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Europe

# European Union: at the crossroads

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### **The draft European Constitution - which raises neoliberal dogma to the rank of fundamental law - is a challenge to Europe's workers and peoples.**

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The Convention that had worked on the draft delivered its proposed constitution to the heads of state and governments of the European Union (EU) meeting at the European Council in Thessalonica in June 2003. Fundamental debates on the future of the EU continued in months up to the Intergovernmental Conference (IGC), which Italian prime minister Silvio Berlusconi inaugurated in early October in Rome.

As in the period 1989-1991, the EU is once again at a crossroads. Then, the collapse of the 'people's democracies' in eastern Europe and the USSR, the first Gulf War and the outbreak of war in the Balkans led the dominant classes in Europe to make a qualitative leap in the construction of the Union. The Maastricht treaty, economic and monetary union and the perspective of enlargement eastwards were the cornerstones of this step. Today, the events of September 11, the second Gulf War, the aggravation of international economic competition in the framework of a double recession and the effects of enlargement oblige them to make a new step in the construction of a supranational state apparatus, capable of articulating and defending the interests of the European bourgeoisies.

To face up to the challenges on the economic, military and diplomatic fronts, the EU must assume the proper functions of a state, at least to the extent that it is obliged to face the competition of the US and Japan, and endow itself with a popular legitimacy and a support which is currently cruelly lacking. Hence the need for a European Constitution.

In liberal democracies, a Constitution is usually the basic legal document on which the legitimacy of the state in relation to its citizens is based. It presupposes the existence of a social pact for the common good in the name of which the state manages popular sovereignty within the framework of the limits set by the Constitution. Beyond this myth one finds nonetheless the division of power inside the dominant classes, for the defence of their interests, inside the executive, legislative and judicial institutions. The constitutional mask - the political equality of citizens - hides the social and economic inequalities of the capitalist market. To maintain this fiction, the state is separated from civil society and placed above it, on the pedestal of the Constitution.

The very fact that the fundamental juridical document of the new legitimacy of the Union is presented as a Constitution - and not as an intergovernmental diplomatic treaty - shows the political ambition of the dominant classes to create a European power starting from the EU. But they need increased legitimacy to carry this through. Once again, however, the word games cannot hide the true nature of the document, which in no way originates from the sovereign will of the peoples, but from a decision by the governments of the member states of the EU.

In the purest liberal conservative tradition, the intergovernmental conference will work on the basis of a draft prepared by a technical committee designated from the parliamentarians of the member states, the European parliament, direct representatives of the governments and those of the Commission which, despite the pompous name of Convention, has no popular mandate. Even if subjected to a referendum process in the majority of member states (although this is only obligatory in Denmark and Ireland), it remains a Charter drawn up through an intergovernmental agreement. Inside this the rulers - in this case the heads of government of the member states - interpret the interests of their subjects and accord them some rights, while generously defining their own field of action.

### 1 Origins of the European constitutional debate

The federalist political yearnings of the founding fathers of the European communities like Schuman, Monnet, Spaak, or Gaspari, were rapidly subordinated to the political realities of the Cold War, giving way to what was called the 'community method' to advance towards European unification after the Second World War. It was a functional and gradual way of formulating common institutional responses to the need for regulation of markets when the expansion of productive forces overran the existing frontiers in Europe after the war.

This situation endured, with progressive advances - above all under the mandate of the Delors Commission - until the Maastricht Treaty. But the enlargement of the Union to 25 members, the introduction of the euro and the need to develop a military capacity in the new international situation in the late 1990s, led the European Council - meeting in Nice in December 2000 - to discuss a new sharing of power inside the community institutions among member states and to open the debate on the future of the Union.

From the viewpoint of the European bourgeoisie, the internal political circumstances could not then be more unfavourable. They shed light on the 'democratic deficit' of the Union. The 'No' vote won the day in the Danish referendum on the Treaty of Amsterdam and in the first Irish referendum on the Nice Treaty. The average rate of abstention in the elections for the European Parliament was 50.2%, reaching 76.7% in Britain and 70% in Holland. The external circumstances were not better - the euro fell in relation to the dollar and in the Balkans the EU was reminded of its military subordination to the US.

