

CONCLUSIONS OF THE Vth ASSEMBLY OF THE CONSEU

The Vth General Assembly of CONSEU, held in Cagliari (Sardinia) on 26, 27 and 28 September 2003,

Has examined the "Draft Treaty establishing a Constitution for Europe", as prepared by the European Convention, a project which will start being discussed by the Intergovernmental Conference in Rome from 4 October 2003.

I – The participants at the CONSEU have welcomed some positive contributions to the text, especially as regards:

- The recognition of diversity as one of the Union's founding principles;
- The recognition of the Union's legal personality;
- The inclusion of the Charter of Fundamental Rights within the constitutional corpus;
- The affirmation of the principle of non-discrimination at all levels, particularly within the cultural and linguistic spheres;
- The establishment of direct participative democracy, by means of which EU-citizens can take part.

II – The participants regret that some of the fundamental democratic principles stated in Part I of the text, which defines the objectives of the Union, are not systematically developed in Part III, which is devoted to the policies and functioning of the Union.

This can be most clearly seen by taking the following circumstances into account:

- There is no reference in articles III-3 and III-8 to language and culture as a motive of discrimination to be prohibited, while these two articles include other motives of discrimination;
- The limited competences of the European Parliament are being kept in favour of a competing bicephalous legislative power, distributed between this institution –which is established on the base of universal suffrage–, and the respective executive powers of member states. And this distribution is contrary to the democratic principle of division of powers;
- Participative democracy, a tool of EU citizens, is subject to the consent of the executive body, which is represented by the European Commission, and is bound to the postponed until a European law is enacted in the future on the concrete conditions under which participative democracy is to be carried out;
- The terminology used for the concepts of state, nation and people is ambiguous;

III – The participants denounce that:

- The notion of sovereignty of the peoples is being left aside and the notion of sovereignty of the states is being maintained, as the stated principle of sovereignty of EU citizens is not guaranteed by any concrete measure;
- There are not any institutions and rules enabling European peoples to exercise their sovereignty within the EU, and the existence of such peoples as subjects of law is not being effectively recognised, thus benefitting the constituted states;
- The only approach that is being used, in a deliberate and unchangeable way, is that of the existing state frameworks, and no reference is made to the right of self-determination exercised by means of a democratic process by those European peoples which for historical reasons have been deprived of sovereignty. This fact is in blatant contradiction

with legal rules ratified by the European states, especially the Helsinki Final Act and the Charter of Paris of 1990;

- The stated principle of cultural and linguistic diversity is being denied in practice, as only the official languages of member states are being recognised as EU languages, and member states keep having a monopoly over the contents of teaching and education programmes, thus enabling them to allow the persistence of existing discrimination of the so-called lesser-used languages and cultures, and thus also endangering peace within Europe;
- There is a serious risk that economic rules based on market economy and liberalism become constitutionalised, thus allowing that economic competitive relations which may endanger the balance of the weakest and underdeveloped European peoples become perennial and that inequalities in the exchange with the rest of peoples of the world (within the framework of globalisation) persist.

IV – As a consequence, in order to consolidate and develop the democratic character of the European Union, the participants propose to:

- introduce within the constitutional corpus the essential right to self-determination for each one of the European peoples, which shall be able to regain full sovereignty once they are able to express it through democratic means, as well as to introduce the right of each people to be eligible for entering the EU;
- create a Chamber of the Peoples, which is to ensure that the Peoples are democratically represented at the legislative level of the EU;
- establish a Conference of Nations within (in space and time) the European Intergovernmental Conference and within the Council of Ministers. This Conference should be aimed at ensuring that the Peoples be represented in the wording of rules that have an impact on the Union's executive power, concomitantly with the Commission;
- devolve the Union's legislative power entirely to the two only chambers whose power arises from democratic representation, as the Commission and the Intergovernmental Conference can only submit proposals in this area;
- grant constitutional recognition of equality of rights for all languages and cultures within the EU and of their respective right to develop as a challenge for conserving common cultural richness and diversity;
- In a transitional phase, create a Surveillance Committee for Languages and Cultures which are not granted a state-level statute within the framework of the Commission; this Committee would have the capacity to collect complaints, to carry out the research needed to elaborate them, to directly lodge them to the European Court of Human Rights (to prosecute discriminatory measures or treatment), and to carry out general surveys and submit a yearly report to the Commission and the Parliament;
- take into consideration and launch the proposals put forward, on the part of the involved institutions, in order to fully ensure the Union's democratic character, at the latest during the 2004-2009 European legislative term.

Taking this approach into account, the CONSEU wishes to forward its proposals for the modification of the current constitutional treaty to MEPs, as well as to all appropriate European institutions. Likewise, it will submit them to representatives of EU-candidate states and to concerned non-governmental organisations. The CONSEU will assume the task of dissemination in the media, so that all citizens of the future Europe learn of them.

Moreover, the participants at the CONSEU, concerned about the challenges of globalisation, have decided that the next General Assembly of the CONSEU will discuss issues regarding identity and the contributions and causes of migratory phenomena in Europe.

Cagliari, 28 September 2003