

Constitution of a Community of European States (CES)¹ (Rough draft)

The Authors' Foreword: Why this Constitution?

A. More Democracy in Europe!

The **impetus** to draft a Constitution for a new democratic Europe was the often perceived, difficult to bear **arrogance** with which the European Union dealt with its citizens in 2001-2009 while trying to install its new "Constitution for Europe":

- **The EU Constitution was elaborated** on behalf of the EU heads of state and Government - by a "Constitutional Convent" with 105 members not elected by the citizens and chaired by the former French President Giscard d'Estaing.
- **The result** was a text on 454 pages with 448 articles making no sense for "ordinary citizens" - in which **the word "referendum" did not exist**.
- **The ratification by Member States** took place, according to national laws, often without their Parliament and in most countries also **without their citizens** - and finally failed in referenda in France and Holland on May 29, 2005. "Brussels" nonetheless put the essential content of this Constitution into force - **over the heads of its citizens** - as the "Lisbon Treaty"!

As an antithesis to this undemocratic procedure, a first draft of a 12-page Constitution with 20 articles, was created in 2008 for a **new, diverse, democratic and peaceful Europe, determined by its citizens** - since decades the author's dream, who, as a Swiss citizen and convinced European, was inspired by the Swiss Federal Constitution² and **Switzerland's long success story in the very heart of Europe**.

All citizens throughout Europe were then for the first time given the opportunity in 2015 to choose their Europe on www.our-new-europe.eu/en, viral-democratically online: Ever more "Brussels", or more (Br)Exits, or a Europe of the citizens, with and for the citizens? - Unfortunately, **so far with little Echo!**

¹ Provisional name for a Community of European States (CES)
- alliance of politically more and less integrated European countries.

² <https://www.admin.ch/opc/en/classified-compilation/19995395/201405180000/101.pdf>

B. Corona and Climate Apocalypse - Risks and Opportunities

Corona and the climate apocalypse are spreading fear and horror throughout the world and are an existential threat to Europe, democracy, global peace and to the citizens' freedom, but also **a unique chance of our century!**

For almost all countries across the world, Corona became a free pass for **unprecedented restrictions of the personal freedom of their citizens**, e.g. on tracing, vaccination, home office. etc. **up to permanent top-down lockdowns!**

The EU is using this chance for another vigorous boost of centralization **at the expense of its Member States and its citizens:**

- With the 750 billion euro **“Next Generation Europe” Corona “Reconstruction Fund”**, the EU is subsidizing, coordinating and top-down monitoring member countries as well as their citizens.
- **In climate policy**, the Union even wants to take the global lead with its **“Green Deal”** by implementing the goals of the Paris Climate Agreement top-down and turning the Member States' economies and the citizens' lifestyles upside down.
- **With a common defense and foreign policy and its own armed forces**, the EU wants to assert itself worldwide, as **superpower USE**, on a par with the USA, China and Russia, if necessary also militarily.
- 3 taboos will thus define the EU **“Conference on the Future of Europe”**:
(1) **Power-obsessed politicians** - no referenda! (2) **Unity top-down** - no sovereign peacefully cooperating states! (3) **Distrust** - no trust in the citizens!

The present revised **Constitution 2022³** was created as a **counter-model to this supposedly "no alternative" concentration of power in the EU** - as the legal basis for a new democratic **Community of European States (CES)**.

This draft Constitution will first have to be discussed and approved by a **Constitutional Council** elected by the citizens, and then to be ratified (e)-democratically in each member country by **referendum** - making:

- **Citizens** throughout Europe empowered, sovereign, self-determined and free!
- **Politicians, eurocrats and bureaucrats** turned into true servants of the people!
- **Europe** - a beacon for democracy, peace, freedom, human rights and dignity!

We citizens across Europe can do it! - Together! - as follows:⁴

³ The present draft -Constitution includes 3 country categories of countries: the politically integrated core Europe (incl. the European Economic and Monetary Union EMU; the common market/European Economic Area EEA with free movement of goods, services and capital, but without free movement of people and without a common currency; and a large Free Trade Zone - The Constitution would be simpler if one of these categories were rejected by all countries in the first pan-European referendum and would therefore no longer have to be taken into account in the Constitution.