That is why the debate on the future of the Union opened in Nice. Despite the initial skirmishes around the question of whether European construction should adopt the federal or confederal model (starting from intergovernmental agreements), a consensus rapidly evolved. This was developed to a large extent by Jacques Delors and argued that extension demands the differentiation of a 'European space' emerging from the extension of the single market, with a 'European power' constituted inside it by those member states capable of advancing towards a 'strengthened cooperation'. This lays the basis for a 'common model of society' open to all the member states of the Union. It does not amount however to an 'À la carte' Union, with asymmetrical and variable introductions, like that of Britain or Denmark, but a single model, although access to this model can be evolutionary and gradual, determining thus a centre and a periphery of the Union.

This schema demands a clear delimitation of the 'model', the rules constituting 'strengthened cooperation', the taking of decisions at different levels on the 'European power' and the 'European space', and finally the common mechanisms of regulation with guarantees for all the member states. Delors' proposal, supported inside the Commission by important sectors of its bureaucracy and from the outside by Joschka Fischer (Germany's foreign minister), orientated towards a 'federation of member states' with a strong role for the Commission. Its powers concerning the internal market would be increased but it would remain strategically subordinate to the Council, which will be responsible for the development of foreign and security policy through the intergovernmental mechanisms.

For its part, the Prodi Commission proposed to organize the debate on the Constitution in three stages:

– a period of 'open reflection';

– a 'structured reflection', with the convocation of a consultative Convention which would prepare a draft Constitution inspired by the method of discussion already used for the drawing up of the Charter of Fundamental Rights adopted at the Nice Council;

– final discussion at an intergovernmental conference in 2004.

The first stage was conspicuous by its absence, despite the funds spent by the Commission, for the member states did not want the debate to go beyond the circles of the bureaucracy and its experts. The lack of discussion, its blockage by the member states and the experience of the drawing up of the Charter of Fundamental Rights led the Belgian presidency to create a 'committee of wise men' made up of Delors, Dehaene, Amato and Geremek, who devised the functioning of the Convention in the 'Laeken Declaration' approved by the European Council in December 2001.

### **2 The Convention of 2002-2003**

The second stage was concretized by the setting up of the Convention which, despite the revolutionary historic origins of its name, was not representative. It took the form of a series of working commissions and a plenary session, composed of 105 euro-deputies, national parliamentarians, representatives of governments of 25 states and representatives of the European Commission, together with 102 alternates, all designated according to obscure criteria. It was presided over by an old icon of the French right, the former president Valéry Giscard d'Estaing, helped by Dehaene and Amato. From the beginning the debate was dominated by the discussions inside the Praesidium, between the representatives of the governments and Giscard, who imposed the curious procedure of never taking a vote inside the Convention and interpreting the consensus obtained.

Although the Convention had organized its work through 10 groups, eight months later, in October 2002, only two of them had finished their reports and the task seemed impossible. But the Praesidium had been working discreetly since July on what Giscard called the 'skeleton', which was distributed on October 28. The document defined the institutional and constitutional structure, marked the general lines of action and procedure and the general clauses of application, ratification and revision of the constitutional treaty.

From this time onwards the dynamic of the Convention changed. Despite their initial reproaches towards Ana de Palacio, Spain's foreign minister, for participating in the Convention, France and Germany also designated as members their foreign ministers, Villepin and Fischer. There were also significant changes of the representatives of Holland, Portugal and Ireland.

Giscard's proposal included a clear reference to the "federal management of certain common spheres". It left open a possible change of name of the Union. It incorporated the text of the Charter of Fundamental Rights, despite the reticence shown on this subject at the Council of Nice. It established three spheres of responsibility - community, mixed and national - but within the framework of a single institutional system that put an end to the 'three pillars' of Maastricht. It accorded the European Parliament the power to censure the Commission and created a Congress of the Peoples of Europe - an assembly of the representatives of the national parliaments. It included the central elements of a neoliberal economic governance, including budgetary stability and autonomy for the European Central Bank. However, it did not enter in the central debates on the allocation of votes among member states, decided at the European Council in Nice, or on the intergovernmental management of foreign and security policy.

