

Arguments

against the EU Constitution

This series will provide a range of “neutral” arguments against the EU Constitution. Neutral in this context means, that it will try to take viewpoints which are independent of the “classical” ideologies - except the very basic principles of democracy. Therefore these arguments may be useful to all of you. - By Thomas Rupp



Part 1

How the Convention on the Future of Europe failed the Laeken Declaration

The Laeken Declaration provided for the assignment of the Convention on the Future of Europe. In the aftermath of the Irish “no” to the Nice Treaty it was a concession, that some basic reforms were needed, not least of all to improve the acceptance of the European Union among the European citizens. Drafting a Constitution was no target but a vague future option as it says: “*The question ultimately arises as to whether this simplification and reorganisation [of the Union] might not lead in the long run to the adoption of a constitutional text in the Union.*”

QUESTIONS: Was there any debate in the Convention, whether a Constitution should be drafted at all? Were the advantages and disadvantages of having a Constitution discussed adequately? Was the logic: FIRST simplification and reorganisation THEN (possibly) a Constitution remembered? Apart from that: does the proposed EU Constitution finally provide for a *simplification and reorganisation* of the European Union, as requested in the Laeken Declaration?

Concerning the needs of European citizens the Laeken Declaration states, that there should be ...

... subsidiarity instead of a European superstate

Citizens (...) feel that the Union is behaving too bureaucratically in numerous (...) areas. (...) What they expect is (...) not a European superstate or European institutions inveigling their way into every nook and cranny of life (...and...) intervening in every detail. (...) Thus the important thing is to clarify, simplify and adjust the division of competence between the Union and the Member States (...) This can lead both to restoring tasks to the Member States and to assigning new missions to the Union. (...and...) There is the question of how to ensure that a redefined division of competence does not lead to a creeping expansion of the competence of the Union.

QUESTIONS: Does the EU Constitution include reforms that will be a major step to reduce *bureaucracy*? Are there any provisions to (re-)check the more than 90.000 pages of *aquis communautaire* whether *restoring tasks to the Member States* would make sense? Is there any hope for the citizens that the EU will NOT become a *superstate*, because its powers are going to be limited? Are there any serious, sincere and effective security provisions included in the Constitution to avoid *a creeping expansion of the competence of the Union*?

... transparency, democratic legitimacy

More importantly, however, they [the citizens] feel that deals are all too often cut out of their sight and they want better democratic scrutiny. (...) The Union needs to become more democratic, more transparent and more efficient. (...) The European institutions must be brought closer to its citizens. (...) The European project (...) derives its legitimacy from democratic, transparent and efficient institutions.

QUESTIONS: Does the EU Constitution provide for more *transparency*? Does it provide for any significant measures to finally create a democratic *division of powers* on EU level? Are there any regulations that *improve a democratic control* over the EU institutions? Did the Convention honestly use its chance to *include the EU citizens* in the drafting process?

CONCLUSION

As far as I see it, from a citizen’s perspective, all these questions have to be answered with a “no”. And this alone is a reason for rejecting the EU Constitution. The basic assignment was not fulfilled and now the Constitution is “sold to the people” like it is a great success. The people should therefore return it to the sender by saying “no”.

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