⁴ [European Peace Project - Beacon in the world](#)

I. Wording of the Constitution

Preamble

We, the free, responsible, empowered citizens,

Europe's sovereigns, by virtue of the referendum of ..., adopt the following Constitution for our new, democratic and diverse, subsidiary, decentralized and confederal, peace-making and armed, neutral and independent Europe, open to all European countries - a sustainable and prosperous Community of European States (CES), in which we have the last word on all essential issues by referenda, and which commits itself worldwide for democracy, peace and freedom, human rights and human dignity.

These values, goals and their implementation are specified below.

A. General provisions

Art. 1. Community of European States (CES)⁵

1. The following countries constitute Community of European States: ...
2. Any European country may, at any time, submit to Community of European States an application to join, adopted in a national referendum. Accession requires a Constitutional amendment (in Art. 1, par. 1, according to Art. 16).
3. Each Member State may at any time decide in a referendum to withdraw from Community of European States, thus vitiating all mutual rights and obligations.

Art. 2. Values and objectives⁶

1. The supreme constitutional and legislative power of the CES, its sovereign, are its citizens. The CES protects and relies on their freedom and rights, self-responsibility and self-determination and implements referenda according to the Constitution (direct democracy).
2. The Community strengthens the common welfare, sustainable development and the cultural, historically grown diversity of member countries and of their regions, by means of a peaceful, prosperous cooperation and by decentralizing its tasks to member countries (subsidiarity) and to citizens (market economy).
3. The CES vigorously and in solidarity commits itself across the world to preventing and settling wars with peaceful means by:
 - a. Offering its good services worldwide to strengthen peace;

⁵ Called hereinafter Community of European States, shortly Community (of States)

⁶ In addition to the constitutional values and objectives listed in the preamble

- b. Using its own armed forces only when being attacked, and not taking part in armed conflicts between other states;
- c. Promoting - especially in the less developed regions of the world - the empowerment, sovereignty and personal responsibility of the citizens as well as the preservation of the natural foundations of life.

Art. 3. Member States

1. The CES Member States are sovereign to the extent that their sovereignty is not limited by the CES Constitution (art, 7); they exercise all rights that are not vested in the CES.
2. The CES and its Member States take account of the international law.

Art. 4. Official Languages

The official languages of the Member States are the official languages of the Community of European States.

B. Legal Principles

Art. 5. Equality Before the Law

1. All human beings are equal before the law.
2. No one may be discriminated against by reason of origin, race, sex, age, language, social status, religion and disability.

Art. 6. Fundamental Rights

1. CES Member countries guarantee to abide by the following fundamental citizens' rights of the Community of European States:
 - a. Everyone has the right to life, personal freedom, marriage, family and primary education.
 - b. The freedom of belief and conscience, of expression and information, of the media, languages, science, art, assembly, association, establishment and economic freedom apply in all Member States.
 - c. Those who are in distress and unable to care for themselves are entitled to help and care and to the means that are necessary for a dignified existence.
 - d. No one may be sentenced to death or to forced labour, executed, tortured or inhumanly punished.
2. Any restriction of these fundamental rights requires a legal basis.

3. The CES ensures the freedom of expression and of media at CES level:
 - a. The CES authorities practice a fact-based, cautious information policy.
 - b. In official pronouncements on referenda and initiatives, the arguments of both supporters and opponents are presented in a balanced way.
 - c. The CES media policy is regulated by law.
4. Countries that do not adhere to CES fundamental rights cannot join the Community or can be excluded from it by amending the Constitution.

C. Duties

Art. 7. Tasks of the CES and its Member States (Principle of Subsidiarity)

1. The CES only performs the tasks defined by the Constitution. Each new task requires an amendment of the Constitution (Art. 16).
2. The CES only regulates what is absolutely necessary to achieve its goals and what Member States cannot realize themselves as well or even better. In case of doubt the decision shall be taken in favour of member countries.
3. Member States implement the CES law.
4. The CES and its Member States settle the problems and conflicts within and outside their borders by peaceful and democratic means. They respect the principle of subsidiarity and protect minorities.
5. Regional demands for independence and autonomy shall be regulated by the member state concerned - using, if possible, regional referenda.