In early December the Commission made public its own proposal. Or, more accurately, its proposals. For, to everyone's surprise, in addition to the communication entitled Peace, Liberty, Solidarity - the fruit of a difficult consensus - the daily Le Monde received another proposal, drawn up at the demand of Prodi by a group of high ranking 'Delorist' civil servants, coordinated by François Lamoureux and enjoying the support of the 'Delorist' commissioners, Lamy, Busquen, Schreyer and Damantopoulou. Its content was much more federal. It was nicknamed 'Penelope'.

*"We must guarantee full rights to foreign citizens residing in the Union and assure their integration, including citizenship, after five years of residence"*

In fact, Prodi had presented a copy of 'Penelope' to Giscard some days previously, and the latter had seemed to take the proposal for the official viewpoint of the Commission. But at the following meeting of the Commission, Neil Kinnock headed a denunciation of Prodi, demanding an immediate clarification. The next day Prodi presented the official communication to Parliament and the Convention. Giscard took this opportunity to humiliate the 'Delorists', signalling that the preamble of 'Penelope', inspired by the European Coal and Steel Community Treaty as a tribute to the federalism of the founding fathers, was old hat and irrelevant. As for the official communication, Giscard simply ignored it.

If Giscard had scored some points in the internal power games of the Convention, some of the proposals of the official communication of the Commission and those of 'Penelope' would be taken up by the small member states against the big, as well as by the more federalist sectors. The Commission was opposed to the creation of a stable President of the Council, extending the community sphere of control to all sectors, including foreign and security policy with the nomination of a Community Foreign Minister and transformed the simple double majority - of countries and peoples - and the co-decision of the European Parliament and Council into a habitual mechanism of functioning of the future Union.

The member states intervened rapidly to retake the political initiative in the debate. Blair made known his position at a conference held on November 28, 2002 in Cardiff. His vision of the Union's future was broadly reflected in a draft intergovernmental treaty drawn up by Alan Dashwood, a Cambridge academic. Its basis was the dual equilibrium of powers between the Council and the Commission, with its double and distinct legitimacy and responsibility ('accountability'). It could accept the election of the President of the Commission by the European Parliament instead of their designation by the Council, on condition that this election escaped "the political struggles which would render it prisoner of a parliamentary majority"- in other words, if it was elected with a two thirds majority. However, the President of the Council should be stable and it was necessary to put an end to the six-monthly presidencies rotating between member states. This proposal was supported initially by Aznar and Chirac.

The small member states, led by Holland, Belgium and Luxemburg, made public their proposal in early December, 2002, motivated by the fear that the Commission - traditional protector of their institutional rights - was marginalized in the debate. "The Union should have strong community institutions, with an extension of the community method and a strengthening of the institutions which defend the common interest", it says. For this group of states, the president of the Commission should be elected by the Parliament with a two-thirds majority and be confirmed by the Council, the opposite of the current procedure. At the same time they firmly opposed any election of a Council president, which would put an end to the current regime of rotation.

This debate was to a large extent settled by the conclusions of the Franco-German summit, held on the 40th anniversary of the Treaty of Reconciliation between the two states in mid-January 2003. Affirming the importance of the Paris- Berlin axis as the real motor of the EU, Chirac and Schröder came up with a schema. Germany accepted the idea of a future president of the Council for a period of two and a half years and France that of the election of the president of the Commission by the European Parliament.

The community foreign minister would, on this schema, be named by the Council, but would occupy a vice-presidency of the Commission and should work inside it on areas within the community sphere and outside in the area of foreign affairs and defence, which would retain their intergovernmental nature. The constitutional treaty would include the possibility of 'asymmetric cooperation', the areas governed by Parliament-Council co-decision would be widened and above all there needed to be a European antiterrorist 'solidarity clause', independent of NATO and a European military force with a global operational capacity.

### **3 A consensus is imposed**

The Franco-German agreement recast the framework of the Convention's debates and eliminated a whole series of proposals, like that of a Congress of the Peoples advanced by Giscard. Despite the importance of institutional questions, the Convention established no new working groups and the preparatory debates were confined to the Presidium.

On April 22, 2003 Giscard distributed the draft of the 15 institutional articles, which envisaged a Union ruled by a 'directory' emerging from the European Council, with a stable president, "the highest authority of the Union", above the Council of Ministers, the Parliament and the Commission. The meetings of this 'directory' would be quarterly and the president of the Council would be assisted by a vice-president and two heads of governments, elected according to a régime of annual rotation, the Community foreign minister, the presidents of ECOFIN (the council of ministers of economy and finances) and the Council of Justice and Security.

