EU institutions within their own individual mandates. The European Foreign Minister's activities within the Commission should respect the independent institutional set up of development co-operation and humanitarian aid.
- EC aid should be founded on a commitment to democratic ownership, partnership and participation and allocation re-targeted at all OECD defined developing countries.

### **3. European Trade Union Confederation (ETUC)**

In its memorandum to the Italian Presidency, the ETUC summarised its demands:

**"From the ETUC point of view, the European Convention has delivered a draft Constitutional Treaty which, in the present political context, represents a significant step towards a more effective and democratic EU as well as to a certain extent, closer to the citizens' concerns and aspirations.**

**The ETUC has serious regrets however that more far-reaching goals could not be attained in particular concerning the extension of qualified majority voting, including the areas of social policy and taxation, and in providing new tools and procedures for the Union's economic governance, to allow Europe to better exploit its potentials**

**to promote growth and employment. Advancements in this respect at the IGC would be very much appreciated.**

The integration with legal value of the Fundamental Rights Charter into the Treaty, the recognition of social values and objectives, including full employment, provision for a legal basis for services of general interest, the Union's mandate for economic employment and social policy coordination, and, last but not least, the recognition of the role of the Social Partners and of their social dialogue, are welcomed by the ETUC as positive developments in giving a stronger social dimension to the EU.

That's why the ETUC would strongly oppose any attempt to call them into question at the IGC.

On the contrary, these achievements need to be confirmed by a revision of Part III (policies) of the draft Constitutional Treaty to ensure consistency with the innovative principles and objectives introduced in Part I.

The ETUC urges the Italian Presidency to act to this end at the IGC to enhance credibility of the Constitutional Treaty social content.

Failing to do so by the IGC would be deceiving for the working people in Europe and induce the ETUC to take a negative stand on the Conference outcome. This operation which the European Convention failed to do essentially for lack of time could be conducted without unravelling the global compromise reached at the Convention."