Art. 8. Relations with Third Countries and with International Organizations

1. Relations with third countries and with international organizations are a matter of Member States.
2. Member States may delegate certain tasks to the CES.
3. Each Member State may, in accordance with its national law, refuse to take part at these common tasks and their financing. It must not, however impede them, nor may it co-determine their implementation, but may give its opinion.
4. In their relations with third countries and international organizations, the CES and its member countries advocate the reduction of poverty in the world, democracy and human rights, the peaceful coexistence of peoples and the preservation of the natural foundations of life.

Art. 9. Security, National and Civil Defence

1. Security, national and civil defence are a matter of Member States.
2. Member States may delegate certain tasks to the CES.

3. The CES commands an armed European Peacekeeping Task Force to repel a military attack from the outside, to assist in catastrophes inside and to back the UN and NATO in their efforts to maintain peace worldwide.
4. The CES can create a Volunteer Corps to back its humanitarian goals worldwide by peaceful means.
5. Each Member State may, according to its national law, refuse to take part at joint actions and their financing (par. 2 and 3). It must not, however, impede them nor co-determine their implementation, but may give its opinion.
6. No Member State can be forced to take part at common military actions.

Art. 10. Refugees

1. Willing Member States can create a European Refugee Union to ensure an orderly and humanitarian reception of the refugees.
2. The Union protects its external borders. It may set refugee quotas for its Member States and conclude bilateral agreements with third countries.
3. CES countries, which are not members of the European Refugee Union, can participate at the common refugee policy on the basis of bilateral agreements.

11. Research, Development, Education

1. The CES promotes cooperation between Member States in the fields of scientific research, technical development and vocational and academic education, including, in particular, digitalization.
2. The CES coordinates joint projects and programs in these fields, including in particular online voting and online elections. European countries which are not CES members can also participate.

Art. 12. Health, Environment and Protection of Animals

1. Based on the principles of precaution, prevention, subsidiarity and on the 'polluter pays' principle, the CES may - for the attention of Member States - define recommendations, guidelines and minimum standards to protect health, safety, climate and the environment.
2. Animals must be protected and treated as sentient beings.
3. Any legally binding regulation requires a legal basis (par. 1 and 2).

Art. 13. Public Works, Transport and Communication

At the request of Member States or groups of them, the CES coordinates cross-border issues, in particular concerning public works, transport and communication.

Art. 14. Economy

1. The CES creates a European Economic Union (EEU) to implement a common economic and financial policy, which includes in particular:
 - a. A common budget;
 - b. The common currency (Euro);
 - c. Open free common markets for goods, services, persons and capital;
 - d. Fiscal transfers between Member States;
 - e. as an option an EEU tax decided unanimously by EEU Member States.
2. CES member countries not willing to join the EEU constitute the European Economic Area (EEA), implying free movement of goods, services and capital.
3. The CES can establish guidelines and recommendations for its Member States to ensure fair competition, compliance with the polluter-pays principle as well as humane production and supply structures. The CES also applies these principles in its relations with third countries.
4. The CES invites all European countries to participate at the European Free Trade Area (EFTA).

Art. 15. Financing

1. The CES is financed by contributions from Member States.
2. The contributions of Member States depend on their economic strength as well as on their participation at decisions, activities and programmes of the CES.
3. The introduction of any new CES tax requires an explicit Constitutional basis and the agreement of all Member States affected by the tax (Art. 14, par. 1e).

D. Citizens' Rights

Art. 16 Initiatives and Referenda

1. Ten million citizens having the right to vote in a Member State or one third of all national parliaments may request a revision of the CES Constitution (Initiative), five million citizens or one fourth of national parliaments may ask for a referendum on a new CES law (facultative referendum).
2. Any amendment to the Constitution and the membership in international organizations has to be submitted to the citizens and Member States in a referendum (compulsory referendum).
3. A Constitutional amendment is adopted if both in the CES, taken as a whole, as well in at least half of all Member States a majority of voters approve it; a new law is adopted, if a majority of voters in the CES approve it.

E. Public Authorities

Art. 17. General Provisions

1. All citizens of all Member States can be elected to the Parliament, the Government (Council) and to the Court of the CES.
2. The members of the CES Parliament, Government and Court must not at the same time belong to another of these authorities, nor hold any other CES office. The members of the CES Government and Court may not be in any other gainful employment.
3. In preparing its laws, decrees, important transactions and international treaties the CED Council invites all Member States and the main directly involved parties, organizations and associations in each individual case to comment (Consultation proceedings).