The European Council, equipped with this permanent structure, would be transformed into an authentic European government to which the Commission would be subordinated, inasmuch as its legitimacy would be located in Parliament. The council of Ministers would conserve both legislative and executive functions. In practice, this proposal incorporated the Franco-German proposals with the British vision of a parallel institutional system, with a dual and opposed legitimacy.

Giscard's institutional project also included the extension of the double majority (of the member states and the population) as the habitual method of the taking of community decisions, breaking with the complex arrangement of powers and votes in order to establish a qualified majority decided on at the European Council in Nice.

At the plenary session of the Convention, on May 30-31, 2003, Giscard was faced by a veritable rejection front organized by the representatives of the Spanish and Danish governments - Dastis and Christophersen - and supported for the most diverse and divergent reasons of national interest by Britain, Poland, Austria, Ireland, Lithuania, and Cyprus. This front demanded strict respect for the institutional decisions taken in Nice. In thus blocking the functioning of the Presidium, this front obliged Giscard, with the help of Dehaene and Amato, to build his own bloc of alliances, making concessions to other components of the Convention.

*"Schröder's difficulties in Germany are well known; but in Britain Blair has, in the last few years, seen a number of trade union leaderships captured by left currents. Austria has seen its first general strike in 50 years, not to speak of Italy, Spain or France"*

Giscard's first objective was to fully integrate Britain into the Franco-German consensus, accepting all the 'red lines' laid down by British representative Peter Hain: tax and security questions would remain at the national level, without attempts at harmonization; the idea of the legislative function of the Council, founded on the double majority, would be abandoned to maintain its intergovernmental nature; no aspect of foreign policy and security would come under community control. Finally, incorporation of the text of the Charter of Fundamental Rights would only take place on condition that it be accompanied by an explanatory chapter, which would stress the superiority in these areas of state jurisdictions, and would avoid any extension of social rights through community laws.

The next step was to obtain the support of the smallest states and the Commission itself, seeking a new equilibrium in the division of national and institutional competences. Thus the Parliament would be elected by universal suffrage, but not according to the criterion of proportionality of the populations of member states, but rather that of a 'decreasing proportionality' to favour the smaller states. The number of European deputies would thus climb from 700 in the first proposal to 736.

Such a Parliament would elect the president of the Commission by a simple and not qualified majority. This latter

would choose between the triads presented by the member states, the three commissioners, taking account of the principle of rotation and would give its 'agreement' to the foreign minister designated by the European Council, submitting a Commission thus constituted to a vote of confidence by Parliament. The European Council would not be a rival of the Commission, not disposing of a permanent structure, but would have a president elected according to the procedure of the double qualified majority, by a majority of two thirds of states and three fifths of population of the Union.

Thanks to these concessions and fortified by the support of the big states and the three majority groups inside the European Parliament, Giscard dismantled the rejection front in the course of the first two weeks of June, without giving in on the revision of the Nice accords and completely isolating Spain and Poland. The 'consensus' was finally imposed on June 13, accompanied by a champagne toast and the chords of Beethoven's "Ode to Joy".

On June 19-20, the European Council at Thessalonica accepted the draft of the Convention as a 'good basis' for the intergovernmental conference. It thanked Giscard, Dehaene, Amato and all the members and alternates for their efforts and for having shown the utility of the Convention as "a forum of democratic dialogue".

### **4 Result: a neoliberal treaty for a European power**

The draft submitted by the Convention will in no way resolve the problem of the 'democratic deficit' which has characterized the EU since its creation. On the contrary, it will worsen it. If it incorporates the Charter of Fundamental Rights, [1] it limits these rights in Title VII to laws adopted at the European level and stipulates that these latter can in no case take priority over existing national laws. This 'red line' imposed by the Blair government mortgages any future attempt on the community scale to extend the most advanced democratic and social rights that could be adopted by the most progressive member states. The European Union will continue to be built in an asymmetric manner in the area of rights and liberties.