Art. 18. Parliament

1. Parliament is the legislative authority of the CES. It is i.a. responsible for its budget; it elects its Government and its Court, and oversees the CES Government.
2. Parliament consists of two Chambers: The Citizens' Council and the Senate.
3. All decisions of Parliament have to be taken by both Chambers.
4. The Citizens' Council consists of 500 citizens (Deputies) of Member States. They are elected in general, direct, free and secret elections every four years according to the following rules:
 - a. Each Member State forms a constituency.
 - b. The seats are distributed among Member States according to their population.
 - c. Each Member State has at least one seat.
5. In the Senate, each Member State is represented by two Senators, elected at the same time as the Council according to the laws of their Member State.
6. Both Chambers elect their Bureau from among their members.
7. The voting rights of Members of Parliament (Deputies and Senators) depends on their country's participation at CES's programmes and tasks. Members of Parliament have no right to vote on programmes and tasks in which their countries do not participate (Art. 7-15).
8. The sessions of Parliament are open to the public; its documents are generally available to everybody.

Art. 19. Council (CES Government)

1. The Council is the executive authority of the CES (Government).

2. The Council executes the decisions of Parliament. It establishes the CES budget and accounts and is in charge of its administration. It maintains relations with Member States and represents the CES in its foreign and security policy vis-à-vis third countries and international organizations.
3. The Council consists of 15 members. They are elected by Parliament at a joint session of the two Chambers, after parliamentary election, for a four-year term of office, from among members of Parliament, respecting an appropriate representation of regions, languages and gender. No country can be represented in the Council by more than one Councillor. Members of the Council can be re-elected once. Apart from that, the Council constitutes itself.
4. Parliament elects the President of the Council for a one-year term of office from among the Councillors (para. 3). The President cannot be re-elected.
5. The Councillors' voting rights depend on their country's participation at common programmes and tasks. Councillors have no right to vote on programmes and tasks in which their country does not participate (Art. 8-15).

Art. 20. CES Court

1. The Court of the CES is its highest judicial authority.
2. The Court assesses in particular complaints on violations of Constitutional rights and of State treaties as well as public law disputes between Member States.
3. All Member States are represented in the Court.
4. Members of the CES Court are elected by Parliament for a term of office of four years. They can be re-elected once.
5. The CES Constitution and laws as well as the mandatory international law ratified by the CES are authoritative for the Court, which, in addition, also shall take into account the origins of the Constitution and the laws of Member States.
6. The members of the Court are solely and without any prejudice committed to find the truth.

Art. 21. Ministerial Conferences

1. The Ministerial Conferences of Member States (e.g., their Ministers of defence) coordinate, together with the corresponding CES Minister, the implementation of common tasks by the Council and Member States in the areas in question.
2. The Conferences elect their President.
3. The decisions of Ministerial Conferences are recommendations to Governments and Parliaments of Member States and of the CES.

II. Explanations

Preamble

The preamble defines the most important **constitutional goals, values and basic principles** of the armed, neutral Community of European States (CES), which is committed to fight in solidarity and non-violently throughout the world for freedom and peace - with and for its citizens:

1. **The citizens** are the sovereign of the CES and have the last word on all its important issues - by referendum.
2. **The citizens only** can decide an amendment of the Constitution as well as the CES adherence or the withdrawal from coercive international agreements..
3. **The citizens only** determine their country's role in the CES; only they can control and sanction the CES Government, Parliament and Courts that do not adhere to the CES Constitution and laws.

A. General provisions

Art. 1. The Community of European States (CES)

The CES is open to all European countries. It is possible to join or to leave the CES any time, based on a previous national referendum and a subsequent amendment of the Constitution.

The CES founding States decide in a **first all-European referendum** on their participation in the politically integrated core Europe, in the European common market/economic area (EEA) or in the European free trade zone.

Art. 2. Values and Goals

The most important values and goals of the CES are:

1. The protection of the freedom and rights of **CES citizens** - sovereign and supreme constitutional power - by means of **referenda and initiatives**;
2. The promotion of **diversity of member countries** and of their sustainable development - thanks to a mutually beneficial, prosperous **cooperation**;
3. **The avoidance and resolution of conflicts and wars anywhere in the world** - through peace-making negotiations rather than threats of war.