It is not by chance that the term 'federation' has disappeared from article 1 from the first sessions of the Convention. The reference to the will of "citizens and states" from article I-1-1 can only hide the fact that "the Union shall act within the limits of the competences conferred upon it by the Member States" (article I-9-2). The reference to the "peoples" of Europe, which appeared in the first draft examined by the Convention, has disappeared from the final version and with it any possibility of recognizing the right to self-determination, recognized by the Charter of the United Nations and by other basic texts of international law. Citizens do not even have the right to decide freely their identity in the context of the EU, since article I-8-1 imposes on them the dual nationality of current member states and of the Union.

The proposed draft clearly defines the functions of member states, reducing their obligations to their citizens to the basic elements of the liberal conception - maintaining law and order, internal security and territorial defence (art. I-5-1). Any reference to the "European social model" or to "advanced social democracy" - as in different Constitutions adopted after World War 2 as a consequence of the anti-fascist resistance - which appeared in the first edition as the expression of the pressure of the European Trade Union Confederation (ETUC), has been disfigured by the intervention of the European employers' organization (UNICE), with its stress on 'competitiveness'.

In fact, the constitutional draft legally embodies the programme of neoliberal counter reforms, promised in the name of the 'spirit of Lisbon', against which hundreds of thousands trades unionists and activists for global justice mobilized throughout Europe. Article I-3-2 proposes "a single market where competition is free and undistorted"; article I-3-4 guarantees free trade; article I-4-1, freedom of circulation of persons, but above all that of commodities, services, capital and establishment of enterprises. While article I-11-3 makes the Commission responsible for promoting and coordinating economic policy, in the field of social policy this is only left open as a possibility, as the competence is left with the member states and their good will to coordinate. Article I-29-3 gives the European Central Bank absolute

autonomy to determine monetary policy, while article I-53-2 stipulates a balanced budget and a zero budget, forbidding the EU to indebt itself under any form. The amount of the European budget will continue to be decided by member states, without the participation of the European Parliament.

While the competence of member states is maintained in foreign policy and defence, the draft Constitution introduces the EU to 'armed globalization'. From the beginning it subordinates the EU's foreign and defence policies to US hegemony through NATO (art. I-40-2). A European army with 'operational capacity' will be created, in accordance with "the principles of the UN Charter". But these same principles were used by Bush, Blair and Aznar to justify the attack on Iraq, violating art. 51 of the same UN Charter, which expressly establishes the general competence and pre-eminence of the Security Council in matters of peace and war. But the draft goes further and transforms into law cooperation in the anti-terrorist fight through art. I-42, in a clause of parallel communitarian solidarity to the obligations of the Atlantic Alliance.

The institutional framework of the EU - establishing a European power in foreign policy and defense, a fortress Europe in relation to immigrants and a neoliberal Europe in relation to workers - is submitted to a Council and a Council of Ministers, with both executive and legislative powers, establishing a functioning dominated by the interests of the great powers, the 'directory'.

The equality of the member states is sacrificed not only in the area of the new presidency of the Council, designated by the heads of state and government among their former colleagues, but also in that of the Commission, which until now was the guarantee of that equality. The draft also gives legal form to 'strengthened cooperation' between some member states, creating an asymmetric union at varying speeds and with different rights. The 'communitarian method', based on the institutional equilibria established by the Treaty of Rome, is the first victim of 'competitiveness'.

### **5 A democratic and social refoundation of Europe is possible!**

The draft of the Convention, drawn up by representatives of conservative, liberal, social democratic and green parties, is not acceptable in its present form. The coming months demand that the European radical left, the unions, NGOs, popular organizations and social movements make a special effort to defend their demands and to demand a democratic and social radical refoundation of Europe. The Constitution that will be approved by the Intergovernmental Conference of Heads of Government of the member states will keep in broad outline the draft of the Convention, defend the interests of the European dominant classes and deny those of the workers and the peoples. As shown by the immense demonstrations for global justice of recent years, as well as the resistance of workers and unions against attacks on their rights, pensions and public services, another Europe is possible and necessary.

## **Against the creation of a 'European power'**

Any European Constitution should include in its first articles "rejection of war as an instrument of aggression against the liberties and independence of other peoples and as a means of resolving international conflicts".