What does this mean for Europe and its citizens across Europe in view of the apparently never-ending Corona/climate apocalypse:

1. **More and more "Brussels" top-down**, up to a centralized superpower USE - with autocratic, power-obsessed (professional) politicians and disempowered, patronized, sovereign, obedient citizens in permanent lockdown! - **or:**
2. **A new, diverse, democratic, pioneering, peace-building Europe** (with new politicians made docile) - conquered with referenda as sword of Damocles by millions of empowered, responsible, free, sovereign, convinced Europeans!

Who does not vote gives up and helps an ever closer and powerful top-down EU - may in exchange elect the "European Parliament" - once every 5 years!

Art. 4. Official Languages

All citizens and the authorities of all Member States have the right to communicate with the CES authorities in an official language of their country.

Legal texts of the CES are published in all its official languages. The use of languages in other CES documents, meetings and conferences will be regulated by laws and ordinances.

Art. 6. Fundamental Rights

The member countries guarantee the fundamental rights of their citizens in the CES (par. 1). The authorities at the level of Member States and CES must always observe the fundamental rights of their citizens (para. 2). Compliance with their sovereign's rights by member countries is a prerequisite for their CES membership (par. 4).

Freedom of expression and of media is of central importance for the functioning of direct democracy in the CES. Especially - but not only - in connection with referenda and initiatives, the CES authorities have to hold back in their official statements and give supporters and opponents alike the floor in voting campaigns. The CES media policy has to be regulated by law (par. 3).

C. Duties

Art. 7. Tasks of the CES and Member States (Principle of Subsidiarity)

Member States are free in their policies and legislation within the framework of this Constitution according to the principle of subsidiarity. In case of doubt the decision shall be made in favour of member countries.

The CES and its Member States settle problems and conflicts within and outside their borders by peaceful and democratic means; they respect the principle of subsidiarity and protect their minorities.

This also applies to **regional demands for independence**. It's up to the member state concerned to regulate them, preferably with regional referenda.

Art. 8/9: Foreign and Security Policy

Within the framework of this Constitution, the member countries are responsible for the CES foreign and security policy, inc. civil protection (Art. 8/9 par. 1 and 2).

The CES is in command of an armed European peacekeeping force, that is exclusively used to defend the CES against an attack from the outside, to avoid disasters inside and to secure peace by peaceful means, especially within the framework of the UN and NATO. In addition, the CES can set up a volunteer corps to support its humanitarian goals worldwide (Art. 9 par. 2 and 3).

Especially in order to prevent and resolve conflicts and long, murderous "democratization" wars (as in Afghanistan, Iraq, Syria, Libya ...), the CES can adopt a common approach, using peaceful means, within the framework of the UN or NATO (Art. 8/9 par. 2 and Art. 7 par. 4).

Member states that do not participate at common actions and at their funding, based on their national law, must not impede them, nor do they have any right to co-determine their implementation, but they have the right to give their opinion (Art. 8/9 par. 3). The Community cannot force any member country to participate in an armed conflict within or outside its borders (Art. 9 par. 5).

The Member States' Conferences of their foreign and defence ministers serve in particular to coordinate the CES foreign and security policy (Art. 21). The CES Foreign Minister represents the Community in matters of common foreign policy vis-à-vis third countries and international organizations.

Art. 10. Refugees

Willing CES Member States can create a European Refugee Union. The remaining Member states can participate in the CES joint refugee policy by means of bilateral agreements.

The Refugee Union protects its external borders. It may define refugee quotas for the participating countries and conclude agreements with third countries to strengthen and coordinate the European refugee policy - including countries where refugees come from and through which they transit.

Art. 11. Research, Development, Education

The CES strengthens the European cooperation in the fields of scientific research, technical development, as well as vocational and academic education, especially by means of joint projects and programs open to all European countries, incl. the practical application of pan-European online referenda and elections.

Art. 12. Health, Environment and Protection of Animals

Different national regulations, taxes and subsidies can lead to distortions of competition within the CES, which can therefore define, for the attention of Member States, recommendations, guidelines and minimum requirements, in particular environmental, safety and energy standards for buildings, equipment and motor vehicles (par. 1), and for the protection of animals (par. 2).

Binding provisions are subject to a facultative referendum (Art. 16, par. 1).