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Also it would have to include the principle of unilateral disarmament of the weapons of massive destruction on EU territory and propose a process of multilateral disarmament controlled and verified by the UN. Europe should support the dissolution of blocs and military alliances, in a strict interpretation of art. 51 of the UN Charter. Also, the EU must establish among the objectives of its international policy a new 'global constitutionalism', with a Democratic Contract of Peoples and States, for the establishment of international agreements on the environment, climate change, food



security, the fight against contagious diseases and epidemics.

## Oppose Europe's 'democratic deficit'

A European Constitution should establish popular sovereignty and its constituent power on all common themes, without taking account of the narrow limitations of the current states.

The European Constitution must recognize the principle of self-determination, in agreement with international law on the basis of which many member states were founded after World War I.

It should reaffirm the legal equality of all European languages, without excluding the possibility that one or several languages are chosen for the internal operation of its institutions.

The European Constitution must grant exclusive legislative power to the European Parliament and a Congress of European Peoples, constituted by representatives of the state, national and regional parliaments of the EU. The state, national and regional parliaments must have a right of veto, on the basis of a qualified majority, on the application in their territory of any community measure or law, opening automatically a process of constitutional arbitration.

The Commission must be responsible to the European Parliament, which must have full powers to remove at any time, through a vote of censure, the President of the Commission or any one of the Commissioners. The European Council will maintain with the Commission the right of legislative initiative, but no legislative functions. Its mission will be the coordination of the application of community directives in the member states.

## Oppose a Europe of unequal rights

We must demand the elimination of Title VII, which conditions and interprets the Charter of Fundamental Rights and creates European citizens of a first or a second zone, without establishing an equality of rights for all. We must guarantee full rights to foreign citizens residing in the Union and assure their integration, including citizenship, after five years of residence. All the rights established legally by the decisions of the European Court of Justice should be integrated in the Charter of Fundamental Rights. In the same way, to ensure total equality of women, the European Constitution would have to incorporate the norm of parity between the sexes in all community legislative and executive bodies. budget.

## Oppose neoliberal Europe and the 'spirit of Lisbon'

The European Constitution must establish a new social and citizen contract that assures the universal satisfaction of the basic necessities of Europeans through public services like social security, health, education, justice, energy, water, telecommunications and housing. Although the responsibility in this area is that of the member states, the Constitution must oblige the EU to intervene in these areas if the member states cannot guarantee equal basic rights for all European citizens, to guarantee the full exercise of their citizenship independently of their place of residence.

To this end, the EU must practice a redistributive policy in favour of the sectors of the population in the most depressed regions. The Parliament and the Congress of the European Peoples will have to fix a community budget, within the limit of 5% of community GDP, to face these obligations, based on direct contributions from the member states and on the establishment of European taxes. These European taxes could concern non-renewable energies, the resale of financial holdings, international transactions of capital and currency exchanges. The European Central Bank will be subordinate to the European Parliament, which will approve economic directives proposed by the Commission and subjected to a referendum held every five years on community social and economic strategic orientations, so as to ensure the broadest citizen participation in the

The so-called Stability Pact will be replaced by a Pact of Solidarity and Full Employment, freeing the Constitution of the artificial limits of the 'zero budget' and allowing the European Parliament and the Congress to regain control of the European economy to assure an authentic 'social European model'. For that we need a European Solidarity Fund, functioning as an automatic stabilizer in the face of crises and recessions, within the limit of 1% of community GDP. The European Constitution should fix by law the 35 hours week and the principle of equal wages for equal work.

## Oppose the Europe of catastrophes and ecological crisis

The European Constitution must make a contract between generations for the production and distribution of energy, including the closure of all nuclear power stations in the EU linked to a European plan of energy substitution and security. It should promote a new culture of water, with the objective of obtaining a balance and rationality of the use and renovation of aquatic ecosystems. It must ensure the strict fulfilment of the Kyoto Protocol and the reduction of polluting gas levels.

### 6 A Shays' Rebellion in the EU?

The debates in the Convention have from the beginning recalled the debates of the Philadelphia Convention of 1787 that drew up the US Constitution. Let us briefly recall the historical context.

The principle of the equality of the citizens before the law and the liberal vision of the separation of the new American market powers masked the defence of a supra-state government sufficiently strong to defend with protectionist barriers, guarantee the recovery of public and private debts accumulated during the War of Independence and ensure the collection of taxes to maintain a permanent army capable of expropriating the lands of the native Americans and maintaining slavery. In the summer of 1786 various farmers' revolts began to organize the veterans of the War of Independence in militias to defend themselves from the seizure of the property for non-payment of debts and to demand that the state parliaments print paper money. The repression of the revolt and the attempt to try its leaders in Massachusetts led to a rapid extension of the rebellion, led by Daniel Shays, until the intervention of the army crushed it.

However, the ratification of the Constitution of Philadelphia met significant popular resistance, mainly in New York. In order to defend it, Madison, Hamilton and Jay published a series of articles, known as the Federalist Papers, in which they stressed that the objective of a federal government was to maintain peace inside a civil society crossed by conflicts caused by "different and unequal distribution of property".

The necessity to equip the Constitution with a popular legitimacy led in 1791 to the adoption of a series of amendments known as the Bill of Rights. But not by chance the principles of the Declaration of Independence ("the

right to life, liberty and the pursuit of happiness") were transformed in the Bill of Rights to "life, liberty and property".

Since the French public sector strike in France in 1995, Europe has lived through its own version of Shays' rebellion with the mobilizations against the European Councils, perceived as an expression of capitalist globalization, and trade union resistance to the neoliberal counter-reforms emanating from Brussels, first in the name of the Stability Pact and then motivated by the quest for greater flexibility in the labour market and reform of the pensions system. The Economist (June 28, 2003) dedicated an article, with the title "The dangers of a political Europe", to comment on this social revolt that formed the background to the debates of the Convention. [2]

For this incipient revolt to take form and project itself in European political life with its own independent programme depends on breaking the ideological chain that has attached important sectors of European trades unionism initially to the European Community and subsequently to the EU.

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The weakest link in this chain is the myth of the 'European social model', based on a pact and social co-management with the big unions of the ETUC, that would form the foundation of a European welfare state and allow a greater redistribution of income in the EU in comparison with the USA or Japan. And the strategic conclusion of this myth, whose historic origin is the real correlation of forces established in the 1950s after the antifascist struggle in World War 2 and in the 1960-70 period through a great wave of struggles, is that new social reforms are possible through social pressure and lobbying in the EU institutions.

The conviction that this reformist strategy of 'Europeanist trades unionism' has failed and is in an impasse is beginning to spread under the blows of a neoliberal counter-reforms impelled by the Commission, which has provoked a chain of sectoral and national general strikes in a great number of member states. The present debate in Germany's IG Metall, the most powerful union in the EU, after the failure of its strike for the extension of workers' rights to the old East Germany, is in every respect a symbol of this situation.

Schröder's difficulties in Germany are well known; but in Britain Blair has, in the last few years, seen a number of trade union leaderships captured by left currents. In Austria we have seen the first general strike in 50 years, not to speak of Italy, Spain or France. In this sense, the draft Constitution closes the doors to any hope that the strategy of 'Europeanist trades unionism' can lead anywhere, for it elevates the model of neoliberal management to the rank of European basic law and confines social questions to the member states. The FGTB in Belgium has already denounced this and has called for a campaign of defence of the social and democratic rights of the European workers.

European questions as such have been largely absent from the concerns of the movement against capitalist globalization. However, in the coming months, under the intense propaganda of the mass media, subsidized by the EU member states, citizens will inevitably be confronted with a political debate on the Constitution.

At the beginning of October, Berlusconi inaugurates the Intergovernmental Conference in Rome; in May 2004 the enlargement of the Union to the new states of central Europe will take place and, some days sooner, the IGC will close. In June, the elections to the new European Parliament will take place and in an important number of member states referendums on the European Constitution will be held. The resistance movement has its own appointment in the European Social Forum in Paris in November, 2003 which must serve as a catalyst for the creation of a joint and alternative vision of another possible Europe to that of the neoliberal EU. The task of the European alternative left is to lay the bases of a new Europe of the workers and the peoples.

[1] Remember that this Charter itself amounts to a regression in comparison to the majority of national Constitutions of member states and particularly in comparison with the Universal Declaration of Human Rights of 1948.

[2] See The Economist, June 28, 2003