Art. 14. Economy

The CES creates a European Economic Union (EEU) with its willing Member countries. This EEU implements a common economic and financial policy, which includes the Euro as the common currency, a common budget, fiscal transfers among Member countries, the free movement of goods, services, capital and persons, and possibly an EEU tax (Art.14, par. 1).

CES Member countries that do not want to join the EEU constitute the European Economic Area (EEA), which includes the free movement of goods, services and capital, but not the free movement of persons (Art. 14, par. 2).

In order to ensure fair competition and optimal macroeconomic prices, common rules are needed, in particular to comply with the polluter-pays principle. The costs for environmental, landscape and labour protection according to the national law, including for imported goods and services, shall be paid by the consumers (Art. 14, par. 3).

For this purpose, the CES can establish recommendations and directives to Member countries. Binding provisions are subject to a facultative referendum (according to Art. 16, par. 1).

To strengthen the economy, innovation, research and education are supported, in particular in the fields of energy, environment, climate, health, transport, digitalization and communications (Articles 11, 12, 13).

Art. 15. Financing

The Community of European States is, in principle, "cross"-financed by the contributions from Member States according to their GDP. As an exception, the option of any new EEU tax (Art. 14, par. 1e) requires explicitly a special Constitutional amendment (Art. 16) as well as the agreement of all Member States affected by the tax.

Member countries that do not participate at certain joint programmes and activities of the CES, do not have to pay for them either. They must not, however, impede them nor do they have any right to co-determine their implementation, but only to comment.

D. Citizens' Rights

Art. 16. Initiatives and Referenda

The people, i.e. all the citizens entitled to vote in one of the CES Member States, have the last word in all Constitutional and legal CES issues (direct democracy).

The role of Member States and of their parliaments is enhanced by the decentralization on competences according to the principle of subsidiarity (Art. 3 and 7), by the double majority required for a Constitutional amendment of both citizens and Member States (federalism, subsidiarity, protection of minorities), as well as by the right of national parliaments to ask for a constitutional amendment or for a referendum on a new CES law any time (Art. 16, par. 1).

E. Authorities

Art. 17. General Provisions

The separation of powers is defined by the Constitution (par. 2).

The so-called **consultation procedure** is an important element in elaborating new laws, directives, decrees, international treaties and other important transactions (par. 3). It requires the CES Council to consult all Member States as well as the main directly affected organizations (political parties, trade unions, environmental and economic organizations, etc.) in each individual case.

Art. 18. Parliament

In the direct-democratic CES, the Parliament - in contrast to the parliamentary democracy usual in Europe - does not have the last word as legislator. Citizens can remediate Parliament at any time by rejecting a new law in a referendum or by changing the constitution with an initiative. The parliamentarians relinquish a large part of their power to their citizens.

Art. 19. Council (CES Government)

The CES Council consists of 15 Councillors, who are elected by Parliament among its Members after each parliamentary election for a 4-year term. In doing so, Parliament will respect an appropriate representation of regions, languages and gender. No country can be represented by more than one Councillor.

After the election of the Council, Parliament elects the Council's President among the Councillors, for a 1-year term that cannot be repeated. Apart from that, the Council constitutes itself.

In comparison to the governments of the other European countries and to the EU Commission, the power of the members and the President of the CES Council is massively restricted, not only because they are no more eligible after two terms of

four years in office, or after one term of one year in office, respectively - but mainly also because of the always threatening referenda and constitutional initiatives launched by the citizens.

Art. 20 CES Court

The CES Court has at least as many members as member countries; every country is represented in the Court (par. 3).

The judges of the CES adhere to its Constitution and laws as well as to the mandatory international law ratified by the CES. When making its decisions, the Court takes furthermore into account the origins of the CES Constitution as well as the laws of the member state concerned (par. 5).

It is not the aim of the Court to end up with the defendant's conviction, but to find without any prejudice the truth on the basis of an objective assessment of the defendant's situation and actions - mainly based on his or her statements (par. 6).

Art. 21. Ministerial Conferences

The Member States' Ministerial Conferences coordinate the CES activities in each political sector (for example the Ministerial Conferences of foreign affairs (Art. 9), of defence (Art. 10) and of economic and financial affairs (Art. 14) by means of non-binding recommendations to the CES government and Member States.